

**PROPOSED SCHOOL
LOT 9 (No 1 – 3) THOMAS STREET
SAFETY BAY**

ACOUSTIC REPORT / MANAGEMENT PLAN

AUGUST 2026

REFERENCE: 37034-2-26349

DOCUMENT CONTROL PAGE

ACOUSTIC REPORT / NOISE MANAGEMENT PLAN
PROPOSED SCHOOL
SAFETY BAY

Job No: 26349

Document Reference: 37034-2-26349

FOR

M&S ARCHITECTS

DOCUMENT INFORMATION				
Author:	Tim Reynolds	Checked By:	George Watts	
Date of Issue:	19 August 2026			
REVISION HISTORY				
Revision	Description	Date	Author	Checked
1	Client comment	25/08/2026	TR	N/A
DOCUMENT DISTRIBUTION				
Version No.	Destination			
2	M&S Architects Attn: Sally Matthews Email: sally@mandsarchitects.com.au			

This report has been prepared in accordance with the scope of services and on the basis of information and documents provided to Herring Storer Acoustics by the client. To the extent that this report relies on data and measurements taken at or under the times and conditions specified within the report and any findings, conclusions or recommendations only apply to those circumstances and no greater reliance should be assumed. The client acknowledges and agrees that the reports or presentations are provided by Herring Storer Acoustics to assist the client to conduct its own independent assessment.

CONTENTS

1.0	INTRODUCTION	1
2.0	SUMMARY	1
3.0	CRITERIA	2
3.1	Community Noise	2
3.2	Assigned Noise Levels	3
4.0	GENERAL NOISE LEVELS	5
5.0	SCHOOL OPERATIONS / USAGE	6
6.0	NOISE EMISSIONS	8
6.1	General School Noise Emissions	9
6.2	Outdoor Activities	10
6.3	Mechanical Services	12
6.4	Car Doors	14

APPENDICES

A	REGULATIONS 16 – COMMUNITY NOISE / SCEHDUE 2 – COMMUNITY NOISE
---	--

1.0 INTRODUCTION

Herring Storer Acoustics was commissioned to undertake an acoustic review of the proposed ALTA1 school to be located at Lot 9 (No 1-3) Thomas Road, Safety Bay.

As part of the development application, we understand that council has requested the following:

- *An Acoustic Report/Management Plan shall be provided, given the proximity of the proposed use to noise sensitive receptors (residential uses) addressing compliance with the Environmental Protection (Noise) Regulations 1997.*

Under Regulation 16 – Community Noise, Regulation 7 or the assigned noise level do NOT apply to Community Noise. Community Noise means a noise of a type listed in Schedule 2. For Educational Facilities Schedule 2 – Community Noise under Item 4, states:

4. *Noise emitted as a consequence of a recreational or educational activity from premises occupied for educational purposes if the activity –*
 - (a) is conducted under the control of the occupier of the premises; and*
 - (b) does not include the use of mechanical equipment other than musical instruments.*

Thus, the requirements of the *Environmental Protection (Noise) Regulations 1997*, apart from the mechanical equipment, do not apply to noise emissions from schools. However, we believe that it is also interpreted that the noise emissions should at any existing residences not be ‘unreasonable’.

2.0 SUMMARY

It is noted that the school hours are Monday to Friday 8:30am to 3:30pm, with no school activities on weekends. Thus, the operations of the school would be limited to the day period during the week.

From the review / noise modelling and assessment undertaken, noise emissions from the school would NOT be considered to be unreasonable.

Additionally, noise from the mechanical services and car doors closing, as required comply with the requirements of the Environmental Protection (Noise) regulations 1997, however, the following noise mitigation are required:

- The mechanical services to Blocks 1 and 2 to be visually screen (i.e. louvred) from the neighbouring residences to the east.
- The mechanical services design to be reviewed / checked by an acoustical consultant to ensure compliance.

With regards to the basketball court, a “low noise” backboard should be installed.

To ensure that the mechanical services complies with the assigned noise levels, the assessment of the mechanical services design for compliance with the requirements of the Environmental Protection (Noise) Regulations 1997 should be a condition of approval

Finally, the school should develop and implement a Noise Management Plan in consultation with and for approval by the council. This also could be a condition of approval.

3.0 CRITERIA

3.1 COMMUNITY NOISE

Under the Environmental Protection (Noise) Regulations 1997, noise emissions from schools are considered as community noise and the acoustic requirements are outlined in Regulations 16 – Community Noise. In summary Regulation 16, under Clause 2 states:

(2) *Nothing in this regulation —*

- (a) *affects the application of regulations 5 and 15 and sections 79 to 81A of the Act;*
or
- (b) *applies to noise emitted in accordance with an approval granted under regulation 18B or 18.*

(3) *Regulation 7 does not apply to community noise.*

Under the Regulations, Community noise means a noise of a type listed in Schedule 2. Section 4 of Schedule 2 relates to schools and states:

4. *Noise emitted as a consequence of a recreational or educational activity from premises occupied for educational purposes if the activity —*

- (a) *is conducted under the control of the occupier of the premises; and*
- (b) *does not include the use of mechanical equipment other than musical instruments.*

However, there is a condition to the above, as outlined in Clause 4 of Regulation 16, which states:

(4) *If the CEO is satisfied that —*

- (a) *a type of community noise has increased, or has increased its effect on the environment, since the coming into operation of these regulations; or*
- (b) *a type of community noise has, or is likely to have, a detrimental effect on the environment that exceeds the benefit to the community of the activity that gives rise to that noise,*

the CEO may cause to be served on the owner or the occupier, or on both the owner and the occupier, of the premises or public place a noise control notice in respect of the community noise.

