

BCRG COMMUNITY FORUM 2/2011

Meeting Notes

Date: 12 May, 2011

Time: 6:00 for 6:30 – 8:45 pm

Where: Brooklyn Community Centre, Cypress Avenue Brooklyn

AGENDA

Meeting Purpose:

- To provide an update on progress towards resolution of dust, noise and odour issues

Convenor: Jen Lilburn

6:00	Light Refreshments
6:30	1. Welcome Apologies Confirm draft meeting notes – 16 February, 2011 Confirm meeting purpose and agenda
6:40	2. EPA Victoria - Update on dust, noise and odour program Richard Marks, Manager Pollution Response No questions at this time
6:50	3. Susan Fitton, Brimbank CC - Brooklyn Industrial Precinct Strategy Committee update No questions at this time
7:00	4. Nick Morgan, Plant Manager, Cargill
7:10	5. Tony Kairouz, General Manager, Brooklyn Meat Processors
7:20	6. Marcus Gibson, National Environmental Manager, Fulton Hogan
7:30	Call for written questions for the Panel
7:35	Break
7:55	7. Panel Discussion and Questions Panel members: <ul style="list-style-type: none">• EPA - Richard Marks• Brimbank CC - Carey Patterson• Maribyrnong CC – Foti Beratis• Hobsons Bay CC – Malcolm Ramsay• Nick Morgan, Cargill• Tony Kairouz, Brooklyn Meat Processors• Marcus Gibson, Fulton Hogan
8:45	Close

Please note that the notes from this meeting will be posted on EPA Victoria's website and the Brooklyn Industrial Precinct website and will be available to the general public. Meeting participants should advise Andrea Mason or Jen Lilburn if they would like their name removed from this public document.

Item 1. Welcome

Jen Lilburn welcomed all attendees and noted apologies.

Regarding the notes from the February meeting, Jen explained that additional feedback forms from the meeting had been discovered after the draft notes had been distributed. These were circulated as an addendum to the February meeting notes.

The draft notes from the February meeting were then endorsed as correct with these inclusions.

The new agenda format was explained and Jen highlighted that there would be quick presentations and asked that everyone hold their questions until later.

This was the first time industry representatives were going to be making presentations and Jen thanked the three speakers for their keen response to be part of this forum. She indicated that she hoped that other industries would be willing to actively participate in future meetings. Jen explained that there have been attempts over the last 3 years to involve industry more actively in BCRG meetings without great success. While respect within the forum has always been good, a number of industries declined to be presenters because they worried they might be verbally attacked

Jen then explained the process for questions:

- after the presentations, there was time allocated to write questions for the panel
- questions would be grouped during the break
- Jen would be asking the questions herself so as to:
 - help those who are not comfortable with public speaking
 - provide some comfort to industry representatives about any potential for verbal attack
 - improve efficiency by sorting and grouping the questions beforehand.

End of June is Jen's end of term. Jen is in discussion with EPA regarding the continuation of the role. If you have any concerns/input about Jens' role as convenor please contact Marg Renwick at the EPA – email - marg.renwick@epa.vic.gov.au or phone 9695 2722.

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Item 2. EPA Victoria - Update on dust, noise and odour program

Richard Marks, Manager Pollution Response

Richard gave a quick overview of all offensive odour reports in the area over the past two years, which showed an improving trend.

Fig 1 shows results from the last 2 years compared to the target for this year. Every year shows an increase in odour reports in Autumn and although this year's is lower the EPA are still not happy with this result.

Offensive Odours – Results



Fig 1 Slide 2

Slide 3 Offensive odours & EPA actions:

- Increase in offensive odour reports received since February, which is a trend we have previously seen in Autumn
- The predominant complaint is that of a nutty oil smell and manure smells
- This is **NOT** an excuse for noncompliance with licence/notice conditions
- Increase in Odour surveillance – usually early morning
- Increase in inspections and pressure is on businesses to comply eg Cargill have committed to ~ \$600,000 of works
- Short term decrease in the threshold for the call out of officers for manure odours.

PM₁₀ exceedences



PM ₁₀ exceedences	Brooklyn	Footscray	Mooroolbark
Last 3 months (Feb-Apr 2011)	4	0	0
Same 3 months last year (Feb-Apr 2010)	7	1	0
Last 12 months	28	2	3
Since late October 2009	49	6	4

Fig 2 Slide 4

Monthly PM₁₀ data for Brooklyn



Fig 3 Slide 5

Rainfall in the region

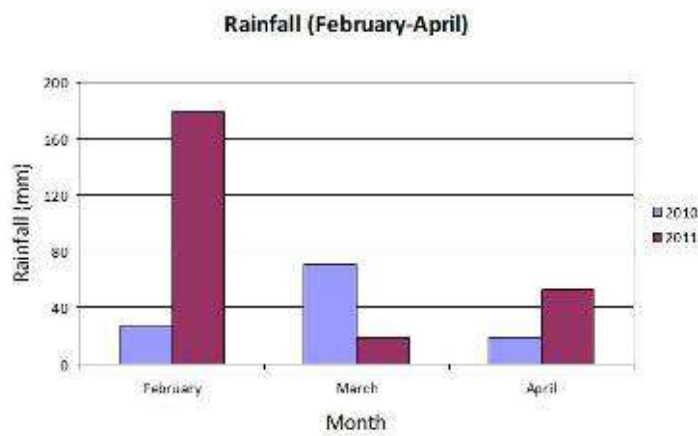


Fig 4 Slide 6

April this year was the first time since Nov 2009 there was no exceedence of particle matter PM₁₀ - possibly due to the wet season see Fig 2 and Fig 3.

