



**Liverpool**citycouncil  
creating our future together

## **The Use of Public Address (PA) Systems on Council Owned Properties Policy**

Trim: 074258.2011-01

## DEFINITIONS

- **Authorised officer** means a Council officer holding a Delegation.
- **Council** means Liverpool City Council
- **NSW OEH** means NSW Office of Environment and Heritage
- **Delegation** means the legal instrument whereby powers are conferred on an authorised officer by the General Manager to act for and on behalf of Council as its agent where Council has been given those powers by legislation.
- **DA** means Development Application.
- **EPA** means Environment Protection Authority
- **EPA Act** means the *Environmental Planning and Assessment Act 1979*.
- **The Use of Public Address (PA) Systems on Council Owned Properties** means this policy.
- **LG Act** means the *Local Government Act 1993 (NSW)*.
- **Notice** means a statutory notice issued under the POEO Act, the EPA Act, the LG Act or any other Act.
- **POEO Act** means the *Protection of the Environment Operations Act 1997 (NSW)*.
- **Penalty notice** means a penalty notice which is used for offences prescribed by legislation whereby a fine is given. The value of the fine is also prescribed by legislation.

## BACKGROUND

Council has determined that guidelines are needed that can be implemented and enforced to minimise the impact of noise emanating from Council owned recreation areas and public halls/community centres, on nearby residential properties. The guidelines (policy) are to establish the applicable standards that are to be enforced, and include details of the fines for breaches of those standards.

## POLICY STATEMENT

Liverpool City Council's Use of Public Address (PA) Systems on Council Owned Properties Policy establishes standards for Council officers to act promptly, consistently and effectively in response to allegations of excessive noise complaints made by members of the public.

Organisers of events will need to undertake measures to ensure that the sound levels will not exceed the maximum level recommended by the EPA/NSW OEH and described in this policy.

All authorised officers with enforcement duties, functions and responsibilities must act at all times in good faith and within their powers of delegation.

Council will take enforcement action when it is deemed that noise levels have been exceeded. Authorised officers should apply standards of reasonableness, common sense and good judgment, whilst remaining firm and maintaining the ability to put in place effective resolutions.

## OBJECTIVES

The aim of this policy is to:

- Provide clear guidelines for the management of Council's enforcement actions in response to complaints relating to excessive noise in the use of public address (PA) systems on Council owned properties.
- Provide a consistent approach to the investigation of complaints relating to excessive noise in the use of public address (PA) systems on Council owned properties.
- Ensure the principles of procedural fairness and natural justice are followed.
- Provide an effective process of community education, awareness and consultation.
- Determine whether complaints relating to excessive noise in the use of public address (PA) systems on Council owned properties warrants investigation
- Determine whether complaints relating to excessive noise in the use of public address (PA) systems on Council owned properties warrants enforcement action.

## NOISE STANDARDS

This policy seeks to outline the point at which generation of noise at a public event becomes unacceptable and the means that Council will undertake to enforce non-compliance with these standards.

Council provides access to Council's parks and halls on the following basis:

- *Noise is to be controlled by the Hirer and is not to create a nuisance to other park users. Therefore, the use of public address systems, large sound systems and other activities that generate excessive amounts of noise cannot be used without the written permission of Council.*
- *The number of annual events held will not exceed an amount deemed reasonable by Council and will be dealt with on a case by case basis, where PA systems are used on or within Council owned recreation areas and public halls/community centres. Organisers of these events will need to undertake all necessary measures to ensure that the ambient background noise level (LA90) in any octave band centre frequency (31.5Hz to 8KHz inclusive) is not exceeded by more than 5dB. It is their responsibility to ensure that this does not occur.*

Approval is also obtained, in certain circumstances, through Council's Development Application (DA) process in order to undertake an event. In these circumstances the DA will stipulate the specific regulations that need to be adhered to for each event. A typical condition of DA consent provides the following:

- *The LA10 noise level emitted while entertainment is being provided (as determined in accordance with Australian Standard AS 1055.1-1997, Acoustics - Description and measurement of environmental noise, Part 1: General procedures) must not exceed the ambient background noise level (LA90) in any octave band centre frequency (31.5Hz to 8KHz inclusive) by more than 5dB:*

(a) *At the boundary of a lot on which any residential accommodation is located, and*

- (b) *If the existing building is on the same lot as (but not in) a building containing any residential accommodation - on the outside wall of the building containing that accommodation, and*
- (c) *If the existing building contains any residential accommodation - within the residential premises concerned.*

Subclause (a) does not apply in relation to any boundary of the lot on which the existing building is located unless that boundary is shared with another lot on which residential accommodation is located.

It should also be noted that Musical instruments and sound equipment (radios, TVs, tape recorders, record or compact disc players, public address systems, computer games) can be used on the days and between the times stipulated below. The sound generated can not exceed the ambient background noise level (LA90) in any octave band centre frequency (31.5Hz to 8KHz inclusive) by more than 5dB at the locations (a), (b), and (c) above. The times and days when this equipment can be used is as follows:

- *Monday to Thursday and Sunday from 8am to 10pm*
- *Friday, Saturday or the day immediately before a public holiday from 8am to 12 mid night but can not exceed the ambient background noise level (LA90) in any octave band centre frequency (31.5Hz to 8KHz inclusive) by more than 5dB as stated above.*

Outside of the hours stated, restrictions can be placed on using these articles, if they cause offensive noise. Offensive noise is defined as:

- *Noise that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstance, is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.*

The POEO Act 1997 gives Council Officers the power to investigate and/or fine noise polluters. Council officers can issue Noise Abatement Orders, Noise Abatement Directions and Noise Control Notices.

Should the user breach the noise standards listed within this policy, users will be fined and owners consent to use Council land/property will not be given for a period of 12 months.

### **ISSUING FINES**

As stated previously, all users of Council owned recreation areas and public halls/community centres that breach noise levels allowed under the relevant acts will be fined an amount that is allowable under the relevant legislation applicable at the time the fine is issued. That user will also be informed that owners consent to use or hire Council land/property will not be given for a period of 12 months.

**AUTHORISED BY**

Council

**EFFECTIVE FROM**

23 May 2011

**DEPARTMENT RESPONSIBLE**

Executive Services  
City Services  
City Planning

**REVIEW DATE**

May 2013

**THIS POLICY HAS BEEN DEVELOPED AFTER CONSULTATION WITH**

Councillors  
Executive Services  
City Services  
City Planning

**ATTACHMENTS**

Nil

**REFERENCES**

Prevention of Environment Operations Act 1997  
Prevention of Environment Operations (Noise Control) Regulation 2008  
NSW Office of Environment & Heritage – Noise Guide for Local Government