



EPA
VICTORIA



Permit application requirements for outdoor entertainment venues and events

Publication 2025 August 2021

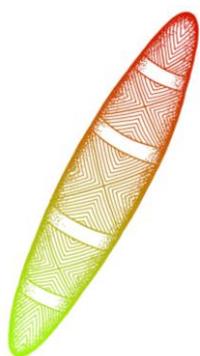
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As Victoria's environmental regulator, we pay respect to how Country has been protected and cared for by Aboriginal people over many tens of thousands of years.

We acknowledge the unique spiritual and cultural significance of land, water and all that is in the environment to Traditional Owners, and recognise their continuing connection to, and aspirations for Country.



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Definitions

The following terms are reproduced from the Environment Protection Regulations 2021 (the Regulations) to help you understand when an EPA permit application is required to conduct an activity at an outdoor entertainment venue or outdoor entertainment event.

Act means the *Environment Protection Act 2017*

Authority means the Environment Protection Authority

concert means an operation at an outdoor entertainment venue or an outdoor entertainment event if the effective noise level exceeds 55dB(A) (or 45dB(A) if measured indoors) assessed as an LAeq of 15 cumulative minutes at any measurement point in a noise sensitive area at least once during a 24-hour period.

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 sensitive area means

- (a) that part of the land within the boundary of a parcel of land that is—
 - (i) within 10 m of the outside of the external walls of any of the following buildings—
 - (A) a dwelling (including a residential care facility but not including a caretaker's house)
 - (B) a residential building
 - (C) a noise sensitive residential useor
 - (ii) within 10 m of the outside of the external walls of any dormitory, ward, bedroom or living room of one or more of the following buildings—
 - (A) a caretaker's house
 - (B) a hospital
 - (C) a hotel
 - (D) a residential hotel
 - (E) a motel
 - (F) a specialist disability accommodation
 - (G) a corrective institution
 - (H) a tourist establishment
 - (I) a retirement village
 - (J) a residential villageor
 - (iii) within 10 m of the outside of the external walls of a classroom or any room in which learning occurs in the following buildings (during their operating hours)—
 - (A) a child care centre
 - (B) a kindergarten
 - (C) a primary school
 - (D) a secondary schoolor
- (b) subject to paragraph (c), in the case of a rural area only, that part of the land within the boundary of—
 - (i) a tourist establishment or

(ii) a campground or

(iii) a caravan park

or

(c) despite paragraph (b), in the case of a rural area only, where an outdoor entertainment event or outdoor entertainment venue is being operated, that part of the land within the boundary of the following are not noise sensitive areas for the purposes of that event or venue—

(i) a tourist establishment

(ii) a campground

(iii) a caravan park.

operation means an activity that emits music noise from an outdoor entertainment venue or outdoor entertainment event over a 24-hour period.

outdoor entertainment event means an event where music is played and is held on public land including a road reservation, public open space, park, foreshore reserve or land of a similar nature, including an event held on such land in a temporary building or structure, such as a marquee, tent or temporary soundstage, not being a permanent fixture of the land and erected for the purposes of the event.

outdoor entertainment venue means any premises (other than residential premises) where music is played in the open air and which cannot feasibly be totally enclosed and sound-proofed because of its size.

Examples

Sports and other large outdoor arenas and major sports and recreation facilities having substantial provision for spectators, including privately owned land used as an outdoor entertainment venue.

Regulations means the Environment Protection Regulations 2021

standard operating hours means,

- for an outdoor entertainment venue, from 12 noon until 11 pm on any day (regulation 128)
- for an outdoor entertainment event (a) Monday to Saturday (other than a public holiday), from 7 am to 11 pm; and (b) Sunday or a public holiday, from 9 am to 11 pm (regulation 129).

Unreasonable noise means noise that—

(a) is unreasonable having regard to the following—

(i) its volume, intensity or duration

(ii) its character;

(iii) the time, place and other circumstances in which it is emitted

(iv) how often it is emitted;

(v) any prescribed factors or

(b) is prescribed to be unreasonable noise.

Purpose of this guide

The *Environment Protection Act 2017* (the Act) and its subordinate legislation details the requirements for individuals and businesses who are planning musical entertainment at an outdoor entertainment venue or event.

