

BCRG COMMUNITY MEETING 3/2010

MEETING NOTES

Date: 14 July 2010

Time: 6:00 for 6:30 – 9:30pm

Where: Brooklyn Community Centre, Cypress Avenue Brooklyn

AGENDA

Chair: Jen Lilburn

Meeting Purpose:

- To provide an update on progress towards resolution of dust and odour issues
- To enable members of the community to meet with various local industries and discuss their progress/plans for improvements

6:00	Light Refreshments
6:30	1. Welcome, apologies Confirm meeting purpose and agenda Confirm draft meeting notes – Nov 09, Feb 10 and May 10
6:45	2. Update on resolution of dust and odour issues (Richard Marks, EPA Victoria) Inc questions/discussion
7:30	3. Statutory Planning Matters (Stuart Menzies, Manager Planning, Brimbank City Council) Inc questions/discussion
8:00	4. Comments re Progress (Wade Noonan MP, Member for Williamstown)
8:10	5. Sita Update
8:20	Close of main meeting
8:25	6. Industry Showcases Opportunities for industries to discuss their progress and plans informally with community members
9:30	Close

Please note that the notes 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 this public document.

Item 1. Welcome

Jen Lilburn welcomed all attendees and reminded those present of the agreed group principles for meeting conduct. An outline of the agenda was provided, confirming the opportunities to ask questions following each of the presentations.

Copies of previous meeting minutes had been circulated and were made available at this meeting, but it was noted that these were still 'drafts' and should be confirmed or amended. Jen asked attendees to indicate their acceptance or otherwise of the minutes from the November 2009, February 2010 and May 2010 meetings. All minutes were endorsed as correct.

Item 2. Update on resolution of dust and odour issues

Richard Marks (EPA Victoria) provided an update on the EPA's operations since the last meeting. A copy of the presentation can be found in the first part of Attachment 1.

Questions were fielded from the group, including:

Q1. *Is the EPA still confident of meeting its timeline of industry compliance by Summer?*

Richard confirmed that this was still the EPA's intention. Issued compliance notices require action by September which should enable achievement of emission controls by the summer period.

Q2. *Why are monitoring stations not located on industry boundaries?*

This answer to this question was deferred to the following EPA report on air quality assessment results.

Q3. *What are the dark brown mounds on the Sims Metal site?*

Marc Hewitt (Sims Metal Management) responded that the mounds comprise recycled metal and noted that they can easily be mistaken for piles of dirt.

Note by Jen: After the meeting Richard Marks provided a correction to the content of his presentation: there is only one current investigation against SITA, not two.

Paul Torre (Air Quality Scientist, EPA Victoria) gave a slide presentation outlining the results obtained so far through the air quality monitoring stations. Graphs comparing results in the study area with those collected from other Melbourne suburbs were also shown. This presentation can be found in the second part of Attachment 1.

In answer to Q.2 above, Paul advised that the objective is to monitor general air quality in the Brooklyn area. This requires an open site and the Brooklyn School site appears to be generally representative of air quality in the area. Additional sampling sites are planned and the new site in the Brooklyn Reserve will monitor smaller particles and a broader range of elements including asbestos and arsenic, with some preliminary results available in September.

Questions followed, including:

Q4. *What is considered to be an appropriate level of exceedance above recommended levels for airborne particles?*

The national air quality objective recommends a goal of not exceeding the air quality objective more than 5 times per year. It was noted that there have now been 22 days in which particles have exceeded these levels since October 2009.

Q5. *How far south do these smells/particles travel? If we wanted to move to an unaffected area, how far would we have to go?*

This is a difficult question to answer and is dependent on what is being monitored and what sort of weather conditions are being experienced.

Q6. *Why is mercury not included in the monitoring?*

The EPA offered to investigate this and provide a response.

Note by Jen: After the meeting, Kerry Murphy provided the following comment: The monitoring program has been designed around the types of industries present in the Brooklyn Industrial Precinct. There are no combustion type industries in the precinct so the program has not specifically searched for pollutants related to this type of industry.

In Paul Torre's presentation, the term 'combustion sources' was referring to solid fuel (eg wood) fires, and vehicle sources, not combustion industries. Since the BCRG meeting Paul has added Mercury into the compositional analysis program.

Q7. *Could a monitoring station be located near Altona Gate Shopping Centre?*

The EPA offered to look into this and respond. The EPA repeated its commitment to reduce dust everywhere, not just in the Brooklyn area.

