

Queensland



*Environmental Protection Act 1994*

# **ENVIRONMENTAL PROTECTION (NOISE) POLICY 1997**

**Reprinted as in force on 24 April 2003  
(includes commenced amendments up to 2003 SL No. 73)**

**Reprint No. 2A**

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
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# Queensland



## ENVIRONMENTAL PROTECTION (NOISE) POLICY 1997

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# ENVIRONMENTAL PROTECTION (NOISE) POLICY 1997

[as amended by all amendments that commenced on or before 24 April 2003]

## PART 1—PRELIMINARY

### *Division 1—Preliminary matters*

#### 1 Short title

This environmental protection policy may be cited as the *Environmental Protection (Noise) Policy 1997*.

#### 3 Definitions

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

### *Division 2—Basic concepts*

#### 4 Acoustic environment

The “**acoustic environment**”, of a place, is the part of the environment of the place characterised by the noise that may be experienced there.

#### 5 Beneficial assets

(1) A “**beneficial asset**” is an airport, approved industrial estate, navigable waterway, public road or railway.

(2) It is recognised that, although the operation or use of beneficial assets may have significantly adverse effects on the environmental values, they are necessary for the community’s environmental, social and economic wellbeing.

(3) However, it is intended that, so far as practicable, any significantly adverse effects from their use or operation be progressively reduced.

## **6 Characteristics of noise**

(1) Noise has quantitative and qualitative characteristics.

(2) The “**characteristics**” of noise include—

- (a) its sound pressure level; and
- (b) its duration; and
- (c) the rate at which it happens; and
- (d) its audibility; and
- (e) whether it is continuous at a steady level or whether it has a fluctuating, intermittent, tonal or impulsive nature; and
- (f) whether it has vibration components.

## **PART 2—APPLICATION AND OBJECT**

### **7 Application of policy**

This policy applies to Queensland’s acoustic environment.

### **8 Object of policy**

The object of this policy is to achieve the object of the Act in relation to Queensland’s acoustic environment.<sup>1</sup>

### **9 How object is achieved**

To achieve the object, this policy—

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1 Under section 3 of the Act, the object of the 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**”).

- (a) identifies environmental values to be enhanced or protected; and
- (b) specifies an acoustic quality objective; and
- (c) provides a framework for—
  - (i) making consistent and fair decisions that best protect Queensland's acoustic environment; and
  - (ii) developing noise management programs with the involvement of government entities, industry groups and the community; and
  - (iii) making accurate and consistent noise assessments; and
  - (iv) providing consumers with important information about noise.

## **10 Environmental values to be enhanced or protected**

The environmental values to be enhanced or protected under this policy are the qualities of the acoustic environment that are conducive to—

- (a) the wellbeing of the community or a part of the community, including its social and economic amenity; or
- (b) the wellbeing of an individual, including the individual's opportunity to have sleep, relaxation and conversation without unreasonable interference from intrusive noise.

## **11 Acoustic quality objective**

**(1)** The “**acoustic quality objective**” is the objective of achieving an ambient level of 55 dB(A) or less for most of Queensland's population living in residential areas.

**(2)** It is intended that the acoustic quality objective be achieved as part of progressively achieving the object of this policy over the long term.

**(3)** It is not intended that, in achieving the acoustic quality objective, any part of the existing acoustic environment be allowed to significantly deteriorate.

**(4)** For subsection (1), the ambient level in a residential area is measured over 24 hours as the long-term Leq outside a dwelling in the area.

## **PART 3—ENVIRONMENTAL MANAGEMENT DECISIONS**

### **12 Application**

This part applies if—

- (a) an administering authority is deciding an application for—
  - (i) an environmental authority; or
  - (ii) amendment of a licence; or
  - (iii) approval of a draft environmental management program; and
- (b) the application concerns 1 or more activities that adversely affect, or may adversely affect, the environmental values (“**noise relevant activities**”).<sup>2</sup>

### **13 Evaluation procedure**

In making its decision, the administering authority must carry out the following steps for each noise relevant activity (in the order it considers appropriate)—

- (a) consider how the noise relevant activity may affect the environmental values;
- (b) evaluate the noise relevant activity in relation to the following—
  - (i) any program developed by the chief executive under part 6, division 1;
  - (ii) the acoustic quality objective;
  - (iii) any relevant code of practice approved by the Minister;<sup>3</sup>
  - (iv) the standard criteria and other matters that must be considered under the Act;
  - (v) the matters mentioned in section 14;
- (c) review potential conditions with the applicant.