Slide 7 Component analysis

- Chlorine average for 9 months is slightly above long term recommended health standards. Average could go up or down in the next 3 months
- Brooklyn reading is **1631 ng/m³**
- Footscray **1431 ng/m³**
- Standard **1,500 ng/m³**
- Note a significant amount of this is likely to be from salt, given the proximity to the bay. EPA will investigate potential other sources.

EPA will continue to monitor chlorine averages and investigate whether there are other significant sources other than sea salt.

Slide 8 Particles (Dust) - Update

- Industrial dust generation is low but still evident at Brooklyn.
- Will continue to undertake surveillance of all notice holders on predicted high risk days
- Works are occurring but more is required.

Full analysis results were available as handouts from Paul Rataczyk. See Attachment 1.

There are still 5 sites where EPA is about to issue new or revised notices to control dust and mud. There are 22 Pollution Abatement Notices.

Notification process of high risk days with the local school currently occurs. EPA is looking to expand this notification to industries that we have issued notices to. The notification of industry prior to predict bad weather conditions should assist industry to manage their operations and avoid dust emissions.



Fig 5 Slide 9 Wheel wash City Circle



Fig 6 Slide 10 Wheel wash in operations

Slide 11 Particles (Dust) - Enforcement

- Industries transporting mud onto roads being targeted.
- Where EPA detects non compliance with Pollution Abatement Notice, enforcement action is being taken along with revised notices requiring more specific works to control dust.

As an example of how some industries are responding, Fig 5 and Fig 6 show the new City Circle wheel wash which is a very substantial piece of equipment and designed to stop mud being dragged on to the road. However although industry is making some changes there is still a need to do more.

Item 3. Brooklyn Industrial Precinct Strategy Committee update
Susan Fitton, Strategic Sites Officer, Brimbank City Council

Susan gave an overview of the newly formed Brooklyn Industrial Precinct Strategy Committee which first met in March this year. Her presentation included the following:

Slide 1 What is the purpose of the committee?

- To provide input into future planning of the Brooklyn Industrial Area.
- To provide advice to Brimbank City Council (BCC) on planning, enforcement and infrastructure issues.
- To contribute to the development and delivery of a communication and engagement plan.

This committee is a very important official Council process illustrating the elevated importance of Council's commitment to the region.



Fig 7 Slide 2 Satellite view of Brooklyn

The area covers the core industrial area of Brooklyn - Kororoit Creek, the railway to east and Geelong Rd.

Slide 3 Who is on the committee?

- Meredith Sussex Administrator – Brimbank City Council (Chairperson)
- Stephen Sully, Susan Fitton, Carey Patterson, Stuart Menzies and Andrea Mason (BCC)
- Richard Marks (EPA), Paul Jarman (Department of Planning and Community Development), Jillian Smith (Department of Business and Innovation)
- Troy White and Tom Buxton (Industry Representatives)
- Bruce Light, Chris Roberts, Bert Boere (Community Representatives).

Actions to date:

- At the first meeting in March – discussed analytical maps, the broader strategy of the DPCD Metropolitan Strategy – how to increase Brooklyn profile in that, Westlink as a main factor affecting this part of Brooklyn, planning and compliance and how to develop industry synergies, work opportunities and amenity opportunities.
- If you want have any input into this committee please talk to your representatives before the May 24th meeting.

Slide 4

- Council officers have begun gathering preliminary information including analytical maps.
- Work with DPCD and other state government departments has begun at officer level highlighting the importance of the area.
- Opportunities/constraints and issues were discussed:
 - WestLink.
 - Certainty in the planning system and compliance.
 - Develop industry synergies, work opportunities.
 - Opportunity to improve amenity.
 - Contamination, legacy issues.



Fig 8 Slide 5 Aerial view of Brooklyn

Item 4. Nick Morgan, Plant Manager, Cargill



Nick gave a presentation of the Cargill plant including its history, the environmental issues it faces and its ongoing relationship with the EPA and commitment to actions as part of an Enforceable Undertaking.

His presentation included:

Slide 2 Cargill Footscray - Somerville Rd, West Footscray (Brooklyn)

- Oilseed operations began in 1950s
- Privately owned company Meggitt, full crush operation
- Solvent extraction plant installed in 1972
- Cargill purchased in 1982
- Primarily crush canola to produce crude degummed oil and protein meal

Slides 3 & 4 Environment

- Odour abatement strategy formulated and submitted to the EPA in August 2005
- Recommendation to install biofilters to treat preparation and solvent plant odour streams
- Preparation biofilter completed August 2006
- Extraction biofilter completed October 2007
- Total cost of \$1.1 million
- Decline in performance and an increase in odour complaints in early and mid 2010, resulted in EPA investigations for non-conformance.
- Spot site visit in June 2010 from the EPA found other non-conformance issues.
- Consultants - The Odour Unit – were engaged to review the system and make improvement recommendations.

