

Fact sheet

Noise regulation under the *Environmental Protection Act 1994*

This fact sheet has been developed to provide information on the regulation of noise under the *Environmental Protection Act 1994* (EP Act). It is designed to assist local councils, residents and businesses understand how noise is intended to be managed for our communities.

The EP Act forms part of a legislative framework that regulates noise from domestic, commercial and industrial premises.

This fact sheet contains information on:

- who is responsible for addressing issues about particular types of noise
- the responsibility of local council in enforcing noise regulation under the EP Act
- noise offences under the EP Act
- prescribing noise standards to suit the needs of a local council area
- the role of the planning framework in noise management.

Key points

- There are some types of noise that are excluded from nuisance regulation under the EP Act (e.g. noise from parties, security alarms and motor vehicles) and are regulated by agencies such as your local council or police.
- Local councils are generally responsible for responding to issues relating to noise that is regulated under the EP Act.
- Local councils also have the ability to make local laws to manage specific noise issues in their local area.
- Both noise standards and environmental nuisance provisions apply. Even where the generation of noise is not specifically prohibited under default noise standards, action may be taken for causing an environmental nuisance.
- Planning frameworks play an important role in noise management and are able to prevent noise nuisance, particularly by managing incompatible land uses. They may also affect what action may be taken.



Noise nuisance not regulated under the *Environmental Protection Act 1994*

While the EP Act applies to a wide variety of noise, there are some noises that the EP Act nuisance provisions do *not* apply to. These noises include those identified in the table below. For each of these noises there are other frameworks to manage issues associated with that particular noise. The below table identifies the appropriate authority to contact for further information, or to make a complaint, about each of these noises.

| Noise excluded from nuisance regulation under the EP Act | Who to contact? |
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| Noise from: <ul style="list-style-type: none"> - musical instruments - speakers, stereos and other amplifier devices - gatherings / parties | Contact the Queensland Police Service by visiting https://forms.police.qld.gov.au/launch/NoiseComplaint |
| Noise from security alarms | Contact the Queensland Police Service by phone on 131 444 |
| Noise from motor vehicles (including cars, trucks and motorbikes) | For motor vehicles that are being revved on a road, burnout offences or loud music from vehicle stereos, contact the Queensland Police Service by visiting https://forms.police.qld.gov.au/launch/Hooning For motorbikes driven on a place that is not a road and that are emitting excessive noise clearly audible at or near residential or commercial premises - contact Queensland Police Service by phone on 131 444 or by visiting https://forms.police.qld.gov.au/launch/NoiseComplaint For motor vehicles on a road or in a public place emitting excessive noise clearly audible at or near residential or commercial premises - contact Queensland Police Service by visiting https://forms.police.qld.gov.au/launch/NoiseComplaint For motor vehicles on a road - contact the Department of Transport and Main Roads by phone on 13 QGOV (13 74 68) |
| Noise from licensed premises such as hotels and nightclubs | Contact the Office of Liquor and Gaming Regulation in the Department of Justice and Attorney-General by phone on 13 QGOV (13 74 68) or email liquorcompliance@justice.qld.gov.au . Complaints can also be made using the online complaint form available at http://www.justice.qld.gov.au (search for online complaint). |
| Transport and road-related noise, including: <ul style="list-style-type: none"> - noise from the ordinary use or maintenance of a public road or State-controlled road - noise from the ordinary use or maintenance of a busway or rail infrastructure - noise from a railway crossing warning signal. | For State government managed roads, busways and light rail - contact the Department of Transport and Main Roads by phone on 13 QGOV (13 74 68) For Brisbane toll roads - in the first instance, contact Transurban by email at motorwayenquiries@transurban.com . If your complaint or concerns remain unresolved, contact the Department of Transport and Main Roads by phone on 13 QGOV (13 74 68). For local roads and local busways - contact your local council For rail - in the first instance, contact the relevant rail authority or operator. If your complaint or concerns remain unresolved, contact the Department of Transport and Main Roads by phone on 13 QGOV (13 74 68). |
| Noise from operating a ship (e.g. noise from shore and ship based port operations, noise from a ship's horn) | In the first instance, contact the relevant port authority. If your complaint or concerns remain unresolved, contact the Department of Transport and Main Roads by phone on 13 QGOV (13 74 68). For stevedoring operations with an environmental authority - contact the Department of Environment and Science on 1300 130 372 |

