



Acoustics

and unreasonable noise

FACT SHEET

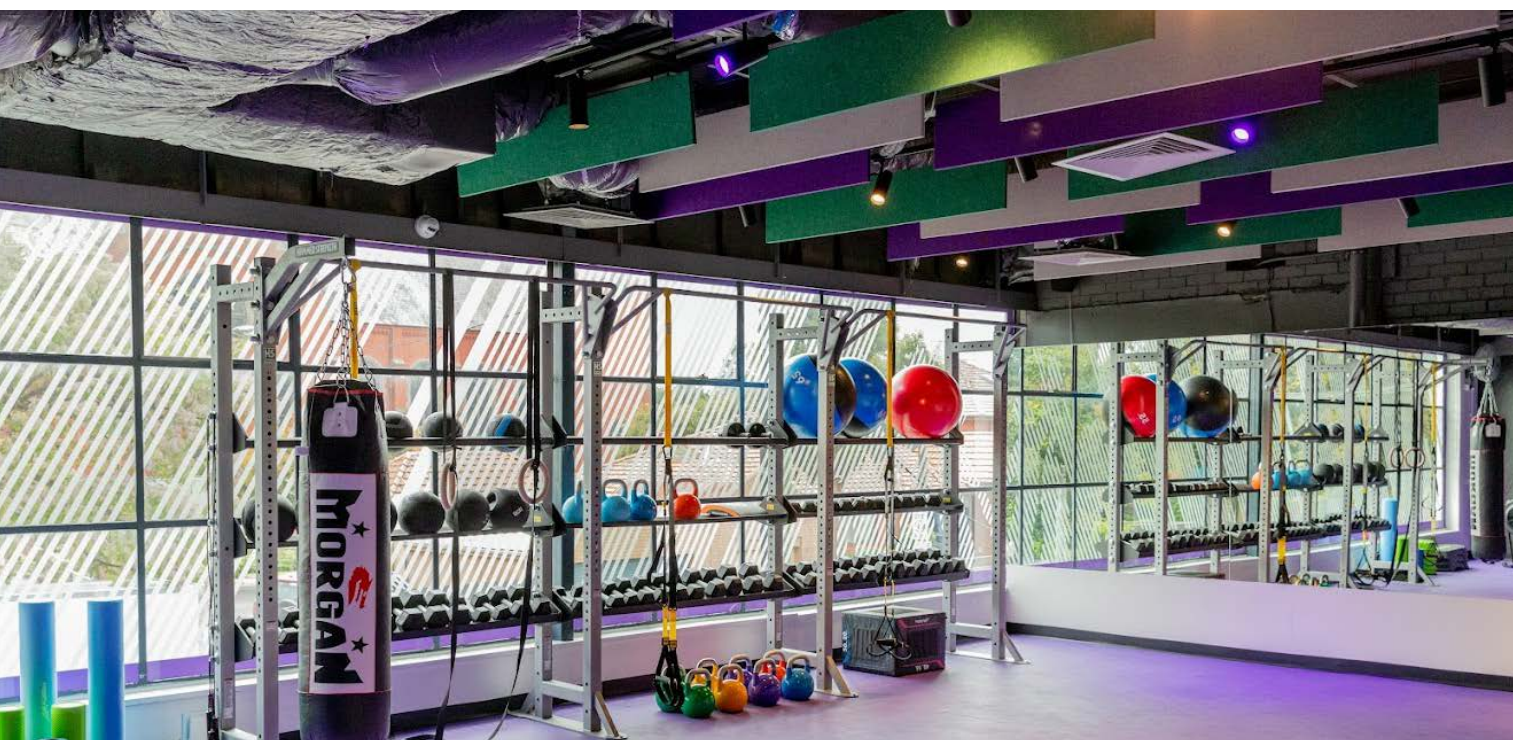
This fact sheet is will help you understand planning application requirements relating to noise control, as well as your ongoing responsibilities relating to the noise impacts of your business.

What is considered to be unreasonable noise?

Unreasonable noise is considered excessive that might cause annoyance or harm to people. While everyone's tolerances to noise are different, there are acceptable standards to which unreasonable noise can be determined, including statutory noise controls implemented by law.

