



BCRG

**BROOKLYN COMMUNITY
REPRESENTATIVE GROUP**

BCRG COMMUNITY FORUM 2/2019

MEETING 42

WEDNESDAY

29 MAY, 2019

6:00pm for 6:30 – 8:30 pm

Brooklyn Community Centre, Cypress Avenue, Brooklyn

Chair: Catherine Botta **Notetaker:** Andrea Mason



MEETING PURPOSE

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

Light Refreshments	
1	Welcome, Catherine Botta Introductions and Acknowledgements
2	Rolling Actions Update Andrea Mason
3	Brooklyn residents action group update Bert Boere and Geoff Mitchelmore
4	EPA Victoria update on dust, noise and odour program and EPA reform Daniel Hunt, Regional Manager
5	EPA Victoria, 2019 and beyond Dr. Cathy Wilkinson, CEO
6	Brimbank city council update Simon Vittorio, Strategic Coordinator Planning Compliance
7	BCRG Review of Progress Catherine Botta
8	Wrap up & Close.

The intent of these meeting notes is to promote open communication between local business, local and state government, community and EPA Victoria (EPA). They are not to be used in a manner that compromises this objective.

Notes from this meeting will be posted on the Brooklyn Industrial Precinct website and will be available to the public. Meeting participants should advise Andrea Mason or Cath Botta if they would like their name removed from this public document.

eo.bcrge@gmail.com | www.brooklynip.com.au | 0427 338 482

ACTIONS FROM THE MEETING

Action 2905_1: EPA to raise with VicRoads the issue of rubbish and potential for a rubbish barrier to be installed along Geelong Rd to protect residents.

Action 2905_2: EPA to consider new soil sampling in the Brooklyn area and analysis to address ongoing concerns from residents regarding the content of the dust and any potential health impacts.

Action 2905_3: BCC to respond to the question: Is the Statewide waste implementation plan compatible with the Brooklyn Evolution Strategy?

ITEM 1.

WELCOME, (Catherine Botta)

Catherine Botta (Convenor) welcomed everyone to the BCRG forum. She welcomed Cr Mia McGregor, (Maribyrnong City Council) and noted apologies including Cr Sandra Wilson (Hobsons Bay CC).

The final notes from the Nov 2019 meeting are available from the [Brooklynip website](#).

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ITEM 2.

ROLLING ACTIONS, (Andrea Mason)

Andrea Mason, Executive Officer, BCRG reminded everyone of the Rolling Actions list which records actions from each meeting and updates actions that have been addressed between forums.

The following actions are all now completed.

Action 1118_4: EPA to ask West Gate Tunnel Authority if they own the monitoring station on corner of Nolan Ave and Millers Rd. EPA to advocate on behalf of BCRG for access to the data from the WGT monitors and/or real-time data on their website.

Action 1118_5: EPA to provide a report on the new legislation at a future BCRG forum.

Action 1118_6: Brimbank CC to report on future use of the site on the corner Market and Somerville Roads.

1117_3: EPA to report technical issues and colour coding feedback to the IT team and provide feedback to BCRG on these.

1118_2: EPA to investigate if they can repeat the odour testing booth at the next Open House.

These are available on the [Brooklynip website](#) and are circulated with the enews.

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ITEM 3.

BROOKLYN RESIDENTS ACTION GROUP UPDATE, (Bert Boere and Geoff Mitchelmore)

Bert reported that there is community representation from some or all of the groups BRAG, Don't Destroy Miller's Rd and Friends of Lower Kororoit Creek on the working groups for the West Gate Tunnel.

Minutes from the Department of Environment, Land, Water and Planning Inner West Air Quality Community Reference Group can be found on the website <https://www.environment.vic.gov.au/sustainability/inner-west-air-quality-reference-group>

The VicRoads Millers Road & Williamstown Road corridor study working group is looking at access for local residents, safety and increased freight movement after the West Gate Tunnel Project. Focus groups looked at amount of traffic, plus all the short term and long-term issues and identified 57 recommendations. The Terms of Reference and minutes can be found in <https://www.vicroads.vic.gov.au/planning-and-projects/melbourne-road-projects/millers-rd-and-williamstown-rd-corridor-study>

Geoff Mitchelmore reported that the Friends of Lower Kororoit Creek have been working through issues around tree removal associated with the West Gate Tunnel.

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ITEM 4.

EPA VICTORIA UPDATE ON DUST, NOISE AND ODOUR PROGRAM AND EPA REFORM, (Daniel Hunt, Regional Manager)

The presentation can be seen in full in **Attachment 1**.

ANALYSIS OF ODOUR POLLUTION REPORTS

Brooklyn Odour Reports

Bit of a spike this April, but a lot of reports where the wind direction was inconsistent with known sources, even though descriptions matched. So, lots of unknown source reports in April.

