

ENVIRONMENT **ACT**

# NOISE

# ENVIRONMENT PROTECTION POLICY

November 1998



ACT GOVERNMENT

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## **1. Background**

This Noise Environment Protection Policy contains information and policies relating to the management of environmental noise in the ACT. It has been prepared by the Environment Management Authority (the EMA) in accordance with Part IV of the *Environment Protection Act 1997*.

The role of Environment Protection Policies (EPPs) and their relationship to the Act and the Regulations is explained in the General EPP. The General EPP also contains other material of relevance to this EPP such as policies on enforcement and access to monitoring data. The two EPPs should be read together.

### **1.1. Administration consistent with Objects of the Act**

Section 3 of the Act requires that the Act be construed and administered consistently with the Objects of the Act. This EPP should be read and applied to best give effect to the Objects of the Act.

### **1.2. Notes on Reading this EPP**

1. Where the EPP refers to a legal requirement, it will give the source of this requirement for reference.
2. Wherever a term is used that is defined in the Act or Regulations, it appears in **bold**. A term defined for the purposes of this EPP only, but not appearing in the Act or Regulations, is underlined.
3. Copies of documents cited in this EPP may be inspected at the following locations:

#### **Environment Protection Policies**

- Environment ACT  
Level 2, Macarthur House  
12 Wattle St  
Lyneham ACT 2602
- ACT Public Libraries
- Environment ACT Homepage:  
<http://www.act.gov.au/environ>

**NSW Noise Control Manual**

- Environment ACT, at the above address
4. Copies of documents cited in this EPP may be purchased at the following locations:

**Australian Standard 2436 (noise control measures for building sites)**

- Standards Australia  
Shop 5, Gallery Level  
The Boulevard, Canberra City  
Phone 02 6249 8990

**2. POLICY OBJECTIVES**

The objectives of the ACT Noise Policy are, within the limits of its applicability, to

deliver environmental noise levels which are consistent with the requirements and objects of the Act. The objects of the Act are set out in Section 3 of the Act and are of particular importance.

**3. COMPLIANCE WITH THIS EPP**

It is important to remember that EPP's are not legally binding - they are statements of policy, guidelines and explanations of legal requirements. If something is legally required, this EPP refers to the source legal document (usually the Act or Regulations). However, the guidelines have been developed to help people comply with the legal requirements of the Act and Regulations and the general environmental duty which requires that people take reasonable and responsible steps to minimise environmental harm.

The role of this EPP and its relationship to other EPP's, the Act and the Regulations is explained in the General EPP.

### **3. PRINCIPLES**

The Environmental Noise Environment Protection Policy has been developed in accordance with the

following principles that in the view of the EMA are derived from, or consistent with, the objects and provisions of the Act and Regulations:

- Regulatory limits on noise should reflect planning policies under the Territory Plan (promulgated under the *Land (Planning and Environment) Act 1991*).
- Regulatory controls should enable economically desirable or socially acceptable activities to take place provided that all reasonable steps consistent with the expectations of the overall community will be taken to minimise noise from such activities.
- The Noise Environment Protection Policy should maximise certainty for business and the community.
- Noise Regulations should not unnecessarily impact on regional (i.e. ACT and surrounding NSW) commerce.
- To the extent that noise generated in the ACT affects persons in NSW, the Act should be administered so as to deliver equivalent protection to residents of both jurisdictions.
- Regulatory intervention to control noise from an activity is only warranted where that noise is having an adverse impact on other people.

Consistent with the concept of shared responsibility in the objects of the Environment Protection Act, the EMA will encourage members of the community to resolve issues arising from **excessive noise** between themselves wherever possible. Where such a resolution cannot be achieved, the EMA will apply the provisions of the Act. These provisions include a number of discretions which the EMA will exercise according to the Guidelines in this Environment Protection Policy.

#### 4. APPLICATION

This Environment Protection Policy does not apply in the following situations:

- noise from sources shown in Table 4.1 below (these sources are excluded by section 8 of the Act);
- noise resulting from protecting life or property; preventing, minimising or remedying **environmental harm**; or maintaining an essential service (this noise is authorised by Regulation 28); and
- noise in the workplace, which is covered by the *Occupational Health & Safety Act 1989*.

