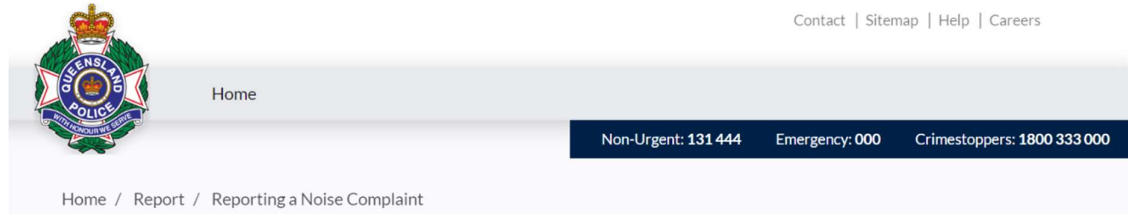


# Noise Nuisance (QLD) Gladstone

Most noise nuisance complaints can be effectively sorted out by the Queensland Police services if they are able to respond effectively. Here are their guidelines for Gladstone and Queensland.



<https://www.facebook.com/NoiseControlSA>

## Gladstone Queensland Police

To report a noise complaint go to

<https://forms.police.qld.gov.au/launch/NoiseComplaint/>

### Reporting a Noise Complaint

Is there an urgent disturbance? Is a party getting out of control? Is anyone seriously injured or in immediate danger?

**Please contact Triple Zero, 000**

Only use this form to report excessive noise that is **happening now** within **Queensland, Australia** and you know where the noise is coming from.

What you need

Details about the type of noise

Details about the location the noise is originating from

When you submit

You will receive an online reference number to confirm the form has been submitted.

The submission of this complaint may not necessarily result in police attendance as police may be attending other serious incidents in your area. As such, Policelink cannot provide an estimated time of arrival for attendance.

### Reportng a Noise Complaint

I have read and understand the [Privacy Statement](#)

Make a noise complaint now



## Police remind people that they can now report noise complaints online this New Year`s Eve

QPS Media on [Dec 31, 2013 @ 12:06pm](#)

The Policelink online reporting system can now be used to report loud parties by using the steps below:

- Enter 'Policelink Queensland' into a search engine or go to [www.police.qld.gov.au](http://www.police.qld.gov.au) and click on 'policelink' at the top of the page.
- Go to 'online reporting' – 'other reporting' – 'noisy/party complaint form'
- Carefully read the conditions of use then enter the detail requested through the drop down menus
- People reporting noisy parties can remain anonymous but police will need to get an address from where the noise is audible to make an assessment

The Policelink app can also be used and is available on the Apple App Store or through Google Play.

Superintendent Matthew Vanderbyl said that it offers people a different avenue of reporting to picking up the phone to report loud parties.

"You can remain completely anonymous when reporting these types of disturbances online," Superintendent Vanderbyl said.

"Once we have received your complaint, you will receive an email and crews will then be tasked to attend the location where the party is taking place. We have found that online reporting is more convenient for some people, but you can still call 131 444"

"But remember: If an incident is life threatening, ALWAYS call Triple Zero (000), but if its not, Think Policelink and call 131 444, visit the website and report online, or use the app."

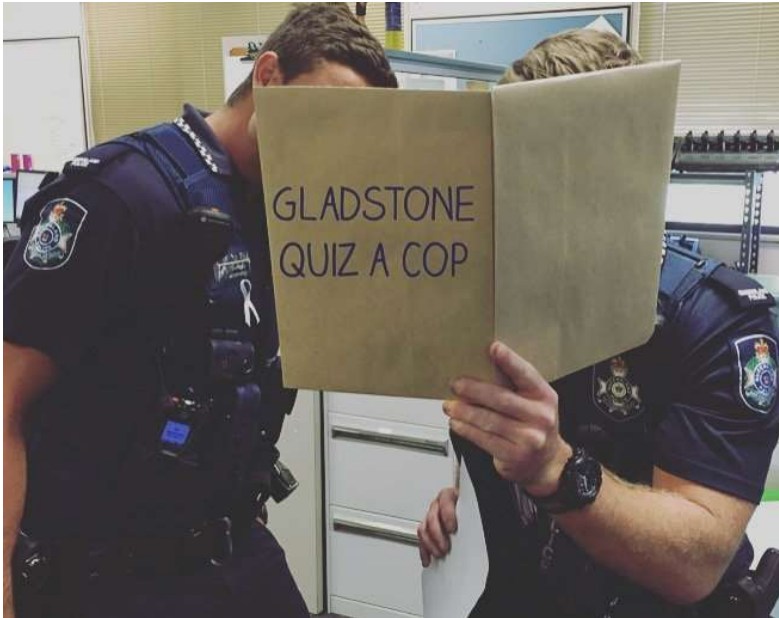
Anyone with information which could assist with this matter should contact Crime Stoppers anonymously via 1800 333 000 or [crimestoppers.com.au](http://crimestoppers.com.au) 24hrs a day.

