

Pine Sawmill, Dardanup - Noise Regulation 17 Variation to assigned noise levels

Wespine Industries Pty Ltd

**Report and recommendations
of the Environmental Protection Authority**

**Environmental Protection Authority
Perth, Western Australia
Bulletin 1062
Regulation 17 Report 4
August 2002**

ISBN. 0 7307 6697 7
ISSN. 1030 - 0120

Summary and Recommendations

Introduction

Wespine Industries Pty Ltd (“Wespine”) operates a pine sawmill at Moore Road, Dardanup pursuant to the *Dardanup Pine Log Sawmill Agreement Act 1992 (WA)* and Ministerial Statement No. 312 of 1993.

The promulgation of the *Environmental Protection (Noise) Regulations 1997* (“the noise regulations”) in 1997 created obligations on Wespine that were inconsistent with the Ministerial Statement, in relation to allowable levels of noise emissions.

The noise regulations provided for this contingency through noise regulation 17. Regulation 17 confers upon the Minister for the Environment the power to vary the application of the requirements of the noise regulations in appropriate circumstances by issuing an Approval for such a variation. Wespine has sought such an Approval.

Noise regulation 17 requires an application for variation to be referred to the Environmental Protection Authority (EPA) for assessment. Where the EPA is of the view that noise emissions will vary from a prescribed standard in the noise regulations, the EPA is to inform the Minister, assess the application, and report to the Minister. The Minister has been informed (15 July 1999) and this report provides the EPA’s advice and recommendations, as required by noise regulation 17(3)(b).

EPA Advice

Wespine has provided adequate information to enable the EPA to form the view that –

- the current noise emission levels are likely to comply with the Ministerial Statement but exceed the prescribed standard in the regulations;
- Wespine has established reference points for noise measurement which appear to provide a reasonable means of determining noise emissions from Wespine’s operations when received at other premises;
- while significant noise reduction measures have been implemented, the nature and effect of those measures means it is unlikely to be reasonably practicable for Wespine to achieve compliance with the prescribed standard; and
- suitable constraints (in planning terms) have been established to ensure little or no impact on foreseeable future residential development.

Recommendations

The EPA recommends that a variation to the prescribed standard in the noise regulations be granted in accordance with the attached *Environmental Protection (Dardanup Pine Log Sawmill Noise Emissions) Approval 2002 (Draft 5)*. (See Appendix C).

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1. Introduction and Background

Wespine Industries Pty Ltd (“Wespine”) operates a pine sawmill at Moore Road, Dardanup pursuant to the *Dardanup Pine Log Sawmill Agreement Act 1992 (WA)* and Ministerial Statement No. 312 of 1993.

In 1992, Wespine proposed to expand the mill. In return for local employment and specified production conditions, the State guaranteed the timber resources for the mill. Wespine entered into a twenty-year agreement with the State Government that is known as the *Dardanup Pine Log Sawmill Agreement Act 1992 (WA)* as amended (SAA). At the end of this twenty-year period, the agreement may be extended by a further twenty years if the State is able to ensure a timber supply.

In addition to entering into the SAA, Wespine submitted its expansion plans to the EPA. It was anticipated that timber throughput at the mill would rise from 80,000 m³ in the first year of operation to 400,000 m³ in 2003.

Following a Consultative Environmental Review (CER) process, the EPA recommended that the Minister for the Environment approve the expansion with conditions. The EPA report entitled *Proposed major staged expansion of pine log sawmill, Moore Road, Dardanup* (Bulletin 669, December 1992) contains detailed discussion of all relevant factors, including noise.

The actual capacity increases have not met the levels contemplated in 1992 due to unforeseen circumstances in both timber demand and supply. Furthermore, at the end of the first ten years of the SAA, there is a foreseeable shortfall in the timber resource that the State is able to supply to the mill. Consequently upgrades will proceed slower than originally envisaged in the short term, but timber throughput and the machinery complement of the mill will rise to approximately 400,000 m³ in the foreseeable future.

This means that noise produced by the mill is likely to continue at present levels until the expiration of the current SAA in 2012, except for minor reductions if Wespine implements improved methods or processes in the interim.

