



**BCRG**

**BROOKLYN COMMUNITY  
REPRESENTATIVE GROUP**

**BCRG COMMUNITY FORUM 2/2022**

**MEETING 51**

WEDNESDAY

25 May, 2022

6:00 for 6.30pm start til 8.40pm

Online via Zoom

<https://us02web.zoom.us/meeting/register/tZwrdeyprDkrHtEOD0J0jIPuF1QxkDLNag2X>

**Chair:** Catherine Botta **Notetaker:** Andrea Mason



# MEETING PURPOSE

To provide an update on progress towards resolution of dust, noise and odour issues

<b>1</b>	<b>Welcome, <i>Catherine Botta (Chair)</i></b> Introductions and Acknowledgements Meeting purpose and overview of agenda items
<b>2</b>	<b>Rolling Actions Update</b> <i>Andrea Mason (EO)</i>
<b>3</b>	<b>EPA Revised Act and General Environmental Duties – Reflections on Progress</b> <i>EPA's Chief Executive Officer (CEO), Lee Miezis</i>
<b>4</b>	<b>Panel Discussion – EPA and Local Government Representatives</b> Address Carmen's Question: How can the revised Act work with recalcitrant offenders or when operators exploit planning regulations: Landlords lease sites to tenants that commence operating without a permit and pollute; the relevant LGA issues a retrospective conditional permit which includes EPA notice, and when the deadline approaches, the tenant moves out and the process begins again. <i>Brimbank, Hobsons Bay, Maribyrnong</i>
<b>5</b>	<b>Parliamentary Inquiry into the health impacts of air pollution in Victoria – Nov 2021.</b> <i>Sonja Terpstra – Chair of the Environment and Planning Committee</i>
<b>6</b>	<b>Community Update</b> <i>Bert Boere, Geoff Mitchelmore</i>
<b>7</b>	<b>EPA Victoria Update on dust, noise and odour program</b> Update on compliance activity <i>Steve Lansdell, Regional Manager, Western Metropolitan Region</i> <i>Gary Laidlaw, Senior Engagement Lead</i>
<b>8</b>	<b>Wrap up &amp; Close</b>

Notes from this meeting will be posted on the Brooklyn Industrial Precinct website and will be available to the public. Meeting participants should advise Andrea Mason or Cath Botta if they would like their name removed from this public document.

The intent of these meeting notes is to promote open communication between local business, local and state government, community and EPA Victoria (EPA). They are not to be used in a manner that compromises this objective.

Notes from this meeting will be posted on the Brooklyn Industrial Precinct website and will be available to the public. Meeting participants should advise Andrea Mason or Cath Botta if they would like their name removed from this public document.

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# ACTIONS FROM THE MEETING

- Action 2505\_1** Community to send recommendations for the reporting portal at EPA to BCRG Eo.bcr@gmail.com to be forwarded to EPA.
- Action 2505\_2** The office of the Environment and Planning Committee to send the Report to BCRG once it is released.
- Action 2505\_3** EPA to respond to the question of why no further air monitoring has taken place as recommended in the VAGO report and recommendations and if it can be combined for an overall bigger picture. Cath – how is EPA responding to the AGA report and recommendations.

## ITEM 1.

### WELCOME, (Catherine Botta)

The final notes from the March 2022 meeting are available from the [Brooklynip website](#).

Catherine Botta (Convenor) conducted acknowledgement to country and welcomed everyone to the online BCRG forum, noting that there had not been enough registrations for the in person component to run a hybrid meeting. She welcomed Cr Sam David (Brimbank CC), Cr Daria Kellander (Hobsons Bay CC), Lee Miezi (CEO, EPA Victoria) and noted Cr Tony Briffa (Hobsons Bay CC) as an apology.

Cath reminded everyone of the purpose of the forum – to foster collaboration between members of the community, industry, EPA Victoria, local and state government. The focus of this forum was air quality.

Everyone was invited to introduce themselves.

## ITEM 2.

### ROLLING ACTIONS, (Andrea Mason)

Andrea Mason, Executive Officer, BCRG reminded everyone of the Rolling Actions list which records actions from each meeting and updates actions that have been addressed between forums. These are available on the [Brooklynip website](#) and are circulated with the enews.

#### **The status of the actions from the previous meeting is:**

- Action 1603\_1** BCRG to investigate inviting Nufarm to a BCRG forum. **DEFERRED to November 2022**
- Action 1603\_2** EPA to investigate **Snap Send and Solve** and report back to BCRG on its viability as a reporting tool. EPA investigated using the app for litter reporting function a few years back. However, for the customisation and volume of reports needed charges were too high. The online portal has mixed reviews. The portal is easier to maintain and is more accessible across multiple platforms. EPA is hoping to integrate more information/questions into the current platform. EPA asked the community for feedback on what aspects of Snap Send Solve they like and what they would like to see incorporated into the current system and call centre. EPA is trialling an app around face masks with Keep Victoria Beautiful. This may be built on for future litter programs. [epa.vic.gov.au/mask-away](http://epa.vic.gov.au/mask-away)

**Action 1603\_3** Hobsons Bay CC and EPA to find out more information about the car wrecking yard/s along the freeway near Grieve Pde, South of Buchanan Rd. EPA reported that Afresh Metals were inspected on 15/03/22 and had breached the General Environmental Duty and sanctions are being considered. NISS 4x4 Autospare at 41 Buchanan end Sept 2021. The landholder was aggressive, and another inspection is planned soon. Hobsons Bay CC reported that Afresh Metals, NISS 4x4 and another company with portable toilets have had land acquired for the West Gate Tunnel and council is now reassessing their permits and working with EPA to ensure they become compliant including their visibility from the freeway and Grieve Pde, landscaping and installation of walls.