Note by Jen: After the meeting, Kerry Murphy provided the following comment: The air monitoring program is designed to gain evidence of the impact on dust and particles emanating from the Brooklyn industrial precinct. The program has already been expanded to include compositional analysis as well as placing an additional monitoring station at the West Sunshine site. It is not within the scope of the monitoring program to place further stations at this point in time.

There is a limit to the equipment availability and more importantly, the number of staff that are trained and available to analyse the data. Stretching the Brooklyn project even further may in effect reduce the quality of the air monitoring program we already have in place for Brooklyn.

Q8. *Are houses nearer to industry exposed to higher levels of dust/contaminants than those recorded at monitoring stations? Again, should measurements be taken where dust is being generated?*

Dust is lifted by wind and carried to more distant locations. This is why monitors need to be placed at representative sites.

Note by Jen: After the meeting, Kerry Murphy provided the following comment: The scientific monitoring program needs to take a representative sample (an average experienced by all). It is not the purpose of a monitoring program to gain numbers on the highest amount of dust, otherwise the data could be countered by claims that "of course it is dusty, they are on a major road". By demonstrating an average, experienced by all, we have better evidence to demonstrate how everyone is being affected, and more weight behind the data should it be challenged in court.

Q9. *Concern was again expressed over the time taken to collect and analyse results. What about health concerns in the meantime?*

The EPA confirmed that results need to be collected over a reasonable time span e.g. 12 months. An undertaking was given to present preliminary results as they are available.

Q10. *Roads are a significant concern, but are piles of gypsum also of concern? On days of high dust activity is a 24hr picture available to identify when elevated levels occur?*

Elevated particle levels on windy days are often detected between 7am and 5pm, but this varies depending on temperature and wind characteristics. There was one night in the monitoring period when levels were detected. Reference was made to the elevated levels in May and June across the metropolitan area.

Q11. *How much do monitoring stations cost?*

The monitoring station in Brooklyn Reserve will cost approximately \$360,000 over a 12 month period.

Q12. *Would more stations speed up the process?*

The EPA advised that accurate results would still require averaging over 12 months to account for seasonal variation and meet scientific standards.

Q13. *If monitoring is not undertaken on the borders of industry, how does the EPA identify the source of the pollutants?*

The EPA acknowledged the level of community interest in monitors being placed on the boundaries of dust-producing companies and undertook to consider this suggestion.

Note by Jen: After the meeting, Kerry Murphy provided the following comment: Particles are going to be mixed in the air with other sources, the moment they leave a property. So it will be highly unlikely that any analysis is going to be able to pinpoint a single location as a source, especially with so many similar industries side by side. This is why monitoring stations are used in conjunction with observations recorded by officers in the field on days of high activity.

Even if a property had boundary monitoring, they would have to have monitors one every side of the fence to determine if the dust had come from beyond their property and to account for wind direction. They would have to monitor to the same standard as EPA in order for EPA to be able to use their results. In addition, a boundary monitor may not pick up dust that is swept up and carried high over the property boundary, which is how dust which reaches surrounding suburbs is going to be transported.

Q14. *Surely exposed piles of material will produce results on the weekend as well as weekdays, so are there other causes ie truck movements?*

The EPA has never recorded a peak on a Sunday, which could suggest that site activity is a major contributor.

Q15. *What about activities which are still occurring during the night, producing dust and smells in the early hours of the morning?*

The EPA confirmed that the pattern generally found shows higher levels from 7am to 5pm.

Q16. *Why is dust accumulating overnight? Some activity must be occurring – we see lights and hear earthmoving machinery.*

Richard Marks agreed to follow this point up with Heather.

Statement by community member: *Residents put up with this day in and day out. Efforts are appreciated, but it needs to be understood that residents have had enough. Even if none of the elements being tested for are found, the dust is unacceptable.*

EPA representatives made it clear that they had heard and understood this concern.

Q17. *If industry licences require containment of dust within the site boundaries, why don't we remove dust piles to fix the problem?*

The EPA acknowledged this problem and is working consistently to resolve this issue.

Q18. *How can risk assessments be undertaken when the health conditions of residents is unknown?*

A response was not recorded to this question.

Note by Jen: After the meeting, Kerry Murphy provided the following comment: The risk assessment provides an overall level of risk associated with presence of particles in certain concentrations. The risk assessment is not an individual risk assessment. People concerned about their individual risk should consult with their GP/doctor.

Statement: Mark Freeman, Principal Annunciation Primary School, indicated that a study looking into the rates of asthma among children at the school revealed no difference from other Melbourne suburbs.