Wespine made a commitment that it would “... comply with EPA noise regulations and will carry out further noise reduction measures if necessary to ensure compliance with noise conditions in the Statement.” The noise conditions in the Statement included noise limits that were set in anticipation of the noise regulations, which were still in preparation at that time. Wespine has generally operated within these noise conditions since the Minister’s Statement was issued in 1993 and has engaged in an ongoing noise reduction and monitoring program since then. The noise emissions and noise reduction program are discussed in Section 3 below.

When the noise regulations came into force on 31 January 1998, the prescribed standards were inconsistent with those in the Ministerial Statement. In essence, the noise levels set in the regulations were 5 dB(A) lower than those in the Ministerial Statement. Details of the two sets of noise requirements are presented in Appendix A.

The nearest existing residences to the mill (with the exception of Lot 342) are in the Padbury Fields area, situated off Moore Road about 600m to the south of the mill site. Other residences are situated in the Copplestone area, about 1km to the east of the mill site, off Harold Douglas Drive.

With regard to possible future residential development, the SAA created two buffer areas adjacent to the Wespine premises. These are shown on the attached map at Appendix B.

The area closest to Wespine, known as the “Blue” area, covers an area extending approximately 600m to the east and south of the mill. A second area, known as the “Brown” area, defines a buffer area described as “for possible future buffer expansion”. These buffers are discussed further in Section 3.5.

2. The Application

Noise regulation 17 provides that *“where a person is of the opinion that he or she cannot reasonably or practicably comply with a standard prescribed under these regulations ... that person may apply to the Minister for approval to allow the emission of noise in that case to exceed or vary from the standard.”*

Wespine has applied to the Minister for the Environment for an Approval pursuant to noise regulation 17 to enable it to vary its noise levels from the prescribed standard in the noise regulations. In accordance with noise regulation 17, the Minister has referred the application for variation to the EPA for assessment.

The basis of the application is that Wespine proposes to continue operation of the mill under the noise levels as prescribed in Ministerial Statement No.312.

The primary purpose of the application is to increase the assigned noise levels under the regulations by 5 dB(A), so as to bring them into line with those in the Ministerial Statement.

A secondary purpose of the application is to ensure that any new noise-sensitive development that may be permitted within the “Brown” buffer area (that is, on the land not controlled by Wespine) does not impose unreasonable restrictions on Wespine by virtue of assigned noise levels which cannot practicably be met.

3. Noise Management

3.1 Noise emission levels

A noise regulation 17 application can only be granted where the noise emissions exceed the prescribed standard.

Wespine’s consultants, Herring Storer Acoustics, have measured existing noise emission levels and developed an acoustic model for predicting existing noise levels over the surrounding area. Their predictions show that the noise emissions typically exceed the prescribed standard in the noise regulations at night (10pm - 7am) but meet the 40 dB(A) limit in the Ministerial Statement.

The EPA accepts these findings and concludes that noise emission levels are likely to exceed the prescribed standard, and advises the Minister accordingly.

3.2 Verifying noise emission levels

The ambient noise in the area may create difficulties in measuring noise emission levels at the nearest residences resulting from Wespine's operations. To assist in verifying noise levels, the noise predictions provide "reference points" for noise measurement, at which points the noise from Wespine's operations dominate. The acoustic model then enables the corresponding noise level to be predicted for any residence.

The locations of the reference points, and the corresponding $L_{A 10}$ noise levels which would ensure $L_{A 10}$ levels of 40 dB(A) or less at the nearest existing residences, are as follows:

- Reference Point 1 – Eastern end of Busher Road where it turns north 50 dB(A)
- Reference Point 2 – South-eastern corner of mill site 53 dB(A)
- Reference Point 3 – South-western corner of mill site 50 dB(A)

The EPA also notes that noise measured at the reference points may contain tonality, but that any tonal components present in the noise at the reference points is unlikely to be present in the noise received at the nearest residential receiving locations. (This is as a result of the reduction of noise from Wespine with distance and the "masking" effect of background noise).