Ongoing monthly inspections of top odour report source

- Australian Tallow Producers

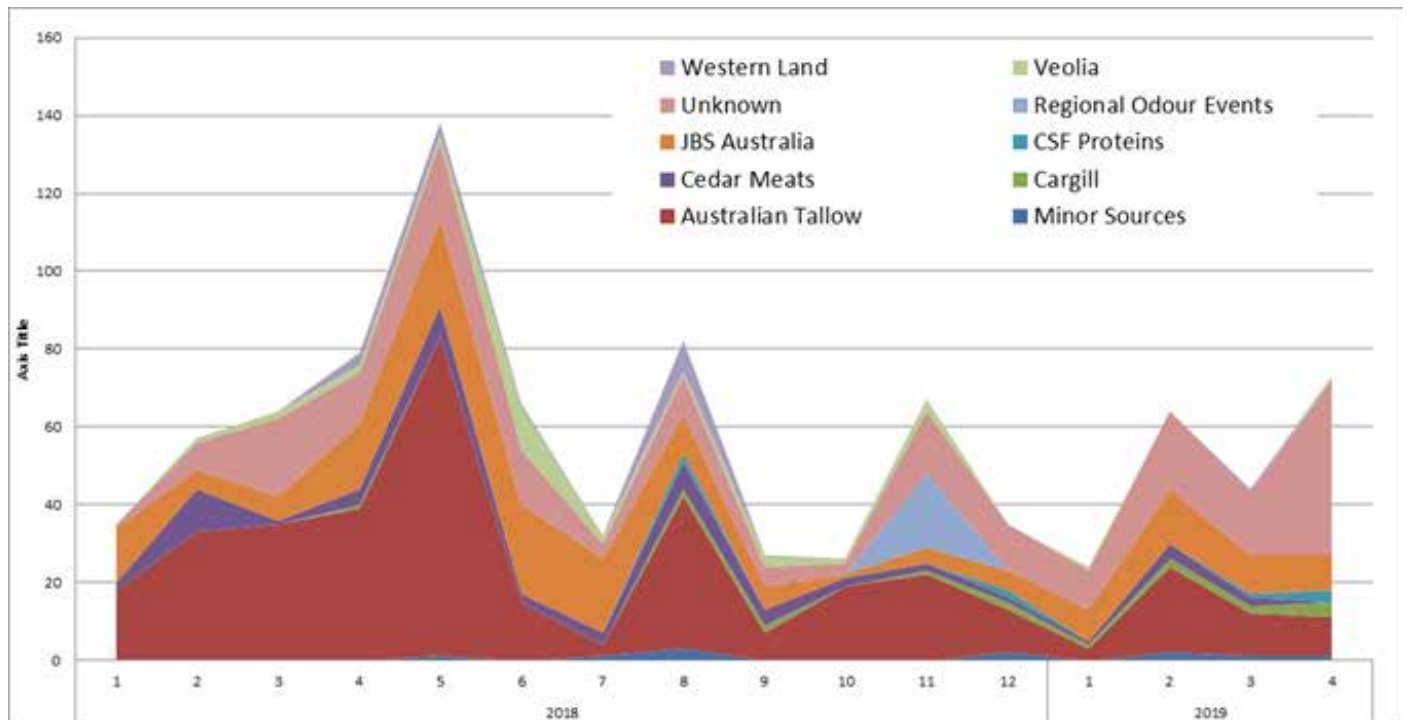


FIG 1 RECORDED SOURCES OF ODOUR

ODOUR MONITORING SURVEY

Odour Monitoring Survey 2019/ Planning for this year

- 462 Individual Odour Checks across 21 surveys
- Residential monitoring in:
 - Brooklyn
 - Yarraville
 - West Footscray
 - Sunshine
- Industrial monitoring around major industry in Brooklyn



FIG 2 ODOUR MONITORING

POLLUTION REPORTS



FIG 3 POLLUTION REPORTS

PM₁₀ EXCEEDANCES

20 days with PM₁₀ Exceedances in FY 2018-19

Meteorological data Assessment shows that:

- 17th January 2019: South Westerly winds, PM₁₀ exceedance also recorded at Footscray. Transport from precinct not supported by prevailing SW winds.
- 14th January 2019: South Westerly winds, Transport from precinct not supported by prevailing SW winds.
- 5 exceedances in April. During April there were strong northerly winds (up to 70 km/h) and low rainfall (6.6mm).