Slides 5 - 8 Enforceable Undertaking

- Cargill began negotiating an Enforceable Undertaking (EU) with the EPA as an alternative to court action on those non-conformances.
- This is a legally binding document that requires agreed improvement actions be completed by specific dates or the EPA is entitled to commence legal action.
- Objectives are to:
 - Deliver benefits beyond compliance
 - Deliver benefits to the environment and local communities affected by previous contraventions
 - Improve the Company's environmental performance by implementing changes that will reduce the likelihood of a similar incident occurring in the future
- Work began implementing the improvement actions straight away.
- Most actions focus on improving the odour capture and treatment by the prepress biofilter, as well as regular auditing and assessments of the complete system to ensure the changes being made are successful.
- Key actions include:
 - Appointing a full time Environmental Supervisor
 - Equipment upgrade and improvements
 - Ongoing audits and improvement cycles by The Odour Unit and other appropriate consultants
 - Making a \$50,000 contribution to a local environment project
 - Regular open days and community updates

Item 5. Tony Kairouz, General Manager, Brooklyn Meat Processors

Tony introduced his colleague Ken Mathews, Assistant Plant Manager, and indicated that they will continue to participate in BCRG meetings, and are happy for everyone to ask them questions.

Tony then gave a presentation outlining the background of the company, how it operates, how they deal with issues or potential issues and how they liaise with their community. His presentation included:

Slide 2 Who we are

- Used to be in Deniliquin but now all operations are in Brooklyn
- 100% Australian Family Owned and Operated
- Operating since March 2008 & employing 350 local staff.
- Exporting to all countries around the world
- Service processing for:



- Stringent Hygiene Practices – AQIS Monitored
- New State-of-the-Art Premises
 - Use of Modern Technology
 - Built to conforming with latest regulations
 - Easy to Clean & Maintain –has to be cleaned every day

Slide 3 Operational overview

The site is 8 acres and our neighbours are Australian Tallow and Australian Sheepskins and Hide see Fig 9.

- BMP processes only fresh production
- No cooking, rendering or storage of product or waste on site
- Potential Odour Emitting Areas:
 - Stock Holding Pens – these pens are all built on raised grids so that effluent falls through. There is a full time cleaner assigned to this.
 - Water Discharge Treatment Plant – water must be treated here before it is released to the sewer.
- Problem When:
 - Lack of Cleaning
 - Lack of Preventative Maintenance

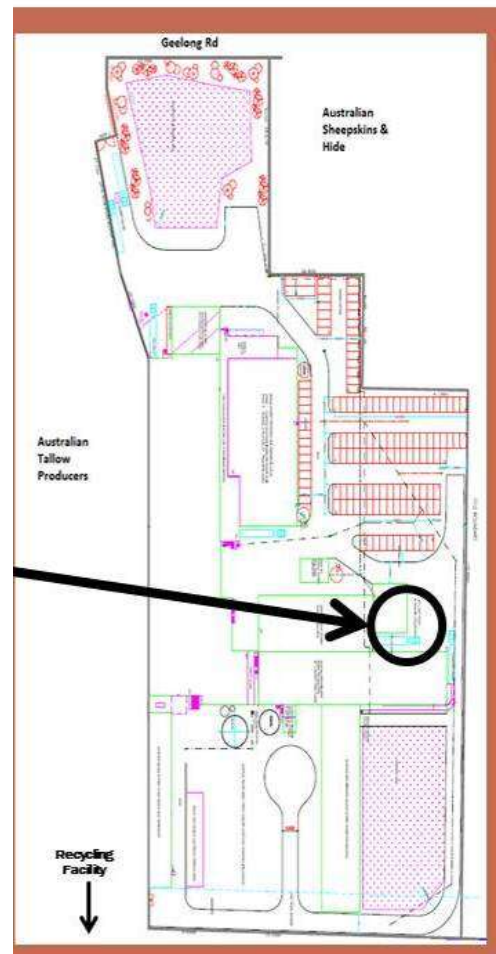


Fig 9 Brooklyn Meat Processors site

Slide 4 Measures in Place to Prevent Odour

- Full-Time employee responsible for the cleaning of pens and Water Discharge Treatment Plant.
- Comprehensive preventative maintenance program to ensure all precautions are taken to avoid break-downs in our Water Discharge Treatment Plant.
- Use of reclaimed storm water to hose down our pens daily – approx 1 million Litres.
- Daily pick up of all green waste.
- By-products transferred off-site within minutes of retrieval
- Regular off-site checks by various staff members to ensure no odour is being emitted beyond our boundary.

Slide 5 What we do if we have a problem

- Notify the EPA immediately
- Avail all possible resources to rectify the situation in the most urgent manner.
- Fully investigate the cause to ensure prevention of a reoccurrence.
- Please note: We have not had to resort to these measures since commencing operation in 2008.