Crime Stoppers is a registered charity and community volunteer organisation working in partnership with the Queensland Police Service.

For all non-urgent police reporting or general police inquiries contact Policelink on 131 444.

# Quiz a cop: when can I make a complaint about noise?

QPS Media on [Jan 14, 2016 @ 10:29am](#)



**Q:** Are there any time restrictions on when I can phone police to make a noise complaint?

**A:** A member of the public can make a complaint, including an anonymous complaint, to a police officer about noise emitted from a place. This complaint can be made at any time of the day or night, there are no restrictions on when a complaint can be made to police about noise.

To report a complaint about noise to police, you can complete a noise complaint form online or phone Policelink on 131 444. If the noise that is occurring relates to any type of domestic or other violence or a party that is getting out of control, please contact triple zero (000) immediately.

Upon investigating the noise complaint, if the police officer deems the noise to be excessive the police officer may issue the responsible person at the place where the noise is coming from a noise abatement direction. The time period of a noise abatement direction is 96 hours after the direction is given to the responsible person, this means no loud noise can be made from the place for four days!

Police can require the person responsible to state their correct name and address and to give evidence of the correctness of the stated name and address if, in the circumstances, it would be reasonable to expect the person to be in possession of evidence of age. It is an offence not to give the police officer your correct name and address.



# Gladstone Regional Council Guidelines



## Noise Nuisance Guidelines

### Noise Nuisance Guidelines

#### Noise Nuisance

The definition of Noise is a sound, especially one that is loud or unpleasant or that causes disturbance. Everyone reacts differently to noise. Noise that occurs early in the morning, late at night, on weekends or public holidays can disturb neighbours, disrupt their sleep and interfere with their normal daily activities. Even general noise such as listening to the TV, talking on the telephone if loud enough can impact on people's health and wellbeing. This fact sheet includes information for owners, occupiers and builders and is intended to help manage noise on premises and meet legal requirements.

Category	Prohibited Times & Noise Criteria
Building Works (holds a licence under QBSA) Refer to fact sheet 0022	Must not make audible noise from the building work: a) On a Sunday or public holiday, at any time; or b) On a Saturday or a business day, before 6.30am or after 6.30pm
Regulated Devices (lawn mower, power tools, etc) Refer to fact sheet 0024	Must not operate a regulated device in a way that makes audible noise: a) On a Sunday or public holiday, before 8am or after 7pm; or b) On a Saturday or a business day, before 7am or after 7pm
Pumps (including spa and pool pumps) Refer to fact sheet 0023	Must not use or allow use: a) Before 7am or after 10pm on any day, if the noise is audible; or b) From 7am to 7pm on any day, if the noise is more than 5dB(A) above background; or c) From 7pm to 10pm on any day, if the noise is more than 3dB(A) above background
Air-Conditioning Refer to fact sheet 0026	Must not use or allow use: a) From 7am to 10pm on any day, if the noise is more than 5dB(A) above background noise levels; or b) Before 7am or after 10pm on any day, if the noise is more than 3dB(A) above background.
Refrigeration Equipment Refer to fact sheet 0018	Must not use or allow use: a) Before 7am or after 10pm on any day if the noise is more than 3dB(A) above background; or b) From 7am to 10pm on any day if the noise is more than 5dB(A) above background noise levels.
Indoor Venues	Must not use or allow use: a) Before 7am on any day if the noise is audible; or b) From 7am to 10pm on any day if the noise is more than 5dB(A) above background; or c) From 10pm to midnight, if the noise is more than 3dB(A) above the background level.
Open-Air Event	Must not use or allow use: a) Before 7am on any day if the noise is audible; or b) From 7am to 10pm on any day if the noise is more than 70dB(A); or c) From 10pm to midnight, if the use causes noise of more than the lesser of 50dB(A) or 10dB(A) above the background level.

Amplifier Devices Refer to fact sheet 0010	Must not use or allow use: a) On a business day from 7am to 10pm or any other day between 8am – 6pm, if the noise is more than 10dB(A) above background level; or b) Before 7am or after 10pm on a business day or; c) Before 8am or after 6pm on any other day.
Power Boat Sports	May not use or allow use for a continuous period of two minutes: a) Saturday, Sunday or public holidays before 8am or after 6.30pm if the noise is audible; or b) On a business day before 8am or after 6.30pm if the noise is audible. Note: Time limits apply for allowable noise.
Power Boat Engine on Premises Refer to fact sheet 0021	Must not use or allow use: a) On a Sunday or public holiday before 8am or after 6:30pm or; b) On a Saturday or business day before 7am or after 7pm.

