



Victoria Government Gazette

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SPECIAL

Environment Protection Act 1970

VARIATION OF STATE ENVIRONMENT PROTECTION POLICY (CONTROL OF NOISE FROM COMMERCE, INDUSTRY AND TRADE) NO. N-1

The Governor in Council under Section 16(2) of the **Environment Protection Act 1970**, and on the recommendation of the Environment Protection Authority, declares the following variation to State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to be observed within the region in which that Policy applies.

1. Contents

This Order is divided into parts as follows –

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8. New clause 19A of State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1
9. Variation of clause 20 of State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1
10. Variation of clause A2.1 of State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1
11. Variation of clause B1.4 of State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1

2. Purpose

The purpose of this Order is to vary the State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to encourage the development of environment improvement plans outlining actions to improve noise emissions by commercial, industrial or trade premises which are unable to comply with the environmental quality objectives set out in Part IV of the policy. Occupiers of such premises will be able to comply with the policy by implementing an environment improvement plan addressing noise issues as approved by the Environment Protection Authority.

3. Commencement

This Order will come into operation upon publication in the Government Gazette.

4. New clause 13 of State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1

Delete Clause 13 and substitute –

- “13. Subject to Clause 17G the effective noise level shall not exceed noise limits prescribed in this Policy”.
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5. New clause 14 of State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1

Delete Clause 14 and substitute –

“14. Subject to Clause 17G the effective noise level at any derived point shall not exceed the derived noise limit”.

6. New clause 15 of State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1

Delete Clause 15 and substitute –

“15. Subject to Clause 17G where noise emissions from existing commercial, industrial or trade premises exceed the requirements set out in the Policy, steps shall be taken by the occupier to reduce the level of these noise emissions to, or below, the relevant Policy noise limits.”

7. New clauses 17A to 17G of State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1

After Clause 17 insert –

“Environment improvement plan may be prepared

17A. (1) Where the Authority is satisfied that:

(a) noise at any specified point outside a commercial, industrial or trade premises exceeds the environmental quality objectives prescribed in Part IV of this Policy; and

(b) there are no practicable means currently available to allow those premises to comply with those environmental quality objectives –

then –

(c) any notice served or licence issued in relation to those premises may require the occupier to submit a proposed environment improvement plan to the Authority for approval; or

(d) the occupier of those premises may voluntarily submit a proposed environment improvement plan to the Authority for approval.

(2) Where noise from two or more commercial, industrial or trade premises contributes to the noise level in a noise sensitive area, the occupiers of those premises may be required to jointly prepare and submit an environment improvement plan pursuant to sub-clause (1)(c) or may decide to jointly prepare and submit an environment improvement plan pursuant to sub-clause (1)(d).

Content of an environment improvement plan for the purposes of this Policy

17B. An environment improvement plan submitted for approval under clause 17C must be consistent with the requirements set out in Section 31C(6) of the **Environment Protection Act 1970**, and must include: –

(1) an assessment of compliance with the environmental quality objectives set out in Part IV of this policy; and

(2) an assessment of the practicability of using commercially available techniques, methods and practices to meet:

(a) the environmental quality objectives set out in Part IV of this Policy, and

(b) any relevant best practice standard or guideline for the industry; and

(3) requirements for the monitoring of compliance with the environment improvement plan; and

(4) provision for the participation of the community in the evaluation of the performance in meeting objectives under the environment improvement plan; and

(5) provision for the up-grading of plant and equipment to meet objectives under the environment improvement plan; and

(6) provision for the assessment of new or emerging technology in the industry or in noise emissions control; and

- (7) a commitment that in the selection, location and noise abatement of new or upgraded plant the firm will ensure that the new or upgraded plant is consistent with the abatement of overall noise levels; and
- (8) provision for contingency or emergency plans; and
- (9) a description of the proposed or likely reduction in noise levels over the life of the proposed environment improvement plan; and
- (10) an assessment of the practicability of other noise management options, including relocation; and
- (11) a date upon which the environment improvement plan will expire.

Application for approval of environment improvement plan

17C. (1) An occupier of premises to which this Policy applies may apply to the Authority for approval of an environment improvement plan which has been prepared in accordance with this Policy.

