



## Implementation and transitional arrangements for the Noise Policy for Industry (2017)

The following implementation arrangements have been developed to ensure that there is an orderly and transparent transition from the *NSW Industrial Noise Policy* (2000) to the *Noise Policy for Industry* (2017).

1. The *NSW Industrial Noise Policy* (2000) is withdrawn and is replaced by the *Noise Policy for Industry* (2017) except as described in points 2, 3 and 8 below.
2. The *Noise Policy for Industry* (2017) will take effect immediately upon its release and should be referenced in relevant Secretary's Environmental Assessment Requirements (SEARs) for new industrial development issued after the policy release date. Where SEARs were issued before the release of the new policy, and have not been modified, the assessment requirements referenced in the SEARs will apply for a period of two (2) years from the date of issue of the SEARs consistent with the provisions in the *Environmental Planning and Assessment Regulation 2000*, Schedule 2, Part 2, 3 (7).
3. In situations where SEARs are not issued (that is, development consent that is not State Significant Development or Infrastructure), however, a proponent can demonstrate that environmental assessment substantially commenced before release of the new policy, planning and regulatory authorities may choose to determine the application based on the *NSW Industrial Noise Policy* (2000) for a period of up to one (1) year from the date of release of the *Noise Policy for Industry* (2017).
4. The *Noise Policy for Industry* (2017) will be used to assess and develop requirements for existing industrial developments/activities under the circumstances and through the processes described in points 5 and 6 below.
5. Modification to a planning approval:
  - a. where the planning authority requires a noise impact assessment to support the modification; or,
  - b. where a significant change to existing plant, equipment or processes is proposed.
6. Environment protection licence review/variation:
  - c. where the existing environment protection licence does not include noise requirements and the regulation of noise is warranted (for example, due to complaints or changing land uses) through a pollution reduction program; or,
  - d. where there is a change in the activity, or to existing plant, equipment or processes that may require a noise assessment.

**NOTE:** Where an application is made to vary requirements using the new policy, the NSW Environment Protection Authority (EPA) will take into account existing commitments and requirements, and performance against those requirements, as evidence of the ability of the proponent/licensee to implement reasonable and feasible measures to mitigate noise. That is, where a licence holder meets current noise limits or can do so, this will be considered evidence that practical measures can be implemented to mitigate pollution for the purposes of s.45(d) of the *Protection of the Environment Operations Act 1997* when the EPA makes a licensing decision.

7. Where application of the policy is triggered through the above circumstances and processes the policy is to be applied in full. The *Noise Policy for Industry* (2017) is designed to be used in its entirety and ‘cherry picking’ or ‘mix and match’ between the *NSW Industrial Noise Policy* (2000) and *Noise Policy for Industry* (2017) will not be accepted.
8. The *NSW Industrial Noise Policy* (2000) will continue to apply where it is referenced in existing statutory instruments (such as consents and licences), except for the *NSW Industrial Noise Policy* Section 4 modifying factors, which will be transitioned to the *Noise Policy for Industry* (2017) Fact Sheet C through a NSW Industrial Noise Policy application note. This approach has been taken because the *Noise Policy for Industry* (2017) modification factor approach reflects more recent understanding of the impact of tonal and low-frequency noise on the community.