Planning for Live Music

October 2026

This practice note gives guidance about the operation of clause 45.13 (Live Music Overlay) and clause 53.06 (Live music entertainment venues)

Melbourne has a long established and highly regarded live music scene, strengthening its reputation as Australia's leading city for live music. Live music makes a significant contribution to the state's culture and economy, drawing visitors from near and far and providing vital opportunities for emerging and established musicians.

Housing needs and settlement trends, particularly in inner urban areas, are increasing the level of residential development in mixed use environments. While this creates more vibrant places, proximity between residential and entertainment uses can sometimes cause conflict because of live music noise.

Planning seeks to achieve a balance between supporting live music and protecting residents from unreasonable live music noise.

What is live music?

Clause 45.13 (Live Music Overlay) and clause 53.06 (Live music entertainment venues) define a '**live music entertainment venue**' as:

- a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment
- a rehearsal studio
- any other venue used for the performance of music and specified in a schedule to these clauses, subject to any specified condition or limitation.

Note: Refer to the table of clause 73.03 for uses included within the above listed land use terms.

These provisions of the *Victoria Planning Provisions* include requirements that seek to ensure noise sensitive residential uses are satisfactorily protected from unreasonable live music noise from live music entertainment venues.

Clause 45.13 and clause 53.06 also define a '**noise sensitive residential use**' as community care accommodation, dependent person's unit, dwelling, residential aged care facility, residential village, retirement village or rooming house.

The agent of change principle

In planning, the agent of change principle assigns the responsibility for live music noise attenuation measures to the 'agent of change' – a new use or development that is introduced into an existing environment.

In practical terms, this means that if a new or an existing live music entertainment venue seeks to establish or expand, they will be responsible for attenuating any live music noise effects that are caused by that change on nearby residential properties.

Similarly, a new noise sensitive residential use close to an existing live music venue will be responsible for noise attenuation of its building to protect future residents from the live music entertainment venue.

The 'agent of change' principle is applied in clause 45.13 and clause 53.06 to manage the relationship between live music entertainment venues and noise sensitive residential uses.

This does not mean however that any other person living or working in an area is free of any responsibility for live music noise management.

Everyone has a role in live music noise management, including existing permit holders and live music entertainment venues who must ensure they comply with the *Environment Protection Regulations 2021* under the *Environment Protection Act 2017* and the incorporated *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues* (Publication 1826.5, Environment Protection Authority Victoria, September 2025) (EPA Noise Requirements) and any relevant permits or other obligations.

The live music planning provisions

The planning framework for supporting the land use compatibility of live music with noise sensitive uses comprises of:

- clause 11.04-2S (Live music) and clause 13.05-1S (Noise management) in the Planning Policy Framework
- clause 45.13 (Live Music Overlay)
- clause 53.06 (Live music entertainment venues).

Planning Policy Framework

Live music

Clause 11.04-2S

Objective

To encourage, create and protect opportunities for the enjoyment of live music.

Noise management

Clause 13.05-1S

Objective

To assist the management of noise effects on sensitive land uses.

Clause 45.13 (Live Music Overlay)

What is the purpose of the Live Music Overlay?

The overlay is a tool to enable a planning authority to:

- identify existing live music entertainment venues and precincts (including clusters of venues) of social, economic and cultural significance
- identify areas where live music entertainment venues are encouraged
- ensure that new noise sensitive residential uses are protected from unreasonable noise and do not compromise the operation of existing and future live music entertainment venues.

How does the Live Music Overlay operate?

A new noise sensitive residential use located anywhere in the overlay will need to meet the requirements of clause 45.13 and its schedule where:

- a proposed use and/or development requires a permit under a zone, or
- the schedule to the overlay specifies a permit requirement for such a use.

The overlay does not apply to:

- the construction of a building or the construction or carrying out of works associated with an existing dwelling
- the construction of a building or the construction or carrying out of works associated with an existing small second dwelling.

Further detail explaining the operation of the Live Music Overlay is included in Figure 1.

A schedule to the overlay can include a short statement about the identified live music entertainment venue or precinct. This may include a description of the cultural, social and/or economic significance of the venue or precinct. The schedule may also include:

- additional venues used for the performance of live music that are not automatically included with the meaning of live music entertainment venue, as well any condition or limitation applied to the venue
- additional requirements to be met, including requirements to protect noise sensitive residential uses from future live music entertainment venues
- additional application requirements
- additional decision guidelines
- transitional provisions.