Whether noise is unreasonable will also depend on a number of factors including but not limited to:

- If it is too loud
- If it occurs at a sensitive time of the day
- If it continues for a long period or occurs regularly
- If it has a particularly annoying character, such as having pronounced tones or frequencies
- The context in which the noise occurs, including whether somebody is already exposed to other similar noise
- Noise limits or targets for the area, including restrictions under the local planning schemes and laws



Measuring Noise

Noise can be measured using equipment called a Sound Level Meter. If your building hasn't been built yet, there are noise modelling tools that can assess how noisy it may be.

Noise is assessed using the decibel scale, abbreviated as 'dB', which describes how loud something is.

Measuring the impact of noise normally involves the comparison of background environmental noise (i.e. the noise that would occur without the commercial operation) against the noise emitted by the proposed operation. From this, it can be determined whether noise from a business will be unreasonable at a particular location.



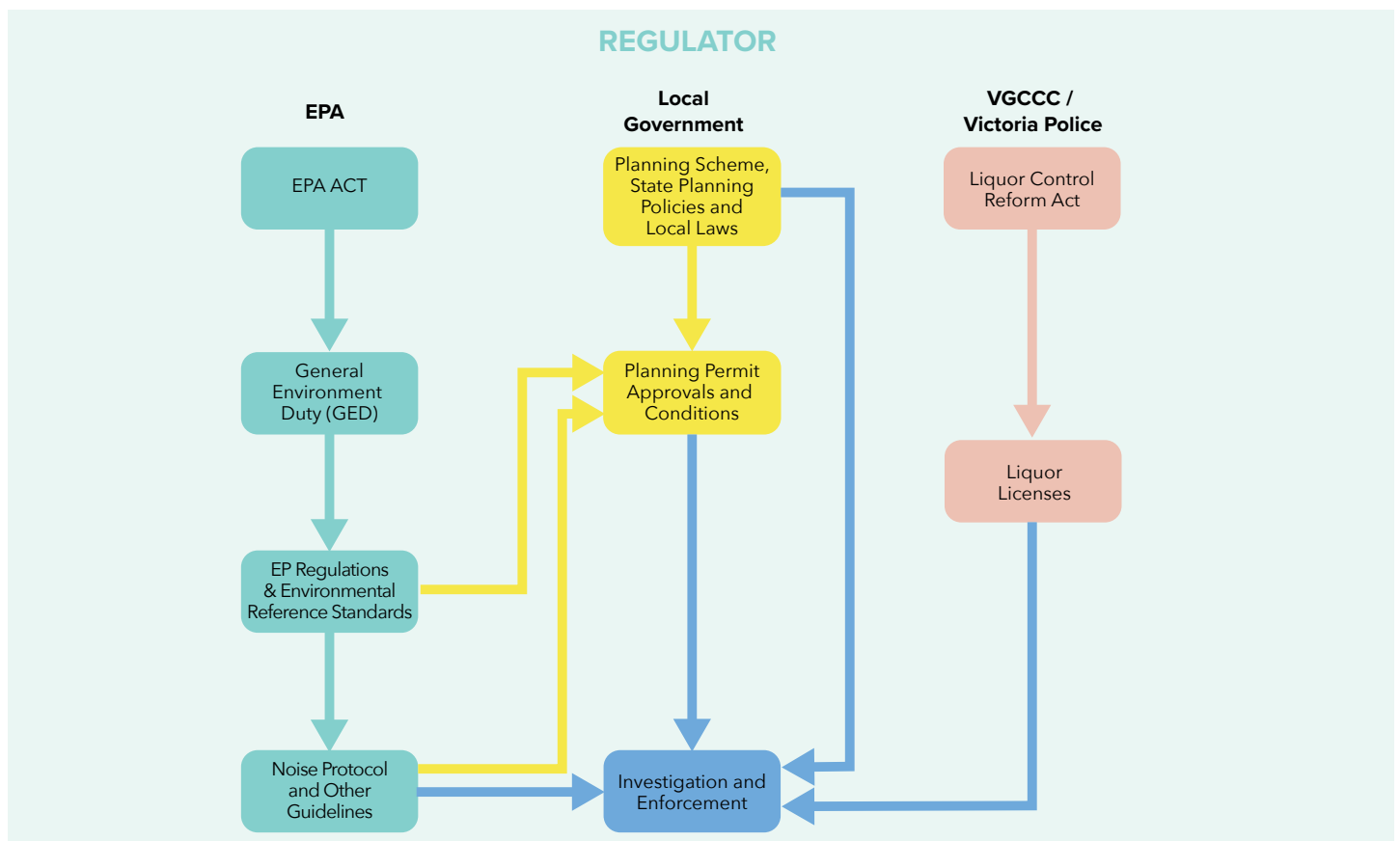
Sound Level Meter

Who has the authority to make decisions around noise?