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2 See sections 338 (Criteria for deciding draft program) and 344 (Application) of the Act.

3 See section 548 (Codes of practice) of the Act.

## 14 Matters for consideration

In making its decision, the administering authority must evaluate the noise relevant activity in relation to the following matters—

- (a) whether the noise relevant activity is the use or operation of a beneficial asset;
- (b) the characteristics of the noise from the noise relevant activity;
- (c) any of the following matters of which it is aware—
  - (i) a matter concerning the lawfulness, apart from under the Act, of the applicant carrying out the noise relevant activity at the relevant site;
  - (ii) the order in which the applicant and affected persons started to occupy land at or near the relevant site;
  - (iii) the order in which the applicant and affected persons started to carry out the noise relevant activity and other activities that may be affected by noise from the noise relevant activity;
  - (iv) the views of affected persons about noise from the noise relevant activity;
  - (v) other noises ordinarily present at or near the relevant site;
  - (vi) any other information or other matter concerning the effect of the noise relevant activity on the acoustic environment.

*Examples of matters mentioned in paragraph (c)(i)—*

1. Another law about carrying out the activity.
2. The conditions on which a licence to carry out the activity has been issued to the applicant under another Act.

## 15 Planning levels

(1) This section applies if a noise relevant activity is the use or operation of a beneficial asset.

(2) Schedule 1 specifies noise levels (“**planning levels**”) that may be used as a guide in deciding a reasonable noise level for the activity.

(3) In deciding a reasonable noise level for the activity, the administering authority—

- (a) may have regard to any relevant planning levels; but

- (b) must have regard to the acoustic quality objective and all the relevant circumstances for the particular case.

*Example—*

Without limiting any other relevant circumstances, it may be appropriate to apply the relevant planning levels in schedule 1 to the operation of a new railway. However, for an older railway, it may be reasonable to apply the levels only in the long term, to allow time to progressively reduce any significantly adverse effects on the environmental values from its operation.

- (4) If the administering authority decides a reasonable noise level for the activity that is not less than a planning level specified for the activity, it must also consider the ways in which the noise can be abated.

## **16 Specific requirements—draft environmental management program**

(1) This section applies if the application is for approval of a draft environmental management program.

(2) The administering authority must not grant the application unless it is satisfied the draft program complies with this section.<sup>4</sup>

(3) The draft program must state the following—

- (a) each person (“**responsible person**”) responsible for implementing the program;
- (b) a description of the noise relevant activities and their relevant sites;
- (c) the measures to be taken under the program to minimise the adverse effects of the noise relevant activities on the environmental values;
- (d) who is responsible for carrying out each of the measures;
- (e) maximum, Leq and background levels for the noise relevant activities;
- (f) the processes for dispute resolution that will be followed by the responsible persons or other specified persons;
- (g) the way noise impact assessments for the noise relevant activities will be made;

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<sup>4</sup> See section 338(a)(ii) (Criteria for deciding draft program) of the Act.

- (h) information to be collected under the program;
  - (i) the way the information will be collected, including sampling, modelling and analytical methods to be used for obtaining information about noise impact;
  - (j) matters to be evaluated under the program, including—
    - (i) significant sources of noise from the activities; and
    - (ii) noise levels at representative places affected by the noise relevant activities; and
    - (iii) trends in the variations of the noise levels, the significance of the trends and factors accounting for the trends;
  - (k) if noise from the noise relevant activities adversely affects the environmental values relating to individual amenity—a progressive program for implementing best practice environmental management for the activities;
  - (l) how and when the program will be reviewed.
- (4) This section does not limit section 331<sup>5</sup> of the Act.

## **17 Plan as a condition—environmental authority**

(1) This section applies if the application is for an environmental authority.

(2) The administering authority may grant the application on a condition that a noise relevant activity be carried out under a noise management plan.

(3) The terms of the plan may be negotiated between the administering authority and the applicant and may deal with, for example—

- (a) the measures to be taken under the plan to minimise the adverse effects of the noise relevant activity on the environmental values; and
- (b) who is responsible for carrying out each of the measures; and
- (c) maximum, Leq and background levels for the noise relevant activity; and
- (d) monitoring the noise from the noise relevant activity; and

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5 Section 331 (Content of program) of the Act

- (e) processes for dispute resolution that the applicant must follow to deal with complaints received about the impact of noise from the activity.