The EPA considers that a regulation 17 approval should, where practicable, be based on noise levels determined at the receiving premises, rather than at reference points. However, the EPA notes that the provision of reference points for noise measurement is a methodology that is consistent with regulation 7 (3), and considers that the above reference points appear to provide a reasonable means of determining noise emissions from Wespine's operations when received at other premises.

3.3 Noise reduction

The EPA would normally only recommend approval of a regulation 17 application in cases where the applicant demonstrated that they could not reasonably or practicably comply with the prescribed standard.

Wespine has advised that in 1992, as part of the proposed expansion, the mill commenced a night shift, requiring that noise emissions be reduced by 10 dB(A). To achieve this, the following noise reduction measures were undertaken:

- Chipper Acoustic enclosure
- Green Chain Since replaced with a fully automatic bin sorter enclosed in a sound proof building
- Green Mill Closing and screening of southern openings
- Front end loaders Engine bay noise control and reduced level reversing beepers
- Kiln Replacing electric motors in the main circulation fans
- New outside equipment Limiting the equipment to 85 dB(A) at 3m for fixed plant and 85 dB(A) at 7m for mobile equipment

Various other noise control measures implemented since 1992 include:

- keeping access doors to chipper closed;
- enclosing planers within the dry mill;
- using a quieter front end loader at night; and
- daytime only loading of solar kilns.

A review of noise control carried out in 1999 by Wespine indicated that the noise control at the mill had reached practicable limits.

The EPA has not conducted its own review of practicable noise control measures as part of this assessment. Given that the application is effectively to bring the prescribed standard into line with the Ministerial Statement, such review is not considered necessary.

The EPA notes that significant noise control measures have been introduced, with the effect that noise emissions comply with the Ministerial Statement. The EPA considers that, given the nature and effect of the measures already implemented, it is unlikely to be reasonably practicable for Wespine to achieve compliance with the prescribed standard.

3.4 Noise attenuation and visual amenity

In the CER document produced during the formal assessment process for the mill in 1992, Wespine undertook to maintain screens of trees on mill land, including one between the mill and residents of Padbury Fields. Whilst the noise attenuation available from the stand of trees present on this land throughout the 1990's was likely to have been minimal, it functioned as a visual screen which reduced residents' sensitivity to this source of industrial noise.

Noise complaints were received by DEP at the end of 1999 when these trees were felled, but the source turned out to be the WESFI particleboard plant and not the mill. It is understood a tree screen is to be reinstated on the land to the south of the mill in accordance with the proponent's commitment of 1992.

3.5 Management of noise impacts through buffers

Noise emissions from the mill are managed through various noise attenuation measures and through the use of buffers. The "Blue" buffer area ensures that, during the currency of the State Agreement Act (SAA), land zoning in the immediate vicinity of the mill will not be changed to a zoning that is likely to be incompatible with the activities of the mill. Wespine has purchased those parts of the Blue Zone land contained within Lots 313, 315, 316 and 318.

The "Brown" buffer area is an area further away from the mill that the Minister for Planning may, at his or her discretion, reclassify as Blue area. In 1996, the Shire of Dardanup amended its Town Planning Scheme (Amendment No. 62) in relation to the "Brown" area to ensure that future land uses would not adversely affect the operation of the mill. This Amendment was given further effect by an amendment to the SAA in 1998, which required that the Town Planning Scheme and Amendment 62 not be changed during the currency of the SAA without the prior consent of Wespine. In addition, the State may resume land required by Wespine once there is an approved proposal made pursuant to the SAA.

In 1995, Wespine reached agreement with two adjoining landowners to allow small holding subdivisions to proceed in the Brown area. The agreements included a requirement that housing envelopes be placed on those portions of the lots furthest away from the mill and outside the designated noise level contours. Wespine has also purchased the property in the Brown area to the east of the mill site, and this has removed one of the closer sites for possible development.

In 1978, a fourth affected landowner re-zoned his property to small holdings. Although it is understood that no development is currently planned, the approved sub-division plan would allow residences to be built on the boundary of the Blue area. Negotiations with this landowner have been delayed until the granting of this Regulation 17 Approval, because the final operating conditions will not be known with certainty until that time.

The EPA is therefore of the view that suitable constraints in planning terms have been established to ensure little or no impact on foreseeable future residential development.

