



**MEETING No. 40**  
**Newcastle Community Consultative Committee on the Environment**  
**(NCCCE)**

**MEETING MINUTES**

**Date:** 21 October 2015 **Time:** 5.30 pm  
**File:** EF13/8273  
**Location:** EPA Conference Room, 117 Bull Street, Newcastle

**In attendance:** John Tate (Chair), Rick Banyard (Community), Nick Godfrey-Smith (Industry), Paul McBain (Minister's Community Nominee), Paul Thomas (Industry), Sherree Woodroffe (Industry)  
Alan Betts (Senior Team Leader, Quality Systems and Reporting, Climate and Atmospheric Science, Office and Environment (OEH),  
Mr Peter Marczan (EPA Manager Noise Policy)  
Mr Gordon Downey (EPA Senior Noise Officer)  
Sylvia Bell (EPA Director Stakeholder Engagement and Governance)  
Adam Gilligan (EPA Manager Hunter Region)  
Leanne Graham (EPA Project Officer)

**Apologies:** Andrew Baxter (City of Newcastle),  
John Mackenzie (Environment – alternate) and Keith Craig (Community)

**Meeting Record**

Agenda Item	Meeting Details
<b>Item 1</b>	<b>Welcome</b> Chair welcomed attendees to the final meeting of the Committee's third term.
<b>Item 2</b>	<b>Apologies</b> As above.
<b>Item 3</b>	<b>Minutes from Previous Meeting (17 June 2015)</b> Minutes of the previous meeting were adopted as a true and accurate record.
<b>Item 4</b>	<b>Actions Arising from Previous Meetings summary</b>  <b><u>Meeting No.39 (16 September 2015) Action 1:</u></b> Completed 23/09/15. The EPA tabulated the main points of the discussion on an evaluation framework and circulated it to the committee.

<p><b>Item 4 (Cont)</b></p>	<p><b><u>Meeting No.39 (16 September 2015) Action 2:</u></b> Completed 19/10/15. The EPA circulated a draft evaluation process for discussion (Refer to Item 9 below).</p> <p><b><u>Meeting No.39 (16 September 2015) Action 3:</u></b> Completed 19/10/15. The EPA circulated a draft evaluation survey for the committee to complete and bring to the next meeting for discussion (Refer to Item 9 below).</p> <p><b><u>Meeting No.39 (16 September 2015) Action 4:</u></b> Completed 19/10/15. The EPA circulated an updated version of the committee’s statement of achievements.</p> <p><b><u>Meeting No.39 (16 September 2015) Action 5:</u></b> No further action. Due to time constraints, the Committee members’ feedback was not discussed</p> <p><b><u>Meeting No.39 (16 September 2015) Action 6:</u></b> Completed 21/10/15. The EPA provided a summary graph on environmental complaints to the Environment Line.</p> <p><b><u>Meeting No.39 (16 September 2015) Action 7:</u></b> Completed 20/10/15. The EPA advised the Lower Hunter Dust Deposition Project Reference Group of the potential impact on dust levels at the Islington sampling site during bridge reconstruction works at Clyde Street.</p> <p><b><u>Meeting No.39 (16 September 2015) Action 8:</u></b> Progressing 21/10/15. The EPA provided an update on the issues raised by Mr Banyard at the meeting of 20 May 2015. (Refer to Item 11 below).</p> <p><b><u>Meeting No.39 (16 September 2015) Action 9:</u></b> Progressing. The EPA will notify the committee about the public call for nominations for the committee’s new two-year term, as soon as information becomes available.</p>
<p><b>Item 5</b></p>	<p><b>Air Quality in Newcastle: Winter 2015</b></p> <p>Mr Betts presented the draft quarterly report on the Newcastle Local Air Quality Monitoring Network for winter 2015. Mr Betts noted the revised format which meets readability standards for publications by OEH.</p> <p>Main points included:</p> <ul style="list-style-type: none"> <li>• . Air quality was generally good, with the following exceptions: <ul style="list-style-type: none"> <li>○ Three days recorded daily average levels above the 50 µg/m<sup>3</sup> benchmark for PM<sub>10</sub> particles (particles less than or equal to 10 microns in diameter). Elevated levels on 19 and 21-22 August 2015 were potentially due to fires burning in and near Newcastle.</li> <li>○ Five days recorded daily average levels above the 25 µg/m<sup>3</sup> benchmark for PM<sub>2.5</sub> particles (particles less than or equal to 2.5 microns in diameter). Elevated levels on 27 June and 4-5 July 2015 occurred during north-westerly winds. Elevated levels on 21-22 August 2015 coincided with nearby fires.</li> </ul> </li> </ul>

