State Planning Policy 5/10

Air, Noise and Hazardous Materials



Prepared by:

Environment Regulation

Department of Environment and Resource Management

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Explanatory statement

This state planning policy is made under Chapter 2, Part 4 of the *Integrated Planning Act 1997* and in accordance with section 775 of the *Sustainable Planning Act 2009*.

This state planning policy is a statutory instrument under section 2.4.1 of the *Integrated Planning Act 1997* and section 41 of the *Sustainable Planning Act 2009*.

Background

Industrial activities are important to the economy for the provision of goods and services that support transport, infrastructure and development, and the day-to-day materials for our homes and workplaces. Equally, industrial activities can cause impacts from air, noise and odour emissions, as well as hazardous materials.

The State of the Environment Queensland 2007 report states that air quality in Queensland remains in relatively good condition. However, some serious localised impacts from air and noise emissions are experienced due to adjacency of incompatible land uses. Exposure to unreasonable levels of air emissions can result in a range of health impacts including respiratory illness, lung cancer and asthma. Impacts from noise emissions can result in hearing impairment, interference with social behaviour and performance at school and work.

Queensland is experiencing significant population growth and will need to provide for an extra 5.8 to 7 million people by 2031 (Shaping Tomorrow's Queensland: A response to the Queensland Growth Management Summit). To support this growth, as well as Queensland's economy, industrial land uses will also need to grow. Good planning is critical to ensure that population growth can be sustained, while protecting the health, wellbeing and safety of communities, and the need for industrial development.

Existing management framework

The potential impacts of most industrial land uses, including the impacts from air, noise and odour are currently managed on a site-specific basis through the approval process under the Sustainable Planning Act 2009. This approval process includes assessment against the Environmental Protection (Air) Policy 2008 and the Environmental Protection (Noise) Policy 2008 under the Environmental Protection Act 1994. In addition, facilities that store hazardous materials are managed under the Dangerous Goods Safety Management Act 2001. This framework does not apply when:

- preparing planning instruments (e.g. a local planning scheme)
- assessing the impacts of sensitive land uses (like houses) that encroach on industrial land uses.

Planning instruments need to provide clear and strategic direction to manage the interaction between industrial and sensitive land uses. Where this direction has not been provided it results in a lack of transparency about where industrial land uses should be located, and what types of impacts sensitive land uses could be exposed to when encroaching on industrial areas. Practical implications of this include:

- sensitive land uses being exposed to levels of air, noise and odour emissions that may have an adverse impact on human health, wellbeing and amenity
- · sensitive land uses being exposed to potential impacts from hazardous materials
- lack of transparency about appropriate locations for industrial land uses
- unexpected development costs in retrofitting development to meet the required standards of health, wellbeing, amenity and safety
- · longer development assessment timeframes.

To more effectively address these issues within the planning framework, developing a complementary state planning policy is now the preferred option for dealing with this state interest. This state planning policy (the Policy) will ensure a more integrated decision making framework at the state, regional and local levels.

Purpose of the state planning policy

This Policy seeks to complement the existing management framework by providing a more strategic focus on the location and protection of industrial land uses. The direction in this Policy ultimately seeks to ensure that planning instruments provide strategic direction about:

- where industrial land uses should be located to protect communities and individuals from the impacts of air, noise and odour emissions, and the impacts from hazardous materials, and
- how land for industrial land uses will be protected from unreasonable encroachment by incompatible land uses.

Local planning instruments, structure plans and master plans

Local planning instruments, structure plans and master plans are prepared by local governments to manage growth and change in their local government area. Planning instruments outline land use patterns and development outcomes sought by the local government. These development outcomes must be consistent with the state's interests in the planning framework.

This Policy has a section on making or amending local planning instruments, structure plans and master plans. The Policy particularly focuses on the relationship and compatibility of zones and precincts for industrial and sensitive land uses.

