

Brooklyn Community Reference Group: Rolling Action List – updated 30th June, 2011

Actions	Issue	Lead	Date issue first tabled	Target completion	Status at 30th June, 2011
1. Industry Accountability					
1.22 Noise management (esp beepers by Chalmers trucking yards)	Noise	Malcolm Ramsay, HBCC	20/5/09		08/03/11 This is will be raised with Chalmers by our planning officers when an opportunity arises, eg when a planning application is received. All new planning permits have a reference to 'noise' emissions from the site.
2.1 Identify, meet and work with major non-compliant industries	General	Richard Marks EPA/ Carey Patterson/ Herb Horell BCC	29/10/08	ongoing	<p>23/06/11 EPA Update: Dust pollution abatement notices EPA has issued:</p> <ul style="list-style-type: none"> ▪ 27 pollution abatement notices (PANs), 24 are currently in force. ▪ 3 cleanup notices; 2 companies have vacated the premises and currently investigating a third company for non compliance. <p>Odour investigation and enforcement</p> <ul style="list-style-type: none"> • Cargill — enforceable undertaking has been signed by the company. • TPI — EPA has issued a penalty infringement notice to TPI in Old Geelong Road for failure to comply with licence conditions to have no nuisance dust past the boundary of their premises. <p>BCC update 08/03/11</p> <ul style="list-style-type: none"> ▪ 5 uses have ceased operations. ▪ 5 Fines have been issued for non complying activity ▪ 2 planning applications have been received from business in the area currently awaiting further info ▪ 2 operations currently being assessed by Councils solicitors to determine the appropriate course of action to be undertaken ▪
3. EPA Regulatory Role					
Actions	Issue	Lead	Date issue first tabled	Target completion	Status at 30 th June, 2011

3.2 Notify BCRG representatives of approvals notices, as part of consultation process	General	Kerry Murphy, EPA	29/10/08		<p>23/06/11 EPA Update: No works approval applications for the Brooklyn Precinct.</p> <p>Innova Soil Technology Ltd has been successful in their application for a works approval, which was issued on 10/05/2011. EPA's assessment determined that the proposal is consistent with the Environment Protection Act 1970, the relevant State Environment Protection Policies and best practice guidelines. In making the decision, EPA considered all comments and issued raised. See www.epa.vic.gov.au for further information.</p>
3.8 EPA dust monitoring program update	Dust	Paul Torre, EPA	18/3/09	July 2011	<p>23/06/11 EPA Update:</p> <p>To date (28/10/09 – 10/06/11) the monitoring program has measured 50 days where dust levels in air are above the national air quality objective for PM10.</p> <p>Monitoring commenced at Sunshine West on 9 September 2010. There have been no exceedances recorded to date.</p> <p>A range of actions are in place requiring industry to significantly reduce dust emissions. Review of the air monitoring data to date suggests roads and/or re-suspension of dust on the roads from the trucks driving along the roads in the industrial estate are a major vector and source of dust; however stockpiles and site activities also contribute to total loads.</p> <p>As well as particle monitoring (PM10 and PM2.5) the airborne concentrations of asbestos, respirable silica and specific elements are being measured to provide the data to undertake an air quality risk assessment to evaluate the health risk posed for the concentrations measured. Measurements of asbestos, respirable silica and specific elements to date have not detected levels of air quality concern; however a statistically sound air quality risk assessment cannot be made until about 12 months of data is collected.</p> <p>Further information on the monitoring program can be found on EPA's website at www.epa.vic.gov.au/air/brooklyn_estate.asp</p>

<p>3.17 What impact will the dust from Francis St have on the new housing development?</p>	<p>Dust</p>	<p>Richard Marks, EPA</p>	<p>12/05/11 Action 1</p>		<p>23/06/11 EPA Update:</p> <p>We believe that the development is far enough from the Brooklyn industrial estate that it may not be impacted by the dust. We also hope to have the issue largely resolved before new residents would be ready to move in.</p>
<p>3.18 Received via email prior to May 12 meeting.</p> <p>Can EPA apply enforceable undertakings to government bodies (e.g. VicRoads; Local Councils) if such bodies do not enforce and/or comply with air quality standards & legislation within their own area of responsibility and to the full extent of their authority? What is EPA's legal power over all government bodies, not just VicRoads - can they respond from this standpoint please.</p>	<p>Enforceable Undertakings</p>	<p>Richard Marks, EPA</p>	<p>12/05/11 Action 6</p>		<p>10/05/11 Enforceable Undertakings are entered into as an alternative to prosecution through the court system. In these circumstances EPA has evidence and is in a position to take legal action against an individual or company who has breached the Environment Protection Act. EPA has received advice that we have no legal powers to issue a notice on roads. As such we have no basis to take legal action against VicRoads in either a prosecution or enforceable undertaking.</p> <p>Response: This response was received from Richard Marks, EPA, 27/05/11 after the last forum and was also sent out in the BCRG Update 10/2011.</p> <p>The Environment Protection Act 1970 (our primary legislation) binds the Crown in right of Victoria. This means that it can be applied to government bodies (State and Local). The ability to bind Federal government requires an interpretation of the Victorian Constitution but is perhaps less relevant. The key question for us in Brooklyn becomes whether the Act provides the tools that allow EPA to hold them to account as we can only compel a body using tools provided under the Act such as pollution abatement notices. This is where things become more complicated as the situation in Brooklyn was never envisaged when the Act was crafted.</p> <p>Without details on the specific issues of concern it is difficult to provide a clear answer to the question. As illustration, we cannot issue a notice to a Council requiring it to seal a dusty public road, because the road is not considered a premises under the specific definition in the Act. We can issue a notice to a Council should they be in control of an activity that is causing environmental issues eg dusty works site causing dust impact beyond the boundary of the premises. We have previously taken action including notices and prosecutions against government bodies such as councils and water authorities.'</p>

