

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

Environment Protection Amendment Regulation 2006 (No 1)

SUBORDINATE LAW NO SL2006–27

EXPLANATORY STATEMENT

**Circulated with the authority of
Mr John Hargreaves MLA
Minister for the Territory and
Municipal Services**

Overview

The purpose of the Regulation is to correct a drafting error in the recently amended *Environment Protection Regulation 2005*. The error relates to the omission of the noise zone standards for the ‘Entertainment, Accommodation and Leisure’ and ‘Municipal Services’ land uses, which were in the previous regulations.

The Regulation will amend Schedule 2 (noise zones, noise standards and conditions), Column 6, Zone F of the *Environment Protection Regulation 2005*, to re-insert the ‘Municipal Services’, and ‘Entertainment, Accommodation and Leisure’ land uses. Schedule 2 (noise zones, noise standards and conditions) Column 6, Zone F, of the Regulation provides for the maximum level of noise that may be emitted by an activity within that noise zone.

The ACT is divided into seven noise zones that relate to the land use policies under the Territory Plan. The standards set for each noise zone have been based on planning guidelines, Australian standards, interstate practice and noise monitoring data. The standards are less stringent (i.e. they permit the highest noise levels) in industrial areas and most stringent (i.e. they permit only lower noise levels) in residential areas.

Different arrangements apply to areas with land uses classified as ‘Community Facilities’, ‘Municipal Services’ and ‘Entertainment, Accommodation and Leisure’ to cater for the different activities found there. The noise levels for land use areas classified as ‘Community Facilities’, ‘Municipal Services’ and ‘Entertainment, Accommodation and Leisure’ would be the same as for the adjoining land use area that has the highest noise level. For example, for a nightclub in an ‘Entertainment, Accommodation and Leisure’ area adjoining a Town Centre, the Town Centre noise level would apply as it would be the highest noise level in that area, thus enabling the nightclub to compete on equal terms (as far as noise requirements are concerned) with nightclubs in Town Centres.

Revenue/Cost Implications

Nil

Clauses

Clause 1 – Name of regulation

This clause provides that the name of the regulation is the *Environment Protection Amendment Regulation 2006 (No 1)*.

Clause 2 – Commencement

The regulation commences on the day after its notification day.

Clause 3- Legislation amendment

This clause provides that this regulation amends the *Environment Protection Regulation 2005*.

Clause 4 – Schedule 2, table 2.1, item 6

This clause provides a table (see below) which substitutes Schedule 2, Column 6, Zone F, of the *Environment Protection Regulation 2005* to include ‘Municipal Services’, and ‘Entertainment, Accommodation and Leisure’.

Schedule 2, table 2.1

6	zone F	land subject to the territory plan land use policy – <ul style="list-style-type: none">▪ B4 (community facility)▪ B7 (municipal services)▪ B8 (entertainment, accommodation and leisure)	land in the Queanbeyan city special uses zone
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