

Meeting notes: Brooklyn Community Reference Group

6.30 – 9.30pm, 20 May 2009

Brooklyn Community Centre, Cypress Avenue Brooklyn

Chair: Jen Lilburn

Attendees

Adrian Kelly	Wade Noonan's Electoral Office	Kylie Hutchison	Yarraville resident
Annette Patrick	BRAG	Laurie Bell	BRAG/Brooklyn Ratepayers Resident
Ben Koop	Resident	Linda Trewern	Resident
Bert Boere	BRAG	Liz Franzmann	BCRG Meeting scribe
Bob Robertson	Apex Waste	Lowen Clarke	Resident
Brian Long	BRAG	Malcolm Ramsay	Hobsons Bay City Council
Bruce Light	On The Nose	Mark Freeman	Annunciation School Brooklyn
Carmen Largaiolli	BRAG	Mark Globan	Sita
Cath Williams	Yooralla	Mark Wilson	Leader(photographer)
Charlene Gatt	Star News Group	Marsha Thomson MP	Member for Footscray; Parliamentary Secretary for Industry and Trade
Charlie Volpe	BRAG		
Con Mykas (?)*	Kingsville Resident	Martin Hermans	On The Nose
Craig Palmer	Australian Tallow	Marty Kraemer	Local businessman
Darrel Gill	Resident	Matt Vincent	EPA Victoria
David Braybook	BRAG	Michael Clarke (Cr)	Mayor Maribyrnong City Council
Foti Beratis	Maribyrnong City Council		
Gary Hobbs	Hanson Construction Materials	Michael O'Keeffe	Sita
Geoff Mitchelmore	Altona North Resident	Michael Raffoul (Cr)	Hobsons Bay City Council
Herb Horrell	Brimbank City Council	Michelle Wyatt	Brimbank City Council
James Downe	Sita	Nadia Verga	TWM Landfills
James Fraser	On The Nose	Nick Morgan	Cargill
James Twining	Leader Newspapers	Noel Ryan	Huntsman Chemicals
Jamie Atkinson	Yarraville resident	Rhys Anderson	EPA Victoria
Jan Norton	BRAG	Richard Wheeler	TWM Landfills
Jen Lilburn	BCRG Chair	Sam David (Cr)	Brimbank City Council
Jo Williamson	Resident	Sean Carroll	Swift Australia
John Pearson	Wade Noonan's Electoral Office	Simon Vittorio	Brimbank City Council
		Sue O'Halloran	CMI Forge
Karen Nolan	Resident	Tom Buxton	Recovery & Recycling Industries
Kerry Murphy	EPA Victoria		
Kevin Annia	Swift Australia	Tony Kairouz	Brooklyn Meat Processors
Kevin Hiser	EPA Victoria	Troy Atanasovski (Cr)	Mayor Brimbank City Council
		Valerija Bezjak	Veolia

* Some handwriting on the attendance sheet was very difficult to read!

Apologies

Chris Cox, Delta Group

Marc Hewitt, Sims

BROOKLYN COMMUNITY REFERENCE GROUP GENERAL MEETING

Date: 20 May 2009

Time: 6:30 pm – 9:30pm (light meal served from 6:00pm)

Where: Brooklyn Community Centre, Cypress Avenue Brooklyn (Melways 41 A10)

AGENDA

Meeting Purpose:

