

BCRG COMMUNITY FORUM 4/2012

Date: 14 November, 2012

Time: 6:00 for 6:30 – approx. 9:00 pm

Where: Brooklyn Community Centre, Cypress Avenue Brooklyn

Meeting Purpose:

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

Chair: Jen Lilburn

6:00	Light Refreshments
6:30	1. Welcome Apologies Confirm meeting purpose and agenda 2013 Meeting Dates Confirm draft meeting notes – 16 May, 2012 Confirm draft meeting notes – 15 August, 2012
6:40	2. Quick Update by Peter Morley (Australian Tallow)
6:45	3. Bert Boere, Brooklyn Residents Action Group Group update
6:50	4. Bruce Light, Yarraville On the Nose Group update
6:55	5. Susan Fitton, Brooklyn Industrial Precinct Strategy Committee Final Brooklyn Industrial Precinct Strategy.
7:05	6. Richard Marks, Manager Pollution Response EPA Victoria Update on dust, noise and odour program Inc questions
7:25	7. Questions for Bert, Bruce, Susan and Richard
7:45	Break
8:05	8. Industry – Peter Wallis (Project Manager, Monde Constructions) representing Tasman Logistics Services
8:15	9. Industry – Cheryl Valneris (Director, Victorian Container Management Pty Ltd) and Helen Paterson (OHS/Accounts Manager, Raffnet Pty Ltd)
8:30	10. Panel questions/discussion , including a quick Council update by Foti Beratis (MCC), Malcolm Ramsay (HBCC), Simon Vittorio (BCC) Other panel members: Peter Morley, Peter Wallis, Cheryl Valneris
9:00 (approx)	Close

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

Jen Lilburn (Convenor) welcomed everyone including the members from the Brooklyn Residents Action Group and Yarraville On The Nose, as well as new councillors from Hobson Bay CC, Sandra Wilson and Colleen Gates. Apologies included John Watson (newly appointed Administrator for Brimbank CC), Wade Noonan MLC and Andrew Elsbury MLC (see Attendee list at the end of these notes).

Jen thanked Bruce Light for chairing the previous forum. The draft meeting notes from the previous meeting on the 15th August 2012 were confirmed as accurate. It was agreed to adopt the draft meeting notes from the meeting on the 16th May 2012 as accurate if no further feedback had been received by the 21st November 2012

The meeting dates for 2013 were confirmed as Wednesdays: February 13, May 15, August 14 and November 13.

Jen thanked the EPA for funding the new signs used at the meeting including the aerial map of Brooklyn supplied by Brimbank CC.

She went on to reaffirm the values and meeting conduct of the forum which is a key part of the success of the BCRG.

Finally Jen congratulated Brimbank CC (in partnership with EPA Victoria, Meinhardt and MGS) for the "Hard Won Victory" Award at the Planning Excellence 2012 Victoria Awards (for the Planning Institute of Australia). The project was "The Brooklyn Evolution Project".

The judges said:

"This project represents a triumph of persistence, the realisation of a long held vision and a strong desire to consult and engage with a community that had become jaded and disillusioned with years of promises, plans and collaborative processes across a range of organisations with varying roles and responsibilities. The City of Brimbank took leadership of the issues, in collaboration with the EPA, turning around community attitudes to the Braybrook industrial area and gaining critical public support for a long term plan that minimizes industrial impacts.

Working with a sceptical and hostile community that had lost faith in the capacity of any level of government to address a series of seemingly intractable problems associated with the conduct and operation of a whole of series of industrial uses, the award winner has demonstrated that planning using sound processes of engagement can provide actions that will deliver real gains - an exemplary 'hard won victory'."

Jen acknowledged the roles played by BRAG, On The Nose and BCRG.

Item 2. Update from Peter Morley, CEO, Australian Tallow Producers (ATP)

Peter Morley gave an update on the operations of ATP since he presented at the previous forum in August. ATP has been operating under a Pollution Abatement Notice which finished at the end of September and a report was submitted to the EPA at the end of that period. The EPA has indicated that they still have some issues which they require to be addressed and ATP are currently addressing these. The first stage is to increase the height of one of the biofilters and change the filter media. All the biofilters need to be upgraded which is estimated to cost ~ \$1.3M. ATP is also developing an Environmental Management Plan to map a way forward and intends to include community consultation in the development of that plan.

Jen confirmed Peter's offer for community members to contact Peter directly if they have any concerns - as well as notifying the EPA. This direct approach can sometimes speed up the response time for action.

Peter acknowledged that ATP has very low credibility in the community and that his goal, is to address people concerns but that this will require a long term commitment.

Items 3 & 4. Bert Boere Brooklyn Residents Action Group (BRAG) and Bruce Light Yarraville On The Nose (YOTN)

Bert gave an update on the Brooklyn Federation Trail Park project and the funding from the *Inspiring Environmental Solution Program* at the EPA plus Hobsons Bay CC and business support. There is still some money remaining and the project has been extended to the middle of November to enable the establishment of a watering point and other facilities along the trail.

Also as part of the process HBCC has bought 2 new properties in Cypress Ave. These blocks will be subdivided and used to develop an off road 4m walk way which will link the Federation Trail and Millers Rd from Cypress Ave over the Westgate Freeway to Altona Gate Shopping Centre.

Bruce acknowledged the funds YOTN received through the EPA from Cargill plus Maribyrnong CC for ongoing maintenance which has enabled 323 trees to be planted. There are some funds still remaining which will be used to water the trees as they were quite late being planted.

BRAG and YOTN have also met with Wade Noonan, MLC and Andrew Elsbury, MLC to discuss issues related to dust, noise from reverse beepers and odour. As members of the Brooklyn Industrial Precinct Strategy Committee, they also promoted the new Brooklyn Evolution Strategy developed by Brimbank CC in an effort to create awareness of the plan and encourage its implementation.

Item 5. Susan Fitton, Brooklyn Industrial Precinct Strategy Committee

Susan gave an update on the Brooklyn Industrial Precinct Strategy Committee which has been overseeing the production of the Brooklyn Evolution Strategy. At the recent BIPSC meeting held on 18th October Meredith Sussex AM was farewelled having chaired the committee for the first two years and John Watson was welcomed as the incoming Chair. John has indicated that he will be attending BCRG in the future but was an apology for this one.

The [Brooklyn Evolution Strategy](#) is currently at the printers but is available on the [Brimbank CC website](#). It has been adopted on October 2nd by Council and is now being used by the planners at Brimbank.

The Strategy includes short, medium and long term implementation plans. Next year the priority is to advocate for the State to make a firm commitment and formalise the exact alignment for the proposed East West link. This will give businesses in the area some certainty for forward planning. It is also planned to start an investment attraction program including a prospectus and study the economics of the area. BCC will also continue reviewing its strategy control and planning permits.

The November 2102 copy of the Brooklyn brochure [Developing a Dynamic Future](#) which summarises the Brooklyn Evolution Strategy was made available and is available on the [Brooklynip website](#).

Susan thanked everyone involved for their hard work which resulted in The Planning Institute Award mentioned earlier. It was quite unique for an industrial area to win!