Development assessment

The Integrated Development Assessment System is the process for assessing and deciding development applications at the property level. This process includes assessment against local planning instruments. Under the planning legislation, local governments are not required to immediately remake or review their local planning instruments upon commencement of a new state planning policy. Accordingly, this Policy has a section for specific development assessment decisions that applies only until a local government has reflected the intent of the Policy in their local planning instruments.

Regional Plans

This Policy is consistent with the following Regional Plans (current at the time of print) that endorse the adoption of land use policies which protect communities and the environment while ensuring the long term viability of industrial development in Queensland:

- South East Queensland Regional Plan
- Far North Queensland Regional Plan
- South West Regional Plan
- Maranoa-Balonne Regional Plan
- Central West Regional Plan
- North West Regional Plan.

This Policy will inform the overall policy direction for future regional plans.

1. Preliminary information

Policy outcome

- **1.1** The State Planning Policy 5/10 Air, Noise and Hazardous Materials (the Policy) seeks to ensure that local planning instruments, structure plans and master plans:
 - **a.** protect the health, wellbeing, amenity and safety of communities and individuals from the impacts of air, noise and odour emissions, and from the impacts of hazardous materials; and
 - **b.** strategically plan and manage the interface between land zoned for industry and land zoned for sensitive land uses to support and protect industrial land uses in appropriate locations.

Application of the Policy

- **1.2** The primary focus of the Policy is to provide direction for the preparation and amendment of local planning instruments, structure plans and master plans.
- 1.3 This Policy also provides direction for specific development assessment decisions under the Integrated Development Assessment System. This section applies only until the intent of the Policy has been reflected in the relevant local planning instrument, structure plan or master plan.
- 1.4 Nothing in this Policy prevents a local government from addressing the planning and management of the risks associated with air, noise, odour and hazardous materials in a way that is more stringent than required by the Policy.

Status of the Policy

- **1.5** The Policy is a statutory instrument under the *Integrated Planning Act 1997*, section 2.4.1 and under the *Sustainable Planning Act 2009*, section 41.
- **1.6** The State Planning Policy 5/10 Guideline: Air, Noise and Hazardous Materials (the SPP Guideline) provides advice about implementing the Policy, and is considered to be extrinsic material under the *Statutory Instruments Act 1992*.
- 1.7 Terms used in the Policy and SPP Guideline have the same meanings as defined under the Sustainable Planning Act 2009, the Queensland Planning Provisions, the Environmental Protection Act 1994 and the Dangerous Goods Safety Management Act 2001. Other terms used in the Policy are defined in the Glossary (Schedule 1).

Relationship to other state planning policies

- **1.8** The requirements of this Policy must be balanced with the requirements of other state planning policies when making or amending a local planning instrument, structure plan or master plan.
- **1.9** This Policy does not prevail over the requirements of any other state planning policy.
- **1.10** Where there is a conflict between this Policy and another state planning policy, an outcome that best achieves the purposes of both instruments should be sought.

2. Making or amending a local planning instrument, structure plan or master plan

Achieving the policy outcome through a local planning instrument, structure plan or master plan

- **2.1** A new or amended local planning instrument, structure plan or master plan must include planning strategies and measures aimed at achieving the Policy outcome.
- 2.2 Despite section 2.1 only a major amendment of a local planning instrument that involves an interface between zones for industrial and sensitive land use needs to include strategies and measures that achieve the Policy outcome.

Strategic framework

- 2.3 The strategies and measures required by section 2.1 must include addressing the policy outcome in the strategic framework of the local planning instrument, structure plan or master plan. This includes ensuring that:
 - **a.** industrial land uses (particularly uses for medium impact, high impact, extractive, and noxious and hazardous industry) are directed away from land uses that are sensitive or at risk from the impacts of industry
 - **b.** industry zones (particularly medium impact, high impact, extractive, and noxious and hazardous industry zones) are protected from encroachment by sensitive land uses
 - **c.** industrial land within a state development area, enterprise opportunity area or emerging major employment area in a regional plan, is protected from encroachment by sensitive land uses, and
 - **d.** intensive animal industries are directed away from urban areas and protected from encroachment by sensitive land uses.

