



ENVIRONMENT PROTECTION AUTHORITY

MEETING No. 5 Newcastle Community Consultative Committee on the Environment (NCCCE)

MEETING MINUTES

Date: 8 February 2012 **Time:** 5:30pm

File: FIL11/10927

Meeting Location: EPA, 117 Bull Street, Newcastle West.

In attendance: John Tate (Chair); Ben Latta (deputy for Zoe Rogers (Environment)); Graham Woods (Industry); Nick Godfrey-Smith (Industry); Paul Thomas (Industry); Kate Johnson (Community); Paul McBain (Minister Nominee); Adam Gilligan (Newcastle City Council)

Environment Protection Authority (EPA): Karen Marler, Jackie Teal.

Apologies: Keith Craig

Agenda Item

1. Welcome from the Chair

2. Apologies

Apology from Keith Craig received and noted.

3. Minutes of Previous Meeting

John Tate resolved to declare that the draft minutes of Meeting No. 4 are a true and accurate record. There were no dissenters and the resolution was confirmed in the affirmative.

4. Actions arising from Previous Meeting

Action 1: Adam Gilligan advised that most asbestos removal on residential sites occurs without the need for Development Consent. Council will check with WorkCover regarding notification requirements, if any. General advice is that outside of the Development Application process it is a voluntary decision for people to notify of asbestos removal activities.

Paul McBain - Are there any other processes where notification may be required?

Adam Gilligan and Nick Godfrey-Smith – Building remediation is often a complex process and as it is usually an ongoing process to remove asbestos, notification does not generally happen – projects are managed within a specific work area to avoid offsite impacts and ensure appropriate disposal. Who to actually notify is also difficult to determine in many cases.

Paul McBain - It's more in the areas of Wickham where the industrial sheds are and the activity is usually re-sheeting works. I'd like to see what WorkCover says as this issue continues to be raised by the community.

Action 2: The EPA provided updated acronym list and fact sheet on TEOM, ASP and BAM monitoring technologies.

Action 3: Paul McBain advised that Keith Craig is still finalising the date for the Stockton meeting and suggested that this action be discussed at the next meeting.

Action 4: Adam Gilligan advised that the consent authority for the temporary air quality monitoring station is Newcastle City Council. He advised that Orica is currently liaising with Council staff regarding the location of the site. More detailed plans are required to progress the development.

Action 5: Discussed in general business.

Action 6: EPA provided to the Committee a copy of the mandatory audit condition on Orica's licence.

5. Adam Gilligan Presentation: Emergency Management Arrangements

Adam Gilligan advised that Dennis Hainsworth is Council's Emergency Management Officer.

Ben Latta – Is there a plan for another test run of the emergency plan?

Adam Gilligan – Yes. A Kooragang Island sub-plan, to deal with Kooragang Island, the Port and surrounds, which will make sure specific issues are addressed, is being developed. The sub-plan will consider significant industry and neighbouring residential areas. A more specific plan for Kooragang will include targeted response plans for onsite issues. Once that plan is developed – there will be another test. There is an existing test every second year jointly with Lake Macquarie City Council.

Adam Gilligan advised that the DISPLAN is a public document and the Committee requested access to this document.

ACTION 1: Adam Gilligan to provide link to the DISPLAN document for the Committee

Paul McBain – How does risk fit in? The four largest risks are identified in the DISPLAN– but who identifies and quantifies these risks?

Adam Gilligan– Risk is assessed by the combat agencies and through discussion with the local emergency management committee. State plans also exist for identified risks.

Paul McBain – Does Fire and Rescue NSW look at risks for Kooragang or is it a range of agencies?

Adam Gilligan – The risk assessment is primarily based on industry hazard identification plans which are provided to Fire and Rescue NSW and also considers particular risks which are then communicated to the agencies to identify arrangements in place to address those risks. There is currently a review underway of all major hazardous facilities across the State.

Graham Woods - Regarding notifying the public, is that via SMS?

Adam Gilligan – Yes, a SMS alert system is available to the emergency services. It is possible to draw a polygon on a map and the system will pick up all mobiles billed to that area, and possibly those also currently within the area to receive a SMS alert.

6. General Business

Action 5 (from Meeting No. 4): Prior to the meeting Keith Craig has provided details of his motion from Meeting No.4 in writing. The motion was reviewed and discussed by the Committee.

Paul McBain and Kate Johnson – What is the timing of the mandatory audit?

Karen Marler - Advised that the mandatory audit will take 2-3 years to complete, however interim reports will be provided to the EPA throughout the audit process. The mandatory audit does include a review of international best practice.

Nick Godfrey-Smith – This motion is not necessarily a matter for the Committee. The mandatory audit does appear to address the motion, but need to consider whether the committee should be doing this sort of thing.

