

Australian Capital Territory

Environment Protection Amendment Regulation 2019 (No 1)

Subordinate law SL2019–32

made under the

Environment Protection Act 1997

EXPLANATORY STATEMENT

This explanatory statement relates to the *Environment Protection Amendment Regulation 2019 (No 1)*. It has been prepared in order to assist the reader of the regulation. It does not form part of the regulation and has not been endorsed by the Assembly.

This statement must be read in conjunction with the Act and the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Overview

The *Environmental Protection Amendment Regulation 2019 (No 1)* amends the *Environment Protection Regulation 2005*.

Between 9 August and 22 September 2019, the ACT Government undertook public consultation on the proposal to extend daytime noise standards for the city centre, town and group centres further into the evening on Fridays and Saturdays (www.yoursay.act.gov.au/urban-sounds). It forms part of a broader review of urban sounds and the ACT Planning Review (www.yoursay.act.gov.au/act-planning-review).

These amendments respond to noise monitoring undertaken and a majority consensus of community feedback that supported extending daytime noise standards in these areas on Friday and Saturday evenings.

These amendments update Schedule 2 (Noise zones, noise standards and conditions) of the regulation. More specifically, the amendments extend daytime noise standards on Fridays and Saturdays in certain areas.

The regulation now specifies that:

- noise can be emitted up to 60 dB(A) on land in the city centre and town centres until 12am on Friday and Saturday.

- noise can be emitted up to 55 dB(A) on land in group centres until 11pm on Friday and Saturday.

Costs

No significant appreciable costs are anticipated to be associated with the amendments to the regulation, as the amendments do not increase the loudness of noise permitted. They are not expected to cause increased noise impacts on residential buildings, which are required to comply with noise standards and building codes to meet the existing noise standards. Additionally, venues and businesses are required to maintain compliance and not exceed the noise standards.

The amendments provide for an extension to the hours of permitted daytime noise. This may result in health and wellbeing impacts experienced by the community, or part of the community, and their capacity to quietly enjoy their residence on Friday and Saturday evenings between 10pm and midnight. Further analysis of this potential cost is provided in the associated regulatory impact statement.

Benefits

The amendments are expected to support weekend evening night-time business activity as part of the night-time economy in mixed-use precincts by increasing flexibility around permitted noise emissions. Urban renewal is ongoing in the city, town and group centres which offer licensed premises, restaurants, music and entertainment venues and events.

The amendments aim to achieve a balance between support for continuing economic growth and activity while providing for the amenity of residents.

Offences and Penalties

The regulation does not introduce or alter any offences or penalties.

Human Rights

The regulation is consistent with the *Human Rights Act 2004*. The amended provisions provide for the safe emission of noise in the city, town and group centres under the *Territory Plan 2008*. They maintain regulatory consistency, particularly for venues and establishments that emit noise through amplified music. These amendments represent a continuation of existing noise regulations.

Outline of provisions

Clause 1 Name of Regulation

This clause provides that the name of the regulation is the *Environment Protection Amendment Regulation 2019 (No 1)*.

Clause 2 Commencement

This clause provides that the regulation commences on the day after it is notified on the ACT Legislation Register.

Clause 3 Legislation amended

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

Clause 4 Section 24 (1), definition of *noise standard*

This clause amends the definition of noise standard to specify that noise standards for all zones (excluding zones B1 and C1) are provided in table 2.2. Noise standards for zone B1 is provided in table 2.2A. Noise standards for zone C1 is provided in table 2.2B.

Clause 5 Section 39 (1), note

This clause amends the note under section 39 to refer to part 2.2 which sets out different noise standards for different times of the day.

Clause 6 Schedule 2, table 2.1, items 2 and 3

This clause amends Table 2.1 of Schedule 2 to separate noise zone B into two subcategories (zone B1 and B2) and noise zone C into two subcategories (zone C1 and C2). This facilitates the amendment of noise standards in the city, town centres and group centres which are extended on Friday and Saturday evenings, and thus require a specific noise zone.

Noise zone B1 refers to land in the city centre and town centres.

Noise zone B2 refers to land in the Central National Area (City Hill Precinct) and land in the Queanbeyan city business zone.

Noise zone C1 refers to land in group centres.

Noise zone C2 refers to land in a corridor site or an office site, and land in the Central National Area (Parliamentary Zone and Other Areas).

Clause 7 Schedule 2, table 2.2

This clause amends Table 2.2 which specifies the noise standards for each noise zone. To accommodate for the new subcategories Zones B1, B2, C1 and C2 and their differing daytime hours, two additional tables have been included to specify noise standards.

Table 2.2 provides the noise standards for noise zones A, B2, C2, D, E, F, and G. The daytime noise hours (column 3) for these noise zones is 7am to 10pm from Monday to Saturday and 8am to 10pm on Sunday and Public Holidays. The night-time (column 4) noise standards for these noise zones is all other hours.

Table 2.2A provides the noise standards for noise zone B1 and provides for extended daytime hours in the city centre and town centres. The daytime noise hours (column 3) for this noise zone is 7am to 10pm from Monday to Thursday, 7am to 12am from Friday to Saturday, and 8am to 10pm on Sunday and Public Holidays. The night-time noise hours (column 4) for this noise zone is all other hours.

Table 2.2B provides the noise standards for noise zone C1 and provides for extended daytime hours in group centres. The daytime noise hours (column 3) for this noise zone is 7am to 10pm from Monday to Thursday, 7am to 11pm from Friday to Saturday, and 8am to 10pm on Sunday and Public Holidays. The night-time noise hours (column 4) for this noise zone is all other hours.