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| Noise from aircraft movement | Contact Airservices Australia - for contact options visit https://www.airservicesaustralia.com/community/environment/aircraft-noise/about-making-a-complaint/ |
| Noise caused by development carried out under a development approval or an infrastructure designation | Contact your local council |
| Noise caused by an act that is a contravention of a local law or that is caused by an act done under an authority given under a local law Note: Many local councils have local laws for barking dogs | Contact your local council |
| Noise from a fireworks display regulated under the <i>Explosives Act 1999</i> | Contact Resources Safety & Health Queensland by phone on 13 QGOV (13 74 68) |
| Noise from an special event at a major sports facility declared under the allowed under the <i>Major Sports Facilities Act 2001</i> (includes major sport events at facilities such as Brisbane Cricket Ground, Brisbane Stadium, Townsville Stadium, Queensland Tennis Centre and other events at Suncorp Stadium, The Gabba, Brisbane Entertainment Centre, Metricon Stadium, Cbus Super Stadium, Queensland Sport and Athletics Centre, Queensland Country Bank Stadium, Queensland Tennis Centre and the Sleeman Sports Complex) | In the first instance, contact the venue direct or, for concerts, contact the contact hotline during the event. If your complaint or concerns remain unresolved, contact the Department of Tourism, Innovation and Sport by phone on 13 QGOV (13 74 68). |
| Noise caused in the course of maintaining a public infrastructure facility, including infrastructure for water or sewerage services, and a facility for a telecommunication or electricity system | Contact the relevant infrastructure owner or operator |
| Noise caused in the course of performing a function under the <i>Disaster Management Act 2003</i> | Contact Queensland Fire and Emergency Services by phone on 13 QGOV (13 74 68) |
| Noise generated by the State government or local council in the course of taking action to prevent, remove or reduce a public health risk under the <i>Public Health Act 2005</i> | Contact your local council or Queensland Health (by phone on 13 74 68) |
| Noise at a workplace Note: This exclusion only applies to noise heard within the workplace and does not extend to noise generated by a workplace but heard beyond the workplace | Contact Workplace Health and Safety Queensland by phone on 1300 362 128 |

Note: This table is provided as a summary only. For full details about noise not regulated under the nuisance provisions of the EP Act, please refer to the EP Act, schedule 1.

Local council responsible for noise regulation

Local councils are generally responsible for responding to issues relating to noise that is regulated under the EP Act. This is because section 514 of the EP Act and sections 130-131 of the Environmental Protection Regulation 2019 (EP Regulation) state that the following offences have been devolved to local council for administration and enforcement:

- causing environmental nuisance (section 440 of the EP Act)
- contravening a noise standard (section 440Q of the EP Act).

Local councils are the most appropriate authority to respond to noise issues in their local council areas as they best understand the local circumstances. The approach adopted by the EP Act enables local councils to make their own decisions reflecting local amenity requirements while having available the enforcement tools under the EP Act.

What are the exceptions?

There are some noise nuisances that local councils are not responsible for. Due to the operation of section 140(2) of the EP Regulation, local councils have no jurisdiction to investigate noise from:

- activities by the state government (e.g. state school) or a local council
- environmentally relevant activities (ERAs) for which the local council is not responsible (e.g. resource activities such as mines and coal seam gas operations and particular prescribed activities such as poultry farming, waste reprocessing and chemical manufacturing).

If a noise issue is caused by a state government entity or local council, or comes from an ERA administered by the state government, any concerns should be directed to the Department of Environment and Science on 1300 130 372 or (for intensive animal feedlotting, pig farming or poultry farming) the Department of Agriculture and Fisheries on 13 25 23.

Making a complaint to your local council

Residents are encouraged to discuss noise issues with their neighbours and work together to find practical solutions to noise problems. If you are unable to resolve an issue with your neighbour and seek to make a formal complaint about environmental nuisance or contravention of a noise standard, contact your local council. Your local council can deal with the issue either under its own laws or the state regulations.

More information on how to lodge a complaint with your local council, along with general information on acceptable noise levels and how to reduce your noise, is available online through your local council's website or the Local Government Toolbox website (www.lgtoolbox.qld.gov.au).

What can local councils do?

Local councils generally have all the administration and enforcement powers provided for under the EP Act. This means local councils can take action against people or other organisations that have caused an environmental nuisance or contravened a noise standard. This can include:

- issuing a direction notice to require them to change their activities (section 363B of the EP Act)
- issuing a fine (penalty infringement notice)
- prosecuting in court.

In determining whether an offence has been committed, local council officers use noise measurements such as audibility, duration, and frequency of noise.

Default noise standards

Local council standards

The EP Act prescribes default noise standards for particular activities. These default noise standards only apply to an area if the local council for that area has not made its own local laws to vary these standards (section 440P of the EP Act).

Section 440O of the EP Act enables local laws to prescribe an alternative noise standard.

This means that if the default standards do not suit a particular local council area, the local council can develop its own standards that reflect the needs of the local community.

The default standards in the EP Act aim to recognise the needs of businesses and individuals in undertaking activities that generate noise while achieving an appropriate acoustic environment for the amenity of residential areas. In recognition of the different needs and circumstances of local communities across Queensland, the EP Act provides a flexible regulatory environment for local councils to vary the default standards.

Default noise standards

Where a local council has not prescribed its own noise standard, the default noise standards in the EP Act apply in that local council area.

The default noise standards state times for when these activities *are not allowed* if it makes an audible noise or noise exceeding a specific maximum limit. The term audible noise is defined in section 440L of the EP Act as meaning noise that can be clearly heard by an individual who is an occupier of an affected building.