Even though noise emissions from the school would effectively be exempt, they would still need to be considered reasonable. We also understand that this would only relate to the noise received at the surrounding residences.

For information Regulation 16 is attached as Appendix A.

3.2 ASSIGNED NOISE LEVELS

Additional to the above, noise from the mechanical services would need to comply with Regulation 7 or the assigned noise levels. The criteria (Regulation 7) used is in accordance with the *Environmental Protection (Noise) Regulations 1997 (as amended)*. These regulations stipulate maximum allowable external noise levels determined by the calculation of an influencing factor. The influencing factor is calculated for the usage of land within the two circles, having radii of 100m and 450m from the premises of concern. For industrial and utility premises, the assigned noise levels are fixed for all hours. Table 3.1 lists the base assigned noise levels for the “highly sensitive area” of residence and the fixed assigned noise level for the other types of receivers. The assigned noise level for residential premises, other than the highly sensitive area are fixed, as shown in Table 3.1.

For information, the assigned noise levels for both commercial and industrial premises are also listed in Table 3.1.

TABLE 3.1 –ASSIGNED OUTDOOR NOISE LEVELS

Type of premises receiving noise	Time of day	Assigned level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area (i.e. within 15m of a dwelling)	0700 to 1900 hours Monday to Saturday	45 + IF	55 + IF	65 + IF
	0900 to 1900 hours Sunday and public holidays	40 + IF	50 + IF	65 + IF
	1900 to 2200 hours all days	40 + IF	50 + IF	55 + IF
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35 + IF	45 + IF	55 + IF
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80

Note: The L_{A10} noise level is the noise that is exceeded for 10% of the time.
The L_{A1} noise level is the noise that is exceeded for 1% of the time.
The L_{Amax} noise level is the maximum noise level recorded.
IF = Influencing Factor

For information, the meaning of the “highly sensitive area” under the Regulations is:

highly sensitive area means that area (if any) of noise sensitive premises comprising —

- (a) a building, or a part of a building, on the premises that is used for a noise sensitive purpose; and
- (b) any other part of the premises within 15 m of that building or that part of the building;

It is a requirement that noise from the site be free of annoying characteristics (tonality, modulation and impulsiveness) at other premises, defined as per Regulation 9.

Where the above characteristics are present and cannot be practicably removed, the following adjustments are made to the measured or predicted level at other premises.

TABLE 3.2 – ADJUSTMENTS FOR ANNOYING CHARACTERISTICS WHEN MUSIC IS NOT PRESENT

Where tonality is present	Where modulation is present	Where impulsiveness is present
+ 5 dB	+ 5 dB	+ 10 dB

Where the noise emission is music, then any measured level is adjusted to Table 3.3 below.

TABLE 3.3 - ADJUSTMENTS TO MEASURED MUSIC NOISE LEVELS

Where impulsiveness is not present	Where impulsiveness is present
+10 dB(A)	+15 dB(A)

At the neighbouring residences, the Influencing Factor would be as listed below:

West on Rae Road (No 3)	+3 dB
West on Scott Road (No 10)	+1 dB
South of Scott Road (Nos 9 and 11)	0 dB
East of Thomas Street (Nos 2, 4 and 6)	0 dB
North of Rae Road (No 6)	+1 dB

Thus, the assigned noise levels would be as listed in Tables 3.4 to 3.6.

**TABLE 3.4 – ASSIGNED OUTDOOR NOISE LEVELS
RESIDENCES TO SOUTH AND EAST**

Type of premises receiving noise	Time of day	Assigned level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area (i.e. within 15m of a dwelling)	0700 to 1900 hours Monday to Saturday	45	55	65
	0900 to 1900 hours Sunday and public holidays	40	50	65
	1900 to 2200 hours all days	40	50	55
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35	45	55

Note: The L_{A10} noise level is the noise that is exceeded for 10% of the time.
The L_{A1} noise level is the noise that is exceeded for 1% of the time.
The L_{Amax} noise level is the maximum noise level recorded.