<p><b>Item 5 (Cont)</b></p>	<p>The Committee members endorsed the report and commended the revised format. Committee members suggested amendments to the draft report to strengthen the role of the report as an educational tool for the community. Feedback included:</p> <ul style="list-style-type: none"> <li>An important interpretation was that the elevated levels of the particle concentrations were not much higher than the national standards.</li> </ul> <p>Mr Betts acknowledged the Committee’s feedback on the draft report.</p> <p>The report will be accessible from the EPA and OEH websites.</p> <p>In response to a previous request from the community, Mr Betts presented year to date PM<sub>2.5</sub> average concentrations from the network, to illustrate how values are tracking towards the annual average PM<sub>2.5</sub> advisory reporting standard of 8 µg/m<sup>3</sup>.</p> <p>The EPA noted that:</p> <ul style="list-style-type: none"> <li>The air quality monitoring sites at Newcastle, Wallsend and Beresfield are compliance monitoring sites for national reporting against the health-based criteria in the Ambient Air Quality National Environment Protection Measure (Air NEPM).</li> <li>The industry-funded air quality monitoring sites at Carrington, Mayfield and Stockton are located to give an indication of impacts from industrial and port activities on neighbouring communities.</li> <li>Information on the composition of particles with sizes of PM<sub>10</sub> and PM<sub>2.5</sub> in the region is being obtained through the Lower Hunter Particle Characterisation Study. The final report will be published in early 2016.</li> </ul> <p>The Chair thanked the Mr Betts and the Committee for the discussion.</p> <p><b>ACTION 1. EPA to advise Committee members of the publication of the quarterly newsletter for the Newcastle Local Air Quality Monitoring Network.</b></p>
<p><b>Item 6</b></p>	<p><b>Low Sulfur Fuel Regulation for Cruise Ships In Regional Ports</b></p> <p>Ms Crotty spoke about the EPA’s review of shipping emissions and the purpose and impact the low sulfur fuel regulation for cruise ships.</p> <p>Key points included:</p> <ul style="list-style-type: none"> <li>The <i>Protection of the Environment Operations (Clean Air) Amendment (Cruise Ships) Regulation 2015</i> (Cruise Regulation) was made in September 2015 and focuses on cruise ships in Sydney Harbour. Cruise terminals in Sydney are located at White Bay and Circular Quay, near densely populated residential areas where emissions can impact on local communities.</li> <li>Lower sulfur marine fuel is the most common mechanism used overseas to reduce emissions from ships.</li> <li>Initial focus is on cruise ships given high fuel use at berth and location near residential populations whilst at berth.</li> <li>The EPA estimated that use of 0.1% sulfur fuel by cruise ships in Sydney Harbour will reduce PM<sub>2.5</sub> emissions by 70%, at an additional cost of \$2 to \$4.50 per passenger per voyage.</li> </ul>

