LOCAL NUISANCE AND LITTER CONTROL

Dust and Fumes

WHAT IS LOCAL NUISANCE?

Local nuisance is described in *the Local Nuisance and Litter Control Act 2016* (the Act) as being any adverse impact on the amenity value of an area, which unreasonably interferes with, or is likely to unreasonably interfere with, the enjoyment of that area by people in that area.

DUST | FUMES | AEROSOLS

Airborne pollution such as dust, smoke and odours, are collectively known as aerosols. Any aerosol (or combination of these), can cause a local nuisance to the community. Aerosols, fumes, particles and smoke can interfere with a person's normal daily activities and if severe enough, can negatively impact a person's health and wellbeing.

Aerosols, fumes, particles and smoke can come from numerous sources at a residential premises including aerosols from paint cans and other fine mists, fumes from petrol or diesel, dust from construction works and smoke or ash from burning off wastes. However, smoke and fumes emitted from cooking are exempt from the nuisance legislation.

WHAT ARE THE EFFECTS OF DUST?

As well as being potentially unsightly and creating a requirement to clean items, dust nuisance may also cause irritation of the eyes, coughing, sneezing, hay-fever and asthma attacks.

Large dust particles tend to get trapped in the nose and mouth when breathed in. These particles are generally quickly expelled by coughing or sneezing and are sometimes harmlessly swallowed. However, this is not necessarily the case with much smaller, fine particles which are often invisible. These particles are more likely to penetrate deeply into the lungs, while ultrafine particles may be absorbed directly into the bloodstream.

Many variables may influence the nature of dust nuisance, including:

- the size of the dust particles
- the chemical make-up of the dust
- the duration of exposure.

Dust nuisance which is external and away from the home, can also affect the amenity of an area and reduce the ability of people to enjoy the outdoor environment.

HOW CAN DUST NUISANCE BE REDUCED OR MITIGATED?

- **Observe weather conditions:** if possible, consider the weather conditions before starting work that will generate dust. Where possible, avoid working when it is gusty or there are strong winds.
- **Retain vegetation** as much as possible on site. Grass can act as a dust barrier to neighbouring properties. Even low or small amounts of vegetation can significantly lower wind speed and reduce the amount of dust leaving a site.
- **Vehicles:** controlling vehicle speeds and covering truck loads will reduce dust on local roads.
- **Physical barriers** such as fences can be very effective when used properly. Materials such as shade cloth can be erected as a dust fence around a commercial work area.
- **Spraying water** onto topsoil can be very effective in reducing dust from commercial or private residences. Equally, spraying water onto poorly maintained lawns will also reduce the amount of dust that is generated.
- **Hydromulch products:** for larger areas, product such as hydromulch is also useful for reducing dust generation. Hydromulch consists of recycled pulp newspaper that has been mixed with water and can be sprayed onto the ground to form a protective layer.

WHEN SHOULD I REPORT DUST NUISANCE?

In the first instance you should try and discuss concerns with the people (e.g. neighbours) from where the nuisance is emanating from, as they may not be aware they are causing a nuisance. Concerns should be raised and discussed, and suggestions provided to resolve problems. Simple solutions can often be found to satisfy everyone.

Generally, councils will only become involved if an issue within the community (e.g. between neighbours) cannot be resolved or if the nuisance is a broad-scale issue involving multiple parties.

HOW DO WE HANDLE DUST COMPLAINTS?

Please refer to the City of PAE's Local Nuisance – Compliant Handling Guideline which provides information as to how these complaints are handled.

The City of PAE uses a gradated response to enforcement in line with our Enforcement Policy.

The Enforcement Policy provides guidance to us about how and when enforcement mechanisms should be applied under the Act, and to inform the community about how decisions of enforcement matters are made. A copy of the Enforcement Policy can be found on our website.

WHAT DOES A COUNCIL CONSIDER WHEN INVESTIGATING A DUST NUISANCE?

When determining whether dust is a nuisance an authorised officer must, in forming their opinion, consider whether:

- the dust has travelled to neighbouring premises
- the nature, extent, smell, density or texture of the dust is such as to constitute an unreasonable interference with the enjoyment of the neighbouring premises by persons occupying those premises.

MORE INFORMATION

This fact sheet is one of a range designed to increase your awareness and understanding of the requirements of the *Local Nuisance and Litter Control Act 2016*. Please see other fact sheets for further information about the Act. You can access more information on our website: cityofpae.sa.gov.au/live/public-and environmental-health/local-nuisance.