



Environmental Protection Act 1994

Environmental Protection (Noise) Policy 2008

Reprinted as in force on 1 January 2009

Reprint No. 1

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This policy is reprinted as at 1 January 2009.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have 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. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Spelling

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’).

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised 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 an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Environmental Protection (Noise) Policy 2008

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Environmental Protection (Noise) Policy 2008

[reprinted as in force on 1 January 2009]

Part 1 Preliminary

1 Short title

This environmental protection policy may be cited as the *Environmental Protection (Noise) Policy 2008*.

2 Commencement

This policy commences on 1 January 2009.

3 Definitions

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

Part 2 Application and purpose of policy

4 Application of policy

This policy applies to the acoustic environment.

5 Purpose of policy

The purpose of this policy is to achieve the object of the Act in relation to the acoustic environment.

[s 6]

Note—

See section 3 of the Act.

6 How purpose of policy is achieved

The purpose of this policy is achieved by—

- (a) identifying environmental values to be enhanced or protected; and
- (b) stating acoustic quality objectives for enhancing or protecting the environmental values; and
- (c) providing a framework for making consistent, equitable and informed decisions about the acoustic environment.

Part 3 Environmental values and acoustic quality objectives

7 Environmental values for the acoustic environment

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
- (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.

8 Acoustic quality objectives for sensitive receptors

- (1) An acoustic quality objective stated in schedule 1, column 3 for a sensitive receptor stated in column 1 and for a time of day stated in column 2, is prescribed for enhancing or protecting the environmental value stated in column 4 of the schedule for the objective.
- (2) An acoustic quality objective stated in schedule 1 is expressed as a measurement of an acoustic descriptor.
- (3) It is intended that the acoustic quality objectives be progressively achieved as part of achieving the purpose of this policy over the long term.
- (4) This section does not apply to a noise—
- (a) mentioned in the Act, schedule 1, part 1, section 1; or
 - (b) experienced within a dwelling or a workplace if the noise is made within the dwelling or workplace.
- (5) In this section—
- workplace* see the *Workplace Health and Safety Act 1995*, section 9.

Part 4 Avoiding, minimising or managing noise

9 Management hierarchy for noise

- (1) This section states the management hierarchy for an activity involving noise.

Note—

See section 51 of the *Environmental Protection Regulation 2008*.

[s 10]

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

(a) firstly—avoid;

Example for paragraph (a)—

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

(b) secondly—minimise, in the following order of preference—

(i) firstly—orientate an activity to minimise 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;

(c) thirdly—manage.

Example for paragraph (c)—

using heavy machinery only during business hours

10 Controlling background creep

(1) This section states the management intent for an activity involving noise.

Note—

See section 51 of the *Environmental Protection Regulation 2008*.

(2) To the extent that it is reasonable to do so, noise from an activity must not be—

(a) for noise that is continuous noise measured by $L_{A90,T}$ —more than nil dB(A) greater than the existing acoustic environment measured by $L_{A90,T}$; or

(b) for noise that varies over time measured by $L_{Aeq,adj,T}$ —more than 5dB(A) greater than the existing acoustic environment measured by $L_{A90,T}$.

Part 5 **Miscellaneous**

11 **Repeal**

The Environmental Protection (Noise) Policy 1997, SL No. 342 is repealed.

Schedule 1 Acoustic quality objectives

section 8

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
		<i>L</i> _{Aeq,adj,1hr}	<i>L</i> _{A10,adj,1hr}	<i>L</i> _{A1,adj,1hr}	
dwelling (for outdoors)	daytime and evening	50	55	65	health and wellbeing
dwelling (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
		<i>L</i> _{Aeq,adj,1hr}	<i>L</i> _{A10,adj,1hr}	<i>L</i> _{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 an area identified under a conservation plan under the <i>Nature Conservation Act 1992</i> as a critical habitat or an area of major interest	anytime	the level of noise that preserves the amenity of the existing area or place			health and biodiversity of ecosystems
marine park under the <i>Marine Parks Act 2004</i>	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 descriptor means any of the following measures—

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

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 an area or place, means the maximum level of noise that should be experienced in the acoustic environment of the area or place.

‘A’ frequency weighting network means the frequency weighting described under AS IEC 61672.1—2004 (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 7(c).

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.

dwelling means a building or part of a building used or capable of being used as a residence.

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 7(a).

health and wellbeing means the environmental value mentioned in section 7(b).

$L_{A1,adj,1hr}$ 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 time-weighting 'F'.

$L_{A10,adj,1hr}$ 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 time-weighting 'F'.

$L_{A90,T}$ means the A-weighted sound pressure level, obtained using time-weighting 'F', that is exceeded for 90% of the measuring period (T).

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

$L_{Aeq,adj,T}$ means an A-weighted sound pressure level of a continuous steady sound, adjusted for tonal character, that within a measuring period (T) has the same mean square sound pressure as a sound level that varies with time.

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.

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

time-weighting 'F' means a fast standardised response time.

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

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Environmental Protection (Noise) Policy 2008 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

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 included	Effective	Notes
1	none	1 January 2009	

5 List of legislation

Environmental Protection (Noise) Policy 2008 SL No. 442

made by the Minister for Sustainability, Climate Change and Innovation on 26 November 2008

notfd gaz 12 December 2008 pp 2044–53

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2009 (see s 2)

exp 1 September 2019 (see SIA s 54)

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

(2) An explanatory note was prepared