Item 6. Richard Marks, Manager, Metro, EPA Victoria - Update on dust, noise and odour program

The full [EPA Report BCRG Update 14 November 2012](#) was sent in BCRG Update 19 prior to the meeting and is available as [Attachment 1 on www.brooklynip.com.au](#) .

Richard added his congratulations to everyone on the recent Award. Bert Boere added his thanks to the dedicated work of the Administrators at Brimbank CC. Richard gave an update on the Australian Tallow Producers Pollution Abatement Notice and then discussed the recent increase in dust exceedences in Brooklyn and the EPA's response to these.

Slide 3 Compliance Activities – Odour

- Actions have been taken against Australian Tallow Producers:
 - Notice of Contravention
 - Show cause letter
 - Investigation into compliance with PAN
- New Odour source identified
 - Leachate/Landfill gas emitting from bores at Transpacific Waste
 - EPA is working with company to rectify the issue
- Odour surveillance continues
 - To determine extent of odours from Brooklyn Meats and Australian Skin and Hide

EPA doesn't believe ATP has complied with the PAN and that improvements undertaken to date have not been effective. EPA have sent ATP a Notice of Contravention and a Show Cause letter which gives ATP an opportunity to provide reasons why they should be able to continue to operate or EPA will suspend their license.

In the past there were 4 main sources of odour: Organic Recyclers which became Sita and have moved elsewhere, Tasman Meats which is now Swifts and have improved their operation, Cargill which is now largely compliant and Australian Tallow Producers.

Other sources in the area may still be being masked by ATP.

Slides 4, 5 and 6 Dust Monitoring Update

- We have had the most exceedences to start the financial year (Jul-Sep) since we started testing.

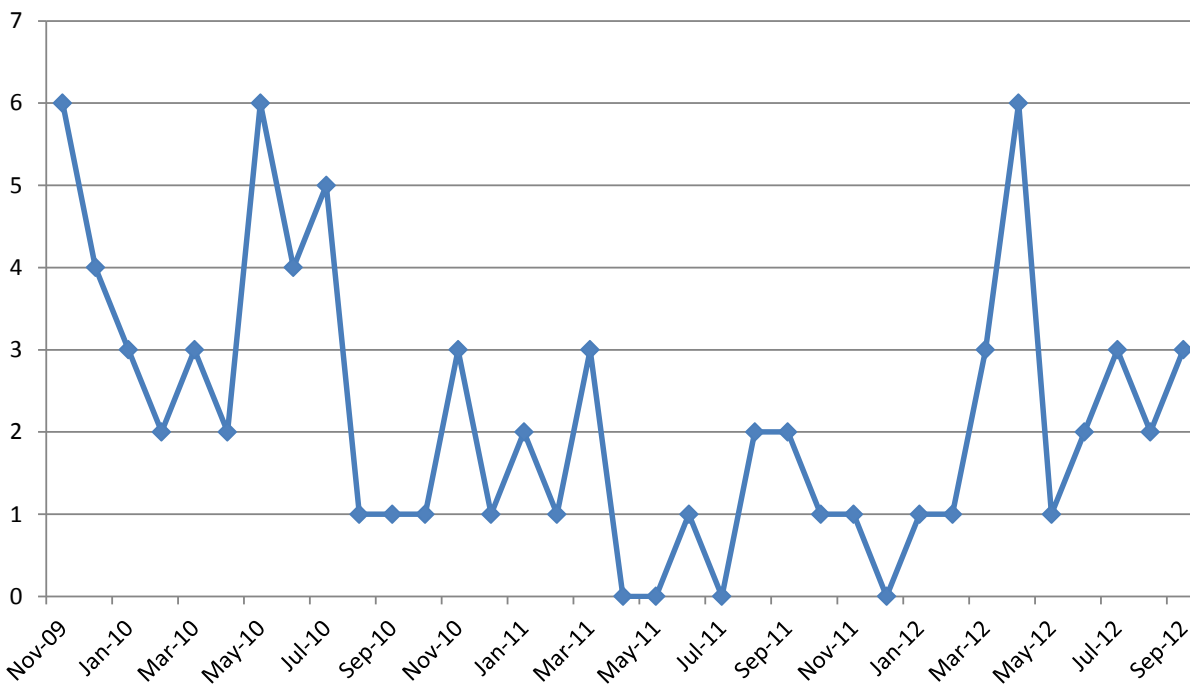


Fig 1 Dust Monitoring – 3 monthly intervals

- There is an upward trend in number of exceedences and the number of days in which we would expect exceedences
- Conditions with no rain for 3 days then northerly winds are the most likely to cause exceedences and this has been the worst year with these conditions.
- The poor start to this year was partly contributed to fuel reduction burns.

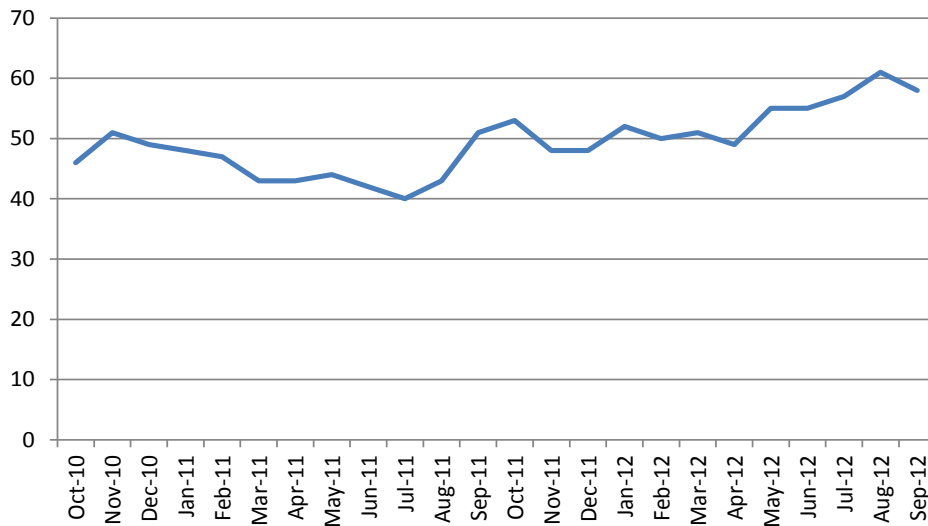


Fig 2 Rolling 12 month potential exceedence days graph - No rain in previous 3 days and persistent north winds

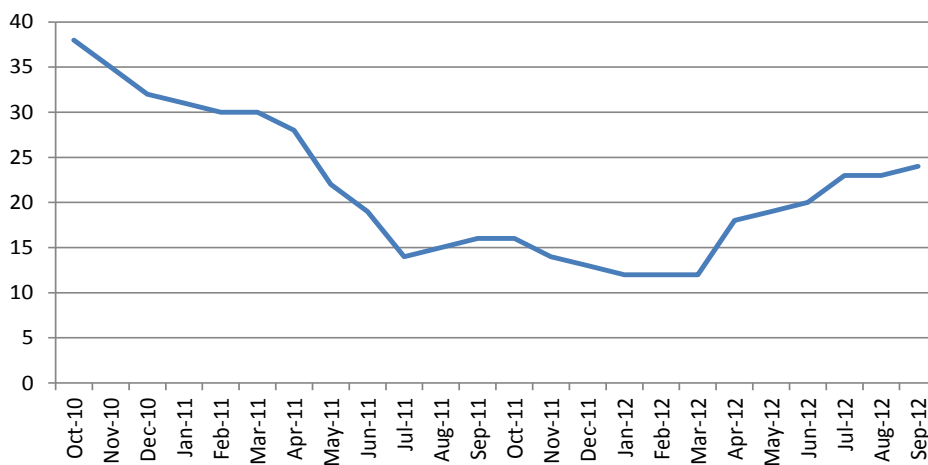


Fig 3 Rolling 12 month PM₁₀ exceedence graph

- The magnitude of the exceedences is lower, so number of breaches of SEPP intervention level (60µg/m³) has been dropping.
- [Hourly reports](#) for air quality can be found on the EPA website.

