

Innercity Council
10 Chambers Street
SUBURB 2000

15 December 20XX

Ms Lucy Manners
4 Big Street
SUBURB 2000

12 December 20XX

DIRECTION TO TAKE PREVENTATIVE ACTION
SECTION 96 PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

DATED: 15 January 20XX

TO BE SERVED BY: Council Officer

TO: Ms Lucy Manners

PREMISES: 4 Small Street Suburb 2000

Innercity Council (*Council*) is the appropriate regulatory authority (*ARA*) pursuant to Section 6(2) of the Protection of the Environment Operations Act 1997 ("the POEO Act"). Council is authorised to give this direction under section 96 of the POEO Act.

Background

At approximately 12.30am on 10 December 20XX and 10 January 20XX an authorised officer of Innercity Council, conducted an inspection at 4 Small Street Suburb. This inspection was conducted in relation to complaints that have been received by Council that: there was very loud noise coming from a commercial extractor fan machinery on the premises.

The following environmentally unsatisfactory activity was observed:

- The premises is a shop in a residential street. The premises appears to be being used as a café. Extractor fan and machinery is running inside and outside the building.
- Innercity Council believes that this activity at the premises is being conducted in an 'environmentally unsatisfactory' manner due to the noise created and the time it occurs. This notice is to require you to undertake such action, as is specified in the notice and within such period as is specified in the notice, to ensure that the activity is carried on in future in an environmentally satisfactory manner.

Direction to take preventive action

Innercity Council directs **Ms Lucy Manners** to take the following action:

- 1. To ensure that extractor fan and machinery are not running between 10 pm and 8 am on Saturday, Sunday and public holidays and between 10 pm and 7 am every other day.**
- 2. To develop an action plan for reducing the noise of the extractor fan an machinery to a level of XX decibels and submit this plan to council for consideration.**

TIMEFRAME:

- 1. Preventative action to be completed with 28 days of the date of this notice.**

This Notice is issued under Section 96 of the *Protection of the Environment Operations Act 1997*.

It is an offence against that Act not to comply with this Notice.

This Notice operates immediately and you may appeal against the Notice.

At the end of this Notice there is information about when the Notice begins to operate, the penalty for not complying with it and how you can appeal against the Notice.

Yours faithfully

Council Officer

Innercity Council

INFORMATION ABOUT THIS PREVENTION NOTICE

Penalty for not complying with this direction to take preventative action

The maximum penalty that a court may impose on a corporation for not complying is \$1,000,000 with a further \$120,000; with a further \$60,000 for each day the offence continues. The maximum penalty that a Court may impose on an individual for not complying is \$250,000 with a further \$60,000 for each day the offence continues.

Appeals against this notice

You may appeal to the Land and Environment Court against this Notice. The deadline for lodging your appeal is 21 days after you were served with the Notice.

When this Notice begins to operate

This Notice is operational from the date of issue. If an appeal is made against this Notice and the Land and Environment Court directs that this Notice is stayed, this Notice does not operate until the stay ceases to have effect or the appeal is withdrawn, whichever first occurs.

Other costs

The Protection of the Environment Operations Act allows Innercity Council to recover from you any reasonable costs and expenses it incurs in monitoring action taken under this Notice, ensuring the notice is complied with and associated matters. (If you are going to be required to pay these costs and expenses you will later be sent a separate notice about this).

Continuing Obligation

Under Section 319A of the act, your obligation to comply with the requirements of this notice continues until the notice is complied with, even if the due date for compliance has passed.

Variation of this Notice

This notice may only be varied by subsequent notices issued by Innercity Council.