

South Australia

Environment Protection (Industrial Noise) Policy 1994

under the *Environment Protection Act 1993*

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Legislative history

1—Short title

This policy may be cited as the *Environment Protection (Industrial Noise) Policy 1994*.

2—Commencement

The commencement date of this policy is the date of commencement of the Act.

3—Interpretation

- (1) In this policy—

the Act means the *Environment Protection Act 1993*;

dB(A) means decibels on the A-weighting scale;

equivalent noise level has the same meaning as is given to the term "Equivalent continuous A weighted sound pressure level ($L_{Aeq,T}$)" in clause 3.5 of Part 1 of Australian Standard AS1055.1-1989 Acoustics—Description and measurement of environmental noise;

L_{Aeq} sound level meter means a sound level meter capable of measuring equivalent noise level;

measurement place means any place determined as appropriate by the Authority that is outside the premises from which the noise emanates and at which any person resides or is regularly engaged in remunerative activity;

noise means vibration of a frequency within the range of 0–20 000 Hertz;

noise level means the level of noise measured in dB(A) in the manner set out in this policy;

non-steady noise means a noise that is repeatedly interrupted or whose noise level fluctuates by more than ± 4 dB(A) from its mean level during the sampling period;

non-domestic premises means—

- (a) a building, structure or place in which, or in the precincts of which, the occupier employs or engages for reward one or more persons in any activity for or incidental to—
 - (i) the making of any article, or part of any article; or
 - (ii) the altering, repairing, testing, renovating, processing, treating, ornamenting, finishing or cleaning of any article, equipment or substance (but excluding laundry work in premises occupied for residential purposes where domestic-type laundry equipment only is installed and used); or
 - (iii) the adapting for sale of any article, equipment or substance; or
 - (iv) the laboratory testing or investigating of any article or substance, where the employer has a right of access to or control over the building, structure or place or the precincts; or
- (b) a building, structure or place where—
 - (i) electricity is generated or transformed for trade or sale; or
 - (ii) water is pumped in connection with the provision of a public water supply; or
 - (iii) gas is produced or re-formed by a retail supplier of reticulated gas, and within which building, structure or place, or its precincts, the occupier employs or engages for reward one or more persons; or
- (c) a building, structure or place (other than a shop) in which goods are stored for the purposes of sale, trade or gain, or are measured, cut, filled or packed, and in which the occupier employs or engages for reward one or more persons; or
- (d) premises on which any construction work is carried on in respect of which notice is required to be given under the *Occupational Health, Safety and Welfare Act 1986*; or

- (e) a mine within the meaning of the *Mines and Works Inspection Act 1920*; or
- (f) premises required to be licensed under the *Liquor Licensing Act 1997*; or
- (g) any place whether enclosed partly enclosed, or unenclosed where a public entertainment is held and any buildings, premises or structures that comprise, include or are appurtenant to that place; or
- (h) premises of a kind included in Schedule 1;

premises includes any land or vessel;

sampling time means a period of 15 minutes unless the Authority determines that some other period is required to allow a true representation of the characteristics of the noise to be obtained, in which case, the sampling time will be as determined by the Authority;

public entertainment means entertainment (including, without limiting the meaning of the term, any concert, recital, lecture, reading, entertainment of the stage, cinematograph or other picture show, dancing, boxing, or other amusement or contest) whether admission is open to members of the public or restricted to persons who are members of a club or who possess any other qualification or characteristic, and whether admission is or is not procured by the payment of money or on any other condition;

steady noise means a noise that has a noise level as measured by a sound level meter set on "fast" response that remains within ± 4 dB(A) of its mean level (for such a noise, sound level meters will show little or no variation when switched from "fast" to "slow" response).

- (2) Schedule 1 (which lists kinds of premises for the purposes of the definition of **non-domestic premises**) may be changed by amendment under section 32(1)(b) of the Act.

Note—

Unless the contrary intention appears, terms used in this policy that are defined in the Act have the respective meanings assigned to those terms by the Act.