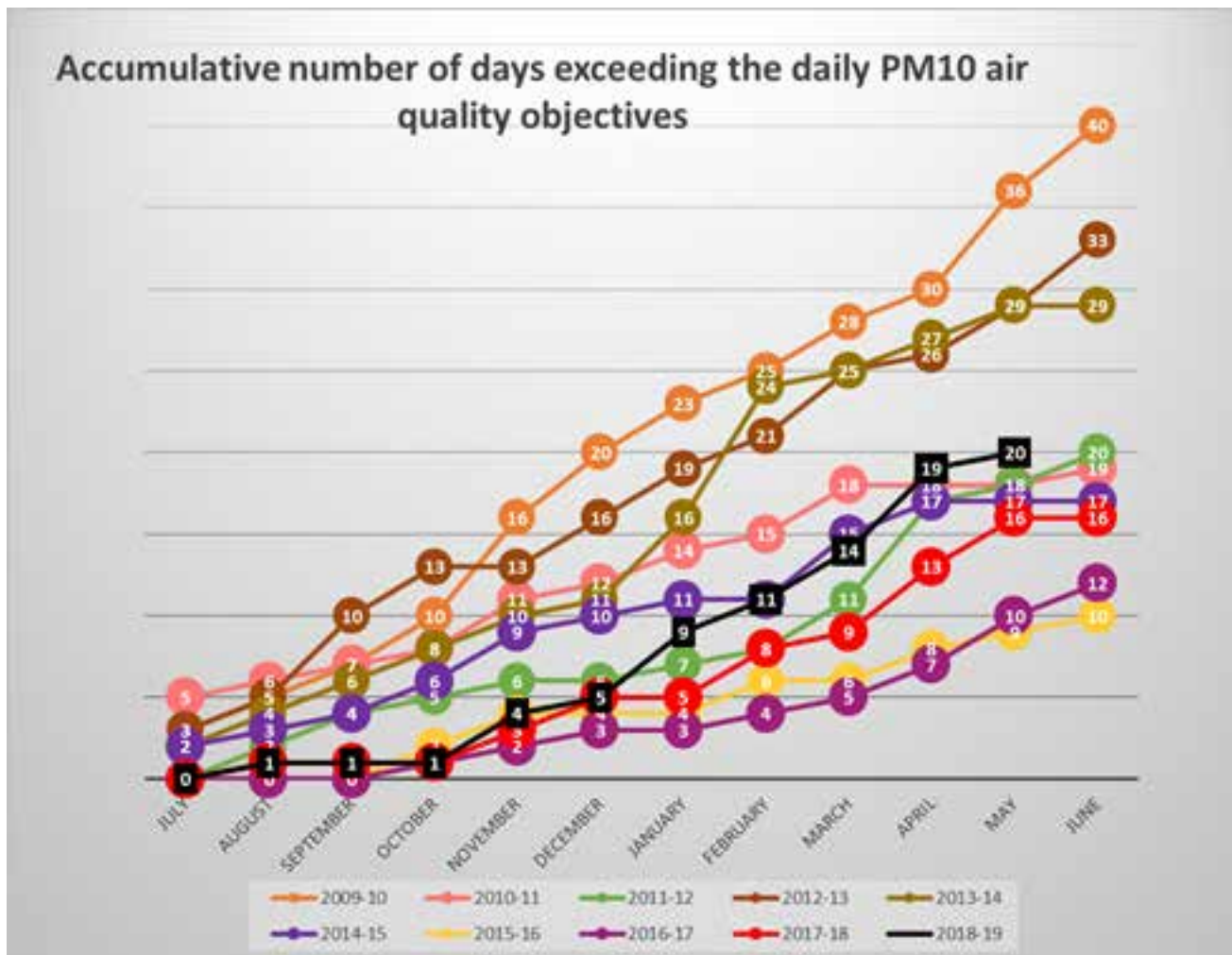


FIG 4 PM₁₀ EXCEEDANCES

BROOKLYN INSPECTIONS (ALL SECTORS) 2018-2019 FY

187 inspections conducted by officers in Brooklyn 2018-2019:

- Licence Compliance / Notice Compliance: 57%
- Pollution Incident: 21%
- Strategic Inspection: 22%

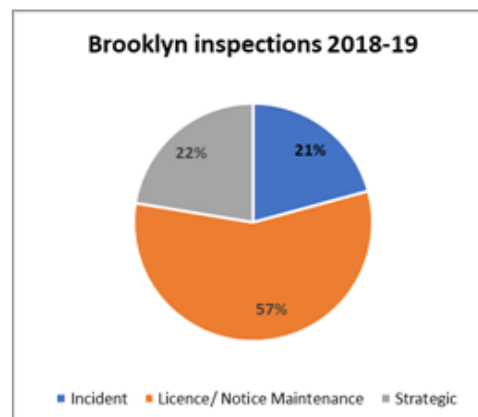


FIG 5 BROOKLYN INSPECTIONS 2018-19

BROOKLYN FROM JAN 2018 TO 19 (ALL SECTORS)

- 40 Notices have been issued to the Brooklyn area over 2018 / 2019 FY:
- 3 currently in draft and will be served upon operators in June
- 8 of these notices were a direct result of our patrols during high risk dust days based on weather forecasts



FIG 6 BROOKLYN COMPLIANCES 2018-19

BROOKLYN AS OF MAY 2019 (ALL SECTORS)

24 Notices are currently active in Brooklyn

- Dust: 10
- Odour: 4
- Water, Stockpile, Rehabilitation and Chemicals: 10



FIG 7 BROOKLYN NOTICES AS OF MAY 2019

QUESTION: The amount of dust that affects the residents along Geelong Rd is disturbing and there is also a lot of rubbish which comes from the road itself which could be alleviated by some sort of rubbish barrier.

DAN: EPA is aware of the concerns related to dust along Geelong Rd and are working with the source. EPA has been in discussions with VicRoads about sweeping along Geelong Rd and Brimbank CC about Jones and Bunting Roads.

Action 2905_1: EPA to raise with VicRoads the issue of rubbish and potential for a rubbish barrier to be installed along Geelong Rd to protect residents.

QUESTION: What can be done about the mud that is still coming off some sites in Jones and Buntings Roads and creating dust?

DAN: The way to address this issue now is through remedial notices and EPA is actively working on this.

QUESTION: Can you provide an update on what EPA is doing about known sources of odour coming into Sunshine West – Nufarm herbicides and CSF Proteins Melbourne?

DAN: EPA has undertaken odour surveillance in and around Sunshine and identified one of the sources of a meat/meal odour which has been issued with a remedial notice. Another odour like burning and plastic was detected it but haven't tracked it to the source yet.

QUESTION: What is happening at the logging businesses in Somerville Rd?