	Number of days PM ₁₀ levels averaged greater than 60µg/m ₃
• 2009-10	• 16 (50%)
• 2010-11	• 7 (37%)
• 2011-12	• 7 (35%)
• 2012-13	• 2 (25%)

Fig 4 Magnitude of exceedences

Slide 7 Dust Surveillance

- EPA continues to conduct surveillance activities on forecast high dust days
- Numerous incidences of off-site dust have been observed
- Many companies are not implementing dust controls
- Some companies appear to only put in controls when they observe EPA vehicles (see Fig 5.)

It was noted that the alerts to businesses and schools of potential high risk dust events was a positive tool and that businesses not currently receiving these should contact the EPA.

Slide 8 Unmarked and Marked Cars

The photographs on the left show sites generating dust when EPA was conducting surveillance in unmarked cars. The photographs on the right show water trucks and sprays in operation at sites when EPA was conducting surveillance in marked cars.



Slides 9 and 10 Revised Brooklyn Strategy

EPA Vision for Brooklyn

Brooklyn Industrial Precinct is for a place where business and community work co-operatively to ensure the environment is protected and air emissions (odour and dust) do not affect community health and amenity. Brooklyn will be a modern, vibrant hub of social, environmental and economic activity where industries and the community co-exist living sustainably together.

Industries operating in the Brooklyn Industrial Precinct will understand and meet all their environmental obligations. The long term environmental performance of industries in Brooklyn will be managed through appropriate land use controls that account for the different adjacent uses in the precinct. There will no longer be a need for reactive measures to retrospectively address environmental issues through enforcement notices.

Two Priorities:

- To ensure long term solutions are in place to address dust impacts on the Brooklyn community generated from unsealed roads and verges in the Brooklyn area
- To ensure that operator activities in the Brooklyn Industrial Precinct cause minimal environmental impact on their surrounding community.

Slide 11 Compliance Activities - Dust

- EPA has a new list of target sites see **Attachment 1**
- All target sites will be required to make improvements
- 5 Premises have already been issued PANs

Slide 12 Why We Need to Keep Improving

- Brooklyn is still well behind the rest of Melbourne
- Brooklyn is still top of EPA list of sites

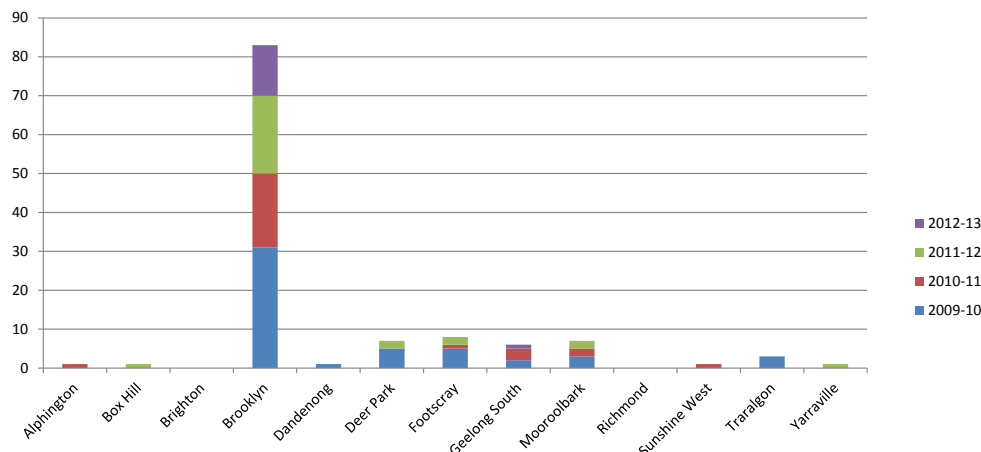


Fig 6 PM₁₀ Exceedences in Port Phillip Network

Item 7. Questions/Discussion

Comment: 2010 was the worst year with 40 exceedences which is over 8 times World Health standards. The draft Victorian Health Report shows a study on admissions to hospital of the elderly and young for lung related diseases and this area has the highest for respiratory problems.

Comment: The exceedences for dust in Brooklyn are 20 times those of the rest of Melbourne and Victoria. There have already been 13 in the first 3 months. We need all industry on board and to do something - every little bit helps. The community want this issue fixed as it is totally unacceptable.

Question: When and how does the EPA measure the odour problem from ATP?

Answer: (Richard Marks, EPA) Final compliance inspection was held in October. The inspection didn't measure odour but measured equipment installations and function. Investigations also were based on community reports.

Question: The odour over the last 6 weeks has been physically sickening and occurs mostly around midnight when the EPA staff are not available. How does EPA monitor this and know how bad it really is?

Answer: (Richard Marks, EPA) EPA has found a link between the reports of odour to times when there is a prevailing northerly wind which directs the odour to residential areas and believes that the odour is most likely always there but not reported at other times.

Question: What time frames are in place for the 5 new PANS that have been issued for dust?

Answer: (Chris Bydder, EPA) Most of the PANs require engineering works to be done. 1.5 years is generally enough time for the companies to undertake surveys, apply for permits and achieve sealing or drainage works.

Question: We work in a container yard but odour is an issue to us too. Is there any precedence where controls for odour have actually worked?

Answer: (Richard Marks, EPA) There are examples of industry best practise in Brooklyn now eg BPL Melbourne Pty Ltd which was the first one to comply and JBS (SWIFT) which has successfully installed equipment. ATP has put in the right equipment but it is not operating properly.

Question: Is the issue of OHS for workers in Brooklyn another avenue for intervention?

Answer: (Richard Marks, EPA) WorkSafe have looked at it and the thresholds for employees are higher than those for residents – especially as workers are generally not the elderly or children. Workers also have access to protective clothing. One industry has undertaken voluntarily dust monitoring and found levels to be high and have instigated works based on that.

Comment: Sunshine Groupe staff have personal dust monitors and they have complied to Worksafe regulations and standards set by an independent consultancy.

Question: Have there been any contributions from other areas on the days of northerly winds?

Answer: (Richard Marks, EPA) Initially there were 3 monitoring stations and these have shown that dust in Brooklyn issue is generated locally.