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

<p>1. Welcome, apologies, introductions Confirm meeting purpose and agenda Consent to publication of names on minutes Confirm last meeting's minutes Meeting principles</p>	<p>Jen Lilburn, Chair BCRG</p>
<p>2. Presentation: "Six Years On" (See Attachment 2) Followed by discussion</p>	<p>Carmen Largaioili, on behalf of Brooklyn Residents Action Group and OTN</p>
<p>3. EPA: Future Directions Response to Community Presentation Followed by discussion</p>	<p>Matt Vincent, Snr Manager, Environmental Services Kerry Murphy, Manager Community and Stakeholder Engagement</p>
<p>Break</p>	
<p>4. Maribyrnong City Council response (see Attachment 4) Followed by discussion</p>	<p>Cr Michael Clarke, Mayor</p>
<p>5. Hobsons Bay City Council response Followed by discussion</p>	<p>Cr Michael Raffoul</p>
<p>6. Brimbank City Council response Brimbank Industrial Area Strategy (see Attachment 3) Followed by discussion Note that this item was brought forward before Item 4 to allow Crs Atanasovski & David to leave for another meeting</p>	<p>Cr Troy Atanasovski, Mayor Michelle Wyatt, Strategic Planner</p>
<p>7. General discussion regarding the key themes</p>	
<p>8. General business</p> <ul style="list-style-type: none"> • Proposed Community Fund • New time for special community meeting • Metropolitan Waste and Resource Recovery Strategic Plan 	<p>Michael O'Keeffe, Post Collection Manager, SITA Environmental Solutions</p>
<p>Last opportunity for comment, evaluation (Not undertaken due to lack of time)</p>	
<p>Close</p>	

Refer to Rolling Action List (Attachment 1) for a full description of actions. See other attachments for presentations made.

BCRG 20 May 2009 Meeting Notes

Meeting notes to be read in conjunction with rolling action list (Attachment 1).

Item 1

The agenda and meeting purpose were confirmed.

Participants were advised that people not wishing to have their name published in this meeting's minutes should speak to Jen Lilburn (Chair) or Liz Franzmann (Meeting Scribe). No requests for withholding of names were received over the course of the evening.

The minutes from the 18 March Dust Meeting were confirmed.

Participants also confirmed that the values as set out in the BCRG Terms of Reference constituted appropriate meeting principles. These values are:

- Working in partnership
- Open communication
- Shared accountability
- Diversity of opinion is expected, with members being required to uphold the values of the group, respect the views of others at all times and contribute to discussion in a manner that provides for equal share of voice.

Participants agreed to the following additional principles:

- Presenters to keep to their agreed time (to maximise opportunity for community discussion)
- All speakers to be succinct
- One person to speak at a time

The usual practice of enabling meeting participants to introduce themselves was not undertaken due to the size of the group.

Item 2: Community Presentation

Brooklyn resident Carmen Largaiolli gave a presentation on behalf of local groups On The Nose and BRAG (Brooklyn Residents Action Group). The presentation forms Attachment 2.

At the conclusion of the presentation and subsequent discussion, the following issues were distilled for response by EPA Victoria and the 3 Councils:

1. Are these issues beyond EPA and local government to resolve?
2. Broader community engagement is needed so that all affected community members are aware of the problems
3. Short term solutions are needed
4. We need real commitments by industry and government to action
5. The location of the proposed Metropolitan Waste and Resource Recovery Strategic Plan tip site
6. Effective future planning
7. Increased penalties for polluters

On the matter of the Metropolitan Waste and Resource Recovery Strategic Plan, Jen advised that she had been in discussion with the CEO of the Metropolitan Waste Management Group (MWMG). He had advised that the Strategic Plan was Government's vision for waste management, and that the next stage of the process would be to develop a Business Case including location of additional sites. A representative of the MWMG will attend the July BCRG meeting to discuss the process for decision making and community input.

Item 3: EPA Victoria – Directions and Response to the Issues (Matt Vincent)

Matt Vincent discussed organisational changes which have resulted in the creation of Client Relationship Managers for liaising with industry. EPA has formed a working group to seek stronger industry commitment and to use statewide data to achieve more influence over industry.

Group questions and EPA responses:

1. Why is it so complicated to achieve change? These are long term issues that take time to resolve. Clearly short term solutions are needed.
2. What about increasing fines? EPA currently has no capacity to do this.
3. Given that there was an EPA working group established in 2007 to look at the same issues, how will it be any different this time? EPA is reviewing the odour monitoring to see if a more effective use of staff resources can be identified to resolve these issues.
4. Are we going to end up with the community taking a class action through the courts to stop these problems? We can only commit to using our influence better with industry. We also want results but we need to form a plan of response.
5. What is the short term solution to SITA given the in-vessel technology will not be in place until 2010? The in-vessel technology is the solution. I'm unsure of any other more immediate remedies.
6. I manage a local disability service and I'm concerned about the dust in the area. How do I protect my staff's health and well being? EPA is looking to understand dust issues better.
7. Nuisance dust affects the standard of living in Brooklyn. What can be done about it? EPA is compiling an options paper on dust management which will be available in the next two weeks.

