Managing Bad Behaviour

Environmental nuisance under the *Environmental Protection Act* 1994

cairns po box 2337 cairns qld 4870 > 211 draper street cairns qld 4870 > **t** 07 4041 7622 > **f** 07 4041 7633 > **e** cairnsreception@paelaw.com

sunshine coast po box 2015 sunshine plaza qld 4558 > suite 2, 37 dalton drive maroochydore qld 4558 > **t** 07 5479 0155 > **f** 07 5479 5070

> **e** reception@paelaw.com > **w** www.paelaw.com > p&e Law Pty Ltd > **ABN** 97 836 362 898

Environmental Protection Act 1994

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Environmental value

EPA 9

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.

Environmental harm

EPA 14

(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.

Environmental nuisance

EPA 15 *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.

Offence to contravene development condition

EPA 435

(1) A person must not wilfully contravene a development condition of a development approval.

Maximum penalty—2000 penalty units or 2 years imprisonment.

(2) A person must not contravene a development condition of a development approval.

Maximum penalty—1665 penalty units.

Offence to contravene standard environmental conditions

EPA 435A

(1) A person carrying out a chapter 4 activity, that is subject to a code of environmental compliance, must not wilfully contravene a standard environmental condition of the code.

Maximum penalty—2000 penalty units or 2 years imprisonment.

(2) A person carrying out a chapter 4 activity, that is subject to a code of environmental compliance, must not contravene a standard environmental condition of the code.

Maximum penalty—1665 penalty units.

Offence of causing environmental nuisance

EPA 440

(1) A person must not wilfully and unlawfully cause an environmental nuisance.

Maximum penalty—835 penalty units.

(2) A person must not unlawfully cause an environmental nuisance.

Maximum penalty—300 penalty units.

Compliance with General Environmental Duty

It is a defence to a charge of unlawfully causing environmental harm to prove –

"(a) the harm happened while an activity (that is lawful apart from this Act) was being carried out; and

(b) the defendant complied with the general environmental duty either by complying with the relevant code of practice (if any) or in some other way."

[ss.119(2)]

General environmental duty

- EPA 319(1) A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm (the ***general environmental duty***).

Measures Required

EPA 319(2) In deciding the measures required to be taken under subsection (1), regard must be had to, for example—

(a) the nature of the harm or potential harm; and

(b) the sensitivity of the receiving environment; and

(c) the current state of technical knowledge for the activity; and

(d) the likelihood of successful application of the different measures that might be taken; and

(e) the financial implications of the different measures as they would relate to the type of activity.

505 Restraint of contraventions of Act

(1) A proceeding may be brought in the Court for an order to remedy or restrain an offence against this Act, or a threatened or anticipated offence against this Act, by—

(c) someone whose interests are affected by the subject matter of the proceeding; or

(5) If the Court is satisfied—

(a) an offence against this Act has been committed (whether or not it has been prosecuted); or

(b) an offence against this Act will be committed unless restrained;

the Court may make the orders it considers appropriate to remedy or restrain the offence.

(6) An order—

(a) may direct the defendant—

(i) to stop an activity that is or will be a contravention of this Act; or

(ii) to do anything required to comply with, or to cease a contravention of, this Act; and

(b) may be in the terms the Court considers appropriate to secure compliance with this Act; and

(c) must specify the time by which the order is to be complied with; and

(d) may include an order for the defendant to pay the costs reasonably incurred by the administering authority in monitoring the defendant's actions in relation to the offence.

505 Restraint of contraventions of Act

(7) The Court's power to make an order to stop an activity may be exercised whether or not—

(a) it appears to the Court the person against whom the order is made intends to engage, or to continue to engage, in the activity; or

(b) the person has previously engaged in an activity of that kind; or

(c) there is danger of substantial damage to the environment if the person engages, or continues to engage, in the activity.

(8) The Court's power to make an order to do anything may be exercised whether or not—

(a) it appears to the Court the person against whom the order is made intends to fail, or to continue to fail, to do the thing; or

(b) the person has previously failed to do a thing of that kind; or

(c) there is danger of substantial damage to the environment if the person fails, or continues to fail, to do the thing.

(9) Without limiting the powers of the Court, the Court may make an order—

(a) restraining the use of plant or equipment or a place; or

(b) requiring the demolition or removal of plant or equipment, a structure or another thing; or

(c) requiring the rehabilitation or restoration of the environment.

