

Policy Title: Environmental Nuisances

Policy No: 238

Policy Subject: Enforcement of Environmental Nuisances

Directorate: Development & Environment

Department: Environment and Compliance

Responsible Officer: Director of Development and Environment

Authorised by: North Burnett Regional Council

Adopted Date: Policy & Planning Meeting – 02/10/2012

Review Date: 02/10/2014

Authorities:

INTRODUCTION:

The following nuisance types are administered by North Burnett Regional Council’s Environment and Compliance department or other agencies that aim at providing a balance in the quality of life and the reasonable pursuit of activities that have the potential to annoy others. The policy applies to the whole of the North Burnett Region.

Nuisance Type	Enforcement Agency
Environmentally Relevant Activities:	Environment & Compliance
• Licensed by Council – all complaints	Environment & Compliance
• Licensed by DEHP – all complaints	Department of Environment & Heritage Protection
Dust, smoke or ash	Environment & Compliance
Odour, fumes, aerosols or particles	Environment & Compliance
Light, glare or reflection	Environment & Compliance
Minor water contamination	Environment & Compliance
Discharge into stormwater	Environment & Compliance
Noise generated from:	Environment & Compliance
• Barking dogs	Environment & Compliance
• Building Works	Environment & Compliance
• Machinery	Environment & Compliance
• Regulated devices (including Lawn mower, power tools, generators)	Environment & Compliance

• Electrical, mechanical or pneumatic pumps (including pool and spa pumps)	Environment & Compliance
• Air conditioning equipment	Environment & Compliance
• Refrigeration equipment	Environment & Compliance
• Amplifier devices (including PA systems, megaphones, telephone bells)	Environment & Compliance
• Commercial Premises (shopping centres)	Environment & Compliance
• Licensed Premises	Office of Liquor Licensing & Gaming Regulation
• Loud music and parties	Queensland Police Service
• Motor Bikes / Vehicles	Queensland Police Service
• Power Boats / Jet Skis	Environment & Compliance
• Railways	Queensland Rail

OBJECTIVES:

To provide a balance in the quality of life and the reasonable pursuit of activities that have the potential to annoy others.

PRINCIPLES:

Environment and Compliance Staff will respond to a customer service request which includes complaints name and contact details, an address for the location of the alleged nuisance, and detailed information on the nature of the nuisance. Staff will assess the nature of the complaint to decide the course of action.

When a customer request is received, staff will attempt to contact both parties to inform them of the relevant provisions of the legislation and provide information on the relevant nuisance in an attempt to resolve the issue. The complainant's identity is to remain confidential in any correspondence/communication from Council.

If the nuisance persists, it will be expected that both parties take some steps to resolve the issue before involving Council again. Parties will be informed that talking with each other is the best way to resolve any recurring issues.

If further nuisance complaints are received, Council will reassess the issue and may undertake an investigation. The investigation will include consideration of the time of the nuisance, how long the nuisance lasts, the environmental and the views of the complainants, the respondents and neighbours.

The responsible persons will be made aware that they can dispute the complaint, as they have the right to have the matter heard before the court. If this occurs, the complainant will be required to supply evidence in person. A more detailed statement or affidavit may be requested, as Council must be satisfied that evidence is available to support any legal action commenced.