DAN: EPA is in discussions with some of the businesses at that site. There has been one remedial notice issued for one of the sites.

QUESTION: Methyl bromide is banned in a number of countries, an ozone depleting substance and is a carcinogen – is it still being used here?

DAN: Methyl bromide is still allowed in Victoria. It is being used in the area as a fumigant in logging containers in fully enclosed containers. Operators must capture the methyl bromide once it's used for pests. EPA has a case before VCAT regarding the capture of methyl bromide and are waiting on the results before acting further on this issue.

QUESTION: Can anything be done about the chicken processing business near the Westgate Freeway which is offensive as you drive along the freeway.

DAN: The regulations relating to odour do not extend to the freeway as it is not considered as having an impact on an amenity such as a public park or a residential area and therefore EPA are not able to enforce it. Other sources closer to housing are being identified and enforced.

QUESTION: We continue to be concerned about the high levels of dust that come onto our property and its composition as it sets like concrete in our gutters and pipes. Do you know where it is coming from and are we able to take samples from our property to EPA for testing?

DAN: EPA undertakes routine, active dust patrols. Dust sampling needs to be undertaken according to strict sampling guidelines and so samples from the public are unlikely to be tested by EPA. Soil samples were analysed some years ago near Geelong Rd and were not shown to be of any concern for the community.

COMMENTS: Several community members commented on the ongoing concerns regarding the excessive dust levels in the area and the potential health impacts for the community.

After the meeting: The results from the previous soil samples were reported at the BCRG meetings on 18 August 2011 and 23 November 2011.

The notes from these meetings can be seen at http://www.brooklynip.com.au/bcrg-meeting-notes_previous-years/

Action 2905_2: EPA to consider new soil sampling in the Brooklyn area and analysis to address ongoing concerns from residents regarding the content of the dust and any potential health impacts.

QUESTION: After years of reporting odour Exceedances I still never get any feedback and only occasionally get a standard email. Why is there no feedback and what is being done about industries such as Australian Tallow Producers?

DAN: ATP have recently been fined for noncompliance and have until October to comply. ATP is aware of the issues that EPA are pursuing. The EPA is grateful to those in the community who persevere with reporting. The issue of lack of feedback is frustrating and we will continue to work to improve this with the Call centre.

QUESTION: It is important to remember that the need to report is important, but locals are giving up. How do they keep the faith in this process when it is so frustrating?

DAN: EPA relies on the community reports - they are the eyes, ears and noses of the community. The chances of successful prosecutions are limited without them so we would urge you to continue despite the frustrations.

QUESTION: How does the figure of 5 Exceedances for PM10 in April compare to other parts of Melbourne?

DAN: Generally, there are more exceedances in Brooklyn than the rest of Melbourne except when there are events such as bushfires or prescribed burning that impacts Melbourne more broadly.

QUESTION: The standards for PM10 levels are averaged over 24 hours yet there are extended periods of high Exceedances above 50ppm over several hours which residents are exposed to. PM10 is not as visible and potentially more dangerous than the visible dust. What are the operators doing to stop this dust?

DAN: Yes, the standard for PM₁₀ is 50ppm over a 24-hour period. EPA has used portable dust monitors in the Brooklyn area to measure levels in more sites across the region and build more evidence regarding dust sources. These smaller monitors have been removed for calibration against the more accurate monitoring station. Once calibrated, the data from these smaller monitors can be used by the EPA. EPA does not set the standards for PM₁₀. Duty holders are being encouraged to put in sealed surfaces to reduce dust.

COMMENT: *I have had a lot of issues with dust affecting my eyes and contact lenses. It may be advisable for community members to get their eyes tested after high exposure to dust. Perhaps there is a correlation to be made between eye health and dust exposure.*

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ITEM 5.

EPA VICTORIA, 2019 AND BEYOND, (Dr. Cathy Wilkinson, CEO)

The presentation can be seen in full in [Attachment 2](#).

Cathy has been in the role of CEO for EPA Vic for eight months and has a background in land use planning including input into the Melbourne 2030 project which has a focus on liveability and sustainability. The current Exceedances in the Brooklyn region are unacceptable, and she gave an update on the new legislation and frameworks for EPA Vic which are aimed at increasing the capacity of EPA to address issues such as air quality in the future. Cathy acknowledged the many years of work from the community in Brooklyn in continuing to raise the issues of excess dust, odour and noise.

Cathy acknowledged that transformation is essential for EPA to be effective into the future. The recommendations for transformation were taken from community and industry responses to the EPA's Independent Inquiry. All recommendations from the Inquiry were accepted and are being resourced for delivery.

There has been a shift to a 'prevention' system from the current system that only allows follow up after a pollution event has already occurred. Under the new legislation a person who is engaging in activities must minimise the risk of harm before it happens. This comes with much stronger provisions for reporting from duty holders, stronger monitoring and surveillance capabilities and powers of entry tools.

The new regulation comes into effect July 1, 2020 and the subordinate laws/regulations are being drafted now to support the legislation. It is anticipated that the Government will release the proposed regulations and Environment Reference Standard (ERS) for public comment in 2019. It is anticipated that the Government will release the associated Regulatory Impact Statement for the proposed regulations and Impact Assessment for the proposed ERS (i.e. the assessment of the costs and benefits of any proposed regulation and ERS).