Comment: The dust is affecting not just Brooklyn but also Yarraville, Sunshine, Altona North and West Footscray.

Question: Do the PANs issued for dust have a short term and long term provision?

Answer: (Richard Marks, EPA) The initial approach was to help industry understand what was expected of them and how to comply. EPA also paid for a consultancy to help them develop plans. Each PAN has short term controls including a review every 2-3 months of their dust management plans.

Question: Is there any active monitoring beyond Brooklyn into Altona North?

Answer: (Richard Marks, EPA) The dust is not travelling that far. Some issues with dust in that area are very localised and specific to certain roads.

Question: Could any of the industry present provide a response to what they see is happening

Answer: (Cheryl Valneris, VCM) VCM were issued with a PAN for dust. After attending a BCRG forum and listening to the impact this was having on the community we realised just how important the issue is and have been working to find solutions to the dust we produce. Our biggest issue is that we don't own the land we operate on. More information can be seen in the presentation to follow (see Item 9).

Answer: (Alex Kozeniauskas, Delta Group) It is disappointing that after 2 years we haven't been able to implement all the controls we would have liked and we have been pulled up recently for not fulfilling some of our management obligations. However there are also other issues that have been raised that are outside industry control that still haven't been addressed but are significant contributors of dust such as the sealing of roads.

Answer: (Susan Fitton, Brimbank CC) At the council meeting on October 16, it was proposed to declare a special charge scheme for landowners to contribute to the making of Jones and Bunting Rds. This process could take around 3 years subject to negotiations and further planning take place.

Answer: (Christian Buxton, Sunshine Groupe) We own 2 water trucks that we use to suppress dust. We are revising our internal management systems to ensure that each manager understands the values and standards our company expects.

Sunshine Groupe offered 3 years ago to seal Bunting Road for access to the site but this was blocked by Brimbank CC. BCC undertook to take on the management of that road but this has not been successful recently and the council water trucks are not coming often enough or on the hot days. We support the upgrade of Jones and Bunting Roads but need clarity around the EastWest link route which may alter these roads.

Comment: (Richard Marks, EPA) Any changes as a result of EastWest link are at least 10 years away.

Comment: According to EPA 50% of the dust is still coming off sealed roads. In Somerville Rd, Paramount Rd, McDonald Rd and Francis St dust is tracked from industries onto the roads. Congratulations to Tasman Logistics for sealing their roads as requested and doing the right thing by the community.

Answer: (Cheryl Valneris, VCM) We have been undertaking our own monitoring and this shows that the dust is coming from the council roads - not our premises.

Answer: (Richard Marks, EPA) The EPA reports early this year identified roads as a significant vector of dust but did not specify sources.

Comment: The dust is still coming from businesses. Over a week ago I witnessed operators putting up dust as they loaded steel. Today I joined an extremely distressed resident, who suffers from asthma, to witness a tipper truck being loaded by an excavator putting up huge clouds of dust. This was reported to the EPA.

Comment: A lot of the mud along the sealed roads is on the nature strips such as McDonald Rd which is at least 15 cm higher than the curb. This needs to be removed by council.

Action 1 Simon Vittorio from Brimbank CC to notify council of this situation.

After the meeting...Response from Simon Vittorio, 6/12/2012

Simon has raised the issue with Council staff who will investigate and provide a response as soon as possible.

Comment: Not all industries are using modern techniques eg still operating conveyor belts without covers for dust.

Comment: When the curbs were originally built they were the same level as the road and the mud has come in from industry—also the same in Somerville Rd and Geelong Rd.

Jen Lilburn: The message from the forum is loud and clear - there is still a need for industry to improve performance.

Answer: (Christian Buxton, Sunshine Groupe) As well as our concerns for the wellbeing of the community, we are also trying to comply with EPA notices. Money needs to be spent where it can achieve the best effect. We believe that putting covers on the conveyor belts on a windy day doesn't necessarily work. It is more effective to cover hopper sites and transition points.

Comment: It is a shame that many industries wait until they receive a PAN before acting. Also, of all the industries operating in Brooklyn, only a small number are aware of their impact. When BCRG started, the EPA met or invited a lot of industries but now the focus has changed. Industry needs to know that they are not just creating noise, dust and odour but that it is impacting on community health.

Question: When the EPA talks with industry do they discuss about contraventions of the Act, or impacts on community?

Answer: (Richard Marks, EPA) Generally both. However it can help, when the focus on the law isn't working, to put a human face to the issue. This is why EPA encourages people to come to this forum.

Comment: (Helen Paterson) Having walked around near to my place of work, I was physically sick after 20 minutes from the dust in Alick Rd – which has not been mentioned in any reports including the Net Balance Report. There are still many more industries that need to be involved.

Comment: If these industry owners lived here they would know how sickening it is – poor quality of life from dust and odour.

Answer: (Cheryl Valneris, VCM) I live in Altona and have worked here for 12 years and I know it affects everyone including the workers. We have 30 workers in this area. These problems are not fixed as EPA says.

Item 8. Peter Wallis (Project Manager, Monde Constructions) representing Tasman Logistics Services

Peter's presentation can be seen in full in [Attachment 2](#).

Peter spoke about the history and current operations at Tasman Logistics Services in Craig Morris' absence. Peter is managing the site and building modifications for the site at 521 Geelong Rd, Brooklyn including:

- Seal site with concrete where marked for permanent fix.
- Building a new canopy
- Constructing a new office building

It is hoped that these improvements will significantly reduce the amount of dust being generated.

They did this because of the **Community Benefit & Commercial Reality:**

- Compliance with **EPA Notices** is mandatory
- Compliance with **Council Planning Permit** conditions is mandatory
- Industry is an **essential contributor** to economic prosperity (rates & taxes), employment creation and quality of life in the community (goods & services)
- **Impacts of industry** (trucks, dust, odour etc.) must be controlled and managed by companies, authorities & regulators in the community interest
- **Commercial viability** is essential driver of corporate decision making
- **Net community benefit** requires a balance between environmental regulation, enforcement & aspirations and the cost benefit (risk & return) of capital expenditure on site improvements for owner & tenant (higher rent)

Investment on this project was driven by:

- acceptance of **corporate responsibility**
- long term vision & **business growth optimism**
- adoption of **industry best practice**

Item 9. Cheryl Valneris (Director, Victorian Container Management Pty Ltd) and Helen Paterson (OHS/Accounts Manager, Raftnet Pty Ltd trading as Container Logistics)

Cheryl and Helen's presentation can be seen in full in [Attachment 3](#).

Cheryl opened and gave a detailed overview of the container business and the issues related to dust for both businesses and what has been done to address these. Helen gave an account of the issues offsite, in particular related to dust on neighbouring roads.

Cheryl gave an overview of VCM's relationship history with the EPA

- VCM was first made aware of a dust issue receiving a PAN notice on 23 March 2010, one of many served on industrial premises in the Brooklyn area.
- EPA assisted companies by offering them a free first consultation with a dust professional which VCM took up.
- VCM required further assistance and engaged another dust professional company, GHD Pty. Ltd on 20TH May 2010.
- GHD made an assessment on our company and whilst admitting we can do more to reduce dust, they did not believe we were a major contributor to dust in the area.
- GHD provided VCM with a Dust Management Plan which was put into effect immediately.

