



MEETING No. 3
Newcastle Community Consultative Committee on the Environment
(NCCCE)

MEETING MINUTES

Date: 30 November 2011 **Time:** 5:30pm

File: FIL11/10927

Meeting Location: Environment Protection Authority Conference Room, Ground Floor 117 Bull Street, Newcastle West.

In attendance: John Tate (Chair); Zoe Rogers (Environment); Nick Godfrey-Smith (Industry); Paul Thomas (Industry); Tracey Colley (Community - Deputy for Keith Craig); Kate Johnson (Community); Paul McBain (Minister's Nominee); Adam Gilligan (Newcastle City Council).

Environment Protection Authority (EPA): Karen Marler; Jackie Teal; Gary Davey.

Apologies: Graham Woods; Keith Craig.

Agenda Item

1. Welcome and Acknowledgement of Country

2. Apologies

Apologies from Graham Woods and Keith Craig accepted.

3. Minutes of Previous Meeting

The minutes of Meeting No. 2 were accepted by the Committee as a true and accurate record.

4. Actions Arising from Previous Meeting

Action 1: The EPA will publish presentations provided to the NCCCE on the NCCCE webpage.

Action 2: A link to the Orica Start-Up Committee web page has been provided on the NCCCE webpage.

Action 3: Adam Gilligan made a request for community representation on the Orica Start-Up Committee to Greg Sullivan (Chief Environmental Regulator, EPA). Mr Sullivan reiterated his position that the Orica Start-Up Committee is a regulatory agency committee and performs a regulatory function. It was Mr Sullivan's opinion that it is not appropriate for the community to be present, given prosecution proceedings either being investigated or commenced. Mr Sullivan confirmed that the community's general concerns regarding the Orica plant reopening have been considered by the Start-Up Committee and, as a result, an opportunity was provided for the community to raise concerns which were well heard by the Start-Up Committee.

Action 4: Gary Davey provided an information briefing on the Orica Start-Up Committee (see below) and progress with the recommissioning of the Orica plant.

Action 5: A working group comprising Adam Gilligan, Paul McBain and Keith Craig completed a review of the issues list and drafted a workplan (see below)

Action 6: The EPA circulated an availability spreadsheet to all Committee members to confirm dates for Meeting No. 3.

5. Orica Start-Up Committee Update – Gary Davey, Director North East, EPA

ACTION 1: EPA to provide hard copy of presentation to Committee members and publish on NCCCE webpage.

ACTION 2: EPA to provide copy of the Orica verification actions matrix with the minutes of Meeting No. 3.

The EPA emphasised that Orica has ownership and responsibility for the start-up procedure. While EPA will routinely visit the site and oversee Orica's actions, ultimately responsibility for plant start up and operation rests with Orica – not with the EPA or the Orica Start-Up Committee. Any decision to involve independent people in the startup process will be a decision for Orica.

Kate Johnson provided an overview of her attendance at the Orica Start Up Committee meeting held on 28 November 2011. A key issue for the community is Orica's integrity. It is the Stockton community's view that the Terms of Reference for the Orica Start-Up Committee in relation to building community confidence has not been met. The Stockton Community considers that there needs to more monitoring around start up time so the community can know what is happening.

MOTION 1: Chair

The Committee requests that the EPA develop a formal mechanism for Orica to report to the NCCCE on a regular basis in such a way that meaningful information is provided and which allows the NCCCE to ask questions of Orica with all resolutions being passed to EPA.

The committee discussed the Motion in term of timing, a mechanism by which Orica could report to the NCCCE on a regular basis, and allow the NCCCE to put to Orica issues being raised by the Community for response. This approach would allow an avenue for communication with the community and government after the Orica Start-Up Committee is dissolved.

The Committee expressed its continued concern regarding lack of community representation on the Orica Start-Up Committee. The EPA explained that Orica will need to engage with the community post-start up.

RESOLVED: (Zoe Rogers/Kate Johnson)

All in favour – motion 1 was declared carried unanimously.

ACTION 3: The NCCCE request the EPA to provide a formal mechanism which will allow for Orica to make presentations and updates to the NCCCE as and when required by the NCCCE. The NCCCE is to be provided with a mechanism to ask questions of Orica, evaluate answers and general dialogue with Orica.