**TABLE 3.5 – ASSIGNED OUTDOOR NOISE LEVELS
6 RAE ROAD AND 10 SCOTT ROAD**

Type of premises receiving noise	Time of day	Assigned level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area (i.e. within 15m of a dwelling)	0700 to 1900 hours Monday to Saturday	46	56	66
	0900 to 1900 hours Sunday and public holidays	41	51	66
	1900 to 2200 hours all days	41	51	56
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	36	46	56

Note: The L_{A10} noise level is the noise that is exceeded for 10% of the time.
The L_{A1} noise level is the noise that is exceeded for 1% of the time.
The L_{Amax} noise level is the maximum noise level recorded.

**TABLE 3.6 – ASSIGNED OUTDOOR NOISE LEVELS
3 RAE ROAD**

Type of premises receiving noise	Time of day	Assigned level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area (i.e. within 15m of a dwelling)	0700 to 1900 hours Monday to Saturday	48	58	68
	0900 to 1900 hours Sunday and public holidays	43	53	68
	1900 to 2200 hours all days	43	53	58
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	38	48	58

Note: The L_{A10} noise level is the noise that is exceeded for 10% of the time.
The L_{A1} noise level is the noise that is exceeded for 1% of the time.
The L_{Amax} noise level is the maximum noise level recorded.

4.0 GENERAL NOISE LEVELS

For information, we provide the following list of common noise levels, which shows the background noise level in a “quiet suburban area” as being around 45 dB(A).

However, with the usage in the area and the traffic on the surrounding road network, we believe that the background noise in the areas would be above 45 dB(A).

From the Association of Australasian Acoustical Consultants, background noise level is noted as:

The Background Noise Level is the minimum repeatable level of noise measured in the absence of the noise under investigation and any other short-term noises such as those caused by all forms of traffic, industry, lawnmowers, wind in foliage, insects, animals, etc. It is quantified by the noise level that is exceeded for 90 % of the measurement period ‘T’ (LA90, T). Background Noise Levels are often determined for the day, evening and night time periods where relevant.

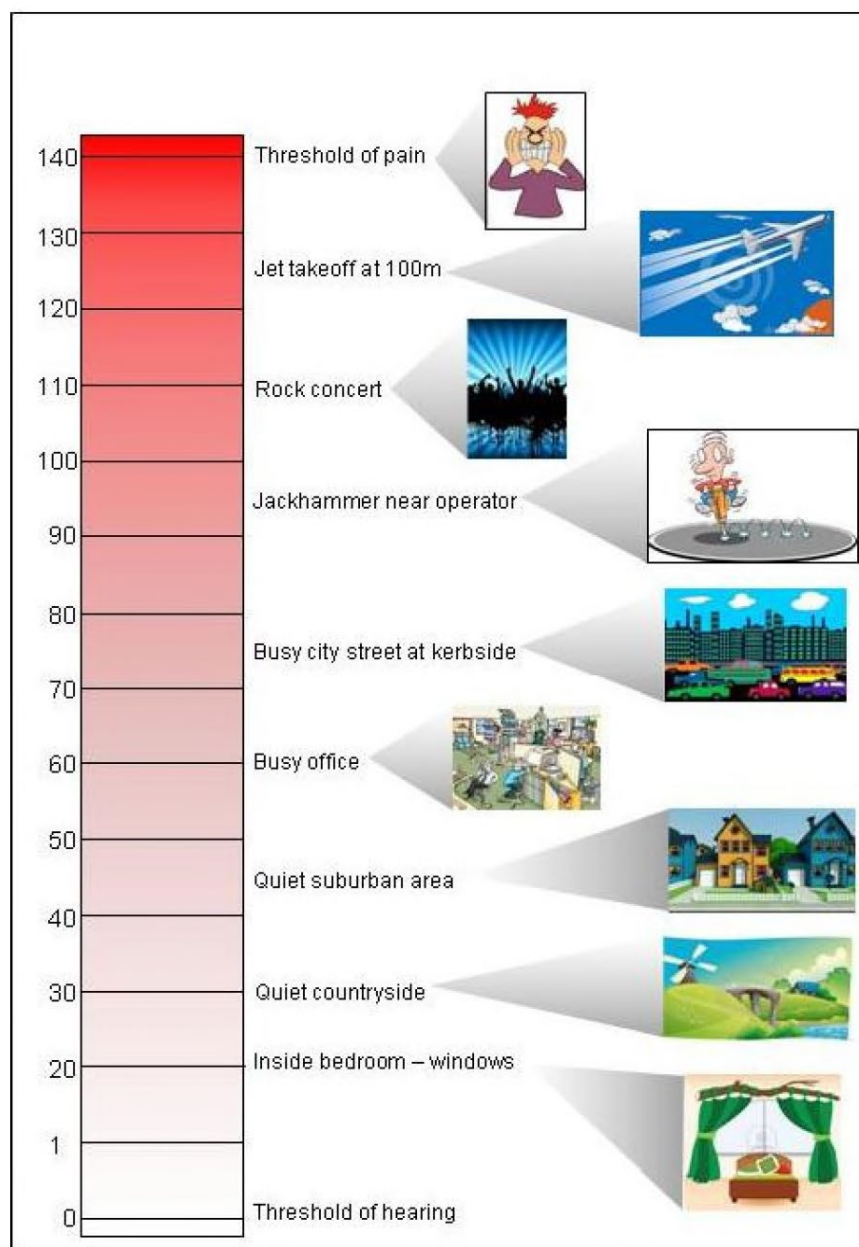


Figure 9. Common sound pressure levels dB(A)

Above table is from the Queensland Government Department of Environment and Science – Noise Measurement Manual.