Zones and precincts of zones-generally

- 2.4 The strategies and measures in section 2.1 must also ensure that:
 - a. the interface between zones (and precincts of zones) for industry and sensitive land uses are planned and managed to ensure a compatible interface. Schedule 2 of this Policy provides a planning methodology for achieving this with regard to the industry zones in the Queensland Planning Provisions.
 - **b.** sensitive land uses are not encouraged within industry zones, except where the sensitive land use supports the industrial nature of the area (e.g. ancillary uses such as offices, and education facilities that support industrial land uses such as trade training schools).

Zones and precincts-already developed areas

- **2.5** Despite section 2.4, when dealing with already developed areas, the local planning instrument, structure plan or master plan must encourage:
 - a more compatible interface between future industrial and sensitive land uses, including consideration of the planning methodology in Schedule 2 of this Policy
 - **b.** if after doing everything practical, the outcomes required in the planning methodology cannot be achieved, use an overlay or precinct to ensure that sensitive land uses are designed to mitigate emissions from surrounding industrial land uses
 - **c.** at a minimum, include in the overlay or precinct a development assessment code consistent with the principles in Schedule 3 of this Policy.

Guidance for transitioning areas

- As a result of social, environmental and economic issues, parts of a local government area may be transitioned from one predominant land use to another. This sometimes involves a transition from an industrial zone to a zone for sensitive land use and vice versa.
- **2.7** Where a transitional area includes medium impact, high impact, or noxious and hazardous industry, a local government should use a local area plan or overlay to:
 - a. provide a framework for managing the transition to ensure that any interface between industrial land uses and sensitive land uses are managed to minimise the impacts on human health, wellbeing, amenity and safety, and
 - **b.** require that the new development is undertaken in a way that is responsive to the existing development.

Interfaces between neighbouring councils

2.8 When developing strategies and measures in section 2.1, local government must consult with neighbouring councils where a proposed industry zone interfaces with a zone for sensitive land uses (and vice versa) in another local government area.

3. Development assessment

- **3.1** This section (including Schedules 4 and 5 of this Policy) applies only until a local government has reflected the intent of the Policy in their local planning instrument, structure plan or master plan.
- This section applies to development applications for sensitive land uses only, as the existing management framework under the *Environmental Protection Act 1994* and the *Dangerous Goods Safety Management Act 2001* already applies for assessing applications for certain industrial land uses.

Development to which the policy applies

- 3.3 The Policy applies to assessable development under Schedule 3, Part 1 of the *Sustainable Planning Regulation 2009*, a local planning instrument or a state planning regulatory provision:
 - **a.** if the proposed development is a reconfiguration of a lot, or a material change of use, for the purpose of a sensitive land use, and
 - **b.** if any part of the proposed development is situated in a management area in Schedule 5 of this Policy.

Achieving the Policy outcome through development assessment

- **3.4** Development to which the Policy applies, achieves the Policy outcome in section 1.1 if the following development outcomes are met:
 - **a.** the development can be designed to ensure it adequately protects human health, wellbeing and amenity from air, noise and odour emissions, and human safety from the impacts of hazardous materials, and
 - **b.** the development does not compromise existing or future industrial development, including industrial land within a state development area.
- 3.5 The code in Schedule 4 provides one way of demonstrating that the development achieves the Policy outcome.
- **3.6** Despite section 3.4, development that arises from a valid preliminary approval must, to the maximum extent practicable, seek to achieve the Policy outcome.