Kate Johnson– Should the Committee get more information about the mandatory audit? If we do know when the review of best practice will happen – that could address Keith’s concerns.

ACTION 2: EPA to advise on the timing and content/scope of the review of international best practice in relation to the Orica mandatory audit (condition 4F).

Adam Gilligan – In relation to Nick’s comment, the Committee is taking on a regulatory role – but it would be interesting to know in relation to licensed emissions how NSW licensed emissions compare to other jurisdictions, both in other States and overseas. This information might already be held within EPA. Is NSW already near or approaching world’s best practice?

ACTION 3: EPA to provide overview of how NSW air quality legislation compares with other jurisdictions.

Nick Godfrey-Smith– This Committee should operate at a higher level than individual regulatory issues. We should not be dealing with individual premises or issues.

John Tate– We need to have an overview of what is happening at Orica.

Nick Godfrey-Smith – We don’t want to create another layer of complexity or scrutiny where there is already a high level of regulation. We’re still working through the function of the Committee.

Paul McBain – We came up with a work plan – part of our discussion should be what we do in relation to that work plan.

Kate Johnson: I had a question from SCAG last night regarding the importance of a traffic impact study of the Kooragang and Mayfield areas – this is particularly important given future plans for new and expanded industry. The NCCCE could ask for the study to be done as it has

an impact on everything. Has a comprehensive traffic impact study been done and, if it hasn't, could we ask for one?

John Tate: Suggested a briefing from Roads and Maritime Services. This was supported by the Committee.

ACTION 4: EPA to organise briefing by Roads and Maritime Services regarding traffic assessment for the Mayfield, Kooragang and Industrial Drive area.

Nick Godfrey-Smith – An assessment a traffic was done for the T4 project. This could be a starting point for Roads and Maritime.

Kate Johnson: New population growth is identified for Fern Bay - a study needs to take into account the whole view of additional industrial and residential development.

Adam Gilligan – Is this a role for this Committee? If it's about the environment and air quality then maybe it is, if it's about traffic volumes then maybe it isn't.

Nick Godfrey-Smith – I think we need an update on what the bigger picture is.

Kate Johnson – How is the independence of an expert determined? In what sense is an expert considered to be independent if an industry has engaged them?

Karen Marler – The EPA makes a decision on a case by case basis. For some industries, or specific items of equipment or processes, there are very few experts with the knowledge and experience required.

Adam Gilligan – I think you'd be more worried if the person claimed a high level of expertise and knowledge but had had no association with the industry concerned.

Paul Thomas and Adam Gilligan - Consultancies seek to protect their reputations and no-one wants to tarnish their reputation through poor quality work.

Kate Johnson– Is there a possibility of tabling a list of community complaints?

Karen Marler – Yes, EPA can provide a list without personal details for the Committee's information.

Adam Gilligan and Graham Woods – Suggested that EPA provide summary data only, for example how many complaints, what the complaints was concerning etc.

ACTION 5: EPA to provide a summary of complaints received each month for the Committee's information.

Kate Johnson– Asked for the results of gas tests undertaken by EPA in response to the first Orica flare incident.

Karen Marler - Advised that the EPA did not take any gas tests.

Kate Johnson– Stated that future planning, looking at what types of industries we want near commercial, residential areas etc, needs to be considered. This specifically relates to the proposed Incitec Pivot expansion proposal. SCAG and other groups in the area are very opposed to any plant of that nature close to a residential community.

John Tate– This is perhaps outside the bounds of this committee as a land use planning issue, but we should know what emissions there may be will be what EPA agrees to.

Kate Johnson– It's about emissions, cumulative impacts, traffic exposure etc and where land use planning will move in the next 50 years.

Paul McBain – One of the big community concerns is the overall Port plan. Tim Owen has indicated that there is a draft Port plan open for public comment.

John Tate - There is a plan but it's not generally public because it's not yet finalised. Not sure if community consultation is proposed.

Nick Godfrey-Smith– John Hayes' group is concerned about community engagement.

John Tate – Robyn Parker also raised this issue and suggested that the Department of Planning and Infrastructure provide a briefing to the Committee on what is proposed in terms of land use and strategic planning for the Port area. This was supported by the Committee.

ACTION 6: EPA to arrange briefing by the Department of Planning and Infrastructure regarding the Port master plan and landuse plans for Kooragang Island and Stockton generally.

Paul McBain – Looking back, what are we trying to do as a committee? Our main function is how to communicate with the community and determine how the community wishes to be notified. A lot of information that the NCCCE is getting is of interest to the community. The proposed March forum will focus on the lower Hunter air quality and the monitoring network – but similar forums could continue. This could be achieved by an open public forum every couple of months on topics that address issues that are commonly raised, for example licensing, health issues and planning issues. The Minister is interested in a joint forum with the Department of Planning and Infrastructure.

