



27 August 2015

Penny Armytage  
Chair of EPA Inquiry Ministerial Advisory Committee  
PO Box 21428  
Little Lonsdale Street  
Melbourne VIC 8011

Dear Ms Armytage

**Re: EPA Victoria Inquiry**

The Brooklyn Community Representative Group (BCRG) has been operating (in its current form) since 2008. It is an open forum, bringing together community members, industry representatives and all levels of the municipalities of Brimbank, Maribyrnong and Hobsons Bay. Various state government departments including VicRoads also attend the thrice-yearly forum.

EPA Victoria originally set up BCRG and has continued to be a strong supporter through both the presentation of compliance activities, research and other updates, as well as the payment of my costs as independent and impartial convenor of the forum. I have attached more information about BCRG for further background.

Community participants of the July 2015 BCRG meeting discussed the Independent Inquiry into EPA Victoria and requested that I write to you on their behalf. The opinions expressed in this document are views commonly expressed by a variety of BCRG members (particularly residents), but are not necessarily the views of all who attend.

BCRG participants would appreciate your consideration of the points raised in the attached, and would welcome the opportunity to meet with you and/or other members of your committee. They stated that they would like you to see Brooklyn through the eyes of a local resident.

Yours sincerely

Jennifer Lilburn

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## **EPA Victoria: Opportunities to improve effectiveness**

### **Remove the onus on residents and provide more resources for compliance**

Many residents in the area are frustrated that the onus is on them to complain about pollution issues, identify sources and, in the case of further action, provide affidavits. Many speak of the worry involved in having to drive around the area to pinpoint the source of an odour, and the frustration of their complaints not being followed up to their satisfaction (for example, if other community members do not make the effort to complain).

Others find the prospect of having to prepare a witness statement or appear in court as too confronting and stressful. Many find it unfair that complaints lodged by local businesses – whose workers are also affected by air quality – are not investigated. Instead, at least five residents must complain about an incident before an investigation is initiated.

One resident stated “we feel we are a nuisance to the EPA” and that “industry blames us for affecting their viability” when “all we want is air that is the same quality as that enjoyed by other parts of Melbourne”.

Another resident, who lives in an industrial zone, has been told that there is little more that can be done to address the odour issues that they experience.

These factors, along with the length of time involved in enforcement action against offenders has led to high levels of ‘caller fatigue’, in which aggrieved residents stop lodging complaints. BCRG members, particularly those who reside very close to odour-producing companies, have stressed that lower numbers of complaints in recent times does not necessarily mean that odour problems have been fixed.

Many believe that EPA officers should be empowered to undertake patrols proactively, detect transgressions, act as witnesses, locate sources and enforce compliance rather than shifting this responsibility to residents. The recent announcement of an additional compliance team in the Brooklyn area was welcomed; resources should match the level required to effectively address pollution issues.

### **Improve feedback to the community**

EPA staff advised that complaints are always followed up with residents. Some BCRG residents have mentioned that they appreciate acknowledgement that their complaint has been received. However, some are disappointed that they do not get an adequate indication of the action that has been taken following an incident. Perhaps a second stage of caller follow-up is required.



### **Ensure that legislation and/or current process do not limit what is possible**

BCRG participants are generally appreciative of the work that has been undertaken by EPA Victoria and Brimbank City Council in improving compliance action and making gains in the local environment. Significant examples commonly cited include the work done with Cargill and JBS (to improve facilities), SITA (to move to a more appropriate location) and government (to contribute funds to seal dust-producing roads).

However, most believe that there is still significant work to be done in order to fix “proven health problems” that are “out of step with EPA’s vision”. In many cases, they believe that existing legislation and/or process limits the extent to which such problems can be fixed.

For instance:

- **‘As of right’** – BCRG participants are commonly informed that enforcement action is not possible with some ‘dirty’ industries because of their ‘as of right’ uses. This means that some long-standing uses cannot be required to “adopt 21<sup>st</sup> Century practices”, regardless of changed community expectations and contemporary information about health impacts. Stockpiles of dirt are frequently criticised as major dust contributors, however many of the industries concerned do not have enforceable stockpile heights or other measures in their permits to limit dust emissions.
- **Compliance process** – some participants believe that some “dirty” industries “buy time” when they are issued with Pollution Abatement Notices, and then fail to comply. Others believe that EPA officers should be able to issue ‘on the spot fines’ rather than initiating a lengthy, time-consuming and expensive indictment process.
- **Updating standards** – the need to update standards to reflect current technologies was raised. For example, mandatory use of broadband beepers (whose noise is limited to 30 metres) was suggested.

Several BCRG members have stated that your review should examine the current legislation which governs the powers of EPA and that the legislation be changed to enable EPA to investigate, gain evidence, and prosecute offenders without the need for involvement of residents.