Slides 6 & 7 Community awareness

- We understand that living close to industry can disturb the quality of life of residents if industry is not sensitive to their concerns.
- We understand that we have a legal and most importantly, a moral obligation to co-exist with the community
- We understand that there are many community misconceptions about our business.
 - We know that residents should not be charged with the responsibility of determining where odours are coming from.
 - We hope to better inform the community through regular consultation at forums such as this one.
 - We welcome residents that would be interested, to take a tour of our site to get a better understanding of our operation.
- We are and want to continue to engage with the community to ensure we have no impact on their lifestyle.
- In an ideal world, we understand that industry and residents should be kept apart. This is not the case in our situation and we are committed to ensuring that we have a negligible impact on our neighbours.
- We welcome feedback from the community and the EPA.

Slide 8 BMP Remaining Proactive

- Participate in community initiatives such as the clean up and plantation recently of the Kororoit Creek organised by “Friends of Lower Kororoit Creek”.
- Keen to participate in the start of a similar program to the beautification of the creek closer to our operation.
- Assist neighbouring industry in resolving problems caused.
 - 2010 Kororoit Creek contaminated by a neighbouring business.
 - BMP sent a team of workers to assist in the clean-up.
 - BMP supplied power generators and high pressure washers to assist in the clean-up.
- Commitment to remaining pro-active in the community and in improving our environment.

Item 6. Marcus Gibson, National Environmental Manager, Fulton Hogan

Marcus gave an overview of the Brooklyn Asphalt Plant in particular the measures Fulton Hogan are taking to mitigate environmental issues. His 'before' and 'after' pictures illustrated the changes that have been made since they have been in operation.

- Fulton Hogan has only been in the area 18 months since the plant was bought from Pioneer Road Services.
- The site is located on the corner of Jones and Bunting Roads
- The yard was rundown when Fulton Hogan took it over.



Fig 10 Slide 2

New measures

- The plant recycles asphalt from old roads for re use.
- Recycled Asphalt Pavement (RAP) piles are the main issue to be addressed
- Dust is not produced from the asphalt piles themselves but rather dust settles on the piles and then the wind whips the dust off the stockpiles
- Measures undertaken included: 3m high fences around the whole yard, sprinklers, paving of the whole yard, installation of roofing on the bins so they are now fully enclosed, and use of suction sweepers in the yard to remove dust
- Other changes include where the piles are stored so the material is not stored near the boundary.



Fig 11 Slide 3



Fig 12 Slide 4 Bin covers



Fig 13 Slide 5

Item 7. Panel Discussion and Questions

Panel members:

- Richard Marks - EPA
- Carey Patterson - Brimbank City Council
- Foti Beratis - Maribyrnong City Council
- Malcolm Ramsay - Hobsons Bay City Council
- Nick Morgan, Cargill
- Tony Kairouz, Brooklyn Meat Processors
- Marcus Gibson, Fulton Hogan

Comment from the floor – disappointed that the community lost the opportunity to ask questions at the meeting.

Question 1 – for EPA

How are decisions made as to Enforceable Undertakings and court action?

Response – Richard Marks

There is a set of criteria established and the EU provides an alternative pathway rather than prosecution through the courts. It is used with those companies who accept responsibility and accept that they have had an impact and want to make amends. The EU encapsulates all the work required and must go beyond that which is required for minimum compliance. For instance, Cargill is investing significant amounts of money to improve performance; in addition they have committed \$50,000 towards a community project.

Question was rephrased - Who actually makes the decision??

Response

Negotiations take place between the company and the EPA to see whether the actions are appropriate and are then reviewed by a panel external to the EPA. This is to ensure that the EU goes beyond the requirements of compliance otherwise it would be just as easy to go through the courts to achieve compliance.

Question 2 – for EPA and Hobsons Bay City Council

Do you have any news on the Francis St dust problems and what arrangements are in process if the new housing development is going ahead as it's surrounded by industrial sites which are not sealed?

Response – Richard Marks and Malcolm Ramsay

Action 1: Richard Marks could not comment on the Francis St issue and said that he would provide an answer through the minutes.

Action 2: Malcolm Ramsay could not respond about the new estate and will take this on notice.

Malcolm Ramsay (HBCC)

- VicRoads has a regular sweeping program in place to reduce dust on Francis St
- Council is looking at this together with VicRoads (who manages the 3m verge). HBCC manages the rest
- Neither party have anything in the budget in the near future for any extra works including Cemetery Rd.

Richard Marks (EPA)

- The new estate is at the other end of Francis St from the dust issues. There is a project around vehicle traffic and truck traffic in Francis St at the Brooklyn end.

Further question - As someone who travels along that road every day, the trucks and traffic are very heavy - is that end of the road going to be widened to cope with all the new people living there?

Foti Beratis, Maribyrnong CC

- Council's Traffic Management have incorporated a lot of those traffic issues into their planning
- There have been surveys done in conjunction with VicRoads
- Although not his area he doesn't think there are any plans for widening the road
- Obviously once the new estate is developed there is going to be a lot more pressure on trucks with regards to traffic back and forth.

Action 3: Foti to get a combined response from VicRoads and Maribyrnong on traffic management and potential widening of the road.

Nick Matteo, Maribyrnong CC – in relation to the amount of traffic on Francis St there is a Truck Action Plan which includes Francis St which gives a much broader response.

Jen indicated that she had been copied in to emails regarding compliance with trucks parking along Francis St. Could Malcolm comment on that??