<p><b>Item 6 (Cont)</b></p>	<ul style="list-style-type: none"> <li>• The Cruise Regulation requires use of low sulfur fuel in two stages:             <ul style="list-style-type: none"> <li>○ Stage 1 - requiring the use of low sulfur fuel (0.1% or less) by cruise ships while berthed in Sydney Harbour from 1 October 2015.</li> <li>○ Stage 2 - requiring the use of low sulfur fuel (0.1% or less) by cruise ships while in Sydney Harbour from 1 July 2016.</li> </ul> </li> <li>• The NSW Government asked the EPA to consult with communities in regional ports such as Newcastle on the possible extension of the Cruise Regulation to those ports.</li> <li>• Newcastle received 9-10 cruise ship visits in the last two cruise seasons. Nine are scheduled currently for the first half of 2016.</li> <li>• Sources in the cruise ship industry forecast an 85% growth in annual port calls by 2025.             <ul style="list-style-type: none"> <li>○ Annual cruise ship visits to Sydney are projected increase from 300 in 2016 to 550 in 2025.</li> <li>○ Annual cruise ship visits to Newcastle are projected increase from 10 to 12 in 2016 to 19 in 2025.</li> </ul> </li> <li>• The EPA's research estimated that ships in Newcastle emitted 60 tonnes of PM<sub>2.5</sub> annually. More than half of ship activity in Newcastle is attributed to bulk carriers, predominantly for coal, oil, grain and alumina. Over 90% of PM<sub>2.5</sub> and SO<sub>2</sub> emissions were attributed to bulk carriers (60%), oil tankers (18-20%) and general cargo vessels (13%).</li> <li>• The EPA invited the NCCCE to attend a Shipping Emissions Workshop to be held in Sydney on 26 October 2015. The workshop would discuss the findings of an international shipping consultancy on options for reducing emissions from the broader shipping sector.</li> <li>• The EPA will report back to government on consultations with regional communities on the Cruise Regulation and on the broader review of shipping emissions.</li> </ul> <p>The Committee supported the EPA's role in reducing diesel emissions. In discussion, the Committee made the following comments about the extension of the regulation to Newcastle:</p> <ul style="list-style-type: none"> <li>• The government needs to move faster on reducing diesel emissions including emissions from shipping.</li> <li>• Enforcement and compliance are an important aspect of regulation. The EPA could do more to inspect and follow up on reports of black smoke from ships.</li> <li>• In general, the people of Newcastle should be the beneficiaries of air quality improvements that apply to other parts of NSW.</li> <li>• Any decision to extend the Cruise Regulation should be based on evidence and science and an assessment of the impact of reducing emissions from cruise ships and other ships.</li> </ul>
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<p><b>Item 6 (Cont)</b></p>	<ul style="list-style-type: none"> <li>• Any review of shipping emissions needs to consider coal ships which are a much larger component of shipping activity than cruise ships. There are always at least three coal ships in port.</li> <li>• There are benefits to the Newcastle community from the business generated by cruise ship visits. These benefits need to be weighed against the benefits from reducing fuel sulfur content from the relatively small number of cruise ship visits.</li> <li>• Cruise ships in Newcastle are not as close to residential areas as those at the Sydney cruise terminals.</li> </ul> <p>In relation to further consultation with the community in Newcastle, the Committee:</p> <ul style="list-style-type: none"> <li>• Agreed that the EPA’s shipping survey would be distributed to committee members after the 26 October workshop (to be attended by NCCCE member Rick Banyard).</li> <li>• Agreed that members would distribute the survey to their networks and encourage others to complete it, where appropriate.</li> <li>• Suggested that the EPA consult with the community liaison group associated with the Port of Newcastle.</li> <li>• Noted that a large part of the community in Newcastle would be unlikely to be interested in the consultation process. However, those people living in the suburbs nearest the port would potentially be impacted i.e. Stockton and Mayfield. The community groups in those areas would have an interest.</li> </ul> <p>The Chair thanked Ms Crotty and the Committee for the discussion. The Chair noted that while the community may like progress to be faster, the provision of infrastructure takes time. Nevertheless, the regulation of shipping emissions was tightening.</p>
<p><b>Item 7</b></p>	<p><b>Review of the Industrial Noise Policy</b></p> <p>Mr Downey outlined the review of the Industrial Noise Policy and the main changes proposed in the Draft Industrial Noise Guideline.</p> <p>Key points included:</p> <ul style="list-style-type: none"> <li>• The draft guideline updates and clarifies the methods for assessing and managing noise from large industrial developments, including mines.</li> <li>• The proposed changes address issues identified by the EPA and other policy users over the 15 years of the policy’s operation. The changes also incorporate new research by the EPA on the impact of noise and management practices. The review was assisted by an interagency steering group comprising the EPA, NSW Health and the Department of Planning and Environment.</li> <li>• The main users of the draft guideline will be: <ul style="list-style-type: none"> <li>○ Proponents and operators of industrial developments and associated noise consultants.</li> <li>○ Planning authorities, for developing local and regional plans and assessing development proposals, and</li> </ul> </li> </ul>

