

Brooklyn Community Reference Group: Rolling Action List – updated 14th September, 2011

Actions	Issue	Lead	Date issue first tabled	Target completion	Status at 14 th September, 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 01/07/11</p> <ul style="list-style-type: none"> ▪ 5 uses have ceased operations. ▪ A Planning application has been processed and is anticipated to be presented to the September meeting of the Planning Committee of Council for the enclosure of two odour sources (as directed by EPA) at Australian Tallow). This application also requires the sealing of the carparking area which has been identified as a potential dust source. ▪ 1 of the VCAT applications has resulted in an agreement by consent in relation to the operators at the Powercor site. The open air recyclers are in the process of relocating from the site. ▪ A separate application for the open air recycling operations has been lodged with VCAT and the Council is waiting on a hearing date.

					<ul style="list-style-type: none"> ▪ Council is continuing with the road maintenance program for Jones Bunting and Old Geelong Roads. ▪ There is also drainage works underway in Jones Road to address some of the issues associated with water pooling and collecting on the road. ▪ Council has recently received a complaint relating to wind rows at Twiggs (TPI) site in Old Geelong Road. This is currently being investigated.
3. EPA Regulatory Role					
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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.</p> <p>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>	Dust	Richard Marks, EPA	12/05/11 Action 1	Complete	<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 -</p>	Enforceable Undertakings	Richard Marks, EPA	12/05/11 Action 6	Complete	<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</p>

can they respond from this standpoint please.					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.'
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.
3.20 EPA to respond to complaint that they need to explore the possibilities of other odour sources instead of making callers feel that they are putting in nuisance reports	Odour	Richard Marks, EPA	18/08/11 Action 1		
4. Local Government Planning and Enforcement					
Actions	Issue	Lead	Date issue first tabled	Target completion	Status at 14 th September, 2011
4.3 Brimbank Industrial Land Use Strategy: Review of industry in Brimbank, focus on Brooklyn (originally listed as Action	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.

2.4)					
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	Complete	22/08/11 - HBCC Vicroads have installed 5 lengths of safety wire fencing in Francis St. Further sections could not be fenced because of existing service pipes. Marco Nastic from VicRoads to provide further updates.
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	Complete	22/08/11 - HBCC Believed to be too distant from source of dust. No further action. 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 The issue of dust continues to be a health issue and is recognised by the EPA. Why can't more be done eg in Francis St and Cemetery Rd are the worst where we have been asking for action for 10 – 15 years?	Dust	Cr Michael Raffoul	18/08/11 Action 2	Complete	20/08/11 - Malcolm Ramsay In Francis St, Council has installed 'no stopping' and 'time limiting parking signs. VicRoads have installed wire safety fencing and also sealed some of the road shoulder. Parking officers have visited the area on several occasions and have found the trucks to be generally compliant with the new parking restrictions. To date, it has only been necessary to issue a couple of PINs.
5. <u>Communications</u>					
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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.
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6. Roads

Actions	Issue	Lead	Date issue first tabled	Target completion	Status at 14th SEptember, 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		<p>11/08/11, VicRoads</p> <p>A Planning Panel Report was completed in August 2009 for the rezoning of the site from industrial to residential & business (PSA C63).</p> <p>The Schedule to the Development Plan Overlay as part of the Planning Scheme Amendment includes to following traffic and access items:</p> <p>Upgrading Francis Street with a central landscaped median strip along the frontage of the site. Breaks in the median strip are envisaged at Roberts and Richards Street.</p> <p>Signalising both the Francis Street and Roberts Street, and Francis Street and Richards Street intersections. The signalisation of the intersection with Richards Street is to be reviewed with VicRoads prior to construction; and</p> <p>Construct a new road along the east side of the site (Mclvor Rd) linking Francis Street to Fogarty Street and The Avenue underneath the Westgate Freeway.</p> <p>There are no planning permits associated with the new Bradmills site. A Master Plan / Development Plan is yet to be prepared.</p> <p>The above addresses the widening (as best as it can be</p>

					<p>addressed as there are no finer details at this stage)</p> <p>Traffic management conditions will be placed by VicRoads on any permit associated with the new estate which will ensure that all traffic management will be to all the relevant standards.</p>
<p>6.3 Provide feedback on higher level discussions when possible re the sealing of Francis St</p>	Dust	Malcolm Ramsay HBCC	12/05/11 Action 5		<p>11/08/11 VicRoads</p> <p>Francis St between Millers Rd and the Railways has now been asphalt sealed 3m from edge of roadway (the edge of seal now representing the edge of VicRoads demarcation responsibilities).</p> <p>Wire Rope Safety Barrier has also been installed to prevent trucks from illegally parking along various shoulder areas.</p> <p>VicRoads is now reviewing the need to extend this treatment.</p> <p>VicRoads will request Council assistance in enforcing illegal parking, particularly for trucks within the "No Standing" areas along Francis St.</p> <p><u>31/05/11</u></p> <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>
<p>6.4 Seek information from VicRoads regarding noise and safety barriers for Miller's Rd exit from the freeway</p>	Noise	Andrea Mason to follow up with VicRoads	12/05/11 Action 8	Complete	<p>11/08/11 VicRoads</p> <p>VicRoads is about to complete a broader noise modelling exercise across its freeway network. An independent consultant will undertake review of the findings a present VicRoads with a draft report in the coming months, with VicRoads likely to be in a position to share its findings towards the end of 2011. Millers Road will be included in these findings.</p>