

Environment Protection Act 1970

**STATE ENVIRONMENT PROTECTION POLICY (CONTROL OF NOISE FROM
INDUSTRY, COMMERCE AND TRADE) NO. N-1
No. S31, 16/5/1989, Gazette 15/6/1989**

**As varied 15/9/1992, No. G37, Gazette 23/9/1992
As varied 31/10/2001, No. S183, Gazette 31/10/2001**

This is not an Authorised version of the Policy.

**This document provides a consolidated version of the
State Environment Protection Policy
(Control of Noise from Commerce, Industry and Trade) No. N-1
and subsequent Policy variations (referenced above).**

1. This Order may be cited as the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, referred to below as the Policy.
2. The State Environment Protection Policy (Control of Noise from Commercial, Industrial or Trade Premises within the Melbourne Metropolitan Area) No. N-1 shall be repealed upon the coming into operation of this Policy.
3. Any noise control notice, minor works noise control notice or notice of variation thereto, issued prior to the coming into operation of this Policy and which has not been revoked, shall continue to have the same status, operation and effect as if this Policy had not been made. Except for the purposes of enforcement proceedings already commenced, effective noise levels shall be measured in accordance with the provisions of this Policy.
4. 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.
5. This Order is divided into parts and schedules as follows:-
 - Part I - Boundaries of area affected
 - Part II - Beneficial uses protected
 - Part III- Premises of application
 - Part IV- Environmental quality objectives and indicators
 - Part V - Attainment program
 - Part VI- Definitions
 - Schedule A - Measurement of noise
 - Schedule B - Determination of noise limits
 - Schedule C - Measurement of background levels
 - Schedule D - Determination of derived noise limit

6. Policy goal

The goal of this Policy is to protect people from commercial, industrial or trade noise that may affect the beneficial uses made of noise sensitive areas while recognizing the reality of the existing land use structure in the Metropolitan Region.

PART I - BOUNDARIES OF AREA AFFECTED

7. The Policy shall be observed within the Metropolitan Region as defined in Schedule 1 of the Planning and Environment Regulations 1988.

PART II- BENEFICIAL USES PROTECTED

8. Beneficial uses shall be the normal domestic and recreational activities including, in particular, sleep in the night period.

PART III - PREMISES OF APPLICATION

9. This Policy prescribes noise limits for commercial, industrial or trade premises. The following types of noise emitted from commercial, industrial or trade premises are not assessed by this Policy:

- Music
- Voices
- Noise from crowds
- Noise from firearms
- Noise from lawnmowing
- Noise from construction or demolition activities on building sites
- Noise from sporting events
- Noise from audible intruder, emergency or safety alarms
- Noise from aircraft except for ground maintenance activities
- Noise from mobile farm machinery
- Noise from scare guns and anti-hail guns
- Noise from livestock on a farm or in a saleyard
- Noise from a fire pump used in an emergency
- Noise from non-commercial vehicles except for maintenance activities

PART IV - ENVIRONMENTAL QUALITY OBJECTIVES AND INDICATORS

10. The environmental quality indicator is the effective noise level determined according to Schedule A.
11. The environmental quality objectives are the noise limits determined according to Schedule B.
12. The derived noise limit at a derived point is determined according to Schedule D.

PART V- ATTAINMENT PROGRAM

13. Subject to Clause 17G the effective noise level shall not exceed noise limits prescribed in this Policy.
14. Subject to Clause 17G the effective noise level at any derived point shall not exceed the derived noise limit.
15. Subject to Clause 17G where noise emissions from existing commercial, industrial or trade premises exceed the requirements set out in the Policy, steps shall be taken by the occupier to reduce the level of these noise emissions to, or below, the relevant Policy noise limits.
16. Where it is planned to develop new commercial, industrial or trade premises, the premises shall be designed so that the noise emissions do not exceed the noise limits.
17. In fixing the time for compliance with the requirements of the Policy, the Authority may have regard to the following:
 - (a) The safety of persons and plant;
 - (b) The availability of technology to achieve the required noise reduction;
 - (c) The technical difficulty and complexity of abatement measures required to comply with noise limits; or
 - (d) The magnitude of the noise intrusion, or potential intrusion, on the noise sensitive area and, in particular, the extent of sleep disturbance.