#### How can you contact us?



(07) 4970 0700

STD CALLS: 1300 733 343

For those residents who currently incur STD call rates when contacting their local customer service centre



(07) 4975 8500



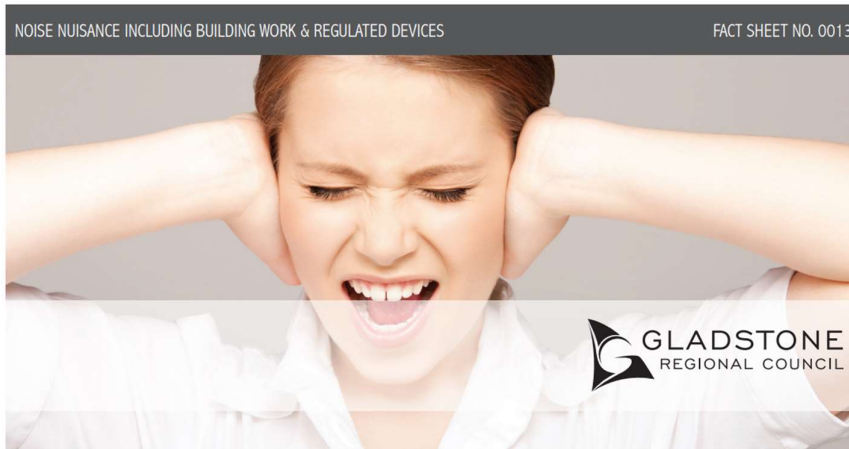
info@gladstone.qld.gov.au



www.gladstone.qld.gov.au



# Noise Nuisance including Building Work and Regulated Devices



## Noise Nuisance including Building Work & Regulated Devices

NOISE NUISANCE INCLUDING BUILDING WORK & REGULATED DEVICES

FACT SHEET NO. 0013

### How Council deals with Noise Nuisance

Council will investigate a Noise Nuisance issue upon receiving a customer request detailing the address of the property the nuisance is originating from.

The Environmental Protection Act 1994, introduced by the State Government, includes guidelines for noise nuisances. Council is legally required to enforce these limits when the noise is emitted from residential premises. The Environmental Protection Act includes noise limits for building work, regulated devices, pumps, air cooling/heating devices, refrigeration equipment and the operation of power boat engines on residential premises. A noise nuisance occurs if it can be heard in an affected building between the hours specified for each type of noise.

When investigating a noise complaint, Council will consider:

- The amount of noise being emitted;
- The duration and rate of emission and the noise characteristics, and qualities;
- The sensitivity of the environment into which the noise is being emitted and the impact that it has or may have; and
- Views of any other neighbours or complainants.

If the noise is found to be a nuisance, Council may issue the person or business causing the noise with a 'direction notice' or an on-the-spot fine. A direction notice details what offence has taken place, and the time frame that the offender has to rectify the problem. If a direction notice is not complied with, Council may then issue an on-the-spot fine.

It is important to note that achieving compliance under this process can take in excess of six weeks.

### Regulated devices

A person (other than a builder or a person with an owner-builder permit) operating a regulated device on premises must not operate the device in a way that makes an audible noise during the following hours:

- Monday to Saturday - before 7am or after 7pm
- Sunday and public holidays - before 8am or after 7pm.

A regulated device means any of the following: a compressor; a ducted vacuuming system; a generator; grass-cutter (e.g. brush cutter, edge cutter, lawnmower, ride-on mower, string trimmer); an impacting tool (hammer, nail gun); a leaf-blower; a mulcher; an oxyacetylene burner; an electrical, mechanical or pneumatic power tool e.g. a chainsaw, drill, electric grinder or sander, electric welder, nail gun); domestic cleaning equipment.

### Building Work Noise

A person carrying out building work on premises (including an owner builder) must not carry out building work that makes an audible noise during the following hours:

- Monday to Saturday - before 6.30am or after 6.30pm
- Sunday or public holiday - anytime.

Building work means any of the following: Building, repairing, altering, underpinning, moving or demolishing a building; providing air conditioning, drainage, heating, lighting, sewerage, ventilation or water supply for a building; excavating or filling and installing or removing scaffolding.

### How can you contact us?



(07) 4970 0700

STD CALLS: 1300 733 343

For those residents who currently incur STD call rates when contacting their local customer service centre



(07) 4975 8500



info@gladstone.qld.gov.au



www.gladstone.qld.gov.au

# Noise Nuisance including Building Work & Regulated Devices

## Noise Nuisance

The definition of Noise is a sound, especially one that is loud, unpleasant or causes disturbance. Everyone reacts differently to noise. Residential noise that occurs early in the morning, late at night, on weekends or public holidays can disturb neighbours, disrupt their sleep and interfere with their normal daily activities. Even general noise such as listening to the TV or talking on the telephone, if loud enough, can impact on people's health and wellbeing. This fact sheet includes information for owners, occupiers and builders and is intended to help manage noise on residential premises and meet legal requirements.

