

VICTORIA GOVERNMENT G A Z E T T E

No. S 43 Thursday 3 August 1989
By Authority Jean Gordon Government Printer Melbourne

SPECIAL

Environment Protection Act 1970
**STATE ENVIRONMENT PROTECTION
POLICY (CONTROL OF MUSIC NOISE
FROM PUBLIC PREMISES) No. N-2**

The Administrator in Council, under section 16 of the *Environment Protection Act 1970*, declares the following State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

Dated 18 July 1989

Responsible Minister:

T. W. ROPER

Minister for Planning and Environment

KATHY OUZOUNIS

Acting Clerk of the Executive Council

1. This Order may be cited as the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 referred to below as the policy, and shall come into operation upon publication in the *Government Gazette*.

2. For the purposes of section 17 (1) (a) of the Act, the element of the environment to which the policy applies is classified as sound.

3. This Order is divided into parts and schedules as follows:

Part I —Boundaries of Area Affected

Part II —Beneficial Uses Protected and Premises of Application

Part III —Environmental Quality Objectives and Environmental Quality Indicators

Part IV —Attainment Program

Part V —Definitions

SCHEDULE A—Operating Periods for Indoor Venues

SCHEDULE B—Assessment Procedures

4. Policy goal. The goal of this policy is to protect residents from levels of music noise that may affect the beneficial uses made of noise sensitive areas while recognising the community demand for a wide range of musical entertainment.

**PART I—BOUNDARIES OF AREA
AFFECTED**

5. The policy shall be observed within the State of Victoria.

**PART II—BENEFICIAL USES PROTECTED
AND PREMISES OF APPLICATION**

6. Beneficial uses of noise sensitive areas protected by this policy are:

for noise from indoor venues, the normal domestic and recreational activities and, in particular, sleep in the night period; and

(b) for noise from outdoor venues, normal conversation, and sleep after 11 p.m.

7. This policy shall apply to all public premises and protect beneficial uses of noise sensitive areas from music noise emitted from those premises.

8. In this policy the music noise assessed may include, in addition to noise from music sources, noise from human voices and activities within the premises that are associated with the music sources.

9. The policy does not prescribe noise limits for noise associated with the arrival and departure of people attending the premises. Nor does it prescribe noise limits for hearing conservation purposes within indoor or outdoor venues.

10. Compliance with the requirements of this policy shall be mandatory except in cases where music noise is emitted as a result of recognised religious observance.

**PART III—ENVIRONMENTAL QUALITY
OBJECTIVES AND INDICATORS**

11. The environmental quality objectives in this policy are noise limits.

12. The environmental quality indicator is the effective noise level.

13. The effective noise level shall not exceed noise limits prescribed in this policy.

Indoor Venues

14. The noise limits for indoor venues are:

(a) for the day/evening period, $L_{A90} + 5$ dB(A), except under the circumstance described in clause 24; and

(b) for the night period $L_{OCT90} + 8$ dB.

where the day/evening and night periods are defined in schedule A and L_{A90} and L_{OCT90} measure the background level and are measured in accordance with schedule B.

15. Notwithstanding clause 14, where the noise limit for an indoor venue for the day/evening or night periods is calculated to be less than the respective base noise limit specified in schedule B3 then the noise limit shall be the base noise limit.

16. The effective noise level for indoor venues is:

- (a) for the day/evening period, the L_{Aeq} measured in dB(A); and
- (b) for the night period, the L_{OCT10} measured in dB.

Outdoor Venues

17. The noise limit for outdoor venues is 65 dB(A) when the measurement point is located outdoors and 55 dB(A) when located indoors.

18. The effective noise level for outdoor venues is the L_{Aeq} measured in dB(A).

PART IV—ATTAINMENT PROGRAM

General Provisions

19. The objectives of this policy shall be attained and maintained by the control of noise emissions through the noise control notice, minor works noise control notice and works notification provisions of the Act.

20. Where the level of music noise from indoor or outdoor venues exceeds the noise limit, steps shall be taken by the occupier to reduce those levels to, or below, the noise limit.

21. Where the level of music noise from indoor or outdoor venues exceeds a derived noise limit specified at a derived point, steps shall be taken by the occupier to reduce those levels to, or below, the derived noise limit.

22. The Authority may require the occupier of a public premises to provide monitoring equipment and carry out a monitoring program.

23. More stringent conditions than generally prescribed by this policy may be imposed if local conditions warrant or previous operations have not complied with policy requirements.

Indoor Venues

24. Where the Authority is satisfied that an indoor venue will have no more than 10 operations per year it may increase the noise limit for the day/evening period, prescribed in clause 14 (a), by 3 dB.

25. To ensure attainment of policy goals, the Authority may set limits upon the frequency or duration of operations of premises which are unlikely to otherwise achieve prescribed noise limits.

Outdoor Venues

26. Where outdoor musical entertainment is conducted from temporary buildings or structures on reserved land including road reservations, public open space, parks, foreshore reserves, or land of a similar nature, the emission of music noise should comply with guidelines to be issued by the Authority.

