

Environment Protection Policy (Noise) 2009

ENVIRONMENT PROTECTION POLICY (NOISE) 2009

Environment Division
Department of Environment, Parks, Heritage and the Arts
GPO Box 1751
Hobart TAS 7001

ISBN: 978-0-9805182-3-8

ENVIRONMENT PROTECTION POLICY (NOISE) 2009

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council and on the recommendation of the Minister, make this *Environment Protection Policy (Noise) 2009* under section 96K of the *Environmental Management and Pollution Control Act 1994*.

DATED 23 March 2009.

PETER G. UNDERWOOD
Governor

By His Excellency's Command,

MICHELLE O'BYRNE
Minister for Environment, Parks, Heritage and the Arts

This Environment Protection Policy came into effect on 29 May 2009.

TABLE OF CONTENTS

INTRODUCTION.....	1
PART 1 – PRELIMINARY.....	2
<i>Authority.....</i>	<i>2</i>
<i>Short title.....</i>	<i>2</i>
<i>Commencement.....</i>	<i>2</i>
<i>Interpretation.....</i>	<i>2</i>
PART 2 – APPLICATION, OBJECTIVES, VALUES AND INDICATOR LEVELS	4
<i>Application.....</i>	<i>4</i>
<i>Objectives.....</i>	<i>4</i>
<i>Environmental values.....</i>	<i>4</i>
<i>Acoustic environment indicator levels.....</i>	<i>4</i>
PART 3 – PRINCIPLES FOR IMPLEMENTATION OF THE POLICY.....	5
<i>General principles for implementation.....</i>	<i>5</i>
<i>Planning for appropriate development.....</i>	<i>5</i>
PART 4 – TRANSPORT INFRASTRUCTURE	6
<i>Public roads, railways, ports and airports.....</i>	<i>6</i>
PART 5 – COMMERCIAL AND INDUSTRIAL ACTIVITIES	7
<i>Improving the noise performance of current activities.....</i>	<i>7</i>
PART 6 – DOMESTIC AND MISCELLANEOUS ACTIVITIES.....	9
PART 7 – MEASUREMENT AND MONITORING.....	10
<i>Noise measurement.....</i>	<i>10</i>
<i>Monitoring of noise levels.....</i>	<i>10</i>
<i>Noise impact studies.....</i>	<i>10</i>
<i>Acoustic environment indicator levels.....</i>	<i>10</i>

INTRODUCTION

Residents and visitors are able to find peace and solitude in many parts of Tasmania, but there is evidence that the noise environment is less than satisfactory in other parts.

Noise exists in the home, at work and at recreational locations. Excessive noise can interfere with the enjoyment of each of these environments. In some cases there can be significant health consequences from continued exposure to excessive noise or short episodes of very loud noise.

Establishing suitable benchmarks for what are acceptable levels of noise is difficult for a number of reasons. These include the fact that different people have differing tolerance to noise in loudness and frequency, different situations can justify different noise levels and tolerance to noise can vary depending on the time of day or the day of the week.

There are a number of different authorities which have a role in regulating noise in different situations, and different approaches may be taken to the various noise issues.

Nonetheless, it is important that there are overarching principles and objectives to provide a basis for reducing health risks and unreasonable interference with human enjoyment of the environment by the emission of noise. This policy is a strategic framework document which provides such principles and objectives. Specific requirements relating to noise levels and hours of operation are principally covered by the *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004* and permits issued for particular activities.

Two important reports have informed the development of this policy and underpin its contents –

- the World Health Organisation (WHO) publication *Guidelines for Community Noise* (Berglund T, Lindvall T and Schwela D H 1999); and
- Australia's EnHealth Council report *The health effects of environmental noise – other than hearing loss* (Commonwealth of Australia, 2004).

This policy does not exist in isolation and its provisions should be considered in the context of other policy frameworks, in particular Tasmania *Together* and the Resource Management and Planning System. Other environmental issues and the social and economic needs of the community should be taken into account when addressing noise issues. These other factors are particularly significant when addressing noise issues relating to existing activities.

PART 1 – PRELIMINARY

Authority

1. This environment protection policy is made pursuant to the provisions of sections 96C - 96K of the *Environmental Management and Pollution Control Act 1994*.

