

Meeting notes: Brooklyn Community Reference Group General Meeting

6:30 – 9:30pm, 18 November 2009

Brooklyn Community Centre, Cypress Avenue Brooklyn

Chair: Jen Lilburn

Attendees

Alesha Capone	Star Newspaper	Herb Horrell	Brimbank CC
Annette Patrick	BRAG	James Fraser	On The Nose
Bert Boere	BRAG	Jen Lilburn	BCRG Chair
Bruce Light	On The Nose	Julie	
Carey Patterson	Brimbank City Council	Kate McAuliffe	Aust Tallow Producers
Carmen Largaiolli	BRAG	Ken Deutscher	Huntsman Performance Products
Chris Papadopoulos	Hobsons Bay CC	Kerry Murphy	EPA Victoria
Chris Xhayeteux	EPA Victoria	Laurie Bell	BRAG/Brooklyn Ratepayers Resident
Colin Thornton	Dept Primary Industries	Linda Trewern	Minute taker
Craig Palmer	Australian Tallow	Liz Franzmann	Altona North Resident
Doug Briggs	Recovery & Recycling Industries	Lowen Clarke	Hobsons Bay CC
Doug Giles	Charter Keck Cramer	Malcolm Ramsay	Sita
Foti Beratis	Maribyrnong CC	Mark Globan	Mayor, Maribyrnong CC
Gary Hobbs	Hanson Construction Materials	Michael Clarke (Cr)	Hobsons Bay CC
Geoff Mitchelmore	Altona North Resident	Michael Raffoul (Cr)	Huntsman Chemical
George Smetona	Altona North Resident	Noel Ryan	Mayor, Hobsons Bay CC
Graeme Stewart	Melb Metro Waste Management Group	Peter Hemphill (Cr)	Transpacific Cleanaway
		Richard Wheeler	Brimbank CC
		Simon Vittorio	Veolia
		Valerija Bezjak	

Apologies

Cath Williams – Yooralla

Nadia Verga - TWM Landfills

Michael O'Keefe – Sita

Sue O'Halloran - CMI Forge

Tim Masters – City Circle Demolitions

Tom Buxton - Recovery & Recycling Industries Pty Ltd

Tony Kairouz – Brooklyn Meat Processors

BROOKLYN COMMUNITY REFERENCE GROUP MEETING

Date: 18 November 2009

Time: 6:15 for 6:30 – 9:30pm

Where: Brooklyn Community Centre, Cypress Avenue Brooklyn

REVISED AGENDA

Meeting Purpose:

- To provide information and updates on BCRG action implementation
- Tabling of broad community issues

6:15	Light Refreshments
6:30	1. Welcome, apologies Confirm meeting purpose and agenda Confirm last meeting's minutes Introductions
6:45	2. North and West Organics Contract & Victorian Advanced Resource Recovery Initiative Update (Graeme Stewart, Metropolitan Waste Management Group) 10 min presentation + questions/discussion
7:10	3. Brimbank Industrial Land Use Strategy: Update of draft report (Consultant to Brimbank Doug Giles, Charter Keck Cramer) 10 min presentation + questions/discussion
7:35	4. Brimbank Planning Scheme: Uses allowed in industrial zones (Simon Vittorio, Planner, Brimbank City Council) 10 min presentation + questions/discussion
8:00	5. Update from Mayors/MPs/EPA Forum (Cr Michael Clarke, Mayor Maribyrnong City Council)
8:20	Short break
8:30	Update cont'd (Cr Peter Hemphill, Mayor Hobsons Bay City Council)
8:35	6. Priorities for Pollution Response (Chris Xhayeteux, Client Relationship Manager, EPA)
8:50	7. Update from Strategy Group (Bruce Light, President Yarraville On The Nose)
9:05	8. Completed Actions List & Progress of priority actions Actions 1.22, 2.13, 3.8
9:30	9. Close (and Merry Christmas!!)

Refer to Rolling Action List for a full description of actions.

Please note that the minutes from this meeting will be posted on EPA Victoria's website and will be available to the general public. Meeting participants should advise Jen Lilburn if they would like their name removed from the public minutes.

Item 1. Welcome

Jen Lilburn welcomed all attendees and gave them the opportunity to briefly introduce themselves. Jen reminded those present of the agreed group principles and all confirmed that they were still relevant to group proceedings.

Minutes of the September meeting were confirmed, noting that a question in Item 5 regarding issues in Altona would be removed as it was not clear.

Carmen Largaiolli read from a recent advertisement in Hobson's Bay Leader regarding an amendment to Local Laws. She highlighted the sections referring to the purpose of Local Laws – to preserve the environment and protect the community – highlighting Local Government's mandate to the community.

