

2011

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

ENVIRONMENT PROTECTION AMENDMENT REGULATION 2011 (No 2)

SL2011-9

EXPLANATORY STATEMENT

Circulated with the authority of
Simon Corbell MLA
Minister for the Environment, Climate Change and Water

Environment Protection Amendment Regulation 2011 (No 2)

Outline

Schedule 2 of the Environment Protection Regulation 2005 (the Regulation) contains provisions that define noise zones, noise standards and conditions for the purpose of determining whether noise is causing environmental harm and deemed an offence.

Section 29 of the Regulation provides an exception for a breach if the noise is mentioned in Schedule 2, Table 2.3, Column 2 and the conditions in Column 3 for the noise are met.

This Regulation amends the definition of ‘Zone G’ in Schedule 2 to clarify which areas within the ACT this noise zone standard applies to.

The amendment to Item 19 in Table 2.3 of the Schedule relates to noise from the activity of maintaining or repairing a network facility or territory network facility, previously defined as utility service. The amendment clarifies that noise emitted from the day-to-day operation of such a facility or facilities is not included in the exemption.

Furthermore, the replacement of ‘territory service’ and ‘utility service’ definitions with ‘network facility’ and ‘territory network facility’ links the definitions to those in the *Utilities Act 2000* which is the principal legislation for utility services. This clarifies exactly which services the provision applies to.

Regulation Notes

Clause 1 – Name of regulation – provides that the regulation is the Environment Protection Amendment Regulation 2011 (No 2).

Clause 2 – Commencement – provides that the regulation commences on the day after its notification day.

Clause 3 – Legislation amended – provides that this regulation amends the *Environment Protection Regulation 2005*.

Clause 4 – Schedule 2, Table 2.1 Item 7 - provides that noise Zone G applies to all other areas in ACT land other than the Central National Area (Fairbairn).

Clause 5 – Schedule 2, section 2.2(1) - provides for the insertion of network facility and territory network facility definitions. The provision specifies that the definition is under the dictionary of the *Utilities Act 2000* (ACT).

Clause 6 – Schedule 2, section 2.2(1) – provides for omission of territory service and utility service definitions.

Clause 7 – Schedule 2, Table 2.3 Item 19– provides that noise emitted in the course of carrying out maintenance or repair of a network facility or territory network facility is permitted between 7am and 10pm Monday to Saturday or between 8am and 10pm on Sundays or a public holiday.