<p><b>Item 7 (Cont)</b></p>	<ul style="list-style-type: none"> <li>○ Regulatory authorities, for assessing noise performance of industries.</li> <li>● The draft guideline sets out:             <ul style="list-style-type: none"> <li>○ Noise levels against which noise impacts are evaluated.</li> <li>○ Procedures for predicting noise impacts and adjusting for annoying noise characteristics and weather conditions that increase noise.</li> <li>○ Procedures for setting strategies and options to reduce noise impacts.</li> </ul> </li> <li>○ Steps for setting achievable noise limits in development consent and licences, by considering the noise impact of the industrial development within an economic, social and environmental context.</li> <li>● The proposed changes include:             <ul style="list-style-type: none"> <li>○ The meaning of noise ‘trigger levels’ has been clarified. These are noise levels that, if exceeded, indicate the need to consider noise mitigation measures to reduce the predicted noise impacts to the extent that is practical.</li> <li>○ The minimum background level for the daytime period has been raised from 30 to 35 dB(A) resulting in an increase in the minimum daytime intrusive noise level from 35 to 40 dB(A).</li> <li>○ The ‘noise management precinct’ concept is introduced to assist managing impacts from multiple sources within one area. It allows noise reductions at existing industrial premises to be considered as a mitigation measure for a new premises.</li> <li>○ A maximum noise level event assessment for sleep disturbance is now incorporated into the guideline.</li> <li>○ Noise levels greater than 5 dB(A) above the noise limits under meteorological conditions used in the assessment will be applied as an upper cap under all meteorological conditions (i.e. more extreme weather conditions such as strong temperature inversions which potentially increase noise levels heard by receivers).</li> </ul> </li> <li>● The process for evaluating industrial noise ensures that new or modified industrial premises are designed to satisfy noise goals where feasible and reasonable or emit the lowest possible noise levels that can be achieved.</li> </ul> <p>Mr Downey advised the Committee that consultation packages, including summaries and questions and answer sheets, were available on the EPA web site at <a href="https://engage.environment.nsw.gov.au/draftiindustrial-noise-guideline">https://engage.environment.nsw.gov.au/draftiindustrial-noise-guideline</a></p> <p>Email submissions and further enquiries could be made by emailing the EPA at: <a href="mailto:epa.ing@epa.nsw.gov.au">epa.ing@epa.nsw.gov.au</a></p> <p>The EPA invited online, email and postal submissions, before the consultation process closed on 13 November 2015.</p> <p>The Chair thanked Mr Downey for the presentation.</p>
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<p><b>Item 8</b></p>	<p><b>Review of Regulation of Railway Systems Activities under the PoEO Act</b></p> <p>Mr Gilligan provided the following update:</p> <ul style="list-style-type: none"> <li>• The EPA recently undertook a review of the regulatory framework for rail in NSW and is recommending changes to Schedule 1 of <i>the Protection of the Environment Operations Act 1991</i> (PoEO Act).</li> <li>• The review concluded that regulation of the operational rail sector should involve licensing both railway system operators and rolling stock operators under the PoEO Act. This is primarily because the current approach to licensing does not make rolling stock operators directly responsible for the environmental performance of rolling stock. This lack of direct responsibility has inhibited the EPA from adequately addressing noise and air emissions in the NSW operational rail sector.</li> <li>• The EPA intends to use the review to make rolling stock operators directly responsible for the environmental performance of rolling stock. This will include measures to achieve best practice in regard to noise and air emissions.</li> <li>• The EPA is working currently with the Office of the Parliamentary Counsel to finalise the draft amendment. The draft amendment regulation is expected to be exhibited on the EPA website in November 2015. Licensing of rolling stock operators as separate scheduled activities is expected to commence in late 2016.</li> </ul> <p>The committee agreed that the community would welcome tighter regulation of rail operations. The Chair thanked Mr Gilligan.</p>
<p><b>Item 9</b></p>	<p><b>Achievements and Evaluation of the Committee 2013-2015</b></p> <p>Ms Bell reiterated that the EPA was developing a protocol to evaluate its consultative committees. The development aligned with the outcomes of the Parliamentary Inquiry into the Performance of EPA in February 2015, which recommended that the EPA ensure its committees have genuine participation and were evaluated transparently.</p> <p>The EPA drafted the evaluation process in consultation with the NCCCE at its previous meeting. The proposed evaluation process takes a quantitative and qualitative approach to examine:</p> <ul style="list-style-type: none"> <li>• Processes within the committee.</li> <li>• Perceptions of change in social attributes (knowledge, skills, attitudes, perceptions and actions) from the points of view of committee members.</li> <li>• What works and what can be done better in the management of the EPA's consultative committees.</li> </ul> <p>The evaluation process proposes two surveys to include the range of people engaged by NCCCE:</p> <ul style="list-style-type: none"> <li>• The NCCCE members, timed for October 2015.</li> </ul>