(10) The Court must order a plaintiff to pay costs if the Court is satisfied the proceeding was brought for obstruction or delay.

Maximum penalty—3000 penalty units or 2 years imprisonment.

Case Law

Dust - *Department of Environment & Resource Management v Clark [2011] QPEC 20*

Odour emissions - *Crowther v State of Queensland* [2003] QPEC 017 Robin QC DCJ 27/02/2003 (delivered *ex tempore*)

Noise - *Crowther v The State of Queensland [2008] QPEC 79*

Department of Environment & Resource Management v Clark [2011] QPEC 20

The applicant also contends that the respondent has committed and will unless restrained commit offences against s.440 of the Act.

Section 440 makes it an offence to wilfully and unlawfully cause an environmental nuisance (s.440(1)) or to unlawfully cause an environmental nuisance (s.440(2)).

Department of Environment & Resource Management v Clark [2011] QPEC 20

There can be little doubt that, as far as it can be achieved, clean air, dust free air, is an environmental value in the sense that it is a quality or desirable physical characteristic of the environment that is conducive to public amenity or safety and, depending on the circumstances, also ecological health. We would all like the air to be clear and as clean as possible all of the time. The environment includes people and communities living and working in a particular location or place or area and the contribution of clean, dust free air to the amenity and harmony of those locations places and areas. It also includes the effect on those locations, places and areas and the people living and working in them of unclean air and dust laden air such as is complained of here. Taking into account the nature, frequency, intensity and regularity with which it is generated, the number of people and businesses affected, their proximity to the activities generating the dust and the character of the neighbourhood, the dust here complained of clearly amounts to an unreasonable interference or likely interference with an environmental value. Similar considerations were referred to by McGill QC DCJ in *Fletcher v May [2001] QDC* 081 at paragraph

Department of Environment & Resource Management v Clark [2011] QPEC 20

The environmental nuisance here is caused by

(a) dust blown from the site;

(b) dust blown from the site by vehicles driving over unsealed areas of the site and as those vehicles enter and exit the site; and

(c) dirt on Rudman Parade deposited by vehicles after exiting the site which turns to dust as vehicles drive over it.

Department of Environment & Resource Management v Clark [2011] QPEC 20

A wheel wash satisfactory to the applicant would cost $61,105 plus $4,450 for delivery (para 21 and ex EI15, second Immisch affidavit and T3-21).

Concrete roads would cost something like $200,000 maybe less if only one road (the shorter one) and not two was sufficient for the Proskips leased area (ex 16, second Immisch affidavit and T3-19, 20, 21, 33, 34, 35 and 36). If the respondent is to be ordered to seal roads more specificity is required as to those roads.

Department of Environment & Resource Management v Clark [2011] QPEC 20

So far as these provisions are concerned I am, for the reasons given, satisfied that offences against the Act have been committed and will be committed unless restrained. The roads on the site should be sealed and a vehicle wheel wash installed. Subject to hearing further from the parties it seems to me that until the roads on the site are sealed and a vehicle wheel wash is installed and operating the respondent should be ordered to stop or prevent vehicles traversing the site and an order should be made restraining him from allowing vehicles to do so. What form that order should take and how it should be monitored (and the costs of doing so) should also be considered as should the time when it should commence. Whether any remedial action by the respondent should be ordered will also need to be considered. Reasonable notice should be given to the lessees and consideration should be given to hearing from them before final orders are made.

Crowther v State of Queensland [2003] QPEC 017
Robin QC DCJ 27/02/2003
(delivered *ex tempore*)

HIS HONOUR: I published reasons to the parties on the 20th of December last year for my conclusions, which were that the applicant had established the commission of offences arising from the conduct of activities at the Yeronga Institute of TAFE. And that further offences might be committed unless restrained.

Crowther v State of Queensland [2003] QPEC 017
Robin QC DCJ 27/02/2003
(delivered *ex tempore*)

There is a new paragraph 3 proposed by me, in the form of an order that things be done rather than not be done, in these words:

> "Order that the respondent ensure that after January 2005, in respect of any processes of welding, cutting, machining or grinding of metal conducted at the Yeronga Institute of TAFE, any outlet for odour emissions be located further than 100 metres from Park Road, Yeronga."

