

## Specific Conditions for Noise Nuisances

### Swimming Pool and spa pumps

**7am–7pm** no more than 5 decibels above background noise level

**7pm–10pm** no more than 3 decibels above background noise level

**10pm–7am** no audible noise permitted

### Regulated Devices

*Monday to Saturday*

**7am–7pm** noise permitted

**7pm–7am** no audible noise permitted

*Sundays & Public Holidays*

**8am–7pm** regulated devices can be used

**7pm–8am** no audible noise permitted

Regulated devices include compressors, generators, ducted vacuuming systems, grass cutters, impacting tools, leaf-blowers, mulchers, oxyacetylene burners, and electrical, mechanical or pneumatic power tools.

### Building Works

*Monday to Saturday*

**6.30am–6.30pm:** noise permitted

**6.30pm–6.30am:** No audible noise permitted

*Sundays & Public Holidays*

No noise permitted.

### Air-conditioning and/or Refrigeration Equipment

**7am–10pm** (any day) no more than 5 decibels above background noise level

**10pm–7am** (any day) no more than 3 decibels above background noise level.

### On water (power boats and jet skis)

*Monday to Saturday*

**7pm–7am** audible noise not permitted for more than 2 minutes

*Sundays & Public Holidays*

**6.30pm–8am** audible noise not permitted for more than 2 minutes



Other noise standards provided under the *Environmental Protection Act 1994* apply to:

- ◆ Operation of boat engines at premises; and
- ◆ Outdoor shooting ranges.

### Who Is Responsible?

Direction notices may be issued to the person causing the nuisance and can require them to stop the activity or reduce the nuisance to an acceptable level.

Failing to comply with a direction notice may result in a fine.

A direction notice can be requested to be reviewed by the Local Government.



H I N C H I N B R O K S H I R E  
C O U N C I L

**Disclaimer:** The content of this pamphlet is provided as a guide only and the Hinchinbrook Shire Council is not responsible for any errors or omissions. The information has been taken from the *Environmental Protection Act 1994* & Regulation 2008

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HINCHINBROOK  
SHIRE COUNCIL

## Nuisance Information

(*Environmental Protection Act 1994*)

Last amended July 2015



Aerosols  
Light  
Odour  
Smoke

Fumes  
Noise  
Particles

# Don't be a Nuisance

Nuisance Laws are set out in the *Environmental Protection Act 1994*. Their purpose is to strike a balance between protecting our quality of life and the reasonable pursuit of activities that have the potential to annoy others.

## What do the Laws Cover?

The laws specify conditions, hours of operation and noise levels for a number of activities including:

- building works & construction sites
- regulated devices (including power tools & lawn mowers)
- indoor venues & open air events
- air conditioners
- amplified devices (including public address systems & telephone repeater bells)
- swimming pool pumps & spas
- power boats & jet skis

The laws also cover unreasonable emissions such as:

- Smoke from wood fired heaters or burning off
- Dust from construction or clearing
- Light from premises
- Ash from burning off
- Odour from rubbish and compost bins

Conditions for a variety of other activities are also included.

## What don't the laws cover?

The laws do not cover some potentially annoying activities already covered by other State Government Legislations. These include:

- Noise from music, parties, vehicles (driven on and off road) - contact Queensland Police Service
- Noise from licensed premises including nightclubs—contact Department of Employment, Economic Development & Innovation

Some exceptions to the laws include:

- Audible traffic lights
- Education facilities in certain areas
- Domestic cooking odours

## How do the laws work?

The nuisance laws are complaint driven. That means a complaint must be made before a problem will be investigated. Anonymous complaints won't be accepted, but complaints will be kept confidential.

Once a complaint is made, it will be investigated and appropriate action taken.

## Who Investigates Complaints?

Responsibility for investigating complaints is delegated to local government.

## Penalties?

Investigating Officers have the power to issue Direction Notices or on-the-spot fines.

A direction notice may be issued first, with information on the laws and how to comply with the requirements.

Fines can be issued for common noise offences, usually after a direction notice has been issued. They range from \$750 for individuals to \$1500 for corporations.

## Investigations?

Investigating officers must consider the general emission criteria in relation to aerosols, fumes, light, odour, particles & smoke, and noise emission criteria in relation to noise, when investigating a nuisance complaint.

The general emission criteria, for a particular emission, are as follows—

- the emission's characteristics or qualities;
- the emission's amount or rate;
- the duration and time of the emission;
- whether the emission is continuous or fluctuating;

- the characteristics and qualities of the receiving environment, including the types of emissions that could reasonably be expected in the receiving environment;
- the emission's impact on the receiving environment;
- in relation to each affected person for the emission—
  - ♦ any views of the affected person about the emission of which the authorised person is aware, including views about the degree of interference caused, or likely to be caused, by the emission to lawful activities at the place occupied by the affected person; and
  - ♦ the order of occupancy between the person causing the emission and the affected person; and
  - ♦ for the period during which the person causing the emission has occupied the place from which the emission is generated and the affected person has occupied the place affected by the emission—
    - ⇒ any structural or other changes to either of those places; and
    - ⇒ any change to the activities conducted at either of those places by the person causing the emission or affected person;
- any mitigating measures that have been taken or could reasonably have been taken by the person causing the emission.

The **noise** emission criteria are as follows—

- if the authorised person has measured a sound pressure level for the noise—that level;
- the audibility of the noise;
- whether the noise is continuous at a steady level or
- whether it has a fluctuating, intermittent, tonal or impulsive nature;
- whether the noise has vibration components.

Note: An **affected person**, for an emission, means a person who the authorised person knows to be affected by the emission.