

FREQUENTLY ASKED QUESTIONS SWANBANK ODOUR ISSUES

Question

Answer

Who is responsible for the odours?

The department currently believes that the odour being experienced is largely attributable to waste and composting facilities located in the Swanbank industrial area.

These operators must comply with the conditions of their environmental licences (environmental authorities) and the provisions of the *Environmental Protection Act 1994*, in addition to any approvals or requirements from local government and other State agencies.

Establishing the source of odour nuisance is a difficult task due to the nature of odour, especially in situations where there are multiple potential odour sources.

Who ensures that operators comply with their environmental obligations?

If it is a landfill, composting operation, or other waste management facility, it is regulated by the department under the *Environmental Protection Act 1994*.

Odours experienced in the area that could be associated with these activities should be reported to the department.

Resolving odour issues across the Swanbank area is complex, especially with incompatible land use settings where residential development is located close to multiple industrial activities that are contributing to the odour. The department has been and is continuing to respond to these issues as a priority, however encroachment and multiple likely odour sources makes swift resolution difficult.

Where to report odour nuisance?

Concerns can be reported to the department by completing the online environmental reporting form found [here or through](#) the 24/7 Pollution Hotline by calling 1300 130 372 (option 2).

What happens once an odour nuisance report is lodged?

The department uses information in odour reports to provide insight into the extent of the impact and identify trends that help target our compliance activity in the Swanbank area. Compliance activity can include site inspections assessing management practices and odour surveys to investigate the source, and impact, of potential odour nuisance.

Given the high number of reports we receive, you may not be contacted directly about your report. If your report is being considered for use as evidence in relation to a the department's investigation and/or related enforcement action, we may contact you to provide a statement.



What are the potential penalties for operators found to be in breach of their environmental obligations?

The *Environmental Protection Act 1994* (the Act) contains a number of criminal offences and corresponding penalties. For example, it is an offence for the holder of an environmental authority to contravene a condition of that authority. Please see section 430 of the Act for further detail.

Within the Act, penalties are expressed by reference to a number of penalty units. The value of penalty unit is indexed annually. In Queensland and as of 1 July 2023, the value of one penalty unit is \$154.80.

What happens when an operator is found to be in breach of their environmental obligations?

A variety of enforcement options are available to the department under the *Environmental Protection Act 1994*. The department's [Enforcement Guidelines](#) outline the general principles behind our approach to enforcement and are considered when determining the appropriate compliance response. For minor or non-reoccurring breaches warnings may be appropriate. Escalating offences may receive a fine, and/or enforcement action including issue of one or more of the statutory notices available.

Serious offences and/ or those with high impact may result in the department commencing criminal or civil proceedings in the relevant court.

What enforcement action has been taken?

The department recognises that the odour being experienced by the community in and around the Swanbank area is a serious issue. These matters are being addressed as a priority.

The department has taken action against a number of operators in the Swanbank and New Chum industrial areas, including issuing various statutory notices and commencing court proceedings.

In relation to the current odour issues, investigations are ongoing and the department is committed to taking strong action against operators found to have been wilfully breaking the law.

The department has invested significant resources in these matters which include additional compliance inspections of regulated sites, engagement of a consultant company, deploying technical air monitoring equipment and working closely with other agencies. The department's is working to ensure all avenues to resolve odour issues are being considered.

Is the department taking any other action?

The department recognises the community is concerned about potential health impacts resulting from air emissions and water quality impacts from licensed activities.

As a result, the department has undertaken a range of air monitoring activities including community-based monitoring. An independent expert was also engaged to develop a scalable air monitoring plan for Swanbank, New Chum and surrounding suburbs. A final scalable monitoring plan has been provided to the department and actions are now being taken to implement the plan and make monitoring results available to the public.

The department is also engaging an independent expert to develop a scalable water monitoring plan and will look to implement any recommendations as soon as possible.

What about the TEP at the NuGrow composting facility in Swanbank?

Waste operators must ensure they comply with their obligations under the *Environmental Protection Act 1994* including any requirements of a transitional environmental program (TEP).

Nugrow Ipswich Pty Ltd (NuGrow) held a TEP which expired on 4 September 2023. Under the TEP NuGrow was required to take a number of actions aimed at reducing odour emissions from its site in order to achieve compliance with the *Environmental Protection Act 1994*.

It is an offence to not comply with a TEP and the department is currently investigating any non-compliances that may have occurred prior to NuGrow's TEP expiring.

What are the roles of the different levels of government in licensing waste facilities?

Ipswich City Council (Council) is responsible for assessing and deciding applications for development approvals (DAs) for its local government area, in accordance with the *Planning Act 2016*. If approved, a DA imposes a number of conditions on its holder. More information on DAs can be found at the Council's website.

If approved, the regulation of DAs, including compliance activities, is the responsibility of Council. Once a development approval is issued, it is generally issued in perpetuity.

The Department is responsible for assessing and deciding applications for environmental authorities (EAs) for certain activities that have the potential to harm the environment, called environmentally relevant activities (ERAs), in accordance with the *Environmental Protection Act 1994*.

If approved, the regulation of EAs, including compliance activities, is the responsibility of the Department.

To operate lawfully, waste facilities, including landfills and composting operations, require both an EA and DA to operate.

Can these operators be shut down?

The *Environmental Protection Act 1994* contains a list of grounds for the suspension or cancellation of permits, licences or authorities. These grounds might include the holder being convicted of an offence under that legislation or not meeting specified suitability criteria for the permit, licence, or authority.

Where appropriate, when deciding whether to cancel or suspend a licence, permit or authority, the requirements of the legislation will be complied with and the department will consider the principles within its [Enforcement Guidelines](#).

Often outcomes being sought can be achieved without closing operations, but by ensuring the right management measures are in place or by limiting how an activity can occur.

Waste facilities such as those in the Swanbank area are required to have multiple approvals in order to lawfully operate—from both local and state government. Local governments are also responsible for ensuring compliance with development approval conditions.

What should I do if feel my health is impacted?

If at any time you believe that you or members of your household are experiencing health impacts associated with the odour, you are encouraged to speak to your treating medical practitioner who can also contact the West Moreton Public Health Unit.

You can also speak to qualified health staff by calling the Queensland Government's health advice line on 13 HEALTH (1343 2584) which is available 24 hours a day, 7 days a week.

The department is providing air sampling canisters to residents who have health concerns. More information about air canister sampling is available in the [Air Sampling Canisters factsheet](#) here.

To participate in this program, community members can contact the 24/7 Pollution Hotline—1300 130 372 (option 3) or can request canisters through the [online reporting form](#).

How do I keep informed?

Further information is available on the [department's website](#) including an option to [subscribe](#) to receive regular updates