

9.4.3 Nuisance code¹⁰

9.4.3.1 Application

- (1) This code applies to assessable development identified as requiring assessment against the Nuisance code by the tables of assessment in **Part 5 (Tables of assessment)**.
- (2) All provisions in this code are assessment benchmarks for applicable assessable development.

9.4.3.2 Purpose and overall outcomes

- (1) The purpose of the Nuisance code is to maintain community wellbeing and protect environmental values by preventing or mitigating:-
 - (a) nuisance emissions from development adversely impacting on surrounding *sensitive land uses*; and
 - (b) the exposure of proposed *sensitive land uses* to nuisance emissions from surrounding development.
- (2) The purpose of the Nuisance code will be achieved through the following overall outcomes:-
 - (a) development is located, designed, constructed and operated to maintain appropriate levels of amenity and environmental performance by:-
 - (i) not imposing unacceptable noise, light, glare, dust or odour emissions on surrounding *sensitive land uses*; and
 - (ii) ensuring that proposed *sensitive land uses* are not subject to unacceptable nuisance emissions generated from surrounding development, having regard to the location and context of the proposed development;
 - (b) development, including development or redevelopment of residential activities and entertainment venues, within and in close proximity to a designated special entertainment precinct¹¹, provides appropriate noise attenuation and mitigation to reduce potential impacts from live music and *amplified music*¹²; and
 - (c) environmental values are protected by preventing or minimising potential environmental harm or environmental nuisance resulting from the release of contaminants, particularly noise, odour, light, glare, dust and particulates.

9.4.3.3 Performance outcomes and acceptable outcomes

Table 9.4.3.3.1 Performance outcomes and acceptable outcomes for assessable development

| Performance Outcomes | | Acceptable Outcomes | |
|--|---|---------------------|---|
| Acoustic Amenity and Noise¹³ | | | |
| PO1 | Development, other than development involving live entertainment or <i>amplified music</i> in a designated special entertainment precinct or as part of a temporary event, is located, designed, constructed and operated to ensure that noise emissions do not unreasonably impact on surrounding <i>sensitive land uses</i> having regard to the location and | AO1.1 | Development, other than development in a designated special entertainment precinct, involving live entertainment or <i>amplified music</i> is designed and constructed to achieve an <i>amplified music</i> noise level external to existing or approved affected residences of:- (a) LA10 not greater than 5dB(A) above the background noise levels LA90 from |

¹⁰ Editor's note—the **Planning scheme policy for nuisance code** provides guidance for achieving outcomes of this code, including the preparation of a noise impact assessment report, odour impact assessment report and lighting impact assessment report.

¹¹ Note—Where applicable, special entertainment precincts and associated buffer areas are identified on the relevant local plan precincts maps in **Schedule 2 (Mapping)**.

¹² Editor's note—the **Guideline for development in a special entertainment precinct and buffer area** provides guidance for achieving certain outcomes of this code.

¹³ Note—*Council* will take the order of occupancy of new and existing noise sources into consideration in implementing Performance Outcome PO1 of this code. The intent of this performance outcome is not to require existing lawful uses to control noise emissions in response to encroachment by new noise sensitive development.