Source	Applicable Legislation
Aircraft	<i>Commonwealth Air Services Act 1995</i> and <i>Air Navigation Act 1920</i>
A person using only his or her body	<i>Crimes Act 1900</i>
Animals	<i>Animal Nuisance Act 1975</i>
Motor vehicles being driven on a public street, unless the motor vehicle is participating in a reliability trial or speed test and has a permit issued under section 217 of the <i>Motor Traffic Act 1936</i> exempting it from the provisions of that Act.	<i>ACT Motor Traffic Act 1936</i>
Trains	n/a

Table 4.1 Activities not subject to this Environment Protection Policy

#### 5. POLICIES AND GUIDELINES

The legislation provides that **excessive noise** causes

**environmental harm** (Regulation 27) but that the EMA will only take action if an **affected occupier** complains about the **excessive noise** (Regulation 31).

## 5.1. Excessive Noise

Under the Regulations, the ACT is divided into **noise zones** based on land use policies defined by the Territory Plan. **Zone noise standards** apply to each zone. Except where otherwise permitted under the legislation, an activity emits **excessive noise** if that noise exceeds the **zone noise standard** at the **compliance location** set either by the Regulations, an **environmental authorisation** or an **approval**.

Certain activities which are either economically desirable or socially acceptable do not comply with **zone noise standards**. Such activities are permitted under the legislation as either permitted activities under the regulations or by conditions of an **environmental authorisation** or **approval**. In most cases, conditions are applied to restrict the adverse impact of the noise generated.

## 5.2. Affected occupier

In accordance with Regulation 31, the EMA will only take action in relation to **excessive noise** if an **affected occupier** lodges a complaint.

An **affected occupier** is the occupier of land which is being subjected to noise which exceeds the **zone noise standard** applying to that land. To be an **affected occupier**, a person must:

- in the case of leased or privately owned land, be the legal occupier of that land and the noise must originate from an activity being undertaken outside that land; or
- in the case of unleased or public land (excluding roads, footpaths and cycleways), be legally present on that land. The noise may originate from an activity being undertaken on or outside that land.

This definition of **affected occupier** excludes people who are in a position to control the activity causing the noise or who have other means available to them to address the problem. The following are not **affected occupiers**:

- The occupier of a parcel of land who is affected by noise from an activity being undertaken on that

parcel of land (because the occupier is in a position to control the activity).

- The occupier of a sole-occupancy unit in a multi-unit complex, such as a person living in an apartment block, who is affected by noise from common areas of the complex (because that person is, through the body corporate, in a position to control the activity). (Such people are, however, considered to be affected by noise from activities being undertaken in another unit in the complex).
- Any person who is, on private land but is not the legal occupier. Examples include:
  - customers on commercial premises, as they can ask the proprietor (who is the legal occupier) to take action or they can take their custom elsewhere; and
  - employees, who are protected by the provisions of the *Occupational Health & Safety Act 1989*.
- Any person on a road, footpath or cycleway, as they are in transit or can readily move elsewhere.

### **5.3. Zone Noise Standards**

Zone Noise Standards are the maximum level of noise which may be emitted by an activity, as measured at the **compliance location**. They are set in Table 1 of Schedule 2 of the Regulations.

#### **5.3.1. General Standards**

The ACT has been divided into seven **noise zones** which relate to land use policies under the Territory Plan. The standards set for each **noise zone** have been based on planning guidelines, Australian standards, interstate practice and noise monitoring data. The standards permit the highest noise levels in industrial areas and are most stringent in residential areas.

Each zone has a “day” standard and a “night” standard. The day standard applies between 7 am and 10 pm Monday to Saturday (8 am and 10 pm Sunday and Public Holidays). The night standard applies between 10 pm and 7 am Monday to Saturday (10 pm and 8 am Sunday and Public Holidays).

Somewhat different arrangements apply to areas with land uses classified as “Community Facilities,” “Municipal Services” or “Entertainment, Accommodation and Leisure” in the Territory Plan. A wide range of activities is catered for within these land use areas and the type of activity undertaken generally reflects the surrounding area. Thus, nightclubs may be found in an “Entertainment, Accommodation and Leisure” area adjoining a Town Centre while motels might be located in an “Entertainment, Accommodation and Leisure” area surrounded by residential areas.

To cater for the differences found within these land use areas, the zone standard is the same as that of the adjoining zone with the highest standard. Thus, for a nightclub in an “Entertainment, Accommodation and Leisure” area adjoining a Town Centre, the Town Centre standard would apply, enabling the nightclub to compete on equal terms, as far as noise requirements are concerned, with nightclubs in the Town Centre.