3.19 Investigate report of new potential dust source coming from recently cleared Huntsman site.	Dust	Richard Marks, EPA	12/05/11 Action 7		23/06/11 EPA Update: Currently pursuing with the site manager.
4. Local Government Planning and Enforcement					
Actions	Issue	Lead	Date issue first tabled	Target completion	Status at 30 th June, 2011
4.3 Brimbank Industrial Land Use Strategy: Review of industry in Brimbank, focus on Brooklyn (originally listed as Action 2.4)	General	Carey Patterson / Herb Horell BCC	29/10/08	Draft due Oct 2009	08/03/11 This role will be taken up by the Brooklyn Industrial Precinct Strategy Committee.
4.4 Seek clarification re responsibility for upgrades and maintenance of Francis St (originally listed as Action 2.6)	Dust	Malcolm Ramsay HBCC	3/12/08		08/03/11 No stopping signage has been installed in Francis St between Millers Rd and Cemetery Rd. 15 minute parking signs have been installed in Francis St in the vicinity of Export Drive near the Food shop to enable customers to park. Parking officers are actively enforcing the new parking controls in Francis St. Any subsequently defaced signs will be replaced. Parking officers will drive past and book any vehicles illegally parked. For officer safety reasons they may photograph or take notes on offences and send PINs through the mail. Some higher level discussion may be required between VicRoads, who manage the State Highway and the trucking companies. VicRoads have given verbal agreement to install bollards and chains along sections of Francis St. Once installed, council will consider the best approach to maintain the roadside edge.

4.5 What impact will the dust from Francis St have on the new housing development?	Dust	Malcolm Ramsay HBCC	12/05/11 Action 2		21/06/11 Cameron Huntington To confirm for your records, the “new housing estate”, (which I assume is the “Bradmill” site), is in the City of Maribyrnong.
4.6: Provide update on plans to seal roads in the Bunting/Jones Road area (originally listed as Action 2.16)		Carey Patterson Brimbank CC		Completed	08/03/11 The General Manager of Operations for Brimbank CC outlined the future options for the roads in the precinct at the meeting on the 16 th February, 2011.
<u>5. Communications</u>					
Actions	Issue	Lead	Date issue first tabled	Target completion	Status at 30th June, 2011
5.8 Produce a newsletter detailing recent enforcement activities.	General	Kerry Murphy / Marg Renwick EPA	22/4/10	ongoing	23/06/11 EPA Update: Issue # 8 being distributed in late July to 10,000 surrounding residents and will be available at the next BCRG meeting and on the Brooklyn IP website.
5.10 Provide a summary of each of the Brooklyn meeting formats, including the purpose of each and who is involved.	General	Jen Lilburn	22/4/10		
5.11 Investigate the possibility of the Brooklyn Industrial Precinct Strategy committee minutes being put on the Brooklyn website	General	Carey Patterson Brimbank CC	12/05/11 Action 4		

6. Roads					
Actions	Issue	Lead	Date issue first tabled	Target completion	Status at 30th June, 2011
6.2 Provide a joint response from VicRoads and MCC on traffic management and widening of the road with regard to the new housing estate.	General	Foti Beratis MCC and VicRoads	12/05/11 Action 3		
6.3 Provide feedback on higher level discussions when possible re the sealing of Francis St	Dust	Malcolm Ramsay HBCC	12/05/11 Action 5		<p>This information was sent from Marko Nastic, VicRoads to Malcolm Ramsay from Hobsons Bay City Council and was sent out in BCRG Update 10/2011.</p> <p>'VicRoads have re-assessed the current critical issues within the Metro North West Region and have prioritized works in order to address the outstanding issues.</p> <p>With the funding available, VicRoads has committed \$180,000 to undertake major construction works along Francis St between Millers Rd and the Railways.</p> <p>The works include the following:</p> <ul style="list-style-type: none"> - Seal 2.5m of the unsealed sections of the shoulder with asphalt - Re-sheet the unsealed shoulder areas back of 2.5m from roadway edge - Cross fall the shoulder areas away from the road way in order to allow water run off to flow accordingly <p>This will decrease dust, remove all hazards such as pot holes and edge drop offs and aesthetically look in a presentable condition</p> <p>Works are committed for June 2011.'</p>
6.4 Seek information from VicRoads regarding noise and safety barriers for Miller's Rd exit from the freeway	Noise	Andrea Mason to follow up with VicRoads	12/05/11 Action 8		Waiting on response from VicRoads.