While we wait EPA is committed to help the community and industry understand this legislation and can present to BCRG again if wanted. EPA is also committed to enforcing the existing focussed regulations until this transformation is completed.

There are many ways to get involved: engagement@epa.vic.gov.au

More information can be found at: <https://beta.epa.vic.gov.au/new-laws>

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ITEM 6.

BRIMBANK CITY COUNCIL UPDATE, (Simon Vittorio, Strategic Coordinator Planning Compliance)

The presentation can be seen in full in **Attachment 3**.

Simon gave an update on the compliance and planning activities being undertaken by Brimbank CC, in particular issues related to higher dust emissions and illegal activities being undertaken on many of the sites in the industrial precinct. The reports on individual sites were not spoken to directly due to a lack of time but can be seen in these notes.

ACTIVE COMPLIANCE

15 active compliance matters on-going

- 25 plus landowners & industry/business operators

Compliance activity break-down

- pro-active enforcement
- coordinated action with EPA
- complaints received by the community & industry

14 PINs issued in 12 months

- NO permits
- Breach of conditions



COMMON COMPLAINTS

Types of complaints received:

- dust generated by industrial activity
- Metal fragments blowing off-site

Poor appearance of industrial operations

COMPLIANCE PRIORITIES

Key planning compliance priorities:

Resolving outstanding matters at key recycling facilities

- stockpile heights consistent with permit conditions
- formalisation of bund walls
- completion of landscaping

Less dust, improved appearance & better amenity

Identifying dust generating land

- mud on roads from unsealed sites
- targeting some smaller operations – flown under radar
- operations with poor work practices e.g. machinery not covered

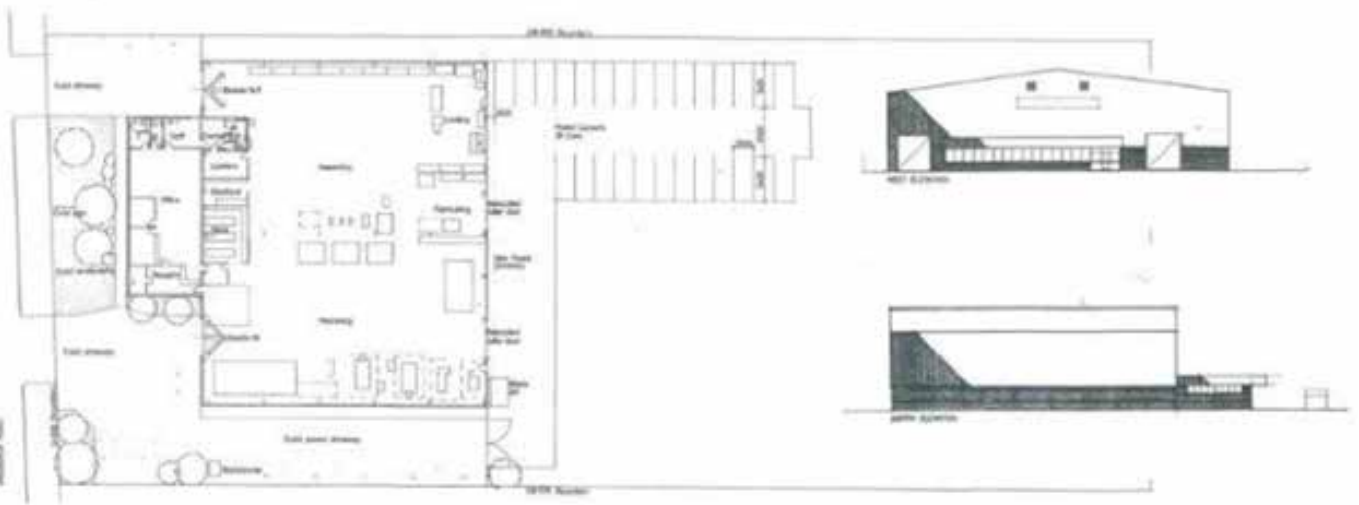
Some sites do not require a planning permit....unless we can prove the use or operation is creating an amenity impact

PLANNING APPLICATIONS

17 new applications or amendments to existing permits received over 12 months

Currently 4 applications under assessment

Approx. 50% of applications lodged as a result of enforcement action



454-460 SOMERVILLE ROAD FORMER HUNTSMAN SITE

Complaint received - dust & poor appearance

7 different occupiers with adverse effect on amenity.

DISPUTED by landowner & occupiers

Timeframe to cease & remove all materials (or make planning application to legitimise use)

Application for future land uses made - office, restricted retail premises, warehouse, industry, service station and shipping container storage....**doesn't address current illegal activity**

Follow up inspection planned & enforcement action to be escalated



696 GEELONG ROAD

Residents raised concerns - early morning noise & vehicles and parts stored across the site

Action taken immediately against landowner and operator

PINs issued - cease operation & remove all vehicles and parts

Enforcement action put on hold until planning application determined

Any approval subject to drastic on-site changes - can't impact surrounding residents & businesses



730 GEELONG ROAD

Original planning application for crush rock hard stand & truck store - not supported and abandoned

Compliance taken - no permits for stockpiling of soil and rock

Concerns storage and/or recycling of material may be creating dust

Timeframe given to cease the use & remove all buildings and works

Meeting with landowner to discuss future use of the site - current activity not supported



750 GEELONG ROAD

Land is used for shipping container storage

No planning permit required to use land for a store under Commercial 2 zone... however must not impacts amenity of the area

Unsealed land, no drainage & poor appearance = poor amenity

Request to cease use and remove all goods and materials or make planning application to legitimise use and seal the land

175 & 459B BUNTING ROAD

2 separate sites used to 'store' empty skip bins & old machinery

Sites unsealed & poorly managed

Uses causing impact on amenity of area.....