Item 2. North and West Organics Contract & Victorian Advanced Resource Recovery Initiative Update

Graeme Stewart (Metropolitan Waste Management Group) provided information on the advanced stage reached in regard to the organics processing procurement for Councils in the north and west of Melbourne and an update on status of the State Government's \$10 million Victorian Alternative Resource Recovery Initiative (VARRI). (See **Attachment 1**).

Questions were fielded from the group, including:

1. *When is consultation happening and what's the process for gaining Council approval?*

The tender will require proponents to have relevant approvals for any proposed facility or set out how those approvals will be obtained. That will necessitate proponents undertaking specific community consultation.

Once the tender is let, Council will need to provide planning approval for any proposal in their municipality; this process will involve consultation with the community. An EPA Works Approval will also be required for any facility. Obtaining that approval will require consultation with the community in the area potentially impacted.

2. *Where will the sites be located?*

Companies responding to the tender will put forward sites and technologies in their proposals, hence the Metro Waste Management Group does not yet know where the sites will be and what technology and infrastructure will be involved. However, no decisions will be made until the required community consultation process has been undertaken.

3. *Why doesn't the tender process require specific technologies?*

MWMG is aware of a range of technologies available, but the tender process is allowing the market to put forward its own ideas and solutions to ensure that all requirements (including those relating to air quality) are met.

4. *Community expectations about tolerable industries in residential areas have changed. How will the process ensure these expectations are met?*

A key aim of this project is to ensure that there will be more advanced technological solutions to address community expectations around minimising landfill disposal and improving associated amenity issues. It would be expected that industries for odour/dust/noise leaving a site to be located in remote/regional locations and only higher technology proposals which can control those aspects being proposed nearer populated areas. The actual outcome very much depends on what proposals come forward through the tender process. It is expected that any proposals in response to the tender will be for new facilities as long term facilities are being sought.

5. *The community in the Brooklyn area has been let down before, what's going to change?*

Current requirements for industries obtaining approvals for organics processing facilities are quite rigorous, having been strengthened in more recent years. That ensures that the public are made aware of proposals and have scope to put forward their views.

6. *Why doesn't this process include the eastern suburbs of Melbourne?*

There are already contracted facilities in the east and south-east of Melbourne. When contracts in those areas are coming towards an end MWMG would expect to run a similar tender process.

(Note from Jen: Graeme has checked and added to these notes to ensure their accuracy.)

Item 3 – Brimbank Industrial Land Use Strategy: Update of draft report

Doug Giles (Charter Keck Cramer – consultants) reminded the group that the purpose of the strategy was to understand the roles of industrial land use in Brimbank. One of the main recommendations of the strategy is to establish a management plan. Doug stated the strategy will:

1. identify key sites – history, contamination issues and potential to redevelop.
2. set out long-term development expectations – likely to be focusing on low impact industries, such as offices or warehouses.

The timeline for getting the management plan in place will be 3-5 years.

Questions from the group included:

1. *Western suburbs have expanded far beyond industrial boundaries. Shouldn't we be moving industries further out?*

The goal of the strategy is to manage the area for increased liveability. The options for current industrial sites are really 'light industry' or open space. The cost of de-contaminating some of this land would make residential options prohibitive.

2. *In May 2009 there was a permit issued for another quarry in the area without community consultation, does industrial zone 1 permit quarries?*

No, quarrying is not consistent with Industrial Zone 1. The strategy will advise that permits for industries inconsistent with a zone 1 classification will not be issued.

Carey Patterson clarified that the particular permit in question had not been allocated to a quarry. The company was undertaking recycling of stone and bitumen.

3. *How do you plan to remove existing industries that are now inconsistent with Zone 1 and when will this happen?*

Council cannot require a legally established business or other land use to leave an area. All planning authorities in Victoria are limited by provisions of the planning system that recognise what are referred to as "existing use rights".

The Industrial Strategy will set out future strategies for different industrial areas in Brimbank. A clear strategy for different industrial areas may have the effect of attracting certain uses to different areas. Establishing the management plan will set a new direction which, over time, will attract new and less intrusive businesses.

4. *Is there a process for encouraging inconsistent businesses to leave?*

This would be very difficult to do and very unlikely to achieve the desired results.

5. *What community consultation can be expected from here?*

A target for presenting the report is around March 2010 (pending the timing of future Council meetings). Following this, the management plan will be established. It is expected that community consultation will be required as part of this process.

(Note from Jen: Carey Patterson has checked and added to these notes to ensure their accuracy.)

