

Hume Residents Airport Action Group  
To the  
Ministerial Advisory Committee  
For the inquiry into the  
Victorian EPA Inquiry

October 2015

**Background Information**

There are an estimated 108,000 residents living in the suburbs of Gladstone Park, Tullamarine, Westmeadows located to the east of Melbourne Airport within 5 Kilometres from the airport boundary.

Our community has long suffered the effects from toxic chemical dumping at the Tullamarine Landfill (Toxic dump) sited adjacent to Melbourne Airport passenger terminals and is set to face impacts of noise, air pollution and traffic congestion that will come from the proposed East/West third runway.

There are two major sources of pollution , the Tullamarine Toxic Landfill and Melbourne Airport, both are sited next to each other and are within in less than 2 kilometres for where our communities.

**Tullamarine Toxic Landfill**

The EPA has not acted appropriately to ensure the application of best practice standards have been applied to the control of known harmful substances.

Our community has witnessed the spread of toxic fumes over our suburbs during the early seventies, it was a common event to smell the stench from the burning off of toxic waste at Tullamarine, particularly in evening periods.

Many believe the exposure to those toxic fumes have links to the high number of birth abnormalities and cancer. The number and the close proximity of those who suffered these effects suggest this occurred in clusters, in the areas of Gladstone Park, Westmeadows and Tullamarine.

These events have resulted from ineffectual regulation, which is often compromised by government and private business objectives.

Whilst I am critical of EPA Victoria, they are not solely responsible for impacts of industrial processes which cause harm to human health, indeed our planning laws are often the catalyst for locating harmful pollution close to residential areas and vice versa, invariably this has lead to the reluctant use of enforceable powers by EPA Victoria.

Our communities suffer social and economic disadvantage from those impacts. Community members formed the Terminate Tulla Toxic Dump Action Group (TTTDAG), which has often taken the lead to investigate, become experts and be prepared to challenge the methods and the veracity of information from EPA Victoria and others, when we know the practical experience is quite different.

The Tullamarine Toxic Dump is closed and does not accept waste, however it is undergoing a rehabilitation process. The standard applied to the capping of the Tullamarine site is not consistent with current best practice standards. The private operator of the Tullamarine landfill has made application to have some of the buffer land, sited adjacent to populated residential development re-zoned for commercial purposes.

This buffer land houses monitoring bores for the toxic dump and serves as a buffer and early detection of migrating toxic chemicals.

The Auditor General's report issued in June 2010 noted that as a result of the 2009 introduction of "self regulation" in the industrial waste disposal industry, EPA "compliance activities have significantly decreased since 2007–08 while the opportunity and incentive for non-compliance has increased." The report noted that from a high of 745 inspections across the state in 2005-06, the number of inspections in 2008–09 was just 176—"a decrease of 569, or 76 percent".

Whilst there has been improvement in the level of interest in the Tullamarine Toxic Dump, by the EPA, it is often prepared to take a wait and see attitude rather than make decisive rulings. The current buffer land re-zoning application is evidence of this.

### **Aircraft Noise & Pollution**

Melbourne Airport is often referred to as an example of good planning, as it has experienced less noise and air pollution issues compared to other Australian airports.

All this is has changed, with the airport expansion into freight and proposed four runways, operating 24 hours per day will see aircraft movements rise from 217,000 (2013) to 347,000 by 2033 and further increases if and when the proposed fourth runway is built.

The magnitude of this growth will produce disastrous impacts on our communities. We are to suffer ongoing effects from aircraft and traffic cumulative CO2 emissions. Under the Airport Act 1996, environmental policy is overseen by the Environmental Officer, who ensures environmental issues of noise, air quality and emissions occurring on airport land are compliant to the act.

It appears the Victorian EPA lacks clear understanding of what level of authority it has in respect to the monitoring of aircraft noise, air quality and emissions within the

surrounding areas adjoining the airport perimeter, it confuses this with monitoring activities on commonwealth land.

The community view differs and we have an expectation that our health is of paramount importance and that our state authorities are acting in our best interest

The Victorian EPA does not provide a reporting framework which identifies and measures pollutant emissions around Melbourne Airport, specifically the measurement of nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOC), carbon monoxide (CO) and particulate matter (PM) which are generally considered of most concern and have links to cancer.

The level of reporting on emissions from Melbourne Airport is scant and makes a generalised statement of a 13% reduction in sulphur dioxide and volatile organic compounds from 2008-2012, no substantive data is supplied.

(Melbourne Airport web site)

The communities to suffer impact from the airport operations are powerless to have the airport operator accept responsibility for noise and air emissions.

The Victorian Government is responsible for our health and wellbeing, this is set out in the Victorian Planning laws, whilst the Commonwealth seeks immunity over state laws in relation to airport or aircraft noise and emissions the Victorian Government can still play an active role in monitoring and administering emissions are maintained at safe levels to protect its citizens.

As a general rule if you don't measure it you can't define it, then you can't fix it.

The Commonwealth Air Services Act 1995, appears to give immunity over state law, in relation to aircraft, to licence its pollution, in a manner which is not subjected to state regulation, specifically drafted to protect health and safety of citizens.

The airport operator together with the Commonwealth will be placing long standing houses directly under a new flight path yet to be approved and built. These homes were duly approved for residential by the Victorian Planning laws which took no account of the fitness for buildings sited within 20, 25 and 30 ANEF noise contours. The action to establish a flight path over housing not built in accordance to AS2021, as per the Airport Act 1996, will see the Commonwealth breach its own regulations.

The airport operator has ignored the option to choose other flight path direction, when significantly less residential buildings exist, for operational efficiency. The Airport Act 1996, does not hold the airport operator or the Commonwealth accountable for consequential costs resulting from impacts from its operations.

We therefore make the following recommendations to strengthen the regulatory powers of the Victorian EPA with respect to the monitoring and management of Aircraft and Airport emissions.

Victoria needs an EPA which acts independently and is technically qualified and competent to deal with environmental issues and the protection of the health and wellbeing for current and future generations. It should be a leading advocate in the protection of human health first and foremost and not act as a mediator to accommodate incompatible development through the granting of exemptions or agreements.

### **Recommendations**

1. Amend the EPA Act 1970 to;
  - Strengthen the enforceable powers of the EPA
  - Ensure the EPA is technically qualified and has the capacity to effectively administer all matters of pollution and has the power to intervene into developments that have the potential to cause pollution.
  
2. Make amendments to the Victorian EPA Act 1970, to include into Part VIII – control of Noise
  - A section on Noise from aircraft movements.  
Which identifies aircraft movements meaning a landing, departure or ground movement of aircraft. (Ref: Queensland Environmental Protection Act 1994)
  - Include a regulation for the Victorian EPA to monitor and manage aircraft noise and air emissions and ensure they are maintained in line with the WHO safe levels.
  - Extend the enforceable powers of the Victorian EPA to include all entities operating in Victoria including the Commonwealth licensees.

The examples presented we hope will lead to the Victorian EPA taking up a more active role in air quality management around Melbourne Airport to protect the health and wellbeing of current and future generations.

Frank Rivoli

On Behalf of  
Hume Residents Airport Action Group

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Gladstone Park, 3043

Email: [hraag@hotmail.com](mailto:hraag@hotmail.com)

Phone: ██████████