Response There has been an issue with signage. Signs that were erected were defaced and then on advice from VicRoads the signs were raised and cleaned. In the last week, inspections have shown truck numbers parking there contrary to the signs to still vary between none and nine. It seems to vary depending on the day – this could be related to shipping arrivals or container movements.

Question 3 – for Brimbank CC

When will Jones Rd & Bunting Rd be constructed to further reduce dust?

Response – Carey Patterson

At this stage neither of these roads have been included in Council's capital works program for the next 12 months and it is subject to a lot more forward planning required as part of our strategic planning.

Brimbank has undertaken a lot of work in the area – see the attached enforcement update report in the minutes – particularly around drainage issues. There has been a lot of work undertaken on drainage works to remove water from the roads.

Regular sweeping occurs along Old Geelong Rd, Jones Rd, Somerville Rd and McDonald Rd as part of the routine that has been put in force since March in response to the EPA.

Dust mitigation on road surfaces is ongoing to contain dust until we get a decision to upgrade the roads

Question 4 – for Brimbank CC

Can you publish the minutes from the Steering Committee on the Brooklyn Industrial website? (It was then established that this referred to the Brooklyn Industrial Precinct Strategy Committee that was reported on tonight)

Response – Carey Patterson and Stephen Sully

This is an official Committee of Council and therefore the minutes have to go to Council before they can be released. Stephen suggested it shouldn't be a problem but suggested that there will be community information sheets and bulletins that will be produced in future which can go on the Brooklyn website.

Action 4: Carey to take it on notice and advise BCRG.

Question 5 – for Fulton Hogan

Is there an odour issue with the asphalt plant?

Response – Marcus Gibson

We are in the process of renovating at the moment.

Fulton Hogan has 40 plants around the country and you can talk to the neighbours through the fence. There has only ever been one complaint regarding odour as it only travels a very small distance. There should be no odours outside the premises. It would be very surprising if there was an odour issue as the closest resident is more than a kilometre away but if anyone has any concerns I'd be happy to take a look.

Question 6 – for Brooklyn Meat Processors

Whose responsibility is odour discharged by the ‘screws’ into Australian Tallow? Can the screw system be connected directly into the Australian Tallow building?

Response – Tony Kairouz

Our processing occurs on the second level of our building. Our waste is delivered to Australian Tallow via a series of screws located beneath the second level. Production is done daily and waste is delivered next door whilst still very fresh. The by-product from our plant needs to sit for quite some time before it will produce odour. Our obligation is to get it delivered to Australian Tallow in an efficient and timely manner. We appreciate Australian Tallow assisting in installing the screws which have superseded the need to use bins to collect waste. If left unattended (i.e. over a weekend), these bins could have the potential to omit odour. Thankfully we have been using this new system of waste discharge for over a year.

Tony could not comment on what happens within Australian Tallow Plant or to the product once it is delivered beyond his boundary.

Craig Palmer – Australian Tallow

We undertake odour testing, including on 40°C days and the results are always under the threshold. If there ever was to be a problem there are plans in place to remove the discharge by trucks as soon as possible. This would be important to minimise the impact if there was a plant breakdown, for example.

Question 7 – for Cargill and EPA

When is the \$50,000 from Cargill to be used in the Brooklyn Community environment?

Response – Nick Morgan

The timeline has been set for September – November 2011.

What is the process of determining where?

This will be decided in consultation with the local community and the EPA.

Question 8 – for Cargill

Regarding the Cargill Community Update – why are there no results of improvement in the Update?

Response – Nick Morgan

There has been a positive impact from improvements to date.

Monitoring is in place and re-auditing from the EPA has shown improvement.

Bruce Light (On the Nose) commented that a membership survey showed that it was felt that there had been significant improvement.

Question 9 – for Brimbank CC

It looks like industry is going to be rewarded in the future – are you working to recompense residents?

Response – Carey Patterson

The Brimbank Council acknowledges that Brooklyn is an important employment hub for the municipality and their view is that industry will be here for the long term. We are committed to improving the area for the community and residents. Processes we have put in place include the Brooklyn Industrial Precinct Strategy Committee which reinforces the commitment of Council to improving the outcomes for the community and residents in the area. The membership of the Strategy Committee includes both industry and community and there should be equal input and so hopefully out of that process there should be outcomes that all parties agree with.

Question 10 – for Hobsons Bay CC

The following questions came from the letter dated 20/04/11 from the EPA to Hobsons Bay City Council which had been circulated through the BCRG update recently. In this there were 5 points identified as issues that were related to Hobsons Bay CC.

Can we have updates on these 5 points either tonight or in the future?

This is an extract from that letter:

In particular, we have previously identified to Hobsons Bay City Council the following issues that are within your control:

- the poor road and verge condition on the Hobsons Bay side of Cemetery Road that adds to the dust problems in Brooklyn
- seal parking bays and prevent traffic parking on, or traversing verges on, the non-curbed section of Francis Street
- develop and undertake an appropriate road cleaning and maintenance program for the Hobsons Bay areas surrounding the industrial precinct
- use powers provided to council under the nuisance provisions of the *Health and Wellbeing Act 2008* to address reversing beeper complaints, and
- implementation of the Practice Planning Note of Shipping Container Storage under the Victorian Planning Schemes.