In the case of the motel surrounded by residential areas, the residential **zone noise standard** would apply.

Under certain circumstances, the standards are modified to provide equitable treatment to those involved. These circumstances are described below.

### **5.3.2. Standards for sole occupancy units (e.g. apartments)**

Unlike people living in free-standing houses, people who live in a unit (referred to in the Regulations as a **sole occupancy unit**) in a multi-unit apartment complex do not have the ability to control noise from activities in other **sole occupancy units** within the complex. To provide these occupants with protection from noise generated by other people living in the same apartment block, the noise generated by an activity in another unit must not exceed 5 dB(A) below the **zone noise standard** in their unit. This lower limit provides equity with people living in free-standing houses who can take certain actions (e.g. closing doors and windows) to reduce the noise from neighbours. The normal **zone noise standard** applies to noise generated outside the apartment’s lease.

Multi-unit non-residential complexes are treated in the same way as residential apartment buildings.

**5.3.3. Standards for blocks of land located adjacent to the border of a noise zone (or separated only by a road from another zone)**

The legislation recognises that occupiers of land which is at the boundary between two **noise zones** need to make allowances for the differing land use on the other side of the boundary. This is achieved by setting the standard at the boundary to the average, rounded up to the nearest dB(A), of standards applying to the two zones. Thus, for example, a shop located on a block of land bordering a residential area is expected to take more precautions than it otherwise would in order to reduce the noise reaching the residential area. Equally, a person living adjacent to a shop expects to be exposed to some increase in noise levels above the **zone noise standard** which applies in a purely residential area.

Averaging only applies to the boundary which is common to both zones. The normal zone noise limit applies to the other boundaries of the properties. Thus, in the example above, the shop owner would only need to take additional precautions to prevent **excessive noise** in the residential area. The normal commercial zone limit would apply with respect to his lease boundary with neighbours in the commercial area.

**5.3.4. Authorised or Approved Activities**

Noise standards which are different to those in the Regulations may apply to activities which are covered by an **environmental authorisation** or **approval** where the different standards are specified as conditions of the **environmental authorisation** or **approval**.

**Approvals**, which are granted under another law of the Territory to conduct an activity on public land, will only include conditions varying noise standards which are consistent with the goals and objects of the Act.

**Environmental authorisations** are covered in more detail in 5.6.2 of this Environment Protection Policy.

**5.3.5. Areas of NSW adjacent to the ACT**

While NSW residents and businesses are not subject to ACT legislation as far as their noise generating activities are concerned, they may be affected by noise

originating from the ACT. To provide them with protection from ACT noise, Schedule 2 of the Regulations establishes **noise zones** in NSW which are equivalent to those in the ACT and enables NSW residents to be recognised as “**affected occupiers**” under ACT legislation.

#### **5.4. Compliance Location**

The **compliance location** is the point at which noise from an activity must meet the applicable standard if it is not to be considered excessive. Regulation 25 specifies a core set of **compliance locations**. Under that regulation, an **environmental authorisation** or an **approval** may specify an alternative **compliance location**.

Changing the **compliance location** in an **environmental authorisation** or **approval** can have the effect of changing the noise level permitted.

Where such a **compliance location** is specified, this will be done applying the following general principles:

- the location should make it as easy as possible to measure the noise concerned; and
- in combination with the setting of the noise level permitted, the choice of **compliance location** should ensure that the overall noise authorised or approved is consistent with the provisions and objects of the Act and the Noise EPP.

Where the **compliance location** is not specified in an **environmental authorisation** or **approval**, the **compliance location** is 5 metres from the noise source for unleased land and is the lease boundary for leased land.

In the case of a **sole occupancy unit** in a multi-unit complex, there is an additional requirement that the noise not exceed 5 dB(A) below the **zone noise standard** in any other **sole occupancy unit** in the complex.

Where two **noise zones** are separated only by a road, the **compliance location** is the boundary of the **noise zone** with the lower **zone noise standard**.

Unless otherwise specified in an **environmental authorisation** or **approval**, measurements for determining compliance with the Act and Regulations are to be taken at a **compliance location** on, or as close as practicable to, a straight line between the source of the sound and the location where the sound is causing, or is likely to cause, **environmental harm**.

If such a location does not meet the requirements set in the **NSW Noise Control Manual**, the measurement should be taken at the location meeting these requirements and as near as practicable to the original location.