Staged reductions may be appropriate in setting the time for compliance.

Environment improvement plan may be prepared

- 17A. (1) Where the Authority is satisfied that:
 - (a) noise at any specified point outside a commercial, industrial or trade premises exceeds the environmental quality objectives prescribed in Part IV of this Policy; and

- (b) there are no practicable means currently available to allow those premises to comply with those environmental quality objectives—
then—
 - (c) any notice served or licence issued in relation to those premises may require the occupier to submit a proposed environment improvement plan to the Authority for approval; or
 - (d) the occupier of those premises may voluntarily submit a proposed environment improvement plan to the Authority for approval.
- (2) Where noise from two or more commercial, industrial or trade premises contributes to the noise level in a noise sensitive area, the occupiers of those premises may be required to jointly prepare and submit an environment improvement plan pursuant to sub-clause (1)(c) or may decide to jointly prepare and submit an environment improvement plan pursuant to sub-clause (1)(d).

Content of an environment improvement plan for the purposes of this Policy

17B. An environment improvement plan submitted for approval under clause 17C must be consistent with the requirements set out in Section 31C(6) of the Environment Protection Act 1970, and must include: -

- (1) an assessment of compliance with the environmental quality objectives set out in Part IV of this policy; and
- (2) an assessment of the practicability of using commercially available techniques, methods and practices to meet:
 - (a) the environmental quality objectives set out in Part IV of this Policy, and
 - (b) any relevant best practice standard or guideline for the industry; and
- (3) requirements for the monitoring of compliance with the environment improvement plan; and
- (4) provision for the participation of the community in the evaluation of the performance in meeting objectives under the environment improvement plan; and
- (5) provision for the up-grading of plant and equipment to meet objectives under the environment improvement plan; and
- (6) provision for the assessment of new or emerging technology in the industry or in noise emissions control; and
- (7) a commitment that in the selection, location and noise abatement of new or upgraded plant the firm will ensure that the new or upgraded plant is consistent with the abatement of overall noise levels; and
- (8) provision for contingency or emergency plans; and

- (9) a description of the proposed or likely reduction in noise levels over the life of the proposed environment improvement plan; and
- (10) an assessment of the practicability of other noise management options, including relocation; and
- (11) a date upon which the environment improvement plan will expire.

Application for approval of environment improvement plan

- 17C. (1) An occupier of premises to which this Policy applies may apply to the Authority for approval of an environment improvement plan which has been prepared in accordance with this Policy.
- (2) An application must -
- (a) be made in writing; and
 - (b) be accompanied by:
 - (i) an environment improvement plan; and
 - (ii) any other information requested in writing by the Authority prior to the application being made.
- (3) The Authority may by notice in writing served on an applicant for an environment improvement plan require the applicant to supply to the Authority within the time specified in the notice any information, plans and specifications specified in the notice which the Authority considers necessary and relevant to its consideration of the application.

Approval of environment improvement plan

- 17D. (1) Within 60 days after the Authority receives an application or any further information required by the Authority under sub-clause 17C(3), whichever is the later, the Authority must approve or not approve the environment improvement plan.
- (2) In deciding whether to approve the environment improvement plan the Authority must have regard to:
- (a) the draft environment improvement plan supplied in accordance with clause 17B; and
 - (b) the opinions expressed in regard to the proposed environment improvement plan by:
 - (i) the community, and
 - (ii) the responsible authority within the meaning of the *Planning and Environment Act 1987*.

- (3) The Authority must, within 14 days after the decision was made:
- (a) serve a notice on the occupier of the premises to implement the components of that environment improvement plan relating to noise management; or
 - (b) amend an existing notice or licence issued to the occupier of the premises which requires the occupier to implement the components of that environment improvement plan relating to noise management; or
 - (c) notify the applicant in writing that the environment improvement plan was not approved.

Rescinding approval of environment improvement plan

- 17E. (1) The Authority may rescind its approval of an environment improvement plan approved in accordance with this Policy if it is satisfied that:
- (a) any information supplied by the applicant was false or misleading; or
 - (b) any other information considered by the Authority has changed and as a result the Authority considers that noise emissions from the premises result in an unacceptable risk to beneficial uses; or
 - (c) any condition of the environment improvement plan has been contravened.
- (2) If the Authority rescinds its approval of an environment improvement plan, it must notify the occupier of the premises to which the plan relates within 2 days of the rescission.

