



Minister for the Environment and the Great Barrier Reef Minister for Science and Innovation

Your Ref: A1239821
Our Ref: CTS 02556/24

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14 March 2024

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 15 February 2024 enclosing a copy of Parliamentary Petition No. 3957-23 concerning health and amenity impacts from private waste company activities in the Swanbank Industrial Area, Ipswich.

I acknowledge the petitioners' request of the House to do all in its powers to protect the health and safety of residents in the Ipswich region that have been exposed to odour nuisance from the waste industry.

I can assure the petitioners that we are a Government which listens to the community and acts. I would also like to acknowledge the strong advocacy by the Members for Bundamba, Ipswich, and Jordan on behalf of their local community. Last year I attended a community meeting at Redbank Plains to hear firsthand of the odour issues impacting the community. These odour issues are unacceptable and addressing odour has been, and continues to be, a Government priority.

Environmental impacts from a number of industries present increasingly complex regulatory challenges. Odour issues around the Swanbank Industrial Area are not new and are a result of a complex intersect of residential encroachment, difficulties in contemporising licenses issued for some of the high odour producing activities, and some non-compliant operators.

The Department of Environment, Science and Innovation is the environmental regulator charged with the responsibility for addressing community concerns and ensuring environmental authority (EA) holders are complying with their environmental obligations. Where the department identifies non-compliance, enforcement action can be taken to compel operators to comply and to hold them accountable. For the avoidance of any doubt, the Odour Abatement Taskforce is a unit from within the department based in Ipswich, and largely responsible for compliance activities in the Swanbank area. The Taskforce has been supplemented with additional surge staffing drawn from across Queensland given the scale of the issues in the Swanbank area.

Responses to the points raised in the petition are provided below:

- ***Department of Environment, Science and Innovation and the Odour Abatement Taskforce to conduct proactive enforcement and compliance activities for waste operations***

Odour is one of the most difficult and complex issues for the department to investigate and resolve due to the difficulties associated with proving the source of odours to the high standard required by courts. While difficult, the department has engaged external scientists and engineers who specialise in odour to assist with its odour investigations. These people are the premier consultants in this field.

The department received finding from one of its odour experts late last year and was able to identify that NuGrow Ipswich Pty Ltd, who operate a composting facility in the Swanbank Industrial Area is a primary source of odour. The department then sought an interim restraint order from the Planning and Environment Court that if granted, would limit certain aspects of the business. Importantly, this would include restrictions on receiving certain highly odorous wastes, with the aim of bringing relief to the local community. The Court is currently considering the order, and a decision will be delivered at a date in the future. This proceeding demonstrates the department's commitment to holding non-compliant operators to account.

Since July last year, the department has executed several proactive compliance campaigns in the Swanbank Industrial Area and the broader Ipswich area. This has included a multi-agency waste transport intercept in the area, targeted and detailed site inspections of composting facilities in the Swanbank Industrial Area, disaster preparedness inspections for all waste sites in the Swanbank Industrial Area, and site inspections of all licenced activities with the potential to cause odour impacts across the Ipswich region.

Of the operators located just in the Swanbank Industrial Area, 121 site visits have been conducted since June 2023, which is already more than twice that conducted in the previous year. Since June 2023, 14 enforcement actions have been taken, including issuing over \$90,000 in on-the-spot fines. Several matters are before Court and other alleged offences remain under investigation with potential future Court action to follow. While not all of these matters relate to addressing odour, again this demonstrates that the department will hold non-compliant operators to account.

- ***The immediate cessation of operations where non-compliance is shown***

Legislation administered by the department contains a list of grounds for the suspension or cancellation of permits, licences or authorities. These grounds include the holder being convicted of an offence under that legislation or not meeting specified suitability criteria. For serious contraventions of legislation, the department does consider suspension or cancellation of permits or licences. However, these actions may only be pursued after the prescribed grounds have been satisfied.

Similarly, Ipswich City Council who is responsible for approving development applications within its jurisdiction, holds the responsibility of ensuring compliance with the conditions of these approvals. Ipswich City Council possesses the authority to enforce measures in cases where businesses fail to meet these conditions. The Queensland Government has encouraged Ipswich City Council to consider the available levers it has to assist in addressing the odour issues impacting community.

On 13 February 2024, the Miles Government introduced new legislation into the Queensland Legislative Assembly to provide stronger protection for communities impacted by environmental issues such as odour, dust and noise. If passed, the Environmental Protection (Powers and Penalties) and Other Legislation Amendment Bill 2024 (the Bill) will give the environmental regulator additional tools to prevent environmental harm before it occurs, punish those breaking the law, and force them to take faster clean-up action. The proposed changes will ensure there is appropriate emphasis on human health, wellbeing and safety in Queensland's environmental laws, and shifts the focus to proactive prevention of environmental impacts.

This Bill will implement the Government's response to a review of the powers and penalties under the *Environmental Protection Act 1994* (Qld) undertaken by retired Judge Richard Jones and Barrister Susan Hedge in 2022, which was initiated in part due to the significant odour nuisance issues experienced by the Ipswich community after the rainfall event in February 2022. The review provided 18 recommendations, several of which have already been delivered through the *Environmental Protection and Other Legislation Amendment Act 2023* which was passed by the Queensland Parliament in March 2023. The Bill will finalise the Government's response to the recommendations.

While these proposed changes do not provide powers for the department to cause the immediate cessation of a business upon identifying non-compliance, they will work towards strengthening the department's regulatory ability to enforce compliance with environmental legislation and community expectations.

- ***Have the regulator direct compost and mulching operations to enclose their facility***

The department is undertaking an EA modernisation process to update composting EAs to best practice standards. This includes requiring enclosed composting infrastructure at facilities receiving highly odorous feedstocks that are nearby to residential areas.

