

Queensland



Subordinate Legislation 1997 No. 342

Environmental Protection Act 1994

**ENVIRONMENTAL PROTECTION (NOISE)
POLICY 1997**

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
<i>Division 1—Preliminary matters</i>		
1	Short title	5
2	Commencement	5
3	Definitions and dictionary	5
<i>Division 2—Basic concepts</i>		
4	Acoustic environment	5
5	Beneficial assets	5
6	Characteristics of noise	6
PART 2—APPLICATION AND OBJECT		
7	Application of policy	6
8	Object of policy	7
9	How object is achieved	7
10	Environmental values to be enhanced or protected	7
11	Acoustic quality objective	8
PART 3—ENVIRONMENTAL MANAGEMENT DECISIONS		
12	Application	8
13	Evaluation procedure	9
14	Matters for consideration	9
15	Planning levels	10

16	Specific requirements—draft environmental management program	11
17	Plan as a condition—environmental authority	12
PART 4—ABATEMENT OF UNREASONABLE NOISE		
18	Definitions for pt 4	13
19	Dispute resolution by agreement	14
20	Complaint about unreasonable noise	14
21	Administering authority must respond to complaint	14
22	Show cause notice	15
23	Noise abatement notice	15
24	Review of decision and appeal	16
PART 5—PRODUCT LABELLING REQUIREMENTS		
25	Products to which this part applies	17
26	Prescribed products to be labelled	17
PART 6—NOISE ASSESSMENT		
<i>Division 1—Preliminary</i>		
27	Explanation	18
28	Other information in users guide	18
<i>Division 2—Instruments</i>		
29	Prescribed instruments—Act, s 180(8)	19
<i>Division 3—Procedure</i>		
30	Application	20
31	General	20
32	Emission and immission levels	21
33	Measuring long-term background level	21
34	Noise modelling	21
PART 7—MISCELLANEOUS		
<i>Division 1—Whole of government management of the acoustic environment</i>		
35	Programs to enhance or protect the environmental values	22
36	Programs to inform and involve the community	23
<i>Division 2—Other matters</i>		
37	Publication requirements	24
38	Users guide	24

39	Review of policy	25
40	Amendment of certain provisions—Act, s 32	25
41	Transitional provision for rail noise	25
	SCHEDULE 1	26
	PLANNING LEVELS	
1	Airports	26
2	Public roads	26
3	Railways	26
	SCHEDULE 2	28
	REASONABLE NOISE LEVELS	
1	Explanation	28
2	Certain residential noises	28
3	Domestic animals	29
4	Blasting	29
5	Activities at certain indoor venues	29
6	Outdoor concerts	30
7	Public address systems etc.	31
8	Refrigeration plants on vehicles	31
9	Power boats	31
10	Rowing activities on the Brisbane River	32
11	Outdoor shooting ranges	32
12	Indoor shooting ranges	33
	SCHEDULE 3	34
	PRODUCT LABELLING—PRESCRIBED INFORMATION	
1	Chainsaw	34
2	Domestic air conditioner	34
3	Domestic pool pump	34
4	Grass-cutting machine	34
5	Mobile air compressor	34
6	Mobile garbage compactor	35
7	Pavement breaker	35

SCHEDULE 4 36

NOISE MODELS

1	Airports	36
2	Brisbane River	36
3	Public roads	36
4	Railways	37

SCHEDULE 5 38

DICTIONARY

PART 1—PRELIMINARY

Division 1—Preliminary matters

Short title

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

Commencement

2.(1) This policy, other than part 5, commences on 1 December 1997.

(2) Part 5 commences on 1 December 1998.¹

Definitions and dictionary

3. The dictionary in schedule 5 defines particular words used in this policy.²

Division 2—Basic concepts

Acoustic environment

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

Beneficial assets

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

¹ Part 5 (Product labelling requirements)

² In some legislation, definitions are contained in a dictionary that appears as the last schedule and forms part of the legislation—*Acts Interpretation Act 1954*, section 14, and *Statutory Instruments Act 1992*, section 14.

(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.

Characteristics of noise

6.(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

Application of policy

7. This policy applies to Queensland's acoustic environment.

Object of policy

8. The object of this policy is to achieve the object of the Act in relation to Queensland's acoustic environment.³

How object is achieved

9. To achieve the object, this policy—

- (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) resolving disputes about noise issues; and
 - (iii) developing noise management programs with the involvement of government entities, industry groups and the community; and
 - (iv) making accurate and consistent noise assessments; and
 - (v) providing consumers with important information about noise.

Environmental values to be enhanced or protected

10. 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.