NOTE:

The requirements of clause 45.13 (Live Music Overlay) do not apply to live music entertainment venues.

Live music entertainment venues may still have obligations to adopt live music noise attenuation measures under clause 52.06 and outside the planning system in accordance with the EPA Noise Requirements.

Clause 53.06 (Live music entertainment venues)

Clause 53.06 applies to a planning permit application for:

- a live music entertainment venue or
- a new noise sensitive residential use within 50 metres of an existing live music entertainment venue that is not in the Live Music Overlay (unless specified otherwise in the schedule).

The schedule to clause 53.06 can be used to specify other land or live music entertainment venues to which the clause applies. This may include venues used for the performance of live music that are not automatically included with the meaning of live music entertainment venue, as well any condition or limitation applied to the venue.

This clause does not apply to:

- the construction of a building or the construction or carrying out of works associated with an existing dwelling
- the construction of a building or the construction or carrying out of works associated with an existing small second dwelling
- a noise sensitive residential use that is on land exempted in the schedule to clause 53.06. This may be necessary where alternative noise control requirements are already in place for a noise sensitive residential use through the planning scheme or the EPA Noise Requirements.
- an application for a noise sensitive residential use to which the Live Music Overlay applies.

Further detail explaining the operation of clause 53.06 is included in figures 1 and 2.