3.6 EPA assessment

Wespine has provided adequate information to enable the EPA to form the view that –

- the current noise emission levels are likely to comply with the Ministerial Statement but exceed the prescribed standard in the regulations;
- Wespine has established reference points for noise measurement which appear to provide a reasonable means of determining noise emissions from Wespine's operations when received at other premises;
- while significant noise reduction measures have been implemented, the nature and effect of those measures means it is unlikely to be reasonably practicable for Wespine to achieve compliance with the prescribed standard; and
- suitable constraints (in planning terms) have been established to ensure little or no impact on foreseeable future residential development.

4. Consultation

There was consultation on noise issues with members of the community during the formal assessment process conducted prior to the release of Bulletin 669.

It is the EPA view that regulation 17 applications that reflect Ministerial Conditions that were granted after public consultation during a Part IV process, should not require a further such process. Accordingly, this assessment has been prepared without such consultation.

As noted in Section 3.5 above, Wespine has been in consultation with landowners in the "Brown" area in order to secure buffers.

5. Conclusion and Recommendation

The EPA has considered Wespine's application for an Approval pursuant to noise regulation 17.

Having particular regard to:

- Wespine's ongoing adherence to the noise obligations imposed by the Ministerial Statement;
- Wespine's commitment to ensure adequate buffers around the mill through planning constraints and the purchase of adjoining properties;
- Wespine's commitment to ensure that noise levels and character remain less than or equal in effect to the current levels throughout mill expansion; and
- the finding that, despite the implementation of a range of practicable noise control measures, compliance with the prescribed standard is not likely to be reasonably or practicably attainable,

the EPA has concluded that a regulation 17 Approval should be granted, subject to the conditions recommended in the Draft Approval Notice at Appendix C.

5.1 Recommendation

The EPA submits the following recommendation to the Minister for the Environment:

that a Regulation 17 variation should be granted, subject to the conditions recommended in the Draft Approval Notice at Appendix C.

Appendix A

Details of Noise Limits

Appendix A1 – Noise Conditions in Statement

The Minister's *Statement that a Proposal May be Implemented - Major Staged Expansion of Pine Log Sawmill Moore Road, Dardanup (725)* was published on 14 April 1993.

Clause 3-1 of the Ministerial Statement required that *“the proponent shall ensure that noise emissions do not exceed -*

40 dB $L_{A10, 1 \text{ hour}}$ slow and 50 dB $L_{A \text{ max}}$ slow between 2200 hours and 0700 hours on any day when measured on any noise-sensitive premises;

45 dB $L_{A10, 1 \text{ hour}}$ slow and 55 dB $L_{A \text{ max}}$ slow between 1900 hours and 2200 hours on any day, and between 0700 hours and 1900 hours on Sundays and gazetted public holidays, when measured on any noise-sensitive premises;

50 dB $L_{A10, 1 \text{ hour}}$ slow and 70 dB $L_{A \text{ max}}$ slow between 0700 hours and 1900 hours on Monday to Saturday inclusive, when measured on any noise-sensitive premises; and

65 dB L_A slow when measured at or near the boundary of premises that are not noise-sensitive premises (other industries);

where such emissions would result in the noise level present at the affected premises exceeding the ambient noise level present at any time by more than 5dB L_A slow.”

The Statement further provided (Clause 3) -

“The proponent should conduct operations so that combined noise emissions do not unreasonably impact on the surroundings.”

And further (Clause 3-2) -

“The proponent shall ensure that noise emissions from those activities which are of concern to occupiers of noise-sensitive premises do not exhibit tones, amplitude and frequency modulation, and impulsiveness of a nature which increases the intrusiveness of the noise.”

