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Questions from the discussion paper -

Please Note: Our reply focuses on noise issues only.

CHAPTER 2: HOW STATUTORY POLICY WORKS

Question 1: In your experience, what has worked well with statutory policy? What has not worked well?

SEPP N-1 and SEPP N-2 are the two main policies that have worked for many years and for the majority of metropolitan Melbourne these policies are still valid.

Where these two policies fail is for medium to high density residential developments. Policies are dated and refer to technology that have not been used by industry for well over a decade possibly two.

Victoria is unique with respect to noise policies when compared to other states of Australia. In most other States the EPA (Noise) is much more focused on reviewing, refining and addressing noise issues.

Some areas that require further attention by the EPA are:

- Rail and track noise, Victoria is the only State in Australia without a railway noise policy or guideline.
- Construction noise.
- Road traffic noise to areas other than arterial roads.
- Wind farms
- Rural areas – Is N3 policy?
- Sleep disturbance.
- Helicopter noise.

During legal hearings guidance is generally adopted from NSW EPA policies.

Question 2: How well do you think the features and obligations in statutory policy are understood? Are some parts better understood than others? (We would welcome some examples).

Noise levels are difficult for the community to grasp, how does 45 dBA sound when compared to 55 dBA.

Question 3: Are there critical issues, risks or relevant processes (e.g. upcoming reviews, strategic planning processes) that should be considered in prioritising individual policy reviews?

Both N-1 and N-2 have been updated, however, these updates have included new (ground) areas to consider (eg Docklands). There have not been updates to the policy based on current low, medium or high density living.

Introducing an “interim” policy and then never adopting, accepting or reviewing has resulted in professionals losing faith in the noise division of the EPA. This results in sourcing appropriate noise criteria and policies from other States.

CHAPTER 4: CRITICAL CHALLENGES FOR STATUTORY POLICY

Question 4: What do you think are the main challenges for statutory policy? Are there other challenges not presented in the discussion paper?

The rapid ascend of high density living is a major factor for noise related matters.

It will also be a challenge for Policy will be to find a balance between providing a specific standards/limits, while allowing enough room for an expert to recommend alternative, equivalent or better outcomes.

Question 5: In your work, which instruments or documents under the Environment Protection Act do you (or your organisation) use most often? The Environment Protection Act, Regulations, statutory policies or guidance?

N1 and N2 are the most used.

However, as detailed above there are significant gaps when assessing other noise sources that cannot be linked into the SEPPs. This includes, construction noise and most transportation noise sources.

CHAPTER 5: APPROACHES TO STANDARD SETTING

Question 6: What types of measures or provisions in the ‘attainment programs’ of statutory policy do you find most useful? Do you think these need to stay in statutory policy or may be better placed in other regulatory instruments or guidance?

Question 7: How well do you think statutory policies perform their standard-setting role? Would specific types of standards be better placed in other regulatory instruments or guidance?

For noise, the policy is generally linked to planning approvals. Linking the noise policy to approval is generally accepted by all parties, however, in most cases no commissioning is required to verify that the noise limits are achieved.

Noise assessment are generally compliant driven rather than compliance driven.

Question 8: Has including the roles and responsibilities of agencies — which often sets out how agencies will jointly tackle particular issues — in statutory policy been valuable?

Why/why not?

For noise matters, I'm only aware of City of Stonnington that actively addresses noise complaints and enforce compliance with the noise limits. Linking N2 to the liquor licenses and then the liquor license to the planning permit tends to result in quickly address excessive noise.

It is unfortunate, but unless it becomes a major noise nuisance (eg big day out), the EPA are not present to address noise related matters.

Question 9: In your experience, are there features in other fields of regulation that would be useful in the Victorian environment protection framework?

EU Noise Directives has resulted in improving the planning process in EU countries. Noise maps have shown to be very useful planning tools.

Question 10: In your experience, what features of statutory policy in other states or overseas work well?

The NSW noise polices are often referred.

Risk matrix in the NSW TDIC guideline works well.

Assessment with respect to validated prediction methods (rather than measurement/consideration of actual environment) may allow for a consistent approach. As was done for CTRL for ground-borne noise.

CHAPTER 6: POTENTIAL MODELS FOR REFORM

Question 11: Which, if any, of the model(s) do you think may work well? Why?

Approach 2 best suits us. There is room for further Policies regarding noise, and room to move non-technical talk in Policy to “Guidance” and bring any standards or regulations back into the Policy.

Question 12: Are there other models that should be considered?

CHAPTER 6 (CONT'D): SPECIFIC SUGGESTIONS FOR REFORM

Question 13: What do you think of the specific suggestions for reform (on pages 25-26)?

All items are necessary. All phrases, including “environmental value” or “beneficial use” should be well defined (eg “as far as practicable”). It is also important that it is ensured that the published users guide does not introduce any new “standards” and can be used purely as a “guide”.

Question 14: What else should be done to make statutory policy more responsive, accessible and easier to apply?

Perhaps there is room for some of the technical Policies such as noise to have a general guideline/approach for layman to understand why and how (generally) the technical policy is applied.

Question 15: How could the links between statutory policy, catchment planning, statutory planning and other frameworks be improved?

Noise maps refer to EU Directives.

Question 16: Do you have any other suggestions for reforms to the statutory policy framework?