## **PART 4—PRODUCT LABELLING REQUIREMENTS**

### **25 Products to which this part applies**

This part applies to the following products (“**prescribed products**”)—

- chainsaws
- domestic air conditioners
- domestic pool pumps
- grass-cutting machines
- mobile air compressors
- mobile garbage compactors
- pavement breakers.

### **26 Prescribed products to be labelled**

(1) A person must not—

- (a) manufacture a prescribed product, for sale in the State, without also labelling the product under this section; or
- (b) bring into the State, for sale in the State, a prescribed product that has not been labelled under this section.

Maximum penalty—40 penalty units.

(2) A label must be securely attached to the product, in a conspicuous position.

(3) The label must—

- (a) be at least 30 mm by 35 mm; and
- (b) set out, in a way that is clearly readable, the information specified in schedule 2 for the product.

## **PART 5—NOISE ASSESSMENT**

### *Division 1—Preliminary*

#### **27 Explanation**

(1) This part sets out information, or states how information may be obtained, about making noise assessments.

(2) A noise assessment may be made, for example—

- (a) to decide an application for an environmental authority or approval of a draft environmental management program; or
- (b) to monitor compliance with a condition of an environmental authority or environmental management program; or
- (c) to monitor compliance with the Act or another law about noise.

(3) This part does not, of itself, impose an obligation to make a noise assessment in any particular way.

(4) However, section 490(8) of the Act specifies the evidentiary value of using instruments, equipment and installations under section 29<sup>6</sup> for a proceeding under or in relation to the Act.

#### **28 Other information in users guide**

(1) The users guide may also set out information about making noise assessments.

(2) The guide may, for example, specify any of the following—

- (a) appropriate procedures for making a noise assessment for a specified purpose or in specified circumstances, including—
  - (i) the instruments to be used; and
  - (ii) the kind of assessment to make; and
  - (iii) the timing and frequency of assessments; and
  - (iv) the places the assessments should be made; and
  - (v) interpretation of the assessment results;

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6 Section 29 (Prescribed instruments—Act, s 490(8))

- (b) procedures for maintaining or checking the accuracy of the instruments;
- (c) publications (for example, Australian standards) containing relevant information about specified matters concerning noise assessments;
- (d) information about the characteristics of noise.

### *Division 2—Instruments*

#### **29 Prescribed instruments—Act, s 490(8)**

The following instruments, equipment and installations are prescribed for section 490(8)<sup>7</sup> of the Act—

- (a) for measuring sound pressure levels—
  - (i) a sound level meter of type 2 or better as specified in AS 1259.1;
  - (ii) an integrating-averaging sound level meter of type 2 or better as specified in AS 1259.2;
- (b) for measuring airblast overpressure—an instrument with—
  - (i) a lower limiting frequency of 2 Hz as the -3 dB response point of the measurement system; and
  - (ii) a detector onset time of no more than 100 micro-seconds assessed under AS 1259.1, clauses 8.5 and 10.4.4 for P characteristics;
- (c) for use as a statistical analyser, data logger or event recorder in measuring sound pressure levels—
  - (i) a sound level meter with a data acquisition rate of at least 8 samples per second;
  - (ii) an integrating-averaging sound level meter with a data acquisition Short-Leq period of not more than 1 second;

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7 Section 490(8) (Evidentiary provisions) of the Act states the following—

(8) Any instrument, equipment or installation prescribed by regulation that is used by an authorised person or analyst in accordance with the conditions (if any) prescribed by the regulation is taken to be accurate and precise in the absence of evidence to the contrary.

- (d) for shielding the microphone of a sound level meter—a windshield that does not influence the frequency response to an extent that it alters the type specification of the meter.

### *Division 3—Procedure*

## **30 Application**

This division applies to an investigation of a noise (the “**investigated noise**”) at a place (the “**investigated place**”).

## **31 General**

(1) The noise at the investigated place consists of the investigated noise and any noise from other sources.

(2) The investigation may include measurement of the characteristics of the investigated noise, the Leq or the background level.

(3) Measurement of a characteristic must be made at the times, for the periods, and otherwise in a way, that will give values that are representative of the noise.

(4) Without limiting subsection (3), when measuring the investigated noise, any extraneous noise must, if practicable, be excluded.

(5) If extraneous noise is included in a measurement of the investigated noise, the amount that it contributes to the characteristics of the investigated noise must be decided.

## **32 Emission and immission levels**

The investigated noise may be measured in terms of—

- (a) emission levels, that is, noise levels at or near the source of the noise; or
- (b) immission levels, that is, noise levels at a particular place at which the noise may be received.