Response – Malcolm Ramsay

Poor road verge – this part of the road in Hobsons Bay was already covered earlier tonight, there are no funds in the next budget; nor possibly the one after. It is not a high priority within Council's works program. Rubbish dumping is still occurring in the vicinity of Cemetery Rd. If Council receives reports of rubbish being dumped maintenance crews respond quickly.

Sealing and Francis St –subject to negotiations between VicRoads, EPA and council – EPA has convened three levels of discuss on Brooklyn. Mayors, CEOs and agency executives; program management and operations/enforcement. Discussions on the sealing of Francis St would occur at the executive and or management meetings. I do not attend either.

Action 5: Malcolm to report back on these discussions when possible.

Road cleaning – Francis St is VicRoads' responsibility and HBCC doesn't have a road cleaning program for Cemetery Rd. It is a shared responsibility with half Maribyrnong CC and half Hobsons Bay CC. Reverse beeping –the nuisance provisions of the Public Health & Wellbeing Act were amended in 2010. Reference to annoying was removed and it is believed that this would make it difficult to act on 'beeper' noise. To be successful in a nuisance action, individual community members would be required to give evidence in a Magistrates Court on how the 'noise' impacts their health. Individuals' details were sought from On The nose in 2010. As yet council has received nothing in this regard.

Shipping Yards – Practice Planning Note - Malcolm does not have a planning background and agreed ~~was~~ to take this on notice and get back. (Planning have since advised him that this planning note does not apply to many of the container yards in Hobsons Bay).

Also Tasman Logistics, corner Francis St and Cemetery Rd applied for a planning permit – one of the conditions on this permit was to provide surfacing for the area where truck movements occur and they are working to comply with this and so should improve within months if not the end of the year.

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Also Tasman Logistics, corner Francis St and Cemetery Rd applied for a planning permit – one of the conditions on this permit was to provide surfacing for the area where truck movements occur and they are working to comply with this and so should improve within months if not the end of the year.

Question rephrased from the floor – for Hobsons Bay CC, Maribyrnong C, Brimbank CC and VicRoads

Can we get a commitment and timeframe in the future from everyone involved to look at these 5 points – in particular a commitment to the BCRG forum - so that even if it's not in the current budget or current timeframe we can look at these commitments in the future and see where you are at and if necessary we can put pressure on from other sources.

Response

Jen Lilburn – These points were identified in the letter which had been sent through BCRG and we did not follow up on these actions prior to the meeting. They need to be added to the BCRG Action List which didn't go out before this meeting, but this will be done straight after the meeting.

Question 11 - This question was first raised in November at the BCRG forum and was received via email prior to this forum. The response was received out of session.

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?

For example - the responsibility of a government landowner in ensuring its tenants comply with legislation; local councils taking action on nuisance noise, and constructing proper road shouldering to address long standing dust issues.

Response - Richard Marks, EPA

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.

Question rephrased via email

I still feel like I have an incomplete answer since my question relates to the accountability of all government bodies (Federal, State and Local) under the Environment Act. There are a few government bodies which come into play inside the Brooklyn industrial area, with a variety of management responsibilities and authority, so the question is pretty relevant. However, EPA has replied only with respect to their standing with VicRoads.

What is EPA's legal power over all government bodies, not just VicRoads - can they respond from this standpoint please.

Action 6: EPA to respond

Response: This response was received from Richard Marks, EPA after the last forum and was also sent out in the BCRG Update 10/2011.

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.

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.'

Other Business

Q. In future could the questions be sent out beforehand?

A. Jen noted that this is new process and feedback would be welcome in that regard. The aim is to provide a forum where a broad range of community members and industry reps are able to actively contribute to the discussions.

Laurie Bell -Somerville Rd to Market Rd 2 weeks ago there were strong northerly winds across the Huntsman site since all the buildings have been gone – low dust piles and cleared site. This is another potential source of dust that might need to be looked at.

Action 7: EPA to follow this up and report back.

Richard Marks, EPA, informed us that Kerry Murphy who has played a bit part in the BCRG forum and establishing others for the EPA is leaving the EPA to go to Surfcoast Shire. He wanted to acknowledge Kerry's contribution and thanked her on behalf of everyone.

There was a comment on the lack of safety barriers at the Miller's Rd exit from the freeway when others had been installed elsewhere eg Geelong Rd. Does VicRoads have a budget for noise and safety barriers and why can't they be installed here rather than other areas?

There was no representative from VicRoads to respond – Vince Punaro has changed positions and couldn't attend tonight- but it will be taken back to VicRoads for comment.

Action 8: Ask VicRoads for comment.

Jen thanked everyone for their contribution over the course of the evening and especially the speakers for their willingness to take part and for their efforts in preparing for the meeting.

Meeting Close: 8.15pm

MEETING EVALUATION

After the meeting, participants were encouraged to complete a short, anonymous online survey regarding the meeting format.