MOTION 2: (Kate Johnson)

The NCCCE make the observation that the Orica Start-Up Committee may have been better facilitated if it had community representation. The Community believes that adequate monitoring needs to be in place at the time of plant start up.

The Committee discussed the motion with views being put that monitoring is a technical matter for the EPA, however if the community view is that additional monitoring is required then that view should be conveyed to the Minister.

RESOLVED: (Paul Thomas/Kate Johnson)

All in favour – motion 2 was declared carried unanimously.

ACTION 4: The NCCCE will write to the Chief Environmental Regulator - EPA stating that while the NCCCE recognises that the Orica Start-Up Committee is the first interagency group developed by the EPA in response to an environmental incident and that this approach is supported by the NCCCE, in future it is recommend that consideration be given to community involvement in any such inter-agency committee.

6. Work Plan Priorities

A working group of the Committee had discussed how issues could be broadly categorised and then prioritised. It was suggested that as part of each agenda, there should be a standing item to address specific issues under these heads of consideration.

ACTION 5: The EPA to arrange for a briefing in the first quarter of 2012 to the NCCCE on Emergency Management. This briefing should include presentations from Newcastle City Council, Fire Rescue NSW, NSW Police and Newcastle Ports Corporation.

The Committee also requested a presentation from the NSW Department of Planning and Infrastructure, NSW Health and Howard Bridgman as an independent air expert.

ACTION 6: The EPA to develop an agenda for a Community Forum to be held early in 2012 to provide the community with information on air quality, the investigations for the Lower Hunter monitoring network, EPA actions and Orica.

7. Environmental Monitoring Network

The EPA is progressing investigations into an air quality monitoring network for Newcastle. The NCCCE will be kept informed and consulted throughout the investigation.

8. General Business

Newcastle City Council provided an overview of an incident involving asbestos contamination at the Howzat sports centre in Darby Street, Cooks Hill. The Howzat facility is closed while the roof is being replaced. The community was informed and NSW Health and WorkCover are also involved.

The Committee suggested that Council could notify community members of any asbestos removal works being undertaken on weekends.

The Stockton Community asked how the safety case document for the Orica facility relates to the documents that Orica put forward for the upgrade of its Orica plant. The EPA explained that this was a matter for WorkCover and the NSW Department of Planning and Infrastructure.

Next meeting Monday 19 December 8:30am for 9am start. Meeting to be held at the Newcastle Town Hall, Level 1 Reception Room.

Meeting ended: 7:45 pm

**Next meeting: Monday 19 December 2011
Newcastle Town Hall Level 1 Reception Room, King Street, Newcastle
8:30am for 9:00am start.**

SUMMARY OF ACTIONS:

- ACTION 1:** EPA to provide hard copy of presentation to Committee members and publish on NCCCE webpage.
- ACTION 2:** EPA to provide copy of the Orica verification actions matrix with the minutes of Meeting No. 3.
- ACTION 3:** The NCCCE request EPA to provide a formal mechanism which will allow for Orica to make presentations and updates to the NCCCE as and when required by the NCCCE. The NCCCE is to be provided with a mechanism to ask questions of Orica, evaluate answers and general dialogue with Orica.
- ACTION 4:** The NCCCE will write to Greg Sullivan stating that while the NCCCE recognises that the Orica Start-Up Committee is the first interagency group developed by EPA in response to an environmental incident and that this approach is supported by the NCCCE, in future it is recommend that consideration be given to community involvement in any such inter-agency committee.
- ACTION 5:** EPA to arrange for a briefing in the first quarter of 2012 to the NCCCE on Emergency Management. This briefing should include presentations from Newcastle City Council, Fire Rescue NSW, NSW Police and Newcastle Ports Corporation.
- ACTION 6:** EPA to develop an agenda for a Community Forum to be held early in 2012 to provide the community with information on air quality, the investigations for the Lower Hunter monitoring network, EPA actions and Orica

Prepared by: Karen Marler

Reviewed by: John Tate

Approved: 19 December 2011