

1994

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Mr Bill Stefaniak, MLA)

**Noise Control (Amendment) Bill 1994**

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**A BILL  
FOR**

**An Act to amend the Noise Control Act 1988 and for related purposes**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**Short title**

1. This Act may be cited as the *Noise Control (Amendment) Act 1994*.

**Commencement**

- 5     2. This Act and the amendment to the Noise Control Manual commence on the day on which this Act is notified in the *Gazette*.

**Principal Act**

3. In this Act "Principal Act" means the *Noise Control Act 1988*.

**Interpretation**

- 10     4. (1) In this Act the words "Authority" and "Manual" have the same meaning as in the Principal Act.

(2) In this Act "the Minister" means the Minister with administrative responsibility for the Principal Act.

**Insertion**

5. Section 5 of the Principal Act is amended by:

(a) deleting the definition of "excessive noise" and substituting the following:

"excessive noise" means-

5 (a) in relation to noise emitted from premises (other than premises where organised motor sport is to be conducted) - noise that exceeds the level prescribed-

10 (i) in respect of premises generally or, where different noise levels are prescribed in respect of different classes of premises, in respect of premises of the class in which the first-mentioned premises are included; and

(ii) in respect of the time of day at which the noise is emitted;

other than noise emitted-

15 (iii) by a motor vehicle or any plant, equipment, apparatus or thing that is being used to carry out work necessary for public safety, for the safety or security of plant or premises, or for the maintenance of essential services; or

20 (iv) by a lawnmower that is being used between the hours of 7 a.m. and 8 p.m. on any day Monday to Saturday (inclusive) or between the hours of 8 a.m. and 8 p.m. on a Sunday;

(b) in relation to noise emitted by an article - noise that exceeds the level prescribed in respect of articles of the class in which the first-mentioned article is included; and

25 "(c) in relation to noise emitted from vehicles engaged or proposed to be engaged in organised motor sport and situated at a place where organised motor sport is to take place - a noise level exceeding 95 decibels, when measured using the procedures contained in the Manual for the measurement of noise made by motor vehicles engaged in organised motor sport";

30 (b) adding the following definition:

"organised motor sport" means competitions involving the operation of motor vehicles conducted by incorporated bodies affiliated with the association which establishes and enforces the rules for the type of vehicle proposed to be engaged in motor sport at:

35 (a) places known, as at 1 September 1994, as:

(i) Fairbairn Park;

(ii) Sutton Park; or

(iii) Canberra International Dragway; or

5 (b) such other places that are declared by the Minister by notice in the *Gazette* to be, for the purposes of this Act, places where organised motor sport is to be conducted, following a request for such a place to be declared by an incorporated body affiliated with an association which establishes and enforces rules for types of vehicles engaged in motor sport.”; and

(c) the definition of “premises” is amended by adding after the word “land” the words “or places where organised motor sport is being conducted”.

## 10 Review of Decisions

6. Section 44 of the Principal Act is amended by inserting after subsection (2) the following subsection:

15 “(2A) Application may be made to the Tribunal for a review of a decision by the Minister to refuse a request made by an incorporated body affiliated with an association which establishes and enforces rules for types of vehicles engaged in motor sport to have a place declared to be a place of organised motor sport for the purposes of this Act.”

### Addition to Standard to Noise Control Manual

7. (1) The Manual is amended in the manner set out in the Schedule.

20 (2) The addition to the Manual made by subsection (1) shall be deemed to have been added to the Manual by the Authority, pursuant to section 17 of the Principal Act, and approved by the Minister pursuant to section 18 of the Act.

(3) The Minister shall cause the addition to the Noise Control Manual to be published within 14 days of the commencement of this Act.

25 (4) Notwithstanding section 20 of the Principal Act, the addition to the Manual contained in the Schedule does not attract the provisions of section 6 of the *Subordinate Laws Act 1989* and section 38 of the *Interpretation Act 1967*.

**THE SCHEDULE**

Subsection 7(1)

The following section to the Noise Control Manual is added after Section 11:

**SECTION 12****GENERAL MOTOR SPORT NOISE MEASUREMENT**

This section prescribes the method to be used to measure the level of noise emitted from motor vehicles engaged in organised motor sport.

**12.1 INSTRUMENTATION**

The following instrumentation shall be used for the measurement required:

- (i) A sound level meter or recording system which meets the type 1 or 2 requirements of Australian Standard 1259.1-1990, sound level meters.
- (ii) A sound level calibrator.
- (iii) A wind speed anemometer.
- (iv) A reliable and tamper-proof method of recording readings for later retrieval and interpretation.

**12.2 PROCEDURE**

Sound shall be tested in a position close to the noise generating source (Section 12.2.1) and shall be tested by the method recognised at the time of addition of this Section to the Manual as the so-called 'drive-by' method with the following mandatory requirements to be followed:

**12.2.1 Test Site**

A suitable test site at a place where organised motor sport is to be conducted shall be selected according to the criteria set out in Australian Standard 1055.1-1989, Sections 6.1 and 6.2, having regard to the purpose as specified in Australian Standard 1055.2 and 1055.3 and having the following characteristics:

- (i) The microphone shall be at 90 degrees (right angles) to the direction of travel of the article being tested, and shall be placed at a point at which the article is likely to be emitting maximum noise, ie, under full acceleration.
- (ii) The site shall be no more than 30.2 metres and no less than 29.8 metres from the edge of the roadway on which the article being tested is travelling, and shall be established by survey and permanently marked. For the purposes of such testing, the measurement site shall not be more than 32.5 metres away from the **near side of the vehicle being tested**.

- (iii) The selected site shall be used for all monitoring of noise emissions from the track involved for the purposes of verifying compliance.
- (iv) The meter shall be set for fast response and the A-weighting network. Maximum hold (Peak).
- (v) The meter shall be observed while the vehicle is passing. the applicable reading shall be the highest sound level obtained.
- (vi) Other trackside monitoring points shall be established as appropriate in accordance with Australian Standard 1055.1-1989.

#### **12.2.2 Identification of the Article being tested**

The article being tested shall be identified at the time the testing takes place by visual means involving a competition number or by an accurate description and recorded immediately in writing in the tester's log.

### **12.3 GENERAL REQUIREMENTS**

#### **12.3.1 Measurement devices to be calibrated**

Acoustical calibration of the complete measurement system shall be performed immediately before and after each field calibration, which may be accomplished by either external or internal calibration means, shall be made immediately before and after each test sequence, in accordance with AS 1055.1-1989, Section 5.6 and Section 7. Full calibrations of the instruments used shall be performed at intervals not exceeding two years by a laboratory registered by the National Association of Testing Authorities.

#### **12.3.2 When measurements may be made**

Measurements shall be made only when the wind speed is below 15 km/h. A wind screen shall be used at all times to minimise wind effects.

#### **12.3.3 Bystanders not to be near microphone**

Because bystanders may have an appreciable influence on meter response when they are in the vicinity of the microphone, not more than one person other than the observer reading the meter shall be within 15m of the microphone, and that person shall be directly behind the observer reading the meter, on a line through the microphone and the observer.

#### **12.3.4 Recording**

All results of acoustic measurements shall be recorded in accordance with AS 1055.1-1989 Section 7, and shall include measurement techniques, conditions prevailing during measurements and such qualitative data as appropriate.