Figure 1: Operation of the planning scheme for noise sensitive residential uses

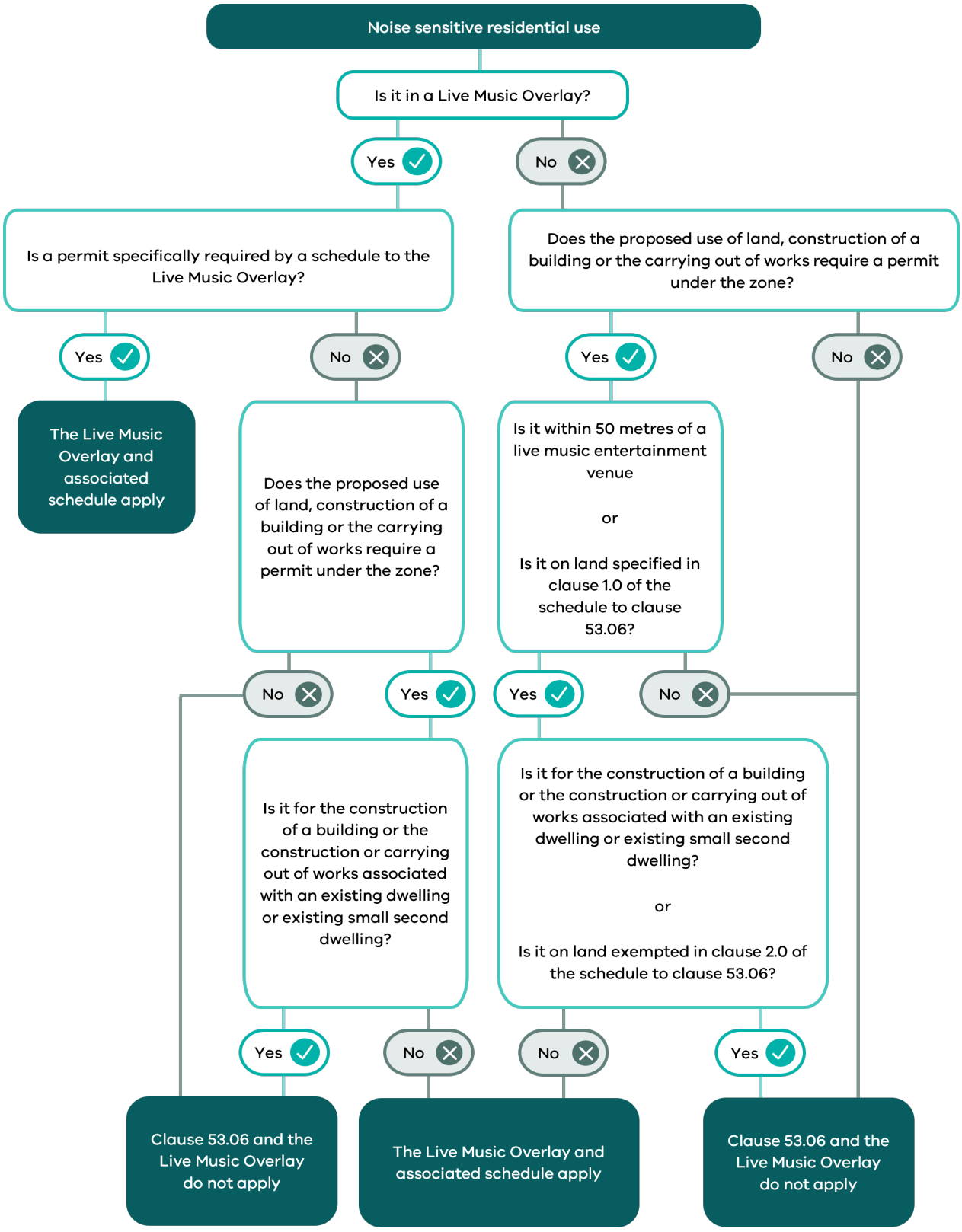
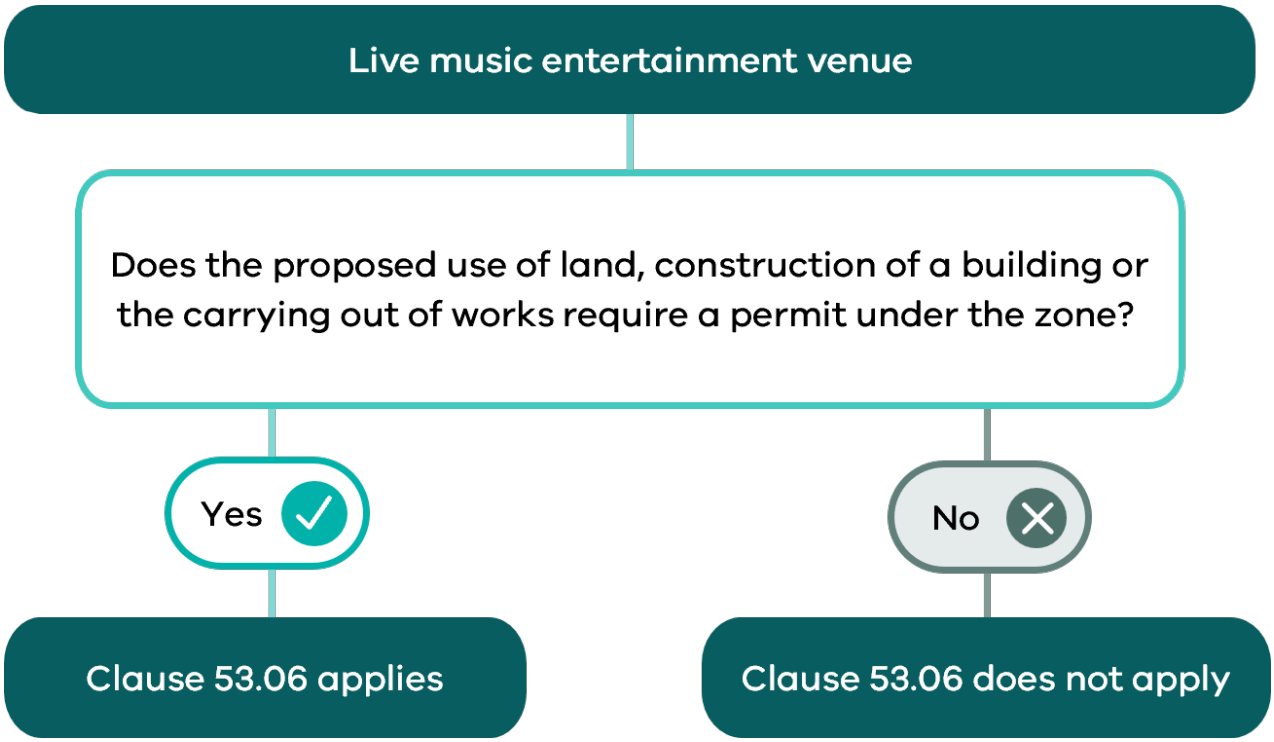


Figure 2: Operation of the planning scheme for live music entertainment venues



Applying the Live Music Overlay

Council's strategic work will form the basis for the application of the Live Music Overlay.

