



Queensland

# Environmental Protection (Noise) Policy 2019

## Subordinate Legislation 2019 No. 154

made under the

*Environmental Protection Act 1994*

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## **1 Short title**

This policy may be cited as the *Environmental Protection (Noise) Policy 2019*.

## **2 Commencement**

This policy commences on 1 September 2019.

## **3 Definitions**

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

## **4 Application**

This policy applies to the acoustic environment.

## **5 Purpose**

- (1) The purpose of this policy is to achieve the object of the Act in relation to the acoustic environment.
- (2) The purpose is achieved by—
  - (a) identifying and declaring the environmental values of the acoustic environment; and
  - (b) stating acoustic quality objectives that are directed at enhancing or protecting the environmental values; and
  - (c) providing a framework for making consistent, equitable and informed decisions that relate to the acoustic environment.

## **6 Environmental values**

The environmental values to be enhanced or protected under this policy are—

- (a) the qualities of the acoustic environment that are conducive to protecting the health and biodiversity of ecosystems; and

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- (b) the qualities of the acoustic environment that are conducive to human health and wellbeing, including by ensuring a suitable acoustic environment for individuals to do any of the following—
    - (i) sleep;
    - (ii) study or learn;
    - (iii) be involved in recreation, including relaxation and conversation; and
  - (c) the qualities of the acoustic environment that are conducive to protecting the amenity of the community.

## 7 Acoustic quality objectives for sensitive receptors

- (1) This section and schedule 1 state the acoustic quality objectives to be achieved and maintained under this policy.
- (2) For a sensitive receptor stated in schedule 1, column 1, the value stated in schedule 1, column 3 is the acoustic quality objective for the time of day mentioned in schedule 1, column 2 for the sensitive receptor.
- (3) The environmental value to be enhanced or protected by the acoustic quality objective is stated in schedule 1, column 4 for the sensitive receptor.
- (4) An acoustic quality objective stated in schedule 1 is expressed as a measurement of an acoustic descriptor.
- (5) If it is reasonable in the circumstances, an acoustic quality objective may be progressively achieved and maintained as part of achieving the object of this policy over the long term.
- (6) This section does not apply to a noise—
  - (a) mentioned in schedule 1, part 1, section 1 of the Act; or
  - (b) experienced within a residence or a workplace if the noise is made within the residence or workplace.
- (7) In this section—

***acoustic descriptor*** means any of the following measures—

- $L_{Aeq,adj,1hr}$

[s 8]

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- $L_{A10,adj,1hr}$
- $L_{A1,adj,1hr}$

**workplace** see the *Work Health and Safety Act 2011*, section 8.

## 8 Management hierarchy for noise

- (1) This section states the management hierarchy for an activity involving noise that affects, or may affect, an environmental value to be enhanced or protected under this policy.

*Note—*

See section 35 of the *Environmental Protection Regulation 2019*.

- (2) To the extent it is reasonable to do so, noise must be dealt with in the following order of preference—

- (a) firstly—avoid the noise;

*Example for paragraph (a)—*

locating an industrial activity in an area that is not near a sensitive receptor

- (b) secondly—minimise the noise, in the following order—

- (i) firstly—orientate an activity to minimise the noise;

*Example for subparagraph (i)—*

facing a part of an activity that makes noise away from a sensitive receptor

- (ii) secondly—use best available technology to minimise the noise;

- (c) thirdly—manage the noise.

*Example for paragraph (c)—*

using heavy machinery only during business hours

## 9 Management intent for noise

- (1) This section states the management intent for an activity involving noise that affects, or may affect, an environmental value to be enhanced or protected under this policy.

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*Note—*

See section 35 of the *Environmental Protection Regulation 2019*.

- (2) To the extent it is reasonable to do so, noise must be dealt with in a way that ensures—
  - (a) the noise does not have any adverse effect, or potential adverse effect, on an environmental value under this policy; and
  - (b) background creep in an area or place is prevented or minimised.
- (3) Despite subsection (2)(b), if the acoustic quality objectives for an area or place are not being achieved or maintained, the noise experienced in the area or place must, to the extent it is reasonable to do so, be dealt with in a way that progressively improves the acoustic environment of the area or place.
- (4) In this section—

*background creep*, for noise in an area or place, means a gradual increase in the total amount of background noise in the area or place as measured under the document called the ‘Noise measurement manual’ published on the department’s website.

## 10 Repeal

The Environmental Protection (Noise) Policy 2008, SL No. 442 is repealed.