Request to cease using land & remove all goods or make planning application (seal land, drainage, landscaping)

QUESTION: Is the Statewide waste implementation plan compatible with the Brooklyn Evolution Strategy?

Action 2905_3: BCC to respond to the question: Is the Statewide waste implementation plan compatible with the Brooklyn Evolution Strategy?

QUESTION: What activities are in the four planning applications with Brimbank CC?

SIMON: The applications are for a new warehouse, signage and there is one for stockpiling of soil onsite.

QUESTION: How has the fumigation that is taking place on the site on 454-460 Somerville Rd been allowed and considered an acceptable activity?

SIMON: The fumigation itself hasn't been targeted by Brimbank but those businesses shouldn't be on that site at all.

QUESTION: What business is operating at 696 Geelong Rd?

SIMON: This site has been cleared for shipping containers? See report in the presentation.

QUESTION: Why is the site on Market Rd growing with rubble?

SIMON: This is the Delta site. This is most likely due to the formation of the bund wall which is being built as a barrier around the site and it will be capped with soil and landscaped when it is complete.

COMMENT: *The high level of collaboration/joint work between agencies such as EPA, Councils, police and Federal police for illegal incidences including incidences of drug and Ice and family violence is to be commended. The integrated sweep of measures investigating all levels of illegal activity impacts on activities within Brooklyn.*

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ITEM 7.

BCRG REVIEW OF PROGRESS

Close on BCRG future 3-year plan. Dust plans and potential health impacts.

Bruce – thanks Dan, Simon and Cathy for coming.

Meeting closed 8.30

Meeting Attendance Record – 29 May 2019

35 people registered their attendance.

Name	Organisation	Name	Organisation
Aaron Duff	Resident	Livia Baggio	Resident
Andrea Mason	EO, BCRG	Louise Keramis	Self
Bert Boere	BRAG	Miranda Forsyth	ANU
Brian Long	BRAG	Neville Fiegert	JBS
Bruce Light	Yarraville On The Nose	Joe Coleiro	Cargill
Carmen Largaiolli	Resident	Laurie Bell	Resident
Catherine Botta	BCRG Chair	Leighton Black	Australian Tallow Producers
Chris Dunleavy	Don't Destroy Millers Rd	Malcolm Ramsay	Hobsons Bay City Council
Claire Sonogo	EPA Victoria	Pene Winslade	Hobsons Bay City Council
Craig Eyes	Recovered Energy	Ramesh Dianat	EPA Victoria
Daniel Hunt	EPA Victoria	Ruth Cronin	Resident
Emily Garnett	EPA Victoria	Ryan Thistlethwaite	Resident
Geoff Mitchelmore	Resident Altona North	Cr Sam David	Brimbank City Council
Heather Humphreys	Resident	Cr Sandra Wilson,	Hobsons Bay City Council
Jill Galvin	Resident	Simon Vittorio	Brimbank City Council
Jo Callus	Resident	Steven Fox	JBS
Cr John Hedditch	Brimbank City Council	Sue Vittori	Anti-Toxic Waste Alliance
		Tom Buxton	Sunshine Groupe

Apologies

Peter Lightfoot	Cedar Meats	Christian Buxton	Sunshine Groupe
Tony Kairouz	Cedar Meats	Hon. Melissa Horne MP	State Member for Williamstown

ATTACHMENT 2.

PRESENTATION: EPA VICTORIA, 2019 AND BEYOND

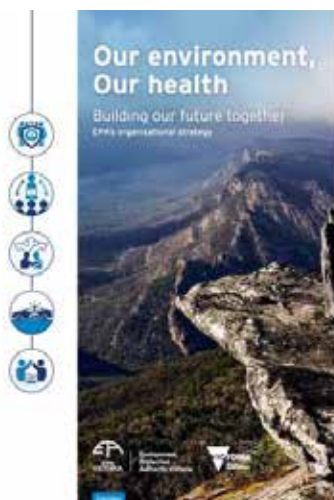
EPA Victoria *2019 and beyond*

Dr Cathy Wilkinson
Chief Executive Officer

29 May 2019



Our environment, Our health



Our vision

A healthy environment that supports a liveable and prosperous Victoria, now and always.

Our purpose

We protect the environment and people by preventing and reducing harm from pollution and waste.