## Ways You Can Reduce Noise

1. **Limiting hours of use:** Talk to neighbours to find out if there are particular times the noise disturbs them. Most people are concerned about noise at night or early in the morning when they are trying to sleep.
2. **Location:** Carry out the noisy activity or locate equipment as far as possible from neighbours and away from sensitive areas (eg bedroom windows). It may be possible to carry out the activity in a garage or shed where windows and doors can be closed to reduce the noise impact. Alternatively, consider completing some work (eg building framing) off-site at less sensitive locations. For those whose hobbies involve frequent use of regulated devices (eg woodworking, restoring cars) consider incorporating noise reduction measures into workshops. Often simple and inexpensive measures will reduce the impact of noise.
3. **Maintenance:** Old equipment and lack of maintenance can cause higher noise levels and reduce the effectiveness of the equipment. Faulty mufflers on engine-powered equipment are a common cause of noise. Contact the manufacturer for advice. Replacing the noisy equipment with a quieter or appropriately sized model may help solve the problem. If your pool is a noise nuisance; know how long the pool filter needs to run for acceptable water quality. In most cases, this is only long enough to achieve one to two turnovers of the pool volume per day. For an average pool, run the pump for three to six hours per day. Make sure the required maintenance measures are carried out (eg. chlorination, pH adjustment, etc.). Talk to the local pool shop or pool pump manufacturer for information.

4. **Fences or barriers:** A solid fence can reduce noise levels. If the fence has any gaps, this method won't be as effective.
5. **Enclosures:** Enclosing the activity or equipment (eg. in a wooden structure with absorbent lining) can be very effective and relatively inexpensive, although it is important that adequate ventilation is provided. Ask advice from the manufacturer or installer.
6. **Modifications:** Sometimes modifications can be made to the activity or equipment to reduce noise. Discuss this option with the manufacturer or installer.
7. **Selecting Quieter Equipment or Using Alternatives:** When buying equipment, it is important to consider its noise level. Alternative methods may be effective without producing as much noise. Manufacturers often label equipment with its noise level or can provide this information if requested. Alternative methods can achieve the same results without producing as much noise (eg electrical equipment instead of petrol engine powered equipment, sweeping leaves instead of using a leaf blower, composting green waste instead of mulching). Often the available alternatives have other advantages (eg no fumes, less expensive, more effective).

## What if there's a noise nuisance in my neighbourhood?

In most cases, the best way to resolve a noise issue is through polite and productive communication between yourself and the person causing the noise nuisance. If you haven't already spoken with the person about the noise, we strongly recommend you try this approach first.

Another option is to print out the Noise Nuisance Neighbourhood Handout available at [www.gladstone.qld.gov.au](http://www.gladstone.qld.gov.au), fill in your details (this is optional) and place it in the resident's letterbox.

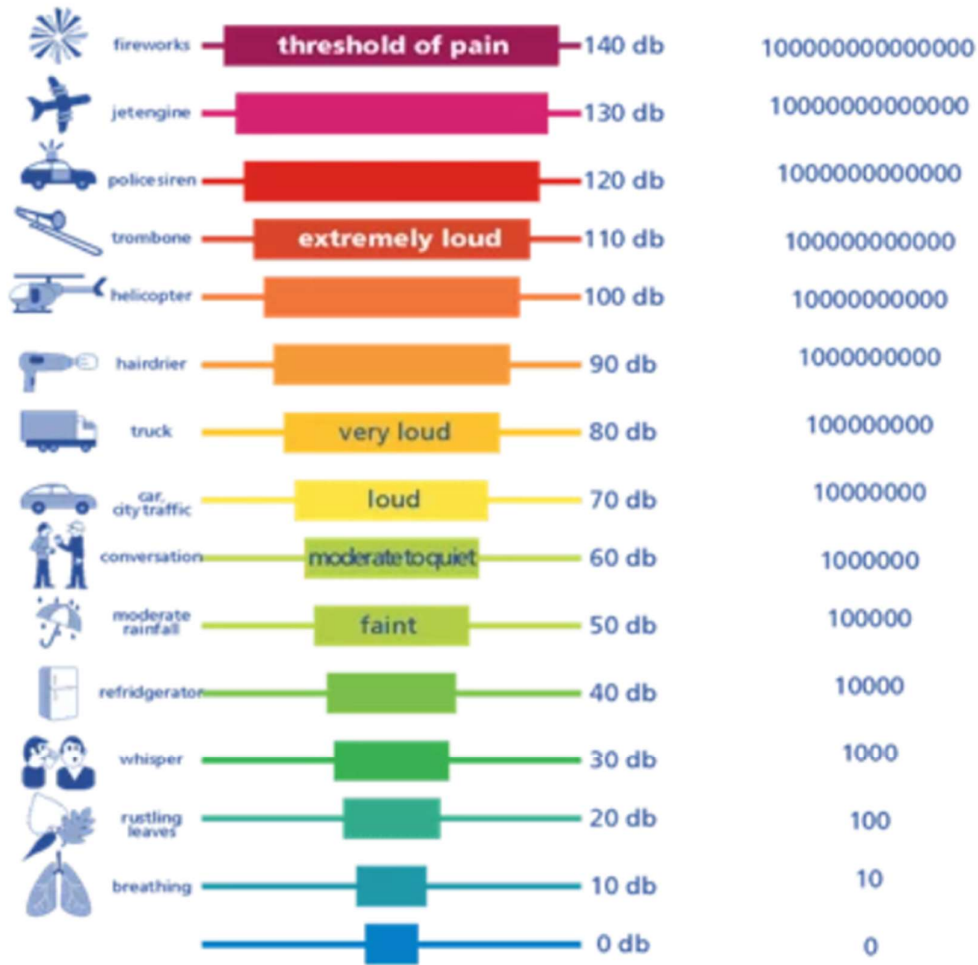
If you have concerns about approaching or entering communication with the resident, or these measures have proven ineffective, you can report the problem to Council via Council's Online Services Portal [www.gladstone.qld.gov.au/online-services](http://www.gladstone.qld.gov.au/online-services).