5.0 SCHOOL OPERATIONS / USAGE

It is noted that the school hours are Monday to Friday 8:30am to 3:30pm, with no school activities on weekends. Thus, the operations of the school would be limited to the day period.

Additionally, the school only cater for a total of 100 students, though attendance rates are expected to be quite low, at around 50%. Thus, the noise emissions from the school would be minimal.

The plan for the school is shown on Figure 5.1. The closest neighbouring residences are located to the west, however, there are also residences located around the site, across the roads.

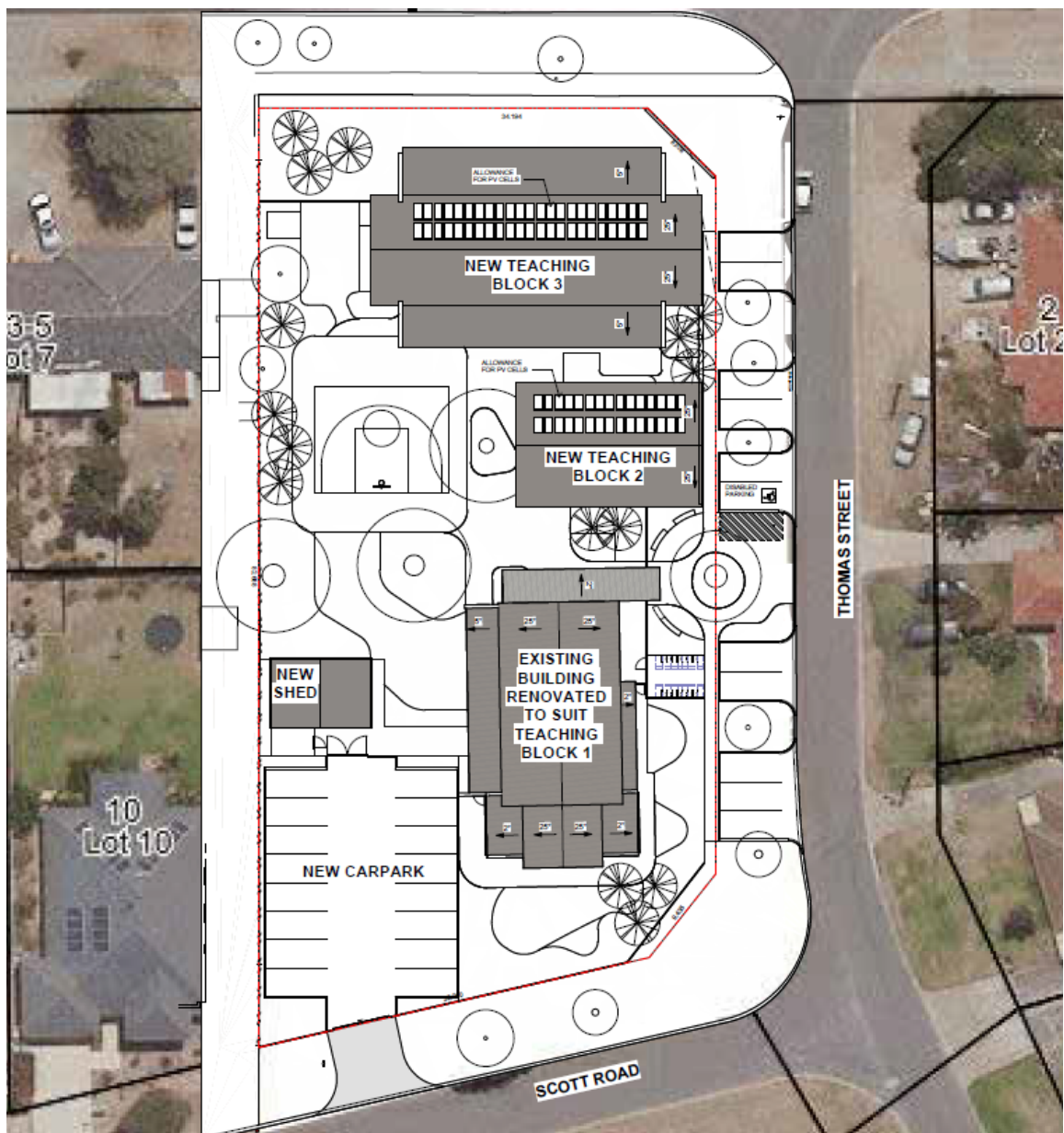


FIGURE 5.1 – CONCEPT DESIGN FOR SCHOOL

For information, an aerial showing the neighbouring residences are shown on Figure 5.2.