³ 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**").

Acoustic quality objective

11.(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

Application

12. 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**”).⁴

⁴ See sections 44 (Criteria for deciding application), 49 (Amendment of licence), 89 (Criteria for deciding draft program) and 94A (Application) of the Act.

Evaluation procedure

13. 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 7, division 1;
 - (ii) the acoustic quality objective;
 - (iii) any relevant code of practice approved by the Minister;⁵
 - (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.

Matters for consideration

14. 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

⁵ See section 219 (Codes of practice) of the Act.

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.

Planning levels

15.(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.

Specific requirements—draft environmental management program

16.(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.⁶

(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;
- (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;
 - (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;

⁶ See section 89(a)(ii) (Criteria for deciding draft program) of the Act.

- (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 81⁷ of the Act.

Plan as a condition—environmental authority

17.(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
- (e) processes for dispute resolution that the applicant must follow to deal with complaints received about the impact of noise from the activity.

⁷ Section 81 (Content of program)

PART 4—ABATEMENT OF UNREASONABLE NOISE

Definitions for pt 4

18. In this part—

“making” a noise includes, for a person in control of the cause of the noise, permitting the noise to be made.

Example—

An activity is being carried out on certain premises, causing an unreasonable noise. An occupier of the premises has authority to stop the activity or change the way it is carried out so that is no longer unreasonable. For this part, the occupier **“makes”** the noise by permitting it to be made.

“responsible person”, for an unreasonable noise, means a person making the noise.

“unreasonable noise” means noise that—

- (a) causes unlawful environmental harm;⁸ and
- (b) is unreasonable, having regard to the following matters—
 - (i) its characteristics;
 - (ii) its intrusiveness;
 - (iii) the time at which it is made;
 - (iv) where it can be heard;
 - (v) other noises ordinarily present at the place where it can be heard; and
- (c) is not declared to be reasonable in schedule 2.

Example for definition “unreasonable noise”, paragraph (a)—

A person has a licence to carry out an activity, the noise from which causes environmental nuisance. If the person carried out the activity in contravention of the licence (and the activity is not authorised to be done in another way specified in section 119 of the Act), the noise would cause unlawful environmental harm.

⁸ See section 119 (Unlawful environmental harm) of the Act.

Dispute resolution by agreement

19. This part does not limit the capacity of persons to negotiate a settlement of issues about a noise claimed to be an unreasonable noise.

Complaint about unreasonable noise

20.(1) If a person believes noise emitted from a place is unreasonable noise, the person may make a written complaint to the administering authority about the noise.

(2) The person may support the person's complaint with information about the noise such as, for example—

- (a) entries in a log or diary; or
- (b) information identifying the source of the noise; or
- (c) the person's feelings about the noise at various times.⁹

Administering authority must respond to complaint

21.(1) As soon as practicable after the complaint is made, the administering authority must cause an authorised person to investigate the complaint, unless the authority believes the complaint is vexatious.

(2) Subsection (1) does not apply if the administering authority considers the complaint would be more appropriately dealt with under another law.

Examples—

1. An administering authority may consider that a particular complaint about noise from licensed premises would more appropriately dealt with under the *Liquor Act 1992*.

2. The administering authority may consider that a complaint about noise from a domestic animal would more appropriately dealt with under a local law about abatement of that kind of noise.

(3) If, under subsection (2), the administering authority does not cause an authorised person to investigate the complaint, the authority—

⁹ The person's feelings are relevant to establishing that a noise is intrusive. See section 18, definition "unreasonable noise", paragraph (b)(ii) and the definition "intrusive noise" in the dictionary.

- (a) must advise the complainant of the law under which it considers the complaint would be more appropriately dealt with; and
- (b) must reconsider whether the complaint would be more appropriately dealt with under the other law if advised by the complainant that he or she has unsuccessfully tried to have the complaint satisfactorily resolved under the other law.

Show cause notice

22.(1) If an administering authority considers there are reasonable grounds for believing that an unreasonable noise is being, or has been, made, the administering authority may give a notice (a “**show cause notice**”) to a responsible person for the noise.

(2) The notice must state the following—

- (a) a description of the noise;
- (b) when it is claimed the noise is being, or has been, made;
- (c) why the administering authority considers the noise may be an unreasonable noise;
- (d) that the person may make a written response to the administering authority, by a specified time, stating why the person considers that the noise is not an unreasonable noise;
- (e) that if, after considering the person’s response (if any), the administering authority is satisfied the noise is an unreasonable noise, it may give the person a noise abatement notice.

(3) The notice must be signed by the administering authority and dated.