Action 3.10: EPA to provide an update on its strategy re dust at the September BCRG dust meeting
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8. There is too much talking. Do we need to get to tougher to effect change? The enforceable undertaking - a new tool for forcing industry to change – will soon be available.
9. Where is the EPA strategic vision or intent? I don't want to make promises I can't keep.
10. Why are Yooralla and residents being forced out of the area by odour? Why are industries allowed to do this? (this wasn't answered by Matt because another question came up too quickly)
11. More severe penalties are needed and new directions. We don't want to repeat history. What's needed? Kevin Hiser responded by highlighting that legal action requires evidence to establish wrong doing beyond a reasonable doubt. To have a strong case the EPA

needs people to report incidents and back their affidavits up in court, as well as expert witnesses and proper sampling (among other things).

12. Why not get community participation/ support to get a conviction? Kevin responded again that these issues were particularly challenging because of the issue of multiple sources. The EPA needs facts and watertight evidence to go to court – not emotion.
13. Can the community get feedback on the progress of affidavits they've signed? Kevin suggested that he could be contacted about any specific investigations the EPA is undertaking. Rhys Anderson added that cases can take years to go through the court system.
14. What about the community using the enforceable undertaking tool? Kevin highlighted that this tool still needs 'prima facie' evidence (NB: evidence sufficient to establish a fact or case unless disproved)

Item 6: Brimbank City Council Response (Cr Troy Atanasovski)

Cr Atanasovski stated that:

- Councils are limited in power to control existing industries.
- New proposals are assessed against current planning scheme requirements.
- Brimbank City Council has recently completed an audit of planning permits in the municipality (this has been tabled at a previous BCRG meeting).
- Council's industrial land strategy is underway and consultations are to be conducted over the next few months.
- Council is supportive of and working with the EPA and it recognises the need for long term planning and action.

Presentation on Brimbank's Industrial Areas Strategy.

Michelle Wyatt gave a presentation on the status and process for the proposed strategy. This presentation forms Attachment 3.

Group questions and Brimbank City Council responses:

1. Why can't Brooklyn look like Derrimut? Derrimut is a newer industrial estate therefore Council has more influence through permits (new uses).
2. Can council force industry to move on? If they have a valid permit there's not a lot Council can do. Can only work with industry to improve.
3. What about land tenure and roads? Council works with both industries and land owners. Regarding road placement – this would be part of the strategy's prioritising process. Simon Vittorio added that there have been two illegal uses of land where Council had used enforcement powers and operations have been closed down.
4. What about this notion of pre-existing rights (under industry permits??) – How lawful is it? Is there a legislative mechanism to override this? Marsha Thomson commented that this was unlikely and another mechanism for change would need to be found. She committed to raising this issue within Government.
5. What about dust piles in the area? Herb Horell responded that the audit was the first step and then Council would work with industries to address the issues.

6. Can permits be varied? Yes, depending on the use at the time the permit was made.
7. What about creating KPIs for council and EPA to ensure they do their jobs? Can Council provide incentives or rewards for industries making improvements? For example, could the fines be increased and then money returned on evidence of good behaviour? Could Environmental Improvement Plans be a process for including this kind of approach? Rhys responded that voluntary improvements under EIPs would be available on the EPA website, but this was unlikely to coincide with increased penalties.

Jen drew attention to key issue #1 - is this beyond the remit of EPA and local government to resolve?

8. Why can't Council remove permits if conditions are not met? Simon explained process – council issues \$1,100 infringement notice and then takes infringer to VCAT if the infringement is not remedied. Herb added that it is difficult and time consuming to be successful at VCAT.

Action 2.4: Brimbank to present the draft Industrial Area Strategy to BCRG meeting once completed. (Update at 15 July meeting).

Item 4 - Maribyrnong City Council Response (Cr Michael Clarke)

Council is pro-industry but only those conforming to 21st century standards – Cargill, Swift and Amcor to be commended for their improvements.