- (2) An application must -
 - (a) be made in writing; and
 - (b) be accompanied by:
 - (i) an environment improvement plan; and
 - (ii) any other information requested in writing by the Authority prior to the application being made.
- (3) The Authority may by notice in writing served on an applicant for an environment improvement plan require the applicant to supply to the Authority within the time specified in the notice any information, plans and specifications specified in the notice which the Authority considers necessary and relevant to its consideration of the application.

Approval of environment improvement plan

17D. (1) Within 60 days after the Authority receives an application or any further information required by the Authority under sub-clause 17C(3), whichever is the later, the Authority must approve or not approve the environment improvement plan.

- (2) In deciding whether to approve the environment improvement plan the Authority must have regard to:
 - (a) the draft environment improvement plan supplied in accordance with clause 17B; and
 - (b) the opinions expressed in regard to the proposed environment improvement plan by:
 - (i) the community, and
 - (ii) the responsible authority within the meaning of the **Planning and Environment Act 1987**.
- (3) The Authority must, within 14 days after the decision was made:
 - (a) serve a notice on the occupier of the premises to implement the components of that environment improvement plan relating to noise management; or
 - (b) amend an existing notice or licence issued to the occupier of the premises which requires the occupier to implement the components of that environment improvement plan relating to noise management; or
 - (c) notify the applicant in writing that the environment improvement plan was not approved.

Rescinding approval of environment improvement plan

17E. (1) The Authority may rescind its approval of an environment improvement plan approved in accordance with this Policy if it is satisfied that:

- (a) any information supplied by the applicant was false or misleading; or

(b) any other information considered by the Authority has changed and as a result the Authority considers that noise emissions from the premises result in an unacceptable risk to beneficial uses; or

(c) any condition of the environment improvement plan has been contravened.

- (2) If the Authority rescinds its approval of an environment improvement plan, it must notify the occupier of the premises to which the plan relates within 2 days of the rescission.

Amendment of environment improvement plan

17F. (1) An occupier of premises may make an application to the Authority for approval of an amended environment improvement plan.

- (2) Any application for approval of an amended environment improvement plan must be made in accordance with clauses 17C and 17D.

Implementing approved environment improvement plan is compliance with policy

17G. (1) Subject to sub-clause (2), implementation of an approved environment improvement plan in accordance with a notice or licence constitutes compliance with the policy from the date of coming into force of the requirement of a notice or licence condition incorporating the environment improvement plan.

- (2) A failure to undertake works or to do a thing in accordance with an approved environment improvement plan constitutes non-compliance with the policy until the works or thing is done.”

8. New clause 19A of State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1

After Clause 19 insert –

“19A. In making land use planning decisions and implementing planning schemes, responsible authorities and planning authorities within the meaning of the **Planning and Environment Act 1987** must have regard to this Policy.”

9. Variation of clause 20 of State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1

In Clause 20 for the definition of “Major premises”, substitute: –

““Major premises” means commercial, industrial or trade premises that are prescribed as schedule three premises by the Environment Protection (Scheduled Premises and Exemptions) Regulations 1996.”

10. Variation of clause A2.1 of State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1

In Clause A2.1(a) of Schedule A2. after “representative of the” insert “audible”.

11. Variation of clause B1.4 of State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1

In Clause B1.4 of Schedule B1. after “When the background” insert “level”.

Dated 30 October 2001

Responsible Minister
SHERRYL GARBUTT
Minister for Environment
and Conservation

HELEN DOYE
Clerk of the Executive Council

Environment Protection (Industrial Waste) Act 1985

PROCLAMATION OF COMMENCEMENT

I, John Landy, Governor of Victoria, with the advice of the Executive Council and under section 2 of the **Environment Protection (Industrial Waste) Act 1985**, fix 1 November 2001 as the day on which the remaining provisions of that Act come into operation.

Given under my hand and the seal of Victoria on 30 October 2001

(L.S.)

JOHN LANDY
Governor
By His Excellency's Command
SHERRYL GARBUTT MP
Minister for Environment and
Conservation

Environment Protection (General Amendment) Act 1989

PROCLAMATION OF COMMENCEMENT

I, John Landy, Governor of Victoria, with the advice of the Executive Council and under section 2(2) of the **Environment Protection (General Amendment) Act 1989**, fix 1 November 2001 as the day on which section 9 of that Act comes into operation.

Given under my hand and the seal of Victoria on 30 October 2001

(L.S.)

JOHN LANDY
Governor
By His Excellency's Command
SHERRYL GARBUTT MP
Minister for Environment and
Conservation

Gazette ServicesG

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