**COMMENT:** Perhaps landscaping might be available from the WGT offset plantings through HBCC.

**CHAT:** Walls at Brooklyn fall short and are not as high as the walls at Yarraville/Williamstown Road end.

**Action 1603\_4** BCRG to incorporate the question re planning and recalcitrant offenders in Item 7 into the agenda for the next meeting and email as part of the notes for LGAs and EPA to respond. **COMPLETE after BCRG this meeting**

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## ITEM 3.

# EPA REVISED ACT AND GENERAL ENVIRONMENTAL DUTIES – REFLECTIONS ON PROGRESS, (Lee Miezis, CEO EPA VIC)

Lee Miezis gave an overview of the new Environment Protection Act 2017 and how it came into action after July 1 2021.

The EPA also put into place a new operating model to ensure there was the right capacity and capabilities to leverage the stronger powers and sanctions in the Act. The legislation has shifted the focus to prevention rather than just responding to pollution and waste events after they have occurred.

There is a positive obligation on businesses to identify risks and have risk management systems in place to eliminate or reduce risks as much as reasonably practicable. There has been a shift in EPA from having an inward perspective to change to strengthening **compliance and enforcement** capacity through increased staff numbers on the ground across the state and an increased investment in technology e.g. drones and surveillance to support the onground investigations.

It may take 10 years for these changes to be fully effectual, based on the WorkSafe experience. The legislation has transitional elements written into it to enable change over time.

**The General Environmental Duty** applies to all Victorians - not just businesses. This legislation is now criminally enforceable and has significant fines for noncompliance. There is now a significant increase in the number of businesses that fall in the permissioning framework for EPA. (An increase from ~3000 to ~30000 licences, permits and registrations). The types of businesses now regulated has also increased including many new ones e.g., dry cleaners.

The new Act has made significant changes to the management of contaminated land with positive obligations of **Duty to Notify** and **Duty to Manage** any contaminated land sites which is enforceable under law. The number of reports of contaminated land has already risen significantly.

There has been a Policy shift by government away from issuing infringeable issues/penalties for offenders to prosecuting indictable offences through the courts. As a result, the penalties are now much higher.

The results of the new framework are already taking effect with increases in actions by EPA from July 2021 to end April 2022:

- 3232 compliance inspections of premises
- 834 Remedial notices
- 5651 fines for environmental offences
- 15 prosecutions
- 5000 permissioning decisions
- 75 emergency incidents – response to each within 2 hours
- Over 16000 pollution reports from the community – possibly increased because people are home. Approx 32% noise (commercial, industrial and residential properties) and 20% odour.

EPA has a big focus on **engagement and education** to publicise the new rules and how they affect businesses and the community including any compliance stories to illustrate the changes.

- 392 events and activities have been undertaken for businesses and community.

The **Better Environment Plan** is a new tool under the Act which is intended to support businesses develop innovative practices in environmental compliance or a gain in improvements. The first of these has been initiated and developed by a consortium of recycling businesses in Brooklyn.

The State government has budget funding for **Clean Air Precincts** which EPA is currently working on with Department of Environment Land Water and Planning to identify where these will be and how they will provide outcomes around air quality etc.

Overall, the EPA's new Operating model creates the opportunity to collaborate and codesign plans in partnership with councils, agencies and the Officers for the Protection of the Local Environment (OPLEs) across the state.

**QUESTION: We have raised the issue of toxic odour being regularly emitted from Nufarm within BCRG and made hundreds of complaints to EPA including a Freedom of Information (FOI) request to EPA We have also spoken with Nufarm who acknowledge the issue. We feel our complaints are not being taken seriously by EPA. What else can we do - what is EPA doing about the odour from Nufarm?**

**Steve:** I am sorry you feel like this. EPA has undertaken investigations around Nufarm in the past and found it challenging tracking the odour source to them. EPA is undertaking licence compliance assessment reviews and Nufarm have a licence which falls into this work. Regarding the FOI request, there are clear legal processes including privacy laws which must be adhered to. EPA can provide updates on the Nufarm licence compliance assessment when able and what the next steps are as soon as possible.

**Lee:** It is the EPA policy is to make information possible whenever possible without the need for FOI but EPA is often bound legally to consult with businesses regarding any privacy or commercial information.

**CHAT:** *Can feedback around Nufarm be presented as a BCRG update as well. Nufarm has been highlighted several times via this forum.*

It was decided to invite Nufarm to the November forum as per previous Action 1603\_1: BCRG to investigate inviting Nufarm to a BCRG forum.

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## ITEM 4.

### PANEL DISCUSSION

At the March 2022 BCRG forum Carmen Largioilli posed the following question and asked for a response from EPA and the local councils. Kristen Gilbert, Brimbank CC, Arthur Vatzakis, Hobson Bay CC and Lee Miezis, EPA Victoria responded.