A permit application must be made to Environment Protection Authority Victoria (EPA) in certain circumstances including when a duty holder of an outdoor entertainment venue or event wishes to extend activity beyond the standard operating hours or to operate more than six concerts in a financial year.

A duty holder includes a business that wants to hold outdoor music events (including multi-day music festivals) and individuals in the community who want to hold outdoor events such as a local community event, where music is part of the event.

This guideline focuses on music noise from outdoor entertainment venues and events that may occur. It is intended for businesses and individuals and other duty holders to assist in understanding EPA's permit requirements for outdoor entertainment venues and events, and what information is required to be submitted with an application.

Other noise emissions from outdoor venues and events, such as noise from mechanical plant, refrigeration systems and kitchens, are subject to the requirements that apply to commercial, industrial and trade premises, as defined in Part 5.3 of Division 3 of the Regulations.

Noise from patrons at entertainment venues is only subject to the Regulations when it is associated with the music sources for example, patrons singing along with the music, or DJ announcements. Nevertheless, patron noise also needs to be managed as required, for example in planning permits and liquor licenses, and in relevant guidelines.

This guideline provides an overview of what can trigger a requirement for an EPA permit, application requirements and EPA's decision-making criteria.

1. EPA and music noise regulation

1.1. Unreasonable noise in the Environment Protection Regulations

Under section 166 of the Act a person must not emit unreasonable noise or permit unreasonable noise to be emitted. This does not apply to noise emitted from residential premises, which is covered by Section 167 of the Act.

Under the Environment Protection Regulations 2021 (the Regulations) music noise emitted from an outdoor entertainment venue or event is unreasonable if:

- the level of the music noise exceeds the noise limit that applies to that venue or event at the time the noise is emitted or
- the music noise is audible within a noise sensitive area outside the 'standard operating hours' or
- the music noise is audible within a noise sensitive area outside any times set out in a permit or
- a permit has not been obtained for a concert that does require a permit.

The environment protection framework includes provision for a range of notices to be issued by EPA in particular situations such as when noise is determined to be unreasonable noise as defined by the Regulations.

1.2. EPA's role in regulating music noise

EPA regulates music noise from **indoor entertainment venues, outdoor entertainment venues, and outdoor entertainment events.**

EPA will consider permit applications made in the circumstances described in Section 2 below. A permit may contain conditions that the duty holder must comply with to satisfy the obligations of the law.

The EPA [Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues \(Noise Protocol\) \(publication 1826\)](https://www.epa.vic.gov.au/about-epa/publications/1826-4) (<https://www.epa.vic.gov.au/about-epa/publications/1826-4>) and associated [Technical guide: Measuring and analysing industry noise and music noise \(Technical Guide\) \(publication 1997\)](https://www.epa.vic.gov.au/about-epa/publications/1997) (<https://www.epa.vic.gov.au/about-epa/publications/1997>) also assist with the **measurement and assessment of music noise.**

1.3. Roles of councils or other land managers

The Regulations are not the only statutory tool that needs to be considered when operating an outdoor entertainment venue or conducting an outdoor entertainment event.

Local councils may issue planning permits for the land uses in relation to these venues and events which may include specific conditions in regards to the emission and management of noise.

Local council may also issue a Places of Public Entertainment (POPE) permit for sites that may be regularly used for events – You can visit https://www.vba.vic.gov.au/_data/assets/pdf_file/0012/99399/PN-66-Occupancy-Permit-for-Places-of-Public-Entertainment.pdf for more information.

EPA recommends that you contact the local council in the area you plan to hold the entertainment venue or event to seek advice in relation to their bylaws and tools for permit consideration.

Public land managers, such as Parks Victoria may issue permits for any activity such as a festival or concert on their managed land.

You can visit <https://www.parks.vic.gov.au/get-into-nature/events-and-filming-permits/parks-and-reserves-application-guidelines> for more information.

