

SC6.15 Planning scheme policy for the nuisance code

SC6.15.1 Purpose

The purpose of this planning scheme policy is to:-

- (a) provide advice and guidelines about achieving outcomes in the **Nuisance code**; and
- (b) identify information that may be required to support a development application where:-
 - (i) nearby existing or planned development may be affected by noise, light, odour or dust, or particulate emissions from the proposed development; or
 - (ii) the proposed development is likely to be subject to noise, light, odour or dust, or particulate emissions from existing or planned nearby development.

Note—nothing in this planning scheme policy limits Council’s discretion to request other relevant information under the Development Assessment Rules made under section 68(1) of the Act.

SC6.15.2 Application

This planning scheme policy applies to all assessable development which requires assessment against the **Nuisance code**.

SC6.15.3 Advice for preventing or minimising nuisance emissions and imissions associated with road traffic noise

The following is advice for achieving Performance Outcomes PO1 and PO2 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** where there is potential for emissions or imissions associated with road traffic noise to cause environmental harm or nuisance at a sensitive land use:-

- (a) compliance with Performance Outcomes PO1 and PO2 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** may be demonstrated in part or aided by the submission of a noise impact assessment report prepared by a competent person, which properly addresses, describes or includes the following:-
 - (i) a location plan identifying the subject site, existing or planned roads in the locality that could potentially affect sensitive land uses and any significant features such as topographic variation, barriers and intervening buildings;
 - (ii) predicted noise levels based on traffic flows for a 10 year growth horizon from the first year of occupancy of the development for each floor and occupancy type; and
 - (iii) where mitigation measures in the form of site boundary barriers are considered necessary, measures to maintain the visual amenity of the road corridor, minimise detrimental effects on residential amenity and ensure the ongoing provision of natural light to residences and open space are provided; and
- (b) for sensitive land uses the following design elements should be reflected in the road corridor design and/or the design of sensitive land uses adjacent to the road corridor:-
 - (i) existing site features that can provide a natural barrier or partial barrier to noise exposure;
 - (ii) appropriate building orientation that mitigates or reduces the exposure of living areas, bedrooms and private open space areas to noise; and
 - (iii) minimal facade treatments (such as windows and doors) facing the road traffic noise source to minimise internal noise exposures.

Note—Refer to the **Planning scheme policy for Sippy Downs Town Centre** for general guidance in relation to road traffic noise attenuation in the Sippy Downs Town Centre.

SC6.15.4 Advice for preventing or minimising nuisance emissions and imissions associated with noise and/or vibration

The following is advice for achieving Performance Outcomes PO1 and PO2 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** where there is potential for noise and/or vibration emissions or imissions to cause environmental harm or nuisance at a sensitive land use:-

- (a) compliance with Performance Outcomes PO1 and PO2 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** may be demonstrated in part or aided by the submission of a noise impact assessment report prepared by a competent person, which properly addresses, describes or includes the following:-
 - (i) a location plan identifying the subject site and sensitive land uses or the nearest potentially sensitive land uses to the subject site and any significant features such as topographic variation, barriers and intervening buildings;
 - (ii) the results of measurements of background LA90 noise levels using an appropriate methodology at a location representative of the nearest potentially affected sensitive land uses to the subject site in the absence of noise emissions from the subject site, with:-
 - (A) the background noise levels to include time periods that are most likely to be sensitive from a noise perspective (generally at night); and
 - (B) the background noise monitoring to be completed for a sufficient period of time to establish 'the average minimum background noise levels' for the locality;
 - (iii) comparison of the background noise level with predicted source noise levels using an appropriately recognised methodology and criteria, from the proposed activity at the nearest potentially affected sensitive land uses to determine compliance with criteria as defined in Schedule 1 of the *Environmental Protection (Noise) Policy 2008*; and
 - (iv) specification of appropriate control and mitigation measures as necessary;
- (b) for a proposed development that has the potential to be affected by noise and/or vibration from an existing railway, or proposed new railway, Council may also require submission of a report prepared by a competent person that presents information relating to the following:-
 - (i) location of the site in relation to the existing or proposed railway corridor;
 - (ii) forecast rail movements for a 10 year growth horizon including hours of operation and type;
 - (iii) assessment of the measured and predicted noise levels using an appropriately recognised methodology and criteria, for the 10 year growth horizon affecting the proposed development; and
 - (iv) mitigation measures that are to be adopted at the subject site to achieve the performance outcomes of the **Nuisance code**; and
- (c) where a sensitive land use is proposed in a locality with existing noise sources, Council may also require submission of a noise impact assessment report prepared by a competent person that includes the following:-
 - (i) a location plan identifying the subject site, any existing or future potential noise sources in the locality that could potentially affect sensitive land uses on the subject site and any significant features such as topographic variation, barriers and intervening buildings;
 - (ii) the results of measurements of LA10, LAeq and background LA90 noise levels at the subject site, with:-
 - (A) the noise measurements to include time periods that are most likely to be affected by noise from existing sources and also include measurement of background in the absence of noise from local emission sources; and
 - (B) the noise monitoring to be completed for a sufficient period of time to establish typical and worst case pre-existing noise levels for the subject site;
 - (iii) an assessment of the measured and predicted noise levels using an appropriately recognised methodology and criteria. From the assessment, the determination of compliance with the criteria as defined in Schedule 1 of the *Environmental Protection (Noise) Policy 2008*; and