**QUESTION: The General Environmental Duty GED is one of the pillars of the revised EPA Act, which applies to all of us - authorities, industry and citizens alike. How will the revised Act compel authorities (LGA, State Government and EPA) to finally address the impact of history repeating itself in the Brooklyn pollution hotspot? Some specific aspects are not limited to, but include:**

- **Large long-standing organisations which continue to be recalcitrant offenders e.g. recycling, abattoirs and rendering industries. Why haven't they got it right yet?**
- **Cowboy operators that continue to exploit planning regulations. Landlords lease sites to tenants that commence operating without a permit and pollute the community, resulting in complaints. The relevant LGA issues a retrospective conditional permit which includes EPA notice e.g. to seal within a very generous timeframe, and when the deadline approaches, the tenant moves out and the process begins again.**

**As a result of all this, our community continues to be exposed to the health impacts of pollution whilst offenders manipulate and capitalise on government processes and evade penalties under the pretext of ongoing negotiations and arbitration.**

**The community is a vital stakeholder as well as the victims in this space, impacted by all the pollution events, and we're astounded at the degree of latitude which continues to be extended to offenders, especially repeat offenders.**

### **Kristen Gilbert, Brimbank CC**

Kristen spoke to and supplied the following information.

The Act that was updated was the Environment Protection Act and the changes to this Act, includes the introduction of the General Environmental Duty.

The Act that Council works under is the Planning and Environment Act 1987. There haven't been any recent updates to this Act relating to compliance, so Council is working with the same provisions that have been in place for many years.

The Act, amongst other things sets out processes for dealing with planning permit applications but also processes for enforcement and compliance.

Council doesn't have the power to walk onto a site and advise the occupant that they have to cease the use and move off the land until they have the relevant permits. s126 of the Act states, *"it is an offence to contravene the planning scheme, a permit or an agreement and that the owner and the occupier of the land is guilty of an offence if they use or develop the land without a permit or in contravention of a permit"*.

First step for Council is getting evidence to establish the contravention.

**Powers of entry** - before entering the authorised person must:

- Get the consent of the occupier; or
- Give two clear days' notice to any occupier; or
- Obtain a warrant.

Once evidence is obtained, then Council needs to determine the appropriate action to take.

**Planning Infringement Notices (PINs)** - According to s130 of the Act, *"An authorised officer of a responsible authority may serve a planning infringement notice on any person, if the authorised officer has reason to believe that the person has committed an offence..."*

**Penalties are:**

- 5 penalty units for a natural person (\$908.70)
- 10 penalty units for a body corporate (\$1,817.40)

PIN must also detail additional steps required to expiate the offence (i.e. stopping the use, modifying the use, removing the development, etc)

**Enforcement Order** - According to s113 of the Act, *"A responsible authority or any person may apply to the Tribunal for an enforcement order against any person who owns or occupies land if a use or development of land contravenes or has contravened the scheme, a permit, etc."*

In order for an Enforcement Order to be issued, the Tribunal needs to be provided with sufficient evidence of the breach. Based on previous experience at VCAT, if the use is allowed by the planning scheme, VCAT will always allow the owner or occupier to have the opportunity to apply for a planning permit before they consider issuing an Enforcement Order.

**An Enforcement Order** can require the owner or occupier of land to do certain things such as cease the use of the land or remove any illegal buildings or works.

**Interim Enforcement Order** - According to s120 of the Act, *“Any responsible authority or person who has applied under section 114 for an enforcement order may apply to the Tribunal in an urgent case for an interim enforcement order against any person or persons in relation to whom the application under section 114 was made.”*

Before making an interim enforcement order, the Tribunal must consider—

- (a) what the effect of not making the interim enforcement order would be; and
- (b) whether the applicant should give any undertaking as to damages.

### Magistrates Court

If someone is in clear breach of the Planning Scheme, a planning permit or an Enforcement Order, an application can be made to the Magistrate’s Court. Again, Council needs to provide evidence of the breach, including witness statements, in order to be successful in this action.

Whilst the Magistrate’s Court can apply financial penalties or even a conviction, they do not have the ability to order the use or development of the land to be ceased or for the land to be cleaned up.

### Arthur Vatzakis, Hobsons Bay CC

Arthur confirmed the information supplied by Kristen Gilbert and the processes by which all councils operate when trying to enforce rogue operators. He went on to say that there is enforcement being undertaken by Council in Hobsons Bay including Brooklyn.

Current enforcement projects include:

- The Officer for the Protection of the Local Environment works across councils in Brooklyn in collaboration with the EPA identifying sites using old practises or hotspots of rogue operators.
- High Risk Waste Sites program is identifying sites with material that could potentially catch fire and cause bigger issues in HBCC and will move into Wyndham CC.
- Brooklyn Air Quality Advocacy is a high priority project working in collaboration around actions from the West Gate Tunnel Project report
- Focus in moving and closing illegal or old metal recycling sites
- Focus on illegal occupiers of sites move on or apply for permits to operate.

#### 385 - 397 Francis St Brooklyn.

This site was a container storage site. It is not sealed and a source of dust. EPA has issued notices and the business has moved away. The site can now be used for new purposes with permits that ensure new businesses operate under new regulations.

FIG 1 385 - 397 FRANCIS ST BROOKLYN



### Lee Miezis, CEO EPA Victoria

The new Environment Protection Act 2017 that EPA works under has a positive duty of care which shifts the capacity of EPA from focussing solely on noncompliance and provides greater powers to act such as prohibition notices that can force an immediate stop to activities and remedy the issue, Improvement Notices, and Environmental Action Notices. EPA acknowledges that councils are still working under older legislation and is working on how best to work with councils to use these new powers to create a better outcome.

**CHAT:** *There’s no real ‘environment’ in the supposed ‘planning and environment act’. Do Councils have a place to make submissions to amend the Planning and Environment Act?*

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## ITEM 5.

# PARLIAMENTARY INQUIRY INTO THE HEALTH IMPACTS OF AIR POLLUTION IN VICTORIA – NOV 2021, Sonja Terpstra – Chair of the Environment and Planning Committee

The full presentation from Sonja Terpstra is available in [Attachment 1](#).

