

Noise, odour, dust—making a complaint

Who manages environmental nuisance and minor water contamination issues?

In Queensland, local governments are responsible for administering those parts of the *Environmental Protection Act 1994* that manage **environmental nuisance** and **minor water contamination**. There are some exceptions, so check the information below.

What is environmental nuisance?

Environmental nuisance is:

- unreasonable interference (or likely interference) with an environmental value caused by emissions of aerosols, fumes, light, noise, odour, particles (including dust) or smoke; or
- unhealthy, offensive or unsightly conditions caused by contamination.

Environmental values include the amenity of a place, such as a house, that make it suitable for anyone to sleep, study or relax there. These values can be affected by noise, dust, odour or light.

If noise, dust, odour or emissions are unreasonable and make it difficult for you to lead your life, it's probably an environmental nuisance.

How to complain about environmental nuisance

There's more than one way of complaining about environmental nuisance.

Talk directly. You can contact the person or organisation causing the environmental nuisance. Together, you might achieve an outcome that suits you both.

Talk to your local government. You can formally complain to your local council. If it is their responsibility, your local council will deal with the situation either under its own laws or the state regulations.

Talk to the Department of Environment and Science. If you think that the source of the environmental nuisance is caused by a state or local government entity, or comes from an **environmentally relevant activity** (ERA) administered by the State (see the box), complain to the department on 1300 130 372.

What is an environmentally relevant activity?

Environmentally relevant activities (ERAs) are those activities that might release contaminants into the environment, for example, mining or manufacturing.

Local governments take responsibility for approving and licensing these activities as long as they have a minimal impact.

What can a local government do about environmental nuisance?

Local governments can respond to your complaint or they can take action against someone causing an environmental nuisance.

Local government officers use noise and emission standards, such as audibility, duration, and frequency of noise; frequency and intensity of exposure to dust; or the nature and strength of odours, to decide if there is an environmental nuisance.

Local governments can act against people or organisations causing the environmental nuisance. This can include making them change their activities, pay a fine, and even taking them to court.

What are the exceptions?

Some situations are not managed by local government—you will have to contact a different authority.

- Noise from parties, cars, house alarms and trail bikes—call the Queensland Police Service.
- Noise from licensed premises such as hotels and nightclubs—contact the Office of Liquor and Gaming Regulation in the Department of Justice and Attorney-General by phone on 13 QGOV (13 74 68) or email liquorcompliance@justice.qld.gov.au. Complaints can also be made using the online complaint form available at <http://www.justice.qld.gov.au> (search for online complaint).
- Emissions from some commercial activities may be permitted—call your local council to find out more.
- Nuisance caused by essential safety or essential government actions, such as emergency repairs—call your local council to find out more.

What is minor water contamination?

Contaminants released into creeks, water courses, roadside gutters or stormwater drainage can cause minor water contamination. Prohibited water contaminants include chemicals, waste oils, paint, industrial wastes, clay, gravel and sediment, lawn clippings, leaves and pruning waste, and vehicles and their components such as batteries and tyres.

Your complaint can stop minor water contamination.

How to complain about minor water contamination

Talk to your local government. You should direct all complaints about minor water contamination to your local government.

Talk to the Department of Environment and Science. If you think that the source of the minor water contamination is caused by a state or local government entity, or comes from an **environmentally relevant activity (ERA)** administered by the State (see the box), complain to the department on 1300 130 372.

What can a local government do about minor water contamination?