Council may decide to apply the overlay to land that is identified as having social, economic or cultural significance associated with live music and/or where council has undertaken strategic work that identifies a location as one where live music is encouraged.

The overlay can apply to:

- an individually significant live music entertainment venue and surrounding land (Figure 3)
- a live music precinct (E.g., a cluster of venues) and surrounding land (Figure 4)
- a collection of scattered live music entertainment venues, the land in between the venues and any additional surrounding land (Figure 5).

Figure 3: An individually significant live music entertainment venue



Figure 4: A cluster of venues

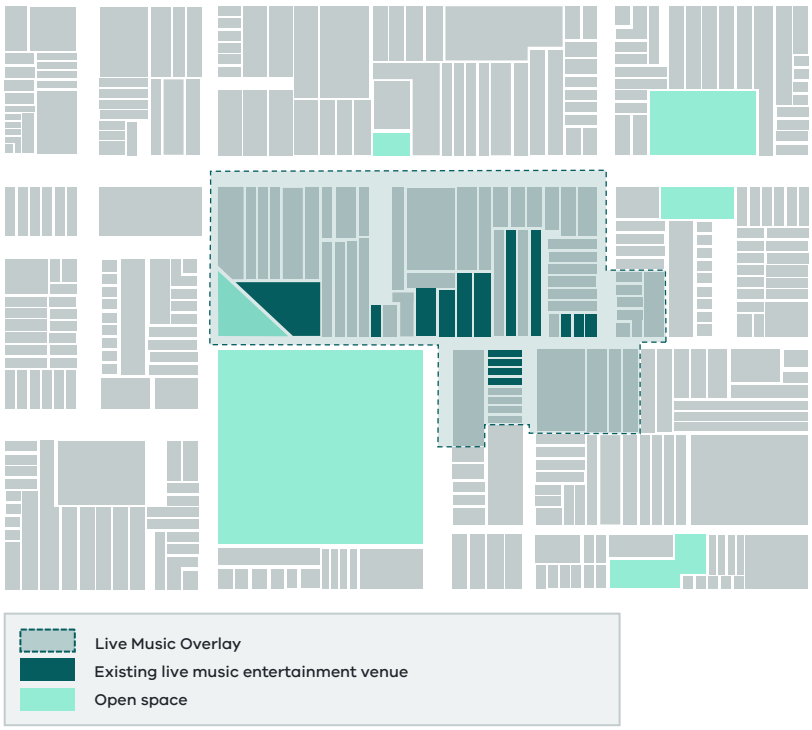
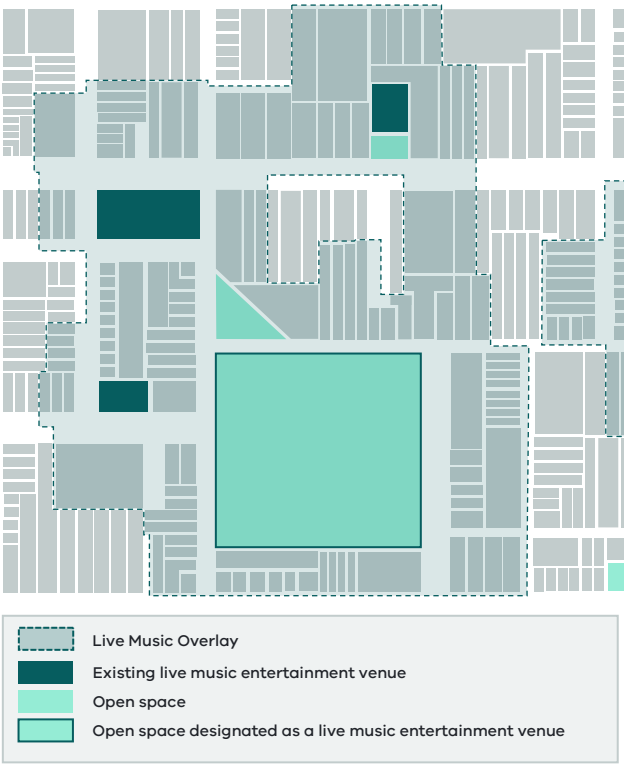


Figure 5: a collection of scattered live music entertainment venues



Land in a Live Music Overlay which surrounds an existing live music entertainment venue is where both noise sensitive residential uses are permissible and live music entertainment venues may be encouraged. The extent and purpose of the surrounding land will be informed by council's strategic work. In deciding the extent, council should be aware that an application for a new noise sensitive residential use to which the overlay applies will need to meet the live music noise attenuation requirements specified in the overlay irrespective of whether it is within, at or beyond 50 metres of a live music entertainment venue.