Inquiry into the health impacts of air pollution in Victoria

Sonja gave an overview of the Environment and Planning Committee, its role as a committee of the Parliament - not the Government, the Terms of Reference for the Committee and the process undertaken to investigate actions to minimise the health impacts of air pollution.

The Committee received 145 submissions and held 4 days of public hearings. The transcripts for public hearings held throughout this Inquiry can be found at: <https://www.parliament.vic.gov.au/epc-lc/article/4449>

The Report was tabled on 18 November 2021 and can be found at <https://www.parliament.vic.gov.au/epc-lc/inquiries/article/4450>

### Some key Findings

Some of the key issues in findings include:

- There are some deficits in community consultation
- Ongoing exposure of local residents in and around the Brooklyn Industrial Precinct
- Frustrations related to planning processes in the Latrobe Valley
- Wood smoke heaters are a significant contributor to air pollution
- Placement of sensitive facilities such as schools and childcare centres in high traffic areas represents a health risk to children
- The transition to zero emissions vehicles is an essential step
- The development of a network of fast charging infrastructure needs to be a priority
- The further expansion of a zero-emission public transport system is a significant step
- Monitoring issues - AirWatch may not provide the most up to date and reliable picture of air quality

### Some key Recommendations

Committee recommended that the Government:

- Advocates for a national approach to stricter air quality indicators and objectives  
Review the conditional licence scheme issued to heavy industry – With a focus on localised air quality improvements  
Ensure all relevant agencies should undertake meaningful participatory consultation with affected communities
- Improve communications with communities to provide timely communications on events
- Ensure localised health responses following toxic fire events  
Continue to develop and strengthen partnerships with First Nations people
- Provide financial support as appropriate to evaluate poor air quality in houses
- Work with industry to ensure that heavy vehicles are brought up to modern standards
- Ensure that risks posed by traffic related air pollution are included in planning decisions
- Develop and introduce clean air zones around facilities such as schools and childcare centres
- Take steps to limit vehicle idling when stationary particularly where vulnerable people congregate
- Upgrade and improve Victoria's air quality monitoring network



**COMMENTS:** A lot of findings by the Committee were also reflected in the Inner West Air Quality Report and the Victorian Auditor General Report recommendations to EPA and DELWP with some of the actions already being implemented.

**Sonja:** The government has 6 months to respond this report and that response is due soon.

**Action 2505\_2:** The office of the Environment and Planning Committee to send the Report to BCRG once it is released.

**CHAT:** Maribyrnong CC response to these reports is available at: <https://www.maribyrnong.vic.gov.au/News/Tackling-poor-air-quality>

**CHAT:** Inquiry into health impacts of air pollution in Vic - RECOMMENDATION 24: The Victorian Government consider amending the Planning and Environment Act 1987 (Vic) to require the risks posed by traffic-related air pollution to be included as a key criterion in any planning decision (including by relevant planning authorities and the Victorian Civil and Administrative Appeals Tribunal where relevant) related to the location of childcare centres and schools and that all Planning Schemes be amended to ensure that the impacts of air pollution are considered in any relevant applications.

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## ITEM 6.

### COMMUNITY UPDATE (Bert Boere and Geoff Mitchelmore, Brooklyn Residents Action Group)

Bert reported that the West Gate Tunnel West Community Liaison Group has raised the issue of increased trucks in the west and longer idling with potential for greater impacts to air quality. Bert noted that problems on the freeway lead to increased truck and idling. The reestablishment of access to Paringa Rd is being investigated. There are discussions with council taking place for extra funding to complement the Greening the West project funded by the WGT project.

Bert suggested that baseline data should be collated from the WGT, Brooklyn Reserve and Nolan Ave monitors in readiness for the tunnel project is complete.

Geoff discussed the need for better communication and alert tools for the community for incidences that may impact the environment and community safety as seen with the recent chemical spill that reached Cherry Lake in Altona.

As part of the Brooklyn Urban Forest partnership project DELWP has committed \$20,000 for the Geelong Road site at Kororoit Creek to enable rubbish removal and for the site to be made safe. There are plans to plant 2000 trees next year which will also help filter dust from Brooklyn.

Truck parking, particularly on weekends, on Old Geelong Rd is still an issue with dust being generated and brought into Brooklyn from the Paddock to Port container site. Cr David, Brimbank has been asked to investigate this issue and will follow up on progress.

**QUESTION: Who is responsible for monitoring and enforcing the removal of asbestos, including blue asbestos, from house demolitions? There are a lot of houses in the precinct being demolished with no apparent care and insufficient protection for the community.**

**Steve:** EPA's role in asbestos removal is around licencing and permits related to transport and disposal of asbestos. Occasionally EPA is involved in projects with councils and Worksafe.

**Kristen:** Before any demolition is undertaken a building permit is required which includes asbestos removal by a licenced asbestos removalist who is required to notify Worksafe 24 hours in advance of any removal taking place. Worksafe is the regulator when a company is undertaking the works. For individuals there are guidelines for packaging and transport of asbestos.

More information can be found at <https://www.asbestos.vic.gov.au/>

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## ITEM 7.

# EPA VICTORIA UPDATE DUST, NOISE AND ODOUR PROGRAM, Steve Lansdell, Regional Manager, Western Metropolitan Region

Steve gave a brief update due to time constraints. The full presentation showing updates can be seen in [Attachment 2](#).