1. Basis on which respondents attended the meeting.

Answer Options	Response Percent	Response Count
As a concerned resident, employee or employer	44.4%	8
As a representative of industry	33.3%	6
As a representative of local government	5.6%	1
As a state government representative (including EPA)	11.1%	2
For the purposes of reporting (e.g. media representative)	0.0%	0
As an interested observer	0.0%	0
Other	5.6%	1

2. Responses about the meeting format, including the presentations by industry and the use of the 'panel' for answering of questions:

Answer Options	Response Percent	Response Count
It was a useful meeting format	77.8%	14
It was a satisfactory meeting format	11.1%	2
It was unsatisfactory	11.1%	2

Comments by respondents:

- Meeting gave industry representatives the opportunity to publicly commit to being a good corporate citizen. Taking their environmental responsibilities seriously.
- It was good that it ran for a shorter period of time. But there wasn't really any opportunity for the residents to express and voice their concerns personally.
- I liked the first part of the format, if Council reps in particular had prior notice they could gather the information prior to the meeting and report back on the night. In some cases the questions directed to the reps cannot be answered as it involves other areas of Council e.g. A Planning Question, it would be good to have a Planning Rep present.
- Good opportunity for residents to gain a better understanding and hear first hand what Industry is doing to lessen environmental impacts, as well as appreciate the practical difficulties each business must overcome. Industry is determined to get it right and the forum provides opportunity to convey this message.
- The odours need to be fixed FULLSTOP!
- I thought the presentations by industry were valuable to learn more about their processes. During the Panel question time, it would be interesting for the panel to use their expertise to discuss a topic and see all viewpoints (i.e impact of trucks in Francis St) and have a resident / community member on the panel to hear their view too.

3. Responses about whether people felt that they had sufficient opportunity to raise matters of concern

Answer Options	Response Percent	Response Count
Yes	77.8%	14
No	5.6%	1
Not answered	16.7%	3

Comments by respondents:

- I would like to see Vic Roads as a regular participant. I have written to Roxon(local fed member & health minister) re ongoing health issues in the future with no reply. Maybe ?Noonan is no value, well he wasn't when in Govt. Incumbent health minister invitation?

4. Did respondents have any suggestions about ways to increase the opportunities for industries to take an active role in BCRG meetings?

- Most industries as identified by EPA should be required to make a presentation. Slight improvement could be for community members write their questions the same as last time but then they should be given the opportunity to asking the same question directly to industry concerned. (give me a call if you do not follow what I mean)
- Get the ones who don't turn up to turn up. How you do this I've no idea, but without pointing a finger at anybody in particular, I believe there are a few who won't come along if they think they're going to be open to direct questioning by the residents.
- No I thought there was fair time for industries to present and then be questioned - it seemed a good way to go for me.
- Presenters need to not stand in front of screens, difficult to see screen from right hand side of room. Font on presentations is far too small. Larger screen required.
- I think it was great to hear from some of them, but it would be nice to hear from the ones that create the most stink, eg Australian Tallow. Over the last few weeks their smells have been worse than ever so it would have been nice to find out why and what's happening with them for this to

occur. I think those such as Australian Tallow who are the known offenders of smells, should have a representative available to speak and answer community concerns, as clearly these companies are still not doing things right.

- What was tried at this meeting was good as it gave industry the opportunity to present their processes and actions.
- Current idea of allowing companies to outline their activities and the steps they are taking to improve the local amenity are useful.
- Use those businesses and industry's that presented at BCRG to be advocates for the forum. Ask them each to approach one business to present next time, which will help build advocacy for the forum amongst businesses.
- Provide a forum/bulletin board. Agenda item for updates to the community on current initiatives by industry.
- Keep inviting them

Attachment 1 The following report was distributed at the meeting by Paul Ratajczyk, EPA.

BROOKLYN COMPOSITIONAL DATA BCRG MEETING 12 MAY 2011

Paul Ratajczyk, EPA

POLLUTANT	LONG-TERM STANDARD (ANNUAL AVERAGE)	BROOKLYN DATA	FOOTSCRAY DATA
Benzo[a]pyrene	0.3 ng/m³	0.11 ng/m³	0.10 ng/m³
Si	3000 ng/m³	nd	nd
P	100 ng/m³	5 ng/m³	5 ng/m³
S	5,000 ng/m³	467 ng/m³	383 ng/m³
Cl	1,500 ng/m³	1631 ng/m³	1431 ng/m³
K	2,000 ng/m³	160 ng/m³	104 ng/m³
Ca	5,000 ng/m³	522 ng/m³	260 ng/m³
Tl	100 ng/m³	56 ng/m³	32 ng/m³
V	50 ng/m³	2 ng/m³	2 ng/m³
Cr	200 ng/m³	3 ng/m³	2 ng/m³
Mn	90 ng/m³	17 ng/m³	8 ng/m³
Fe	5000 ng/m³	666 ng/m³	330 ng/m³
Co	20 ng/m³	3 ng/m³	1 ng/m³
Ni	50 ng/m³	2 ng/m³	2 ng/m³
Cu	100,000 ng/m³	8 ng/m³	5 ng/m³
Zn	2,000 ng/m³	64 ng/m³	35 ng/m³
Br	700 ng/m³	8 ng/m³	6 ng/m³
Sr	2,000 ng/m³	8 ng/m³	5 ng/m³
Pb	500 ng/m³	21 ng/m³	12 ng/m³
As	3 ng/m³	0.48 ng/m³	0.38 ng/m³
Se	20,000 ng/m³	0.31 ng/m³	0.49 ng/m³
Hg	30 ng/m³	0.45 ng/m³	0.10 ng/m³

Attachment 2 The following report was distributed at the meeting by Carey Patterson, Brimbank City Council.