## **5.5. Permitted Activities**

Some every-day activities have the potential to generate noise above the relevant **zone noise standard**. Consistent with the objects of the Act, these activities are permitted under Regulation 29 provided certain conditions are met. These conditions, which are listed in Table 2 of Schedule 2 of the Regulations, may require steps to be taken to reduce the noise generated and/or restrict the times at which the activities can be undertaken.

Activities in this category are listed below.

### **5.5.1. Primary production or management of nature conservation areas.**

Some activities associated with primary production or management of nature conservation areas may generate noise above the **zone noise standard** (e.g. stump removal, earthworks for erosion control). To enable such activities to be undertaken, while ensuring protection of the community from undue disturbance, noise from these activities may only exceed the **zone noise standard** between 7 am and 10 pm Monday to Saturday and 8 am and 10 pm on Sunday and public holidays. Under Table 2, Schedule 2 of the regulations, it is a condition that equipment maintained and operated in accordance with manufacturer's specifications.

### **5.5.2. Building work**

Some noise during **building work** is inevitable. Measures can be taken to reduce the noise and these are described in Australian Standard AS 2436. Subject to time restrictions, noise from **building work**

is permitted to exceed the **zone noise standard** provided the work is carried out in accordance with AS 2436.

The time restrictions which apply to **building work** depend on the length and duration of the work:

- In industrial areas, Civic and Town Centres, noise from **building work** can only exceed the **zone noise standard** between 6 am and 8 pm.
- In other areas:
  - noise from work which takes less than 2 weeks to finish can only exceed the **zone noise standard** between 7 am and 8 pm Monday to Saturday and 8 am and 8 pm on Sunday and public holidays;
  - noise from work which takes longer than 2 weeks to finish can only exceed the **zone noise standard** between 7 am and 6 pm Monday to Saturday.

The period of two weeks applies to the duration of the entire project not to the duration of separate stages of the project.

These conditions have been established so that jobs which take less than two weeks can be finished as soon as possible. For jobs which take longer than 2 weeks, the aim is to prevent noise which exceeds the **zone noise standard** on Sundays and public holidays so that people living near the site have some respite from the noise made by the **building work**. The two week period applies to the duration of the entire construction program.

For jobs taking longer than 2 weeks, no noise exceeding the **zone noise standard** is permitted on any Sunday, including the first two Sundays of the period over which the job takes place.

### **5.5.3. Roadworks**

The construction and maintenance of roads is central to the economic and social well-being of the community. The Regulations restrict the times at which roadworks can take place to limit noise nuisance while not unduly affecting traffic.

No time restrictions are placed on the construction and maintenance of arterial roads to enable work to take place when traffic is light (Regulation 28). For non-arterial roads, the noise made during construction or maintenance may only exceed the **zone noise standard** between 7 am and 8 pm on Monday to Saturday and 8 am and 8 pm on Sunday and public holidays.

### **5.5.4. Garden maintenance or improvement.**

Some activities associated with garden maintenance or improvement cannot realistically be made to comply with **zone noise standards**. To limit the disturbance to neighbours, noise from these activities may only exceed the **zone noise standards** at certain times:

- In residential areas the **zone noise standard** may only be exceeded between 7 am and 8 pm Monday to Saturday and between 8 am and 8 pm on Sunday or public holidays.
- In any other area, the **zone noise standard** may only be exceeded between 7 am and 10 pm Monday to Saturday and 8 am and 8 pm on Sunday or public holidays.

Equipment used must be maintained and operated in accordance with any manufacturer's specifications.

### **5.5.5. Maintenance or repair work**

Maintenance and repair work, including minor construction work such as building pergolas and laying pavers, is part of day to day living. Some aspects of this work cannot realistically be made to comply with **zone noise standards**. To limit the disturbance caused by these activities, noise from the activities may only exceed the applicable noise standard between 7 am and 8 pm Monday to Saturday and 8 am and 8 pm on Sunday and public holidays.

This relaxation of the requirement to comply with the **zone noise standard** only applies to occasional work, not to home businesses or frequently used home workshops. Thus, in any 8 week period, noise from maintenance and repair work may not exceed the **zone noise standard** for more than 40 hours. For home businesses and frequently used home workshops where noise exceeds the **zone noise standard** for more than 40 hours in an 8-week period, noise attenuation measures will need to be taken to reduce noise levels to the **zone noise standard**.

Equipment used must be maintained and operated in accordance with any manufacturer's specifications.