Item 4. Brimbank Planning Scheme: Uses allowed in industrial zones

Simon Vittorio (Planner, Brimbank City Council) provided the group with an information sheet explaining different land uses allowed in Industrial zones; requirements for advertising and application; and the concept of existing use rights (see **Attachment 2**). He also emphasized that planning decisions made by Council must comply with the Victorian Planning Provisions, which are State wide planning tools that apply to all of Victoria.

Questions from the group included:

1. *How do you change the State planning scheme if it's inappropriate?*

Council is unable to change State provisions. Jen Lilburn wondered if the Mayor/MPs/EPA forum may be able to exert influence in this area?

2. *Can council use other powers to address odour, noise and dust?*

Council is limited in enforcement powers. The current approach is a long term strategy, working with non-compliant industries to create more effective dust and odour management plans.

Cr Michael Clarke responded that rezoning of current industrial areas will eventually lead to less noxious industries in the area. He also reinforced that Councils were not against industry, just that the type of industry needs to be considered e.g. logistics companies can bring employment to the area with less negative impact on the surrounding community.

The group discussed several examples of perceived industry non-compliance. Linda Trewern expressed concern and anger about increased health impacts (e.g. asthma), which she felt were directly linked to higher levels of dust in the area.

(Note from Jen: Simon has checked and added to these notes to ensure their accuracy.)

Item 5. Update from Mayors/MPs/EPA Forum

Cr Clarke noted that prior to this forum there was no real engagement between community, industry and government on these issues.

He then announced a new initiative between EPA and the 3 Councils to meet current community expectations. The process would involve EPA and local government staff together undertaking site inspections and monitoring to provide more direct, consistent and immediate responses.

Community members acknowledged that this initiative was a highly encouraging step. Local resident, George Smetona stated, "this is the most positive thing I've heard in the last 9 months".

Cr Clarke also stated that the forum was continuing to work on enforceable undertakings to ensure effective sanctions will be imposed on non-compliance.

The group discussed several issues relating to specific sites and monitoring, resulting in several follow up actions.

Action 3.13: EPA to investigate the possibility of a 24 hour hotline for community to report incidents.

Action 3.14: EPA and Brimbank Council to follow up on analysis of City Circle gypsum piles and to ascertain whether the company is in violation of its permit requirements.

*(Tim Masters from City Circle Demolitions was an apology for the meeting, but provided some information regarding the stockpiles – see **Attachment 3**)*

Action 4.8: Approach Wyndham City Council re identifying the materials in a pile on Dohertys Road. (As this is outside the scope of BCRG, Jen offered to follow it up.)

Cr Peter Hemphill announced to the group that Brimbank would offer interested residents the opportunity to visit and view new green waste technologies in Sydney. A public expression of interest would be formally advertised the local newspapers and via the BCRG contact list.

Community members expressed appreciation of the offer but queried why Victoria was so far behind other states such as NSW. Cr Hemphill and Mark Globan (Sifa) responded that the main issue was lower landfill levies in Victoria, making investment in green waste processing less viable.

Item 6. Priorities for Pollution Response

Chris Xhayeteux provided the group with further detail on Cr Clarke's announcement of joint EPA/local government monitoring and enforcement 'flying squads'. The squads will be made up of council, EPA and DPI staff and will be able to operate across council borders. This is to enable more immediate and consistent action on site inspections and community feedback.

The initial focus will be on dust issues, with odour and noise to follow. However this will not affect existing EPA response activities relating to odour and noise. The first step will be for the squads to identify industries needing help with dust management. An EPA client manager will assist the industry to create an action plan and timelines for addressing the issue. The squads will then undertake follow up spot checks. If the industries are found to be non-compliant, enforcement will be carried out through combined legislative action.

Chris maintained that the overriding intention of the process is not to fine industry but to build industry ownership and action on the issues. He also emphasized the standard monitoring procedures already in place would continue. The direct action teams were an additional initiative.

(note also media release at www.epa.vic.gov.au)

Questions

1. *Will site visits be carried out by joint teams?*

Yes, there will be two active cross-government teams and the possibility of high visibility vehicles.

2. *How will costs be shared?*

This is a whole of government approach and costs will be shared across all levels.

3. *What's the timeframe between a spot-check and compliance action?*

This is still being determined and would be reported back to the group in follow up communications

4. *What if industries refuse to change?*

We expect that most companies will find it cheaper and better for their reputation to change practices. If a company decides to take an action to VCAT for a decision then we'll use all available means to ensure a positive outcome.

5. *Will you be able to tell us what you're doing with individual companies?*

There will be community updates on company achievements and timeframes as part of the process.

