

ENVIRONMENTAL NUISANCE

What is an environmental nuisance?

Environmental nuisance is defined under the *Environmental Protection Act 1994* (“the Act”) as unreasonable interference or likely interference with an environmental value.

An environmental value is a characteristic that is favourable to health, public amenity or safety.

Impacts on environmental value by an emission eg. noise, dust, odour or light may be considered environmental nuisance under the Act.

Our responsibilities



Council has the authority to regulate environmental nuisance under the Act.

If satisfied that an activity is causing unreasonable nuisance,

Council’s Officers may issue a Direction Notice to cease nuisance activities or reduce the nuisance to an acceptable level.

Council must consider the **General Emission Criteria** before issuing a Direction Notice.

State responsibilities

The Act does **not** regulate activities covered by other State Government legislation. These include:

Noise from music, parties and vehicles. Please contact the **Queensland Police Service**

Noise from licensed premises including nightclubs. Please contact the **Office of Liquor and Gaming Regulation**.

Your responsibilities



Being mindful of how your activities may affect neighbours can

assist with maintaining relationships.

Neighbourly discussion about how activities are affecting you can lead to mutually suitable resolutions.

Consider implementing controls for activities which may impact neighbours, e.g.

- reduce dust by watering earth where appropriate,
- contain dust to site with barriers,
- angle light beams within property boundary,
- appropriately dispose of waste to avoid odours, and
- be mindful of smoke from BBQ placement.

General Emission Criteria

What we consider:

- What it is, eg noise, odour, dust, light?
- How much?
- How long?
- What time did it occur?
- Is it continuous or fluctuating?
- Where is it going?
- Is this expected?
- What impact is it having?
- Who is being impacted?
- Is this a regular occurrence or one off?
- Is it getting worse?
- Are there any mitigations in place.

Nuisance exemptions

Nuisance is exempt under the Act where development or lawful activities are carried out under a Development Approval (DA), however the DA may set out conditions of approval which restrict certain emissions.

DA conditions are enforceable by local government under the *Planning Act 2016*.

Noise from traffic lights and reversing beepers, noise from education facilities, odours from domestic cooking and fit for purpose domestic and commercial lighting are also exempt.

Reporting an environmental nuisance

Where resolution between neighbouring parties cannot be reached, the matter may be referred to Council for investigation.

Once a nuisance determination is made, you shall be advised of the outcome.

Please note that environmental nuisance determination must be made from the receptor's point of view; therefore, anonymous Customer Requests will not be investigated.

While details which may identify the origin of Customer Request's are protected, the affected person is by nature, identifiable.

Council therefore strongly encourages residents to discuss the environmental nuisance with their neighbours directly in an attempt to resolve a mutually suitable outcome prior to involving Council Officers.

If you cannot resolve the issue with your neighbour, you may contact Cairns Regional Council for an investigation by:

- Calling 1300 69 22 47
- Using our [Report a Problem online form](#)
- Report a Problem feature on the [My Cairns](#) app.