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Title: **NOISE NUISANCE**

Noise from many activities or equipment may disturb neighbours, disrupt their sleep and interfere with daily activities. If loud enough, noise can also affect their health. This fact sheet may help to reduce noise and understand what the legal requirements are.

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### **FRIENDLY NEIGHBOURHOOD:**

Talk to neighbours. Find out what concerns they have and ask them for suggestions about solving the problems. Solutions can often be found that satisfy everyone.

### **THE LAW**

Queensland's *Environmental Protection (EP) Act 1994* includes information and legal obligations relating to noise nuisances. Council is legally required to enforce these limits. If issues between neighbours cannot be resolved and complaints continue, Council will investigate and may issue a Direction Notice. The notice details the offence, and gives a time-frame for the problem to be rectified. On the spot fines of \$1767 for an individual or \$8835 for a corporation can be issued if environmental nuisance is caused and for non-compliance with noise standards.

### **ALTERNATE DISPUTE RESOLUTION**

Complainant(s) and operator(s) are encouraged to engage in dispute resolution prior to contacting Council. The Attorney General provides dispute resolution services. Dispute resolution services have the potential to allow negotiation between the parties and may result in flexibility in relation to the frequency of noise emissions. Dispute resolution is an effective, confidential and voluntary means of settling a dispute.

### **THE CRITERIA**

When investigating noise complaints, Council considers the following

- The amount of noise
- The duration, rate and type of noise
- The environment and the potential impact
- Views of other neighbours or complainants
- Other relevant criteria

### **WAYS YOU CAN REDUCE NOISE**

#### **Limit hours of use**

Talk to neighbours about when the noise disturbs them. Most people are concerned about noise at

night or early in the morning when they are trying to sleep.

#### **Select location carefully**

Carry out the noisy activity away from neighbours and sensitive areas, such as in a garage or shed.

#### **Regular maintenance**

Regular maintenance of equipment will decrease noise and improve the effectiveness of equipment. Contact the manufacturer or installer for advice.

#### **Choose quiet equipment**

Replacing noisy equipment with a quieter or smaller model may help solve the problem.

#### **Install fences of barriers**

A solid fence with no gaps can reduce noise levels.

#### **Consider an acoustic enclosure**

Some fixed equipment, such as compressors and vacuum equipment can be enclosed in a wooden box with an absorbent lining and adequate ventilation. This can effectively reduce noise. Contact the manufacturer or installer for advice.

#### **Modifications**

Sometimes modifications can be made to the activity or equipment to reduce noise. Discuss this option with the manufacturer or installer.

#### **Alternatives**

Alternative activities or equipment may be effective without producing much noise; in some circumstances consideration should be given to carrying out the activity inside or at another location.

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### **For further information please contact**

North Burnett Regional Council  
Environmental Services  
PO Box 390, Gayndah Q 4625  
Phone: 1300 696 272  
Fax: 07 4161 1425

Noise from many activities or equipment may disturb neighbours, disrupt their sleep and interfere with daily activities. If loud enough, noise can also affect their health. This fact sheet may help to reduce noise and briefly explains the legal requirements.