- (iv) specification of appropriate control measures if necessary.

SC6.15.5 Advice for preventing or minimising nuisance emissions and imissions associated with live entertainment, amplified music and voices – Other than in a designated special entertainment precinct or associated buffer

The following is advice for achieving Performance Outcome PO1 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** where there is potential for emissions or imissions associated with live entertainment, *amplified music* and voices, other than in a designated special entertainment precinct or associated buffer, to cause environmental harm or nuisance at a sensitive land use:-

- (a) compliance with Performance Outcome PO1 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** may be demonstrated in part or aided by submission of a noise impact assessment report prepared by a competent person, which properly addresses, describes or includes:-
 - (i) in respect to a venue in existing or new premises, the following:-
 - (A) a location plan identifying the subject site and the nearest potentially affected or approved sensitive land uses (including residential, commercial, educational, health and industrial) and any significant features such as topographic variation, barriers and intervening buildings;
 - (B) results of measurements of octave band background noise levels as LA90, Oct noise levels at a position representative of the nearest potentially affected sensitive land uses to the subject site in the absence of noise emissions from the subject site. The background noise levels are to be recorded for the time period most likely to be the most sensitive from a noise perspective;
 - (C) results of measurements of octave band noise levels as LA10, Oct noise levels at the nearest potentially affected sensitive land uses to the subject site during noise emissions from live entertainment, amplified music or voices at the subject site. The source noise levels during the noise monitoring are to be representative of the worst case noise emissions from the subject site at maximum patron and music design capacity during the type of entertainment events likely to be held at the premises;
 - (D) measurements are to be made to represent each type of event likely to occur. The noise tests are to be conducted under conditions representative of normal operations (e.g. all proposed hours of operation, if doors and windows would normally be open, this is to occur for the test);
 - (E) an assessment of the measured and predicted noise levels using an appropriately recognised methodology and criteria. From the assessment, the determination of compliance with the criteria;
 - (F) comment on potential noise impacts associated with patron noise at the premises and noise from departing patrons associated with the entertainment event;
 - (G) specification of appropriate control measures if necessary (e.g. operational conditions such as closed windows, or mitigation measures such as improved acoustic insulation, including Rw of glazing, walls, roof, and materials, and/or barrier density); and
 - (H) specification of the maximum source noise level to be emitted at the premises for each type of event, each room and each event configuration (e.g. for different positions used for a live band in the same venue) as appropriate.

SC6.15.6 Advice for improving amenity of residential uses in a prescribed mixed use area

The following is advice for achieving Performance Outcome PO3 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** where there is potential for imissions associated with non-residential activities to cause environmental harm or nuisance at a sensitive land use in a *prescribed mixed use area*:-

- (a) compliance with Performance Outcomes PO3 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** may be demonstrated by utilising glazing to the external building envelope which achieves a minimum acoustic performance of:-
 - (i) Rw 35 where total area of glazing (windows and doors) for a habitable room is greater than 1.8m²; or

- (ii) Rw 32 where total area of glazing (windows and doors) for a habitable room is less than or equal to 1.8m².