VCM needed to purchase new equipment to implement these measures. A water cart, and bobcat were purchased.

New measures included:

1. Watering all hardstand areas to the rear of the property.
2. Watering front driveway.
3. Relocation of container stacks to improve wind barrier.
4. Application of "Dustex", a lignosulphonate based product.
5. Reduction of speed in the yard, from 20km to 10km.
6. Employee awareness.
7. Monitoring system.
8. Yard maintenance.

Based on these measures the PAN notice was subsequently revoked on 6th February 2012.

Similarly, an overview of Container Logistics' relationship with EPA included:

- Container Logistics was issued with a PAN notice on 27TH May 2011.
- CL introduced a maintenance program including:
 1. Regular watering of all hardstand areas.
 2. Continual grading of yard.
 3. Reduced speed limit signage.
 4. Regular monitoring by designated employee.
 5. Limited cleared areas, orientation of shipping containers to act as a wind break.
 6. Purchased a bob cat for improved maintenance.
 7. Reporting system for transport operators (flyer & signage)

Based on these measures the PAN notice was subsequently revoked 6TH February 2012.

(the EPA was satisfied that the company was addressing the issues of dust and mud on the premises by current activities).

VCM's further improvements in response to the PAN notice and in addition to existing measure were:

1. Reviewed current watering practices.
2. Purchased a street sweeper for internal use.
3. Purchased new water cart.
4. Purchased grader.
5. Employed full time maintenance manager.
6. Documented maintenance program.
7. Further consultation with staff on reporting procedures for dust/mud control
8. Engaged ISS, a street sweeping company, to manage crossover and 10m either side of property.
9. Repaired concrete area at front of yard (photos)
10. Installed new concrete area over major traffic area.
11. Continued consultation to completing concrete works with landlord
12. Changed traffic flow of trucks moving through the yard
13. Consulted with Container Logistics on further dust mitigation measures within the Brooklyn precinct.
14. Completed some works of removal of rubbish from the front of the yard.

VCM have also been able to:

- Finalise agreement with Landlord to repair loading areas with concrete. This will provide full bitumen/concrete to all truck movements through the yard.
- Continue and monitor one way traffic and its effect on dust in the yard.
- Finalise the application of Dustmag on the remaining hardstand areas that cannot be concreted.
- Assess/review the need for further concrete in middle driveway (last hardstand area, with no bitumen/concrete) If needed, this area will be concreted.

VCM feel with the above final changes we can stop any dust from exiting our depot.

Container Logistics further improvements included:

- Engaged ISS facility services to conduct regular sweeps of driveway and 10m either side of driveway.
- Monitoring including additional sweeps on an as needs basis.
- Dust suppressant application – DustMag, by Rainstorm on 20th October 2012 (to date a significant improvement)
- Planted 18m of nature strip at our entrance with vegetation. (photos)
- Installed and currently trialling Drainwarden, a filter sock for our drains.
- Reduced the speed limit from 8kms to 5km.
- Continual consultation with VCM, staff and training.
- Investigating non-compliance with transport operators regarding speed in yard.

Helen raised their concerns regarding other contributing factors to dust in particularly around Alick Rd and Somerville Road. Some of these are:

- The nature strip in front/around our depots.
- Other adjoining roads.
- The lack of maintenance on the roads by Council/Vic Roads.
- Other industrial premises.

Summary:

VCM and Container Logistics are continuing to monitor the dust issues in the area.

In addition to our own improvements, Helen Paterson from Container Logistics has been assisting the EPA with their investigations of other problem areas in the precinct.

During the last 8 months we have been collecting photos to monitor works done and the effectiveness of this work.

So far we have been successful in pursuing Maribyrnong City Council to re-instate their street sweeping program and will continue to follow up with VicRoads regarding their program.

The following is a list of communication we have had with Maribyrnong City Council and VicRoads (Slide 37). The EPA have been given copies of all documents.

Action 2: Jen Lilburn and Foti Beratis to refer this issue back to MCC for a response.

After the meeting....Response from Ian Butterworth, Director Infrastructure and Engineering, MCC 7/12/2012

Council has a scheduled street sweeping program for its local roads and where required will provide additional sweeping in response to particular problem areas, including Alick Street.

A number of roads in the area, including Somerville road, Francis Street and Paramount Road are VicRoads managed roads. While VicRoads are responsible for the sweeping of their roads, Council has undertaken sweeping along some of them in this area to assist.

Council's Operations Manager, Leon Berry is currently discussing with VicRoads a suitable treatment for the footpaths and nature strips along Somerville Road and we expect to have agreement on the treatment and funding for implementation in early 2013. Further improvement works be undertaken in other roads which will be staged to match available funding.

It is apparent that a contributing factor of the soil build up on the footpaths is the standard of abutting site surfaces and operational activities performed on these sites. Much of the soil has washed off the various industrial sites onto the road reserve and to achieve long term solutions to the problem, this issue will need to be addressed.

Item 10. Councils Update

Malcolm Ramsay (HBCC): Michael Raffoul is no longer a Councillor and Bill Jaboor has left as CEO to be CEO at Brimbank CC. Acting CEO is Chris Eddy.

Foti Beratis (MCC): 3 new Councillors and Michael Clarke. The Operations group has relocated its office to Sunshine Rd and I will make sure the issues of Alick Rd are brought to their attention.

Simon Vittorio (BCC): Meredith Sussex is no longer Administrator and has been replaced by John Watson, new CEO is Bill Jaboor. Stuart Menzies is now acting General Manager as Stephen Sully has changed roles. The latest report from BCC can be seen in [Appendix A](#).

Panel questions/discussion, Foti Beratis (MCC), Malcolm Ramsay (HBCC), Simon Vittorio (BCC)
Other panel members: Peter Morley, Peter Wallis, Cheryl Valneris

Question 1 for Foti Beratis (MCC)

Is there a set protocol for council to respond to enquiries?

Response - Foti Beratis. There should be a response particularly if the enquiry had been directed to the CEO. Foti will ensure there is a response.

Question 2 to Councils

As the Council officers present are not always able to answer specific questions, can we ask for correct staff to be present at the BCRG?

Response - Peter Gaschk (HBCC)

Hobson Bay CC have 2 Directors from different areas so hopefully will be able to have the right people here.

Response – Susan Fitton (BCC)

BCC generally has senior staff present such as our General Manager, Engineering, Planning and Building officers as well as our Administrator.

Action 3: Jen Lilburn to approach Maribyrnong CC regarding senior representation at BCRG.

After the meeting... Jen Lilburn raised the concern of lack of senior attendance by Maribyrnong CC with the CEO's office. She advised that Ian Butterworth, Director Infrastructure Engineering, will attend BCRG meetings on Maribyrnong CC's behalf during 2013.