Amendment of environment improvement plan

- 17F. (1) An occupier of premises may make an application to the Authority for approval of an amended environment improvement plan.
- (2) Any application for approval of an amended environment improvement plan must be made in accordance with clauses 17C and 17D.

Implementing approved environment improvement plan is compliance with policy

- 17G. (1) Subject to sub-clause (2), implementation of an approved environment improvement plan in accordance with a notice or licence constitutes compliance with the policy from the date of coming into force of the requirement of a notice or licence condition incorporating the environment improvement plan.
- (2) A failure to undertake works or to do a thing in accordance with an approved environment improvement plan constitutes non-compliance with the policy until the works or thing is done

18. Where two or more premises contribute to the effective noise level in a noise sensitive area, each shall be controlled so that the contribution from each of the premises, when combined, will meet the noise limit at the noise sensitive area.
19. It is advised that, where equipment is to be replaced or new equipment installed, the quietest equipment available should be used where a significant reduction in noise in noise sensitive areas can be expected to occur.
- 19A. In making land use planning decisions and implementing planning schemes, responsible authorities and planning authorities within the meaning of *the Planning and Environment Act 1987* must have regard to this Policy.

PART VI - DEFINITIONS

20. 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.

"Background level" for a day, evening or night period means the arithmetic average of the L_{A90} levels for each hour of that period for which the commercial, industrial or trade premises under investigation normally operates. The background level shall include all noise sources except noise from commercial, industrial or trade premises which appears to be intrusive at the point where the background level is measured.

"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 the emission of noise.

"Commercial, industrial or trade premises" means any premises except:

- (a) residential premises as defined in section 48A of the Act;
- (b) a street or road, including every carriageway, footpath, reservation and traffic island on any street or road;
- (c) a tram, light rail or railway line not being a siding, marshalling yard or maintenance depot of any tram, light rail or railway line; and

- (d) the premises situated at Lower Esplanade, St Kilda and known as “Luna Park” and being the whole of the land more particularly described in Certificate of Title Volume 1204 Folio 109.

"Day period" means the time between 0700 and 1800 hours.

"Derived noise limit" means the maximum effective noise level allowed at a derived point and is determined using the method set out in Schedule D.

"Derived point" means a point used as a substitute measurement point to facilitate the assessment of noise from commercial, industrial or trade premises.

"Effective noise level" means the level of noise emitted from the commercial, industrial or trade premises and adjusted if appropriate for character and duration.

"Evening period" means the time between 1800 and 2200 hours.

"Extraneous noise" means any noise which is not part of the noise being measured from the premises under consideration. Extraneous noise includes the effect of wind on any vegetation and on the microphone diaphragm and noise from aircraft and trains. Noise from animals shall be classified as extraneous noise unless their presence on the premises is directly associated with the trade or business conducted on the premises.

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

"I" 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.

" 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 which is exceeded for 90 per cent of the time interval considered.

"Major premises" means commercial, industrial or trade premises that are prescribed as schedule three premises by the Environment Protection (Scheduled Premises and Exemptions) Regulations 1996.

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

"Minor premises" means commercial, industrial or trade premises not being a major premises.

"Night period" means the time between 2200 and 0700 hours.

"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

- (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
 - Reformative Institution
 - Tourist Establishment
 - Work Release Hostel

"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 Association of Australia.