Statement: A standard of no more than 5 days/year exceeding acceptable air quality standards is there for a reason. It should be considered that anything over this puts people at risk.

Statement: Legislation needs to be changed to control industries in inappropriate locations.

Q19. *Can monitoring be used to identify days of unsafe levels of dust in order to protect kids?*

A response was not recorded to this question.

Note by Jen: After the meeting, Kerry Murphy provided the following comment: The air quality measured on the Brooklyn site is live on EPA's website.

Item 3 Statutory Planning Matters

Stuart Menzies (Manager Planning, Brimbank City Council) provided the meeting with an overview of the "threshold distances" applying to various industries and the process followed by Council when a new industry or warehouse application is received. This presentation is available as Attachment 2.

A question and answer session followed Stuart's presentation.

Q20. *If this (the planning system) works why do we still have the problems we have? How long have the thresholds been around for?*

Stuart explained that the provisions outlined only apply to uses approved in the last 10 years (when the thresholds were introduced as part of new format planning schemes in the late 1990s).

Q21. *Are permit conditions policed? Why does enforcement not occur unless residents complain? Without follow-up after a permit is granted, problems will continue to occur won't they?*

There are opportunities for action where permit conditions are not complied with. Recognising the need for improvements and giving a priority to planning compliance, Brimbank City Council will be increasing its resources for enforcement, including recruiting new Enforcement Officers as part of the recently adopted 2010/2011 budget.

Note by Jen: After the meeting, Stuart Menzies added the following comment: Council will be continuing to work towards a risk-based approach to planning compliance having regard to the Auditor General's 2008 report on the issue at Hume and Ballarat.

Q22. *Is the concentration of similar types of industries and the impact of this considered?*

Council is required to consider each individual application on its merits.

Laurie Bell moved a motion, being "that Council take positive steps to pressure State Government to amend legislation to address pre-existing licences that do not operate within their proper zones"

The motion was seconded by Jan Cole and received strong support from attendees.

Jen responded that BCRG wasn't a formal body for passing resolutions, and in any case could not require other parties to take action. She undertook to ask Brimbank to respond to this request.

Note by Jen: After the meeting, Stuart Menzies responded to the request for comment by Brimbank: Existing use rights are recognised as part of all planning schemes in Victoria (Clause 63) for a use that has been lawfully operating before any planning scheme provisions applying to the land may have changed. Generally speaking, existing use rights can expire if the use stops for a continuous period of 2 years, or stops for two or more periods which together total 2 years in any period of 3 years.

A review of the Planning and Environment Act was initiated by the Minister for Planning in March 2009 and consultation about modernising the Act was undertaken at that time. A draft Bill setting out proposed amendments to the Planning and Environment Act 1987 was released in December 2009. Council is unable to consider changes to the Planning and Environment Act in relation to the operation of existing use rights. Ideas for changing the legislation should be directed to the Minister for Planning or the Act Review Team at the Department of Planning and Community Development by email at PEActreview@dpcd.vic.gov.au

Council continues to monitor and enforce the operation of existing uses in the Brooklyn Industrial Precinct to ensure compliance with previous planning approvals. Council is also committed to working with the EPA and business to improve their current operations to avoid pollution and other amenity impacts.

Item 4 Comments re Progress

Wade Noonan, Member for Williamstown gave his perspectives on the progress being made to improve environmental outcomes:

Wade indicated that he had first met with the former Chair of the EPA, Mick Bourke in May 2008 to convey the community's frustrations about the odour issues. At the time, the EPA made 4 key commitments:

1. To establish an internal taskforce within the EPA to tackle the issues in Brooklyn.
2. To become proactive and increase the number of site visits to businesses in Brooklyn.
3. To improve communications with the community (including establishing the BCRG).
4. To target offending companies.

Significant activities since 2008 were highlighted, including:

- the establishment of the BCRG
- the dust monitoring work
- stronger EPA enforcement measures and communication strategies;
- stronger community involvement
- A number of substantial environmental matters being brought before the courts
- Multiple monetary penalties being awarded against infringing businesses
- The use of enforcement blitzes involving WorkSafe, VicRoads, local Government, the EPA, and the Sheriff's Office

It was however acknowledged that much more needs to happen and that this requires all stakeholders working together and meeting on a regular basis to drive change. To this end, a Steering Committee to ensure a co-ordinated response has been set up, and its Terms of Reference is currently being developed. The Steering Committee comprises senior representatives from the three local Councils (Brimbank, Maribyrnong, and Hobsons Bay), the EPA, the Department of Health, the Department of Planning and Community Development, Jen Lilburn, and Wade Noonan. The BCRG Community Forum will be kept

informed about the Steering Committee's progress and will be an important source of input and information.