# Schedule 1 Acoustic quality objectives

section 7

Column 1	Column 2	Column 3			Column 4
Sensitive receptor	Time of day	Acoustic quality objectives (measured at the receptor) <i>dB(A)</i>			Environmental value
		$L_{Aeq,adj,1hr}$	$L_{A10,adj,1hr}$	$L_{A1,adj,1hr}$	
residence (for outdoors)	daytime and evening	50	55	65	health and wellbeing
residence (for indoors)	daytime and evening	35	40	45	health and wellbeing
	night-time	30	35	40	health and wellbeing, in relation to the ability to sleep
library and educational institution (including a school, college and university) (for indoors)	when open for business or when classes are being offered	35			health and wellbeing
childcare centre or kindergarten (for indoors)	when open for business, other than when the children usually sleep	35			health and wellbeing
childcare centre or kindergarten (for indoors)	when the children usually sleep	30			health and wellbeing, in relation to the ability to sleep
school or playground (for outdoors)	when the children usually play outside	55			health and wellbeing, and community amenity
hospital, surgery or other medical institution (for indoors)	visiting hours	35			health and wellbeing

Column 1	Column 2	Column 3			Column 4
Sensitive receptor	Time of day	Acoustic quality objectives (measured at the receptor) <i>dB(A)</i>			Environmental value
		$L_{Aeq,adj,1hr}$	$L_{A10,adj,1hr}$	$L_{A1,adj,1hr}$	
hospital, surgery or other medical institution (for indoors)	anytime, other than visiting hours	30			health and wellbeing, in relation to the ability to sleep
commercial and retail activity (for indoors)	when the activity is open for business	45			health and wellbeing, in relation to the ability to converse
protected area or critical area	anytime	the level of noise that preserves the amenity of the existing area or place			health and biodiversity of ecosystems
marine park	anytime	the level of noise that preserves the amenity of the existing marine park			health and biodiversity of ecosystems
park or garden that is open to the public (whether or not on payment of an amount) for use other than for sport or organised entertainment	anytime	the level of noise that preserves the amenity of the existing park or garden			community amenity

## Schedule 2 Dictionary

### section 3

***acoustic environment*** means the part of the environment of an area or place characterised by the total amount of noise that may be experienced there.

***acoustic quality objective***, for a sensitive receptor, means the maximum level of noise that should be experienced in the acoustic environment of the sensitive receptor.

***'A' frequency weighting network*** means the frequency weighting 'A' as described under AS/NZS IEC 61672.1:2019 (Electroacoustics—Sound level meters Part 1: Specifications) for frequency weighting 'A'.

***A-weighted sound pressure level*** means a measure of sound adjusted to the 'A' frequency weighting network.

***community amenity*** means the environmental value mentioned in section 6(c).

***critical area*** means an area identified in a conservation plan under the *Nature Conservation Act 1992*, section 120H as, or as including, a critical habitat or an area of major interest.

***daytime*** means the period after 7a.m. on a day to 6p.m. on the day.

***dB(A)*** means decibels measured on the 'A' frequency weighting network.

***evening*** means the period after 6p.m. on a day to 10p.m. on the day.

***health and biodiversity of ecosystems*** means the environmental value mentioned in section 6(a).

***health and wellbeing*** means the environmental value mentioned in section 6(b).

***L<sub>A1,adj,1hr</sub>*** means the A-weighted sound pressure level, adjusted for tonal character or impulsiveness, that is exceeded

for 1% of a 1 hour period when measured using a fast standardised response time.

*L<sub>A10,adj,1hr</sub>* means the A-weighted sound pressure level, adjusted for tonal character or impulsiveness, that is exceeded for 10% of a 1 hour period when measured using a fast standardised response time.

*L<sub>Aeq,adj,1hr</sub>* means an A-weighted sound pressure level of a continuous steady sound, adjusted for tonal character, that within a 1 hour period has the same mean square sound pressure of a sound that varies with time.

*marine park* see the *Marine Parks Act 2004*, schedule.

*night-time* means the period after 10p.m. on a day to 7a.m. on the next day.

*protected area* see the *Nature Conservation Act 1992*, schedule.

*residence* includes a building, or part of building, capable of being used as a dwelling.

*sensitive receptor* means an area or place where noise is measured.

*visiting hours*, for a hospital, surgery or other medical institution, means a period during which members of the public are allowed to visit patients at the hospital, surgery or institution.

ENDNOTES

- 1 Made by the Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts on 15 July 2019.
- 2 Approved by the Governor in Council on 15 August 2019.
- 3 Notified on the Queensland legislation website on 16 August 2019.
- 4 The administering agency is the Department of Environment and Science.

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