(4) The specified time for making a response must be reasonable and, in any case, not earlier than 14 days after the notice is given.

Noise abatement notice

23.(1) If the administering authority is satisfied the noise is an unreasonable noise, it may give a notice (a “**noise abatement notice**”) to a responsible person for the noise.

(2) However, if the administering authority has issued a show cause

notice to a responsible person for the noise, it must not give a noise abatement notice until it has considered any response made by the person within the time specified in the show cause notice.

(3) The noise abatement notice must state the following—

- (a) a description of the noise;
- (b) that, within a specified time, the person must—
 - (i) stop the noise; or
 - (ii) reduce the level of the noise, or change its characteristics in another specified way, so that it is no longer an unreasonable noise;
- (c) the maximum penalty for failing to comply with the notice;
- (d) that the person may apply to the administering authority, within 14 days after receiving the notice, for a review of the decision to give the notice.

(4) The notice must be signed by the administering authority and dated.

(5) The time mentioned in subsection (3)(b) must be reasonable and, in any case, not earlier than 14 days after the notice is given.

(6) The person must comply with the notice.

Maximum penalty for subsection (6)—40 penalty units.

Review of decision and appeal

24.(1) The decision to give a noise abatement notice is a decision to which chapter 6, part 3 of the Act applies.¹⁰

(2) The person to whom the noise abatement notice is given is the dissatisfied person for the decision.

¹⁰ See section 201(1) (Original decisions) of the Act.

PART 5—PRODUCT LABELLING REQUIREMENTS

Products to which this part applies

25. 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.

Prescribed products to be labelled

26.(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 3 for the product.

PART 6—NOISE ASSESSMENT

Division 1—Preliminary

Explanation

27.(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 decide if a noise is unreasonable before issuing a show cause notice or noise abatement notice; or
- (d) 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 180(8) of the Act specifies the evidentiary value of using instruments, equipment and installations under section 29 for a proceeding under or in relation to the Act.¹¹

Other information in users guide

28.(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

¹¹ Section 29 (Prescribed instruments—Act, s 180(8))

- (iii) the timing and frequency of assessments; and
- (iv) the places the assessments should be made; and
- (v) interpretation of the assessment results;
- (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

Prescribed instruments—Act, s 180(8)

29. The following instruments, equipment and installations are prescribed for section 180(8) of the Act¹²—

- (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 -3d B 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;

¹² Section 180(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.’

- (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;
- (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

Application

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

General

31.(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.

Emission and immission levels

32. 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.

Measuring long-term background level

33.(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.

Noise modelling

34.(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 4 specifies some appropriate noise models for noise from the beneficial assets specified.

PART 7—MISCELLANEOUS

Division 1—Whole of government management of the acoustic environment

Programs to enhance or protect the environmental values

35.(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.

Programs to inform and involve the community

36.(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

Publication requirements

37. 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;¹³ or
- (b) purchased from the department for a reasonable fee.

Users guide

38.(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.

¹³ For an enquiry about where a document may be inspected, the department may be contacted as follows—
Department of Environment
160 Ann St, Brisbane.
telephone: (07) 3227 6267; fax: (07) 3227 7237.

Review of policy

39.(1) In preparing a report under section 33(2) of the Act,¹⁴ 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.

Amendment of certain provisions—Act, s 32

40. A provision of schedule 1 or 4 may be amended under section 32(2) of the Act.¹⁵

Transitional provision for rail noise

41.(1) For section 119(1)(a) of the Act, an act or omission under the rail noise plan is authorised to be done or omitted to be done.

(2) The rail noise plan must be published under section 37.

(3) This section expires 2 years after it commences.

(4) In this section—

“rail noise plan” means the document titled ‘Guidelines for railway noise, September 1997’ prepared by Queensland Rail and held by the chief executive.

¹⁴ Section 33 (Review of policies) of the Act

¹⁵ Schedule 1 (Planning levels) or 4 (Noise models)
Section 32 (Amendment and repeal of policies) of the Act.

SCHEDULE 1

PLANNING LEVELS

section 15

Airports

1. 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.

Public roads

2. 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.

Railways

3. 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

SCHEDULE 1 (continued)

place—

- (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

REASONABLE NOISE LEVELS

section 18, definition “**unreasonable noise**”

Explanation

1.(1) Part 4 provides for the abatement of unreasonable noise within the meaning given by section 18.

(2) If a noise is declared to be reasonable in this schedule, it is not an unreasonable noise for that part.