Question 3 for Richard Marks (EPA)

As a resident who works from home, I am getting a sense of the pattern of the odour coming from Australian Tallow Producers. The odour becomes much more intense around midnight when the EPA is not there to monitor. How does the EPA monitor the severity and reach of the odour?

Response – Richard Marks

ATP has a licence and a PAN against that. EPA doesn't need any more evidence than it has already to prove the breach of the requirements of the PAN. The reports we have received were cross checked with the Bureau of Meteorology. EPA officers are trained to measure intensity and they are tested for their sensitivity as there is no instrument that can measure odour more accurately than the human nose. Once in a court or VCAT hearing the EPA will call on community to testify. Community feedback is very important to the EPA.

Richard Mataska – My Australian Tallow story

Richard Mataska is a local resident and read from his prepared notes his account of the level of discomfort and distress the issue of odour has had on his lifestyle and wellbeing.

About a month ago I was entertaining. I have a decking area in the back, together with a spa. We were all having a wonderful night, until it was brought to an abrupt end as a consequence of the stench emitted from Australian Tallow (AT). 10 minutes into being bombed with your stench, all my guests left. Do you know how embarrassing that was? Do you know how angry I was with AT that night? Your operations significantly compromise the quality of life for residents in neighbouring suburbs. I now am very nervous at the prospect of entertaining friends, wondering if AT will bomb my house with stench again and ruin what would otherwise be a wonderful night. I also consciously pay attention to the wind direction now and hope that any nights I plan to entertain also coincide with a Southerly breeze. (Sadly our prevailing wind is a Northerly which regularly puts me right in your firing line).

3 weeks ago I was invited to dinner across town with people I had never met before. One person asked where I was from. I told her I was from Brooklyn. She immediately replied "Brooklyn? Ahh that's where all the bad smells are".

Again I felt extremely embarrassed that the suburb I live in has a stigma that has spread across all Melbourne. This can't be doing much for our property prices either!

On the 8th of November (last Thursday) I left home in the evening and set my heater to automatically kick off an hour before my anticipated return to home. Upon my return, before I had even pulled into my driveway, I was overcome with the stench coming from AT. That's with all the doors and windows closed in my car. Upon exiting the car, I was taken aback by the familiar, overwhelming disgusting odour emitted from AT. Upon entering my home I was literally drawn to a feeling of illness. For the last hour, my aircon had been drawing outside air, heating it and circulating that air within my home. The odour in question smelled like a burning, rotten carcass. I have travelled to 3rd world countries and I am yet to encounter an odour more disgusting than the stench regularly emitted from AT.

On this particular night, I couldn't open my windows to release the stench from my house as the entire suburb was engulfed by this smell. Whilst turning off my aircon would stop circulating more disgusting odours from outside to within, it would mean that I'd have to freeze inside my own home in response to your stench. Again, your operations have significantly compromised the quality of my life. An hour later, the disgusting stench that invaded my home was still defiantly lingering. I was literally sick to the stomach with no option to escape the odour, unless I fled the suburb.

In the last month, your odours have engulfed my neighbourhood 7 times, nullifying the ability for me to enjoy my outdoor entertaining area and in some instances, doing likewise for the inside of my home DESPITE having all my doors and windows closed and NOT having the air conditioner on. Each time I have reported this to the EPA. It has been logged and fully documented.

In addition to this however, I have also sought independent legal advice. In preliminary discussions, I have just learnt that if in the course of running a business, you compromise the quality of life of neighbouring residents, then you are liable. Several legal precedents have already been established where offending companies have not only been forced to shut down their operations, but ALSO pay damages to affected residents.

When you emit those disgusting odours into OUR air, you significantly compromise the quality of our life and you do it consciously, being fully aware of the impact your actions have upon neighbouring suburbs. This sickening deliberate act shows disrespect and contempt for the neighbouring residents. There is a strong body of evidence that also shows you do this regularly, and have done so over many years. However, now that I know that this is also potentially an act of criminal negligence, I am no longer prepared to put up with this abhorrent behaviour. Your actions moving forward and indeed over the last few decades, may now end up costing AT very dearly.

(Peter Morley) Things to remember when you walk out of here tonight...

- 1) AT – you have blown all your chances.
- 2) You are under heavy scrutiny by the EPA and hundreds of residents across several suburbs that are very passionate about breathing air that is clean and that DOES NOT STINK.
- 3) I cannot speak on behalf of my neighbours, but just speaking for me personally, if I get offended by your disgusting odours ONE more time, I will explore legal proceedings against you, and do my best to rally support from my neighbours to collectively form of a class action against AT.
- 4) If this happens, the ramifications to AT will be significant.
- 5) Finally, I will do whatever I can to raise the profile of this case to any and every media outlet, including print, online, TV and radio. As this action will be quite newsworthy, I'm sure they'd be keen to take this up.

Response - Peter Morley (ATP)

ATP has done a lot of work aiming to improve - there is still more work needed to improve this situation. I'm not aware of any changes in operations occurring at midnight. I have offered my phone number for residents to call me. It is not a directive from management to undertake specific actions at midnight – I will investigate this issue.

After the meeting....Response from Peter Morley, 4/12/2012

I met with Richard at the ATP site on Monday the 19th of November 2012, and walked around the site with him in an attempt to have Richard point out to me the odours he notices. While there was an odour Richard believed he could detect, there was not an odour of the type he had experienced recently or with the intensity he detected from his home. We agreed he would contact me when he detected the odour, he and I remain in contact as yet there appears not to be a repeat of the pungent odour he detected. He has my mobile and email address, we are hopeful that we can track the source whether it be ATP or some other source.

Question 4 for Peter Morley (ATP)

Why didn't you answer my call?

Response - Peter Morley (ATP)

If I missed a call and there was no message left then I would not have responded. I would ask callers to leave a message.

Question 5 for logistics firms

The noise from reverse beepers continues to be an issue - often 24/7. The constant high pitched noise travels over the hum of Geelong Rd traffic and affects community. The community has campaigned for industry to adopt broadband beepers so that the noise is restricted to the business site. Why haven't these been adopted as they are not expensive?

Response - Cheryl Valneris (VCM)

This issue was raised a couple of years and we made an offer for the community to contact us and let us know when and where it was happening but there was no response. VCM has since installed the new beepers on all equipment which make a 'quack' sound.

Action 4 Cheryl Valneris to contact the Container Park Association to organise a meeting to try to get some guidelines developed for all the operators. Cheryl will need supporting documentation to take to the association.

After the meeting... Response from Cheryl Valneris, VCM

03/12/2012 "I contacted three of the container depots, 2 that are on Francis Street and another which is near me. I have explained the situation regarding beepers. MRS have told me that they had previous communication with someone from council regarding the noise and they have already put the beepers in most of their forks. They were told if there was a continued problem they would be contacted, to date no one has contacted them. I suggested they make a list of forks that have been fitted and supply this information. I have done the same with Chalmers, who said they will review their forklifts. I believe they have already also done some of their forklifts. ... The other depot has not responded to me.

I am making a list of all VCM forklifts and noting which ones have been done and which ones haven't. I will be purchasing the new reverse beepers for the ones I haven't.