Appendix A2 – Assigned Levels in the Regulations



Table 1: Assigned Levels derived from Table 1 of Regulation 8 of the Environmental Protection (Noise) Regulations 1997

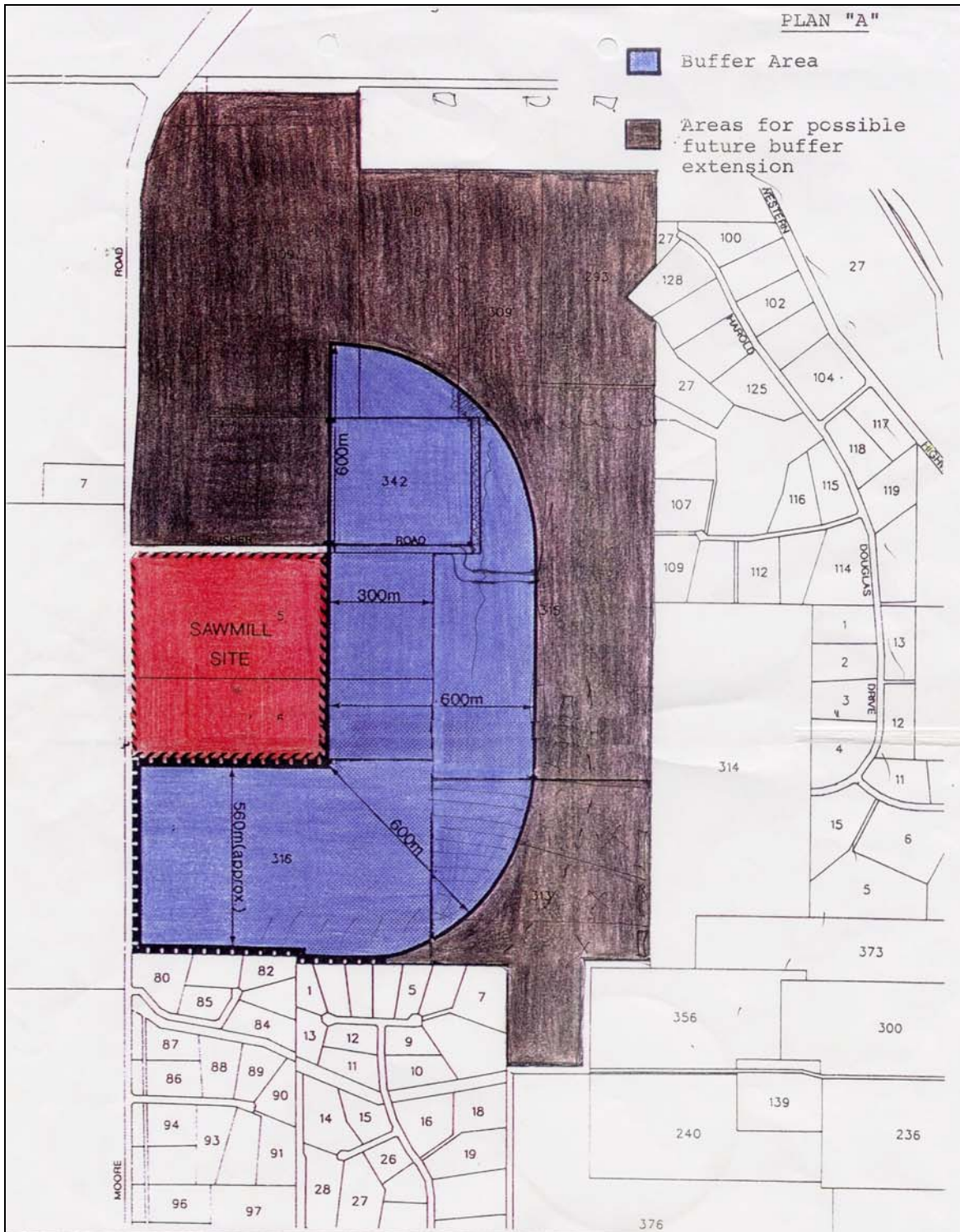
Type of premises receiving noise	Time of day	Assigned level, dB(A)		
		L _A 10 (Slow)	L _A 1 (Slow)	L _A max (Slow)
Noise sensitive premises, at locations within 15 metres of a building directly associated with a noise sensitive use.	0700 to 1900 hours Monday to Saturday	45 + influencing factor	55 + influencing factor	65 + influencing factor
	0900 to 1900 hours Sunday and public holidays	40 + influencing factor	50 + influencing factor	65 + influencing factor
	1900 to 2200 hours all days	40 + influencing factor	50 + influencing factor	55 + influencing factor
	2200 hours 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays.	35 + influencing factor	45 + influencing factor	55 + influencing factor
Noise sensitive premises, at locations further than 15 metres from a building directly associated with a noise sensitive use.	All hours	60	75	80
Commercial premises	All hours	60	75	80
Industrial and utility premises	All hours	65	80	90

Note: The influencing factor in the areas of Padbury Fields and Copplestone is likely to be zero.

