

From: jason.sanderson@epa.vic.gov.au
Subject: Fwd: Clarification regarding the legislative framework for pre-construction background noise assessments
Date: 12 August 2026 at 10:18 am
To: [REDACTED]



On Wed Aug 12 2026 EnergyAndInfrastructure (DTP) <energyandinfrastructure@transport.vic.gov.au> wrote:
----- Original Message -----

Hello [REDACTED],

Thank you for your emails about noise assessment for the Tall Tree wind farm.

The noise assessment requirements for a permit application under the *Planning and Environment Act 1987* for a wind energy facility are set out at in the Victorian Planning Provisions (VPP) at clause 52.32.

These requirements are separate to the requirements set out in Part 5.3, Division 5 of the *Environment Protection Regulations 2021* (EP Regulations). The Department does not administer the EP Regulations.

The noise assessment requirements under the PE Act regime are set out in clause 52.32-4. This includes the following in the Design Response section of the application requirements at clause 52.32-4:

- A pre-construction (predictive) noise assessment report prepared by a suitably qualified and experienced acoustician that:
 - Reports on a pre-construction (predictive) noise assessment conducted in accordance with *New Zealand Standard NZS6808:2010, Acoustics - Wind Farm Noise*.
 - Provides an assessment of whether the proposed wind energy facility will comply with the noise limit for that facility under Division 5 Part 5.3 of the *Environment Protection Regulations 2021*.
 - Where the proposed wind energy facility will be the subject of a wind turbine noise agreement under Division 5 of Part 5.3 of the *Environment Protection Regulations 2021*, specifies the premises of the relevant landowner (including any particular buildings) to which the agreement relates and provides an assessment of whether the proposed wind energy facility will comply with the modified noise limit for that facility specified in the agreement.
 - Is prepared on the basis that the relevant noise standard under Division 5 of Part 5.3 of the *Environment Protection Regulations 2021* will be *New Zealand Standard NZS6808:2010, Acoustics - Wind Farm Noise* and includes an assessment of whether a high amenity noise limit is applicable under Section 5.3 of the standard.

The Department is not responsible for the administering of the EP Regulations. Therefore, specific questions regarding the EP Regulations you reference in your email can be directed to the EPA. Information can be found here:

[Wind turbine noise | epa.vic.gov.au](https://epa.vic.gov.au)

Therefore, with regard to the following questions you could engage directly with the EPA. However, I advise note the following.

- whether the Department considers Regulations 131BB and 131BC to apply directly to pre-construction background noise monitoring undertaken for a planning assessment

Clause 52.32 does not mandate whether the EP regulations should be used for background noise monitoring. As noted above, the requirement under the PE Act, via clause 52.32, is for the pre-construction (predictive) noise assessment report submitted with the permit applicant to provide an assessment of whether the proposed wind energy facility will comply with the noise limit for that facility under division 5 Part 5.3 of the *EP Regulations*. The noise limit is set out in *Regulation 131BA*.

- how those provisions are intended to operate together with NZS 6808:2010, which is identified as the relevant wind turbine noise standard under Regulation 131B; whether the Department considers the Victorian Wind Energy Facility Turbine Noise Guideline (Guidelines) to supplement the methodology contained within NZS 6808:2010 in those circumstances, or

The guidelines do not supplement the requirements set out in Clause 52.32 of the VPPs and the NZS 6808:2010.

Rather, the Guidelines document is a reference document in the VPPs and provides additional guidance and information relevant to the planning permit process for wind farm proposals.

- whether the representative monitoring methodology derives its authority from another legislative mechanism; an

if the methodology is considered to derive from another legislative or policy mechanism, whether the Department could identify that mechanism.

- The monitoring methodology is set out in NZS 6808:2010

Energy and Infrastructure Assessment

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