After the meeting... Response from Cheryl Valneris, VCM cont.

I think a good idea would be to get feedback on nights this is happening, and where they are hearing it, to see if we can track which yard it is coming from. I think each yard will probably think it's not coming from them, or that they have done all they need, as no one is coming to them about the noise.

Maybe a good idea is to put a letter to the container industry in this area, that can be sent to Leigh Taylor, the secretary for the Victorian Container Industry, who, also owns a yard in this area. His email is mrsops@bigpond.net.au."

04/12/2012 Gary Chalmers responded to Cheryl:

"We run 8 forks here at the Park. Seven of them have been fitted with the "buzzer" style reverse beeper - the additional unit is our smallest that is only used during the day to load/unload the workshop. We have just had a changeover of 2 machines (having reached the end of their 5 year lease last week) - we're expecting the beepers to be changed over this week."

Action 5 Andrea Mason to collate information regarding reverse beepers from all BCRG meeting notes and forward them to the EPA and Cheryl Valneris.

After the meeting...

21/11/12 Information from the BCRG notes was collated and sent by Andrea Mason. Bruce Light also sent a copy of an email from a Yarraville resident in December 2011 to Michael Clarke, Maribyrnong City Councillor, as an example of complaints from residents in the area. Both these can be seen in [Appendix B](#).

23/11/12 Helen Paterson advised that Cheryl Valneris has passed this information on to the Container Park Association.

Question 6

Does VicRoads send a representative to the BCRG forum?

Response – Jen Lilburn

VicRoads have attended twice in the past 2 years.

Action 6 Jen Lilburn to follow up with VicRoads regarding representation in the future.

Question 7 for Richard Marks (EPA)

Is there potential for the Innova Soil Decontamination Facility in Kororoit Creek Rd which was recently rejected by Hobsons Bay CC and currently at VCAT, to impact on Brooklyn?

Response – Richard Marks

As Kororoit Creek Rd is not close it will most likely have no impact.

An additional question for Susan Fitton (BCC) was received from a community member by email on 16/11/12.

The adopted Brooklyn Evolution uses non-committing words such as 'avoid', 'discourage', 'where possible', 'preferably', 'encourage' etc. A good example of this is shown under the Design Guidelines – Land Use & Amenity (section 5, page 44). What authority will BCC have once implementation commences? Will it be possible to enforce the guidelines in place of merely suggesting or recommending as the above words imply?

Response 21/11/12, Susan Fitton (BCC)

*The Brooklyn Industrial Strategy "The Brooklyn Evolution" including its design guidelines have been adopted by Council as a strategic plan under Section 60(1A) (g) of the Planning and Environment Act 1987 on the 2 October 2012. When planners assess a planning application in Brooklyn they are **required** to use the strategies adopted under Section 60(1A) (g) of the Act.*

Response 21/11/12, Susan Fitton (BCC) cont.

Council also resolved on the 2 October 2012 that another report be prepared by Council Officers regarding a planning scheme amendment to implement the strategy after the proposed new industrial zones are finalised by the Minister for Planning. The implementation may include placing a reference in the Brimbank Planning Scheme that will give further weight for planners to implement the guidelines. This process will ultimately help determine what conditions a planner may include on any permit issued and therefore give Council the authority to enforce the particular development to ensure the intent of the guidelines are implemented correctly.

Jen thanked everyone again for attending.

She asked participants to put dots on the survey on their way out to gauge community satisfaction regarding processes to resolve odour and dust problems in the general Brooklyn area. See the results in [Appendix C](#).

The meeting closed at 9.15pm.

**Appendix A The following report was distributed by Simon Vittorio, Brimbank City Council.
Brooklyn Industrial Area Update – November 2012**

Summary

The Council & the EPA are continuing to work together on enforcement activities in the Brooklyn Industrial Precinct in accordance with the Memorandum of Understanding (MOU), which acknowledges the joint responsibility Brimbank Council and the EPA have to improve the environmental outcomes within the municipality.

Under the MOU, EPA and Brimbank will jointly investigate and enforce complaints and collaborate on submissions and applications to VCAT. EPA also provides technical support to help guide Council in planning applications within buffer zones.

Enforcement Activity

Since the last BCRG meeting Council's Planning Compliance Department has continued to pursue compliance with the relevant planning controls in the Brooklyn Industrial Precinct by:

- Successfully obtaining an Enforcement Order at VCAT on the 29 August 2012 to have all uses on 69 Bunting Road, with the exception of AAA Bins, apply for a planning permit or cease operation within 30 days.

Two tenants have applied for a planning permit for a store and materials recycling. These applications will be considered by Council in due course.

The owner and a number of other uses remain on the site despite the Order from VCAT. Council is looking to pursue more serious steps, for instance obtaining an order for contempt against the owner, to have these uses ceased.

- Seeking a separate Enforcement Order at VCAT on the 25 October 2012 against AAA bins for undertaking material recycling without a planning permit on 69 Bunting Road. Due to administrative error, VCAT was unable to issue an Enforcement Order on this occasion and the matter will need to be reheard at a later date.

An application for a new Enforcement Order will be submitted to the VCAT early in 2013 to have the operator apply for a planning permit to legalise the use or Council will seek to have the use cease.

It should be noted that Council has pursued the land owner of 69 Bunting Road at VCAT on four separate occasions to try and achieve compliance.

- Working with the EPA to discuss future procedures and operations for dealing with skip bin operations in the Brooklyn Industrial Precinct and across Brimbank.
- Commencing discussions with Powercor Australia to have a fence at the rear of a property at 598C Geelong Road closed to prevent trucks accessing this site via 69 Bunting Road, as this is creating excess dust on Bunting Road.
- Working with the EPA to devise a strategy regarding the on-going enforcement of planning permits issued by Council and clean-up notices issued by EPA.

Movements within Council

- Mr John Watson was recently appointed the Chair of the Panel for Brimbank Administrators by the Minister for Local Government. Mr Watson commenced in his new role on the 1 November 2012 and is the nominated Administrator for BCRG.
- Brimbank recently appointed Mr Bill Jaboor as the new Chief Executive Officer. Mr Jaboor commenced in his new role with Council on the 5 November 2012.
- Stephen Sully has been appointed to a new position within Council and is no longer the General Manager of City Development. Stuart Menzies is currently acting in this position.

Planning Compliance Team, November 2012

**Appendix B BCRG Meeting Notes – references to reversing beepers since 2008
Summary, 20th November 2012, Andrea Mason.**

The issue of noise pollution from reverse beepers and the impact on amenity for residents in the Brooklyn area was first raised as early as August 2008 at a BCRG community forum facilitated by Jen Lilburn. This was the first forum Jen attended. There may be earlier references elsewhere.

All the specific references from BCRG meeting notes are listed below.

EPA, Maribyrnong and Hobsons Bay councils have been asked over time to investigate options to facilitate or fund a changeover to broadband beepers at relatively low cost for relevant businesses – in particular in 2008; Sims Metal, Victorian Container Management, gas pumping station (Old Geelong Road), and the brick crushing business behind SITA, 2009; Chalmers trucking yards and in 2012; TPI, Delta and Citi Circle were mentioned as part of the Brimbank CC Brooklyn Strategy community consultation.

