



INFORMATION BULLETIN

REVIEW OF REGULATIONS FOR RESIDENTIAL NOISE

Publication 1205 January 2008

OVERVIEW

This publication outlines the review process for the *Environment Protection (Residential Noise) Regulations 1997* (Regulations) and the key stages for consultation.

Noise from neighbours is an important issue for many Victorians, significantly annoying 15 per cent of residents in the past 12 months.

Under the *Environment Protection Act 1970* (EP Act), it is an offence to cause unreasonable noise from any residential premises. Residential noise may be unreasonable at any time of the day, depending on its volume, intensity, duration, time, place and other circumstances.

To help clarify what is unreasonable noise, the Regulations list specific types of equipment and times their use is prohibited, if they can be heard from another residence. In most cases, the Regulations prohibit the operation of noisy equipment in the later evenings, nights and early mornings.

The Regulations are due to be remade by October 2008. This review gives an opportunity to look at and improve the way residential noise issues are managed in Victoria.

HOW WE DEVELOP REGULATIONS

In Victoria the process for developing regulations is outlined in the *Subordinate Legislation Act 1994* and Guidelines. The Act requires that a Regulatory Impact Statement (RIS) is prepared when remade regulations that impose an appreciable burden are proposed. The RIS must meet the requirements of the Victorian Competition and Efficiency Commission (VCEC) Victorian Guide to Regulation.

The purpose of the RIS is to ensure that there is a rigorous assessment of the costs and benefits of regulatory proposals and their alternatives, to inform government policy decision-making. EPA will publish a RIS on the Draft Environment Protection (Residential Noise) Regulations when they are released for comment in mid 2008.

CONTENT OF THE REGULATIONS

The current Regulations list a range of items and times when their use on a residential property is prohibited. Items include power and pneumatic tools, air-conditioners, pumps, stereos, televisions and garden equipment.

In most cases, the prohibited times are between 8pm and 7am weekdays; and 8pm to 9am weekends. There are extended evening hours allowed for air-conditioning (10pm) and music/televisions (Sun-Thurs 10pm, Fri/Sat 11pm). The full table of items and times can be viewed at: www.epa.vic.gov.au/noise

The Regulations apply to all residential premises in Victoria, including those under construction.

Victoria Police Officers and local Councils can use the Regulations to manage neighbour noise complaints.

REMAKING THE REGULATIONS

This review of the Regulations will look at how they work and if there are other options to better manage neighbour noise in Victoria. The review will focus on:

- The times and items prescribed in the Regulations
- Understanding of the Regulations by the public and authorities
- How the Regulations affect the construction industry

Times and items prescribed in the Regulations

EPA would like to know if there should be changes to the items and times listed in the Regulations. For example, New South Wales allows later times for music noise. There is also variation in how residential construction noise is managed across the states and territories, including differences in working hours and the use of construction management plans for noise.

Understanding and enforcement of the Regulations

Understanding the Regulations helps people know acceptable times so they can manage their noisy activities. Fair and efficient enforcement of residential noise also relies on good knowledge of how to investigate and assess noise.

EPA is interested in how the Regulations are used by the community and enforcement agencies, and if there are other tools that could help resolve noise complaints.

Options that EPA intends to explore include better information for people who make noise or are affected by noise; guidelines for managing noise from construction; guidance for local government and police on how to investigate noise; and information on potentially noisy items like stereos and televisions.

How the Regulations affect the construction industry

Under the EP Act, construction of residential premises is regulated through the same conditions as for other residential noise. Recent consultation with the construction industry has identified the following issues in the way the Regulations apply to residential construction:

- The Regulations apply to all types of residential sites, including high-rise developments and subdivisions;
- Local laws may have different requirements to the Regulations; and
- Some builders don't know how to reduce noise or the best ways of working with the community.

EPA will work with the construction industry and enforcement agencies to address these issues. EPA will consider alternative options, including a management plan based approach. The economic, social and environmental costs and benefits will be assessed for all stakeholders, including local government and the community.

CONSULTATION PROGRAM

Early Consultation and Draft Regulations Development

July – December 2007

Over this period EPA consulted with stakeholders including local government, Victoria Police, the construction industry and the broader community.

Consultation has included surveys, workshops and the gathering of stories from residents about their experiences of noise.

This consultation has helped EPA to develop and test options for the draft Regulations, as well as identify areas where improved guidance is needed.

Development Plan

February 2008

This publication sets out areas of interest for EPA's review of the Regulations. It will be published on the EPA website.

The areas of interest have been identified through initial consultation and the development stage of the Draft Regulations.

Draft RIS and Regulations release and public comment period

June 2008

EPA will continue to work with stakeholders during the development of the draft Regulations and RIS to provide accurate information on the costs and benefits of the proposed regulatory options.

The RIS and proposed Regulations will be released for public comment for a period of not less than 28 days. During the proposed public consultation period, a series of meetings will be organised with stakeholder groups to discuss the proposal.

All stakeholders will be encouraged to provide written comment on the proposal within the public consultation period.

RIS and Regulation Finalisation

August 2008

Feedback on the draft Regulations and RIS will be considered in the finalisation of the Regulations. Further discussions with key stakeholders will be held to explore any significant changes to the proposed Regulations. EPA will prepare a document summarising the public comments received during the consultation period and how they have been addressed. This document will be forwarded to all stakeholders who provided comment during the consultation period.

Release of remade Regulations

October 2008

Once the Regulations are remade, notification of the decision will be advertised in the Government Gazette and by way of Government media. The Regulations will be made available on the EPA website. EPA will also advise all stakeholders who have registered an interest in this program.

THE PROCESS FROM HERE

If you would like to be notified of the Draft RIS and Regulations release, please contact.

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EPA will consider all comments in the review of the Environment Protection (Residential Noise) Regulations.