More prevention focus for Brooklyn in future

Steve reported no further dust exceedences since March 2022 and only 2 for the financial year to date. Odour reports are at an all-time low with interventions in Laverton North taking effect.

Enforcement is focussed on Fire Prevention Program in collaboration with councils. Compliance includes:

- Fire Prevention Program (FPP) – 8 inspections
- Licence Compliance Program (LCA) - 5 inspections
- 7 General inspections
- Notices issued - 10
- Sanctions – 1 x Infringement Notice & 2 Official Warnings

The Victorian Auditor General Report Improving Victoria's Air Quality 2018 (VAGO) - EPA accepted all 5 recommendations and provided an action plan on implementation.

The action plan is now complete. EPA is happy to expand further on action plan closure with Carmen and others.

EPA Recommendation 4 was: *Work with councils to address air quality issues at Brooklyn Industrial Precinct.* EPA has working with councils since 2018 to create a dust related strategy and get a greater understanding of the sites and where to undertake enforcement. EPA sees the actions as ongoing and will be planning the program for future enforcement.

**QUESTION:** There are no additional air monitors stations as recommended in the VAGO report or inclusion of monitoring of other pollutants except PM2.5. Any additional air monitoring is associated with the West Gate Tunnel and others but most data is not accessible by the public. There are still concerns around the historical data prior to 2019 being removed from the Airwatch – is that going to be reintroduced? Community wants greater transparency. It is a hotspot in Brooklyn and monitoring closer to the sources of pollution is essential.

**Steve:** EPA can provide data to community members on request. EPA believes that the current data helps them target their actions and the businesses to target for enforcement.

**Action 2505\_3:** EPA to respond to the question of why no further air monitoring has taken place as recommended in the VAGO report and recommendations and if it can be combined for an overall bigger picture.

**COMMENT:** The current air monitoring stations are all run by different authorities. It would be an important project if all the data was compared and interpreted across all these different sites. The resulting stories might be very informative and act as a baseline for when the West Gate Tunnel opens.

**QUESTION:** Could BCRG hear from agencies on the future plans for the whole of Brooklyn and how these fit with planning for the Inner West? What is going to happen in the future? How does the community fit in with these plans?

**Kristen:** Kelvin Walsh from Brimbank CC could provide an update on the Brooklyn Strategy and Michelle Lee from Metropolitan Waste and Resource Recovery Group could update on the waste strategy.

## ITEM 8.

# CATH THANKED EVERYONE FOR ATTENDING AND THE PRESENTERS.

**Proposed date for BCRG Community Forum 2022:** November 2nd

Time, format and venue tbc

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**Meeting closed 8:40 pm**

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## Meeting Attendance Record – May 25 2022

21 people attended via Zoom.

Name	Organisation	Name	Organisation
Aaron Duff	Resident	Joseph Coleiro	Cargill
Andrea Mason	EO, BCRG	Józef Tkac	Resident
Arthur Vatzakis	Hobsons Bay CC	Kristen Gilbert	Brimbank City Council
Badi Kargar	Resident	Kristen Gilbert	Brimbank City Council
CSF Proteins	Lee Miezis	EPA Victoria	EPA Victoria
Bert Boere	BRAG	Michael Baker	Parliament Vic
Brian Long	Resident	Michelle Lee	Brimbank City Council
MWRRG	Resident	Michelle Lee	Hobsons Bay City Council
Carmen Largaiolli	Resident	Pene Winslade	Hobsons Bay CC
Catherine Botta	BCRG Chair	Sonja Terpstra	Environment and Planning Committee
Daria Kellander	Hobsons Bay CC	Steve Lansdell	EPA Victoria
Gary Laidlaw	EPA Victoria	Cr Sam David	Brimbank City Council
Geoff Mitchelmore	Resident Altona North		

## Apologies

Name	Organisation	Name	Organisation
Cr Tony Briffa	Hobsons Bay CC		

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**ATTACHMENT 1.**  
PARLIAMENT OF VICTORIA  
**AIR POLLUTION - INQUIRY DEBRIEF**

Parliament  
of Victoria

# Inquiry into The Health Impacts of Air Pollution in Victoria

Sonja Terpstra  
Chair  
Environment and Planning Committee

Parliament  
of Victoria

## Presentation overview

- I will introduce the inquiry and report
- I will give as brief an overview as we can about what the report says

## The Committee

- The Environment and Planning Committee undertakes inquiries for the Parliament
- The Committee is a committee of the Parliament, not the Government
- The Committee has 10 members, only 3 of which are from the government side
- The Committee makes recommendations to government
- The government must table a written response to the recommendations but is not required to implement them
- The committee has no role in implementing or following up on its recommendations

## Terms of Reference

On 19 February 2020 the Legislative Council agreed to the following motion:

That this House requires the Environment and Planning Committee to inquire into, consider and report, by 29 October 2020, on actions to minimise the health impacts of air pollution, including, but not limited to —

- (a) state-wide practical, real-time, cost-effective mitigation strategies;
- (b) ensuring that Victorian air quality continues to track towards meeting or exceeding current international best practice standards and is enforced;
- (c) the impact of economic and population growth on air pollution and health outcomes;
- (d) strengthening commitments across all Victorian Government portfolios to reduce air pollution and minimise the impact on health; and
- (e) any other related matters.