FIGURE 5.2 – SCHOOL PLAN WITH NEIGHBOURS

Notes:

- 1 For any future residences, (i.e. residences sold to new owners or for new tenants) the noise emissions from the school would be considered as part of the Acoustic Environment and thus for these future residences, the noise would not be considered as 'unreasonable'.
- 2 While we believe that noise associated with the mechanical services would need to comply with the assigned noise levels, noise associated with normal usage of the school such as students talking outside, the use of the outdoor gym equipment and basketball court would not. For these activities be required to comply with the assigned noise levels would be contrary to what has been accepted for all other schools and if made to comply could jeopardise the use and development of all schools and be contrary to the Regulatory requirements. However, for information, we provide noise modelling and commentary on noise emissions from these sources.
- 3 The car park would be considered as a road, thus noise relating to car movements would be exempt from the Regulations. However, the critical noise source associated with cars within the car park would be from door closing. Thus, noise from car doors closing within the car park has been assessed. We note that if car doors comply with the assigned noise levels then noise associated with car movements and cars starting would also comply with the assigned noise levels.
- 4 The half court basketball court could be used throughout the day. However, apart from recess and lunch time, the usage would be intermittent, with limited usage during these times. However, the usage during recess and lunch could be slightly more intense.
- 5 Noise emission from the mechanical services would need to comply with the Regulations and as such, noise modelling is provided.
- 6 We understand that the outdoor gym would consist of fixed equipment. Thus, noise associated with this area would be limited to voice. However, they could be students talking quite loudly.
- 7 The noise from the outdoor class area and lunch space would be from students / staff talking at normal speech levels.

6.0 NOISE EMISSIONS

To assess the noise received at the neighbouring premises from the proposed development, noise modelling was undertaken using the noise modelling program SoundPlan.

Calculations were carried out using the DWER's standard weather conditions, which relate to worst case noise propagation, as stated in Table 4 of the Department of Environment Regulation Draft Guidance for the "Assessment of Environmental Noise Emissions". These conditions include winds blowing from sources to the receiver(s). For information the weather conditions, as state in Table 4 are shown in the following Table.

6.1 GENERAL SCHOOL NOISE EMISSIONS

Although noise emissions from schools are effectively exempt (with the exception of any mechanical services) from needing to comply with the assigned noise levels, we have reviewed the noise that would be received at the neighbouring residences from:

- Outdoor gym, outdoor class / lunch area.

With regards to the outdoor gym, we understand that the outdoor gym would consist of fixed equipment. Thus, noise associated with this area would be limited to voice. However, they could be students talking quite loudly.

The noise from the outdoor class area and lunch space would be from students / staff talking at normal speech levels. However, to be conservative, to show compliance, noise modelling was carried out based on a noise level of a person speaking. This being a sound power level of 66 dB(A) per square metre, with one person per square metre within these areas.

The worst case scenario would be during recess / lunch when the outdoor lunch area and gym could be used at the same time. The resultant noise levels at the neighbouring residences are shown in Table 6.1.

Noise emissions from voices / speech does not contain any annoying characteristics.

**TABLE 6.1 - ACOUSTIC MODELLING RESULTS FOR L_{A10} CRITERIA
VOICE WITHIN OUTDOOR SPACES**

Neighbouring Premises	Calculated Noise Level (dB(A))
North	29
East	42
South	33
West (10 Scott Road)	39
West (Rae Road)	41

Noise emissions from people talking does not contain any annoying characteristics.

Table 6.2 summarises the assessment of the calculated noise levels against the pertinent Assigned Noise Levels.

**TABLE 6.2 - ASSESSMENT OF L_{A10} NOISE LEVEL EMISSIONS
VOICE WITHIN OUTDOOR SPACES**

Neighbouring Premises	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L_{A10} Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
North	29	Day	46	Complies
East	42	Day	45	Complies
South	33	Day	45	Complies
West (10 Scott Rd)	39	Day	46	Complies
West (3 Rae Rd)	41	Day	48	Complies

Even though noise from these noise sources do not need to comply with the assigned noise levels, we note that compliance is achieved.

For information, noise contour plot for voices within the outdoor areas are shown on Figure 6.1.

