



CLEAN AIR SOCIETY OF AUSTRALIA & NEW ZEALAND

(Incorporated in New South Wales, Australia)

Australian Business Number: 83 608 131 901)

Secretary
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The Secretary
Department of Tourism, Arts & Environment
GPO Box 44
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19 July 2006

Dear Secretary

Re: Proposed Environmental Management and Pollution Control (Air Quality) Regulations

Thank you for the letter dated 12 June 2006 inviting comment on the proposed Regulations. On behalf of the Clean Air Society of Australia and New Zealand (CASANZ), we have the following comments:

General

CASANZ supports the proposed regulations as they comprehensively address the control of domestic solid fuel fired heaters offered for sale in Tasmania. Tasmanians purchasing these heaters, will if they correctly operate the appliance, benefit from improved heating efficiency and reduce potential impacts upon the health and amenity of the local neighbourhood.

Regulation 11. Service of nuisance abatement notices

CASANZ is aware that wood-smoke has been a serious problem in some urban areas in Tasmania for many years. We feel that not enough has been done to address the problem. For example, the woodheater emission audit reported at the CASANZ Newcastle Conference in 2004 identified a serious problem with compliance to the woodheater emission standard.

Whilst supporting the power given to an authorised officer to issue an abatement notice if "...*smoke is visible more than 5 metres from the point where the smoke is emitted ...*" we also consider that further guidance is needed.

CASANZ considers that the officer can also establish that a nuisance abatement notice is warranted if the "...*smoke is also visible continuously for a period of 5 minutes, or longer...*".

A heater operator then will have sufficient time, in either starting a heater or re-fuelling, to have sufficient flame to stop visible smoke emission.

The word nuisance in the context of this regulation may prove to be a legal barrier if a notice is contested. Nuisance commonly is used to infer an action being caused by one person adversely impacting upon another person or property. The regulation does not suggest that the visible emission is necessarily having an immediate impact on another person; i.e. neighbour.

An overall purpose for the regulations is to benefit the air quality. CASANZ recommends that Regulation 11 is retitled to “...*Service of air pollution abatement notice*”. Subsequent wording in the regulation would need to reflect this change in the Regulation.

Regulation 12. Backyard burning of wastes

The regulation will allow backyard burning on properties greater than 0.2ha. Many residential properties in urban areas are greater than 0.2ha.

CASANZ believes that backyard burning should be prohibited in all residential zoned areas under local Planning Schemes. Further measures to recycle/recover waste materials and increase green waste home composting/collection should be implemented.

If backyard burning is to be allowed in residential areas then Regulation 11 should also be applied to this activity.

Thank you for the opportunity for CASANZ to comment on the proposed Regulation. We look forward to seeing the summary of comments and responses, including the Governments intentions in finalising the Regulation.

Yours sincerely

Mr Geoff White
President, Victoria/Tasmania Branch
Clean Air Society of Australia and New Zealand.