Category	Allowed Times and Noise Criteria
<p><b>Building Works</b> <i>EP Act 1994 Section 440R</i></p>	<p>Noise from Building Works can occur during:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday 6.30am to 6.30pm</li> <li>• No audible noise on Sunday or Public Holidays</li> </ul>
<p><b>Regulated Devices</b> <i>EP Act 1994 Section 440S</i> (lawn mowers, power tools etc)</p>	<p>Must not operate a Regulated Device which makes an audible noise:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday before 7.00am and after 7.00pm</li> <li>• Sunday and Public Holidays before 8.00am or after 7.00pm</li> </ul>
<p><b>Pumps</b> <i>EP Act 1994 Section 440T</i> (Swimming Pool Pump, Spa Blowers, Bore Pump etc)</p>	<p>Must not use or allow to be used:</p> <ul style="list-style-type: none"> <li>• Before 7.00am or after 10.00pm, if the noise is audible</li> <li>• From 7.00am to 7.00pm, if the noise is more than 5dB(A) above background noise <i>or</i></li> <li>• From 7.00pm to 10.00pm if the noise is more than 3dB(A) above background noise</li> </ul>
<p><b>Air-Conditioning Equipment</b> <i>EP Act 1994 Section 440U</i></p>	<p>Must not use or allow to be used:</p> <ul style="list-style-type: none"> <li>• From 7.00am to 10.00pm if the noise is more than 5dB(A) above background noise <i>or</i></li> <li>• Before 7.00am or after 10.00pm if the noise is more than 3dB(A) above background noise</li> </ul>
<p><b>Refrigeration Equipment</b> <i>EP Act 1994 Section 440V</i></p>	<p>Must not use or allow to be used:</p> <ul style="list-style-type: none"> <li>• From 7.00am to 10.00pm if the noise is more than 5dB(A) above background noise <i>or</i></li> <li>• Before 7.00am or after 10.00pm if the noise is more than 3dB(A) above background noise</li> </ul>
<p><b>Indoor Venues</b> <i>EP Act 1994 Section 440W</i></p>	<p>Must not use or allow to be used:</p> <ul style="list-style-type: none"> <li>• Before 7.00am on any day, if the noise is audible</li> <li>• From 7.00am to 10.00pm if the noise is more than 5dB(A) above background noise <i>or</i></li> <li>• From 10.00pm to midnight if the noise is more than 3dB(A) above background noise</li> </ul> <p><i>NOTE: Some exemptions for Educational institutions</i></p>
<p><b>Open-Air Events</b> <i>EP Act 1994 Section 440X</i></p>	<p>Must not use or allow to be used:</p> <ul style="list-style-type: none"> <li>• Before 7.00am on any day, if the noise is audible</li> <li>• From 7.00am to 10.00pm if the noise is more than 70dB(A) <i>or</i></li> <li>• From 10.00pm to midnight if the use causes noise of more than the lesser of the following: <ul style="list-style-type: none"> <li>(i) 50dB(A)</li> <li>(ii) 10dB(A) above the background noise</li> </ul> </li> </ul> <p><i>NOTE: Some exemptions apply</i></p>

<p><b>Amplifier devices other than those used at indoor or open air venues</b> <i>EP Act 1994 Section 440Y</i></p>	<p>Must not operate</p> <ul style="list-style-type: none"> <li>On a business day before 7.00am or after 10.00pm</li> <li>On any other day before 8.00am or after 6.00pm</li> </ul> <p><i>NOTE: Some conditions apply</i></p>
<p><b>Power Boat Sports</b> <i>EP Act 1994 Section 440Z</i></p>	<p>Must not use or allow to use for a continuous period of two (2) minutes:</p> <ul style="list-style-type: none"> <li>On a business day or Saturday before 7.00am or after 7.00pm if the noise is audible</li> <li>On any other day before 8.00am or after 6.30pm if the noise is audible</li> </ul>
<p><b>Power Boat Engines on land</b> <i>EP Act 1994 Section 440ZA</i></p>	<p>Must not operate or allow to be operated:</p> <ul style="list-style-type: none"> <li>On a business day or Saturday before 7.00am or after 7.00pm if the noise is audible</li> <li>On any other day before 8.00am or after 6.30pm if the noise is audible</li> </ul>
<p><b>Blasting</b> <i>EP Act 1994 Section 440ZB</i></p>	<p>Must not conduct blasting if:</p> <ul style="list-style-type: none"> <li>the airblast overpressure is more than 115dB Z Peak for 4 out of any 5 consecutive blasts; or</li> <li>the airblast overpressure is more than 120dB Z Peak for any blast; or</li> <li>the ground vibration is <ul style="list-style-type: none"> <li>(i) for vibrations of more than 35Hz - more than 25mm a second ground vibration, peak particle velocity; or</li> <li>(ii) for vibrations of no more than 35Hz - more than 10mm a second ground vibration, peak particle velocity.</li> </ul> </li> </ul>
<p><b>Outdoor Shooting Range</b> <i>EP Act 1994 Section 440ZC</i></p>	<p>Must not operate, or allow the operation of, an outdoor shooting range,</p> <ul style="list-style-type: none"> <li>between 6.00a.m. and 6.00p.m. on any day, if the noise from the operation is more than <ul style="list-style-type: none"> <li>(a) for a range that is normally used at least 5 days a week - 95dB Z Peak Hold; or</li> <li>(b) for a range that is normally used 4 days a week - 100dB Z Peak Hold; or</li> <li>(c) for a range that is normally used no more than 3 days a week - 105dB Z Peak Hold.</li> </ul> </li> <li>between 6.00p.m. and 10.00p.m. on any day, if the noise from the operation is more than— <ul style="list-style-type: none"> <li>(a) for a range that is normally used at least 5 evenings a week -85dB Z Peak Hold; or</li> <li>(b) for a range that is normally used 4 evenings a week - 90dB Z Peak Hold; or</li> <li>(c) for a range that is normally used no more than 3 evenings a week - 95dB Z Peak Hold.</li> </ul> </li> </ul> <p><i>NOTE: Some conditions apply</i></p>