SCHEDULE A

MEASUREMENT OF NOISE

A1. LOCATION OF MEASUREMENT POINT

1. The measurement point shall be located within a noise sensitive area or at a derived point, as appropriate.
2. Where the measurement point is in a noise sensitive area, the measurement point shall be located out of doors unless the conditions in Clause A1.4 applies.
3. The measurement point in a noise sensitive area shall be located at a point where the maximum effective noise level occurs.
4. Indoor Measurement
 - (a) The measurement point shall be located indoors when:
 - (i) the noise (including vibration induced noise) is transmitted into the affected room through a solid wall, floor or ceiling ; or
 - (ii) a representative outdoor measurement cannot be made even when a microphone is placed through a window opening on a boom.
 - (b) Indoor measurements shall be made in a habitable room with all windows and doors of the room closed.
5. Derived point
 - (a) A derived point may be specified where:
 - (i) two or more industries contribute to the effective noise level and a measurement point is required that is not influenced by other industries;
 - (ii) atmospheric conditions affect the effective noise level at the noise sensitive area and a measurement point is required closer to the commercial, industrial or trade premises that is not affected by atmospheric conditions; or
 - (iii) a measurement point in a noise sensitive area is not readily accessible and a more suitable measurement point is required.
 - (b) A derived point may be specified at a point or points within or outside a commercial, industrial or trade premises and the microphone shall be located at a point where the noise received is representative of the noise received at the noise sensitive area.

6. Atmospheric effects

When the effective noise level may be significantly affected by atmospheric effects, a derived point may be used located near to the industry. Where it is inappropriate to use a derived point because of the size of the industry or the unavailability of an alternative measurement point, three measurements shall be taken within a 30 day period at the noise sensitive area. The effective noise level shall be the arithmetic average of the three measurements.

A2. COMMON MEASUREMENT PROCEDURES FOR MAJOR AND MINOR PREMISES

1. Measurement

- (a) The noise from commercial, industrial or trade premises shall be measured so as to obtain an L_{Aeq} that is representative of the audible noise over a continuous 30 minute period.
- (b) The L_{Aeq} shall be adjusted where necessary to obtain the effective noise level.
- (c) The measurement shall be carried out using F or S time-weighting except where section A3.1 applies.
- (d) The L_{Aeq} may be considered equivalent to the average meter readings when the meter indicates the noise being emitted is steady and does not vary by more than 8 dB(A).

2. Cumulative adjustments to the L_{Aeq} shall be made, when required, for noise character, duration and measurement position to determine the effective noise level, according to the following formula:

$$\text{Effective noise level} = L_{Aeq} + A_{\text{tone}} + A_{\text{dur}} + A_{\text{int}} + A_{\text{ref}} + A_{\text{ind}} + A_{\text{imp}}$$

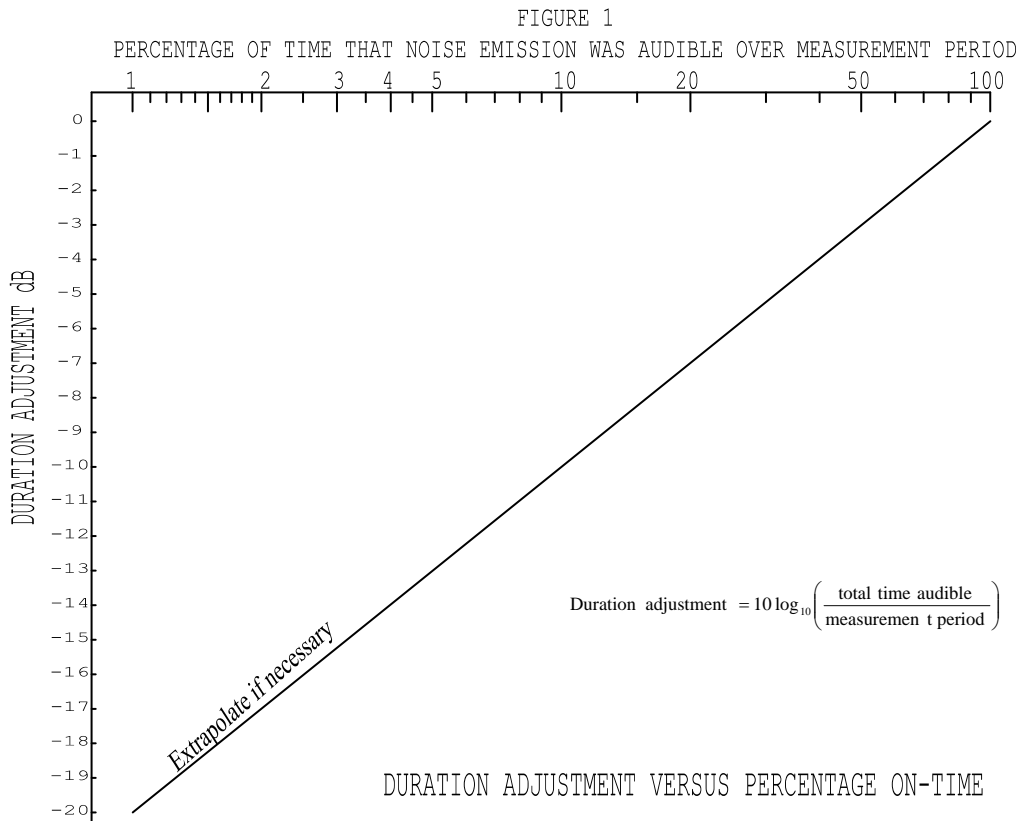
Note: Impulse adjustment A_{imp} only applies to minor premises.