## Inquiry process

- The inquiry called for submissions in February 2021 in:
  - Newspaper advertising,
  - Parliament's News Alert Service,
  - the Parliament website, and
  - social media
  - The Committee wrote to key stakeholders
- The Committee received 145 submissions and held 4 days of public hearings
- Transcripts for public hearings held throughout this Inquiry can be found at: <https://www.parliament.vic.gov.au/epc-lc/article/4449>

## The Report

- The Report was tabled on 18 November 2021
- The report was 312 pages long
- It contained 16 Findings and 35 Recommendations
- The Report also contained 2 minority reports
- The Report can be accessed at:  
<https://www.parliament.vic.gov.au/epc-lc/inquiries/article/4450>

## What is air pollution

- A mix of particles and/or gases in the air
- Primary pollutants are emitted directly from the source of the pollution
- Secondary pollutants not direct but rather they result from reactions of primary pollutants such as ozone
- Some of the most damaging pollutants come in the form of particulate matter, particularly PM 2.5 and PM 10

## Sources of air pollution

- Sources of air pollution include anthropogenic, which is human made, biogenic which is natural and living and Geogenic which is natural and nonliving.
- The distinction between man-made and natural can be difficult because some human activity can change the environment such that other more natural pollutants can develop over time
- Key drivers of air pollution include:
  - Vehicles and transport
  - Industrial emissions and coal fire power stations
  - Woodheaters
  - Bushfires

## Health impacts of air pollution

- Air pollution is strongly associated with adverse health effects
- Variety of health problems, including respiratory and cardiovascular disease
- Who is most affected by air pollution?

## Air Pollution in the Inner West

- The Inner West of Melbourne – air pollution hotspot
- Brooklyn Industrial Precinct
- Westgate tunnel air monitoring data
- Industrial fires



## Air Pollution in the the Latrobe Valley

- Latrobe valley - heavy industry and pollution
- A number of key pollutants
- The Used Lead Acid Battery Recycling Facility
- Brown coal power stations and the periodic licence review
- Impact of Brown Coal and electricity generation on air pollution

## Wood smoke and Air Pollution

- Landscape fire smoke is a recognisable source of air pollution
- Increasing threat of bushfires, and the increase in prescribed burning
- Bushfire smoke can reduce air quality and visibility and cause various health issues
- Planned burns can actually have a significant impact on air quality themselves
- First Nations techniques for Land Management, including traditional burning practises.

## Wood smoke and Air Pollution (Cont)

- Particularly of concern in built up areas
- particulate matter from wood fire burning was a disproportionate contributor to poor air quality and consequent health problems
- More practical approaches to the management enforcement needed
- Great community concern about the impact of neighbours' fires
- Committee recommended government support for transition to other forms of heating

## Vehicle emissions

- Vehicle emissions - largest sources of air pollution
- Key area of concern - burden carried by certain residential areas.
- Heavy vehicles are of key concerns is the issue of heavy vehicles, with a number of concerns raised including:
  - The volume of traffic
  - Use of diesel fuel
  - the age of the heavy vehicles
- Location of facilities
- Impact of idling

## Vehicle emissions (Cont)

- Slow adoption of Electric vehicles in Australia
- Charging infrastructure for charging of electric vehicles.
- The cost and choice
- Transition to zero and low emission vehicles is an essential step in the reduction of air pollution
- Victoria's Zero Emissions Vehicle Road Map

## Air quality monitoring in Victoria

- EPA air quality monitoring
- Substantial criticism of the data gathering and monitoring
- Commissioner For Environmental Sustainability has raised concerns
- The Auditor General has commented on EPA's air quality monitoring and reporting
- Victorian air quality monitoring network and Airwatch.

## Public communication and education

- Public communication during air pollution events
- VicEmergency app
- Public education about air pollution and associated health risks
- Many health impacts associated with air pollution but generally there is a lack of public awareness about these impacts.
- Public education is an important tool
- Public Education campaign like the SunSmart campaign

## Some key Findings

- Some of the key issues in findings include:
  - There are some deficits in community consultation
  - Ongoing exposure of local residents in and around the Brooklyn Industrial Precinct
  - Frustrations related to planning processes in the Latrobe Valley
  - Wood smoke heaters are a significant contributor to air pollution
  - Placement of sensitive facilities such as schools and childcare centres in high traffic areas represents a health risk to children
  - The transition to zero emissions vehicles is an essential step

## Some key Findings (cont)

- The development of a network of fast charging infrastructure needs to be a priority
- The further expansion of a zero emission public transport system is a significant step
- Monitoring issues - AirWatch may not provide the most up to date and reliable picture of air quality

## Some key Recommendations

- Committee recommended that the Government:
- Advocates for a national approach to stricter air quality indicators and objectives
- Review the conditional licence scheme issued to heavy industry – With a focus on localised air quality improvements
- Ensure all relevant agencies should undertake meaningful participatory consultation with affected communities

## Some key Recommendations (Cont)

- Improve communications with communities to provide timely communications on events
- Ensure localised health responses following toxic fire events
- Continue to develop and strengthen partnerships with First Nations people
- Provide financial support as appropriate to evaluate poor air quality in houses

## Some key Recommendations (Cont)

- Work with industry to ensure that heavy vehicles are brought up to modern standards
- Ensure that risks posed by traffic related air pollution are included in planning decisions
- Develop and introduce clean air zones around facilities such as schools and childcare centres
- Take steps to limit vehicle idling when stationary particularly where vulnerable people congregate
- Upgrade and improve Victoria's air quality monitoring network