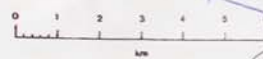
Appendix B

Site Plan and Buffer Areas

-  Buffer Area
-  Areas for possible future buffer extension



PROPOSED WESFI SAWMILL
EXPANSION, DARDANUP



DATE: 22.4.92



MAP 7

Handwritten signatures and initials in blue ink, including 'D. J. Field' and 'D. J. Field'.

Appendix C

Draft Regulation 17 Approval

Note: The following section is the draft Approval Notice intended to give effect to the advice of the Environmental Protection Authority in this Report. It is tendered to the Minister to be complementary to the advice in this Report.

Environmental Protection (Dardanup Pine Log Sawmill Noise Emissions) Approval 2002

Made by the Minister for the Environment and Heritage under regulation 17(7) of the *Environmental Protection (Noise) Regulations 1997* after receiving a report from the Authority for the purposes of the regulation.

1. Citation

This approval may be cited as the *Environmental Protection (Dardanup Pine Log Sawmill Noise Emissions) Approval 2002*.

2. Duration of approval

- (1) This approval comes into operation on the day on which it is published in the *Gazette* and stops being in force at midnight on 30 June 2012 unless it is revoked before that time or is continued in force under subsection (2).
- (2) If, on or before 30 June 2011, Wespine applies for a further approval under regulation 17 to allow noise emitted from the mill to exceed or vary from the standard, then this approval continues in force until the Minister either grants or refuses to grant that application.

3. Interpretation

(1) In this approval —

“**abnormal event**” means an unexpected event the occurrence of which is beyond the immediate control of, and could not reasonably have been foreseen by, Wespine (such as an accident or emergency, a breakdown of plant or equipment or extreme weather conditions);

“**assigned level**” means a noise level determined under clause 6;

“**commercial premises**” has the same meaning as in regulation 2(1);

“**impulsiveness**” has the same meaning as in regulation 9;

“**industrial and utility premises**” has the same meaning as in regulation 2(1);

“**influencing factor**” has the same meaning as in regulation 8;

“**L_{A 1} assigned level**” means an assigned level which, measured as an L_{A Slow} value, is not to be exceeded for more than 1% of any period of 4 hours;

“**L_{A 10} assigned level**” means an assigned level which, measured as an L_{A Slow} value, is not to be exceeded for more than 10% of any period of 4 hours;

“**L_{A max} assigned level**” means an assigned level which, measured as an L_{A Slow} value, is not to be exceeded at any time;

“**L_{A Slow}**” has the same meaning as in regulation 2(1);

“**mill**” means the pine log sawmill at Moore Road, Dardanup that is the subject of the *Dardanup Pine Log Sawmill Agreement Act 1992*;

“**mill site plan**” means the plan marked “A” that was initialled by or on behalf of the parties to the Dardanup Pine Log Sawmill Agreement a copy of which is set out in the

Schedule to the *Dardanup Pine Log Sawmill Agreement Act 1992*;

“**noise-sensitive premises**” has the same meaning as in regulation 2(1);

“**modulation**” has the same meaning as in regulation 9;

“**regulation**” means regulation of the *Environmental Protection (Noise) Regulations 1997*;

“**tonality**” has the same meaning as in regulation 9;

“**Wespine**” means Wespine Industries Pty Ltd or its assignee.

- (2) To the extent that there is any inconsistency between this approval and the Minister’s Statement No. 725 of 14 April 1993, the approval prevails.

4. Grant of approval

Under regulation 17(7) of the *Environmental Protection (Noise) Regulations 1997*, approval is granted to Wespine to allow the noise emitted from the mill to exceed or vary from the standard prescribed by regulation 7(1).