3. The effective noise level shall be rounded to the nearest decibel.
4. Adjustments common to major and minor premises

- (a) Duration adjustment A_{dur}

- (i) When the noise emission is not audible over the whole of a continuous 30 minute period, then a duration adjustment based upon the total amount of time for which the noise is audible over that continuous 30 minute period shall be determined from Figure 1.

- (ii) When the noise emission is impulsive in character, then any impulse noise emission event shall be considered to be audible for 10 seconds after the occurrence of the event for the purposes of determining the duration adjustment.



(b) Intermittency Adjustment A_{int}

When the noise emission is intermittent or variable and the noise emission, when measured by a sound level meter set to F time-weighting and A frequency weighting, increases in level rapidly on at least two occasions during a 30 minute period and maintains the level for at least a one-minute duration, then an adjustment determined from the following table shall be made:

PERIOD	INCREASE IN LEVEL	ADJUSTMENT
Day period	> 10 dB	+ 3 dB
Evening and night periods	5-10 dB	+ 3 dB
	> 10 dB	+ 5 dB

- (c) Reflection adjustment A_{ref}
When the measurement point is located outdoors and the microphone is located from 1 to 2 metres from an acoustically reflecting surface, an adjustment of -2 dB shall be made.
- (d) Indoor adjustment A_{ind}
When the measurement point for a noise sensitive area is located indoors, then the following adjustments shall be made unless inappropriate:
 - (i) When the noise is transmitted through a single glazed window, the indoor adjustment shall be 15 dB.
 - (ii) When the noise (including vibration induced noise) is transmitted through a solid wall, ceiling or floor, the adjustment shall be 15 dB.
 - (iii) When the noise is transmitted through a double glazed window, the indoor adjustment shall be 25 dB.

A3. MEASUREMENT PROCEDURES SPECIFIC TO MAJOR PREMISES

1. Measurement of impulsive noise

When the noise is impulsive in character, the noise shall be analysed using I time-weighting. The analysis shall be carried out during times when the root-mean-square detected level represents the noise being measured but excluding extraneous noise which would significantly alter the L_{Aeq} .

2. Tonal adjustment A_{tone}

When the noise emission is tonal in character an adjustment shall be made as follows:

- (a) Using an A-weighted tape recording, one-third octave analyses shall be carried out on several samples, each of which is representative of the tonal character of the noise. Each sample shall have a duration of at least one second and the whole of each sample shall be analysed in each one-third octave band.
- (b) The sum of the durations of the samples analysed shall be at least 24 seconds.
- (c) The A-weighted level shall be determined for each one-third octave band and shall be the level which would have the same acoustic energy as the time-varying level when determined over the sample period.