Note:- The acoustic performance ratings are to be based on a glazing system which was acoustically tested with the same frame, seals and glass as per the proposed system.

- (b) where façade treatments are required for operable windows and doors of noise affected bedrooms or living rooms, mechanical ventilation is provided.

SC6.15.7 Advice for preventing or minimising nuisance emissions and imissions associated with live entertainment, amplified music and voices in a designated special entertainment precinct or associated buffer

The following is advice for achieving Performance Outcome PO4 to PO8 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** where there is potential for emissions or imissions associated with live entertainment, *amplified music* and voices, in a designated special entertainment precinct or associated buffer, to cause environmental harm or nuisance at a sensitive land use:-

- (a) compliance with Performance Outcome PO4 to PO8 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** may be demonstrated in part or aided by submission of a noise impact assessment report prepared by a competent person, which properly addresses, describes or includes:-
 - (i) in respect to a venue, the following:-
 - (A) a location plan identifying the subject site, location of site within the special entertainment precinct, the nearest potentially affected sensitive land uses (including residential, commercial, educational, health and industrial) and any significant features such as topographic variation, barriers and intervening buildings;
 - (B) plans showing the proposed venue layout including building envelope construction and areas with live entertainment, *amplified music* and voices;
 - (C) a review of expected internal one-third octave band noise levels from live entertainment, *amplified music* and voices, and external noise levels calculated (or measured) at maximum patron and music design capacity using an appropriately recognised methodology and assessed with demonstrated compliance with the criteria in PO4 and PO5; OR
 - (D) a review of expected outdoor (e.g. beergarden) one-third octave band noise levels from live entertainment, *amplified music* and voices, and external noise levels calculated (or measured) at maximum patron and music design capacity using an appropriately recognised methodology and assessed with demonstrated compliance with the criteria in PO7 at a use in the residential activity group;
 - (E) measurements of 3 to 5 minute duration.
 - (F) comment on potential noise impacts associated with patron noise at the premises and noise from departing patrons associated with the entertainment event;
 - (G) specification of appropriate control measures if necessary (e.g. operational conditions such as closed windows, or mitigation measures such as improved acoustic insulation, including Rw of glazing, walls, roof and materials and/or barrier density); and
 - (H) specification of the maximum source noise level to be emitted at the premises for each type of event, each room and each event configuration (e.g. for different positions used for a live band in the same venue) as appropriate; and
 - (i) in respect to a use in the residential activity group, the following:-
 - (A) a location plan identifying the subject site, location of site within the special entertainment precinct and associated buffer, the nearest potentially affected venues with live entertainment, *amplified music* and voices, and any significant features such as topographic variation, barriers and intervening buildings;
 - (B) acoustic rating (Rw) and 63Hz octave band calculated transmission loss values for the building facade elements (walls, roof/ceiling and glazing systems) and overall facade, and a description of the methodology used to forecast the performance of the glazing system (note: the noise reduction required in PO6 is typically 6 dB less than the transmission loss of the overall facade at 63 Hz);
 - (C) a review of one-third octave band noise levels from live entertainment, *amplified music* and voices located in the same building or within 5m of the building (including measurement of noise from existing venues at maximum patron and music design

- capacity), and indoor noise levels calculated using an appropriately recognised methodology and assessed with demonstrated compliance with the criteria in PO7; and
- (D) detailed plans and elevations showing the proposed external building facade construction, including walls, roof/ceiling and glazing systems. Glazing system detail is to include glazing thicknesses, glazing area (i.e. window and door dimensions), airgaps, seal types, and opening mechanism (e.g. sliding, awning, fixed). Where facade treatments are required for operable windows and doors of noise affected bedrooms or living rooms, mechanical ventilation is to be provided.