Certain residential noises

2.(1) This section applies to the noise from—

- (a) carrying out building works for residential premises, other than premises containing more than 2 dwelling units; or
- (b) the operation of—
 - (i) a domestic air conditioner; or
 - (ii) a power tool; or
 - (iii) a domestic pool pump; or
 - (iv) television or sound equipment; or
- (c) the playing of a musical instrument.

(2) The noise is reasonable if—

- (a) it cannot be heard in a habitable room of an affected noise sensitive place after 7.00 p.m. and before—
 - (i) on a Sunday or public holiday—8.00 a.m.; or
 - (ii) on another day—7.00 a.m.; and
- (b) it is not intrusive in a habitable room of an affected noise sensitive place at any other time.

SCHEDULE 2 (continued)

(3) In this section—

“building works” means works for the construction, demolition or renovation of a building or part of a building.

Domestic animals

3.(1) The noise from a domestic animal is reasonable if it is not intrusive in a habitable room of an affected noise sensitive place.

(2) In this section—

“domestic animal” includes a dog, bird or other animal kept as a pet.

Blasting

4. The noise from blasting is reasonable if, measured outside the most exposed part of an affected noise sensitive place—

- (a) the airblast overpressure is not more than 115 dB (Lin) Peak for 4 out of any 5 consecutive blasts; and
- (b) the ground vibration is—
 - (i) for vibrations of more than 35 Hz—not more than 25 millimetres per second ground vibration, peak particle velocity; or
 - (ii) for vibrations of not more than 35 Hz—not more than 10 millimetres per second ground vibration, peak particle velocity.

Activities at certain indoor venues

5.(1) This section applies to an indoor venue that is ordinarily used for sporting, musical or other entertainment, cultural or religious activities.

Examples of venues mentioned in subsection (1)—

Indoor cricket centres, 10 pin bowling centres, squash courts, concert halls, nightclubs and churches.

(2) The noise from an activity carried on at the venue is reasonable if—

SCHEDULE 2 (continued)

- (a) for noise during daytime or evening—the adjusted average maximum sound pressure level, measured outside the most exposed part of an affected dwelling, does not exceed the background level by more than 10 dB(A); or
- (b) for noise at another time—the sound pressure level, $LOCT_{10}$, in a full octave band with centre frequencies from 31.5 Hz to 4 kHz, measured outside the most exposed part of an affected dwelling, does not exceed the background level, $LOCT_{90}$, by more than 8 dB in 1 or more octave bands.

Outdoor concerts

6.(1) The noise from an outdoor concert is reasonable if it is not more than 55 dB(A) Leq (15 min), measured outside the most exposed part of any of the following places affected by the noise—

- (a) a dwelling;
- (b) a library, childcare centre, kindergarten, school, college, university or other educational institution;
- (c) a hospital, surgery or other medical institution.

(2) For subsection (1), if a place is affected by noise from 2 or more concerts happening near to each other, the noise must be measured as if it were from 1 concert.

Example—

A festival is held in a park at which, at any given time, a number of concerts may be happening at different places in the park. A dwelling is affected by noise from the festival caused by more than 1 of the concerts. For subsection (1), the noise affecting the dwelling must be measured as if it were from 1 concert.

(3) In this section—

“concert” means a public performance or other public event from which music (whether recorded or performed live) is a significant source of noise.

SCHEDULE 2 (continued)

Public address systems etc.

7.(1) This section applies to the noise from a public address system, amplified loud hailer, telephone repeater bell, remote telephone bell or vehicle reversing warning device.

(2) The noise is reasonable if the adjusted average maximum A-weighted sound pressure level does not exceed the background level by more than—

- (a) 15 dB(A), measured outside the most exposed part of affected business premises; and
- (b) 10 dB(A), measured outside the most exposed part of an affected dwelling.

Refrigeration plants on vehicles

8. The noise from a refrigeration plant on a vehicle, other than a railway wagon, is reasonable if the adjusted average maximum A-weighted sound pressure level, measured outside the most exposed part of an affected dwelling, does not exceed the background level by more than 5 dB(A).

Power boats

9. The noise from the engine or exhaust of a power boat is reasonable if—

- (a) it is not intrusive in a habitable room of an affected noise sensitive place after 7.00 p.m. and before—
 - (i) on a Sunday or public holiday—8.00 a.m.; or
 - (ii) on another day—7.00 a.m.; and
- (b) at another time—the noise levels are not more than—
 - (i) for a racing boat—95 dB(A), measured as the average maximum A-weighted sound pressure level at 30 m under AS 1949 while the vessel is being operated at maximum throttle; or
 - (ii) for another power boat—75 dB(A), measured as the average maximum A-weighted sound pressure level at 30 m under

SCHEDULE 2 (continued)

AS 1949 while the vessel is being operated at 40 kn or maximum throttle, whichever is less.