Crowther v State of Queensland [2003] QPEC 017 Robin QC DCJ 27/02/2003 (delivered *ex tempore*)

The whole circumstances of individuals pursuing the State, and especially in a context like the present where the State has various emanations, including the Yeronga TAFE and the Environmental Protection Authority, which played no part in the proceedings, are obvious. One can understand Ms Crowther and others like her feeling unhappiness that the organisation that might ordinarily police these matters, from her point of view, seems to be under the same umbrella as the organisation she complains about.

These considerations have been ventilated again today when there was discussion as to what means, in which the applicant might have confidence, might be available to monitor the respondent's performance of the obligations it effectively undertakes by proffering the draft order it does. There is no answer to that. While there is no reason for the Court to harbour misgivings, it can understand why the applicant might.

Crowther v The State of Queensland [2008] QPEC 79

It is not necessary to turn to foreign authority to appreciate the potential for concerning noise nuisance of this kind. Section 6Z of the *Environmental Protection Regulation 1998 bespeaks the same concern; it provides:*

"**6Z Airconditioning equipment**

- An occupier of premises at or for which there is airconditioning equipment must not use or allow the use of the equipment—
- (a) from 7a.m. to 10p.m. on any day if it makes noise or causes noise to be made of more than 50dB(A); or
- (b) before 7a.m. or after 10p.m. on any day if it makes noise or causes noise to be made of more than the higher of the following—
- (i) 40dB(A);
- (ii) 5dB(A) above the background noise level.

Maximum penalty—20 penalty units."

Crowther cont'

Whatever may be the position currently, of which Mr King can speak, the respondent has not shown that over recent times, say, since the complaint to the EPA, it has complied with the general environmental duty. The noise emitted by the TAFE's air conditioning is, in principle, capable of constituting environmental nuisance. Although I do not accept that the court has jurisdiction to entertain a claim in a nuisance under the general law, some reference to that law may be appropriate in determining what is "unreasonable" within s 15. Mr Morzone referred me to what Judge McGill said in *Fletcher v May [2001] QDC 081 at [28]:*

"The term "environment" is defined in fairly broad terms, in s 8. An absence of unpleasant odour could be described as a quality of a place, and hence the environment, that is conducive to public amenity, and therefore an environmental value for the purpose of s 9, so that unreasonable interference or likely interference with that quality caused by odour is an environmental nuisance. But the key consideration here is the word "unreasonable"; as with public nuisance at common law, it is not any interference with the environment which is an environmental nuisance, it needs to be unreasonable. What is unreasonable is obviously a matter which can only be decided by reference to a particular case, involving all of the factors relevant in the circumstances but factors such as the nature and intensity of the odour, the regularity with which it is emitted, and the number of people affected, as well as the character of the neighbourhood would all be factors which I would expect, by 12 analogy from the position in relation to common law public nuisance, would be relevant: *Don Brass Foundary Pty Ltd v Stead* (1948) 48 SR(NSW) 482 at 486-7; *Baulkham Hills Shire Council v Domachuk (1988) 66 LGRA 110. A feedlot located in a rural area* where there were few people living close enough ever to notice the odour, and where the odour would be no more than occasional inconvenience, could probably produce large quantities of odour without constituting an environmental nuisance. Whether or not a tree falling in a forest creates a sound if there is no one there to hear it, a feedlot operating in the bush does not create an environmental nuisance if there is no one there to smell it.

Crowther v The State of Queensland [2008] QPEC 79

The evidence of Ms Crowther and her deponents satisfies the court that offending sufficient to give the court jurisdiction under s 505 of the EP Act has occurred under s 440. The respondent submits that the general environmental duty has been complied with and that the defence under s 436(2) of the EP Act by reference to that duty has been made out. The provision is set out in paragraph [20] above. This defence is something to be proved by the respondent, which has nothing to rely on but Mr King's evidence, which, with respect, comes too late, in that it does not go to times before the EPA's efforts led to some relevant action at TAFE.

Crowther v The State of Queensland [2008] QPEC 79

Those considerations do not dissuade me from granting relief, as I think that Ms Crowther has established breach of s 6Z of the Regulation and s 440 of the EP Act. There is room for concern here that, if her application fails entirely, as the respondent submits it should, insufficient vigilance will be exercised at the TAFE to ensure that Ms Crowther and her neighbours enjoy the amenity, as regards noise, which the EP Act, the Regulation and the Policy intend they should enjoy. Her victory may well be a rather empty one, as the court is in no position to do more than grant the relief sought, which I think has to be understood in terms of limiting aggregate noise emissions so they do not exceed the limits expressed in s 6Z, (further, I think that the steps indicated by Mr King as appropriate ought to be ordered to be implemented within a fixed time). There is no evidence before the court to indicate what more specific orders the court might usefully pronounce.