### **33 Measuring long-term background level**

(1) This section applies to a measurement of the long-term background level.

(2) The background sound being measured may include any normal sound for the investigated place (having regard to the season, if relevant).

*Examples of sources of sounds that may be included in the background sound—*

Traffic, birds, insects, other animals and machinery.

(3) The long-term background level must be decided from an ambient noise monitoring program in which—

- (a) measurements are taken at least hourly, over at least 7 days, at a location representative of the investigated place; and
- (b) the investigated noise is absent when each measurement is taken.

(4) The long-term background level must be measured as separate levels for daytime, evening and night-time, each of which is the arithmetic mean of all the daytime, evening or night-time measurements during the program.

(5) A statement of the long-term background level must include—

- (a) the standard deviation of the mean of the measurements used to calculate each of the daytime, evening and night-time levels; and
- (b) details of any extraneous noise.

### **34 Noise modelling**

(1) An appropriate noise model may be used to assess the impact of the investigated noise.

(2) If a noise model is used, the statement of the noise assessment must include the following—

- (a) the model, and any variation on the model, used for the assessment;
- (b) a statistical analysis of probable error in the predicted results;
- (c) the methods, assumptions or uncertainties used in the model.

(3) Schedule 3 specifies some appropriate noise models for noise from the beneficial assets specified.

## **PART 6—MISCELLANEOUS**

### *Division 1—Whole of government management of the acoustic environment*

#### **35 Programs to enhance or protect the environmental values**

(1) The chief executive must develop and implement coordinated programs to enhance or protect the environmental values.

(2) A program may be directed to enhancing or protecting the environmental values in relation to a particular matter (the program's "**main subject**") including, for example—

- (a) a specified part of the community; or
- (b) a specified type or source of noise; or
- (c) a specified place.

(3) In developing a program, the chief executive must—

- (a) consider its likely environmental, economic and social impacts; and
- (b) obtain and consider the views of, and cooperate with, the chief executives of other departments, local governments, the Commonwealth, industry groups, consumer groups and other appropriate entities.

(4) Immediately after developing a program, the chief executive must publish a document under section 37 containing information about the program.

(5) The document may state any of the following—

- (a) the program's main subject;
- (b) information to be collected under the program;
- (c) the way the information will be collected, including sampling, modelling and analytical methods to be used for obtaining information about noise impact;
- (d) matters to be researched or evaluated under the program, including the following matters relating to the program's main subject—

- (i) significant sources of noise; and
  - (ii) noise levels at representative places; and
  - (iii) trends in the variations of the noise levels, the significance of the trends and factors accounting for the trends;
- (e) measures to be taken under the program to enhance or protect the environmental values in relation to the program's main subject, including—
- (i) regulatory measures; and
  - (ii) education; and
  - (iii) financial incentives;
- (f) any other information about the program the chief executive considers appropriate.

(6) Immediately after completing a program, the chief executive must publish a report under section 37 about the results of the program, including the information collected and the ways the environmental values have been protected or enhanced.

### **36 Programs to inform and involve the community**

(1) The chief executive must also develop and implement coordinated programs for consulting, educating and informing the community about acoustic quality management issues.

(2) In developing a program, the chief executive must—

- (a) identify the acoustic quality management issues to be addressed or researched; and
- (b) establish priorities for addressing or researching the issues; and
- (c) identify the entities to be consulted, educated or informed about the issues.

### *Division 2—Other matters*

### **37 Publication requirements**

If a provision of this policy states that a document must be published under this section, a copy of the document may be—

- (a) inspected free of charge, during office hours, at the department's head office and other places the Minister considers appropriate;<sup>8</sup> or
- (b) purchased from the department for a reasonable fee.

### **38 Users guide**

(1) As soon as practicable after the commencement of this policy, the chief executive must prepare a document (“**users guide**”) containing—

- (a) the information required by this policy to be stated in the users guide; and
- (b) any other information about this policy the chief executive considers appropriate.

(2) The users guide must be published under section 37.

### **39 Review of policy**

(1) In preparing a report under section 36(2)<sup>9</sup> of the Act, the chief executive must assess this policy's environmental effectiveness and economic efficiency using measurable performance indicators.

(2) The performance indicators may include the following—

- (a) the parts of Queensland's acoustic environment in which the environmental values have been enhanced or protected;
- (b) the extent to which the acoustic quality objective has been achieved;
- (c) the development and implementation of programs under division 1.