2. EPA permit requirements

2.1. Table 1: Overview of permit requirements for outdoor entertainment venues and events

	For who?	Regulations
1. An operation outside standard operating hours	Outdoor entertainment venue	Regulation 128 (1) (a)
	Outdoor entertainment event	Regulation 129 (1) (a)
2. An operation with a period of more than 8 hours	Outdoor entertainment venue	Regulation 128 (1) (b)
3. More than six concerts at the same location in a financial year	Outdoor entertainment event and outdoor entertainment venue	Item 76 and Item 77 Noted in regulation 128 and regulation 129
4. A concert held during the following hours: <ul style="list-style-type: none"> Monday to Saturday, from 7 am to 12 noon Sunday or a public holiday, from 9 a.m. to 12 noon 	Outdoor entertainment event	Regulation 129 (1) (b) (i) and (ii)
5. A concert with a period of more than 8 hours	Outdoor entertainment event	Regulation 129 (1) (c)

2.2. EPA permits for outdoor entertainment venues

An EPA permit is required for musical entertainment at an outdoor entertainment venue where:

- an activity is proposed to occur outside standard operating hours
- an activity is proposed to have extended hours of operation
- an activity would lead to more than six concerts at the same location in a financial year.

Operation outside standard hours

Regulation 128 sets out that an EPA permit is required for an operation at an outdoor entertainment venue that will occur outside the standard operating hours, which are 12 noon until 11 pm on any single day.

Where EPA issues a permit for operations outside standard operating hours different noise limits may be set for the extended hours.

Extended operation

Regulation 128 also sets out that an EPA permit is required if an operation will occur for a period of more than 8 hours.

Extra concerts

The reference to regulation 128 also sets out that an EPA permit is required where the duty holder intends to conduct more than six concerts at the venue in a financial year.

2.3. EPA permits for outdoor entertainment events

Regulation 129 sets out that an EPA permit is required for musical entertainment at an outdoor entertainment event where:

- an operation will occur outside the standard operating hours. The standard operating hours are defined as:
 - Monday to Saturday (other than a public holiday), from 7 am to 11 pm and
 - Sunday or a public holiday, from 9 am to 11 pm
- a concert will be held during the following hours:
 - Monday to Saturday, from 7 am to 12 noon
 - Sunday or a public holiday, from 9 am to 12 noon
- a concert will be engaged in for a period of more than 8 hours.

Operation outside standard hours

Regulation 129 also sets out that an EPA permit is required for an operation at an outdoor entertainment event that will occur outside the standard operating hours.

Extended operation

Regulation 129 also sets out that an EPA permit is required if an operation occurs for a period of more than 8 hours.

Extra concerts

The Note to regulation 129 sets out that an EPA permit is required where the duty holder intends to conduct more than six or more concerts at the same location in a financial year.

Case Study 1

Alicia is organising a community festival to celebrate the arts. The festival will run for 10 days with musical programming on six days.

The musical programs run on each of the seven days for a period of four hours (6pm-11pm). The festival was previously held indoors; however, Alicia has found an outdoor venue where she will build a single stage and will be designed to accommodate 850 people (4 sqm rule) or 1700 people (2 sqm rule). The outdoor venue is situated in a local park within a predominantly industrial area and has few nearby residences.

Alicia has compiled a Noise Management Plan which outlines the dates and times of musical performances, along with a map detailing stage and sound system locations/directions. The map also outlines where the closest Noise Sensitive Areas (residences) are which will be impacted and outlines a strategy for a noise complaints hotline and flyers which will be provided to these residences.

Alicia reviews the EPA website and requirements for a permit. As the festival has music programming for over six concerts, Alicia is required to apply for an L06 permit (Conducting more than six outdoor concerts).

Alicia applies for the permit via EPA's online portal. She provides details of the event (location, duration, and dates) as well as providing the Noise Management Plan for review.

Alicia notes that all events fall within the permitted hours, but acknowledges that as there are over six concerts, a permit will be required.

2.4. What sort of operation does not need to come to EPA for a permit

Some operations are not required to obtain a permit from EPA.

An operation with a duration of less than 8 hours, within relevant standard operating hours and at an outdoor venue or event can proceed without the need to obtain a permit.

Events on reserved land where the main purpose is **not** musical entertainment, such as a food and wine festival or a fun run, are not required to obtain a permit to operate. However, if the music noise emitted from these events exceeds 55dB(A) at the nearest noise sensitive area, then the 'concert' threshold is triggered. The activity, therefore, does count as a 'concert' and the requirements outlined in Section 2.2 and Section 2.3 apply.