Strategic justification

The strategic evidence underpinning the application of the Live Music Overlay should:

- include a survey or audit that identifies existing live music entertainment venues and shows the location of each venue on a map
- describe the social, economic and/or cultural significance of a venue, cluster of venues or precinct and how the application of the overlay will protect and support this significance
- describe the methodology for determining the boundary of the overlay
- justify the extent of the boundary of the overlay, including with reference to any acoustic analysis that has been undertaken
- include other strategic considerations under the *Strategic Assessment Guidelines* (Planning Practice Note 46)

Strategic justification is also required where a council seeks to include local requirements in a schedule to the Live Music Overlay. All additional requirements must respond to the existing or intended social, economic or cultural significance of the land.

Schedule requirements	Strategic justification considerations
Permit requirements for new noise sensitive residential uses. **Note**: The requirements of the overlay do not apply to existing dwellings or existing small second dwelling, including any permit requirement that may be included in a schedule to the overlay.	• The benefit of assessing a noise sensitive residential use against the purpose of the overlay and schedule. • The proximity of the land to any existing or anticipated live music entertainment venues. • The anticipated development typology in the location. • The type of live music noise emitted by current and anticipated live music entertainment venues. • The cost burden of noise attenuation requirements that will be imposed on the noise sensitive residential use.
Any additional venue used for the performance of live music that does not automatically fall within the meaning of 'live music entertainment venue', as well as any condition or limitation applied to the venue.	• The frequency of which the venue facilitates live music. • The type of activities being carried out on the land.

Additional requirements to be met.
Note: Any additional requirements to be met must be in relation to managing live music noise to protect noise sensitive residential uses.
	• The need for the proposed additional live music noise attenuation requirements beyond the default requirements to benefit the social, economic and cultural significance of the land.
	• The type of additional live music noise attenuation requirements. This could relate to:
	  ○ acoustic glazing, wall, ceiling and roof construction
	  ○ locating noise-sensitive rooms away from significance live music noise exposure
	  ○ dwelling orientation
	  ○ setbacks from significant live music noise exposure
	  ○ specifying noise limits.
	• The cost burden of additional live music noise attenuation requirements that will be imposed on noise sensitive residential uses.
	• Whether the additional requirements are proportionate to the intended outcome.

Additional application requirements.	• Whether any additional information is required to support the assessment of the application.
Transitional provisions.	• Whether transitional arrangements should be provided for existing applications or permits.

Assessment against the live music provisions

Information to be submitted with an application

A planning permit application must be accompanied by the information required in clause 45.13-4 and clause 53.06-4, and the associated schedule as considered relevant to the evaluation of the application. The responsible authority may waive or reduce any application requirements if it is considered irrelevant.

Requirements to be met

Use / development type	Relevant planning provision	Requirement to be met
Live music entertainment venue	Clause 53.06	A live music entertainment venue must be designed, constructed and managed to comply with the applicable live music noise limits specified in the EPA Noise Requirements to protect a noise sensitive residential use within 50 metres of the venue. **Note:** Clause 53.06 only imposes requirements to protect noise sensitive residential uses from live music noise emitted from live music entertainment venues within 50 metres (or as modified under the schedule to clause 53.06). However, live music entertainment venues may have additional requirements imposed by the EPA Noise Requirements.
Noise sensitive residential use	Clause 45.13 or clause 53.06	A noise sensitive residential use must: • be designed and constructed to include live music noise attenuation measures that will reduce noise levels from any indoor live music entertainment venue (including an outdoor space of a substantially indoor venue) to below the noise limits specified in the EPA Noise Requirements • be designed and constructed to include live music noise attenuation measures that will reduce noise levels from any outdoor live music entertainment venue (a public premises where music is played in the open air, such as a major sports and recreation facility) to below 45 dB(A) (a-weighted decibel), assessed as an L_{eq} (Equivalent Continuous Sound Level) over 15 minutes.

Use / development type	Relevant planning provision	Requirement to be met
		• meet any additional requirements specified in a schedule to the overlay (where the overlay applies). **Note:** Clause 53.06 will not apply to a new noise sensitive residential use to which clause 45.13 applies. A schedule to the Live Music Overlay that includes additional requirements may depart from the 'agent of change' principle if it proactively protects noise sensitive residential uses against future live music entertainment venues.