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8 For an enquiry about where a document may be inspected, the department may be contacted as follows—

Environmental Protection Agency

160 Ann St, Brisbane.

Telephone: (07) 3227 6267; Fax: (07) 3227 7237.

9 Section 36 (Review of policies) of the Act

**40 Amendment of certain provisions—Act, s 35**

A provision of schedule 1 or 3 may be amended under section 35(2)<sup>10</sup> of the Act.

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<sup>10</sup> Schedule 1 (Planning levels) or 3 (Noise models)  
Section 35 (Amendment and repeal of policies) of the Act

## **SCHEDULE 1**

### **PLANNING LEVELS**

section 15

#### **1 Airports**

The planning levels for an airport are the following noise levels, assessed in front of the most exposed part of an affected noise sensitive place—

- (a) the 20 ANEF;
- (b) 70 dB(A), assessed as the maximum sound pressure level, using the (S) time-weighting, equalled or exceeded for more than 5 minutes over a 24 hour period.

#### **2 Public roads**

The planning levels for a public road are the following noise levels, assessed 1 m in front of the most exposed part of an affected noise sensitive place—

- (a) the following levels assessed as the L10 (18 hour) level—
  - (i) for a State-controlled road—68 dB(A);
  - (ii) for another public road—63 dB(A);
- (b) 60 dB(A), assessed as the highest 1 hour equivalent continuous A-weighted sound pressure level between 10.00 p.m. and 6.00 a.m.;
- (c) 80 dB(A), assessed as a single event maximum sound pressure level.

#### **3 Railways**

The planning levels for a railway are the following noise levels, assessed 1 m in front of the most exposed part of an affected noise sensitive place—

## SCHEDULE 1 (continued)

- (a) 65 dB(A), assessed as the 24 hour average equivalent continuous A-weighted sound pressure level;
- (b) 87 dB(A), assessed as a single event maximum sound pressure level.

**SCHEDULE 2****PRODUCT LABELLING—PRESCRIBED  
INFORMATION**

section 26

**1 Chainsaw**

Its A-weighted sound power level, measured in the way specified in AS 1217.7.

**2 Domestic air conditioner**

Its A-weighted sound power level, measured in the way stated in—

- (a) AS 1861; or
- (b) the document titled ‘Technical basis for the regulation of the noise labelling of new air conditioners in Australia’, published in July 1984 by the Australian Environment Council.

**3 Domestic pool pump**

Its A-weighted sound power level, measured in the way stated in AS 1217.7.

**4 Grass-cutting machine**

Its A-weighted sound pressure level, measured in the way stated in AS 3534.

**5 Mobile air compressor**

Its A-weighted mean sound level, measured in the way stated in the document titled ‘Technical basis for the regulation of noise labelling of new pavement breakers and mobile air compressors in Australia’, published in July 1984 by the Australian Environment Council.

## SCHEDULE 2 (continued)

**6 Mobile garbage compactor**

Its A-weighted sound power level, measured in the way specified in AS 1217.7.

**7 Pavement breaker**

Its A-weighted mean sound level, measured in the way stated in the document titled 'Technical basis for the regulation of noise-labelling of new pavement breakers and mobile air compressors in Australia', published in July 1984 by the Australian Environment Council.

## **SCHEDULE 3**

### **NOISE MODELS**

section 34

#### **1 Airports**

A noise assessment of an airport may be made under AS 2021 and the integrated noise model.

#### **2 Brisbane River**

A noise assessment of the Brisbane River may be made under the document titled 'Brisbane River management group—draft noise management implementation program plan', dated September 1997, published by the department.

#### **3 Public roads**

A noise assessment of a public road may be made under—

- (a) AS 2702; or
- (b) the document titled 'The calculation of road traffic noise', published in 1988 by Her Majesty's Stationary Office, London; or
- (c) either of the following documents published by the United States Department of Transportation Federal Highway Administration—
  - (i) the document titled 'The federal highway administration highway traffic noise prediction model, report FHWA-RD-77-108';
  - (ii) the federal highway administration traffic noise model, version 1.0 or a later version.

## SCHEDULE 3 (continued)

**4 Railways**

A noise assessment of a railway may be made under—

- (a) AS 2377; or
- (b) the document titled 'The calculation of railway noise', published in 1995 by Her Majesty's Stationary Office, London.

## SCHEDULE 4

### DICTIONARY

section 3

**“acoustic environment”** see section 4.

**“affected persons”**, for an activity, means the persons affected, or who may be affected, by noise from the activity.

**“aircraft movement”** means a takeoff or landing.

**“airport”** means a place (whether on land, water, a building or a vehicle) used for the landing, departure and ground movement of aircraft and for which there are normally more than 12 aircraft movements each day.