4. Sources of information and advice

- **4.1** The Department of Environment and Resource Management (DERM) can provide advice on implementing and interpreting this Policy and on reflecting this Policy in a planning instrument.
- **4.2** The Department of Infrastructure and Planning can provide advice on reflecting the Policy in a planning instrument and the operation of the Integrated Development Assessment System under the *Sustainable Planning Act 2009*. This includes the relationship between this Policy and state development areas.
- **4.3** Queensland Health can provide technical advice on reflecting the Policy in a planning instrument for high impact and noxious and hazardous industry.
- **4.4** The Department of Justice and Attorney General, (Hazardous Industries and Chemicals Branch within Workplace Health and Safety Queensland), can provide technical advice on reflecting the Policy in a planning instrument for high impact and noxious and hazardous industry.

Schedule 1-Glossary

Extractive industry has the same meaning as defined in the Queensland Planning Provisions.

Industrial land within a state development area means land set aside for industrial land use within a state development area declared under the State Development and Public Works Organisation Act 1971

High impact industry has the same meaning as defined in the Queensland Planning Provisions.

Low impact industry has the same meaning as defined in the Queensland Planning Provisions.

Management area means a mapped area listed in Schedule 5 of the Policy.

Medium impact industry has the same meaning as defined in the Queensland Planning Provisions.

Noxious and hazardous industry has the same meaning as defined in the Queensland Planning Provisions.

Sensitive land use means each of the following uses defined in the Queensland Planning Provisions:

- child care centre
- community care centre
- · community residence
- dual occupancy
- dwelling house
- educational establishment
- health care services
- hospital
- hostel
- multiple dwelling
- office
- relocatable home park
- residential care facility
- retirement facility
- short term accommodation
- tourist park.

Zones for sensitive land uses means:

- any residential or accommodation zone in the Queensland Planning Provisions
- any centres zone in the Queensland Planning Provisions, except where a precinct or overlay is used to make sensitive land uses impact assessable.

Schedule 2-Planning methodology

Principles

- 1. Land use zones (and precincts of zones) organise the local planning instrument, structure plan or master plan in a way that facilitates the location of compatible land uses. When preparing local planning instruments, structure plans and master plans, local governments must ensure that:
 - industry zones and zones for sensitive land uses are appropriately planned and located to manage the interface between these and vice versa, and
 - o this interface is managed to protect the health, wellbeing, amenity and safety of communities and individuals, and provide for the long term viability of industrial development.
- 2. In the case of existing industrial areas, it may not be possible to always achieve the requirements of this methodology. Where this is the case, an overlay or precinct must be used to ensure that those developing sensitive land use zones are aware of the possible impacts from nearby existing or future industry and of the requirements to manage any potential impacts.
- 3. Table 1 provides a framework for considering the location of Level 2 Industry Zones. The column 'Trigger for further investigation' provides a benchmark against which local government can determine whether further planning investigation is required about the location of industry zones and zones for sensitive land uses. The column "Planning investigations" provides examples of strategic planning investigations to determine the location of industry zones and zones for sensitive land uses.
- 4. Table 2 provides a framework for considering the location and management of Level 1 Industry Zones.

Table 1-Level 2 Industry Zones

Industry zones	Trigger for further investigation	Planning investigations
Level 2 Zones		
Low impact industry	Due to the minimal offsite impacts exhibited by low impact industries, low impact industry zones can interface with zones for sensitive land uses.	Nil required.
Medium impact industry High impact industry Noxious and hazardous industry	Due to the offsite impacts from medium impact, high impact, and noxious and hazardous industry, zones for these uses should not have a direct interface with zones for sensitive land uses and vice versa. Where medium impact, high impact and noxious and hazardous industry zones and zones for sensitive land uses are proposed to be located closer than the below trigger distances, one or more of the planning investigations must be used to demonstrate that the expected impacts from these industry zones have been adequately considered in the local context: • medium impact industry–250 metres • high impact industry–500 metres • noxious and hazardous industry–1500 metres.	Planning investigations include, but are not limited to, the following: community impact survey complaints analysis air, noise and odour assessments hazard and risk assessment any other investigation that a local government negotiates with DERM The appropriateness of each of these planning investigations will be dependent on the industry zone that is being investigated. For example, a community impact survey and complaints analysis would not be a sufficient level of investigation for a noxious and hazardous industry zone.