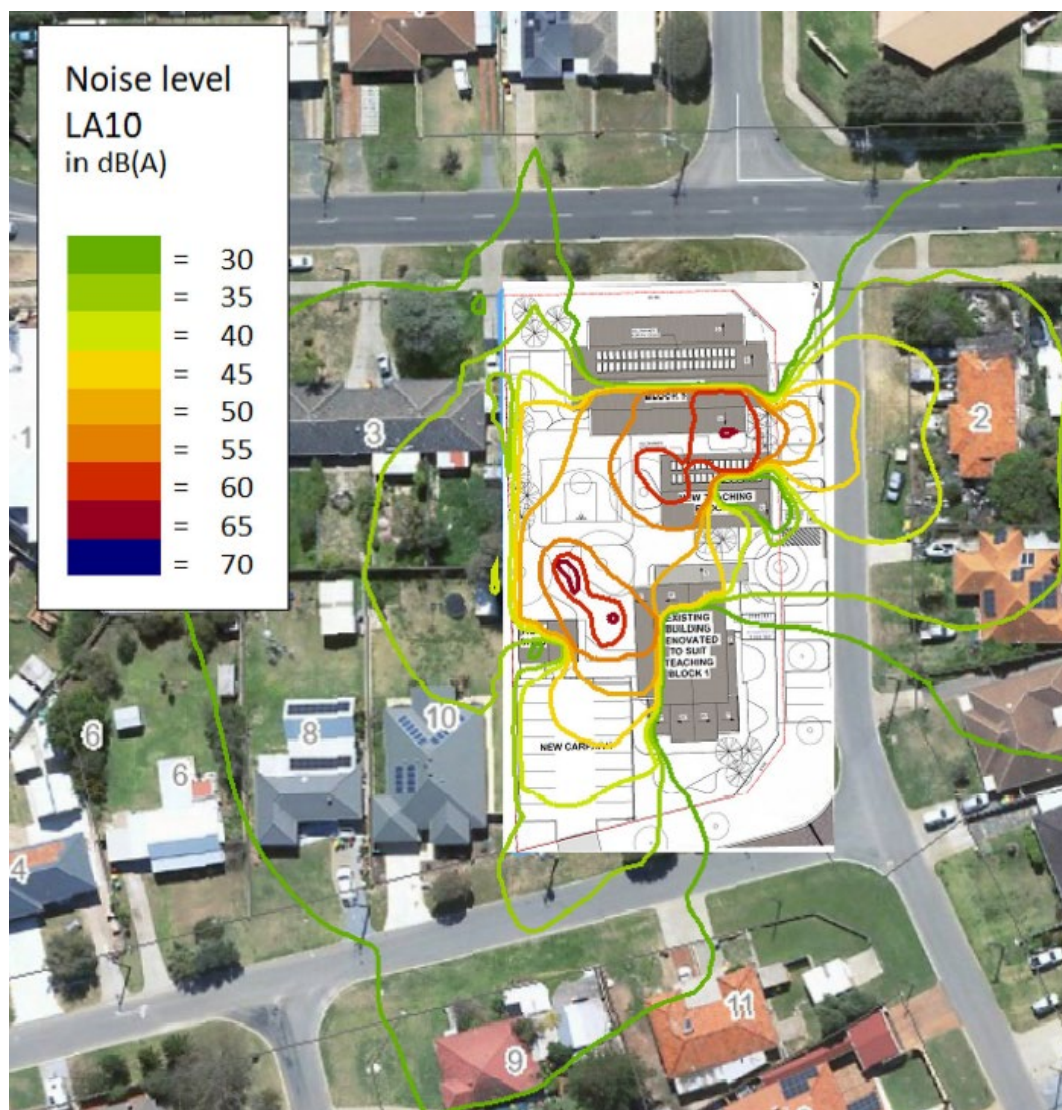


FIGURE 6.1 – NOISE CONTOUR PLOT FOR VOICES OUTSIDE

6.2 OUTDOOR ACTIVITIES

We note that the playing of basketball being on school grounds and under the control of the school would be considered as community noise. However, noise emissions from the use of half court basketball court has been considered. Noise associated with a basketball are the noise emissions from the basketball bouncing on the court and the noise of the basketball hitting the backboard. Thus, these noise emissions have been modelled using the sound power level listed in Table 6.3.

TABLE 6.3 – SOUND POWER LEVELS

Item	Sound Power Level, dB(A)
Basketball bouncing	86
Basketball hitting backboard	89

We note that the associated with the playing of basketball is impact noise and would not occur at the same time. Additionally, the half court basketball court could be used during the day. However, apart from recess and lunch time, the usage would be intermittent, with limited usage during these times, with noise being an $L_{A\text{Max}}$ noise. However, the usage during recess and lunch could be slightly more intense and the bouncing of the basketball would be an L_{A1} noise source, with the backboard being an $L_{A\text{Max}}$ noise source. With the noise associated with basketball being intermittent, the noise received at the neighbouring residences would not occur at the same time. Therefore, noise contours of both the basketball bouncing and hitting the backboard / ring are provided separately.

The noise received at the neighbouring residences from a basketball bouncing and hitting the backboard are shown in Table 6.4.

TABLE 6.4 - ACOUSTIC MODELLING RESULTS FOR BASKETBALL

Neighbouring Premises	Calculated Noise Level (dB(A))	
	Bouncing	Hitting Backboard
North	41	45
East	42	47
South	41	45
West (10 Scott Road)	42	50
West (Rae Road)	45	52

For information, noise contour plot for a basketball bouncing and hitting the backboard are shown on Figures 6.4 and 6.5.