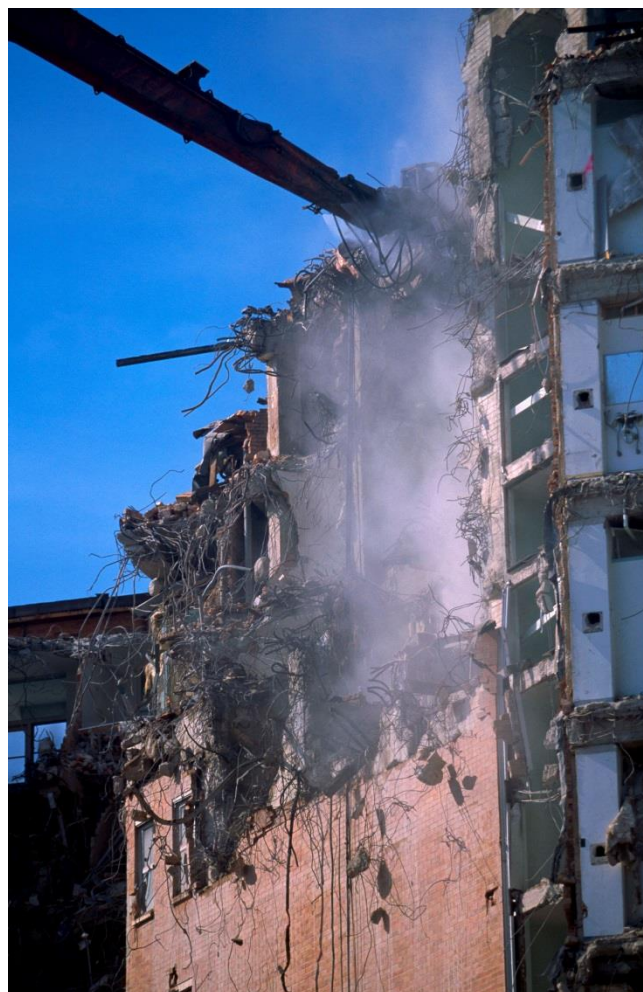
Local councils can respond to your complaint or they can take action against someone responsible for minor water contamination.

Local government officers will investigate to decide whether minor water contamination has occurred and may take action based on the type of contaminant, the quantity released and any actions that were taken or could have been taken to minimise its release.

Local councils can act against people or organisations causing minor water contamination. This can include making them change their activities, pay a fine, and even taking them to court.

What are the exceptions?

The Department of Environment and Science is responsible for taking action on water contamination that could result in serious or material environmental harm when the contaminant creates more than just a minor nuisance and is likely to result in the widespread death of aquatic ecosystems. An example is a major fish kill from a ruptured chemical transportation pipe or an event that could contaminate drinking water.



Prohibited water contaminants

This is a list of all materials that are legally considered water contaminants:

- chemicals or chemical waste
- a gas other than oxygen
- a liquid containing suspended or dissolved solids
- a liquid that has a temperature different by more than 2°C from ambient water temperature
- animal matter including dead animals, animal remains and animal excreta; and water used to clean animals, animal enclosures or vehicles used for transporting animals
- ashes, clay, gravel, sediment, stones and similar organic or inorganic matter
- a substance that has a pH outside the range 6.5 to 8.5
- building and construction materials, including bitumen, brick, cement, concrete and plaster

- building, construction and demolition waste, including bitumen, brick, concrete cuttings, plaster and waste water generated by building, construction or demolition
- clinical waste
- glass, metal parts, paper, piping, plastic and scrap metal
- industrial waste
- oil, including, for example, petroleum or vegetable based oil
- paint, paint scrapings or residues, paint sludge, water used for diluting paint or washing painting utensils, and waste from paint stripping
- plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products
- putrescible waste, including for example, food scraps
- sewage and sewage residues, whether treated or untreated, and any other matter containing faecal coliforms or faecal streptococci, including for example, waste water pumped out of a septic tank
- vehicles and components of vehicles, including for example, batteries and tyres
- waste and waste water, generated from indoor cleaning, including, for example, waste from carpet or upholstery cleaning and steam cleaning
- waste and waste water, generated from outdoor cleaning, including, for example, waste generated from high pressure water blasting of commercial and industrial premises, fuel dispensing areas, plant or equipment, roofs, streets, vehicles and wharves
- waste generated from repairing or servicing motor vehicles, including, for example engine coolant, grease, lubricants and oil
- waste water, including backwash from swimming pools, condensate from compressors, water from air-conditioning or cooling systems and waste water from grease traps.

Further information

Phone: 13 QGOV (13 74 68)

Email: palm@des.qld.gov.au

Version history

Version	Date	Version details
1.00	24 November 2015	Added version number and updated corporate style.
1.01	15 August 2016	Added publication number ESR/2015/1865 and version history.
1.02	15 June 2018	Document rebranded to align with machinery of government changes.
1.03	04 April 2022	Facsimile number removed.