Short title

2. This environment protection policy may be cited as the *Environment Protection Policy (Noise) 2009*.

Commencement

3. This policy takes effect on the later of the following days –
 - (a) 1 June 2009;
 - (b) the day after it has been approved by both Houses of Parliament in accordance with section 96(K) of the Act.

Interpretation

4. (1) In this policy –

“**acoustic environment**” means the part of the environment characterised by the noise that may be experienced within it by humans;

“**acoustic environment indicator level**” means an indicator value for community noise in a specific environment as set out in Clause 18, Table 1;

“**acute noise impact**” means an impact from noise that is prejudicial to the health or wellbeing of an individual or group and causes significant hardship through interference with work, study, sleep or leisure activities;

“**A-weighted sound pressure level**” has the same meaning as in Australian Standard AS1055.1 *Acoustics - Description and measurement of environmental noise - General procedures*;

“**best practice environmental management**” has the same meaning as in the Act;

“**dB**” means decibel, which has the same meaning as in Australian Standard AS1633-1985 *Acoustics - Glossary of terms and related symbols*;

“**Director**” has the same meaning as in the Act;

“**dominant or intrusive characteristic**” means any noise characteristic that contributes to a noise being considered louder than would be indicated by the A-weighted sound pressure level measured, or that exacerbates nuisance or harm caused by the noise;

“**L_{Aeq}**” means the time average A-weighted sound pressure level, within the meaning given by Australian Standard AS1055.1;

“regulatory authority” means any authority that has a statutory power to approve or regulate the environmental effects of an activity;

“the Act” means the *Environmental Management and Pollution Control Act 1994*;

(2) Any reference to an Australian Standard in this policy must be taken to be a reference to the latest edition of that Standard as amended from time to time, unless a particular edition is specified.

PART 2 – APPLICATION, OBJECTIVES, VALUES AND INDICATOR LEVELS

Application

5. (1) This policy applies to Tasmania's acoustic environment.
- (2) This policy applies to a premises only to the extent that it is affected by noise generated externally to the premises.

Objectives

6. (1) The objectives of this policy are –
- (a) to further the objectives of the Act as they relate to the acoustic environment; and
- (b) to protect the environmental values specified in clause 7.

Environmental values

7. (1) Environmental values are the values or uses of the environment that are to be protected.
- (2) The environmental values to be protected under this policy are the qualities of the acoustic environment that are conducive to –
- (a) the wellbeing of the community or a part of the community, including its social and economic amenity; or
- (b) the wellbeing of an individual, including the individual's –
- (i) health; and
- (ii) opportunity to work and study and to have sleep, relaxation and conversation without unreasonable interference from noise.
- (3) It can be assumed that the environmental values specified in sub-clause (2)(b) will be protected for the majority of the human population where the acoustic environment indicator levels are not exceeded, and there are no individual sources of noise with dominant or intrusive characteristics.

Acoustic environment indicator levels

8. (1) The indicator levels provide a reference for considering the condition of the acoustic environment and the effectiveness of noise control measures and strategies.

PART 3 – PRINCIPLES FOR IMPLEMENTATION OF THE POLICY

General principles for implementation

9. (1) This policy is a framework document that will be implemented through the provisions of other instruments such as planning schemes, subordinate legislation and guidelines relevant to noise. These instruments should reflect the provisions of this policy and, as far as reasonably practical existing instruments should be amended to reflect the provisions of this policy.

(2) In the implementation of this policy, the following basic principles should be taken into account:

(a) recognition of shared responsibility for sources of noise (if and when appropriate);

(b) consistency of application by regulatory authorities;

(c) the provisions of other legislation;

(d) cumulative impacts on particular receiving environments of noise generated by more than one activity; and

(e) growth in noise output arising from intensification of use over time.

(3) Regulatory authorities should take the environmental values into account when making land use planning and related decisions including planning scheme amendments, assessing and regulating activities, and reviewing or developing relevant policies, legislation and guidelines.

Planning for appropriate development

10. (1) Approved noise generating activities should be protected from encroachment by noise sensitive use or development.