5. Conditions of approval

- (1) For the purposes of clause 4, regulations 7(1) and (2), 8(2) and 9(3) do not apply in relation to the noise emitted from the mill while this approval is in force and is being complied with.
- (2) However, this approval is granted on the condition that —
- (a) noise emitted from the mill complies with clauses 6 and 7; and
 - (b) Wespine complies with clause 10.

6. *Maximum permitted noise levels*

- (1) Noise emitted from the mill, when received at premises of a kind referred to in column 1 of an item in the Table in Schedule 1, at a time of day referred to in column 2 of the item, must not exceed —
 - (a) if the premises are situated outside the area of land at Dardanup shown coloured brown on the mill site plan — any of the assigned levels specified opposite the time of day in column 3 of the item; or
 - (b) in the case of premises referred to in column 1 of item 1 in the Table that are situated within the area of land at Dardanup shown coloured brown on the mill site plan — any of the noise levels calculated by adding the respective influencing factor to each of the assigned levels specified opposite the time of day in column 3 of the item.
- (2) For the purposes of calculating the influencing factor to be added under subclause (1)(1)(b), the land shown coloured blue on the mill site plan is taken to be Type A — industrial and utility premises within the meaning of Schedule 3 clause 2(1) of the regulations.

7. *Permitted tonality, impulsiveness and modulation*

Noise emitted from the mill, when received at premises referred to in column 1 of an item in the Table in Schedule 1, must be free, for at least 99% of any period of 4 hours, from any tonality, impulsiveness and modulation.

8. *Determining levels of noise emission*

For the purpose of assessing the level or character of noise emitted from the mill, the following are not to be taken into account —

- (a) noise emissions of a kind referred to in regulation 3;
- (b) noise emitted as a result of construction work carried on at premises occupied by the mill;
- (c) noise emitted by safety warning devices attached to plant or equipment for the purpose of ensuring that Wespine complies with its obligations under the *Occupational Safety and Health Act 1984*.

9. *Noise resulting from abnormal events*

An emission of noise that contravenes clause 6 or 7 is taken not to breach a condition of this approval if —

- (a) the emission is a result of the occurrence of an abnormal event;
- (b) where the emission contravenes clause 7 — it is a result of an event the occurrence of which results in the accidental or unintended emission of the noise;
- (c) Wespine takes all reasonably practicable measures to stop the emission as soon as is reasonably practicable; and
- (d) Wespine notifies the Chief Executive Officer of the occurrence of the abnormal event within 21 days after the day on which it occurred, or within any further time allowed by the Chief Executive Officer on the application of Wespine.

10. *Abnormal events register*

- (1) Wespine must keep an abnormal events register for the purposes of this approval.
- (2) If an abnormal event or any other event results in the emission of noise that contravenes clause 6 or 7, Wespine must enter in the register the following particulars —
 - (a) the nature of the event;
 - (b) the date and time of the occurrence of the event;
 - (c) details of the contravention, including the level and characteristics of the noise (if known) and the duration of the emission;
 - (d) the measures taken by Wespine to stop the emission;
 - (e) the measures (if any) taken by Wespine to prevent or minimise the possibility of —
 - (i) the occurrence of a similar event in the future; or
 - (ii) the emission of noise that contravenes clause 6 or 7 if a similar event occurs in the future.
- (3) Wespine is to make the register available for inspection by an inspector on request.

Schedule 1 — Maximum permitted noise levels

[cl. 6]

Table

Item	Column 1 Type of premises receiving noise	Column 2 Time of day	Column 3 Assigned level (dB)		
			L _A 10 (Slow)	L _A 1 (Slow)	L _A max (Slow)
			1.	Noise-sensitive premises at locations within 15 metres of a building directly associated with a noise sensitive use	0700 to 1900 hours Monday to Saturday
		0900 to 1900 hours Sunday and public holidays	45	50	65
		1900 to 2200 hours all days	45	50	55
		2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	40	45	55
2.	Noise-sensitive premises at locations further than 15 metres from a building directly associated with a noise sensitive use	All hours	60	75	80
3.	Commercial premises	All hours	60	75	80
4.	Industrial and utility premises	All hours	65	80	90

Minister for the Environment and Heritage