Case Study 2

Rish is holding an event over two days for 1500 people, 150kms outside of Melbourne. The event is proposed to be held in six months time and will have musical performances from 12pm-8pm on each day.

Not just limited to music, there will also be art installations, a variety of food trucks, and a licensed bar.

Rish reviews the permitting requirements for outdoor entertainment events under the Environment Protection Regulations 2021.

She notes that the Regulations state that standard operating hours are from 12 noon until 11 p.m. on any day, and that a permit is required for concerts over 8 hours.

As the two day event is within the standard operating hours, and do not exceed 8 hours; and because the event does not exceed six concerts at this location in a financial year, Rish is not required to obtain a permit from the EPA.

2.5. Sound checks

Sound checks are completed prior to a concert by a sound engineer. Sound checks for a concert do not require a permit from EPA. The intention of a sound check is to test the sound system and the level of music noise that will be emitted from the concert. These should be as short as possible, but long enough to test the sound system and allow measurement of music noise at the nearest noise sensitive area to confirm settings are suitable to not exceed noise limits.

Sound checks are not a replacement for ongoing noise monitoring required under the permit for the event. Sound checks can be completed outside the standard operating hours or outside of the 8-hour limit. However, scheduling and conducting sound checks requires due consideration of the risk of impact to noise sensitive areas.

3. Process for applying for a permit

3.1. Outlining the process for applying for an EPA permit

When applying to EPA for a permit for your outdoor entertainment venue or event, applications should be submitted as early as possible, but no less than 45 days before the event. This is to ensure that the information is as up to date as possible and allows adequate time for EPA to assess the details of the permit application.

In most instances, EPA engages with local councils in relation to applications. Therefore, the 45-day timeframe allows ample opportunity to obtain further information. If your event is on short notice and you

are unable to apply for a permit 45-days in advance, please [contact EPA](https://www.epa.vic.gov.au/about-epa/contact-us) (<https://www.epa.vic.gov.au/about-epa/contact-us>) at the earliest opportunity to discuss further.

Section 81(2) of the Act and regulation 27 of the Regulations provide prescribed periods for determining permits. As per the Regulations and the Act, EPA will provide a response to your permit application within 15 business days.

Applications should be made via the [EPA Online Portal](http://www.portal365.epa.vic.gov.au) (www.portal365.epa.vic.gov.au).

Applicants will need to create an account first before submitting their permit request for consideration by clicking the 'sign up' button in the top righthand corner and completing the requested information. Once signed in you are able to 'Apply for permission' and submit your permit application.

3.2. What an application must include

When submitting your application to us via the Online Portal, EPA needs to know about the requested event so it can provide advice in relation to what applies to the specific circumstance.

The following items and information must be supplied when you submit your application:

- application fee
- applicant ACN (that is, the person/company responsible for the operation of the venue or event)
- registered address of applicant
- applicant contact details (telephone and email)
- location of event or address of venue
- date, time, and length of the event where music noise is to be emitted
- justification for the public interest of the event (for example significant cultural value, widespread recognition of the contribution to the character of the location, or significant economic and employment outcomes for the local community)
- detailed history of any complaints received for previous events and how they were resolved
- a Noise Management Plan of event location or venue layout including: where the noise will be emitted from, sensitive receptors and other dwellings in a 5 km radius, geographic and topographic features of the area for example hills, water bodies, access roads, premises boundary (further information provided on Noise Management Plans in Section 3.2.2)

The following items and information may be useful to support your application and should be submitted where applicable at the time of your application. EPA may also request that you submit this information :

- any letters of support from the local council and/or neighbouring residents
- landowner consent if the applicant intends to use another landowner's property
- whether the event has been held before and how many times
- effective noise levels for music noise in any previous operations engaged in by the applicant (if applicable)
- results from a monitoring report undertaken for the most recent operation or event (where available).

3.2.1. Application fee

Regulation 195 prescribes the fees associated with obtaining a permit for entertainment venues and events.