FIGURE 6.4 – NOISE CONTOUR PLOT FOR BASKETBALL BOUNCING



FIGURE 6.5 – NOISE CONTOUR PLOT FOR BASKETBALL HITTING BACKBOARD

We note that noise received at the neighbouring residences would be deemed compliant. It is also noted that the use of the basketball court would be intermittent and limit to the day period. From the noise modelling, noise received at the neighbouring residences from the playing of basketball would be deemed acceptable. However, to minimise noise received at residences to the west, it is recommended that a “low noise” backboard be installed.

6.3 MECHANICAL SERVICES

The main sources of mechanical services noise would be from the air conditioning systems. Noise received at neighbouring premises, and premises within the development, from these items need to comply with the assigned noise levels as determined under the *Environmental Protection (Noise) Regulations 1997*.

We note that for a school the vast majority of the mechanical services equipment would operate during the day period, therefore usage during the evening and night period would only be occasional (clarification, the school only operates during weekdays, there are no weekend or night time events). Calculations for other sources were based on the sound power levels used in the calculations are listed in Tables 6.5.

TABLE 6.5 – SOUND POWER LEVELS

Item	Sound Power Level, dB(A)
Block 1	2 @ 79
Block 2	2 @ 75
Block 3	3 @ 75

Noise emissions from the mechanical services could be tonal and a +5 dB(A) penalty would be applicable, as shown in Table 6.6. Noise emissions from both outdoor play and the mechanical services needs to comply with the assigned L_{A10} noise levels.

**TABLE 6.6 - ACOUSTIC MODELLING RESULTS FOR L_{A10} CRITERIA
MECHANICAL SERVICES**

Neighbouring Premises	Calculated Noise Level (dB(A))
North	40 (45)
East	38 (43)
South	30 (35)
West (10 Scott Road)	34 (39)
West (Rae Road)	41 (46)

() Includes +5 dB(A) penalty for tonality

Note : The above modelling includes 1.8m high visual / louvred screening to the condensing units for blocks 1 and 2.

Table 6.7 summarises the assessment of the calculated noise levels against the pertinent Assigned Noise Levels.

**TABLE 6.7 - ASSESSMENT OF L_{A10} NOISE LEVEL EMISSIONS
MECHANICAL SERVICES**

Neighbouring Premises	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L_{A10} Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
North	45	Day	46	Complies
East	43	Day	45	Complies
South	35	Day	45	Complies
West (10 Scott Rd)	39	Day	46	Complies
West (3 Rae Rd)	46	Day	48	Complies

For information, a noise contour plot for mechanical services is shown below, as Figure 6.7. The model was based on the mechanical services equipment located, as shown on the architectural plans.



FIGURE 6.7 – NOISE CONTOUR PLOT FOR MECHANICAL SERVICES

6.4 CAR DOORS

The car park would be considered as a road, thus noise relating to car movements would be exempt from the Regulations. However, the critical noise source associated with cars within the car park would be from door closing. Thus, noise from car doors closing within the car park has been assessed. We note that if car doors comply with the assigned noise levels then noise associated with car movements and cars starting would also comply with the assigned noise levels.

Calculations for other sources were based on the sound power levels used in the calculations are listed in Table 6.8.

TABLE 6.8 – SOUND POWER LEVELS

Item	Sound Power Level, dB(A)
Car Door	83

The resultant noise received at the neighbouring premises from the mechanical services are tabulated in Table 5.2.

Although unlikely, noise received at the neighbouring residences from car door closing could be impulsive and a +10 dB(A) penalty would be applicable, as shown in Table 6.9. Noise emissions from a car door closing needs to comply with the assigned $L_{A\text{Max}}$ noise levels.

**TABLE 6.9 - ACOUSTIC MODELLING RESULTS FOR L_{A10} CRITERIA
CAR DOOR**

Neighbouring Premises	Calculated Noise Level (dB(A))
North	36 [46]
East	43 [53]
South	50 [60]
West (10 Scott Road)	48 [58]
West (Rae Road)	40 [50]

[] Includes +10 dB(A) penalty for impulsiveness

Table 6.10 summarises the assessment of the calculated noise levels against the pertinent Assigned Noise Levels.

**TABLE 6.10- ASSESSMENT OF L_AMax NOISE LEVEL EMISSIONS
CAR DOOR**

Neighbouring Premises	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L _A Max Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
North	46	Day	66	Complies
East	53	Day	65	Complies
South	60	Day	65	Complies
West (10 Scott Rd)	58	Day	66	Complies
West (3 Rae Rd)	50	Day	68	Complies

For information, a generic noise contour plot for mechanical services car door is shown below, as Figure 6.8.



FIGURE 6.8 – NOISE CONTOUR PLOT FOR CAR DOOR

APPENDIX A

REGULATION 16 – COMMUNITY NOISE

Division 5 — Community activities

[Heading inserted: Gazette 5 Dec 2013 p. 5688.]

16. Community noise

- (1) In this regulation —

community noise means a noise of a type listed in Schedule 2;

noise control notice means a notice under subregulation (4).