27. Operating times:

- (a) An operation of an outdoor venue may only take place between the hours 12 noon and 11 p.m., except where the duration of the operation is greater than five hours, in which case the operation may take place only between the hours 12 noon and 10 p.m.
- (b) Notwithstanding clause (a), the Authority may allow later operations where it is satisfied that music from the premises will be inaudible within all noise sensitive areas, or where it is satisfied that the proposed operation is: a non-profit event, for charitable purposes, or is of special social significance.

28. Where a noise control notice or minor works noise control notice has been served on the occupier of an outdoor venue, the occupier shall make any concert promoter using the premises aware of the contents of any such notice before the promoter conducts any concert on the premises.

29. No more than six concerts may be conducted at an outdoor venue in a financial year unless clause 30 applies.

Extra Concerts

30. The Authority may allow the occupier of an outdoor venue to conduct more than six concerts in a financial year where:

- (a) an application in writing to the Authority is made by the occupier at least 45 days before the first concert to which the application refers;
- (b) the application referred to in clause (a) specifies the days on which the extra concerts are sought;
- (c) an abatement plan, approved by the Authority, has been implemented by the occupier; and
- (d) the applicant has obtained the written advice of the local municipality and submitted it to the Authority.

31. The abatement plan referred to in clause 30 (c) should specify conditions that the occupier will require all concert promoters to comply with. In particular, the plan should address the need for limitations on stage orientation, speaker height, arrangement and orientation, noise barriers, noise reduction at source, and the type of entertainment act.

32. In deciding whether to allow extra concerts, the Authority shall take into account the number of concerts in the previous year, the effective noise levels of concerts in the previous year, the number of complaints received about concerts in the previous year, the measures which are proposed to limit noise emissions from the premises for the extra concerts and any other matters that appear to be relevant.

33. In particular, the Authority shall not allow more than six concerts in a financial year where:

- (a) the effective noise level, contained in a self-monitoring report or measured by the Authority, of any concert in the previous year exceeded the noise limit by more than 3 dB at any measurement point in a noise sensitive area;
- (b) the effective noise level, contained in a self-monitoring report or measured by the Authority, exceeded 62 dB(A) (or 52 dB(A) if measured indoors) for more than four concerts in the previous year at any measurement point in a noise sensitive area; or
- (c) the Authority is not satisfied that all of the extra concerts will meet the noise limit.

34. After a decision has been made by the Authority concerning an application for more than six concerts in a financial year, the Authority shall serve a variation of noise control notice either permitting or refusing the extra concerts in that financial year.

The notice of variation shall be issued within 14 days of the receipt of an application and shall specify the reasons for allowing or disallowing extra concerts on the premises.

PART V—DEFINITIONS

35. In this Order, unless inconsistent with the context or subject matter:

"The Act" means the *Environment Protection Act 1970* (No. 8056).

"A-weighted" means frequency-weighted as specified in Australian Standard 1259-1982—*Sound Level Meters*, published by the Standards Association of Australia.

"Authority" means the Environment Protection Authority constituted under the Act.

"Authorised officer" means an authorised officer appointed under the Act.

"Background level" means the noise level of the aggregate of sounds received at a specified measurement point in the absence of contributions of music noise, measured as L_{A90} or L_{OCT90} according to the procedures in schedule B.

"Beneficial use" means a use of the environment or any element or segment of the environment which is conducive to public benefit, welfare, safety or health and which requires protection from the effects of noise.

"Concert" means any operation of an outdoor venue where the effective noise level exceeds 55 dB(A) (or 45 dB(A) if measured indoors) at any measurement point in a noise sensitive area.

"C-weighted" means frequency-weighted as specified in Australian Standard 1259-1982—*Sound Level Meters*, published by the Standards Association of Australia.

"Derived noise limit" means the maximum effective noise level allowed at a derived point.

"Derived point" means a point specified by an authorised officer to be used as a substitute measurement point to facilitate the assessment of music noise in a noise sensitive area.

"Duration of operation" means, with respect to outdoor venues, the time interval between the start and finish of the musical entertainment on a day.

"Effective noise level" means the level of music noise from a premises measured in a noise sensitive area or at a derived point.

"Extraneous noise" means noise which is not part of, or associated with, music noise from the premises controlled by this policy and includes, but is not restricted to, the effects of wind on vegetation and on the microphone diaphragm and noise from motor vehicles, aircraft, trains, trams, animals and sustained applause.

"F" means the time-weighting characteristic of a sound level meter as specified in Australian Standard 1259-1982—*Sound Level Meters*, published by the Standards Association of Australia.

"Habitable room" means a room other than a kitchen, storage area, bathroom, laundry, toilet or pantry.

"Indoor venue" means a public premises with facility for music to be played indoors and includes, but is not restricted to, the following—hotel, cabaret, night club, discotheque, reception centre, skating rink, restaurant, cafe, health and fitness centre, recording and rehearsal studio, theatre, amusement park, amusement parlour, retail store, shop, public hall or club.

" L_{Aeq} " means equivalent continuous A-weighted sound pressure level and is the value of the A-weighted sound pressure level of a continuous steady sound that has the same acoustic energy as a given time-varying A-weighted sound pressure level when determined over the same measurement time interval.

