



## Local Nuisance - Smoke

Airborne pollution such as dust, mists, smoke, odours and fumes, are collectively known as aerosols, any one of which (or a combination of more than one), can cause local nuisance to neighbours and/or the wider community. Furthermore, aerosol nuisance can do more than just interfere with normal daily activities – if severe enough, it has the potential to cause damage to property and impact negatively upon a person's health.

### What is smoke nuisance?

Smoke is a collection of tiny solid, liquid and gas particles and - depending upon the source - can contain hundreds of different chemicals and fumes. When complete combustion occurs, just water and the colourless, odourless gas carbon dioxide are produced as by-products. However, when there is incomplete combustion (i.e. when there is not enough oxygen to burn the fuel completely), smoke is produced.

Whilst smoke can be generated by a number of different sources and activities from within a community, the most common activities that lead to complaints are backyard burning, open wood fires and solid fuel (combustion) heaters.

### How can smoke nuisance be reduced or mitigated?

Using wood-burning heaters incorrectly causes the emission of more pollutants and inefficiently uses up expensive fuel. There are some simple guidelines that will help you get the most efficient results from your heater:

- Use only a solid fuel heater that bears a compliance plate showing that it meets the Australian Standard for emissions (AS/NZS 4013:2014) and efficiency (AS/NZS 4012:2014) and that it is also installed according to Australian Standard (AS/NZS 2918:2001).
- Use only dry, seasoned timber to maximise heat release during combustion (these logs normally 'crack' when you hit one against the other as opposed to the dull 'thud' you get from freshly cut logs. Good wood storage – wood should be stacked loosely off the ground and stored under a roof in a ventilated area to keep it dry – ideally freshly cut wood should be stored for about 18 months before use so that it is properly seasoned.
- Use only kindling wood, paper or firelighters to start a fire and never use gasoline, kerosene, charcoal starters or propane torches.
- Add larger pieces of wood once a bed of red-hot coals has been established.
- Keep the wood heater air vents open for 20 mins after lighting the fire.
- Don't pack the fire and leave it on a low setting.
- Check the flue outside – if after 20 mins there is still smoke coming from the flue, the fuel or air vents may need adjusting to improve the fire.
- Hardwoods such as Mallee and Red Gum are preferable to softwoods such as pine. Softwoods contain more resins, which create smoke, odour and deposits in chimneys.
- Don't burn garbage, painted timber, treated timber (such as permapine) or particle board. Toxic fumes are released when burnt.

### What is the law with regard to smoke nuisance?

It is an offence under the *Local Nuisance and Litter Control Act 2016* (the Act) to cause a smoke nuisance and penalties apply. If a matter is ongoing, Council can issue the person causing the nuisance with a Nuisance Abatement Notice, which specifies a certain period within which the offender must rectify the problem. Such notices may also be issued orally in the first instance if the matter is considered severe enough. Council also has the power to expiate an offence.

### What does Council consider when investigating a smoke nuisance?

When determining whether smoke is a local nuisance, an authorised officer in forming their opinion, must take the following into consideration:

- the smoke has travelled to neighbouring premises; and
- the nature, extent, colour, smell or density of the smoke is such as to constitute an *unreasonable* interference with the enjoyment of the neighbouring premises by persons occupying those premises; and
- for solid fuel heaters, a visible plume of smoke extends into the air above neighbouring premises from the flue or chimney of the heater more than 15 minutes after the heater is lit.

### When should a smoke nuisance be reported?

In the first instance a person should try and discuss concerns with the people (e.g. neighbours) from where the nuisance is emanating from, as they may not be aware that they are causing a nuisance. Concerns should be raised and discussed, and suggestions provided to resolve problems - simple solutions can often be found that satisfy everyone. Generally, Council 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 does Council manage smoke complaints?

The City of Holdfast Bay uses a graduated response to enforcement in line with Council's Compliance and Enforcement Policy. The Compliance and Enforcement Policy provides guidance to the Council as to how and when enforcement mechanisms should be applied under the Act and to inform its community as to how decisions on enforcement matters are made. A copy can be requested from Council.

### More information

If you would like any more information, or to make a complaint, please contact us by phone on (08) 8229 9999, or via email at [mail@holdfast.sa.gov.au](mailto:mail@holdfast.sa.gov.au)