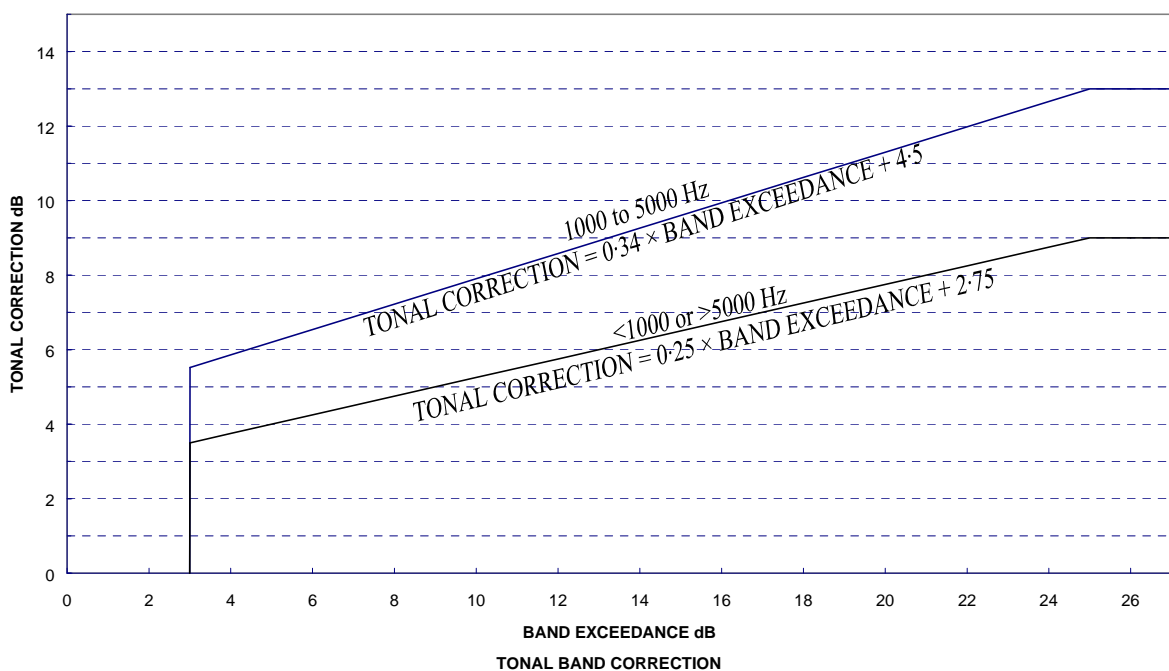
- (d) The band exceedance shall be determined for each one-third octave band with centre frequencies from 25 Hz to 16 kHz as the difference between the one-third octave band level and the arithmetic average of the levels of the two adjacent one-third octave bands.
- (e) A tonal correction shall be determined from Figure 2 for each one-third octave band for which the band exceedance is greater than 3 dB.
- (f) The tonal correction shall be arithmetically added to the appropriate band. The tonal correction need not be applied to those bands for which the band level is 25 dB or more below the highest band level.
- (g) The overall A-weighted sound level tonally corrected (L_{tc}) shall be calculated using the following formula:

$$L_{tc} = 10 \log_{10} \sum_{i=1}^j 10^{\frac{L_{Ai}}{10}}$$

where L_{Ai} is the A-weighted one-third octave level in each band tonally corrected if necessary and, 1 to j are all the one-third octave bands.

- (h) The adjustment for each sample shall be the arithmetic difference between L_{tc} and the uncorrected L_{Aeq} level for the sample.
- (i) The tonal adjustment shall be the arithmetic average of the adjustments for all samples that are representative of the tonal nature of the noise.

FIGURE 2



A4. MEASUREMENT PROCEDURES SPECIFIC TO MINOR PREMISES

1. Tonal adjustment A_{tone}

When the noise is tonal in character then an adjustment shall be made as follows:

- (a) When the tonal character of the noise is just detectable then $A_{\text{tone}} = +2$ dB.
- (b) When the tonal character of the noise is prominent then $A_{\text{tone}} = +5$ dB.

2. Impulse adjustment A_{imp}

When the noise is impulsive in character then an adjustment shall be made as follows:

- (a) When the impulsive character of the noise is just detectable then $A_{\text{imp}} = +2$ dB.
- (b) When the impulsive character of the noise is prominent then $A_{\text{imp}} = +5$ dB.

SCHEDULE B

DETERMINATION OF NOISE LIMITS

B1. NOISE LIMITS

- 1. When the background level is neutral, the noise limit for each period is the zoning level determined according to Schedule B2.
- 2. For the day period the background level is neutral when it is at least 6 dB, and no more than 12 dB, below the zoning level. For other periods the background level is neutral when it is at least 3 dB, and no more than 9 dB, below the zoning level.
- 3. For the purpose of determining whether a background level is neutral, a measurement of the background level shall be made according to Schedule C2.
- 4. When the background level is not neutral, the noise limit shall be based on the background level. The background level shall be measured according to Schedule C3. and adjusted, if appropriate, according to Schedule B3.
- 5. The noise limit shall be rounded to the nearest decibel and shall not be less than the values specified in section B3.3.