**“ambient level”**, at a place, means the level of noise at the place from all sources (near and far), measured as the Leq for an appropriate time interval.

**“20 ANEF”** has the meaning given by AS 2021.

**“approved industrial estate”** means an industrial estate developed under a development control plan within the meaning given by the *Local Government (Planning and Environment) Act 1990*.

**“AS 1055.1”** means Australian Standard AS 1055.1—1997 Acoustics—Description and measurement of environmental noise.

**“AS 1217.7”** means Australian Standard AS 1217.7—1985 Acoustics—Determination of sound power levels of noise sources, part 7: Survey method.

**“AS 1259”** means Australian Standard AS 1259—1990 Acoustics—sound level meters, part 1: Non-integrating and part 2: Integrating-averaging.

**“AS 1861”** means—

- (a) Australian Standard AS 1861.1—1988 Air conditioning units—Methods of assessing and rating performance, part 1: Refrigerated room air-conditioners; and

## SCHEDULE 4 (continued)

(b) Australian Standard AS 1861.2—1991 Air conditioning units—Methods of assessing and rating performance, part 2: Refrigerated package air-conditioners.

“**AS 2021**” means Australian Standard AS 2021—1994 Acoustics—aircraft noise intrusion—Building siting and construction.

“**AS 3534**” means Australian Standard AS 3534—1988 Acoustics—Methods for measurement of airborne noise emitted by powered lawnmowers, edge and brush cutters, and string trimmers.

“**A-weighted sound pressure level**” means the A-weighted sound pressure level worked out under AS1055.1.<sup>11</sup>

“**background level**”, for a specified time interval, in relation to an investigation of a noise, means the A-weighted sound pressure level that is equalled or exceeded for 90% of that part of the interval in which the investigated noise is absent.

“**beneficial asset**” see section 5.

“**chainsaw**” means a hand-held, portable saw powered by an internal combustion engine.

“**characteristics**”, of noise, see section 6.

“**data logger**” means an instrument capable of storing a digital representation of recorded sound pressure levels for subsequent processing.

“**daytime**” means 6.00 a.m. to 6.00 p.m.

“**domestic air conditioner**” means a system that—

- (a) is described in AS 1861 as a split or packaged mechanical system; and
- (b) is designed to control air temperature and distribution (whether or not it is also designed to control the humidity, cleanliness or other qualities of air); and
- (c) has a cooling capacity of not more than 12 kW, measured under AS 1861; and

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<sup>11</sup> For the working out of A-weighted sound pressure level under AS 1055.1, see paragraph 3.7, definition “A-weighted sound pressure level”.

## SCHEDULE 4 (continued)

(d) is not a machine of the kind commonly known as an evaporative system or a machine designed exclusively for heating.

**“domestic pool pump”** means equipment, or part of equipment, used for filtering, aerating or pressurising water, or otherwise creating water movement, for a swimming pool or spa pool.

*Examples—*

1. The motor for a swimming pool pump or spa pool pump.
2. An air compressor or blower designed for use in relation to a swimming pool or spa pool.

**“dwelling”** means any of the following structures or vehicles that is principally used as a residence—

- (a) a house, unit, motel, nursing home or other building or part of a building;
- (b) a caravan, mobile home or other vehicle or structure on land;
- (c) a watercraft in a marina.

**“environmental values”** means the environmental values to be enhanced or protected under this policy.<sup>12</sup>

**“evening”** means 6.00 p.m. to 10.00 p.m.

**“extraneous noise”**, for a noise measurement, means noise other than the noise being measured.

**“grass-cutting machine”** means a machine that—

- (a) is a law-mower, ride-on mower, edge cutter, brush cutter or string trimmer; and
- (b) is powered by an internal combustion engine.

**“immission”**, for noise at a place, means the receiving of the noise at the place from an external source.

**“impact”**, of a noise, means its effect on people and the environment.

**“integrated noise model”** means the document titled ‘Integrated Noise Model User’s Guide’, version 4.11, published by the United States Department of Transportation Federal Aviation Administration.

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<sup>12</sup> See section 10 (Environmental values to be enhanced or protected).

## SCHEDULE 4 (continued)

**“intrusive noise”** means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration—

- (a) is clearly audible to, or can be felt by, an individual; and
- (b) annoys the individual.