# Questions

# ATTACHMENT 2.

25 MAY 2022

## EPA UPDATE - BROOKLYN COMMUNITY REPRESENTATIVE GROUP

OFFICIAL



# EPA Update

## Brooklyn Community Representative Group

Steve Lansdell – Manager, West Metro Region

25 May 2022

OFFICIAL

# Gayaam Wilam – “Shield”



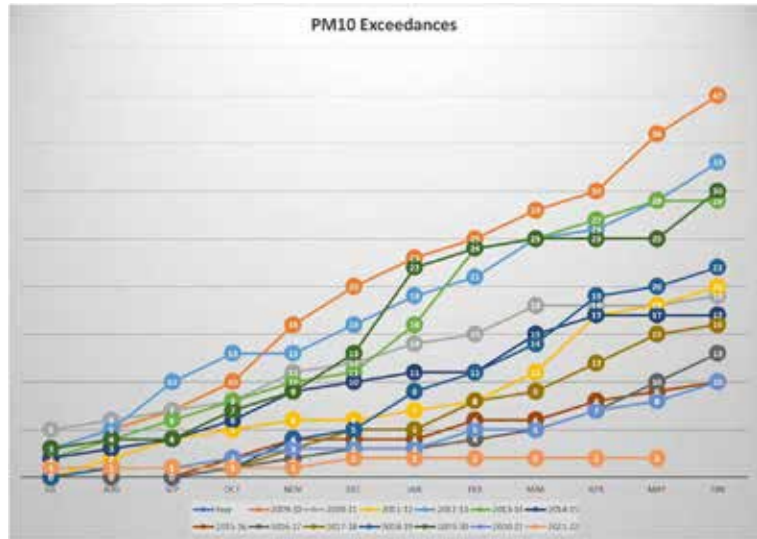




# Air quality

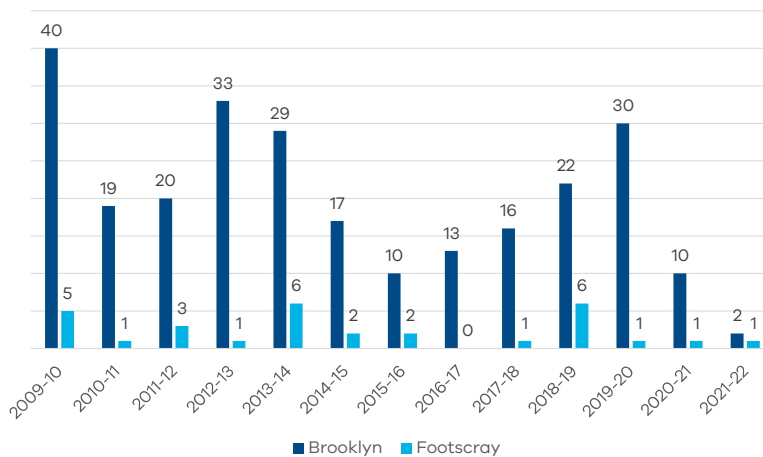
Lower trend of PM<sub>10</sub> exceedances continues in 2021/2022

In 2021/2022 there have been **two days** (in July and December) where PM<sub>10</sub> daily average concentrations exceeded 50 µg/m<sup>3</sup> (bottom orange line in figure)



