



Local Nuisance - Dust

What is dust and where does it come from?

Dust is fine, dry powder consisting of tiny particles comprised of earth and/or other matter. Dust particles vary in size from visible to invisible and the smaller the particle, the longer it is likely to remain in the air and the further it is likely to travel. Larger dust particles generally fall out of the air relatively close to where they are generated and form the dust layers that may create a visible film on items such as furniture, furnishings, motor vehicles and other possessions.

Dust is generated by many different sources and activities within a community, such as:

- Arid land and/or land clearing (exposed surfaces)
- Construction, building and/or demolition work
- Roadworks
- Activities carried on around a home

How does a dust nuisance affect the community?

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. Larger dust particles have a tendency to be trapped in the nose and mouth when breathed in although they are generally readily expelled by coughing or sneezing or sometimes even harmlessly swallowed. However, this is not necessarily the case with invisible and much smaller, fine particles. These particles are more likely to penetrate deeply into the lungs while ultrafine particles may be absorbed directly into the blood stream.

Many variables influence the nature of dust nuisance:

- Size of the particles
- Chemical make-up of the dust
- Duration of exposure

External and away from home dust nuisance 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. Try to schedule work when the weather is fine rather than in gusty or strong winds.
- Retain vegetation – Retain as much vegetation on a site as possible. Grass can act as dust barriers 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 – Physical barriers such as fences can be very effective when used properly and material such as shade cloth can be erected as a dust fence around a commercial work area.
- Water – 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.

What is the law with regard to dust nuisance?

It is an offence under the Local Nuisance and Litter Control Act 2016 (the Act) to cause a dust nuisance and penalties apply.

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 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.

When should a dust nuisance be reported?

In the first instance a person should try and discuss concerns with the people (e.g. neighbours or business) from where the nuisance is emanating from, as they may not be aware that they are causing a nuisance. Council will only become involved if an issue within the community cannot be resolved between the neighbours, or if the nuisance is a broad-scale issue involving multiple parties.

What does a Council consider when investigating a dust nuisance?

An authorised officer when determining whether dust is a nuisance must, in forming their opinion, take into account whether:

- the dust has travelled to neighbouring premises; and
- 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.

Are there any exemptions from the Local Nuisance Laws?

The Act allows Councils to consider granting an exemption from local nuisance-causing activities. These exemptions involve strict conditions to minimise the impact of the nuisance.

Where can I direct my enquiries and complaints?

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