

POLLUTION ABATEMENT NOTICE

No. 2016/02

(Issued pursuant to section 77 of the *Waste Management and Pollution Control Act*)

Issued to: **Elias Investments Pty Ltd** (ACN 009 604 791)

Name: John Christopher ANICTOMATIS, Jeanette Miller
ANICTOMATIS, Xristos John ANICTOMATIS - Directors
Address: Level 2, 62 Cavenagh Street, DARWIN NT 0800
Postal Address: PO Box 48, Darwin NT 0801

In relation to premises: Lot 11020, Town of Palmerston, also known as 164
Forrest Parade, Rosebery, NT (the premises)

Reason:

I, Dr William Freeland, delegate of the Northern Territory Environment Protection Authority (NT EPA) pursuant to the *Waste Management and Pollution Control Act* ("the Act"), believe on reasonable grounds that:

1. Elias Investments Pty Ltd are the owners of the premises;
2. On 5 April 2016, Authorised Officers of the NT EPA conducted an inspection of the premises in response to complaints received from the public about noise emissions from the premises;
3. During the visit Authorised Officers confirmed:
 - a) a constant noise from an enclosed area on the premises was clearly audible at a neighbouring residential premises; and
 - b) the noise had potential to cause environmental nuisance;
4. On 6 May 2016 Authorised Officers went to a residential property at the rear of the premises and measured noise generated from the premises. Measurements were recorded at 14.1dB above background at the boundary of an affected resident;
5. On 9 May 2016 an Authorised Officer Direction was issued to Elias Investments Pty Ltd to immediately prevent environmental nuisance from occurring from activities at the premises;
6. On 2 June 2016 an onsite meeting was held with authorised representative of Elias Investments Pty Ltd. During the meeting Authorised Officers observed that noise was continuing to be emitted from the premises and the noise mitigation measures implemented to reduce the noise emissions was not effective;
7. As of the 5 July 2016 the NT EPA have been notified of 4 new complainants, all from residential premises;
8. On 6 July 2016 Authorised Officers went to a residential property neighbouring the premises and measured noise generated from the premises. Measurements were recorded at approximately 20dB above background at the boundary of an affected resident.

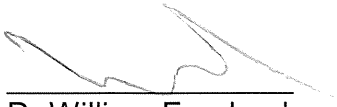
9. By reason of the facts above:

- a) NT EPA considers the noise generated at the premises is unreasonable because of the time and duration of the operation and the magnitude of its intrusion into noise sensitive areas; and
- b) Elias Investments Pty Ltd has contravened or failed to comply with section 12(1) of the Act;
- c) Elias Investments Pty Ltd has contravened Section 83(5) of the Act in that it has adversely impacted on the amenity of residential premises; and
- d) Elian Investments Pty Ltd has unreasonably interfered with the enjoyment of residential premises as a result of the noise emissions.

Action Required

- 1. On and from the date of this notice you must ensure that noise emissions from the premises do not exceed more than 5dB(A) above background at any time of the day in a residential premises (regardless of whether any door or window is open);
 - 2. By 25 July 2016 provide the NT EPA a noise management report by a suitably qualified acoustical professional which:
 - a) Identifies current and future noise generating activities at the premises;
 - b) Identifies measured noise levels for existing noise generating activities at the premises, including date(s) and time(s) of all measurements;
 - c) Identifies predicted noise levels for future noise generating activities at the premises;
 - d) Demonstrates that noise emissions from the premises will not be audible in any residential premises at any time of the day (regardless of whether any door or window is open) after noise the implementation of noise mitigation measures;
 - e) Identifies noise mitigation measures that will be implemented at the premises to achieve required action 2(d); and
 - f) Identifies a schedule for implementation of the measures identified in action 2(e);
 - 3. By 30 August 2016 you must have finished implementing the measures identified in required action 2(e); and
 - 4. By 30 August 2016 noise emissions from the premises must not be audible in any residential premises at any time of the day (regardless of whether any door or window is open);
 - 5. By 15 September 2016 conduct additional noise assessments to validate the requirements of this notice; and
 - 6. Submit a report to the NT EPA by 30 September 2016 confirming noise levels at the closest sensitive receptor comply with the requirements of this notice.
-

Notice Issued By:



Dr William Freeland

Chairperson

NT Environment Protection Authority

13/7/16
Date

0747
Time

Important Notice

Failure to comply with this notice is an offence under section 80 of the *Waste Management and Pollution Control Act* and may incur significant penalties and/or other statutory action.

This notice takes effect on the date on which it is served upon you. Pursuant to section 108 of the *Waste Management and Pollution Control Act*, **you have the right to apply for a review of the decision to issue you with this Pollution Abatement Notice. If you intend to apply for a review, YOU MUST MAKE AN APPLICATION NOT LATER THAN 7 DAYS after the date you were served with this notice.** For information on how to lodge an application for review, contact the Northern Territory Environment Protection Authority, telephone 8924 4041.

Pursuant to section 112 of the *Waste Management and Pollution Control Act* the person issued with this notice must fulfil certain obligations before selling, leasing, sub-leasing, giving or exchanging land, premises, a vehicle or business which is the subject of this Notice.