Rowing activities on the Brisbane River

10.(1) The noise from a rowing activity on the Brisbane River is reasonable if it is not intrusive in a habitable room of an affected dwelling after 7.00 p.m. and before—

- (a) on a Sunday or public holiday—8.00 a.m.; or
- (b) on another day—7.00 a.m..

(2) In subsection (1)—

“rowing activity” means an activity associated with rowing and includes, for example, a person operating a motorised boat alongside a rowing vessel or communicating with a rower by shouting or using a megaphone.

Outdoor shooting ranges

11.(1) The noise from an outdoor shooting range is reasonable if noise levels, measured outside the most exposed part of an affected dwelling, are not more than the following—

- (a) during the daytime—
 - (i) for a range that is normally used at least 5 days a week—70 dB (Lin) Peak Hold; or
 - (ii) for a range that is normally used 4 days a week—75 dB (Lin) Peak Hold; or
 - (iii) for a range that is normally used not more than 3 days a week—80 dB (Lin) Peak Hold;
- (b) during the evening—
 - (i) for a range that is normally used at least 5 evenings a week—60 dB (Lin) Peak Hold; or
 - (ii) for a range that is normally used 4 evenings a week—65 dB

SCHEDULE 2 (continued)

(Lin) Peak Hold; or

(iii) for a range that is normally used not more than 3 evenings a week—70 dB (Lin) Peak Hold.

(2) For subsection (1), the noise from an outdoor shooting range is decided by calculating the arithmetic average of the noise levels of whichever of the following happens first during the measurement time—

- (a) at least 40 individual gunshots;
- (b) at least 20 individual gunshots over a period of 30 minutes.

(3) In subsection (1)—

“used” means used for an activity that includes shooting.

Examples of a range being used—

- 1. A shooting match conducted at the range.
- 2. A training session for police officers or defence personnel, that includes shooting, conducted at the range.

Indoor shooting ranges

12. The noise from an indoor shooting range is reasonable if it is not audible at the nearest noise sensitive place.

SCHEDULE 3**PRODUCT LABELLING—PRESCRIBED
INFORMATION**

section 26

Chainsaw

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

Domestic air conditioner

2. 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.

Domestic pool pump

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

Grass-cutting machine

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

Mobile air compressor

5. 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

SCHEDULE 3 (continued)

pavement breakers and mobile air compressors in Australia', published in July 1984 by the Australian Environment Council.

Mobile garbage compactor

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

Pavement breaker

7. 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 4

NOISE MODELS

section 34

Airports

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

Brisbane River

2. 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.

Public roads

3. 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 4 (continued)

Railways

- 4.** 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 5**DICTIONARY**

section 3

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

“AS” means Australian Standard published by Standards Australia.

“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
- (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.

“acoustic environment” see section 4.

“adjusted average maximum A-weighted sound pressure level” (L_{Amax,adj,T}), for a specified time interval, means the average maximum A-weighted sound pressure level during the interval, adjusted for any tonal characteristics or impulsiveness as follows—

SCHEDULE 5 (continued)

- (a) if the tonal characteristic or impulsiveness is just audible—add 2 dB(A) to the measured level;
- (b) if the tonal characteristic or impulsiveness is clearly audible—add 5 dB(A) to the measured level.

“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.

“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*.

“average maximum A-weighted sound pressure level” (LA_{max,T}), for a specified time interval, means the A-weighted sound pressure level during the interval obtained by using time weighting (F) and arithmetically averaging the maximum sound levels of the noise during the interval.

“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

SCHEDULE 5 (continued)

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
- (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.¹⁶

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

¹⁶ See section 10 (Environmental values to be enhanced or protected).

SCHEDULE 5 (continued)

“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.

“habitable room”, of a noise sensitive place, means a room of the place where people may converse, study, work, relax or sleep.

“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.

“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.

SCHEDULE 5 (continued)

“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.

“long-term time average A-weighted sound pressure level” has the meaning given in AS 1055.1.

“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 boat all year round.

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

“noise abatement notice” see section 23.

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

“noise relevant activity” see section 12.

“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.

SCHEDULE 5 (continued)

“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.

“power boat” means a power driven watercraft (including a power driven personal watercraft).

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

“racing boat” means a power boat designed for racing.

“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.

“responsible person”—

- (a) for part 3—see section 16;
- (b) for part 4—see section 18.

“show cause notice” see section 22.

“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. Approved by Governor in Council on 16 October 1997.
2. Notified in the gazette on 17 October 1997.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Environment.

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