

USING THE INTERIM GUNSHOT NOISE GUIDELINES

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Gunshot noise can be disturbing and annoying to human beings. As such, buffering and noise control measures are needed to ensure that outdoor shooting ranges do not affect amenity. In 1981, a study was performed by the National Acoustic Laboratories to determine the community impact of a rifle range in Sydney. Building on the results of this and other studies, EPA Victoria developed the Interim Gunshot Noise Guidelines for existing and planned ranges in Victoria.

The guidelines provide non-mandatory criteria to assist council planners and parties wishing to establish new ranges; helping to formulate a basis for the proper consideration of noise emissions. This information is useful in preventing and resolving local planning issues. The guidelines can also be used in assessing noise complaints about existing ranges and helping to determine acceptable outcomes in relation to shooting range noise. It is important to understand that the guidelines are not a part of law. They exist to guide planners and shooting range proponents. The aim with new shooting range developments must be to achieve acceptable outcomes; it is possible that the responsible authority may consider that acceptable outcomes can be achieved, even though the guidelines may not be met. In deciding to vary from the guidelines, the fundamental considerations are whether shooting noise will be annoying,

unreasonably intrusive or disturb sleep during normal sleeping hours.

This information bulletin supplements the guidelines by providing advice to shooting range applicants, as well as Local Councils. An example on how the guidelines can be used in the planning process is also provided.

This information bulletin should be read in conjunction with the explanatory notes attached to the guidelines. The explanatory notes provide further advice as to noise levels, as well as both gunshot and background noise measurement.

1. **ROLE OF COUNCIL**

In considering a planning permit application, one of Council's roles under its planning scheme is to decide whether the proposal will produce acceptable outcomes. In doing so, Councils must consider a range of likely impacts, including environmental factors such as impacts on soil and water quality, and by the emission of noise, dust and odours.

The purpose of the *Interim Gunshot Noise Guidelines* is to assist Council in their decision-making when considering whether the potential noise impact of a proposed outdoor shooting range is acceptable or

not. The guidelines can be applied with discretion; councils may even impose more stringent conditions on planning permits than those specified in the guidelines.

It is important to note that the guidelines themselves cannot automatically be used as a design standard or an enforcement tool.

2. ROLE OF APPLICANT

In applying for a planning permit for an outdoor shooting range, an applicant needs to detail all of the potential impacts of a proposal, including the level of compliance with the guidelines. Applicants should take a pro-active attitude towards seeking community input before and after submitting a proposal.

Open discussion is critical to successful planning, ensuring that key issues for consultation are raised early in the process. Even if no potentially contentious issues are raised, independent testing by a qualified acoustic consultant is still recommended.

3. EXAMPLE APPROACH TO THE APPLICATION PROCESS

This example illustrates relevant considerations in using the guidelines. Each application involves unique circumstances that may not be covered by this example.

Scenario: An applicant wishes to establish a new rifle range in the outskirts of a major Victorian city. The area chosen is sparsely populated and is currently designated as a rural zone.

Before submitting the application

Before a final site is chosen, the applicant informally approaches Council planners, to determine:

- whether potential sites are prohibited or constrained;
- the most appropriate site in the area, with a view to current and possible future zoning and development;
- relevant Council concerns (and potentially those of the community);
- the Council's planning scheme provisions and application process.

The applicant also talks with local residents near sites under consideration to determine likely impacts and issues residents might have with the proposal. The applicant then reviews the application (or even the proposed site) in terms of addressing any concerns raised by local residents. An example may be concerns expressed about tranquillity when the community population is boosted by weekend occupants. Community concerns may (for example) centre on the timetabling of shooting days and times, or the availability of noise-free sensitive days, rather than just strict decibel adherence.

Awareness of local needs helps produce acceptable local amenity outcomes and helps to prevent misunderstandings and problems, which may complicate the planning process.

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The applicant hires professional consultants to advise on the planning processes, and to assess potential noise impacts on nearby residents.

Professional consultants can arrange noise testing, to help determine the appropriate level of operation for the rifle range based on the noise thresholds outlined in the Guidelines.

In this case the acoustic consultant determines that at the worst-affected residence, levels of 53 dB(A) would be reached, even after careful choice of range orientation and shooting enclosures to reduce noise impact. If the applicant's proposal is to operate the rifle range two days per week, being every Friday and Saturday, the interim guidelines which set 50 dB(A) as the criterion would be exceeded. After discussing the issue further with local residents the applicant may decide to proceed with the application but make some changes to the proposed operating frequency to provide some noise-free Saturdays and offer to provide a yearly schedule to residents to give some certainty about operating days and times.

Application submission and evaluation

The Council is familiar with local conditions (including the fact that some houses are in the vicinity of the proposed rifle range), and decides to advertise the planning application, as it believes noise and other issues may affect residents and their input to council is needed.

During the advertising period, members of the community are able to lodge submissions to Council concerning the proposed operation of the range.

Some residents may still decide to object or make a submission to the proposal even though the applicant consulted them before submitting the application and made some changes which they felt could address the issues identified.

In evaluating the application, the Council consults the guidelines and considers the degree of compliance documented in the application. While the application in this case doesn't technically comply with the guidelines and there are some objections regarding potential noise impact. This alone would not determine the outcome of the application as the guidelines are not mandatory but are designed purely to assist Council in their decision-making.

The Council considers the interim guidelines as part of the assessment of whether acceptable amenity outcomes can be achieved. The Council planner will consider a range of issues including social impacts, economic benefits, whether further noise control works are possible, the frequency and predictability of disturbance, the nature of the area in terms of likely amenity expectations etc. Council officers may suggest a test shoot to directly assess the impact of a range of noise levels.

Consultation

The aim of consultation should be to achieve an acceptable outcome to all parties. If an applicant has shown openness both prior to and during the application process, residents and other interested parties may be more likely to negotiate directly with the applicant, if necessary with the help of Council as a mediator.

During consultation, areas of disagreement may arise and the solutions or outcomes achieved may vary between applications. In some circumstances parties may agree to more frequent operating days in some weeks, with reduced days in others. Whilst in other circumstances parties may agree to some exceedance of the noise criteria in lieu of some noise free days / weekends. For example, residents may make it clear that they prefer no shooting on Saturdays. Alternative arrangements should be considered in an effort to gain a compromise. For example, the parties may agree that an extra weekday of shooting could be allowed in lieu of the weekend, or the range could operate 1 weekend a fortnight.

Both the applicant and objectors should be encouraged to put forward alternative solutions, which may be more or less prescriptive than the guidelines but are focussed on achieving acceptable amenity and operational outcomes for all parties.

In some circumstances agreement may not be reached if parties are too far apart. Ultimately Council will need to determine whether an acceptable outcome can be achieved.

Council's Decision

After consultation, the council must decide whether a planning permit should be issued or not. The council may decide to grant a permit having come to a solution that is possibly more flexible than the guidelines, maximises economic development, while adequately addressing community concerns. Alternatively, if the council considers that the amenity loss to the community is too significant then they may decide to refuse the application.

In the event that no objections are received to the application, Council must still determine whether an acceptable outcome can be achieved.

4. MORE INFORMATION

For more information visit the EPA website at www.epa.vic.gov.au or contact

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