



Odour Nuisance

Odour can come from many sources including spear pumps, septic tanks, compost heaps, rotting vegetation, fertilisers, and rubbish. Sometimes odour can affect neighbours and interfere with their normal activities. If severe enough, it can impact on people's health.

HOW TO REDUCE ODOUR EMISSIONS

You can reduce general odour by:

- keeping your yard tidy – rubbish and vegetation can create an odour
- considering weather conditions before applying fertilisers – try to avoid windy days and wet days
- covering or enclosing your compost and turning regularly.

COMPLAINTS

If you are affected by odour, talk to the person responsible and try to achieve a solution. Give them time to do something about it.

If you can't reach a solution, you can lodge a complaint with Council. Alternatively, you can contact the Dispute Resolution Centre.

How to lodge a complaint with Council

To lodge a complaint with Council, you will need to provide:

- signed copy of Environmental Nuisance Complaint Form
- details of the emissions (Nuisance Diary)
 - source address
 - date and time it starts
 - the duration each time it happens.

To help you keep track of the details of the emissions, it is a good idea to fill out a daily log that you can submit with your complaint.

How Council handles complaints

Council investigates most odour emissions using the [Environmental Protection Act 1994](#). Some sites have a development approval with conditions. Council investigates complaints about these sites using the [Planning Act 2016](#).

When investigating odour complaints, Council considers:

- whether the site has a development approval with a condition specific to odour
- the amount being emitted.
- the duration and rate of emission and the characteristics and qualities
- the sensitivity of the environment and the impact that it has or may have.
- views of any other neighbours or complainants
- any measures that have been taken or could reasonably have been taken by the person causing the emission.

If the odour emission is unlawful, Council may:

- issue an on-the-spot fine of 15 penalty units (individual) or 75 penalty units (corporation)
- issue a notice. This will detail the offence and the timeframe the responsible person must rectify the problem. If the person does not comply with the notice, an on-the-spot fine of 15 penalty units (individual) or 75 penalty units (corporation) may also be issued.
- prosecute.

If there is a development approval for the site, with a condition about odour emissions, Council may issue a notice to ensure compliance with the condition. If the person does not comply, a fine of 20 penalty units (individual) or 100 penalty units (corporation) may be issued.

FACT SHEET

Odour Nuisance

Current penalty unit amounts can be found by visiting:

www.qld.gov.au/law/sentencing-prisons-and-probation/sentencing-probation-and-parole/sentencing-fines-and-penalties-for-offences

Complaints not investigated by Council

Council shares responsibility for odour complaints with other authorities. Council does **not** investigate the following.

- A cooking odour from cooking from residential land. Alternatively, you can contact the Dispute Resolution Centre.
- An environmentally relevant activity regulated by the Department of Environment and Science (e.g. chemical manufacturing).
- An environmentally relevant activity regulated by the Department of Agriculture and Fisheries (e.g. poultry farming).
- A state or local government premises or activity. This is the responsibility of the Department of Environment and Science.

USEFUL WEBSITES

- Dispute Resolution Centre
<https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/setting-disputes-out-of-court/dispute-resolution-centres/>
- Department of Environment and Science
<https://environment.des.qld.gov.au/>
- Department of Agriculture and Fisheries
<https://www.daf.qld.gov.au/>
- Standards Australia
<http://www.standards.org.au/>

How can you contact us?

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