Changes to authorities to date have been through negotiation and agreement, with several operators in Queensland voluntarily adopting best practice composting standards. Where agreement cannot be reached, a legislative process is required that affords natural justice through consultation, review and appeal rights. This means that for some operators, the modernisation process becomes protracted and resource intensive. This is in addition to timeframes for planning approval and construction.

With this in mind, I have requested the department identify options for Government to consider which would strengthen regulations to expedite progress of EA modernisation and provide a more level playing field across the compost sector.

- ***The establishment of air quality stations in suburbs where odour complaints have been lodged with the Odour Abatement Taskforce***

Over the coming months, the department is also expanding its air monitoring capabilities in the Swanbank Industrial Area. This is based on recommendations provided by an independent air expert engaged by the department.

The expanded air monitoring program will include rolling out and relocating additional wind/weather stations at locations identified to best assist the department's understanding about impacts on community and will adopt new technology to provide close to real time monitoring of certain air quality parameters. Expanding the existing network allows for more contemporary and reliable data to inform compliance activities and will include online viewing access for community.

- ***Quarterly public community meetings to be held by Odour Abatement Taskforce and the Regulator Department of Environment, Science and Innovation***

I am pleased to note that the progress of the department's key initiatives is being communicated to residents regularly through the department's enhanced community engagement activities. Since September 2023, the department has been releasing regular newsletters, holding monthly community reference group meetings and hosting monthly community drop-in sessions along with representatives of Queensland Health and Biosecurity Queensland from the Department of Agriculture and Fisheries.

The newsletters are currently reaching over 2,000 subscribers and the five most recent editions have yielded strong open rates. These strategies aim to provide a better balance of regular engagement between community and the regulator.

- ***The State Government to direct cleanaway at their New chum landfill site to permanently close Cell 3B and commence rehabilitation***

The department continues to require Cleanaway to raise its environmental performance to protect environmental values and community from any unlawful impacts from its operations through compliance inspections, EA amendments and enforcement action.

To minimise any future risks, the department has amended Cleanaway's EA to strengthen protections and include a raft of strict new conditions to manage groundwater and minimise the potential for odour emissions.

The landfill will only be able to recommence receiving waste once Cleanaway has rebuilt the remaining void and installed necessary infrastructure in accordance with the requirements of its EA and the approvals issued by the Ipswich City Council. Once completed, this will be the only landfill void available to Cleanaway after the Planning and Environment Court refused its application to expand landfilling operations on the site.

The department continues to closely monitor Cleanaway's activities to ensure that it is complying with the conditions of its EA and will continue to respond to any reports or issues that arise at the New Chum facility in accordance with its role as the environmental regulator.

- ***The declaration of an environmental health event in relation to air pollution created by the waste industry; and***
- ***The establishment of a panel of inquiry into the health impacts of the waste industry on residents***

The public health concerns raised by the petitioners are acknowledged. While these concerns fall within the portfolio responsibilities of the Honourable Shannon Fentiman MP, Minister for Health, Mental Health and Ambulance Services, Queensland Health is working closely with the Department of Environment, Science and Innovation, providing advice in response to air monitoring results. To date, no air sample has exceeded health guidelines.

I am advised that various referral pathways have been established for residents to access health advice. Residents are encouraged to visit their general practitioner (GP) or the local Ripley Satellite Hospital to have any health concerns assessed. Residents may also contact 13HEALTH for confidential advice from a registered nurse. As of 28 February 2024, Queensland Health advised that no calls have been received by 13HEALTH relating to Swanbank odour.

Queensland Health has also advised that:

- it has sent out three alerts to GPs in partnership with surrounding Primary Health Networks. These alerts highlight to GPs the possibility that patients may present with symptoms associated with their proximity to the Swanbank Industrial Area. Local GPs have been asked to report individual cases to Queensland Health which will assist in collecting information on any health impacts that may be attributable to the Swanbank Industrial Area;
- the Chief Health Officer has met with medical representative groups, to encourage GPs in the West Moreton community to utilise the referral pathways for community members who may have health issues related to the Swanbank Industrial Area odours – and report these to Queensland Health;
- as of 29 February 2024, only two community members have been referred through this arrangement. A review did not reveal any specific links between each person's medical condition and any odour being caused.

Queensland Health has also assessed cancer rates in selected areas around the Swanbank Industrial Area. Overall, there has not been an increase in the cancer rates for any of the common cancers, including lung cancer, in any of these areas over the last 20 years.

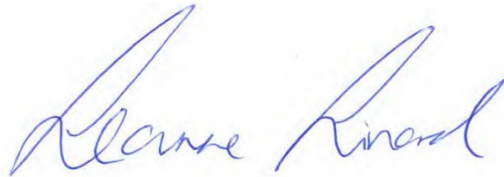
Queensland Health is of the view that the establishment of a Panel of Inquiry or an Environmental Health Event Register would be difficult to justify under the *Public Health Act 2005* as the health-based guideline values for air quality have not been exceeded and currently, there is no substantial information directly linking the Swanbank Industrial Area to any adverse health outcomes in the community.

Regardless, Queensland Health notes that these mechanisms would not provide the remedies sought by the community to alleviate their current health concerns for the following reasons:

- a Panel of Inquiry is unlikely to identify information that is not already known, for example, the source of air pollutants; and
- measures have already been implemented to monitor and track the health concerns of the community which would be the primary focus of an Environmental Health Event Register.

I trust that this information is of assistance to the petitioners.

Yours sincerely

A handwritten signature in blue ink, reading "Leanne Linard". The signature is fluid and cursive, with the first name "Leanne" and the last name "Linard" clearly distinguishable.

Leanne Linard MP
**Minister for the Environment and the Great Barrier Reef and
Minister for Science and Innovation**