Compatible development must be encouraged between these industry zones and zones for sensitive land use.	Note: guidance about each of these planning investigations is provided in the SPP Guideline.

Table 2-Level 1 Zones

Industry zones	Trigger for further investigation	Planning investigations
Level 1 Zones		
Extractive industry	Extractive industry zones must be developed and protected in accordance with the process for setting out Key Resource Areas in the SPP 2/07 Protection of Extractive Resources and the Protection of Extractive Resources SPP Guideline. Where an extractive industry zone is proposed to be located in a manner different to the SPP 2/07 Protection of Extractive Resources one or more of the 'planning investigations' must be used.	Planning investigations include, but are not limited to, the following: complaints analysis air, noise and odour assessments. Any other investigation that a local government negotiates with DERM. Note: guidance about each of these investigations is provided in the SPP Guideline.
Industry Township	The purpose statements in the Queensland Planning Provisions for the Level 1 industry and township zones allow for a broad range of industrial land uses. Despite this, it is important that planning instruments do not simply permit industrial land uses in an 'ad hoc manner'. Where using these zones, the corresponding purpose statement, levels of assessment, code and/or precincts must include measures and strategies to ensure that: • industrial land uses (particularly medium impact, high impact and noxious and hazardous industry) are located and managed to protect the health, wellbeing, amenity and safety of communities and individuals from the impacts of air, noise and odour emissions and the impacts of hazardous materials • sensitive land uses are planned, located and developed in a way that is responsive to already approved industrial land uses.	Nil.

Schedule 3-Principles for development assessment codes

A development assessment code developed in accordance with section 2.5(c) of the Policy must be consistent with the following principles. If the following principles can not be met, development of the sensitive use would be inappropriate:

- 1. Sensitive land uses must be developed to achieve indoor noise objectives consistent with those set out in the *Environmental Protection (Noise) Policy 2008*. Development requirements to achieve the objectives may include:
 - o orientating sensitive land uses away from existing or future industrial noise sources
 - landscaping
 - setting back sensitive land uses from existing or future industrial noise sources
 - positioning buildings in the most appropriate geographic locations (e.g. placing bedrooms away from existing or future industrial noise sources)
 - o screening sensitive land uses from industrial noise sources.
- 2. Development of sensitive land uses must be developed to achieve the air quality objectives (AQO) in the *Environmental Protection (Air) Policy 2008*, and where an emission does not have an AQO, any relevant national or international standards (e.g. the World Health Organisation Guidelines for Air Quality 2000).

Schedule 4-Development assessment code

This is a code for development assessment for use in the Integrated Development Assessment System under the *Sustainable Planning Act 2009*.

This code applies to development outlined in section 3.3 of this Policy.

Development applications received, but not decided before this Policy took effect, are not subject to the requirements of this code.

Purpose of the code

The purpose of this code is to achieve the development outcomes set out in section 3.4 of the Policy.

Using the code

The code contains a purpose and a range of performance outcomes that development must achieve in order to comply with the code, and therefore, the Policy. These outcomes are linked to protecting the air and noise environmental values (particularly human health, wellbeing and amenity) described in the *Environmental Protection (Air) Policy 2008* and the *Environmental Protection (Noise) Policy 2008*, and protecting human safety as outlined in the *Dangerous Goods Safety Management Act 2001*.

Acceptable outcomes are provided for most performance outcomes and represent ways in which the relevant performance outcomes can be met. A development application that complies fully with all the acceptable outcomes will satisfy the relevant performance outcome. If an application does not comply with the acceptable outcomes, or if no acceptable outcome has been provided in the code, the application must demonstrate how it will meet the relevant performance outcome.