Examples from EA

- Gates
- Weeds
- Chemicals
- Rehabilitation
- Waste
- Blasting
- Noise

Gates

Condition A7 of the EA requires compliance with Australian Pipeline Industry Association Code of Environmental Practice which at page 38 under the heading construction access provides "As a general rule, gates shall be left as they are found or as signposted or stated in the construction line list. If closed gates are required to be opened for extended periods (e.g. convoy passage) they shall not be left unattended unless otherwise agreed with the landowner."

On ……..2013 (respondent) left a gate open overnight at KP …….

On or about …….2013 a Gal gate and work suspension fence at KP …… was left open overnight by (respondent) representatives. Livestock which included 15 segregated bulls and 1 horse escaped into adjoining paddocks.

(Applicant) rounded up the livestock and ……..

On …… 2013 a gate was left open at KP ……

On ……2013 a gate was left open at KP ……..

On …… 2013 a gate was left open at KP ……. requiring (Applicant) to muster his cattle.

Weeds

Condition A 7 of the EA requires compliance with the Code of Environmental Practice Onshore Pipelines October 2013 which at page 37 recognises the biosecurity management risks of introduction of disease, weeds vermin or destructive influence on the site and requires access to the site to minimise the spread of noxious weeds, pests and pathogens. At page is 117 to 124 of the code under the heading Biosecurity Management the requirement for the planning Management construction access and operation is particularised and includes the requirements to make sure all vehicles brought to the site are free of any seed or plant material, inspected upon entry and either admitted or refused on the basis of the presence or absence of soil seed or plant material, with records being maintained of the inspections.

No wash down certificates were provided.

Identifiable weeds were growing on the construction area.

Chemicals

Condition A7 of the EA requires compliance with Australian Pipeline Industry Association Code of Environmental Practice which at page 123 identifies "Weed control activities involving the use of chemicals shall be undertaken in consultation with the relevant landowners and regulatory authorities, giving due consideration to sensitive land uses (e.g. chemical free, organic and biodynamic farming, run off potential, wind drift and flora and fauna sensitivities)."

This Hydro test water identified as "Water with potential contaminants of silks, cleaning chemicals, traces of biocides and oxygen scavengers."

"Chemical storage of hydrotest chemicals, field joint coating materials and fuel storage (diesel, petrol etc)" are identified as Environmentally Relevant Activities (ERA 8 - Chemical Storage) at p 44 of the Environmental Management Plan.

On page 18, under actions required Hydro test water to be discharged in compliance with the Land Release Management Plan-……..

On or about ……..2013 (respondent) sprayed chemicals on the Land to clear vegetation. This was not discussed with (applicant) contrary to the provisions of the EA having ramifications for the sale of cattle at the cattle sale on ……2013 at ……..

In breach of the provisions outlined above (applicant) was not approached in relation to the use of:

- chemicals used in hydrostatic testing of the pipe;
- weed spraying.

Rehabilitation

Condition A7 of the EA requires compliance with the Australian Pipeline Industry Association Code of Environmental Practice - Onshore pipelines, October 2009 (the code) or subsequent versions thereof.

The code at section 6.12 requires consultation with the landowner at the planning and rehabilitation stage.

Condition H1 of the EA requires a Rehabilitation Plan prior to carrying out activities and condition H2 (b) (i) requires consultation with the affected land owner.

Condition H4 of the EA requires trenches to be backfilled immediately after pipelaying and rehabilitated as soon as practicable but no longer than 3 months after completion.

The Rehabilitation Plan (document ##### entitled "Management Plan – Mainline Pipeline System Rehabilitation Plan" Rev 4 dated 13.2.2013 was prepared for condition H1 of the EA. At 11.4.1 it provides that there be consultation with the relevant landholders.

Waste

Condition A 7 of the EA requires compliance with Australian Pipeline Industry Association Code of Environmental Practice which at page 177 in relation to the construction operation and waste management provides as follows:

- Waste material shall not be left on site or buried in the pipeline easement, unless such a disposal mechanism is approved by the regulator and supported by the relevant landowner.
- Waste generated on site, including packaging waste, shall be secured to prevent it blowing off site.
- Waste should be removed from site regularly and progressively to maintain good housekeeping practices.