The *Environmental Protection Act 1994* does not provide noise standards for every type of activity. The following Guide has been developed using a guideline “Noise Control measures for using scare guns” published by the Department of Environment and Heritage Protection in 2001 (formerly Environmental Protection Agency) in to assist with legislative compliance.

### **Scare/Scatter Guns**

Gas scare guns are commonly used by farmers, due to their simplicity, low maintenance and comparatively low cost, to protect crops from pests such as birds and flying foxes. Operators of scare guns are encouraged to consider the impact of noise on neighbours. The scare gun emits a loud blast at predetermined intervals that acts as a deterrent to pests. This blast from the scare gun can create an environmental noise nuisance (*EP Act 1994 Section 15*) particularly if the scare gun is used in close proximity to residential houses. It is an offence under the EP Act 1994 (Section 440) to create an environmental nuisance.

Operators of scare guns should adopt all sensible and practicable measures available to minimise noise impacting on neighbours and noise sensitive places.

The following procedures should be adopted by operators of Scare Guns:

- Maintaining a distance of greater than 300m between any scare gun and any neighbours property boundary,
- Operation of a scare gun or guns shall only occur between the period half an hour before sunrise and half an hour after sunset. These timings will be reduced to between sunrise and sunset if complaints are received. The time of sunrise and sunset shall be determined from the Bureau of Meteorology records.
- Each scare gun must not emit more than 70 blasts in total on any one day. At all times, the interval between blasts from any one scare gun must be 10 minutes or longer.
- Where a number of guns are used on one property or where a neighbouring property also uses scare gun(s), it is the responsibility of the property owner<sup>9s0</sup> to co-ordinate the timing of the blasts of their guns to within thirty seconds of the adjacent guns(s). This will allow a minimum of at least nine (9) minutes between all blasts, thus minimising the nuisance effect.
- The positioning of a scare gun or guns should minimise its effects on neighbours/noise sensitive places. This may be achieved by;
  - Using the shielding effects of natural features to reduce noise impact;
  - Pointing the scare gun away from neighbours/noise sensitive places;
  - Placing the scare gun as far away as practicable from any neighbour/noise sensitive place (at least 300m as stated earlier).

When environmental nuisance is created by noise from the scare gun(s), the use of the scare guns should be minimised and alternative methods of crop protection considered. Alternative methods include:

- Visual scarers such as the use of cheaper, more effective portable lights (producing high intensity flashes at random intervals), scarecrows or suspended fertiliser bags, wine cask bags, car yard bunting and shiny tape or aluminium strips;
- Recorded distress call systems that imitate injured birds or the calls of predator species;
- Netting (ultra violet resistant) cages over crop;
- Crop placement to restrict access to pests.