When determining whether an application meets the performance outcomes, the assessment manager must apply the precautionary principle. That is, the assessment manager must not use the lack of full scientific certainty as a reason for not imposing requirements or conditions to minimise potential adverse affects on human health, wellbeing, amenity and safety.

The onus lies with the applicant to demonstrate that a proposed development meets the performance outcomes of the code.

Performance outcomes (PO)		Acceptable outcomes (AO)	
PO1 Development must not compromise existing and future industrial land, including industrial	AO1.1	The use does not occur on land zoned or allocated for industry in a local planning instrument or regional plan.	
land in a state development area.	AO1.2	Land is not reconfigured to a size smaller than that allowed by the relevant local planning instrument, for an industrial area.	
PO2 Development must not result in sensitive land use being exposed to industrial air, noise and odour emissions that impact on human health, amenity and wellbeing.	AO2.1	 The use is designed to ensure that: the indoor noise objectives set out in the Environmental Protection (Noise) Policy 2008 are met the air quality objectives in the Environmental Protection (Air) Policy 2008, and any relevant national or international standard (for example, the World Health Organisation Guidelines for Air Quality 2000) are met. Design measures could include: landscaping setting back sensitive land uses from existing and future industrial noise sources positioning buildings in the most appropriate geographic locations (e.g. placing bedrooms away from existing and future industrial noise sources) 	

		 using barriers, mounds and fences screening sensitive land uses from industrial noise sources. Note: an air and/or noise impact assessment can be prepared by a suitably qualified professional to demonstrate compliance with acceptable outcome AO2.1. Refer to the SPP Guideline (Annexes 3 and 4) to see the minimum requirements for an air or noise impact assessment.
	AO2.2	Noxious and offensive odours are not experienced at the location of sensitive uses. Note: the Queensland Odour Impact Assessment Guideline provides a methodology for assessing odour impacts.
PO3 Development is not exposed to potential impacts from noxious and hazardous industry that will affect human health, wellbeing, amenity or human safety.	AO3.1	Note: no acceptable outcome is prescribed as each situation requires an individual approach. Refer to the SPP Guideline (Annexe 5) to see the minimum requirements for undertaking a hazard and risk assessment.

Schedule 5-Management areas

The management areas listed below are management areas for the purpose of Part 3 of the Policy–Development Assessment.

Management area	Local government area	Map code
Amberley/Purga	Ipswich City Council	D-MA-01
Bajool	Rockhampton Regional Council	D-MA-02
Bohle	Townsville Regional Council	D-MA-03
Brookhill	Townsville Regional Council	D-MA-04
Caloundra Business Park	Sunshine Coast Regional Council	D-MA-05
Charlton-Wellcamp	Toowoomba Regional Council	D-MA-06
Cleveland	Redland City Council	D-MA-07
Coolum	Sunshine Coast Regional Council	D-MA-08
Coomera Marine Precinct	Gold Coast City Council	D-MA-09
Cranley	Toowoomba Regional Council	D-MA-10
Dalby	Western Downs Regional Council	D-MA-11
Elimbah	Moreton Bay Regional Council	D-MA-12
Glanmire	Gympie Regional Council	D-MA-13
Helidon	Lockyer Valley Regional Council	D-MA-14
Kunda Park	Sunshine Coast Regional Council	D-MA-15
Laidley	Lockyer Valley Regional Council	D-MA-16
Lowood	Somerset Regional Council	D-MA-17
Maryborough	Fraser Coast Regional Council	D-MA-18
Mt Larcom	Gladstone Regional Council	D-MA-19
Narangba	Moreton Bay Regional Council	D-MA-20
Paget	Mackay Regional Council	D-MA-21
Swanbank	Ipswich City Council	D-MA-22
Wulkuraka	Ipswich City Council	D-MA-23
Yabulu	Townsville Regional Council	D-MA-24
Yandina	Sunshine Coast Regional Council	D-MA-25
Yarwun	Gladstone Regional Council	D-MA-26



















