## NOISE ABATEMENT DIRECTION

The noise abatement direction can be given verbally or in writing and will direct the person to immediately stop the excessive noise and to cease making 'any' excessive noise for 96 hours after the direction is given (or 48 hours for a noise abatement given in relation to a motorbike being used on a place that is not a ...19 June 2022

What is the acceptable noise level for residential areas?

What is a safe noise level? While 68 dB is generally considered to be a safe noise level, because it is equivalent to the noise produced by a normal conversation, the Control of Noise at Work Regulations 2005 state that an employee can be exposed to a noise level of up to 80 dB per 8 hour work day.



## Links

<https://www.lgtoolbox.qld.gov.au/topics/pollution/noise-pollution#amplifier-devices>

**toolbox**  
council knowledge network



# Noise Pollution

Neighbourhood noise can be a nuisance and, if loud enough, affect people's health. Find out about acceptable noise levels, how to reduce noise and the complaints process.

<https://www.gladstone.qld.gov.au/noise-complaints>

## Environmental and Noise Complaints

[Complaints dealt with by Council](#)

[Complaints not dealt with by Council](#)

[Noise nuisance](#)

[Nuisance fact sheets](#)

[Dispute Resolution Centre](#)

Council receives numerous enquiries regarding nuisance complaints and restrictions within the Council area.

Local Government powers under Environmental Protection Regulations are restricted to a nuisance which come from a residential or commercial property unless the property or activity is licensed by another government agency. For example, an environmentally relevant activity that holds a licence with the Department of Environment & Resource Management (DERM), is regulated by them.

On receipt of a complaint, Council will write to both parties and inform them of the relevant provisions of the legislation. Fact sheets relevant to nuisance are also provided. If further complaints on the issue are received, officers will inspect and investigate the validity of the complaint.

## Complaints dealt with by Council

For council to respond to an environmental nuisance complaint, it must relate to an emission from residential or commercial land not covered by other government agencies. Generally, the complaint can be about any emission, including ash, dust, fumes, noise, odour or smoke.

Gladstone Regional Council has powers under [Local Law No. 3 \(Community and Environmental Management\) 2011](#) and the [Environmental Protection Act 1994 \(Old\)](#) to regulate fires within the Gladstone Regional Council local government area.

In accordance with Local Law No. 3, the lighting of fires is prohibited within the Gladstone Regional Council local government area unless the fire is lit within a fireplace, barbeque or incinerator and meets the following conditions:

- The fire must not exceed 2 metres in all directions; and
- The fire is lit in an enclosed, properly constructed fireplace that prevents the escape of fire or any burning material from the fire (a fireplace that is constructed of stone, metal, concrete or any other non-flammable material that contain the fire perimeter).

In addition to the requirements under Local Law 3, under the *Environmental Protection Act 1994 (Qld)*, residents must ensure that any fire lit within a barbeque or fireplace **does not cause a smoke nuisance**. Accordingly, Gladstone Regional Council **does not endorse backyard burning of green waste, household waste or other significant smoke generating waste** in incinerators, barbeques or fireplaces (or by any other prohibited means), as this is likely to create an environmental smoke nuisance.

Household waste should be disposed of through rubbish collection or at your local transfer station or landfill facility. Domestic green waste should not be burnt or disposed of through your household kerbside collection as it is free of charge at selected Transfer Stations and at Benaraby Landfill.

You should be aware that the lighting of fires for any purpose (even if it meets the above requirements) is not permitted during any declared fire ban or state of fire emergency.

Council will investigate complaints of smoke nuisances and fires not meeting the requirements outlined above and may issue infringement notices/fines.

## Complaints not dealt with by Council

- Noise from loud music, which remains a **Police** issue.
- Noise from loud parties, which remains a **Police** issue.
- Noise from vehicles, which remains a **Police** issue.
- Noise from boats and jet skis are the responsibility of the **Department of Environment & Heritage Protection (DEHP)**.