4—Industrial and other non domestic noise

- (1) Subject to this clause, an occupier of non-domestic premises must not cause or permit excessive noise to be emitted from the premises.
- (2) Noise emitted from non-domestic premises is excessive if the noise level at the measurement place for a period during which noise is emitted from the premises—
 - (a) exceeds by more than 5 dB(A) the background noise level at the measurement place; and
 - (b) exceeds the maximum noise level for that time of day and the area in which the premises are situated.

- (3) For the purposes of subclause (2), the background noise level is the noise level, exceeded for 95 per cent of the time equivalent in length to the sampling time, taken as nearly as practicable to the time and place of the measurement of the noise under investigation but in the absence of that noise, or, if a statistical meter is not used, the background noise level is the noise level derived from the average of the minimum meter excursions obtained during the period of measurement in the absence of the noise under consideration.
- (4) For the purposes of subclause (2), but subject to subclauses (5) and (6), the maximum noise level is to be determined from Schedule 2.
- (5) If the premises in which the noise source is situated adjoin a road carrying more than 100 vehicles per hour as a two-way traffic count determined as nearly as practicable to the time that the maximum noise level is alleged to be exceeded, the maximum noise level for the area must be determined from Schedules 3 and 4 of this policy where the distance in Schedule 4 is the distance in metres between the noise source and the centreline of the nearside carriageway of the road.
- (5a) The maximum permissible noise level for the area shall be the level obtained in 4(2), unless 4(5) is applicable in which case the maximum level obtained from 4(2) and 4(5) shall be taken as the maximum permissible noise level for the area.
- (6) Where indoor measurements are made, the maximum noise level for the area will be equivalent to the "Maximum" "Recommended design sound level" given in Australian Standard AS 2107-1987 Table 1.
- (7) This clause may be given effect to by the issuing of environment protection orders under Part 10 of the Act.

5—Instrumentation

- (1) In measuring a noise level for the purposes of this policy, a sound level meter must be used that has been tested by a National Association of Testing Authorities of Australia registered laboratory in the previous 12 months and has been certified by the laboratory to be accurate within relevant tolerances allowed for a Type 0, 1 or 2 sound level meter in Australian Standard AS 1259 or International Electro-technical Commission Standards IEC 651-1979 and IEC 804-1985.
- (2) On each day that noise measurements are taken, a reference sound source accurate within ± 1 dB(A) must be used both before and after measurement to check the performance of the sound level meter or other instrumentation.
- (3) Other devices, such as tape recorders, statistical analysers etc may be used as part of the measurement process provided that the use of such devices does not significantly degrade the overall measurement process.

6—Time and place of noise measurements

- (1) The noise level of the alleged excessive noise must be measured at the measurement place and as nearly as practicable to the time of day that the noise is alleged to be excessive.
- (2) Where it is not practicable to measure the background noise level in the absence of the alleged excessive noise, the background noise level may be measured at another similar location not subject to the alleged excessive noise.

- (3) Outdoor noise levels must be measured at from 1.2 m to 1.5 m above floor level and, if practicable, at least 3.5 m from any walls, buildings or other reflecting surfaces.
- (4) In cases where outdoor noise level measurements are not practicable nor relevant, indoor measurements must be made. The measurements must be made with windows open, unless the windows are permanently fixed closed, and at a distance of at least 1 m from the walls, and from 1.2 m to 1.5 m above the floor, and at least 1.5 m from the windows.
- (5) When circumstances indicate, measurements may be made at greater heights and closer to walls, provided that details are specified in the noise level measurement records.

7—Noise measurement procedures

- (1) Directivity—For all noise measurements the axis of maximum sensitivity of the microphone must be directed towards the noise source.
- (2) Steady noise—Where the alleged excessive noise is a steady noise, the measured noise level is to be taken as the average of the maximum meter excursions or the equivalent noise level for the sampling period.
- (3) Non-steady noise—Where the alleged excessive noise is non-steady noise, the noise level must be measured using an LAeq sound level meter to provide an equivalent noise level.
- (4) Extraneous noise sources—Care must be taken to avoid the effect of any extraneous vibration, acoustic and electrical noise on the measured noise level. A wind shield approved by the sound level meter manufacturer must be used for all outdoor noise level measurements and no outdoor noise level measurements may be made when the wind velocity exceeds five metres per second.