- (2) Nothing in this regulation —

- (a) affects the application of regulations 5 and 15 and sections 79 to 81A of the Act; or
- (b) applies to noise emitted in accordance with an approval granted under regulation 18B or 18.

- (3) Regulation 7 does not apply to community noise.

- (4) If the CEO is satisfied that —

- (a) a type of community noise has increased, or has increased its effect on the environment, since the coming into operation of these regulations; or
- (b) a type of community noise has, or is likely to have, a detrimental effect on the environment that exceeds the benefit to the community of the activity that gives rise to that noise,

the CEO may cause to be served on the owner or the occupier, or on both the owner and the occupier, of the premises or public place a noise control notice in respect of the community noise.

- (5) A noise control notice —

- (a) is to specify the reason for which it is served; and
- (b) may include a requirement that any person bound by it is to take such measures as —
 - (i) the CEO considers necessary to control or abate the emission of noise to which the noise control notice relates; and
 - (ii) are specified in the noise control notice,within such period, or at such times, as are specified in the noise control notice; and
- (c) may include a direction that any person bound by it is to make one of the following applications, as specified in the direction —
 - (i) an application under regulation 17 for approval to allow the emission of noise to exceed or vary from the standard prescribed under regulation 7;
 - (ii) an application under regulation 18 for approval to conduct an event that is likely to result in the emission of noise in contravention of the standard prescribed under regulation 7.

- (6) The measures required under a noise control notice by the CEO may include a requirement that the person on whom a noise control notice is served is to prepare a noise management plan specifying —
 - (a) the levels of noise emissions specified in the notice from the premises; and
 - (b) strategies the person bound by the notice will adopt to manage the noise emissions.
- (7) A noise control notice, while it is in force, binds each owner or occupier on whom it is served.
- (8) If —
 - (a) a person bound by a noise control notice fails to comply with a requirement of the notice; or
 - (ba) a person bound by a noise control notice who has prepared a noise management plan under subregulation (6) —
 - (i) allows an emission of noise to exceed the level of noise emission specified in the plan; or
 - (ii) does not follow the strategies specified in the plan;or
 - (b) the Minister refuses to grant an application for approval made pursuant to a direction under subregulation (5)(c),
- then —
 - (c) the emission of noise to which the notice or refusal relates ceases to be community noise for the purposes of this regulation; and
 - (d) regulation 7 applies to that emission of noise.
- (9) The CEO may by written notice served on every person bound by a noise control notice revoke the notice or amend it —
 - (a) by extending the period within which a requirement contained in the notice is to be complied with if the CEO is satisfied that the circumstances of the case justify such an extension;
 - (b) by revoking or amending any requirement included in the notice.
- (10) The CEO, before exercising in respect of a person, the power of amendment under subregulation (9)(b), is to afford the person a reasonable opportunity to show cause in writing why that power should not be exercised in respect of that person.
- (11) An opportunity is not a reasonable opportunity within the meaning of subregulation (10) unless the relevant person is informed of the right to show cause under that subregulation not less than 21 days before the day on which the CEO exercises the power in question.
- (12) A person who is aggrieved by —
 - (a) a requirement under subregulation (5)(b) included in a noise control notice served on that person; or
 - (b) an amendment included in a notice served on that person under subregulation (9),

may within 14 days of that service lodge with the Minister an appeal in writing setting out the grounds of that appeal.

- (13) Sections 105 to 110 of the Act apply to an appeal lodged under subregulation (12) as if the appeal were an appeal referred to in section 103 of the Act.

[Regulation 16 amended: Gazette 5 Dec 2013 p. 5688-91.]

Schedule 2 – Community Noise

[r. 16]

[Heading inserted: Gazette 5 Dec 2013 p. 5716.]

Item	Activity
-------------	-----------------

- | | |
|----|--|
| 1. | Noise emitted by spectators at a sporting activity that is — <ul style="list-style-type: none">(a) arranged by a sporting organization; or(b) conducted at a sporting venue; or(c) advertised prior to the conduct of the event. |
| 2. | Noise emitted by participants and spectators at a meeting or procession authorised under a permit granted under the <i>Public Order in Streets Act 1984</i> . |
| 3. | Noise emitted from an assembly convened solely for the purpose of divine worship where — <ul style="list-style-type: none">(a) the noise is not noise of a kind referred to in regulation 15(2); and(b) the premises or public place on which the worship takes place is land which is referred to in section 6.26(2)(d), (e) or (f) of the <i>Local Government Act 1995</i>. |
| 4. | Noise emitted as a consequence of a recreational or educational activity from premises occupied for educational purposes if the activity — <ul style="list-style-type: none">(a) is conducted under the control of the occupier of the premises; and(b) does not include the use of mechanical equipment other than musical instruments. |
| 5. | Noise emitted from agricultural shows, fairs, fetes, exhibitions and like events. |

[Schedule 2 amended: Gazette 5 Dec 2013 p. 5716.]