Our role

We are a world class regulator of pollution and waste



EPA's Strategic Goals



Prevent harm



Equip
community
and business



Be an
influential
authority



Respond to
harm



Organisational
excellence



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Transformation is already underway

- Chief Environmental Scientist
- Land use planning referrals & guidance
- Officers for the Protection of the Local Environment
- Increased prevention (e.g Stawell tyres)
- Environmental Public Health Unit
- Emergency Management
- Incident Air Monitoring
- Industry Guidance
- Sanctions Strategy
- Environmental Protection Amendment Act 2018



EPA Regulatory Commitments

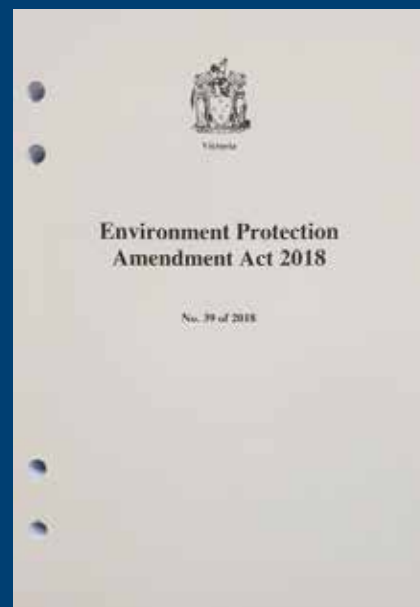
1. Act, to protect
2. Be informed and evidence based
3. Target biggest risks
4. Support and encourage
5. Be accountable, hold others to account
6. Be authentic, act with integrity



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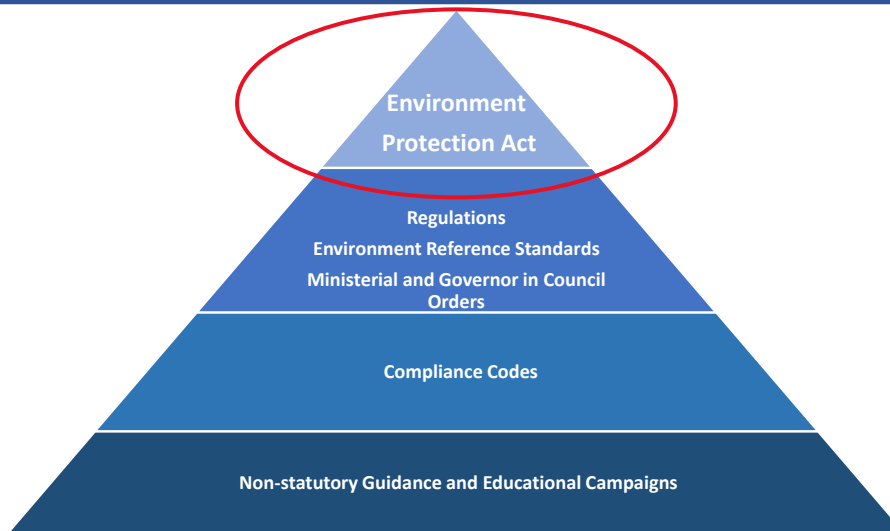
Legislative Overhaul



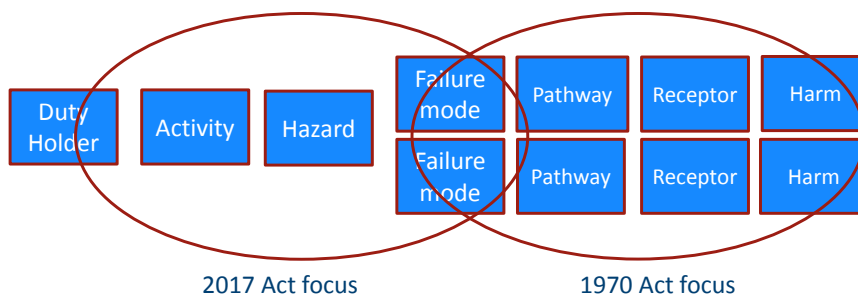
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The Environment Protection Framework



Prevention v Protection



The EP Act 2017 predominantly focusses on **preventing** the pollution and waste.

The EP Act 1970 predominantly focusses on **protecting** the environment and human health from impacts of pollution and waste.

Why is the distinction important?

- The difference is subtle – but critical to a paradigm shift in mindset
- The EP Act 1970 is premised on a certain amount of pollution and waste being unavoidable.
- The EP Act 2017 is premised on a starting point of zero pollution and waste is possible.

General Environmental Duty (GED)

“A person who is engaging in an activity that may give rise to risks of harm to human health or the environment from pollution or waste must minimise those risks, so far as reasonably practicable.”

- Modelled on the OHS Act (established in Victoria since 1985)
- **Minimise** means to eliminate the risks (as far as reasonably practicable) and if not, reduce the risks.



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Reasonably practicable

- To determine what is reasonably practicable consider:
 - The likelihood of those risks eventuating
 - The degree of harm that would result if those risks eventuated
 - What the person knew or should have known about the risks and controls
 - The availability and suitability of ways to eliminate or reduce those risks
 - Costs of eliminating or reducing those risks.
- If the person is conducting a business, a serious breach can lead to criminal liability
- Serious criminal offence – maximum of approximately **\$1.6 million** for a company.