Depending on the noise source and type of premises operation, noise emissions can be enforced by several authorities including:

- Council
- Environment Protection Authority (EPA)
- Victoria Police
- Victorian Gambling and Casino Control Commission (VGCCC)

Applications for a planning permit may be referred to the EPA as a referral authority, which may provide comments or recommended conditions should a permit be approved by Council. The EPA may also recommend that a planning application is rejected on the basis of noise impacts. The EPA retains powers to enforce noise controls directly under the [Environmental Protection Act 2017](#) (EP Act), regardless of the planning permit.



What are my responsibilities around noise?

All Victorians have an obligation to manage and control noise impacts.

For business owners or permit applicants this can mean:

- Controlling intrusive noise impacts
- Implementing satisfactory controls through planning applications, new designs and approvals.

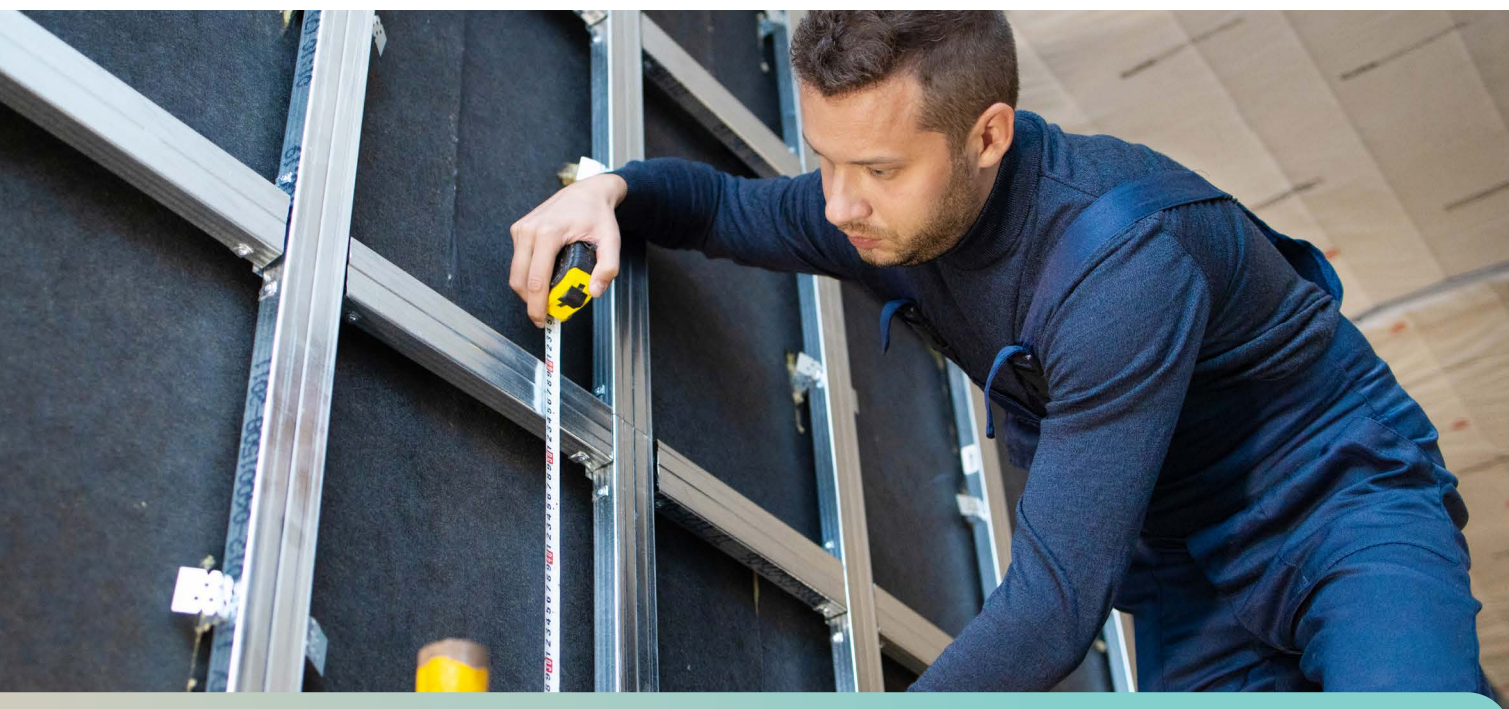
When considering the noise impacts of your business, remember that the onus of controlling noise is generally placed on the noise emitter (e.g. business, industry, etc). Before seeking professional advice, consider the following:

