

Information sheet

Environmental Protection Act 1994

Building work under the noise standard

The application of the noise standard for building work (section 440R of the Environmental Protection Act 1994).

What is the noise standard?

The noise standard for building work in section 440R of the Act applies for complaints the Department of Environment, Science and Innovation is responsible for investigating. It also applies to complaints Council is responsible for investigating when Council has not set an alternative noise standard through a local law. A person must not unlawfully contravene a noise standard (offence under section 440Q of the Act). However, a contravention of a noise standard is not unlawful if it is authorised under a development condition of a development approval (see section 493A of the Act and the relevant definitions in schedule 4 of the Act).

Who administers or enforces the noise standard?

Council is usually responsible for enforcing the noise standard unless the building work is being carried out by a State or local government entity or as an environmentally relevant activity administered by the State (see section 140 of the Environmental Protection Regulation 2019).

A State or local government entity includes:

- the State;
- a local government;
- an instrumentality or agency of the State or a local government;
- a government owned corporation; or
- a rail government entity under the *Transport Infrastructure Act 1994*.

Does the noise standard prohibit all building work?

The intention of the noise standard for building work is to restrict commercial builders, their contractors and owner-builders from carrying out building work that causes an audible noise at an affected building during unreasonable hours. It is not intended to capture individuals who carry out these types of works in their own home (unless they have an owner-builder permit) as other provisions apply for those individuals.

Building work that causes noise that can be clearly heard by an individual who is an occupier of an affected building can be carried out on a business day or Saturday between 6.30am and 6.30pm.

It is an offence to carry out building work that causes an audible noise at an affected building outside these hours. That does not mean that building work is restricted to those hours. Building work can be conducted outside these hours provided it does not cause an audible noise at an affected building. Building activities such as electrical work, painting or other work that can be conducted without causing audible noise may continue at any time of the day, including Sundays and public holidays. This is only possible if workers are careful and actively try to work quietly, as even quiet activities can be noisy if done carelessly.



Noisier work can be carried out at all times where the site is relatively isolated and the noise is not audible at an affected residence. This is unlikely in any town or city.

Version history

Version	Date	Comments
1.00	21 April 2020	Original version
1.01	16 February 2024	Document rebranded to align with machinery of government changes.