**“L10”**, for a specified time interval, means the A-weighted sound pressure level that is equalled or exceeded for 10% of the interval.

**“L10 (18 hour)”**, for a specified day, means the arithmetic average of 18 individual L10 1 hour levels measured between 6.00 a.m. and midnight on the day.

**“Leq”**, for a specified time interval, means the time average A-weighted sound pressure level, within the meaning given by AS 1055.1, for the interval.

**“(Lin) Peak”** means the time-weighting characteristic of a sound level meter specified in AS 1259 set to the linear (flat) frequency rating.

**“LOCT10”**, for a specified time interval, means the linear (flat) frequency rating for a stated octave band that is equalled or exceeded for 10% of the interval.

**“LOCT90”**, for a specified time interval, means the linear (flat) frequency rating for a stated octave band that is equalled or exceeded for 90% of the interval.

**“maximum sound pressure level”** means the highest momentary sound pressure level from a single noise event.

**“mobile air compressor”** means an air compressor mounted on a vehicle or trailer.

**“mobile garbage compactor”** means a garbage compactor mounted on a vehicle or trailer.

**“navigable waterway”** means a waterway that is normally navigable by a power driven watercraft, including a power driven personal watercraft, all year round.

**“night-time”** means 10.00 p.m. to 6.00 a.m.

**“noise model”** means a standard or other document containing information about calculating noise levels and predicting noise impact.

**“noise relevant activity”** see section 12.

## SCHEDULE 4 (continued)

**“noise sensitive place”** means any of the following places—

- (a) a dwelling;
- (b) a library, childcare centre, kindergarten, school, college, university or other educational institution;
- (c) a hospital, surgery or other medical institution;
- (d) a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the *Nature Conservation Act 1992*;
- (e) a marine park under the *Marine Parks Act 1982*;
- (f) a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.

**“pavement breaker”** means a pneumatic device—

- (a) designed for breaking rock, concrete and other materials; and
- (b) designed to be capable of being manually lifted or manoeuvred by a single operator.

**“planning level”** see section 15.

**“public road”** means a road that is open to the public, whether or not on payment of money.

**“railway”** means a public or private railway and includes facilities necessary for operating a railway.

*Examples of facilities that may be included as part of a railway—*

Railway track, works built for the railway, bridges, communications systems, marshalling yards and stations.

**“relevant site”**, for an activity, means a place where the activity is, or is proposed to be, carried out.

**“State-controlled road”** has the meaning given by the *Transport Infrastructure Act 1994*.

**“tonal characteristic”**, of a noise, means the presence of an audible tone that can be identified by third-octave or narrow-band analysis.

**“type 2”**, for a sound level meter, has the meaning given by AS 1259.

**“users guide”** see section 38.

## ENDNOTES

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated . . . . .	32
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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 24 April 2003. Future amendments of the Environmental Protection (Noise) Policy 1997 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	1 December 1997	5 December 1997
1A	to 1998 SL No. 168	22 May 1998	16 October 1998
1B	to 1999 SL No. 296	26 November 1999	2 December 1999
2	to 1999 SL No. 296	1 January 2001	1 January 2001 (Column discontinued) Notes
2A	to 2003 SL No. 73	24 April 2003	

## 5 List of legislation

### **Environmental Protection (Noise) Policy 1997 SL No. 342**

made by the Governor in Council on 16 October 1997

notfd gaz 17 October 1997 pp 671–3

ss 1–2 commenced on date of notification

pt 5 commenced 1 December 1998 (see s 2(2))

remaining provisions commenced 1 December 1997 (see s 2(1))

exp 1 September 2008 (see SIA s 54)