  –Waste receptacles should be appropriate to the nature and volume of waste being produced on site and should be emptied regularly to prevent overloading or the overflow of waste materials.

Condition C 1 of the EA requires a waste management plan to be prepared.

For the purposes of compliance with condition C2 of the EA environmental protection instruction-make waste management revision x document number …… has been prepared.

Condition C 1 of the EA requires its implementation.

Waste Management Plan

Page 6 identifies general waste (packaging, ropes, fibre/nylon rope spaces, plastic or steel and/bevel protectors) requiring management of "Take to Waste Management area at TWA and separate into recyclable and non-recyclable. Store in skips."

Page 10 identifies plastic as a waste type notes the potential impact as the release of waste causing contamination of land and surface water. Visual amenity impacts due to poor housekeeping. And the management requirement is to recycle.

Page 11 identifies paper and cardboard with the potential impact of littering of land and surface water. Visual amenity impacts due to poor housekeeping. Fire hazard. With the management to store in dry container at TWA Waste Management Area.

On page 19, ROW boundaries will be maintained and cleared of litter throughout construction.

On page 21, "Wood packaging, palate, formwork and offcuts, and cardboards and plastic wrapping resulting from project activities to be reused on-site wherever possible, otherwise to be placed in separate bins and collected for recycling." is required throughout construction.

Waste

The amount of waste collected by applicant shows non-compliance with these requirements of the EA. From …… 2013 applicant and his family have picked up and disposed of rubbish that has blown off the Construction Area. Some of these instances are particularised as follows:

On ……2013 applicant picked up plastic bags and rubbish that had blown off the Easement into areas where his stock were to prevent his cattle from ingesting it and gave it to an respondent Representative.

On ……. 2013 ### picked up plastic bags and rubbish that had blown off the Easement into areas where his stock were and gave it to an respondent Representative.

On ……. 2013 applicant picked up plastic and cans on the Land.

On …….. 2013 applicant picked up rubbish on the Land generated from respondent's activities at …….. Creek.

On or about ……. 2013 an respondent bin had been knocked over and rubbish was spread on the ground around the bin.

On or about ……. 2013 respondent left a red enviro bin at the creek at KP …, a creek that floods.

On or about ……. 2013 during the course of respondent's activities there was an oil spillage adjacent to the creek at KP….

On or about ……. 2013 respondent put rocks from the Construction Area outside of the Construction Area on applicant's Land into paddocks that had been stick raked.

On …….. 2013 applicant picked up hessian bags from respondent's activities near and in the creek on his Land.

On …….. 2013 rubbish was left at …… Creek by respondent who had conducted activities at ……. Creek.

Blasting

E12 of the EA states “E12 All blasting must be carried out in a proper manner by a suitably qualified person.”

E13 of the EA states “E13 All blasting must be carried out in accordance with the Blast Management Plan.”

- 4.2.3 *All Sensitive Receptors (including Landholders and Asset Owners) shall be identified ... and suitably notified of blasting works that affect them as soon as blasting locations have been identified. Final notification of blasting timing shall be provided at least 72 hours prior to blasting being undertaken. A Site Specific Blast Management Plan / Permit ... will be issued for each blast and will include notification of Landholders...”*
- 4.2.5 *Once the hook up of the shot has been checked, nominated blast guard personnel who have completed an onsite competency shall take up positions along the routes to the blast areas in readiness to block all access to the blast area.*
- 4.2.8 *The specified procedures for obtaining approval to blast including blast proposals 7 days in advance of blasting works, transport and handling of explosives, initiating blasts and all statutory requirements shall be complied with at all times.*
- 4.2.9 *Every blast will be monitored ... Where sensitive receptors are located near blasting activities, additional monitors will be set up as close as practically possible to the sensitive receptor to record that the vibration and airblast overpressure limits are not being exceeded...*
- 4.2.11 Appropriate signage and guarding is to be provided

Blasting

On …….. 2013 applicant was given no notice blasting activities were to occur on adjacent properties. No notice was provided to applicant's neighbours. An respondent representative sighted applicant's neighbours Mrs xxxxx of xxxxx and Mr & Mrs xxxxx of xxxxxxx on their respective properties and moved them away from the blast zone prior to commencing blasting.

