# CITY STANDARDS COMMITTEE

**DECISIONS OF THE ESTABLISHMENT AND COORDINATION COMMITTEE DURING THE SPRING RECESS 2021, ON MATTERS USUALLY COMING UNDER THE JURISDICTION OF THE CITY STANDARDS COMMITTEE, SUBMITTED TO COUNCIL FOR INFORMATION PURPOSES ONLY**

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A PETITION – REQUESTING COUNCIL INTERVENE TO ENSURE EFFECTIVE ODOUR CONTROL OF INGHAMS FEEDMILL, LOCATED AT 1495 LYTTON ROAD, HEMMANT, AND CREATE A PLEASANT LIVING ENVIRONMENT FOR RESIDENTS LIVING IN THE AREA

 **CA21/774209**

1. A petition requesting Council intervene to ensure effective odour control of Inghams Feedmill, located at 1495 Lytton Road, Hemmant, and create a pleasant living environment for residents living in the area, was received during the Winter Recess 2021.

2. The Divisional Manager, Lifestyle and Community Services, provided the following information.

3. The petition contains 26 signatures.

4. Council’s Compliance and Regulatory Services, Lifestyle and Community Services, is responsible for investigating odour nuisance complaints under the Queensland Government’s *Environmental Protection Act 1994* (the Act). Authorised officers gather evidence to determine if odour being generated and released is an unlawful environmental nuisance, as defined by the Act.

5. An unlawful environmental nuisance may occur when the release of any emissions, such as odour, cause an unreasonable interference with a person’s enjoyment of their environment. Before Council can act in relation to an alleged unlawful environmental nuisance, officers must first substantiate that the nuisance provisions are met.

6. The Act states Council must consider the General Emission Criteria when determining if an emission is an unlawful environmental nuisance. The criteria can include considerations of the emission's characteristics or qualities, such as the duration and time of the emission, whether it is continuous or fluctuating, and the types of emission that could reasonably be expected in the receiving environment. To assist in making an informed judgement about unlawful environmental nuisances, Council requires an investigating officer to witness the emission taking place.

7. Council first received a report of the odour nuisance on 20 November 2020. The odour was reported to be coming from 50 Goodman Place, Murarrie. At this location, the Queensland Government has a regulated activity (Environmental Relevant Activity 25 – Meat Processing) issued under the provisions of the Act. Therefore, the matter was referred to the Queensland Government’s Department of Environment and Science (DES).

8. On 22 December 2020, Council received confirmation from DES that the source of the odour was not from its regulated activity and advised it was being generated from the Feedmill, which is not regulated by DES. Subsequently, the matter was referred to Council for further investigation.

9. Council’s investigation determined that an unlawful environmental nuisance was being created by the odour coming from the Feedmill. As a result, a notice to conduct an Environmental Evaluation (investigation) was issued to the Feedmill on 18 March 2021. The notice directs the Feedmill to investigate the source of the odour, identify ways to mitigate the odour and supply a report to Council. The report was due and received on 7 June 2021. A further information request was issued on 29 June 2021, asking for clarification on some matters. This request was due on 30 July 2021, and the report was received on that day. Council officers will now assess the report and supporting information and determine the next appropriate course of action.

10. In the meantime, Council is continuing to monitor this matter and is working with the Feedmill on possible solutions to resolve the issue. Further, the investigating officer is in direct contact with the head petitioner regarding the status of the investigation.

### Consultation

11. Councillor Lisa Atwood, Councillor for Doboy Ward, has been consulted and supports the recommendation.

### Customer impact

12. The submission will respond to the petitioners’ concerns.

13. The Divisional Manager recommended as follows and the Committee agreed at its meeting held on 11 October 2021.

14. **DECISION:**

 **THAT THE INFORMATION IN THIS SUBMISSION BE NOTED AND THE DRAFT RESPONSE, AS SET OUT IN ATTACHMENT A,** hereunder**, BE SENT TO THE HEAD PETITIONER.**

**Attachment A**

**Draft Response**

**Petition Reference:** CA21/774209

Thank you for your petition requesting Council intervene to ensure effective odour control of Inghams Feedmill (the Feedmill), located at 1495 Lytton Road, Hemmant, and create a pleasant living environment for residents living in the area.

Council’s Compliance and Regulatory Services, Lifestyle and Community Services, is responsible for investigating odour nuisance complaints under the Queensland Government’s *Environmental Protection Act 1994* (the Act). Authorised officers gather evidence to determine if odour being generated and released is an unlawful environmental nuisance, as defined by the Act.

An unlawful environmental nuisance may occur when the release of any emissions, such as odour, causes an unreasonable interference with a person’s enjoyment of their environment. Before Council can act in relation to an alleged unlawful environmental nuisance, officers must first substantiate that the nuisance provisions are met.

The Act states Council must consider the General Emission Criteria when determining if an emission is an unlawful environmental nuisance. The criteria can include considerations of the emission's characteristics or qualities, such as the duration and time of the emission, whether it is continuous or fluctuating and the types of emission that could reasonably be expected in the receiving environment. To assist in making an informed judgement about unlawful environmental nuisances, Council requires an investigating officer to witness the emission taking place.

Council first received a report of the odour nuisance on 20 November 2020. The odour was reported to be coming from 50 Goodman Place, Murarrie. At this location, the Queensland Government has a regulated activity (Environmental Relevant Activity 25 – Meat Processing) issued under the provisions of the Act. Therefore, the matter was referred to the Queensland Government’s Department of Environment and Science (DES).

On 22 December 2020, Council received confirmation from DES that the source of the odour was not from its regulated activity and advised it was being generated from the Feedmill, which is not regulated by DES. Subsequently, the matter was referred to Council for further investigation.

Council’s investigation determined that an unlawful environmental nuisance was being created by the odour coming from the Feedmill. As a result, a notice to conduct an Environmental Evaluation (investigation) was issued to the Feedmill on 18 March 2021. The notice directs the Feedmill to investigate the source of the odour, identify ways to mitigate the odour and supply a report to Council. The report was due and received on 7 June 2021. A further information request was issued on 29 June 2021, asking for clarification on some matters. This request was due on 30 July 2021, and the report was received on that day. Council officers will now assess the report and supporting information and determine the next appropriate course of action.

In the meantime, Council is continuing to monitor this matter and is working with the Feedmill on possible solutions to resolve the issue.

The above information will be provided to the other petitioners via email.

Should you wish to discuss this matter further, please contact Mr Chris Vojtisek, Senior Environmental Health Officer, Compliance and Regulatory Services, Lifestyle and Community Services, on (07) 3178 1458.

Thank you for raising this matter.

***End.***