Making a minor complaint about a neighbour to a State or Local Government agency can often do more harm than good. A little tolerance goes a long way so if possible, discuss your mutual concerns. With all the goodwill in the world, it is acknowledged that there are times when assistance from a third party is necessary.

## Noise nuisance

Noise is unwanted sound - barking dogs, loud music, passing traffic. Everyone reacts differently to noise. What can be unbearable for one person may pass almost unnoticed by another. How annoyed we become depends on the loudness, time, place and frequency of the noise.

### Noise nuisance guidelines

## What if there's a noise nuisance in my neighbourhood?

In most cases the best way to resolve a noise issue is through polite and productive communication between yourself and the person causing the noise. If you haven't already spoken with the person about the noise, Council strongly recommend you try this approach first.

Another option is to print out the [Noise Nuisance Neighbourhood handout](#), fill in your details (this is optional) and place it in the persons letterbox. If you have concerns about approaching or entering communication with the person, or these measures have proven ineffective, you can report the problem to Council, with the address or the location of the property and we will begin our investigation.

## How Council deals with noise nuisance

The *Environmental Protection Act 1994* introduced by the State Government includes guidelines for noise nuisances. Council is legally required to enforce these limits when the noise is emitted from premises.

There are factors which will be considered when determining whether a noise nuisance is being caused which include:

- The day of the week and time at which the noise is occurring
- The amount of noise being emitted
- The duration and rate of emission and the noise characteristics, and qualities
- The sensitivity of the environment into which the noise is being emitted and the impact that it has or may have
- Views of any other neighbours or complainants.

Council will investigate a noise nuisance upon receiving a customer request. If the noise is found to be a nuisance, Council may issue the person or business causing the noise with a 'direction notice' or an on-the-spot fine.

A direction notice details what offence has taken place, and the time frame that the offender has to rectify the problem. If a direction notice is not complied with, Council may

then issue an on-the-spot fine. It is important to note that achieving compliance under this process can take in excess of six weeks.

## Nuisance factsheets

### Environmental

[Backyard burning](#) [Smoke from chimneys](#) [Dust nuisance](#) [Light nuisance](#) [Odour nuisance](#) [Spray drift](#)

### Noise

[Building work and regulated devices](#) [Amplifier devices](#) [Refrigeration equipment](#) [Power boat engine at premises](#)

## Dispute Resolution Centre

If you have exhausted all of the above options, you can contact the [Dispute Resolution Centre](#). The Centre is a Government provided free mediation and facilitation service, which deals with workplace, family, neighbourhood, commercial, organisational, environmental and multi-party disputes.

Courts Precinct - 46 East Street  
(PO Box 542) Rockhampton Qld 4700  
Phone: (07) 4938 4249 Fax: (07) 4938 4294  
Website: [www.justice.qld.gov.au](http://www.justice.qld.gov.au)

### Indoor venues

Noise from indoor venues, including the following, needs to comply with the permitted noise levels and not cause a nuisance:

- indoor cricket or netball
- ten pin bowling
- concerts
- religious worship
- squash.

### Permitted noise levels

If the noise at a premises is over the following levels, a fine or notice may be issued to the responsible person:

- 7am to 10pm - no more than five decibels (A) above the background noise level



- 10pm to midnight - no more than three decibels (A) above the background noise level
- midnight to 7am - no noise heard.

## Exemptions

The permitted noise levels do not apply to:

- educational buildings used for non-commercial activities
- [entertainment venues](#) issued with a licence or permit by council or a liquor licence from [Office of Liquor and Gaming Regulation](#), with noise level conditions
- sites that have a development approval with noise level conditions.

## How to reduce noise levels

You can help reduce noise by:

- planning the location and orientation of stages, audio systems and amplifier devices - face away from neighbours
- installing a solid fence or barrier
- selecting quieter equipment and amplifier devices or use alternatives (e.g. using a pager or replacing telephone repeater bells with a visual alarm)
- limit time noisy equipment and devices are used
- if possible, keep doors and windows closed
- consider installing a noise limiting device.

## Get In Touch

Phone:

(07) 4970 0700

[Contact Us](#)

Opening Hours:

8.30am - 5pm Monday to Friday

Postal Address:

PO Box 29

Gladstone Qld 4680

**Council Offices:**

[101 Goondoon Street, Gladstone Qld 4680](#)

[3 Don Cameron Drive, Calliope Qld 4680](#)

[41 Blomfield Street, Miriam Vale Qld 4677](#)

[Cnr Wyndham & Hayes Avenues, Boyne Island Qld 4680](#)

**Rural Transaction Centres:**

[71 Springs Road, Agnes Water Qld 4677](#)

[47 Raglan Street, Mount Larcom Qld 4695](#)

## Follow Us

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- [Twitter](#)
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Gladstone Regional Council would like to acknowledge the Bailai, Gurang, Gooreng Gooreng and Taribelang Bunda people who are the traditional custodians of this land. Gladstone Regional Council would also like to pay respect to Elders both past, present and emerging, and extend that respect to other Aboriginal and Torres Strait Islander people. Learn more about Council's [Reconciliation Action Plan \(RAP\)](#).