For the purposes of section 50(1)(b) of the Act, the prescribed fee for an application to EPA for a permit that specifies an activity set out in item 76 (L05—Operation outside of hours or extended operations) or item 77 (L06— Conducting more than 6 outdoor concerts) in the table in Schedule 1 is 48.47 fee units.

The value for a fee unit is determined by Department of Treasury and Cabinet and can be found by visiting <https://www.dtf.vic.gov.au/financial-management-government/indexation-fees-and-penalties>

3.2.2. Noise management plan

A noise management plan is a document that describes how you will manage noise emitted from the venue/event. It should address how noise levels will be controlled to ensure the relevant noise limits are not exceeded. It may specify, for example, loudspeaker location and orientation, or the use of sound barriers around the outdoor area where the noise occurs (for example a stadium) to reduce noise exposure to neighbouring/nearby residents.

EPA requests this document to assist in its assessment of the risk of harm to human health and the environment. It should contain:

- name of the company in control of the venue or event
- type of entertainment or acts and their schedule
- dimensions of the stage and its orientation
- location of the audience
- characteristics of the loudspeakers used: type and arrangement, location, height above ground and the direction they will face
- sound level at stage or front of house, how they will be monitored and assist with achieving noise limits at noise sensitive areas
- predicted noise levels at the nearest noise sensitive areas including details of key assumptions and calculation procedures
- noise barriers and other containment measures that will be in place
- how noise at noise sensitive areas will be assessed
- how noise at the source and mixing desk will be monitored or reduced
- equipment to be used to monitor noise and who will be responsible for monitoring noise
- engagement plan with the surrounding community, including notifications, agreements you may have made with them
- complaint handling procedures, including the name and phone number of the contact person for the event
- confirmation of what you will do to ensure that event will comply with noise regulations.

Your plan must show us how any music noise will not be louder than the noise limit of 65dB(A) within a noise sensitive area as per the noise limit for outdoor entertainment venues and events listed in 91(A) of the Noise Protocol. An acoustic consultant can model how the sound will diminish over the distance between the speakers and the nearest noise sensitive area. Alternatively, you can refer to the [Technical Guide \(https://www.epa.vic.gov.au/about-epa/publications/1997\)](https://www.epa.vic.gov.au/about-epa/publications/1997). A noise sensitive area can include residential, educational, and health locations. A full list can be found in the definitions section of this guide.

Noise from patrons at entertainment venues is also subject to the Regulations and only needs to be considered when it is associated with the music sources, for example, patrons singing along with the music, or DJ announcements.

Nevertheless, patron noise needs to be managed as required in permits and approvals, such as planning permits or liquor licences, and in relevant guidelines.

The [Technical Guide](https://www.epa.vic.gov.au/about-epa/publications/1997) (<https://www.epa.vic.gov.au/about-epa/publications/1997>) discusses noise calculation algorithms for predicting music noise levels. If the configuration of your venue or event is relatively simple, you can use simplified calculations to approximate the expected noise levels. Be aware however that the calculations usually do not account for effects that can affect the propagation of sound, such as the direction the loudspeakers are facing, sound reflections off walls or the influence of wind and other atmospheric conditions such as temperature inversions. In your permit application please provide details of the calculation procedure you have used and justify the inputs and the assumptions made.

3.2.3. Close out report

As part of the permit conditions, EPA may ask that at the completion of your event, a close out report is provided to us which includes the results of noise monitoring that occurred during your event and details of any complaints that were received. Include information such as how close the complainant's property was to the event, the noise levels at property and how the complaints were addressed.

A close out report is important as it provides information that may be relevant to approving permits for your future activities.

As a guide, the contents of a close out report should include the following:

- **Title page** which clearly identifying the date and time of the of event, author of the report and date the report was produced.
- **Table of contents.**
- **Summary** covering the applicable policy and regulation, whether a permit was required and issued by EPA, how the NMP was implemented including noise controls, noise measurements, compliance with the noise limits, complaints received and their resolution.
- **General Information** including a summary of the site plan, event set up, technical personnel present, instruments used, calibration of equipment, and whether any changes from the application were required.
- **Results** including a discussion of noise levels measured at sensitive locations and compliance with the policy and regulatory requirements – noise limits and operating times, and details of implementation of the NMP and complaints received and resolution.
- **Conclusion**
- **Appendices** including tabulated noise measurements at the nearest sensitive receptors or most affected dwellings or noise sensitive areas.