VicSmart applications

The responsible authority is required by clause 71.06 (Operation of VicSmart applications and process) to consider any relevant requirement in clause 45.13, clause 53.06 and any associated schedule even if an application is a VicSmart application.

Understanding the noise limits specified in clause 45.13 and clause 53.06

The EPA Noise Requirements included in clause 45.13 and clause 53.06 were developed specifically to protect residents from unreasonable and aggravated noise from live music entertainment venues. The EPA Noise Requirements recognise that music noise can have a more significant effect on residents than other urban noises.

The EPA Noise Requirements prescribe separate noise limits for the day, evening and night periods for an indoor venue, taking into consideration the particular characteristics of music noise which need to be assessed differently to more broad band noise sources.

Other standards

The Australian Standard for Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors – AS 2107:2016 (AS2107) recommends bedrooms in dwellings near major roads be designed to meet specified noise levels. Some residential development standards, local planning policies and planning permit conditions that relate to new dwellings in locations with a high level of external noise also specify acceptable noise levels. While these measures may be suitable in some environments, they do not properly address music noise.

The AS2107 standard is primarily intended to be applied to steady noise sources, such as road traffic and mechanical plant noise. This standardised measure does not acknowledge that music noise presents variable noise characteristics, specifically low frequency and rhythmic qualities that can interrupt sleep.

Meeting the planning requirements

The noise requirements of clause 45.13 and clause 53.06 should be met. However, a council may reduce or waive these requirements if it is satisfied that an alternative measure meets the purpose of the clause.

In some instances, the most practical and effective outcome will involve treatment to both the noise making and noise receiving premises.

This allows for alternative approaches such as a residential developer improving the noise attenuation in the live music entertainment venue as an alternative to, or in combination with, attenuation measures in the proposed residential development. For example, this may be more cost effective than undertaking noise attenuation of multiple new dwellings in some situations.

It also provides for a residential or venue developer to implement established building and urban design techniques for noise attenuation, where the council considers this approach is warranted.

Some techniques used to address live music noise can be easy to achieve and be low-cost. These measures can also result in other benefits. For example, installing insulation, sealing draughts and effective window coverings will not only help address noise, but will also reduce the need for supplementary cooling or heating and will provide passive energy gains. Attenuating against live music noise may also help address other noise nuisances such as waste collection and traffic noise.

While clause 45.13, clause 53.06 and the EPA Noise Requirements do not prescribe noise limits for noise associated with the arrival and departure of people attending a premises, a venue applicant should still identify how they propose to manage the behaviour of patrons coming and going from the venue so that nuisance impacts on neighbours are minimised. This information can be explained in a venue management plan.

ATTENUATING A LIVE MUSIC ENTERTAINMENT VENUE

Measures that may help meet the requirements of clause 53.06 include:

- implementing a venue management plan focussed on minimising live music noise
- positioning entertainment rooms, the stage and loudspeakers to increase the distance between the live music noise source and any noise sensitive residential use
- orienting the stage or loudspeakers of external entertainment spaces to direct live music noise away from any noise sensitive residential use
- incorporating measures such as acoustic glazing, wall, ceiling and roof construction
- sealing gaps, joints and service penetrations and using acoustic insulation
- using setbacks and acoustic fencing
- limiting live music noise leakage by using vestibule / sound-lock entry arrangements
- installing a sound limiter to cap the volume of any amplified sound to an appropriate level.

While all the above measures will be helpful, some may have a limited effect on live music noise emissions in different circumstances. A suitably qualified and experienced acoustic specialist can advise on measures that can achieve the requirements of clause 53.06.

ATTENUATING A NOISE SENSITIVE RESIDENTIAL USE

Measures that may help meet the requirements of clause 45.13 and clause 53.06 include:

- locating noise-sensitive rooms (particularly bedrooms) away from significant live music noise exposure by using spaces like hallways, laundries and storage as a buffer
- using acoustic glazing, wall, ceiling and roof construction
- sealing gaps, joints and service penetrations and using acoustic insulation
- using setbacks and acoustic fencing
- using a noise masking system (for example by relying on heating, ventilation or air- conditioning noise).

Is a professional acoustic assessment always required?