# Neighbour Handout



**Hello,**

You may not realise that there has been an Environmental Nuisance coming from your property which has caused disruption to the lifestyle of others around you.

I thought you would appreciate the opportunity to sort out the below issue.

Type of Environmental Nuisance

(Please tick the relevant box. For more information refer to Council's Environmental nuisance fact sheets at [www.gladstone.qld.gov.au/fact-sheets](http://www.gladstone.qld.gov.au/fact-sheets) )

Backyard Burning

Spray Drift

Chimney Smoke

Septic Tank Odour

Dust

Light

Odour

Other - (please name)

**Details** (optional)

Include details such as time and dates the nuisance is occurring and what the person could do to help resolve the nuisance.

.....  
.....  
.....

I appreciate your efforts to address this matter and decided to approach you first rather than make an Environmental Nuisance complaint with Gladstone Regional Council.

Thank you

**OPTIONAL DETAILS**

Name: .....

Address: .....

Contact Phone: .....

For more information regarding Environmental Nuisance, please visit Gladstone Regional Council website at [www.gladstone.qld.gov.au](http://www.gladstone.qld.gov.au) or contact Council on (07) 4970 0700.

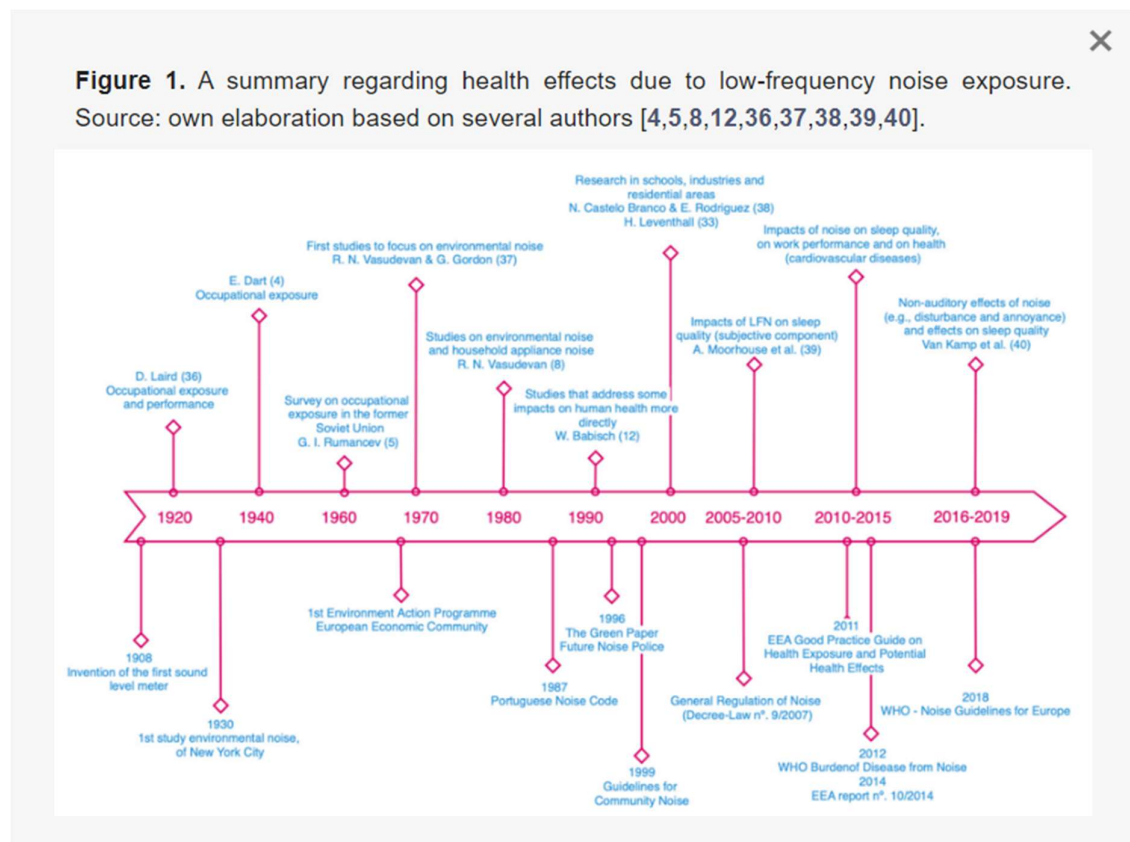


# How does low-frequency music affect humans?

The most cited effects on human health refer to emotional changes such as annoyance [19,20], agitation, and distraction [2,21,22], in addition to the association of low-frequency noise with cognitive alterations [23], the development of cardiovascular diseases [24,25], sleep disorders [26], and high blood pressure [27]

...