8—Adjustments to measured noise level

- (1) Tonal component—Where the alleged excessive noise—
 - (a) contains a perceptible tonal component—an adjustment to the measured noise level must be made in accordance with item 1(a) of Schedule 5;
 - (b) exhibits frequency and or amplitude modulation—an adjustment to the measured noise level must be made in accordance with item 1(b) of Schedule 5.
- (2) Impulse component—Where the alleged excessive noise contains an impulse component, an adjustment to the measured noise level must be made in accordance with item 2 of Schedule 5.

9—Noise level measurement records

The Authority may approve a format or formats for the recording of noise level measurements and may require that specified information be contained in noise level measurement records.

Schedule 1—Non-domestic premises

Schools and school yards.
Churches and church grounds.

Recreation areas, sporting arenas, caravan parks, camping areas.
 Parks, reserves, National Parks, park lands.
 Rivers, waterways and lakes.
 Rifle ranges, pistol ranges.
 Motor vehicle raceways.
 Market gardens, nurseries, vineyards, orchards.
 Horse or dog racing courses.
 Mini or trail-bike circuits, go-kart circuits.
 Fun parlours.
 Service stations.
 Warehouses.
 Caravan yards sales.
 Abattoirs, cattle yards, cattle sales yards.
 Dog refuge homes.
 Zoological gardens.
 Waste disposal sites or rubbish tips.
 Offices, office blocks, office buildings.
 Motor vehicle crash repair shops.
 Motor vehicle sale yards.
 Car parks, car parking areas.
 Public swimming pools.
 Motor wreckers' premises.
 Major public service depot, being a depot on an area of land of more than 8 000 square metres used or intended to be used in connection with the provision of public services (including gas, electricity, water supply and sewerage, drainage, road works and telephone services) by a Government department, local government authority, or other organisation responsible for the provision of those services.

Schedule 2—Maximum noise levels

Description of area in which the noise source is situated	Maximum noise levels dB(A)	
	7 am.—10 pm.	10 pm.—7 am.
Rural or predominantly rural	47	40
Urban residential	52	45
Urban residential with some commerce, or with a school, hospital or the like	55	45
Urban residential with some manufacturing industry, or with some place of public entertainment or place of public assembly or licensed premises	58	50
Predominantly commercial	65	60
Predominantly industrial	70	70

Schedule 3—Maximum noise levels for premises adjoining roadways carrying more than 100 vehicles/hour

Vehicles per hour (Two-way count)	Maximum noise level dB(A)
100	54

Vehicles per hour (Two-way count)	Maximum noise level dB(A)
200	58
300	60
400	62
500	63
700	65
1 000	67
1 500	69
2 000	71
3 000	73
4 000	75
5 000	76

Note—

Intermediate values as may be determined by linear interpolation between the tabulated values.

Schedule 4—Adjustment to maximum noise level to allow for distance (m) between noise source and centreline of nearside carriageway

Distance (metres)	15	30	60	120
Adjustment, (dB(A))	-4	-8	-12	-16

Schedule 5—Adjustments to measured noise level in dB(A)

Characteristics of alleged excessive noise	Adjustment dB(A)
1 Tonal components—	
(a) Perceptible tonal component	+5
(b) Frequency and/or amplitude modulation	+5
2 Impulse component—Impulsive noise	+5

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Principal policy and amendments

New entries appear in bold.

Notice	Provision under which notice is made	Publication of policy in Gazette	Commencement
Gazette 27.10.1994 p1352	Sch 2 cl 5	<i>Gazette 27.10.1994 p1366</i>	1.5.1995: cl 2
Gazette 2.5.1996 p2400	s 32	—	1.5.1996

Provisions amended

New entries appear in bold.

Provision	How varied	Commencement
cl 4		
cl 4(5a)	inserted by 2.5.1996 p2400	1.5.1996