| Performance Outcomes | | Acceptable Outcomes | |
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| | <p>setting of the development.</p> <p>Note—this performance outcome applies even if noise emissions are generated by <i>sensitive land uses</i>, from sources such as communal areas, service areas, plant and equipment (e.g. air conditioning units) and the like.</p> | | <p>6am to 10pm; and</p> <p>(b) LOCT10 not greater than 8dB above the octave band background noise levels LOCT90 from 10pm to 6am.</p> <p>Note: Acceptable outcome AO1 is provided as a guide only. A higher or lower noise level may be appropriate depending on the location, setting and context of the proposed development.</p> <p>For development not involving live entertainment or <i>amplified music</i>, no acceptable outcome provided.</p> |
| PO2 | <p>Development that is a <i>sensitive land use</i>, other than development in the <i>residential activity group</i> located in a designated special entertainment precinct and associated primary or secondary buffer area or a <i>prescribed mixed use area</i>, is located, designed, constructed and operated to achieve a satisfactory level of acoustic amenity where there is potential for noise emissions generated from surrounding development, including potential future development anticipated by the zone or precinct, to adversely affect the <i>sensitive land use</i>.</p> <p>Editor's note—this performance outcome relates to a 'reverse amenity' situation where a proposed <i>sensitive land use</i> may be adversely impacted by noise emissions from surrounding development. In such cases, it is contingent upon the proposed <i>sensitive land use</i> to implement measures to ensure a satisfactory level of acoustic amenity is provided to prospective occupants and users of the development.</p> | AO1.2 | |
| | | AO2 | <p>The <i>sensitive land use</i> is not established in an area that will be adversely impacted by noise generated by existing land uses, activities and possible future development in the area.</p> <p>OR</p> <p>Where located in an area where adverse noise impacts are likely, the <i>sensitive land use</i> mitigates all potential impacts through site layout, design, construction, and operation.</p> |
| Requirements for development in a prescribed mixed use area involving a material change of use for a use in the residential activity group | | | |
| PO3 | <p>Development for a use in the <i>residential activity group</i> in a <i>prescribed mixed use area</i>:-</p> <p>(a) is located, designed and constructed to protect bedrooms and other habitable rooms from exposure to noise arising from non-residential activities outside the building, including potential future centre activities or <i>mixed use development</i>; and</p> <p>(b) is designed and constructed to achieve a minimum reduction in sound pressure level between the exterior of the building and the bedrooms or indoor primary living areas of 30dB(A).</p> <p>Editor's note—where development is also subject to noise attenuation requirements for any of the following:-</p> <ul style="list-style-type: none"> • transport noise corridors under the Queensland Development Code; • airport noise under Australian Standard AS2021; or • a designated special entertainment precinct or buffer area under this code; <p>the highest applicable attenuation</p> | AO3 | No acceptable outcome provided. |

| Performance Outcomes | | Acceptable Outcomes | |
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| | requirements apply. | | |
| Special Entertainment Precincts | | | |
| Requirements for development in a designated special entertainment precinct involving a material change of use for an entertainment/catering business use | | | |
| PO4 | <p>Development involving live entertainment or <i>amplified music</i> is designed and constructed to achieve an <i>amplified music</i> noise level at 1 metre external to any point of the premises of not greater than:-</p> <p>(a) LCeq,T 88dB for approved activities before 11.30pm; and</p> <p>(b) LCeq,T 65dB and LLeq,T 55dB in any one-third octave band between and including 31.5Hz and 125Hz for approved activities after 11.30pm.</p> <p>Note—Operating noise levels for uses involving live entertainment or <i>amplified music</i> within a special entertainment precinct will be determined by the Amplified Music Venue Permit in accordance with the <i>Local Law 1 and Subordinate Local Law 1</i>.</p> | AO4 | Development does not involve <i>amplified music</i> that is audible external to the premises. |
| PO5 | <p>Development involving live entertainment or <i>amplified music</i> noise, located in the same building as, or that has a wall within 5m of, a use in the <i>residential activity group</i> ensures the building is designed and constructed to achieve an <i>amplified music</i> noise level of:-</p> <p>(a) not greater than LLeq,T 43dB in any one-third octave band between and including 31.5Hz to 125Hz in a bedroom not associated with the development; and</p> <p>(b) not greater than LLeq,T 45dB in any one-third octave band between and including 31.5Hz to 125Hz in a living room not associated with the development.</p> <p>Note—Operating noise levels for uses involving live entertainment or <i>amplified music</i> within a special entertainment precinct will be determined by the Amplified Music Venue Permit in accordance with the <i>Local Law 1 and Subordinate Local Law 1</i>.</p> | AO5 | Development located in the same building as, or that has a wall within 5m of, a use in the <i>residential activity group</i> does not involve <i>amplified music</i> that is audible in a bedroom or living room not associated with the development. |
| Requirements for development in a designated special entertainment precinct or primary buffer area involving a material change of use for a use in the residential activity group | | | |
| PO6 | <p>Development involving a material change of use for a use in the <i>residential activity group</i> in a special entertainment precinct or primary buffer area ensures:-</p> <p>(a) bedrooms and living rooms are designed, located and constructed to protect occupants from existing or future <i>amplified music</i> noise that may arise from premises outside the building; and</p> <p>(b) a building is designed and constructed to achieve a minimum reduction in sound pressure level between the exterior of the building and a bedroom or living room, of:-</p> <p>(i) LLeq,T 18dB at 63Hz for <i>short-term accommodation</i> where a backpackers; or</p> | AO6 | No acceptable outcome provided. |