In 2009, EPA stated that it had funded broadband reversing beepers to reduce noise emanating from Victorian Container Management activities.

In 2010 and 2011, Hobsons Bay City Council was asked to respond to the issue and stated that: “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.”

In February and May 2012, Yarraville On the Nose continued to raise the issue as one of importance to their members and the residents and questioned why industry still hasn’t responded to this issue as it is relatively cheap to do so.

At the BCRG forum in November 2012, the representatives from VCM and Container Logistics offered to raise the issue directly with the Container Park Industry Association.

Bruce Light provided a copy of an email from a Yarraville resident (name withheld from these BCRG notes) which was sent in December 2011 to Michael Clarke, Maribyrnong City Councillor, as an example of complaints from residents in the area.

“Dear Michael,

Please be advised that **once again I had only 3 hours sleep last night** due to the constant beeping from a forklift and the crashing of empty containers from the empty container storage depot on Francis Street Yarraville West (opposite residential housing)

I have decided to do a mailbox drop in the area covering Richards, Stanger, Stooke, Urwin, Angliss and Ballard Streets encouraging residents effected to complain to council either by phone, email or by mail - this noise pollution and significant deterioration of the quality of life and obvious depreciation in the value of our properties in our area is not acceptable.

I am also going to suggest to residents they request an evaluation of their property due to the decline of the area over the past few years. note: I purchased my property 3 years ago and the view from my front two rooms did not include empty containers stored sky high and the constant beeping from forklifts all day and all night, also, that Francis Street has now become a truck parking bay most days of the week for trucks waiting to either load or unload empty containers. The lack of a full nights sleep by myself and many other residents is also not good with regards to general health.

After speaking to many residents in this area I have noticed that to get a reasonable nights sleep ear plugs are being used.

Other options that I am willing to consider in the future is VCAT and/or The Media to highlight this problem that council either is turning a blind eye to or does not know how to resolve.

Question also remains - how long can this land which has been re-zoned from Industrial to Residential be still used for industrial purposes? “

Appendix C Community satisfaction regarding processes to resolve odour and dust problems in the general Brooklyn area.

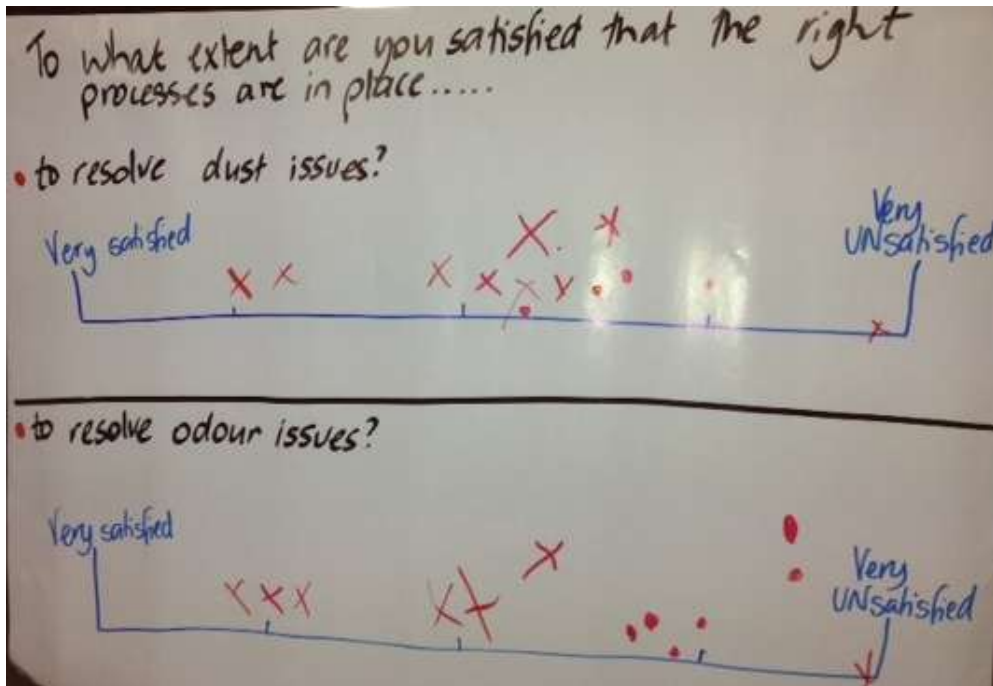


Fig 7 November 2012

Attachment 1 The full report from the EPA was distributed prior to the forum by Chris Bydder. It can be seen online at <http://www.brooklynip.com.au/bcrg-community-forum/>

Attachment 2 The presentation from Peter Wallis (Project Manager, Monde Constructions) representing Tasman Logistics Services can be seen in full online at <http://www.brooklynip.com.au/bcrg-community-forum/>

Attachment 3 The presentation from Cheryl Valneris (Director, Victorian Container Management Pty Ltd) and Helen Paterson (OHS/Accounts Manager, Raftnet Pty Ltd trading as Container Logistics) can be seen in full online at <http://www.brooklynip.com.au/bcrg-community-forum/>

Meeting Attendance Record – 14 November, 2012

35 people registered their attendance at the desk:

Name	Organisation	Name	Organisation
Alex Kozeniauskas	Delta Group	James Downs	Sita
Andrea Mason	Executive Officer, BCRG	Jan Cole	Resident
Andrew Race	Veolia	Jen Lilburn	BCRG Chair
Anna Crawford	Transpacific	Joe Coleiro	Cargill
Annette Patrick	BRAG	John Styzinski	Resident
Anthony Foley	Delta	Malcolm Ramsay	Hobsons Bay City Council
Bert Boere	BRAG	Matt Stanelos	Veolia
Bill Cole	Resident	Peter Gaschk	Hobsons Bay City Council
Brian Long	BRAG	Peter Morley	Aust Tallow Producers
Bruce Light	On The Nose	Peter Wallis	Monde Construction
Carmen Largaiolli	Resident	Richard Marks	EPA Victoria
Chris Bydder	EPA Victoria	Richard Mataska	Resident
Cheryl Valneris	Vic Container Management	Sandra Wilson (Cr)	Hobsons Bay City Council
Christian Buxton	Sunshine Groupe	Sheryl-Lea Lucas	Prixcar Services
Colleen Gates (Cr)	Hobsons Bay City Council	Simon Vittorio	Brimbank City Council
Foti Beratis	Maribyrnong City Council	Stephen Koptchak	Resident
Hector Burton	JBS Australia	Susan Fitton	Brimbank City Council
Helen Paterson	Container Logistics		

Apologies			
Andrew Elsbury MLC	Member for Western Metro	Marg Renwick	EPA Victoria
Craig Morris	Tasman Logistics Services	Martin Hermans	Resident
Geoff Mitchelmore	Resident Altona North	Olga Ghiri	Transpacific
Greg Hughes	Sims Metal Management	Wade Noonan MP	Member for Williamstown
Mark Globan	Sita		

Notes were taken by Andrea Mason. 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 highlighted as such.