Brooklyn Industrial Area Update – May 2011

Summary

The Council development compliance team have undertaken a further 56 inspections to the Brooklyn Industrial Precinct since the last meeting on 9 March 2011.

The EPA and Council continue to meet and work together and undertake joint inspections of various properties in the area to ensure progress is being made in relation to complying with the requirements of the various PAN notices that are currently in place.

The soil stockpiles in Somerville Road Brooklyn have continued to be reduced following negotiations with the EPA, Council and the operators. Council and EPA will be meeting with City Circle and Delta to finalise the bunding design and works program.

Council has commenced enforcement action against the owner and the tenants of the site in Geelong Road with an application for an enforcement order currently lodged at VCAT. The owner has advised 11 tenants mainly skip bin use, rubbish bin collection and Materials Recycling uses have been given notice to vacate the site and is the process of occurring.

Enforcement Activity

- 11 of the uses on the Powercor site have been given formal notices to vacate by Powercor. These uses consist of skip bins, rubbish collection and materials recycling.
- The Council had commenced enforcement proceedings in VCAT against two of these operations who are challenging the Council's actions. This application also includes the owner of the land.
- Further meetings are to be held with Powercor Representatives to discuss the current uses on Powercor land that may require permits or removal.
- Two operators at 69 Bunting Road are also subject to an Enforcement Order application at VCAT (use with no permit) and the Land owner will also be joined as a respondent to the application.
- Enforcement action against Slidecross Transport has now ceased following the granting of permission to operate following consultation with EPA and AQUIS requirements.
- A previous Enforcement Order granted against a use (Durro Sands) has completed and has satisfied council re works required to be done via an Enforcement Order application.

Brooklyn Road Works Update

- The Council has completed the road works program that has previously been reported on. The works in question were undertaken over the March and April period.
- The Council operations team will continue to undertake dust suppression treatments to the various road surfaces as and when required.
- Council operations staff are continuing with investigations into drainage issues in Jones Road and are continuing to work on an interim arrangement relating to the removal of water over the road surface that has been occurring.
- The road sweeping program will continue on a programmed basis
- The condition of Bunting Road will also be monitored and grading and rolling will occur as required.

There have been no new planning applications received by Brimbank for the period in question

Development Compliance Team

May 2011

Meeting Attendance Record – 12 May, 2011

45 people registered their attendance at the desk:

Name	Organisation	Name	Organisation
Adrian Masterman-Smith	Resident Altona North	John Styzinski	Brooklyn Resident
Alan Bloomfield	City Circle Demolitions	Ken Mathews	Brooklyn Meat Processors
Alex Kozeniauskas	Delta Group	Laurie Bell	BRAG/Brooklyn Ratepayers
Andrea Mason	Executive Officer, BCRG	Lowen Clarke	Resident
Bert Boere	BRAG	Lyn Denison	EPA Victoria
Bill Cole	Resident	Malcolm Ramsay	Hobsons Bay City Council
Bruce Light	On The Nose	Marcus Gibson	Fulton Hogan
Carey Patterson	Brimbank City Council	Marg Renwick	EPA Victoria
Clare Lombardi	City West Water	Michael Raffoul (Cr)	Hobsons Bay City Council
Chris Webb	EPA	Mike Jenkins	Resident
Craig Palmer	Australian Tallow Producers	Nadia Verga	TPI/TWM Landfills
Dennis Pedretti	Australian Tallow Producers	Nick Matteo	Maribyrnong City Council
Emma Roper	EPA Victoria	Nick Morgan	Cargill
Foti Beratis	Maribyrnong City Council	Paul Ratajczyk	EPA Victoria
Geoff Mitchelmore	Resident Altona North	Rachel Lowe	Fulton Hogan
Gheorge Boere	Resident	Richard Marks	EPA Victoria
Greg Hughes	Sims Metal	Sheila Cabral-Sheppard	TPI/TWM Landfills
Heather Humphreys	Resident Brooklyn	Stephen Sully	Brimbank City Council
Hector Burton	Resident & Swift Employee	Susan Fitton	Brimbank City Council
James Fraser	On The Nose	Tony Kairouz	Brooklyn Meat Processors
Jan Cole	Resident	Val Bezjak	Veolia
Jen Lilburn	BCRG Chair	Wade Noonan MP	Member for Williamstown
Jo Callus	Resident Altona North		

Apologies			
Brian Long (post meeting)	BRAG	Kerry Murphy	EPA Victoria
Carmen Largaiolli	BRAG	Meredith Sussex AM	Brimbank City Council
Cath Williams (post meeting)	Yooralla	Paul Younis	Brimbank City Council
Christian Buxton	Sunshine Groupe	Tom Buxton	Sunshine Groupe
John Rowe		Tony Briffa (Cr)	Hobsons Bay City Council
Ken Deutscher (post meeting)	Huntsman Performance Products		