6. For the purposes of determining the zoning level, the limits based on background levels and the base noise limits, the periods 1300 to 1800 hours on Saturdays and 0700 to 1800 hours on Sundays and public holidays shall be treated as for the evening period.

B2. DETERMINATION OF ZONING LEVELS

1. To calculate the zoning level, use the relevant planning scheme or schemes for the area under consideration.
2. Two concentric circles of diameter 140 metres and 400 metres shall be drawn or reproduced to scale on the relevant map, or a facsimile of the map, centred on the measurement point in the noise sensitive area. Where a derived point is specified, the centre of the two circles shall be located at an appropriate point in the noise sensitive area.
3. The zones and reservations specified by the planning scheme or schemes within the circles shall be designated as type 1, type 2 or type 3 according to the tables in the document entitled "Designation of Types of Zones and Reservations in the Metropolitan Region Planning Schemes for the Purposes of State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1" published by the Authority as in force from time to time ("the incorporated document").

In determining the type to be assigned to a zone or reservation, the Authority shall have regard to the nature of uses permitted in that zone or reservation and shall generally assign areas such as residential, rural and open space as type 1; areas such as commercial, business and light industry as type 2 and areas such as general industry and major roads as type 3.

4. Where a zone or reservation is not listed in the incorporated document it shall be given the type considered appropriate by the Authority having regard to the nature of the uses permitted in such zone or reservation and the type assigned to similar zones and reservations.
5. The total area of the 140 metre circle and the 400 metre circle shall be measured from the relevant map specified in section B2.2. The area of all the type 2 and 3 zones and reservations shall be measured for each of the two circles from the same map.

The influencing factor (IF) shall be calculated from the following formula:

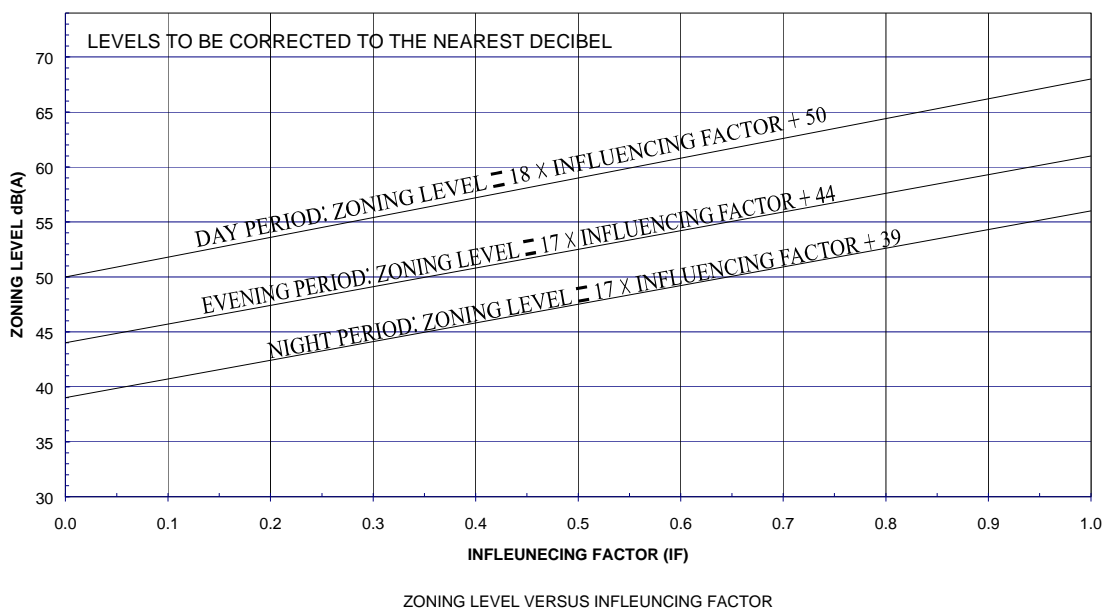
$$\text{IF} = \frac{1}{2} \left(\frac{\text{area type 3} + \frac{1}{2}(\text{area type 2})}{\text{total area of circle}} \right)_{140\text{m circle}} \\ + \frac{1}{2} \left(\frac{\text{area type 3} + \frac{1}{2}(\text{area type 2})}{\text{total area of circle}} \right)_{400\text{m circle}}$$