<https://www.mdpi.com/2076-3417/10/15/5205>





# Queensland Environmental Protection Act 1994

Current as at 2 June 2023

## Part 2

### 3 Object

The object of this Act is to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (ecologically sustainable development).

#### 5 **Obligations of persons to achieve object of Act**

If, under this Act, a function or power is conferred on a person, the person must perform the function or exercise the power in the way that best achieves the object of this Act.

#### 6 **Community involvement in administration of Act**

This Act is to be administered, as far as practicable, in consultation with, and having regard to the views and interests of, industry, Aborigines and Torres Strait Islanders under Aboriginal tradition and Island custom, interested groups and persons and the community generally.

## **Part 3                    Interpretation**

### **Division 1                Dictionary**

#### 7 **Definitions—dictionary**

The dictionary in schedule 4 defines particular words used in this Act.

## **8 Environment**

*Environment* includes—

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) the qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and
- (d) the social, economic, aesthetic and cultural conditions that affect, or are affected by, things mentioned in paragraphs (a) to (c).

## **9 Environmental value**

Environmental value is—

- (a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- (b) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

## **Subdivision 2**

Environmental contamination

### **10 Contamination**

Contamination of the environment is the release (whether by act or omission) of a contaminant into the environment.

### **11 Contaminant**

A contaminant can be—

- (a) a gas, liquid or solid; or
- (b) an odour; or
- (c) an organism (whether alive or dead), including a virus; or
- (d) energy, including noise, heat, radioactivity and electromagnetic radiation; or
- (e) a combination of contaminants.

## 12 Noise

Noise includes vibration of any frequency, whether emitted through air or another medium.

## Subdivision 3

Environmental harm and nuisance

### 14 Environmental harm.

(1) Environmental harm is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

(2) Environmental harm may be caused by an activity—

(a) whether the harm is a direct or indirect result of the activity; or

(b) whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.

### 15 Environmental nuisance

Environmental nuisance is unreasonable interference or likely interference with an environmental value caused by—

(a) aerosols, fumes, light, noise, odour, particles or smoke; or

(b) an unhealthy, offensive or unsightly condition because of contamination; or

(c) another way prescribed by regulation.

## Local Law No. 3 (Community and Environmental Management) 2011

### Part 6 Noise standards

#### 21 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.<sup>15</sup>
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
  - (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);<sup>16</sup> and
  - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.<sup>17</sup>

## Some background and links

The R&D and recommended regulation that the UN's World Health Organisation did on environmental pollution and in particular the adverse health effects of invasive noise was adopted into the environmental protection acts of most member countries and most municipalities in those countries.

Their current guidance can be seen here

[https://www.ruidos.org/Noise/WHO\\_Noise\\_guidelines\\_summary.html](https://www.ruidos.org/Noise/WHO_Noise_guidelines_summary.html)

QLD Noise measurement manual.

[https://environment.des.qld.gov.au/data/assets/pdf\\_file/0027/88560/eis-tm-noise-measurement-manual.pdf](https://environment.des.qld.gov.au/data/assets/pdf_file/0027/88560/eis-tm-noise-measurement-manual.pdf)

Facebook <https://www.facebook.com/NoiseControlSA>

## Legal Remedies through Court application and action

An application<sup>1</sup> to the local **Magistrates Court** for: -

1. An interim order<sup>2</sup> against respondent;
  - a. ordering the immediate cessation of the noise<sup>3</sup> nuisance complained of by the applicant, or an abatement direction if the respondent is a business.
  - b. which order, if breached, will result in the immediate arrest of the respondent (or it's manager) by the QLD Police Services so as to appear before the Magistrate that issued the order a quor, immediately or as soon as possible;
  - c. with a return date set by the Honourable Court;
    - i. within which the respondent may provide reasons on affidavit why the order should not be made permanent on the date of hearing set by the Honourable Court

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<sup>1</sup> On notice, under the rules for urgent and where applicable ex parte applications, or in the format of a protection order if it can be regarded as a domestic (family, cohabitation, or co-existence in close proximity)

<sup>2</sup> Rule nisi

<sup>3</sup> **Noise**, as defined in the QLD Environmental Protection Act 1994, "includes vibration of any frequency, whether emitted through air or another medium".



# Generating a complaint Log for supporting evidence to an application

## Log

It is important to generate a proper log such as the following: -

21h00 - Heavy infrasound - vibrate downstairs windows when closed.

Persisted till 21h40

Reduced in intensity incrementally over the period

Suspect reaction to repeated complaints

Tried regional council – answer service could not redirect call

Called police 201h51 till 22h10 – no answer

Noise Re-emerged 22h14

Intensified 22h28 Invasive uncomfortable to sensitive ears even with acute tinnitus

Last evident at 23h30

## Proximity 311m

(Supply Google Map with proximity measured and shown)

## Sound recording and Measurement

Mobile phone apps can generally not measure infrasound.

I have not yet found and app that can