- Do not assume that you are necessarily protected by the zone in which your business operates. There are often sensitive land uses (including dwellings) in non-residential areas or at the boundaries of non-sensitive zones.
- Do not assume that a lack of noise complaints means you're being compliant with the noise standards
- Be aware that an established use can sometimes be encroached upon by noise sensitive uses, which may change the status quo of your business operation. While strategic planning aims to prevent these conflicts from occurring, do not assume that an established use always has right of way with regard to how much noise can be emitted.
- Do not assume that noise amenity is limited to a specific location, like inside your neighbours' house and not their garden. Most noise standards primarily target what is considered reasonable outside of a noise-sensitive premises.

Know your neighbours.

A common misconception is that businesses within a commercial or other non-residential zone do not have the same responsibility of managing noise. Sensitive uses can occur within non-sensitive zoning and commonly occurs at the boundary of non-sensitive zoning.

As a starting point, you should be aware and identify, where possible, all likely sensitive uses that surround your premises, including dwellings within non-residential zoning. You should also be aware that surrounding land uses change over time.



What happens during the planning permit process?

With regard to noise, the following steps are likely to occur during the application and approval process:

Before a permit is granted, Council may request further information to be provided in support of the application, including a noise assessment.

Council will determine whether a planning permit is granted for the proposed use, which may include specific conditions to mitigate noise impacts.

You should respond to all requests for further information and/or specific permit controls clearly and directly. Be specific – broader responses on acoustic impacts may be deemed insufficient.

If a permit is granted by Council and requires an acoustic assessment, you must go ahead with this assessment and it must be endorsed under the permit.

If your plans need to be amended, they must be consistent with the recommendations contained in the acoustic report before they can be endorsed.

What happens after I get a planning permit?

At any time during the operation of the business, Council may carry out compliance investigations via planning compliance, environmental and health departments within Council. The EPA and other authorities also have powers to carry out investigations on excessive noise and may provide orders separate to Council.

If you are notified of a non-compliance, you will be directed to carry out an acoustic assessment and demonstrate compliance, and may be subject to further penalties if you do not comply.

How do I control my noise levels?

Often the simplest way is by limiting the hours of operation so you're not being too noisy while people are trying to sleep.

When this is too limiting to your business, or you are making too much noise during the day, you may consider using things like:

- Acoustic barriers, screening and fencing
- Treatments to facades, doors and glazing
- Electronic controls for amplification (e.g. limiting how high speakers can be turned up)

What to expect after you submit your planning application

After your application is lodged with Council, it may be reviewed to determine if:

- Everything is satisfactory
- Further information is needed
- Conditions need to be added to your permit

You are also usually required to advertise your application so the community can respond. Concerns around noise impacts often arise and Council will consider these when making its decision.

If a permit is approved, certain conditions may be included, such as limiting operating hours to specific times. Council carries out investigations to ensure these are adhered to.

Engaging a specialist

Assessing noise impact is a technical task that can be quantified and typically requires specific expertise. You should engage a suitably qualified acoustic consultant to ensure you are getting the correct advice for your specific situation.

Further reading:

- Environmental Protection Act (<https://www.legislation.vic.gov.au/in-force/acts/environment-protection-act-2017/004>)
- Environmental Protection Regulations (<https://www.legislation.vic.gov.au/as-made/statutory-rules/environment-protection-regulations-2021>)
- EPA Publication 1826 – Noise Protocol (<https://www.epa.vic.gov.au/about-epa/publications/1826-4>)
- General Environmental Duty (<https://www.epa.vic.gov.au/for-business/find-a-topic/environment-protection-laws-and-regulations/implementing-the-general-environmental-duty---a-guide-for-licence-holders>)
- Public Health & Wellbeing Act (<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/056>)