

Smoke, Smell and Air Pollution

Neighbourhood pollution can take the form of:

- smoke from chimneys or incinerators
- burning off in backyards
- hot air from air-conditioner exhausts
- smells caused by animals and birds
- chemical smells from factories.

The local council or DECC (the Environment Protection Authority) can be contacted for information and advice about the regulations relating to these problems and any possible remedies.

INDUSTRIAL COMPLEXES

Some types of premises that cause large-scale industrial pollution are scheduled under the *Protection of the Environment Operations Act*. If a complex is listed in a schedule, it must be operated according to certain standards and requirements. Schedule premises include most factories and industrial warehouses.

Complaints about pollution from such premises should be made to the DECC/EPA Hotline 131 555 or 9995 5555. Fines and other penalties can be imposed if there has been a breach of regulations.

CASE STUDY – ENVIRONMENT PROTECTION AUTHORITY v CARGILL AUSTRALIA LTD [2004] NSWLEC 334

This case concerned a company operating a livestock slaughter and rendering plant. There was a history of complaints regarding odour being emitted from the plant into the surrounding area. The Environment Protection Authority took 'odour measurements' over several days to measure the intensity of the odour escaping from the plant at varying distances from the premises.

The offensive odour was caused by the failure of old plant equipment to adequately capture all odour produced in the rendering process and prevent the odour being released into the atmosphere.

The Environmental Protection Authority charged the company with an offence under the *Protection of the Environment Operations Act 1979* (POEO Act) of causing the emission of an offensive odour which interfered unreasonably with the comfort of a person outside the premises (section 129).

The company pleaded guilty to the offence and was fined \$32 000 in the Land and Environment Court.

Since the date of the offence, the company had carried out a number of works aimed at improving the odour-control abilities of the premises. The Court also considered whether to make an 'environmental enhancement order' under s 250 of the POEO Act. Such an order requires an environmental offender to carry out a specified project for the restoration or enhancement of the environment in a public place or for the public benefit. In this case, the company proposed donating land to the local council and putting the penalty money towards landscaping and amenities within the park.