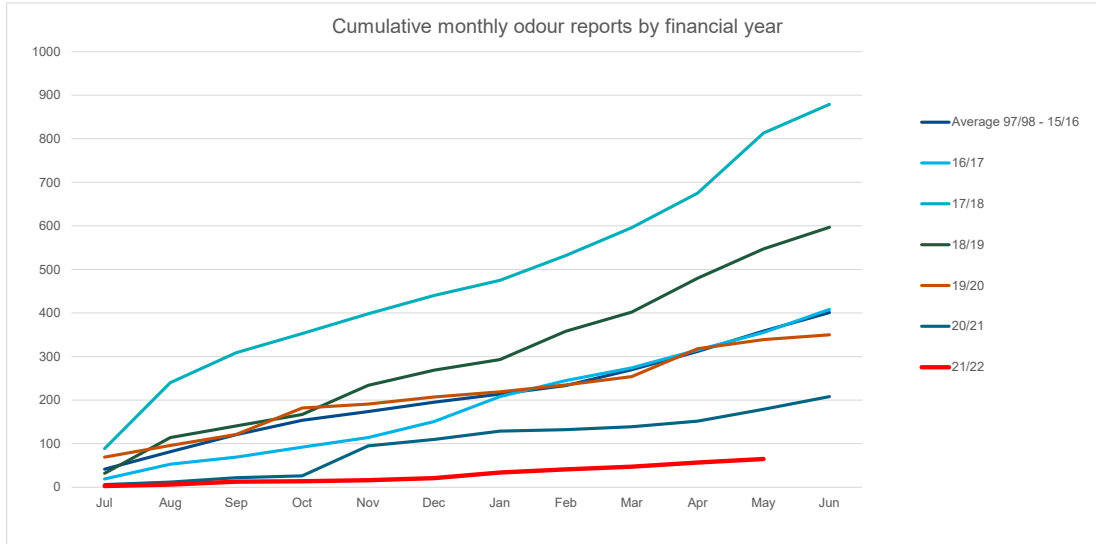
# For comparison

Number of days exceeding the PM<sub>10</sub> daily standard each year

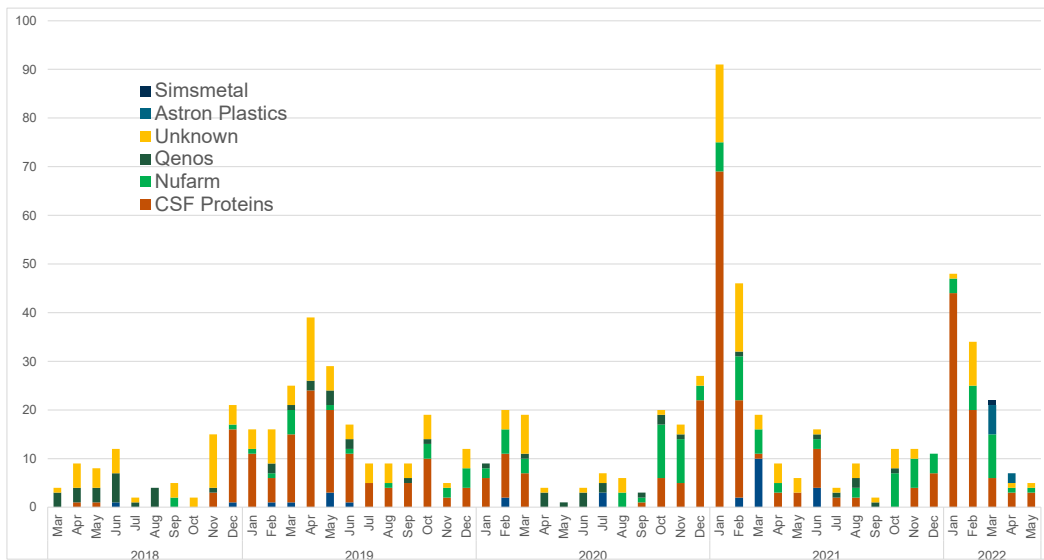




# Odour reports for Brooklyn are at an all-time low



# Interventions in Laverton North are working





# Compliance report

## What's been happening since March 2022?

Fire Prevention Program (FPP) – 8 inspections

Licence Compliance Program (LCA) - 5 inspections

7 General inspections

Notices issued - 10

Sanctions – 1 x Infringement Notice & 2 Official Warnings

## What's programmed for remainder of FY 2021/22?

Finalise FY2021/22 Fire Prevention Program (FPP) inspections

Finalise FY2021/22 Licence Compliance Assessment (LCA) program inspections



# Victorian Auditor General Report 2018

## EPA Recommendation 4

Work with councils to address air quality issues at Brooklyn Industrial Precinct.

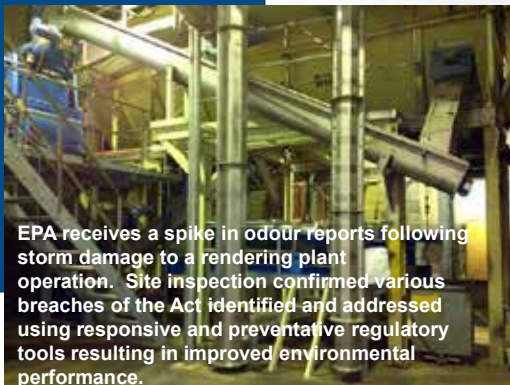
- Officers for Protection of Local Environment (OPLE) program established with HBCC, BCC, MCC enhancing EPA on-ground capability.
- Continued work with BCRG, BCC's Brooklyn Industrial Precinct Strategy Committee and with Brooklyn IP construction and demolition waste recycling cohort.
- The Brooklyn air monitoring station is classified a key industry impact station in the network that is actively used for assessing dust impacts from the Brooklyn Industrial Precinct and to help guide future investigations.
- The Brooklyn Dust Compliance Action Plan was finalised as of 31 December 2018 to progress towards achieving PM10 compliance against national and state standards surrounding the Brooklyn Industrial Precinct. PM10 exceedances at all time low (two in 2021) for 2021/22 so far.
- In the last 2 years, EPA has strengthened air emission regulation using a greater intelligence-led & proactive approach. Also strengthened by new laws from July 2021.
- EPA is also undertaking a review to inform planning for FY 2022/23 and continue to grow a more prevention focus with stakeholders.



## Inquiry into the Health Impacts of Air Pollution in Victoria

### Report published November 2021

We are still looking forward to Government response to the Inquiry.



EPA receives a spike in odour reports following storm damage to a rendering plant operation. Site inspection confirmed various breaches of the Act identified and addressed using responsive and preventative regulatory tools resulting in improved environmental performance.

#### Challenges

Under the *Environment Protection Act 1970* offsite odour would need to be observed at a sensitive receptor, then traced back to a duty holder.

This was more difficult in metropolitan areas where hundreds of businesses presenting potential odour sources are operating.

Reliance on harm/impacts occurring before remedial action could be required and enforced, which was difficult as harm/impacts are often short-term and vary for individuals.

#### Outcomes

The new *Environment Protection Act 2017* provides new regulatory tools for onsite improvements:

- General Environmental Duty (GED) has driven more proactive and preventative engineering controls, monitoring and maintenance, and duty holder led engagement with community.
- More immediate identification of risks now addressed through new remedial notices (i.e. biofilter replenishment).



#### Approach



The business reported the incident to EPA under the s.32 Duty to notify Authority of notifiable incidents



EPA conducted a site inspection and identified breaches of the Act



Under s.25(4) GED Improvement Notice issued (preventative approach)



Implementation of the risk-based monitoring program required (preventative approach)

Resulted in significant improvements in site operations, odour management, community outreach and overall environmental performance

## Stay informed...



Pollution hotline – 1300 EPA VIC (1300 372 842)

Airwatch - <https://www.epa.vic.gov.au/for-community/airwatch>

[www.epa.vic.gov.au](http://www.epa.vic.gov.au) – subscribe for updates

## Questions?





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1300 372 842 (1300 EPA VIC)  
[epa.vic.gov.au](http://epa.vic.gov.au)



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