| Performance Outcomes | | Acceptable Outcomes | |
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| | (ii) LLeq,T 20dB at 63Hz otherwise. | | |
| PO7 | <p>Development involving a material change of use for a use in the <i>residential activity group</i> located in the same building as, or that has a wall, within 5m of an existing or approved entertainment/catering business use ensures:-</p> <p>(a) bedrooms and living rooms are located, designed and constructed to protect occupants from <i>amplified music</i> noise being transmitted through a wall, floor or ceiling; and</p> <p>(b) the building is designed and constructed to achieve an <i>amplified music</i> noise level of:-</p> <p>(i) not greater than LLeq,T 43dB in any one-third octave band between and including 31.5Hz to 125Hz in a bedroom;</p> <p>(ii) not greater than LLeq,T 45dB in any one-third octave band between and including 31.5Hz to 125Hz in a living room; and</p> <p>(iii) not greater than LLeq,T 45dB in any one-third octave band between and including 31.5Hz to 125Hz in a bedroom or living room for <i>short-term accommodation</i> where a backpackers.</p> | AO7 | No acceptable outcome provided. |
| Requirements for development in a designated special entertainment precinct secondary buffer area involving a material change of use for a use in the residential activity group | | | |
| PO8 | <p>Development involving a material change of use for a use in the <i>residential activity group</i> in a secondary buffer area:-</p> <p>(a) is located, designed and constructed to protect bedrooms and other habitable rooms from exposure to noise arising from non-residential activities outside the building, including potential future centre activities or <i>mixed use development</i>; and</p> <p>(b) is designed and constructed to achieve a minimum reduction in sound pressure level between the exterior of the building and the bedrooms or indoor primary living areas of 30dB(A).</p> <p>Editor's note—where development is also subject to noise attenuation requirements for any of the following:-</p> <ul style="list-style-type: none"> • transport noise corridors under the Queensland Development Code; or • airport noise under Australian Standard AS2021; <p>the highest applicable attenuation requirements apply.</p> | AO8 | No acceptable outcome provided. |
| Odour, Dust and Particulates | | | |
| PO9 | Development is located, designed, constructed and operated to ensure that odour, dust and particulate emissions do not cause environmental nuisance to <i>sensitive land uses</i> (whether existing or proposed uses) in the surroundings of the | AO9.1 | <p>Development does not involve activities that create odorous air emissions.</p> <p>OR</p> <p>Development does not result in odour that</p> |

| Performance Outcomes | | Acceptable Outcomes | |
|----------------------|---|---------------------|--|
| | proposed development. | AO9.2 | causes environmental harm or nuisance with respect to surrounding land uses. Development does not involve activities that will result in airborne particles or emissions being generated. OR Development ensures that no airborne particles or emissions cause environmental harm or nuisance through site layout, design, construction and operation. |
| PO10 | Development that is a <i>sensitive land use</i> is located, designed, constructed and operated to ensure that the proposed use is not subject to odour, dust or particulate emissions from surrounding development that would cause environmental nuisance. | AO10 | No acceptable outcome provided. |
| Lighting and Glare | | | |
| PO11 | Development ensures that lighting and glare does not have any significant adverse amenity impacts or create nuisance to surrounding premises. | AO11.1 | Lighting devices are located, designed and installed to:- (a) minimise light spillage on surrounding premises; (b) preserve an acceptable degree of lighting amenity at surrounding premises; (c) provide covers or shading around lights; (d) direct lights downwards; (e) position lights away from possible affected areas; and (f) enable the brightness of lights to be adjusted to low levels. |
| | | AO11.2 | Streets, driveways, servicing and car parking areas are located and designed to minimise vehicle headlight impacts on any surrounding residential premises. |
| | | AO11.3 | Reflective glare that would cause nuisance to residents or the general public at surrounding premises and public spaces is avoided or minimised through the use of:- (a) external building materials and finishes with low-reflectivity; or (b) building design/architectural elements or landscape treatments to block or reduce excessive reflected glare. |