



06 May, 2014

BCRG Update 07_2014

1) May 14 Agenda & RSVP please

The next BCRG Community Forum will be held **Wednesday, May 14, 2014** at the Brooklyn Community Hall, Cypress Ave, Brooklyn, 6 - 6.30pm.

[Click here](#) for the Agenda which is available from the [Brooklynip website](#).

It would greatly assist our preparation if you could RSVP to Andrea,
eo.bcr@gmail.com.

The draft meeting notes from the February BCRG forum are now available from the BrooklynIP website. [Click here to download](#).

It includes feedback on the 'existing rights' laws and the best practice guidelines for resource recovery.

2) Existing Use Rights Jen Lilburn

At the last BCRG meeting there was considerable discussion about Existing Use Rights. Some community members believe that these 'rights' are used as an excuse for some businesses to continue outdated practices that the community members consider to be no longer appropriate in the Brooklyn context.

I approached the Planning Legislation team at Department of Transport, Planning and Local Infrastructure to source a little more information about Existing Use Rights, and to test whether the legislation could be amended (as was the request of at least one member of the February BCRG meeting). The response was as follows:

You may be able to obtain legal advice/assistance you need from the [Environment Defenders Office](#) or the [Victorian Planning and Environmental Law Association](#). There are also numerous legal firms that specialise in planning law matters as well as town planning consultancies.

The following information may be helpful:

- The relevant legislative provisions are section 6(3) of the of the *Planning and Environment Act 1987* and [Clause 63](#) of the planning scheme.
- You can search [decisions of the Victorian Civil Administrative Tribunal](#) which often refer to the principles underpinning existing use rights. A notable recent decision on existing use rights is [Wellington & Ors v Surfcoast SC](#) (Red Dot) [2011] VCAT 2317 (13 December 2011)
- [DTPLI is holding a course on existing use rights in September 2014](#). The course is presented by Maddocks Lawyers.

It would be a challenge to convince a government to significantly change the legislation related to existing use rights. As noted in the above VCAT decision, existing use rights is a longstanding and important feature of the regulatory framework for planning in Victoria and elsewhere.

In addition, Simon Vittorio (Brimbank City Council) has provided the following link to the Brimbank Planning Scheme, which has specific requirements about 'existing use rights' <http://planningschemes.dpcd.vic.gov.au/schemes/vpps/63.pdf>. Simon advises that this information provides assessment criteria that Council's City Planning and Planning Compliance departments must keep in mind when considering existing use rights.

I hope that this clarifies some of the questions relating to Existing Use Rights. It seems to me that trying to change the legislation around Existing Use Rights will not provide the magic bullet to solve the issues of dust from stockpiles etc. EPA Victoria and the Brimbank City Council compliance team have been discussing other opportunities to managing these issues; it will be interesting to hear about where they have got to when we meet at BCRG next week.

Jen Lilburn

Convenor BCRG

3) Roads Update VicRoads & Maribyrnong CC

The following updates have been received regarding the maintenance and improvements to roads in Brooklyn to address the dust issue.

02/05/14 Marko Nastic, VicRoads

In order to reduce the dust/mud pollution along Somerville and McDonald Rd, the following actions have been/will be undertaken by VicRoads:

- Verge removal works along the designated sections of Somerville Rd and McDonald Rd have been completed in January 2014.
- Grassing/Soil Seeding of the removed verge section are programmed for May 2014

In order to address the source of the mud/dust pollution, the following actions have been/will be undertaken by the EPA:

- All companies in the vicinity of the Brooklyn Industrial Precinct have had an improvement noticed issues to seal their yards in order to prevent mud being dragged onto the roadway.

06/05/14 Peter Rogers, Maribyrnong CC

Maribyrnong CC have Capital Works Planned for Alick Road and Frederick Road to be delivered before the 30th June.

The works are to include Kerb and Channel and some pavement replacement and some work on the nature strips in terms of leveling and Tree planting.

MCC have scheduled Street Sweeping on Alick and Frederick Road along with Justin Road, Amanda Road, Ravenscourt Road and Kalinga Road. This is carried out weekly and when conditions allow it is done twice a week.

MCC would point out that many of the businesses in that zone still do not have hard stand areas and there is ample evidence that there is still loose material being tracked out onto the road network. MCC believes that the EPA is working towards that situation changing in the not too distant future.

4) Rolling Action List

The updated BCRG rolling list of actions that have been identified during the community forums is now available on the [Brooklynip website. Click here.](#)

5) Brimbank CC website pages

Information from Brimbank CC concerning its projects and activities related to the Brooklyn Industrial Precinct and the Brooklyn Evolution Project is now available on their new Brooklyn specific pages: [Brimbank City Council - Brooklyn Industrial Precinct Main Page](#), [Brimbank City Council - Living Brooklyn](#), [Brimbank City Council - Jones and Bunting Road Construction](#), [Brimbank City Council - Brooklyn Industrial Precinct - Proactive Compliance](#).

6) BCRG-Background and Achievements Report

The new BCRG booklet *BCRG-Background and Achievements Report* is now available.

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