In summing up, Wade Noonan informed the meeting that he understood:

- that the community will relentlessly pursue change, holding industry to account; and
- that the community does not want to drive industry out, but expects higher standards and a responsible attitude towards the community in which they operate.

Questions followed:

Q.23 If parliament considered the pre-existing use legislative changes suggested tonight would these apply to industry only or to all zones including residential?

Wade Noonan responded that this was a very complex issue and that he would need to take the question on notice, although he indicated that planning matters could be examined as part of the Steering Committee's work.

Q.24 Would the State Government's proposed Westlink freeway alignments have an impact on the Brooklyn industrial estate?

It was acknowledged that this is a possibility, but three options would be considered for the alignment of the Westlink project, and that community consultation would help to determine the preferred option. It was noted that Westlink is outside the scope of BCRG.

Item 5 SITA Update

Mark Globan (Manager, SITA Organics Dept) provided the meeting with an update of the changes to the company's operations and confirmed that they need to comply with a dust abatement notice issued by the EPA by 30 August 2010. (See Attachment 3)

The following questions were raised:

Q.25 What is the condition of the material in windrows?

The windrows contain clean (odourless) material that will have passed through the composting process at an off-site location.

Q.26 Has SITA undertaken an environmental analysis on the impact of trucking material in and out of the area, particularly re carbon generation?

Mark responded that composting business has a positive impact by returning carbon to the soil.

Item 6 Industry Showcases

The main meeting closed at 8:25 and attendees were invited to visit any one of the ten tables manned by Brooklyn industry representatives to discuss issues and plans.

BCRG Participant Feedback

Participants were asked to provide feedback before leaving on the following:

a) A suggested new purpose for BCRG Community Forum

Everyone who reviewed the proposed new purpose agreed with:

“To foster collaboration between the Brooklyn community, local industry, local government and EPA to ensure that public concerns and aspirations regarding air quality in the area are consistently understood and considered.”

Note by Jen: After the meeting, the term ‘air quality’ was replaced by ‘odour, noise and dust’ in order to be more specific.

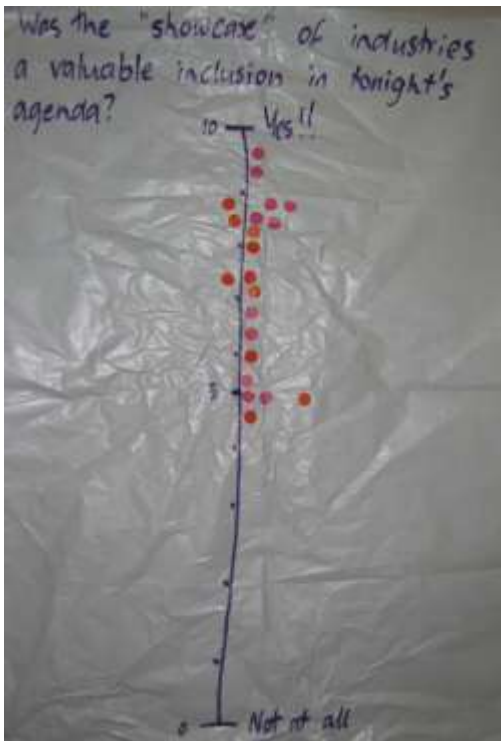
b) Which roads in the area are a priority for upgrade/maintenance to reduce dust?

Priorities for road upgrade/maintenance were as follows:

Priority		score
=1	Bunting Road	37
=1	Jones Road	37
3	Francis Street (between Cemetery & Millers Roads)	27
4	Old Geelong Road (Between Jones Road and the tip)	10
5	Cemetery Road	9
6	Old Geelong Road (fix drainage between Geelong Road & Jones Road)	8

This information will be used to inform ongoing discussions with the 3 municipalities and with VicRoads.

c) **How worthwhile participants considered the industry showcase session to be**



Note by Jen

Feedback received by participants at the end of the night was variable:

Some industries thought it was a valuable opportunity to meet members of the community and explain what they were doing to address issues; others felt that it was of little value in that few people spoke with them or took their prepared material. One industry's representatives felt that, by having the proceedings after 2 hours of presentations, community members were tired and angry and that this affected their interaction.

Some community members very much valued the opportunity to meet with key industry reps about issues of concern to them. Others felt that the information they received from some of the industries was inaccurate and/or 'dressed up'.