(2) For the purposes of this clause, “development” includes redevelopment and significant changes of use.

PART 4 – TRANSPORT INFRASTRUCTURE

Public roads, railways, ports and airports

- 11. (1)** It is recognised that although the operation or use of public roads, railways, ports or airports may prejudice protection of the environmental values, the function the transport network serves is necessary for the community's economic, environmental and social wellbeing.
- (2)** Notwithstanding sub-clause (1), it is intended that –
- (a)** transport planning initiatives for freight and passenger movement and new transport infrastructure be developed in a systematic way to achieve an optimal balance of economic, environmental and social benefits and costs with a major criterion of minimising the number of people exposed to noise levels that would prejudice protection of the environmental values; and
 - (b)** where environmental values are acutely prejudiced, existing transport infrastructure noise should be reduced to the greatest extent that is reasonably practical, consistent with achieving an optimal balance of economic, environmental and social benefits and costs.
- (3)** The allocation of any public resources to minimise noise impacts resulting from public roads, railways, ports or airports shall aim to achieve the most benefit for the greatest number of people exposed to those impacts.
- (4)** A transport noise strategy will be developed to improve transport noise outcomes, further the objectives of the Act and assist in implementation of subclauses (2) and (3).

PART 5 – COMMERCIAL AND INDUSTRIAL ACTIVITIES

- 12. (1)** Regulatory authorities should assess, manage and regulate proposed commercial and industrial activities that are sources of noise with the objective of protecting the environmental values.
- (2)** Best practice environmental management should be employed in every activity to reduce noise emissions to the greatest extent that is reasonably practical.
- (3)** Dominant or intrusive noise characteristics of noise emissions from an activity should be reduced to the greatest extent that is reasonably practical.
- (4)** To retain a reserve capacity in the acoustic environment at a particular location, no activity should be permitted to emit noise at a level or in a manner that, allowing for other reasonable emissions of noise in the vicinity, would prejudice the protection of the environmental values at that location.
- (5)** Notwithstanding sub-clause (4), regulatory authorities may determine not to require a reserve capacity if –
- (a) (i)** best practice environmental management is employed in the activity; and
 - (ii)** it is highly unlikely that there will be significant additional sources of noise in the vicinity; or
 - (b)** this would prevent a proposal that is clearly in the public interest from proceeding.
- (6)** It is acknowledged that, even where best practice environmental management is employed, noise emissions from an activity may –
- (a)** prejudice the protection of the environmental values; or
 - (b)** provide insufficient reserve capacity to comply with sub-clause (4).
- (7)** Where sub-clause (6)(a) or (b) applies, the responsible regulatory authority should ensure that –
- (a)** reviews of the activity take place at appropriate intervals to assess whether noise emissions can be reduced until –
 - (i)** the environmental values are protected; and
 - (ii)** where appropriate, sufficient reserve capacity is provided; or
 - (b)** appropriate statutory tools are prepared to avoid or reduce conflict with noise sensitive use or development.

Improving the noise performance of current activities

- 13. (1)** Where a commercial or industrial activity which is in existence at the time this policy commences emits noise that is prejudicing the protection of the environmental values, the responsible regulatory authority should require any person responsible for

the activity to progressively reduce the emission of noise in accordance with the requirements of this Part.

(2) The timeframe for compliance with sub-clause (1) should be determined on a case-specific basis having regard to –

(a) the environmental risk associated with the noise being emitted;

(b) the practicability of reducing the emission of noise; and

(c) the economic cost of upgrading and the capacity of the activity to support this cost.

(3) Regulatory authorities may implement this clause either –

(a) on a case-specific basis as the need arises; or

(b) through programs applying to industries or classes of activities.

PART 6 – DOMESTIC AND MISCELLANEOUS ACTIVITIES

14. (1) Regulatory authorities should assess, manage and regulate proposed domestic and miscellaneous activities that are sources of noise with the objective of protecting the environmental values.

(2) Best practice environmental management should be employed in every activity to reduce noise emissions to the greatest extent reasonably practical.

(3) Dominant or intrusive noise characteristics of noise emissions from an activity should be reduced to the greatest extent reasonably practical.