" L_{A90} " means the A-weighted sound pressure level that is exceeded for 90 per cent of the time interval considered.

" L_{OCT10} " means the C-weighted or Linear sound pressure level for a specified octave band that is exceeded for 10 per cent of the time interval considered.

" L_{OCT90} " means the C-weighted or Linear sound pressure level for a specified octave band that is exceeded for 90 per cent of the time interval considered.

"Linear" means the sound pressure level when no frequency weighting is applied.

"Measurement point" means a point at which the microphone is located to measure the effective noise level or the background level.

"Music" means any combination of sounds produced by the playing of a musical instrument, by singing, recitation or dancing, or the reproduction of these.

"Music noise" means music and associated contemporaneous sounds heard in a noise sensitive area.

"Noise limit" means the maximum effective noise level allowed at a measurement point in a noise sensitive area.

"Noise sensitive area" means

- (a) that part of the land within the apparent boundaries of any piece of land which is within a distance of 10 metres outside the external walls of any of the following buildings:
 - Dwelling (except Caretaker's House)
 - Residential Building

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- (b) that part of the land within the apparent boundaries of any piece of land on which is situated any of the following buildings which is within a distance of 10 metres outside the external walls of any dormitory, ward or bedroom of such buildings:

Caretaker's House
Hospital
Hotel
Institutional Home
Motel
Reformatory Institution
Tourist Establishment
Work Release Hostel

"Operating period" means, with reference to indoor venues, the day/evening period or night period, as appropriate, designated in schedule A.

"Operation" means music noise emissions from a premises occurring in a 24 hour period.

"Outdoor venue" means a public premises, not being an indoor venue, where music is played in the open air.

"Previous year" means, with respect to outdoor venues, the period of one year before the date of receipt of an application for more than six concerts in a financial year.

"Public premises" means any premises which is not used exclusively for domestic purposes.

"S" means the time-weighting characteristic of a sound level meter as specified in Australian Standard 1259-1982—Sound Level Meters, published by the Standards Associations of Australia.

"Self-monitoring report" means a report provided to the Authority by the occupier of an indoor venue or an outdoor venue containing details of noise measurements and other information, as specified in a noise control notice.

SCHEDULE A OPERATING PERIODS FOR INDOOR VENUES

The table below defines the times for the day/evening and night operating periods for indoor venues. The times vary according to the number of operations per week and the day of the week on which an operation occurs. The operating periods for the day preceding a public holiday shall be the same as for a Saturday.

NUMBER OF OPERATIONS PER WEEK	HOUR DAY	A.M.												P.M.												
		12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12
One	Friday																									
	Saturday																									
	Sunday																									
	Other																									
Two or three	Thursday																									
	Friday																									
	Saturday																									
	Sunday																									
More than three	Other																									
	Saturday																									
	Sunday																									
	Other																									
		12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12
		Operating Periods																								
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- (b) Where a derived point has been specified, a derived noise limit shall be determined at that point. The derived noise limit shall be such that compliance with this limit will ensure that the noise received at the measurement point in the noise sensitive area does not exceed the noise limit prescribed there.
- (c) Where two or more premises contribute to the effective noise level in a noise sensitive area, derived noise limits may be set so that the contributions from each of the premises, when combined together, will meet the noise limit at the noise sensitive area.
- (d) In setting a derived noise limit, the authorised officer shall have regard to the sound paths to the noise sensitive area and the derived point, and other factors which may effect the propagation of sound.

B3. Assessment Specific to Indoor Venues

1. Day/evening period

- (a) The effective noise level for the day/evening period shall be determined as an L_{Aeq} .
- (b) The base noise limit for the day/evening period is 32 dB(A).

2. Night period

- (a) The measurement point shall be either directly outside or inside a habitable room normally used for the purpose of sleeping.
- (b) The effective noise level for the night period shall be determined as L_{OCT10} values of selected octave bands from the range of octave bands with centre frequencies 63 Hz, 125 Hz, 250 Hz, 500

Hz, 1 kHz, 2 kHz and 4 kHz. The octave bands selected shall be those for which the music noise contributes significantly to the octave band sound pressure level. Measurements shall only be taken when the selected octave band level correlates with the music noise.

- (c) The base noise limits for the night period are specified in the table below.

Frequency (Hz)	63	125	250	500	1k	2k	4k
Base noise limit (dB)	40	30	20	20	15	10	10

3. Background level

- (a) The background level shall be the L_{A90} level, for the day/evening period, and the L_{OCT90} level, for the night period, that represents the background level at the time when the effective noise level was measured.
- (b) The background level shall be measured within the noise sensitive area or at another point where the background level is representative of the background level occurring within the noise sensitive area.
- (c) The background level determined at the time of assessment of a premises may have contributions from noise sources that require reduction. In this case the appropriate noise limits for the music noise shall be re-determined from the background level when noise limits for these other sources are achieved.

4. Derived point

In addition to the circumstances in clause B2. 3 (a) of this schedule, a derived point may be specified for indoor venues where weather conditions affect transmission of noise to the noise sensitive area.

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