On …… 2013 blasting commenced within 800m of applicant's house with no notice being given to applicant;

On …… 2013, unbeknownst to applicant, blasting was scheduled to occur 300m from his residence. An respondent representative came to applicant's house on sighting applicant on the verandah of his house and gave applicant 1 hour and 12 mins notice the blasting would take place.

Respondent's Employees or Associates were not appropriately qualified to undertake the blasting activities on applicants property.

Noise

(G3) If noise emissions are likely to exceed the limits specified in *Schedule G – Table 1: Construction Noise Limits at Sensitive Receptors* and *Schedule G – Table 2: Operational Noise Limits at Sensitive Receptors* then the holder must take appropriate measures to either relocate the petroleum activities or incorporate noise abatement and/or attenuation measures to mitigate those impacts. These measures must be in place prior to undertaking the proposed petroleum activities.

(G4) In the event of a valid complaint about noise from a petroleum activity being made to the administering authority, the emission of noise from the petroleum activities must not exceed the levels specified in *Schedule G – Table 1: Construction Noise Limits at Sensitive Receptors* and *Schedule G – Table 2: Operational Noise Limits at Sensitive Receptors* when measured at the sensitive receptor.

Noise

Schedule G – Table 1: Construction Noise Limits at Sensitive Receptors

Sensitive Receptor							
Noise level dB(A) measured as:	Monday to Friday			Saturday		Sundays and public holidays	
	7am to 6pm	6pm to 10pm	10pm to 7am	7am to 6pm	6pm to 7am	7am to 6pm	6pm to 7am
$L_{AMax, adj, 15 mins}$	-	42	31	42	31	42	31

- *NOTE: (-) means no criteria apply during this time period*

Schedule G – Table 2: Operational Noise Limits at Sensitive Receptors

Sensitive Receptor						
Noise level dB(A) measured as:	Monday to Saturday			Sundays and public holidays		
	7am to 6pm	6pm to 10pm	10pm to 7am	9am to 6pm	6pm to 10pm	10pm to 9am
$L_{A90, adj, 15 mins}$	lesser of bg+3 or 48	lesser of bg+0 or 40	bg+0	bg+0	bg+0	bg+0
$L_{A10, adj, 15 mins}$	lesser of bg+5 or 50	lesser of bg+3 or 45	bg+0	bg+0	bg+0	bg+0
$L_{A1, adj, 15 mins}$	lesser of bg+10 or 55	lesser of bg+5 or 50	lesser of bg+5 or 45	bg+0	bg+0	bg+0

Noise

Alternative Arrangements Available When Noise Emissions May Cause Nuisance for Limited Periods

(G6) Where the holder of this authority has, at their cost, made alternative arrangements to the satisfaction of and with the written agreement of each sensitive receptor affected by nuisance noise emissions for a limited period, then the requirements specified in *Schedule G – Table 1: Construction Noise Limits at Sensitive Receptors* and *Schedule G – Table 2: Operational Noise Limits at Sensitive Receptors* will not apply at that sensitive receptor for the period of the alternative arrangements.

(G7) As a minimum each written agreement of an alternative arrangement must state:

(a) the location of the sensitive receptor;

(b) the names of the affected persons;

(c) the nature of the alternative arrangements (e.g. provision of alternative accommodation);

(d) the period of the alternative arrangements; and

(e) details of the activities causing the noise, including the maximum noise levels expected at the sensitive receptor for the period defined in (d).

Proposed Alternative Noise Criteria at the residence from Camp Activities

Scenario	Time Period	Noise Criteria[1]	Ventilation
Vehicles on site, Site Construction & Decommissioning, People gathering on site outdoors	Day/Evening 7am – 10pm	LA10,1hr 55dB(A)	Natural ventilation
	Night 10pm – 7am	LAmax 62dB(A)[2]	Bedrooms air conditioned
Camp plant noise	Day/ Evening	LAeq 47dB(A)	Natural Ventilation
	Night	LAeq 47dB(A)	Bedrooms air conditioned

Notes:
1. Noise levels apply outside the residence as free field levels.
2. LAmax is determined by averaging the 10 highest levels from Camp site activities recorded over a 1 hour time period.

Bringing bad behaviour under control

- You do have options.
- Make sure you have the evidence.
- Make sure that you are behaving reasonably.
- Bring it to the companies attention and ask that it be fixed.
- If the breaches continue then consider court action.
- There are other alternatives.