<p><b>Item 9 (Cont)</b></p>	<ul style="list-style-type: none"> <li>• People connected with the NCCCE and EPA, timed for 2016, including people in NCCCE members' contact networks and people who have participated in NCCCE forums, planning sessions or meetings.</li> </ul> <p>Ms Bell thanked the Committee for its input into developing the process. The EPA emphasised that the members' feedback would assist in improving the role of the Committee and improving the EPA's performance in community engagement.</p> <p>The EPA invited feedback on the summary document which outlined the establishment, scope and functions, committee procedures and achievements of NCCCE since its inception in 2011.</p> <p>The Chair commended the process and thanked Committee members for their contributions and submissions in response to the survey.</p>
<p><b>Item 10</b></p>	<p><b>Community Feedback</b></p> <p>This item did not proceed due to time constraints.</p>
<p><b>Item 11</b></p>	<p><b>General Business</b></p> <p>Mr Banyard advised that the Correct Planning and Consultation for Mayfield Group (CPCMG) would respond to the EPA-commissioned report, <i>Additional Analysis of ARTC Data on Particulate Emissions in the Rail Corridor</i>, by Professor Louise Ryan. The CPCMG would reiterate its concerns about the quality of the data.</p> <p>Mr Banyard sought further clarification and enquired whether the EPA's method used to test motor vehicle emission could be adapted to test emissions from rail locomotives.</p> <p>Mr Gilligan advised:</p> <ul style="list-style-type: none"> <li>• The EPA method of assessing smoky vehicles may be not transferrable to locomotives.</li> <li>• The remediation of contamination in the unused section of the rail corridor to the former Newcastle Station would be the responsibility of the polluter firstly or the land owner. The rezoning of the land would require decisions on contamination issues before any redevelopment. Remediation would be tailored to the new land use.</li> <li>• Other regulatory agencies attended the incident with a truck carrying an unsecured load of ammonium nitrate on Industrial Drive, Mayfield, on 19 February 2015. The EPA did not attend. It would be appropriate for community members to enquire about the incident directly with these authorities.</li> </ul> <p>Mr Gilligan agreed to email a response to the Committee, addressing Mr Banyard's requests for information.</p> <p><b>ACTION 2. EPA to email a response to the Committee on (1) the potential for using the EPA's vehicle emissions testing methods to test emissions from rail locomotives, (2) what regulatory action was taken regarding locomotive emissions in 2015, and (3) What action was taken by the EPA and other authorities following an incident with a truck carrying an insecure load of ammonium nitrate on Industrial Drive, Mayfield, on 19 February 2015.</b></p>

<b>Item 12</b>	<p><b>Closing Remarks and NCCCE 2015-2017</b></p> <p>The Chair advised that he met with the Minister for the Environment on 16 October 2015. The Minister conveyed his appreciation and support for the Committee.</p> <p>The Chair thanked the Committee members for participating and contributing to the work of the Committee during this term of office. He commended the way the members worked collaboratively to be on the one page for delivering better outcomes for the community and the environment. He asked the members to feel satisfied with their efforts in the roles they played and hoped they would reapply to continue the good work in the next two-year term.</p> <p>Mr Gilligan thanked the Committee members for their valuable contributions, commending for the way the group resolved differences and worked constructively together. He encouraged the members to renominate for membership, noting that it was understandable if they preferred a break after four years of service to the community. In closing, Mr Gilligan hoped that in the new term the Committee would continue the momentum of engaging more widely with the broader community.</p> <p>Ms Bell thanked the Committee for its valuable advice to the EPA on how to better engage with the community.</p> <p>EPA reiterated that it would notify the committee members about the public call for nominations for the next two-year term, when the dates became available.</p>
<b>Meeting ended at 7.50 pm</b>	

<b>ACTION ITEM LOG</b>	<b>DUE</b>	<b>RESP</b>
<b>NCCCE MEETING NO. 40, 21 October 2015</b>		
<b>ACTION 1:</b> The EPA to advise Committee members of the publication of the quarterly newsletter for the Newcastle Local Air Quality Monitoring Network.	ASAP	EPA
<b>ACTION 2:</b> The EPA to email a response to the Committee on (1) the potential for using the EPA's vehicle emissions testing methods to test emissions from rail locomotives, (2) What regulatory action was taken regarding locomotive emissions in 2015, and (3) What action was taken by the EPA and other authorities following an incident with a truck carrying an insecure load of ammonium nitrate on Industrial Drive, Mayfield, on 19 February 2015.	ASAP	EPA