

EPA Information

The Environment Protection (Noise) Policy 2007 and its impact on existing and proposed developments

Issued June 2009

EPA 815/09: This information sheet explains in detail how the Environment Protection (Noise) Policy 2007 affects existing and future developments.

How is existing development affected by the introduction of the Environment Protection (Noise) Policy 2007?

The *Environment Protection (Noise) Policy 2007* (Noise Policy) came into effect on 31 March 2008. The Noise Policy does not apply to a noise if an environmental authorisation, environment protection order, or exemption relating to the noise applied to the noise immediately before the commencement of the Noise Policy and continues to apply to the noise. However, if there are no specific licence conditions relating to such noise sources, then the Noise Policy will apply. The Noise Policy also applies to noise sources from operations/activities that are not licensed under the EP Act.

Under the EP Act, the Environment Protection Authority (EPA) is required to have regard to any relevant environment protection policy (EPP), such as the Noise Policy, when renewing a licence. Therefore, where an existing licence contains conditions relating to noise sources, it will need to be re-assessed by the EPA at the time of renewal. Where the licence is not compliant with the Noise Policy, the licensee may be required to prepare and implement an environment improvement program that will move the operation progressively towards compliance with the Noise Policy over an acceptable timeframe.

Where the Noise Policy applies immediately to licensed or unlicensed operations/activities, the noise from a noise source needs to comply with the relevant 'indicative noise level' determined in accordance with the requirements of the Noise Policy.

The indicative noise level is determined by knowing what the relevant council's development plan promotes as the principal land uses in the area (or areas) where the noise source and noise affected premises are located. The following table contains indicative noise factors that apply in certain areas based on the principal land uses promoted within council development plans.

Table 1 Indicative noise factors for different land use categories

Land use category	Indicative noise factor Day (7 am–10 pm) dB(A)	Indicative noise factor Night (10 pm–7 am) dB(A)
Rural Living	47	40
Residential	52	45
Rural Industry	57	50
Light Industry	57	50
Commercial	62	55
General Industry	65	55
Special Industry	70	60

Where the noise source and the noise affected premises are located in different land use categories, the indicative noise level is the average of the indicative noise factors applying in each land use category as drawn from Table 1. For example, if the noise source is located in a General Industry land use category and noise affected premises is located in a Residential land use category, then the indicative noise level to be used for the night time period is $(55 + 45) \div 2 = 50$ dB(A).

In situations where the land use category for a noise source and noise affected premises are different and there is an intervening locality (ie an area designated as a different land use category) greater than 100 metres wide, then the indicative noise level is the one applying to the land use category where the noise affected premises is located (ie no averaging of indicative noise levels takes place). For example, if a noise source is located in a Commercial land use category and the noise affected premises is located in a Residential land use category but the two areas are separated by a 100 metres wide (or greater) Recreation Zone, then the applicable 'indicative noise level' is the one applying to a Residential land use category [ie 52 dB(A) day and 45 dB(A) night].

The noise from a noise source complies with the Noise Policy requirements if:

- it is not higher than 5 dB(A) above the background noise level as measured at the noise affected premises; or
- it does not exceed the relevant indicative noise level as measured at a noise affected premises.

If noise from a noise source does not comply with these criteria, the EPA or relevant local council (if it is the administering agency) can issue an environment protection order (EPO) under section 93 of the EP Act requiring the owner, occupier or operator of the noise source to undertake certain specified actions within a certain timeframe to achieve compliance. However, prior to determining whether it should take such enforcement action the EPA will consider a range of factors including the following:

- the amount by which the noise source exceeds the relevant target noise levels
- the level and nature of the ambient noise
- when the noise source occurs
- the number of people adversely impacted by the noise source
- when the noise source and noise affected premises were developed

- whether the current development plan provisions in the noise source and/or noise affected premises have been changed since the existing uses came into being
- any other relevant matter.

How does the Noise Policy affect proposed development?

Part 5 of the Noise Policy applies to the EPA's assessment of development applications referred to it under the *Development Act 1993* where the application includes a noise source. This part of the Noise Policy states that the noise level for a proposed development as predicted at any potential noise affected premises should not exceed the relevant indicative noise level less 5 dB(A) (refer to Table 1 and the method for determining indicative noise levels as described earlier). In addition, if the noise affected premises are situated in a Rural Living or Residential land use category, the predicted noise level from the proposed development should not exceed 52 dB(A) during the day and 45 dB(A) at night, or a maximum noise level of 60 dB(A) at night.

Determinations to be made by the EPA in relation to predicted noise levels associated with a proposed development will be based on documentation, information, calculations and technical details provided by the applicant for the development authorisation.

If the predicted noise level associated with a proposed development exceeds the relevant indicative noise levels less 5 dB(A), the EPA will have regard to the following matters before making appropriate recommendations to the planning authority:

- the amount by which the average and/or maximum noise levels are predicted to exceed the target noise levels
- the level and nature of the ambient noise
- when any excessive noise is likely to occur
- how many people are likely to be affected by the predicted noise
- the land uses in the vicinity of the noise source
- any other matter required to be taken into account under section 25 of the EP Act or determined to be relevant by the EPA.

Even though Part 5 of the Noise Policy applies only to the EPA's assessment of development applications where the application includes a noise source, the EPA strongly encourages all planning authorities to adopt the same policy approach when assessing development proposals with potential noise impacts. If planning authorities do not adopt this policy approach they run the risk of approving of development that may come into operation and be in contravention of the Noise Policy and the EP Act.

FURTHER INFORMATION***Legislation***

Legislation may be viewed on the internet at: <www.legislation.sa.gov.au>

Copies of legislation are available for purchase from:

Service SA Government Legislation Outlet	Telephone:	13 23 24
101 Grenfell Street	Fax:	(08) 8204 1909
Adelaide SA 5000	Internet:	< shop.service.sa.gov.au >

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