6. *Who is going to own up to issues? How are you going to identify companies?*

We already know who the major dust contributors are based on evidence collected. They will be our targets in the first stage of the rolling out this initiative. Odour will be tackled by spot checks and current sophisticated detection processes and will be fully supported by EPA scientific services.

(Note from Jen: These notes have been run by Chris to ensure their accuracy.)

Item 7. Update from the Strategy Group

Bruce Light thanked industries for participation and achievements throughout the year. He also thanked Jen Lilburn for assisting the improved communication that had been achieved through BCRG.

Bruce announced that the strategy group had reviewed the current meeting format and decided the individual sub-committee meetings were not achieving their original purpose. (The strategy group includes a small number of reps from Brooklyn Residents Action Group, Yarraville On The Nose, EPA, Brimbank CC and industry.) A new format has been agreed for 2010 consisting of onsite meetings involving community reps with individual industries. This will replace the 4 BCRG 'sub committee' meetings that were held in 2009.

The existing 2 'general' BCRG community meetings held in May and November will continue in 2010, supported by strategy group meetings when needed.

1. *How would this new structure interact with the EPA direct action 'flying squad' proposal?*

Chris Xhayeteux said that the two initiatives were very complementary. He suggested an appropriate time to bring community members onsite would be after action plans to resolve non-compliance were in place.

2. *What about the Jones Road entry to Recovery and Recycling Industries, won't this just shift the problem to another area?*

Jen reported that Tom Buxton advised that Bunting Road is to be sealed in early December. She will follow up with Tom Buxton regarding the Jones Road entry (Action 1.23).

Action 2.16: Carey Patterson to provide updates for the group on plans to seal roads in the area.

Item 8. Completed Actions List & Progress of priority actions

Jen Lilburn indicated the list of actions that had been completed throughout the year, which was displayed on the wall. This list has been updated and forms **Attachment 4**.

Three priority actions were discussed:

1.22 (*Noise management – Hobsons Bay CC*) Malcolm Ramsay reported that Hobsons Bay Council is working with individual sites (as identified by On The Nose members) and will be liaising with the EPA 'flying squad' on this issue. See also **Attachment 5**.

2.13 (*Height of City Circle stockpiles – Brimbank*) letter of infringement had been sent to City Circle. Carey Paterson will provide updates on any outcomes. See also attachment 3.

3.8 (*Dust monitoring program – EPA*) Kerry Murphy reported that the EPA was expecting dust data in the next few weeks.

Other EPA updates tabled:

- Melbourne Fire Brigade and EPA made a joint visit to Ecotyre last week. The company was near compliance but had been fined and issued with a notice.
- Works approval for a vegetable oil recycling facility on Spalding Avenue, Sunshine North is now open for public comment. Public notice period ends on Dec 2.
- A project update was distributed by Kerry (**Attachment 6**)

Other Brimbank updates (as shown in Action List):

- Letters have been sent to the rock rushing facilities along Somerville road. Delta and City Circle have been given until 20 November 2009 to reduce the stockpiles down to a complying 8m. They have also been advised that there are a number of site improvements that are required to be undertaken. A follow up meeting is scheduled for the last week in November.
- Property in Somerville Road is being assessed for the storage of timber store yard. Application has been lodged and is currently being assessed. The matter has been referred to various authorities and is in progress.
- 469 Somerville Road – Council attended a mediation session requested by VCAT to try to resolve issues raised by the objector to the Council's decision to issue a permit. An agreement was not reached at the mediation session regarding the Council's previous decision to issue a permit so the matter is to progress to a hearing at VCAT in mid February 2010. In the interim period the Council's position is the operator has been given the ok to remove the current processed stockpile of road base material to allow the site to be returned to its previous condition until the matter is resolved. The operators have also been advised that they are not permitted to bring new material into the site.
- Highfield Quarries gypsum stockpiles are under investigation to ensure appropriate permissions are in place to stockpile and recycle gypsum.
- Site inspection of Sita site found minimal odours present. Mainly odour occurred when open rows were turned.
- There appears to be a number of uses occurring within the parcel of land behind the old Jupps Auto Auction building. Seems to be a number of uses within this land, not clear on who is doing what. Need to do a survey of the uses that are occurring, and what permits are required.
- Since the last meeting there have been 9 planning applications received. These relate to the following:
 - 3 New Warehouse Construction
 - 1 Use of the Land for a Timber Store
 - 1 Use of the Land for Industry (Sita In vessel Composting facility)
 - 1 Use of the Land for Industry (testing and analysis of meat)
 - 1 Use of the Land for Motor Vehicle Repairs
 - 1 Miscellaneous (Road Works)
 - 1 Recycling Facility

Next BCRG on 19 May 2010 with call for agenda items in April

Meeting closed at 9.30pm