The table below provides a summary of the default noise standards. If an individual or a company breaches these standards, they are committing an offence—see further information below under 'Offence of contravening a noise standard'.

| Equipment or activity | Times of use that noise standard applies to | Noise standard - prohibited noise level at affected premises |
|---|---|--|
| Air conditioning units and refrigeration equipment | 7am-10pm | More than 5 decibels (A) above background level |
| | 10pm-7am | More than 3 decibels (A) above background level |
| Pumps attached to water tanks, fountains, pools and spas | 7am-7pm | More than 5 decibels (A) above background level |
| | 7pm-10pm | More than 3 decibels (A) above background level |
| | 10pm-7am | Any audible noise |
| Powerboats at premises | Before 7am and after 7pm Monday to Saturday. Before 8am and after 6.30pm Sunday and public holidays. | Any audible noise |
| Powerboat sports in waterway (operating a jet ski or other power-driven personal watercraft, other than for fishing) | Before 7am and after 7pm Monday to Saturday. Before 8am and after 6.30pm Sunday and public holidays. | Any audible noise for more than a continuous period of 2 minutes at the same affected building |
| Regulated devices, such as lawn mowers, line trimmers, mulchers, leaf blowers, generators, compressors, and power tools | Before 7am and after 7pm Monday to Saturday. Before 8am and after 7pm Sunday and public holidays. | Any audible noise |
| Building work being carried out by a registered contractor or builder, or under an owner-builder permit | Before 6.30am and after 6.30pm Monday to Saturday. Anytime Sunday and public holidays. | Any audible noise |

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| Use of a building for musical, sporting or other entertainment (e.g. tenpin bowling, concerts, indoor cricket, squash) or for cultural or religious activities, excluding the use of licenced premises or use of buildings for an open-air event | 7am-10pm | More than 5 decibels (A) above the background level |
| | 10pm-midnight | More than 3 decibels (A) above background level |
| | Midnight-7am | Any audible noise |
| Open-air events (an open-air competition, concert, display, race or other activity) | 7am-10pm | More than 70 decibels (A) |
| | 10pm-midnight | More than 10 decibels (A) above background level or 50 decibels (A) (whichever is the lesser) |
| | Midnight-7am | Any audible noise |
| Amplifying devices (loudhailers, megaphones, remote telephone bells, public address systems excluding for a railway) excluding at an open-air event or building used for musical, sporting or other entertainment or for cultural or religious activities | 7am-10pm Monday to Friday. | More than 10 decibels (A) above background level |
| | 8am-6pm Saturday, Sunday and public holidays. | |
| | Before 7am and after 10pm Monday to Friday. Before 8am and after 6pm Saturday, Sunday and public holidays. | Any audible noise |

Note: this table is provided as a summary only. For full details about the default noise standards, please refer to the EP Act, sections 440R-440ZC.

Offence of contravening a noise standard

It is an offence to unlawfully contravene a noise standard. Section 440Q of the EP Act states that a maximum penalty of 1,665 penalty units applies for the wilful contravention of a noise standard and a maximum penalty of 600 penalty units applies for non-wilful contraventions.

Section 493A of the EP Act defines what is unlawful for the purposes of section 440Q. In summary, an act will be unlawful unless it is explicitly or implicitly authorised to be done under an instrument listed in section 493A(2). These instruments include an environmental protection order, transitional environmental program, emergency direction and environmental authority.

Environmental nuisance

The noise standards apply in addition to environmental nuisance. At times when the noise standards do not prohibit an audible noise or specific maximum noise, noise can still negatively impact nearby residents. During these times, it is still important to comply with the general environmental duty and take all reasonable and practicable measures to minimise any nuisance. As a consequence, even though someone may not be in breach of the noise standards, they may still be found to be causing an environmental nuisance.

Offence of causing an environmental nuisance

Environmental nuisance is defined in the EP Act as unreasonable interference or likely interference with an environmental value caused by, for example, noise.

It is an offence to cause environmental nuisance. Section 440 of the EP Act provides that a person must not:

1. Wilfully and unlawfully cause an environmental nuisance (maximum penalty—1,665 penalty units), or
2. Unlawfully cause an environmental nuisance (maximum penalty—600 penalty units).

Section 493A of the EP Act defines what is unlawful for the purposes of section 440. As stated above, section 493A(2) provides that an act is unlawful unless it is explicitly or implicitly authorised under particular instruments such as an environmental protection order.

The Environmental Protection (Noise) Policy 2019 identifies the environmental values of the acoustic environment to be protected and enhanced. By identifying environmental values, the Environmental Protection (Noise) Policy 2019 assists in informing whether environmental nuisance under the EP Act has been caused.

Role of the planning framework

Outside of the EP Act, land use planning plays an important role in the management of potential noise nuisance. Development can be assessed and conditioned for the protection of neighbourhood amenity. Appropriate land use planning decisions can prevent or minimise noise nuisance issues in communities.

Local councils are generally responsible for ensuring effective planning, such as through zoning and the use of buffer distances between incompatible land uses. The Environmental Protection (Noise) Policy 2019 provides guidance to local councils to promote planning decisions that achieve an appropriate acoustic environment for their local areas.

Complaints or information about planning in your local area should be directed to your local council in the first instance.