

The Heatherdale Community Action Group Inc.

CI- The Secretary
27 Good Govers Street
Mitcham Vic 3132

July 2006

SUBMISSION

Commissioner Philip Weichardt
Inquiry into Waste Generation and
Resource Efficiency
Productivity Commission
Locked Bag 2
Collins Street East Melbourne 8003

Dear Commissioner

In accordance with a resolution of the Heatherdale Community Action Group Inc., I am empowered to submit to the Inquiry the concerns of the Group in regard to waste management, particularly in our urban pocket of Melbourne's outer east.

AREA OF INTEREST

The purpose of The Heatherdale Community Action Group Inc (HCAG) is:

- (a) To represent the interests of residents, business operators and other community members, all of who share a desire to have local and state planning laws, codes and regulations, and other state laws and local government laws and policies, to protect and enhance the liveability, amenity and environment in and around Heatherdale Road in the municipalities of Maroondah and Whitehorse.
- (b) To consult and lobby all levels of government and related government instrumentalities and community organizations in pursuit of the stated aims.
- (c) To engage and secure the support of individuals, other like-minded associations, and legal counsel, where appropriate, in pursuit of the stated aims.

Specifically, HCAG deals with adverse impacts arising from the industrial zone in Ringwood (City of Maroondah) on the eastern side of Heatherdale Road - *Melway Map ref. 49 D9 - D12*.

The industrial zone is wedged between approx. 700 residential households in the Mitcham area (City of Whitehorse) on the western side of Heatherdale Road, and approx. 500 residential households in Ringwood from New Street eastward.

Since January 2004 (and earlier to a lesser extent) the residential communities, and small business operators, a large public company and a large private company (all in

the industrial zone) have lodged submissions and complaints to Local & State Govts. and related instrumentalities in regard to detrimental impacts from:

(A) An operator of a local rubbish tip who relocated from the planned adjoining freeway site to front Heatherdale Road. The new operation in a former mid 1950's warehouse/factory building (with suspect asbestos roofing) was intended to be a *state of the art* facility for recycling of household, industrial and commercial non-putrescible waste but including garden vegetation waste and asbestos. However, in reality, promises of many measures to control dust, noise and respect for the amenity through rebuilding, and comply with VCAT (Victorian Civil and Administrative Tribunal) conditions, have not been fully met. And in that regard, the local authority (Maroondah City Council) appears recalcitrant in its enforcement role.

(B) A scrap metals recycler & processor proceeding to expand the operation of near 10 years (from Palmerston Rd West entry) onto former public reserve/power sub-station land (fronting Heatherdale Road) and including construction of 3 warehouses and other associated works including provision for storage of bins, scrap metals, trucks, and construction of a truck wash bay, a shear/baler and weighbridge. Additionally, the operator has a chemical plant process on site for the recovery and recycling of silver. Continual community protest has eventually forced the responsible local authority (Maroondah City Council) to take action seeking compliance under planning laws and the State Heath Act.

THE ISSUES

The community has demonstrated ongoing and consistent concern regarding the location and operation of the rubbish tip/recycling sites in the adjoining industrial zone.

The complaints routinely relate to

- public health risks from : noise, dust, industrial lighting, vibrations, fires, air quality, drainage run-off affecting the natural environment, and asbestos.
- public safety risks from : substantially increased road traffic, particularly B-double trucks, and litter & debris falling from trucks and trailers.
- broad amenity impacts including devaluation of properties.

Human exposure to environmental pollutants creates a level of anxiety that rightly translates into questions over the adequacy of controls for subsequent health impacts.

Generally, HCAG understands from community feedback, that there is support for the principles of recycling and resource recovery.

Overall, HCAG believes that our three levels of government need to be proactive and cooperative in establishing a framework of laws to enforce new and improved benchmarks for the establishment, operation. and management of waste industries **and join an accord for urban sustainability.**

THE BENEFITS OF INTERVENTION BY GOVERNMENTS

- The matter of dispute over and interpretation of definitions of the waste processes should be tackled. The issue of finer points of difference between "Materials Recycling" and "Refuse Transfer Station" can be the subject of debate and in fact are in the cases dealt with by the HCAG. The State Govt. of Victoria is planning to undertake a review of the definitions. Our view is that clear definitions will assist local government to adopt planning schemes with improved consciousness of public health impacts.
- EcoRecycle Victoria has adopted various best practice models for establishment and operation of waste management businesses. The difficulties encountered include "cowboy" operators who do not choose to respect the neighbourhoods, developing waste facilities without any compliance with best practice models. HCAG contends that legislative requirements and controls are necessary to achieve, commonly improved standards and practices.
- State and local planning laws appear to fail in addressing the matter of planning issues in border areas of adjoining municipalities. For example, a 30m buffer zone between industrial and other zones is demonstrably inadequate for protection of amenity. In HCAG's experience it was found that a planning application for "the recycling process" was described by the applicant as for "processing scrap material". It was later found convenient for the local authority to deem it was in fact a refuse transfer station rather than materials recycling, and accordingly did not require a use permit. However, a permit was required for the construction of warehouses and associated works, but regrettably the permit process denied any public objection or consultation as it was an exception being in an industrial zone. Consequently, HCAG calls for greater transparency and consultation by local govt. and above all adoption of buffer zones perhaps in the order of 100m. Adjoining local authorities must also be granted powers to object and appeal in the interests of residents.
- Review of local govt's role under the state health act and its ability to incorporate responsibilities automatically into planning controls, will surely enhance protection for the community: in the case of one of the waste businesses in Heatherdale Road, the operation involving 24 hour delivery of 30,000 tonnes of pig iron earlier this year, is now the subject of a case to be heard in the Magistrates Court.
- In practice, the noise level monitoring by EPA Victoria is inadequate in meeting community expectations. During the past 12 months, EPA measured noise levels at more than 50% above the acceptable rate, but the levels were intermittent ie. on 4 or more occasions between 10pm & 3am, but when compressed into an average the overall was within regulated maximum limit.. That is despite residents being woken from sleep in their homes 3-4 times or more in any one night. Consequently, noise monitoring, and all other monitoring of air quality etc should be reviewed and changed to i.e. compatible with community expectations.

CONCLUSIONS

HCAG calls for a comprehensive menu of legislative controls to ensure protection for

amenity, lifestyle, liveability and the environment, where waste management operators are required to respect neighbourhood and meet corporate responsibilities of good citizenship.

Achieving community protection from the adverse impacts of waste industry operators, may in the end fall upon the cooperation of participants in COAG (Council of Australian Governments). Perhaps it is timely for the Federal Government to put the issue of "urban sustainability" on the national agenda as a new way forward with a new vision for planning and environment controls.

Gary Cooper

For & on behalf of The Heatherdale Community Action Group Inc.

- Member - Committee of Management