I'll continue to look for opportunities for increasing communication flow between all parties who attend BCRG forums.

Meeting closed at 9.30pm

Notes taken by Margot Harrison and reviewed by Jennifer Lilburn. Presenters were given the opportunity to review the notes relating to their item to ensure the discussion was accurately recorded. Additional comments received after the meeting have been duly noted.

Next BCRG meeting: 15 September 2010

Meeting Attendance Record – 14 July 2010

Apologies		Lucas Zhang	Local employer
Annette Patrick	BRAG	Matt Vincent	EPA Victoria
Charlie Ragusa	Brooklyn Resident	Peri Avdi	Sunshine Resident
Foti Beratis	Maribyrnong City Council	Richard Mataska	
Geoff Cuffe	Sunshine Resident	Rohan Barron	City West Water
Glen Haberl	Resident	Stephen Sully	Brimbank City Council
Helen McCulloch	Yooralla	Tony Kairouz	Brooklyn Meat Processors
John Rowe	Local employer	Val Bazjak	Veolia

Meeting Attendance Record – 14 July 2010

85 people registered their attendance:

Alan Bloomfield	City Circle Demolitions	Julie Morgan	Local employee
Alesha Capone	Star Newspapers	Karen Nolan	On The Nose
Alex Buxton	Sunshine Groupe	Kelly Kwan	Local employer
Alex Kozeniauskas	Delta Group	Ken Deutscher	Huntsman Performance Products
Andrew Valneris		Kerry Murphy	EPA Victoria
Angela		Kim Magee	Yooralla
Arthur Plafas	One Steel	Laurie Bell	BRAG/Brooklyn Ratepayers Committee
Bert Boere	BRAG	Leo Hollands	Fulton Hogan
Bill Cole	Resident	Lorraine Vedella	
Bill Tehan (Cr)	Hobsons Bay City Council	Malcolm Ramsay	Hobsons Bay City Council
Brendan O'Malley	EPA Victoria	Marc Hewitt	Sims Metal Management
Brian Aldersea		Marcus Gibson	Fulton Hogan
Brian Long	BRAG	Margot Harrison	Notes taker
Bruce Light	On The Nose	Marie Long	BRAG
Byron Thompson	EPA Victoria	Mark Barraclough	Fulton Hogan
Carey Patterson	Brimbank City Council	Mark Freeman	Annunciation Brooklyn
Carmen Largaiolli	BRAG	Mark Globan	Sita
Cath Williams	Yooralla	Martin Hermans	Yarraville resident
Cheryl Valneris		Matthew Whelan	One Steel
Charlie Volpe	BRAG	Mehdi Khallouk	
Chris Cox	Delta Group	Meredith Sussex AM	Brimbank City Council
Chris Roberts	AON	Michael O'Keeffe	Sita
Chris Xhayeteux	EPA Victoria	Michael Raffoul (Cr)	Hobsons Bay City Council
Christian Buxton	Sunshine Groupe	Nadia Verga	TPI/TWM Landfills
Colin Palmer	Hobsons Bay Residents Association	Nick Jones	Hanson Construction Materials
Craig Palmer	Australian Tallow Producers	Nick Matteo	Maribyrnong City Council
Dave Gooding	EPA Victoria	Nick Morgan	Cargill
Don Vedella		Noel Ryan	Huntsman Chemical Co
Fran	Resident	Paul Torre	EPA Victoria
Gary Chalmers	Chalmers Containers	Peter Skidmore	City Circle Demolitions
Geoff Mitchelmore	Altona North Resident	Richard Marks	EPA Victoria
Gordon Fleming		Richard Wheeler	TWM Landfills
Heather Humphreys	Brooklyn Resident	Robert Hague	Resident
James Elton	Australian Tallow Producers	Rosemary Moodie	
James Fraser	On The Nose	Shane Quinn	Department of Health
James Twining	Leader Newspapers	Sheila Cabral-Sheppard	TPI/TWM Landfills
Jamie Atkinson	Yarraville resident	Simon Slota-Kan	Department of Health
Jan Cole	Resident	Stuart Menzies	Brimbank City Council
Jen Lilburn	BCRG Chair	Sue O'Halloran	CMI Forge
Jo-Anne Williamson	Altona North Resident	Tony Briffa (Cr)	Hobsons Bay City Council
John Szczepanik	Chalmers Containers	Troy White	Swift Australia
Julie Hoy	Department of Health	Wade Noonan MP	Member for Williamstown
		Wayne Phillimore	