John Tate – We could look at a program for the next couple of months.

Karen Marler – Advised that the proposed Air Quality Forum will be held on Friday 16 March commencing at 5:30pm. The Minister has indicated that she is available to attend.

John Tate – I met with the Minister recently and she mentioned the need to talk with other community representatives – perhaps invite the Chair and Secretary of each group to a meeting (not a committee meeting) to provide an overview of the NCCCE work plan.

Ben Latta – I'm on the Correct Planning and Consultation Group – they would appreciate this.

Paul McBain – I am providing feedback to John Hayes after each meeting. Regular opportunities to provide interaction on particular issues is a good idea.

ACTION 7: EPA to facilitate a meeting with the Committee Chair and community representatives and community groups.

Kate Johnson – At that meeting we could provide an overview of the NCCCE so far – presentations provided etc.

Paul McBain – In what ways can we improve the flow of information to the community? The information I have is that a forum would be great. There is a need to forward plan a forum every couple of months. People will know information is coming out on a regular basis. For example, Lower Hunter air quality monitoring. Howard Bridgeman offered to be involved – the March forum could lead into the next forum being health impacts, then licensing - who is licensed and why and how community can have input into the licensing process.

We need to start informing the community. Community feedback is needed for open forums to discuss issues and information. Networking is starting, but people who aren't involved in community groups also need to know what's going on.

John Tate – We need to set a date and just do it.

Paul McBain – March and then May, June, August.

Adam Gilligan – The café style of community forum – where you have a senior officer and scribe on each table and different tables deal with different issues then switch so everyone gets a say work well. They can be a useful scoping exercise to gauge the level of community interest. Perhaps a few presentations to kick it off – and then leads into a discussion and less scope for confrontation.

John Tate – We can work on that. The March forum is already happening.

Paul McBain – We need to establish a framework for future forums and work on the details later.

John Tate– What about the end of June?

Paul McBain – Is everyone supportive?

John Tate – Quarterly is OK – people need their questions answered.

John Tate: Council has requested a briefing from the NCCCE and EPA on the proposed monitoring network in April 2012.

Adam Gilligan – A briefing from the EPA will suffice and the EPA can include some information on the role of the NCCCE.

Kate Johnson – We still haven't resolved Paul's idea of community forum.

Paul McBain – The main issues are the monitoring network, health impacts and licensing – there are the key concepts for the first few forums. If we agree on the concept a sub-group could be formed to organise how the forums could take place.

John Tate – It's the feeling of the meeting that we endorse the idea of quarterly workshops/forums – Paul McBain, Graham Woods, Kate Johnson, Paul Thomas and Ben Latta agreed to bring a report to the next meeting on how these forums could occur. All agreed on this approach.

ACTION 8: Paul McBain, Graham Woods, Kate Johnson, Paul Thomas and Ben Latta to report to next Committee meeting on proposed community forums.

Nick Godfrey-Smith – Requested an amendment to the page 8 of the Minutes of Meeting No. 4.

John Tate– Moved that the Minutes for Meeting No. 4 be re-submitted for consideration – seconded by Graham Woods – motion carried.

Minutes up again for endorsement.

Nick Godfrey-Smith– Moved adoption of the minutes of Meeting No. 4 with minor amendments to page 8. Seconded by Graham Woods. The Meeting resolved that minutes of Meeting No. 4 be adopted with the changes to page 8.

Paul McBain - Suggested that the Committee's work plan be discussed at the next meeting.

ACTION 9: - Include the review of the Committee's work plan as an agenda item for Meeting No. 6.

7. Next Meeting – Date: 14 March 2012

Location: EPA Conference Room, Ground Floor, 117 Bull Street,
Newcastle West.
Time: 5:30pm.

Meeting ended: 19:45

SUMMARY OF ACTIONS:

- Action 1:** Adam Gilligan to provide link to the DISPLAN document for the Committee
- Action 2:** EPA to advise on timing and content/scope of the review of international best practice in relation to the Orica mandatory audit (condition 4F).
- Action 3:** EPA to provide overview of how NSW air quality legislation compares with other jurisdictions.
- Action 4:** EPA to organise briefing by Roads and Maritime Services regarding traffic assessment for the Mayfield, Kooragang and Industrial Drive area.
- Action 5:** EPA to provide a summary of complaints received.
- Action 6:** EPA to arrange briefing by the Department of Planning and Infrastructure regarding the Port master plan and landuse plans for Kooragang Island and Stockton generally.
- Action 7:** EPA to facilitate a meeting with community groups next week.
- Action 8:** Paul McBain, Graham Woods, Kate Johnson, Paul Thomas and Ben Latta to report to next Committee meeting on proposed community forums.
- Action 9:** Include the review of the Committee's work plan as an agenda item for Meeting No. 6.

Prepared by: Karen Marler

Approved by: John Tate