(4) For the purposes of this policy, a “miscellaneous activity” is an activity that is not domestic, commercial, industrial or related to transport infrastructure.

PART 7 – MEASUREMENT AND MONITORING

Noise measurement

15. Any measurement of noise carried out for the purposes of this policy must be made in accordance with the relevant requirements of the *Noise Measurement Procedures Manual*, issued by the Director of Environmental Management in July 2004 and amended in July 2005, as amended from time to time.

Monitoring of noise levels

16. Where an industrial or commercial activity, or transport infrastructure is a significant source of noise emissions, the responsible regulatory authority should, where possible and appropriate, require any person responsible for that activity to monitor noise levels for the purpose of determining whether noise emissions from the activity are being managed in accordance with any relevant legislation or approval.

Noise impact studies

17. (1) If a regulatory authority has reasonable grounds to consider that a proposed or existing emission of noise from an industrial, commercial or infrastructural activity might prejudice protection of the environmental values, it should, where possible and appropriate, require any person responsible for the activity to undertake a noise impact study in accordance with an approved methodology.

(2) Where a noise impact study is carried out, it should consider –

(a) noise levels at appropriate locations compared with noise limits applicable to the activity in any legislation, approval or proposed approval;

(b) compliance with any other relevant requirements of legislation, approval or proposed approval;

(c) the potential for reducing the impact of the activity's noise emissions or proposed emissions on the acoustic environment; and

(d) the cumulative effect of the noise emissions or proposed emissions from the activity.

Acoustic environment indicator levels

18. The acoustic environment indicator levels specified in Table 1 are values presented in Table 1 of the World Health Organisation publication *Guidelines for Community Noise* (Berglund B, Lindvall T and Schwela D H, 1999). They are indicative, not mandatory noise levels.

Table 1 – Acoustic environment indicator levels

Specific environment	Critical health effect(s)	L _{Aeq} [dB(A)]	Time base [hours]	L _{Amax} fast [dB]
Outdoor living area	Serious annoyance, daytime and evening	55	16	-
	Moderate annoyance, daytime and evening	50	16	-
Dwelling, indoors	Speech intelligibility & moderate annoyance, daytime & evening	35	16	-
Inside bedrooms	Sleep disturbance, night-time	30	8	45
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	8	60
School class rooms & pre-schools, indoors	Speech intelligibility, disturbance of information extraction, message communication	35	during class	-
Pre-school bedrooms, indoor	Sleep disturbance	30	sleeping-time	45
School, playground outdoor	Annoyance (external source)	55	during play	-
Hospital, ward rooms, indoors	Sleep disturbance, night-time	30	8	40
	Sleep disturbance, daytime and evenings	30	16	-
Hospitals, treatment rooms, indoors	Interference with rest and recovery	(1)		
Industrial, commercial, shopping and traffic areas, indoors and outdoors	Hearing impairment	70	24	110
Ceremonies, festivals and entertainment events	Hearing impairment (patrons:<5 times/year)	100	4	110
Public addresses, indoors and outdoors	Hearing impairment	85	1	110
Music and other sounds through headphones/earphones	Hearing impairment (free-field value)	85 ⁽²⁾	1	110
Impulse sounds from toys, fireworks and firearms	Hearing impairment (adults)	-	-	140 ⁽³⁾
	Hearing impairment (children)	-	-	120 ⁽³⁾
Outdoors in parkland and conservation areas	Disruption of tranquillity	(4)		

Footnotes to Table 1, Clause 18

- (1) As low as possible.
- (2) Under headphones, adapted to free-field values.
- (3) Peak sound pressure (not L_{AF,max}) measured 100mm from the ear.
- (4) Existing quiet outdoor areas should be preserved and the ratio of intruding noise to natural background sound should be kept low.

Note that for the purposes of this Table, 'time base' means the period of time over which the equivalent continuous sound pressure level L_{Aeq} is determined.



Tasmania

Explore the possibilities

Environment Division

**Department of Environment,
Parks, Heritage and the Arts**

GPO Box 1751

HOBART TASMANIA 7001

Ph: (03) 6233 4028

Visit: www.environment.tas.gov.au