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A duties framework

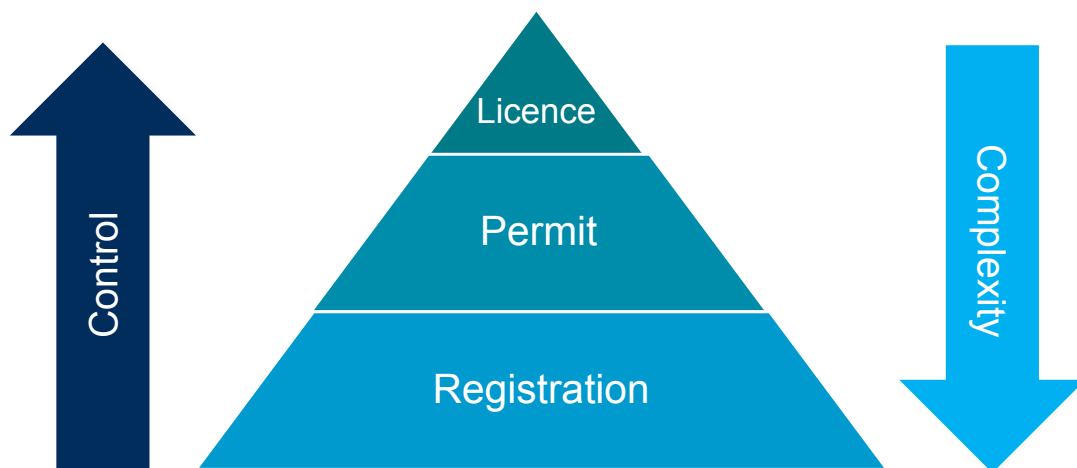
- General environmental duty (preventative duty)
- Duty to notify of event
- Duty to respond to harm and restore
- Duty to notify of contamination
- Duty to manage contamination
- Duty to manage industrial waste disposal
- Duties for priority waste



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Permissions Framework



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Increased maximum penalties

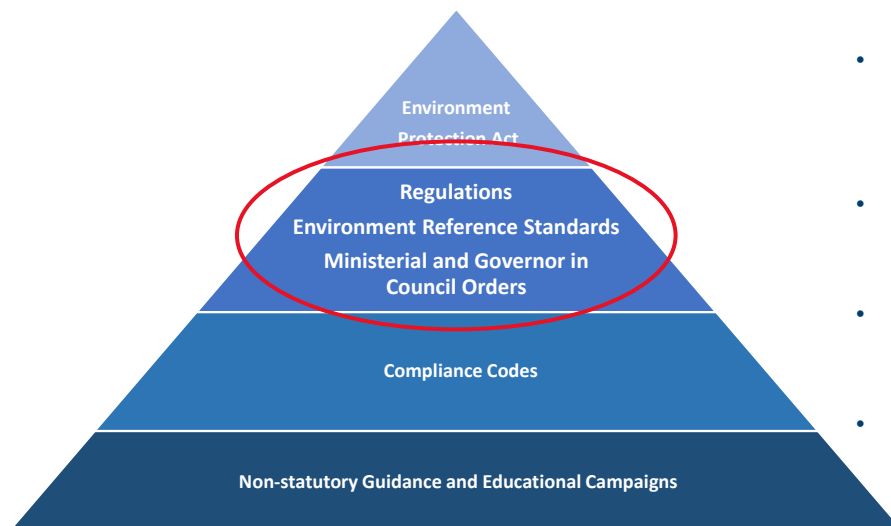
- The core offence of breaching the GED will attract a Penalty of up to \$322,000 for an individual or \$1.6 Million for a corporation.
- For an intentional or reckless breach of the GED that results in material harm, a higher penalty of up to \$644,000 and/or up to 5 years imprisonment for an individual, or up to \$3.2 million for a corporation will apply.
- For repeat illegal waste dumping offences jail time



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The Environment Protection Framework



- Development of draft regulations, environment reference standards and landfill compliance code
- Settling the draft Regulatory Impact Statement and Impact Assessment
- Finalising stakeholder consultation and engagement (prior to public comment)
- Commencing public comment in mid 2019

Our legislation implementation commitment



We will help community and business understand the general environmental duty (to prevent risk or harm) and other changes in the legislation.



We will engage stakeholders on the changes that affect them and welcome feedback throughout implementation.



We will provide guidance to stakeholders about ways to meet their obligations and manage risks to the environment and human health.



We will provide timely and accessible information about EPA's regulatory approach under the new legislation.



We will continue to strengthen our effectiveness in responding to harm from pollution and waste offences.



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engagement@epa.vic.gov.au

Thank you



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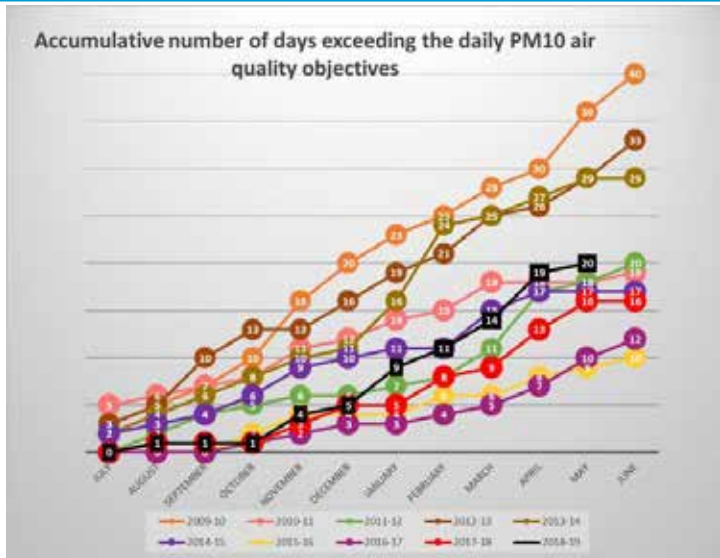


Pm10 Exceedances

20 days with PM10 Exceedances in FY 2018-19

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