

P O Box 396, Kilmore, Victoria
Australia, 3764

Inc. No. A0039304E
ABN 85 154 053 129

☎ 1300 267 222
☎ (03) 5782 2021
enquiries@cmpavic.asn.au

15 October 2014

Noise SEPP Review

EPA

GPO Box 4395

Melbourne

Victoria 3001

Via email: noiseSEPPreview@epa.vic.gov.au

Dear Sir/Madam

CMPA submission to EPA on the Noise SEPP Review Discussion Paper

The Construction Material Processors Association (CMPA) is dedicated to the representation and service of its Members in the Victorian Earth Resources industry. The CMPA represents a broad spectrum of businesses that extract and process hard rock, gravel, sand, clay, lime, soil, and gypsum. CMPA members also operate recycling businesses. CMPA members are typically small to medium sized family businesses, local government and utilities. Many are regionally based employers and service local construction, infrastructure and road maintenance needs. The Extractive industry underpins growth and development in Victoria through supply of the construction materials described above (58 million tons in 2011/12, approximately \$833 million). CMPA members account for approximately half of this production.

The CMPA supports responsible, balanced legislation that is in the best interests of the State. CMPA agrees with the statement in the Discussion Paper that “It is important to balance community protection from noise with other considerations such as the need to support economic growth, business and industry viability.”

Any increase in noise standards will have a direct, and potentially significant, impact on our member’s compliance requirements.

Question	CMPA comments
2.3 How do noise SEPPs protect beneficial uses?	CMPA does not support the expansion of beneficial use from domestic to non-domestic uses.
2.4 Advantages and disadvantages of using a SEPP to control noise	Whilst there are some benefits with certainty there are also benefits gained in having flexibility of setting noise limits.
3.0 Cost and benefits of regulating noise	The economic value of the extractive industry is approximately \$833 million per annum which underpins the building and construction industry. Any increase in costs

	<p>due to more stringent noise legislation will be passed on, for example, to first home buyers.</p> <p>Major costs are incurred in seeking approval for a Work Plan through being required to conduct modelling of noise, for a modest sized quarry this can be over \$30K. No prior recognition is made of extractive industry sites operating with similar technology.</p>
4.1.2 Are the types of premises currently covered by SEPP N-1 appropriate?	Yes, the types of premises covered by SEPP N-1, commercial and industrial, are adequate.
4.2.1 Should a SEPP for commercial and industrial noise cover the whole state (even if this would include different methods for setting noise limits in different areas of the state)?	It is immaterial to CMPA as to whether the SEPP covers the whole state as long as there is no decrease in flexibility; increase in stringency of levels or red tape.
4.2.1 Is the current boundary for SEPP N-1 appropriate?	It may be appropriate to extend the current boundary to include future growth areas.
5.1 Is the current compliance and enforcement framework for commercial and industrial noise effective?	There is the issue of having only one complainant and expending excessive money to mitigate the noise when residents at a similar distance have not complained.
6.3 Should compliance be assessed from inside a noise sensitive building and, if so, under what circumstances?	There would be privacy and access issues that would have to be addressed.
6.4 What changes could be made to the noise SEPPs to complement an “agent of change” principle?	CMPA agrees that where new homes are built near an existing site that was previously compliant with its noise obligations, then developers should bear the costs to mitigate the noise. However, of higher importance is to ensure that residential homes are not built next to industrial sites in the first place. This is also of importance in gaining Work Authority, that DSDBI be consulted on planning issues where a more sensitive use is proposed.
7.2.1 Is the view that people living near commercial or industrial premises, or near major roads, expect more noise than a person living in a wholly residential area reasonable?	This would be reasonable, that is, to expect more noise where people move near an area with an industrial site.
7.3.2 Is the current use of overall A-weighted levels in SEPP N-1 appropriate? Are there opportunities to use other methods such as octave band limits?	A-weighted noise limits are commonly used to regulate noise throughout the world, hence, CMPA does not support a change to octave band limits.
7.3.3 Are the “character adjustments” in SEPP N-1 appropriate? Are any additional adjustments needed, for example, for noise that contains	There is no need for additional “character adjustments”. Further stringent conditions would make a quarry non-viable.

sporadic crashes and bangs or other annoying characteristics?	
7.3.4 Is a maximum single event level (L_{max}) noise limit needed in SEPP N-1? Are the current assessment intervals in Noise N-1 (30 minutes) appropriate?	CMPA does not support further increases in legislative requirements.
8. What is needed to help businesses, regulators and design professional deal with noise better in planning and design? Are the current triggers in regulatory approval processes adequate to identify future noise issues?	The current triggers in the Work Authority process are adequate at identifying future noise issues.
9. Are simpler assessment methods than currently used in the SEPP needed?	Yes, simpler methods are needed that can allow non-experts perform basic compliance assessments that would also be acceptable to regulatory authorities in dealing with noise complaints.

In summary, CMPA Members understand the need for noise legislation however modelling and mitigation of noise is currently a costly exercise for the extractive industry. In light of the current Government's focus on reducing red tape the CMPA does not see the need to increase legislative burden which will act as a barrier to entry into the market.

Please contact me if you would like to discuss this further.

Yours Sincerely



Dr Elizabeth Gibson
General Manager