4. What EPA must consider

4.1. Previous operations and complaints

Regulation 28 (f) and (g) provides further information relating to prescribed matters EPA must take into consideration when deciding whether to issue a permit.

This includes the history of complaints (if any) received by EPA or a council in relation to the applicant's previous operations.

If there have been complaints relating to the venue/event that is requesting the permit, EPA may request the following information:

- Nature of complaint, for example, the event or venue name, or whether it relates to music noise or patron noise.

- Date and time that the complaint refers to, for example, whether during the night or another time.
- Contact details for the complainant including phone number, address and email address if applicable, for example, to allow for any further detailed information gathering.
- Location information, including, for example, the distance between the noise sensitive area and the venue or event boundary.
- Any action undertaken resulting from the complaint, including the response or the reason in a situation where no action was taken.
- The method by which complaint was received, for example phone or email.
- Location of the complainant, noting that where the complainant chooses not to give their exact details, a general indicative location shall be recorded.
- Event to which the complaint relates.
- Nature of complaint including characteristics of the noise, whether noise leads to sleep interruption or conversation difficulties, etc.
- The name of the person who received the complaint.

4.2. What EPA considers for a permit to operate outside the standard operating hours or for extended operations

Regulation 28 (f) provides further information relating to prescribed matters EPA, or council must take into consideration when deciding whether to issue a permit.

A decision whether to allow an application for a permit to operate outside of the standard operating hours, or for extended operations, will consider the following factors:

- the effective noise levels in any previous operations engaged in by the applicant (if applicable).
- the history of complaints received by EPA or a council in relation to previous operations engaged in by the applicant (if any)
- any action the applicant intends to take to control noise emissions and to minimize their impacts
- whether it is in the public interest to grant the permit.

EPA may grant approval to allow you to hold an event outside the standard operating hours if we are satisfied:

- residents will not be able to hear the noise at their homes or other noise sensitive areas, or
- your event is in the public interest, including for example significant cultural value, widespread recognition of the contribution to the character of the location, or significant economic and employment outcomes for the local community.

EPA may not grant a permit if it fails to:

- meet conditions of a previous permit, or
- implement proposed measures in line with 28(f)(iii) and 28(a)(i).

4.2 What EPA considers for a permit to conduct more than six concerts

Before extra concerts are permitted, a duty holder must prepare a noise management plan in line with Section 3.2.2 and submit an application to EPA. It should address how noise levels will be controlled to ensure the relevant noise limits are not exceeded. It may specify, for example, loudspeaker location and orientation, or the use of sound barriers around the outdoor area where the noise occurs (for example a stadium) to reduce noise exposure to neighbouring/nearby residents.

Permit application requirements for outdoor entertainment venues and events

Regulation 28 (g) provides further information relating to prescribed matters EPA, or council must take into consideration when deciding whether to issue a permit.

A decision whether to allow an application for a permit to conduct more than six outdoor concerts in a financial year, will consider the following factors:

- the number of concerts in that location in the previous year
- the effective noise levels of concerts in that location in the previous year
- the history of complaints received about concerts in that location in the previous year (if any)
- any action the applicant intends to take to control noise emissions and to minimise their impacts
- whether it is in the public interest to grant the permit.

Reasons for which EPA may grant approval to allow you to hold six or more concerts in a financial year include:

- EPA is satisfied that your event is in the public interest, including for example significant cultural value, widespread recognition of the contribution to the character of the location, or significant economic and employment outcomes for the local community.

EPA may not grant a permit if:

- effective noise level of a concert exceeded the noise limit in the current or previous financial year, or
- the event failed to meet conditions of a previous permit, or
- there is a pattern of self-monitoring reports not being conducted, which effectively means that there is no basis to establish past compliance; or
- EPA is not satisfied that all of the extra concerts will meet the noise limits.
- organisers fail to implement proposed measures in line with 28(g)(iv) and 28(a)(i).

Contact EPA

epa.vic.gov.au

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