



Queensland

Environmental Protection Act 1994

Environmental Protection (Noise) Policy 1997

Reprinted as in force on 26 May 2006

Reprint No. 3

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Information about this reprint

This policy is reprinted as at 26 May 2006. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- reorder definitions consistent with current drafting practice (s 30)
- use aspects of format and printing style consistent with current drafting practice (s 35).

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**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

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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 26 May 2006]

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.¹

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*).

9 How object is achieved

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) 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 55dB(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.

11A Acoustic quality compliance for special events

- (1) This section applies to special events that are the subject of the *Major Sports Facilities Regulation 2002*, section 3.
- (2) The acoustic quality compliance levels stated in schedule 3A are authorised for special events in the 2006 calendar year.

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) a development approval; or
 - (iii) the amendment of an environmental authority or development approval; or
 - (iv) 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*).²

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

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;³
 - (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.

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;

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

- (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.⁴
- (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—

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

- (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 331⁵ of the Act.

17 Plan as a condition—environmental authority or development approval

- (1) This section applies if the application is for an environmental authority or development approval.
- (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

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 30mm by 35mm; 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 any of the following—
 - (i) an environmental authority;
 - (ii) a development approval;
 - (iii) approval of a draft environmental management program; or
 - (b) to monitor compliance with any of the following—
 - (i) a condition of an environmental authority;
 - (ii) a development condition of a development approval;
 - (iii) a standard environmental condition of a code of environmental compliance for a chapter 4 activity;
 - (iv) an 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 29⁶ for a proceeding under or in relation to the Act.

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

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;
 - (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)⁷ 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;

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.

- (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 2Hz as the -3dB 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;
- (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;⁸ 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.

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

Environmental Protection Agency
160 Ann Street, Brisbane.

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

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) 70dB(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 1m 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—68dB(A);
 - (ii) for another public road—63dB(A);
- (b) 60dB(A), assessed as the highest 1 hour equivalent continuous A-weighted sound pressure level between 10.00p.m. and 6.00a.m;
- (c) 80dB(A), assessed as a single event maximum sound pressure level.

3 Railways

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

Schedule 1 (continued)

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

4 Railways

A noise assessment of a railway may be made under—

- (a) AS 2377; or

Schedule 3 (continued)

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

Schedule 3A Acoustic quality compliance for special events

section 11A(2)

Acoustic quality compliance levels

- (1) An acoustic quality compliance level is authorised for a special event if the level is equal to or less than at least 1 of the following—
 - (a) 100dB(A) *Leq*, measured at 15 minute intervals, measured at a point 50m directly in front of the front edge of the performance stage;
 - (b) 70dB(A) *Leq*, measured at 15 minute intervals, measured at the locations mentioned in the *Major Sports Facilities Regulation 2002*, schedule 2, section 7(1).
- (2) To remove any doubt, it is declared that subsection (1) is satisfied even if the level measured is greater than 1 of the levels stated in the subsection.

Schedule 4 Dictionary

section 3

20 ANEF has the meaning given by AS 2021.

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.

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 AS 1055.1.⁹

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 6.00a.m. to 6.00p.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

⁹ 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)

- (c) has a cooling capacity of not more than 12kW, 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, manufactured 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.¹⁰

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

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

Schedule 4 (continued)

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 6.00a.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.

Schedule 4 (continued)

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 10.00p.m. to 6.00a.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.

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.

Schedule 4 (continued)

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

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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 26 May 2006. 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.

| Reprint No. | Amendments to | Effective | Reprint date |
|-------------|-----------------|------------------|-----------------|
| 1 | none | 1 December 1997 | 5 December 1997 |
| 1A | 1998 SL No. 168 | 22 May 1998 | 16 October 1998 |
| 1B | 1999 SL No. 296 | 26 November 1999 | 2 December 1999 |
| 2 | 1999 SL No. 296 | 1 January 2001 | 1 January 2001 |

| Reprint No. | Amendments included | Effective | Notes |
|-------------|---------------------|------------------|-----------------------|
| 2A | 2003 SL No. 73 | 24 April 2003 | |
| 2B | 2004 SL No. 176 | 3 September 2004 | |
| 2C | 2004 SL No. 208 | 4 October 2004 | |
| 2D | 2006 SL No. 81 | 5 May 2006 | |
| 2E | 2006 SL No. 104 | 26 May 2006 | R2E withdrawn, see R3 |
| 3 | — | 26 May 2006 | |

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—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared.

amending legislation—

Environmental Protection Act 1994 No. 62 ss 1–2, 616(2) (this Act is amended, see amending legislation below)

date of assent 1 December 1994

ss 1–2 commenced on date of assent

remaining provision commenced 1 January 2001

amending legislation—

Environmental Protection and Other Legislation Amendment Act 2000 No. 64 s 52 (amends 1994 No. 62 above)

date of assent 24 November 2000

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

Commercial and Consumer Tribunal and Other Legislation Amendment Regulation (No. 1) 2004 SL No. 176 pts 1, 4

notfd gaz 3 September 2004 pp 99–100

commenced on date of notification

Environmental Protection Policies Amendment Policy (No. 1) 2004 SL No. 208 pts 1, 3

notfd gaz 1 October 2004 pp 393–5

ss 1–2 commenced on date of notification

remaining provisions commenced 4 October 2004 (see s 2)

Environmental Protection Policies Amendment Policy (No. 1) 2006 SL No. 81 pts 1, 3

notfd gaz 5 May 2006 pp 76–7

commenced on date of notification

Environmental Protection (Noise) Amendment Policy (No. 1) 2006 SL No. 104

notfd gaz 26 May 2006 pp 340–3

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

Acoustic quality compliance for special events

s 11A ins 2006 SL No. 104 s 3

Application

s 12 amd 2004 SL No. 208 s 11

Evaluation procedure

s 13 amd 1999 SL No. 296 s 6

Plan as a condition—environmental authority or development approval

prov hdg amd 2004 SL No. 208 s 12(1)

s 17 amd 2004 SL No. 208 s 12(2)

Specific requirements—draft environmental management program

s 16 amd 1994 Act No. 62 s 616(2) (amd 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); 2000 No. 64 s 52; 2004
SL No. 208 s 13

Prescribed instruments—Act s, 490(8)

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

s 29 amd 1999 SL No. 296 s 10; 1994 Act No. 62 s 616(2); 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); 2000 No. 64 s 52
om 2006 SL No. 81 s 5

Amendment of certain provisions—Act, s 35

prov hdg amd 1999 SL No. 296 s 10; 1994 Act No. 62 s 616(2); 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);
amd 2000 No. 64 s 52
om 2006 SL No. 81 s 5

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 3A—ACOUSTIC QUALITY COMPLIANCE FOR SPECIAL EVENTS

ins 2006 SL No. 104 s 4

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 “**dwelling**” amd 2004 SL No. 176 s 7
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)