#### **5.5.6. Warming up vehicle engines**

It may be necessary, particularly during cold weather, to warm the engine of a motor vehicle before it can be driven. Noise made by warming a motor vehicle engine may exceed the applicable zone standard for no more than 5 minutes unless the street vehicle's operating manual specifies a longer period. During warm-up vehicles must also comply with noise the requirements of the *Motor Traffic Act 1936*.

#### **5.5.7. Security alarms for motor vehicles or premises**

Security alarms meet an important community need but controls are needed to prevent them causing unacceptable disturbance to the community. Consistent with the policy of not fragmenting the regional market, security alarms operated in the ACT must meet the standards established by NSW legislation.

Standards for motor vehicle alarms can be found in the NSW Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995. Standards for security alarms for premises can be found in the NSW Noise Control (Miscellaneous Articles) Regulations 1995.

#### **5.5.8. Mobile vendors**

Consistent with the policy of not fragmenting the regional market, mobile vendors operating in the ACT must operate in accordance with the conditions specified in the **NSW Noise Control Manual**.

#### **5.5.9. New Year's Eve parties**

In recognition of the widespread community involvement in New Years Eve celebrations, **zone**

**noise standards** are relaxed between 6 pm on New Years Eve and 12.30 am on New Years Day. During this period, the applicable limits are:

- 60 dB(A) at the boundary of the land on which the party is held; or
- if the party is a street party, on the land adjoining the street.

People organising such parties are encouraged to discuss the planned party with their neighbours.

#### **5.5.10. Testing compliance with Zone Noise Standards**

Occasionally it may be necessary to test whether an activity complies with the legislation. Noise from such tests may exceed the **zone noise standard** for up to 2 hours in any one week provided the tests are completed in the minimum time necessary. Tests should, if possible, be undertaken between 7 am and 8 pm Monday to Saturday or 8 am and 8 pm on Sunday and public holidays. Where tests need to be made outside these hours, these may only be undertaken with the approval of the EMA. The EMA would generally only approve tests for compliance with night limits where the background noise during the day is so high that it prevents testing during the permitted times.

NOTE: The EMA does not provide a compliance testing service. Commercial acoustic consultants provide this service.

#### **5.5.11. Bells, gongs, drums, trumpets and other non-amplified noise making equipment being used for religious purposes.**

The use of bells, gongs, etc has long been an accepted part of some religious ceremonies. In some circumstances, a requirement that noise from these activities comply with the **zone noise standard** would place unreasonable limits on such ceremonies. To enable these religious ceremonies to take place while providing reasonable protection to neighbours, noise made by unamplified equipment (e.g. bells) used for religious purposes may exceed the **zone noise standard** between 7 am and 10 pm on Monday to Saturday and 8 am and 10 pm on Sunday and public holidays. Noise made for religious purposes from amplified equipment must comply with the **zone noise standard**.

#### **5.5.12.Noise from portable loudspeakers**

Some activities which take place on public land, such as sporting events and cultural festivals, involve the use of portable loud speakers. Noise from these loud speakers may be permitted to exceed the **zone noise standard** as part of an **approval** from a Government agency. An example might be an approval under the Roads Act and Public Places Act 1937 to hold a multi-cultural day in Civic Square.

Any **approval** to exceed the **zone noise standard** would not include times other than between 7 am and 8 pm Monday to Saturday and 8 am and 8 pm on Sunday and public holidays. Loudspeakers used on leased land must comply with the **zone noise standard** except where other requirements apply under an **environmental authorisation**.

#### **5.5.13.Commercial collection of waste from commercial premises**

The noise from waste collection can cause environmental harm or nuisance. The times at which residential waste collections take place is restricted under the contracts between the Government and the waste collection companies. Commercial waste collection is not subject to Government contracts and so is controlled by regulation. The regulation requires that commercial waste collection not exceed the **zone noise standard** except where it is being undertaken in accordance with a code of practice accredited under Part V of the Act. Commercial waste collectors are required to obtain either an **environmental authorisation** or an **environmental protection agreement** (Schedule 1 of the Act).

### **5.6. Environmental Management Instruments**

The Act creates a number of environmental management instruments. An explanation and general policies on the use of these instruments are described in the General EPP. The application of these instruments to activities with the potential to cause noise pollution is described below.