A report from a suitably qualified and experienced acoustic specialist will usually be required with an application. The report should detail recommended mechanisms to mitigate noise impacts and should verify that the proposed noise attenuation measures will be satisfactory to meet clause 45.13, clause 53.06 and any associated schedule.

Addressing low frequency live music noise can be challenging, as individual contexts will present different noise resonance conditions. The advice of suitably qualified and experienced acoustic specialist will usually be needed to establish the most appropriate requirements for a development proposal.

However, an acoustic report may not be necessary if the context of the site, surrounds and proposal present obvious attenuation solutions or when the professional assessment is unlikely to improve outcomes.

Small residential developments or minor changes to an existing live music entertainment venue, may not need a professional acoustic assessment where council and the applicant can identify and incorporate established design measures for acoustic attenuation, such as locating bedrooms of a new dwelling away from a low-impact venue.

NOTE: Live music entertainment venues may still have obligations to adopt live music noise attenuation measures outside the planning system in accordance with the EPA Noise Requirements.

Writing permit conditions

Conditions to attenuate live music noise are best established on a case-by-case basis, taking into account factors such as:

- the site context and surrounding land uses
- the relevant planning requirements
- the information submitted with the application
- established building and urban design techniques for noise attenuation.

Noise attenuation measures should be identified at the start of the planning permit application process to allow clear and transparent assessment of the measures against the relevant requirements. These measures should only be imposed as conditions where council is satisfied that the condition will produce the required outcome. However, in some instances, local circumstances may warrant conditions requiring verification testing by a suitably qualified and experienced acoustic specialist at a specified stage. When adopting a noise attenuation measure, the responsible authority should be cognisant of the cost and its proportionality to the development.

The requirement for endorsed plans that identify the relevant acoustic attenuation measures and/or the inclusion of conditions that reference specific requirements detailed in any acoustic report may be a helpful starting point in drafting effective live music noise attenuation conditions.

Writing Planning Permits provides 'best practice' guidance on drafting planning permit conditions.

Enforcement of live music noise complaints in the planning system

A collaborative approach is often the most effective and quickest means of solving noise conflict. Residents and live music entertainment venue operators should be encouraged to cooperatively solve noise issues together to achieve a balanced solution.

Where the EPA Noise Requirements or relevant planning permit conditions are breached and a workable solution is not established between parties, a council may take formal enforcement action to achieve compliance.

A planning permit that considers clause 45.13 or clause 53.06 will include conditions based on the requirements set out in those provisions. Enforcement action will therefore focus on compliance with conditions specified in the planning permit.

Live music entertainment venues may still have obligations to adopt noise attenuation measures to comply with the EPA Noise Requirements. A live music entertainment venue that is in breach of the EPA Noise Requirements can be subject to separate enforcement action by the EPA.

Noise complaints can be enforced by:

- Local government planning enforcement officers, who can enforce planning permit conditions pursuant to the *Planning and Environment Act 1987*.
- EPA officers, who can issue a remedial notice under section 271 or 272 of the *Environment Protection Act 2017* for breach of the *Environment Protection Regulations 2021*.
- Liquor licence compliance inspectors, who can enforce liquor licence conditions under the *Liquor Control Reform Act 1998*.
- Police officers, who can enforce liquor licence conditions, as well as direct a live music entertainment venue to act to abate noise under section 169 ofthe *Environment Protection Act 2017*.
- Local government environmental health officers, who can act under the nuisance provisions of the *Public Health and Wellbeing Act 2008*.

Some useful resources

Local Government

Find contact details for all Victorian councils at:

- localgovernment.vic.gov.au

Environment Protection Authority (EPA) Victoria

- epa.vic.gov.au

Department of Transport and Planning

- planning.vic.gov.au

Victorian Gambling and Casino Control Commission (VGCCC)

- vgccc.vic.gov.au

Music Victoria

- musicvictoria.com.au

Association of Australian Acoustical Consultants

- aaac.org.au

Live Music Locations Map

- spatial.planning.vic.gov.au

© The State of Victoria - Department of Transport and Planning, October 2026

This work is licensed under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Transport and Planning (DTP) logo. To view a copy of this licence, visit http://creativecommons.org/licenses/by/4.0/

ISBN 978-0-7311-9389-9 (pdf/online/MS word)

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Accessibility

If you would like to receive this publication in an alternative format, please go to planning.vic.gov.au or email planning.systems@transport.vic.gov.au