

Australian Capital Territory

Environment Protection Amendment Regulation 2007 (No 1)

Subordinate Law SL2007—24

made under the

Environment Protection Act 1997

EXPLANATORY STATEMENT

Overview

The purpose of the Regulation is to update specific clauses within the Environment Protection Regulation 2005 that were identified from an operational perspective. The main changes are in relation to noise.

Clauses

Clause 1 – Name of regulation

This clause provides that the name of the regulation is the *Environment Protection Amendment Regulation 2007 (No 1)*.

Clause 2 – Commencement

The regulation commences on the day after its notification day.

Clause 3 – Legislation amended

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

Clause 4 – Section 22 (2) and (3)

This clause specifies that a unit on a territory lease can be an affected place if the noise is emitted from another unit on the same territory lease.

This clause also specifies that a person is only affected by noise if the person complains about the noise to an authorised officer and the noise level at the affected place exceeds the noise zone standard set for that place.

Clause 5 – Section 24 (2)

This clause provides for a 5dB reduction of the noise standard for common wall properties and for units on the same unit plan where the compliance point is inside the property or unit.

This clause also specifies that the noise standard on the boundary of a noise zone which adjoins another noise zone is calculated as the average of the adjoining noise standards rounded up to the nearest dB(A).

Clause 6 – Section 25 (1)

This clause specifies that noise is taken to cause environmental harm in an affected place if the noise emitted from one place in the ACT is louder than noise standard at the compliance point for the affected place.

Clause 7 – Section 40 (1) (c)

This clause is an offence provision that prohibits a person from selling an article or things if the sale of that article or thing is prohibited under the *Protection of the Environment Operations Act 1997* (NSW). The adoption of this standard provides consistency with procedures adopted in NSW.

Clause 8 – Section 40 (2) (b)

This clause is an offence provision that prohibits a person from hiring out an article or things if the sale of that article or thing is prohibited under the *Protection of the Environment Operations Act 1997* (NSW). The adoption of this standard provides consistency with procedures adopted in NSW.

Clause 9 – Section 64 (1) (c)

This clause specifies that laboratories which conduct analysis of a pollutant other than noise must hold National Association of Testing Authorities accreditation for the analysis of that pollutant.

Clause 10 – New section 67 (2) (ia)

Under this clause section 47 (5) of the Legislation Act 2001 does not apply to the *Protection of the Environment Operations Act 1997* (NSW).

Clause 11 – Schedule 2, pt 2.3, item 6 (c) (iv)

This clause specifies that noise being emitted in the course of building work for which a building approval under the Building Act 2004, division 3.3 is required, shall not be taken to cause environmental harm if the noise is emitted between 7am and 6pm Monday to Saturday, excluding public holidays.

Clause 12 – Schedule 2, pt 2.3, item 19

This clause specifies that noise being emitted in the course of maintaining a utility service shall not be taken to cause environmental harm if the noise is emitted between 7am and 10pm Monday to Saturday, or between 8am and 10pm on Sunday or a public holiday, or the repairs are made during an emergency.

Clause 13 – Dictionary, definition of *primary production*

This clause provides for the definition of primary production.