#### **5.6.1. Environmental protection agreements**

**Environmental protection agreements** are formal, but non-contractual agreements between the EMA and businesses (Part VII of the Act). Noise standards and

**compliance locations** cannot be varied under an agreement.

A person undertaking an activity listed as a Class B activity in Schedule 1 of the Act may enter into an agreement with the EMA as an alternative to obtaining an **environmental authorisation** (section 42 of the Act).

The commercial collection of waste from commercial premises is the only current Class B activity where an agreement (or authorisation if agreement cannot be reached) will be required to address noise issues. Table 2 of Schedule 2 of the Regulations permits commercial garbage collectors to exceed the **zone noise standard** provided the activity is conducted in accordance with an accredited code of practice. It is likely that agreements between the EMA and commercial garbage collectors will be based on the accredited code of practice, once the code is prepared and accredited.

The EMA encourages people undertaking activities which do not require an authorisation or agreement but where there is potential to cause excessive noise to enter into an agreement with the EMA to improve environmental performance.

Home businesses which generate noise are an example of an activity where an agreement can be beneficial. Activities such as furniture manufacture, panel beating and jewellery manufacture have the potential to cause considerable disturbance to neighbours when undertaken in residential areas. The regulations place restrictions on the noise from these activities (see 5.5.5 of this EPP). The adverse impact of noise from these activities can be further reduced, for example, by reaching an agreement with neighbours on the times at which the activity will be undertaken and by introducing noise attenuation measures. The EMA encourages agreements covering such arrangements.

#### **5.6.2. Environmental authorisations**

NOTE: Policies concerning conditions of the **environmental authorisations** for motorsports are being developed separately and will be released for public comment shortly.

**Environmental authorisations** are a form of licence to conduct an activity which has a significant potential to cause **environmental harm**. (Part VIII of the Act). Noise standards and **compliance locations** can be varied under an **environmental authorisation**.

A person undertaking an activity listed as a Class A activity in Schedule 1 of the Act is required to obtain an **environmental authorisation**. Activities listed as Class B activities in Schedule 1 of the Act require an **environmental authorisation** if an agreement is not reached with the EMA (section 42 of the Act).

Class A activities with a significant potential to generate noise pollution are outdoor concerts using amplified music at a venue capable of holding more than 2000 people and motor sports. An **environmental authorisation** can be obtained for a single event or for the conduct of the activity at the venue over time.

The commercial collection of waste from commercial premises is the only current Class B activity where noise is an issue. It is covered in section 5.6.1 of this EPP.

The EMA has the power to require a person undertaking or intending to undertake an activity, that is not a Class A or Class B activity, to obtain an **environmental authorisation** to undertake that activity (section 43 of the Act). The EMA may only require such an authorisation where **serious** or **material environmental harm** has occurred, is occurring or may occur.

The EMA would generally expect to exercise this power in relation to activities causing noise pollution in the following circumstances:

- a proposed activity is not currently undertaken in the ACT and is expected to generate considerable noise (e.g. a heliport);
- an activity is emitting **excessive noise** and is of net benefit to the community yet cannot readily be made to comply with noise standards.
- the person undertaking an activity has a continuing poor environmental record;

### 5.6.3. Environmental improvement plans

An environmental improvement plan is a formal plan under Part IX Division 1 of the Act to improve the environmental performance of an activity and achieve best environmental practice over time. The EMA may require a person to submit a plan or may accredit a plan voluntarily submitted. The EMA may only require a plan where **serious** or **material environmental harm** has occurred, is occurring or may occur.

With respect to activities which generate noise, the EMA will consider requiring an environmental improvement plan under the following circumstances:

- A person undertaking a Class A activity which is permitted under an **environmental authorisation** to emit noise in excess of the **zone noise standard** may be required to submit a plan which addresses steps to be taken to reduce or eliminate noise emissions in excess of the standard. A plan would not be required where the **excessive noise** complies with an activity-specific policy. Such policies will form schedules to this EPP and will be released separately for public comment..
- A person required by the EMA under Section 43 of the Act to obtain an **environmental authorisation** for an activity which is not a Class A or Class B activity may be required to submit a plan. Where the person has been required to obtain an **environmental authorisation** because of poor performance, it is very likely that the EMA will require an environment improvement plan will be obligatory.

### 5.6.4. Other environmental management instruments

Two other environmental management instruments which may be used to manage environmental noise are:

- an **environmental audit**, which is an assessment of an activity to identify causes of **environmental harm** or breaches of the Act and to determine the need for any change in management practices to reduce environmental impact (Part IX, Division 2 of the Act); and

- an **environment protection order**, which is an instrument issued by the EMA under section 125 of the Act where the EMA is satisfied that the person has breached the Act or an authorisation condition.