Note—A regulatory impact statement and explanatory note were prepared

amending legislation—

### **Environmental Protection Act 1994 No. 62 ss 1–2, 616(2) (as ins 2000 No. 64 s 52)**

date of assent 1 December 1994

ss 1–2 commenced on date of assent

remaining provision commenced 1 January 2001

### **Environmental Protection (Noise) Amendment Policy (No. 1) 1999 SL No. 296**

notfd gaz 26 November 1999 pp 1268–70

commenced on date of notification

### **Environmental Protection Policies Amendment Policy (No. 1) 2003 SL No. 73 ss 1, 4 sch**

notfd gaz 24 April 2003 pp 1436–7

commenced on date of notification

## **6 List of annotations**

### **Commencement**

**s 2** om 1999 SL No. 296 s 3

### **Definitions**

**prov hdg** amd 2003 SL No. 73 s 4 sch

**s 3** amd 1999 SL No. 296 s 4

### **How object is achieved**

**s 9** amd 1999 SL No. 296 s 5

### **Evaluation procedure**

**s 13** amd 1999 SL No. 296 s 6

### **Specific requirements—draft environmental management program**

**s 16** amd 1994 Act No. 62 s 616(2) (as ins 2000 No. 64 s 52); 2003 SL No. 73 s 4 sch

## **PART 4—ABATEMENT OF UNREASONABLE NOISE**

**pt hdg** prev pt 4 hdg om 1999 SL No. 296 s 7

pres pt 4 hdg (prev pt 5 hdg) renum 1999 SL No. 296 s 8

### **Definitions for pt 4**

**s 18** om 1999 SL No. 296 s 7

### **Dispute resolution by agreement**

**s 19** om 1999 SL No. 296 s 7

### **Complaint about unreasonable noise**

**s 20** om 1999 SL No. 296 s 7

### **Administering authority must respond to complaint**

**s 21** om 1999 SL No. 296 s 7

### **Show cause notice**

**s 22** om 1999 SL No. 296 s 7

### **Noise abatement notice**

**s 23** om 1999 SL No. 296 s 7

### **Review of decision and appeal**

**s 24** om 1999 SL No. 296 s 7

### **Prescribed products to be labelled**

**s 26** amd 1999 SL No. 296 s 9

## **PART 5—NOISE ASSESSMENT**

**pt hdg** (prev pt 6 hdg) renum 1999 SL No. 296 s 8

### **Explanation**

**s 27** amd 1999 SL No. 296 s 10; 1994 Act No. 62 s 616(2) (as ins 2000 No. 64 s 52)

### **Prescribed instruments—Act s, 490(8)**

**prov hdg** amd 1999 SL No. 296 s 10; 1994 Act No. 62 s 616(2) (as ins 2000 No. 64 s 52)

**s 29** amd 1999 SL No. 296 s 10; 1994 Act No. 62 s 616(2) (as ins 2000 No. 64 s 52)

**Noise modelling**

**s 34** amd 1999 SL No. 296 s 11

**PART 6—MISCELLANEOUS**

**pt hdg** (prev pt 7 hdg) renum 1999 SL No. 296 s 8

**Review of policy**

**s 39** amd 1999 SL No. 296 s 10; 1994 Act No. 62 s 616(2) (as ins 2000 No. 64 s 52)

**Amendment of certain provisions—Act, s 35**

**prov hdg** amd 1999 SL No. 296 s 10; 1994 Act No. 62 s 616(2) (as ins 2000 No. 64 s 52)

**s 40** amd 1999 SL No. 296 s 12; 1999 SL No. 296 s 10; 1994 Act No. 62 s 616(2) (as ins 2000 No. 64 s 52)

**PART 7—MISCELLANEOUS**

**pt hdg** renum as pt 6 hdg 1999 SL No. 296 s 8

**Transitional provision for rail noise**

**s 41** exp 1 December 1999 (see s 41 (3))

**SCHEDULE 2—REASONABLE NOISE LEVELS**

prev sch 2 amd 1998 SL No. 168 s 3

om 1999 SL No. 296 s 13

pres sch 2 (prev sch 3) renum 1999 SL No. 296 s 15

**SCHEDULE 3—NOISE MODELS**

(prev sch 4) renum 1999 SL No. 296 s 15

**SCHEDULE 4—DICTIONARY**

(prev sch 5) renum 1999 SL No. 296 s 15

def **“adjusted average maximum A-weighted sound pressure level”**  
om 1999 SL No. 286 s 14(1)

def **“AS”** om 2003 SL No. 73 s 4 sch

def **“average maximum A-weighted sound pressure level”** om 1999  
SL No. 286 s 14(1)

def **“A-weighted sound pressure level”** ins 1999 SL No. 286 s 14(2)

def **“habitable room”** om 1999 SL No. 286 s 14(1)

def **“long-term time average A-weighted sound pressure level”** om 1999  
SL No. 286 s 14(1)

def **“navigable waterway”** amd 1999 SL No. 286 s 14(3)

def **“noise abatement notice”** om 1999 SL No. 286 s 14(1)

def **“power boat”** om 1999 SL No. 286 s 14(1)

def **“racing boat”** om 1999 SL No. 286 s 14(1)

def **“responsible person”** om 1999 SL No. 286 s 14(1)

def **“show cause notice”** om 1999 SL No. 286 s 14(1)