Alternatively, the fraction of each circle occupied by type 2 and 3 zones and reservations shall be measured and the influencing factor (IF) calculated from the following equivalent formula:

$$\text{IF} = 0.25 (\text{Sum of type 2 fractions for both circles}) + 0.5 (\text{Sum of type 3 fractions for both circles})$$

6. The zoning level for a day period, evening period or night period shall be determined from Figure 3.

FIGURE 3



B3. NOISE LIMITS BASED ON BACKGROUND LEVELS

1. High background levels

When the background level plus 6 for the day period exceeds its respective zoning level, then the noise limit shall be the background level plus 6 dB(A). When the background level plus 3 exceeds the zoning level for the evening period or night period then the noise limit shall be the background level plus 3 dB(A).

2. Low background levels

When the zoning level for the day period is 13 dB or more above the background level for that period, the noise limit shall be calculated from the following formula:

$$\text{noise limit} = \frac{1}{2} (\text{zoning level} + \text{background level}) + 4.5 \text{ dB(A)}$$

When the zoning level for the evening period or night period is 10 dB or more above the background level for that period, the noise limit shall be calculated from the following formula:

$$\text{noise limit} = \frac{1}{2} (\text{zoning level} + \text{background level}) + 3 \text{ dB(A)}.$$

3. Base noise limits

The noise limit shall not be less than the values below:

Day period	45 dB(A)
Evening period	40 dB(A)
Night period	35 dB(A)

B4. STANDBY GENERATORS, STANDBY BOILERS AND FIRE PUMPS

Where the noise source under consideration is a standby generator, standby boiler or fire pump, the noise limit shall be increased by 10 dB for a day period and by 5 dB for all other periods.

For the purposes of this section-

- (a) a fire pump means a water pump permanently installed on a premises for extinguishing fires in emergencies;
- (b) a standby boiler means a boiler which is used to supply hot water or steam in an emergency as an alternative to the normal boiler; and
- (c) a standby generator means a generator of electrical power used as an alternative to the mains supply in emergencies or for a maximum period of 4 hours per month for maintenance purposes.

SCHEDULE C

MEASUREMENT OF BACKGROUND LEVELS

C1. BACKGROUND LEVEL

1. The background level shall, where possible, be measured outdoors in the noise sensitive area.
2. Where it is not possible for the measurement of the background level to be made in the noise sensitive area, then the measurement may be made at another point which appears to be representative of the likely background level at the noise sensitive area.
3. When the microphone is located outdoors and 1 to 2 metres from an acoustically reflecting surface an adjustment of -2 dB shall be made to the measured L_{A90} .
4. The background level shall be rounded to the nearest decibel.
5. The background level shall be measured during dry conditions with low to calm winds.

C2. NEUTRAL BACKGROUND LEVEL

1. To determine whether the background level is neutral, at least two measurements of the L_{A90} shall be made each of at least 5 minutes duration and arithmetically averaged to obtain a representative measure of the background level for the period when the commercial, industrial or trade premises normally operates.
2. The L_{A90} may be considered equivalent to the average of the minimum meter readings.

C3. BACKGROUND LEVEL NOT NEUTRAL

1. To determine the background level when it has been assessed as not neutral, the L_{A90} shall be measured continuously over each hour of the day, evening and night period the commercial, industrial or trade premises under investigation normally operates. The hourly L_{A90} levels shall be arithmetically averaged for each of the periods so as to obtain the background level.
2. Where the conditions of Schedule C3.1 cannot be met, the L_{A90} may be measured over less than the full period, but shall be based on the arithmetic average of at least two samples, each of 10 minutes duration, so as to obtain a background level that represents the background level during the period of concern.

SCHEDULE D

DETERMINATION OF DERIVED NOISE LIMIT

1. Where a derived point has been specified, a derived noise limit shall be determined for that point.
2. The derived noise limit shall be set so that compliance with this level will result in the noise limit at the noise sensitive area not being exceeded.
3. The derived noise limit shall be calculated using a suitable method. In setting the derived noise limit regard shall be given to the sound paths to the noise sensitive area and derived points, and other factors which may affect the propagation of sound.