SC6.15.8 Advice for preventing or minimising nuisance emissions and imissions associated with odour

The following is advice for achieving Performance Outcomes PO9 and PO10 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** where there is potential for odour emissions or imissions to cause environmental harm or nuisance at a sensitive land use:-

- (a) compliance with Performance Outcomes PO9 and PO10 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** may be demonstrated by the preparation and submission of an odour impact assessment report prepared by a competent person, which properly addresses, describes or includes the following:-
- (i) the potential for odour emissions from a proposed activity to be detected at existing sensitive land uses; or
 - (ii) the potential for odour emissions from existing activities to be detected at a proposed sensitive land uses;
- (b) an odour impact assessment report should make reference to the most appropriate contemporary guidelines, criteria and methods for a particular type of source or activity; and
- (c) the justification for the selected guidelines, criteria and methods should form part of the odour impact assessment report.

SC6.15.9 Advice for preventing or minimising nuisance emissions and imissions associated with dust and particulates

The following is advice for achieving Performance Outcomes PO9 and PO10 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** where there is potential for dust and particulate emissions or imissions to cause environmental harm or nuisance at a sensitive land use:-

- (a) compliance with Performance Outcomes PO9 and PO10 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** may be achieved by the submission of an air quality impact assessment report undertaken by a competent person which utilises an appropriately recognised methodology and air quality criteria.

SC6.15.10 Advice for preventing or minimising nuisance emissions and imissions associated with lighting

The following is advice for achieving Performance Outcome PO11 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** where there is potential for lighting emissions or imissions to cause environmental harm or nuisance at a sensitive land use:-

- (a) compliance with Performance Outcome PO11 of **Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development)** of the **Nuisance code** may achieved by the incorporation of such measures as:-
- (i) building facades which have no flashing lights;
 - (ii) suitable boundary fencing and landscaping to prevent lighting overspill;
 - (iii) suitable lighting design (e.g. directional measures) to prevent overspill; and

- (iv) external areas that are lit in accordance with *AS4282 – Control of the Obtrusive Effects of Outdoor Lighting*; and
- (b) Council may require submission of a lighting impact assessment report prepared by a competent person to demonstrate that lighting proposed to be established in conjunction with development will not have adverse amenity impacts.

SC6.15.11 Guidelines for achieving the nuisance code outcomes

For the purposes of the performance outcomes in the **Nuisance code** the following are relevant guidelines:-

- (a) *AS1055.1-1997: Acoustics – Description and Measurement of Environmental Noise General Procedures* (Standards Australia) 1997;
- (b) *AS1158.3.1:2005: Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance and design requirements* (Standards Australia) 2005;
- (c) *AS2107:2000: Acoustics – Recommended design sound levels and reverberation times for buildings interiors* (Standards Australia) 2000;
- (d) *AS2670.2: 1990: Evaluation of human exposure to whole body vibration -Continuous and shock induced vibration in buildings (1 to 80 Hz)* (Standards Australia) 1990;
- (e) *AS3671: 1989: Acoustics – Road traffic noise intrusion – Building siting and construction* (Standards Australia) 1989;
- (f) *AS4282 – 1997: Control of the obtrusive effects of outdoor lighting* (Standards Australia) 1997;
- (g) *Queensland Development Code: Mandatory Part 4.4 - Buildings in a transport noise corridor*;
- (h) *Environmental Protection (Noise) Policy 2008*;
- (i) *Environmental Protection (Air) Policy 2008*;
- (j) *Road Traffic Noise Management: Code of Practice* (Department of Main Roads) 2008;
- (k) *Guideline for development in a special entertainment precinct and buffer area (Sunshine Coast Council) 2018*;
- (l) *Guideline: Planning for noise control (Department of Environment & Heritage Protection)*;
- (m) *Guideline: Odour Impact Assessment from Developments* (Department of Environment and Heritage Protection);
- (n) *Guideline: Application requirements for activities with noise impacts* (Department of Environment and Heritage Protection);
- (o) *Guideline: Application requirements for activities with impacts to air* (Department of Environment and Heritage Protection); and
- (p) *Noise Measurement Manual* (Department of Environment and Heritage Protection).