History shows industries can move and that Melbourne is a fast changing environment – referred to tanneries that were formerly located in Melbourne's CBD.

We need a vision that leads to legislative reform to ensure authorities have power to enforce properly.

If we need more resources locally to carry out enforcement I will take this back to council for consideration. Will Brimbank make the same commitment? (Herb Horell from Brimbank highlighted the recent moves by Brimbank to appoint a cross-Council community liaison officer, but funds had not yet been secured.)

Action 4.6: Cr Clarke to organise a regular meeting between all concerned council mayors, EPA, Marsha Thompson and Wade Noonan's representatives.

There were no questions following the MCC response.

Note that Maribyrnong City Council had prepared a presentation, but due to time limitations Cr Clarke was unable to show it. The presentation forms Attachment 4.

Item 5 - Hobsons Bay City Council Response (Cr Michael Raffoul)

Nearly all problem industries are outside Hobsons Bay therefore little enforcement role.

Council is encouraging the increase in local residential developments.

Council can play a role in lobbying EPA and state government to make change.

Group questions and HBCC responses:

1. How is council influencing EPA and state government? By meeting with industry to understand the situation before going to state government to lobby for change
2. What about Chalmers trucking yards on Francis Street? What's happening? This is the first I've heard about it.

3. What about funding reverse beepers?

Action 1.22: Malcolm Ramsay to discuss issue of noise management by Chalmers trucking yards with Council

4. Is council prepared to consult and collaborate with other municipalities in resolving the issues? Council is in a position to support resident action – eg. Currently negotiating for this forum to become a formal Community Liaison Committee

Item 7 – General Discussion Regarding the Key Themes

The key themes which had emerged in Item 2 were revisited to ensure that there had been adequate response:

1. *Are these issues beyond EPA and local government to resolve?*
The main action is a commitment arranging fortnightly meetings between mayors of all 3 councils and state government representatives. (Cr Michael Clarke to lead in actioning this.) Marsha Thomson made a commitment to finding ways of keeping the BCRG updated on outcomes from these meetings.
2. *Broader community engagement is needed so that all affected community members are aware of the problems*
The EPA newsletter will be a key tool to assist broader information dissemination.

Action 5.1: Jen Lilburn to assist EPA with any information it requires in the production of the newsletter

An offer was made to the EPA for (trained) local community members to assist in infringement reporting skills to increase quality of affidavits

3. *Short term solutions are needed*
Brimbank CC is continuing to pursue industries on violations. EPA is engaging with industries to reinforce concerns and explore options for change. (Note that there remained questions as to whether adequate response to this issue had been provided.)
A question was raised about the SITA in-vessel technology solution – it will lead to increase in tonnage but what guarantees it will work? (This question to be addressed at a separate meeting proposed for 10 June 2009).
4. *We need real commitments by industry and government to action*
To be addressed through EPA's Client Relationship approach and other actions in the BCRG Rolling Action Plan, including the proposed meeting between industry members. The opportunity for industry to present their plans and responses to community concerns was discussed as a potential theme for the next general BCRG meeting in November.
5. *The location of the proposed Metropolitan Waste and Resource Recovery Strategic Plan tip site*
Metropolitan Waste Management Group representative to be present at next BCRG meeting to discuss the process for decision making and community input.

6. *Effective future planning*

To be addressed (at least in part) through Brimbank's Industrial Areas Strategy

7. *Increased penalties for polluters*

Representatives from Wade Noonan's office stated the issue of raising penalties is being investigated and has been raised with EPA. Cr Michael Clarke confirmed this would be a core discussion point at the meeting between state and local government.

Item 8 – General Business

- Proposed Community Fund: not discussed, however Michael O'Keeffe (SITA) caught up with BRAG and OTN chairs individually.
- New time for special community meeting for SITA proposals: 7:00 pm 10 June, Brooklyn Community Hall
- Metropolitan Waste and Resource Recovery Strategic Plan: already covered during meeting

Meeting closed at 9:35pm

Notes taken and written by Liz Franzmann with Jennifer Lilburn