Any use of these instruments will be in accordance with the policies outlined in the General EPP.

The other environmental management instruments, **emergency plans** and **financial assurances**, are unlikely to be used in managing environmental noise.

6. **Measurement of Noise** When measuring noise, a number of factors, such as tonality, must be taken into account. To ensure consistency with NSW practice, and thus not adversely impact on regional commerce, Regulation 24 requires that noise measurement to determine compliance with the Act and Regulations be made in accordance with the **NSW Noise Control Manual**. Noise levels are to be measured as  $L_{10,T}$ , as defined in the **NSW Noise Control Manual**.
7. **Sale or Hire of Articles** To avoid unnecessary complications to regional commerce, the conditions for sale or hire of articles in the ACT have been aligned with the NSW requirements. Under Regulation 32, articles sold or hired in the ACT must meet the requirements for sale in NSW as set out in the New South Wales Noise Control Act 1975 or the regulations under that Act, namely the Noise Control (General) Regulation 1995, the Noise Control (Marine Vessels) Regulation 1995, the Noise Control (Miscellaneous Articles) Regulation 1995 and the Noise Control (Motor Vehicles and Motor Vehicle accessories) Regulation 1995.

## 8. Glossary Of Terms

The definitions of the terms listed in this Glossary are provided to assist in reading this EPP. For the formal legal definition of the terms marked with an asterisk (\*), refer to Section 4 of the Act and for those marked with a ♦, refer to Regulation 3.

<b>Term</b>	<b>Definition</b>
affected occupier ♦	the occupier of land, including or any person lawfully on unleased or public land, which is subject to excessive noise
approval ♦	a licence, lease, permit or other instrument under a law of the Territory authorising the conduct of an activity on specified public land
building work ♦	work which requires a permit under Part III of the <i>Building Act 1972</i>
compliance location ♦	the location at which noise from an activity must not be excessive
dB(A)	dB (decibel) is the logarithmic unit for sound measurement. dB(A) is a unit used for “A-weighted” sound pressure levels. The A-weighting is an adjustment made to approximate the frequency response of the human ear.
EMA*	Environment Management Authority - a statutory office established under Part II of the Act to administer the Act
emergency plan*	a plan to deal with the foreseeable but unplanned entry into the environment of unauthorised pollutants
environmental authorisation*	a form of licence to conduct an activity which has a significant potential to cause environmental harm
environmental harm*	any impact on the environment as a result of human activity that has the effect of degrading the environment (whether temporarily or permanently)
environmental protection agreement*	a formal, but non-contractual, agreement between the EMA and a business to give effect to the objects of the Act
environment protection order*	an instrument, issued by the EMA where the EMA is satisfied that a person has breached the Act or an authorisation condition, specifying that certain actions be or not be taken
EPP*	Environment Protection Policy
event	with respect to Motor Sports, “event” includes practice
event credit	a unit used in the motor sports policy to determine how many motor sports events under specified conditions can be held at a motor sports facility or facility cluster

**NOISE ENVIRONMENT PROTECTION POLICY**

excessive noise ♦	noise from an activity which exceeds the zone noise standard, or a different standard where that standard is specified in an environmental authorisation or approval, at the applicable compliance location
facility cluster	a group of motor sports facilities the noise from which impacts on the same residential area
financial assurance*	a financial assurance (e.g. bank guarantee, bond) provided to the EMA by an authorisation holder where there is a likelihood that action will be required to remedy environmental harm caused by the authorised activity
noise zone ♦	a parcel of land determine by land use policies in the Territory Plan to which a single zone noise standard applies. Table 1 of Schedule 2 of the Regulations defines noise zones
NSW Noise Control Manual ♦	the manual called the “Environmental Noise Control Manual” published by or on behalf of the NSW Environment Protection Agency, as varied and in effect for the time being
permitted activity	day to day activities which are permitted to exceed the zone noise standard subject to certain conditions, as specified in Table 2 of Schedule 2
sole occupancy unit ♦	a part of a building in respect of which a person has an exclusive right of occupation
zone noise standard ♦	the maximum level of noise as measured at the applicable compliance location which may be generated by an activity being undertaken in the relevant noise zone. Table 1 of Schedule 2 of the Regulations defines zone noise standards