

**Submissions received as part of the *Environment Protection (Residential Noise) Regulations 2018* public consultation process.**

## Letters

### 1. Bob McKay

I wish to forward my objection to the published (Herald Sun Newspaper 9 May 2018) preferred option (b) to amend the prohibited times for using air conditioners... to before 7a.m. and 11 p.m. ...

I do so for the following reasons:-

- a) Rooftop air-conditioners are very noisy when operating and the noise carries beyond the boundaries of the sited property. (I have measured the audible level of noise to be at a distance of at fifty (50) meters).
  - b) When opening a window to allow for a cool breeze to enter our house on a hot evening, we are confronted with rooftop air conditioning noise (unwanted!)
  - c) The present prohibited time of past 10 pm is largely ignored at present. The proposed change will result in this objectionable noise being generated at midnight or later.
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### 2. City of Darebin

Darebin Council commends the EPA on its comprehensive review of the Residential Noise Regulations and the opportunity for local government to provide feedback.

Generally speaking the existing regulations work well in addressing most forms of residential noise however more recently it has become evident some change is needed in respect to current trends in residential development. Darebin like most inner city municipalities is intensifying through both high density living and also subdivisions of larger titles. Council acknowledges this has been recognised through section 3.4 of the Regulatory Impact Statement yet feels it has not been well reflected in the proposed regulations for fixed plant noise in the form of heaters and air-conditioners.

When electing to reside in a built up residential area there needs to be a reasonable expectation that some noise is to be expected and accepted at any time of the day. It is for this reasonable expectation when coupled with current trends in living that Council feels a simple shift of the regulations from 10pm to 11pm is not current for the community or suitable for authorised officers to enforce and support with education.

Council is of the opinion that the removal of heaters and air conditioners from the regulations would address the current intensification municipalities are experiencing while allowing fixed plant noise to be addressed through Section 1 of EPA Noise Control Guidelines (Publication 1254). With a minor amendment to the guidelines to remove the current prohibited times, all alleged unreasonable noise from fixed plant could be assessed as to whether the noise is 5dB above the background noise at any time of day. Local Government Authorities could then use these guidelines to support the existence of a 'nuisance' as per the Public Health and Wellbeing Act or complement them in a Council General Local Law.

Darebin City Council also remains committed to addressing the climate emergency and in addition to legislation surrounding energy ratings in homes, Council is a proactive player in promoting sustainability in resident's homes. Many homeowners now elect to recycle rain water into toilet cisterns post flush which causes the activation of a sanitary pump that may occur at any time of day. Council requests the EPA consider the removal of sanitary pumps to be similar to the exemption that was afforded to pumps for header tanks in the previous regulations.

The Regulatory Impact Statements consideration into the public health effects heat wave can have on the community with particular focus on vulnerable populations is to be applauded.

For further discussion, please contact Acting Coordinator Health & Urban Protection on [REDACTED].

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### 3. Linda Pervan

#### INPUT INTO RESIDENTIAL NOISE REVIEW

1. I think the definition of “objectionable noise” should be broadened . That is, not only volume, intensity or duration, but also include PERSISTENT noise. I don’t necessarily mean it has to be “continuous” (although it could be), but “persistent” in that it happens most nights of the week for example.
2. Also, I think the definition of a “resident” should be broadened. That is, it should not only include a residential occupied house, but any registered body or association that is within a certain parameter of a residential house.

I think the definition of a Resident should therefore include any sporting bodies or associations. While individual members would not be included, it is the sporting club or body that should ensure it’s activities do not constitute “unreasonable noise” in their impact on residential houses.

3. Regarding local Council’s responsibilities around noise pollution, I think Council’s should be required to prioritise resident occupied houses as their first priority around noise. That is, sometimes Council have conflicting pressures from vested interest groups to allow certain activities. By being required to consider the impacts on residents should be their top priority.
4. In addition to noise not being heard from a “habitable” room, I think there should also be a minimum distance from land being utilised in a way that emits noise, to the nearest residential house. That is, if noise from vehicles on large rural living allotments has the capacity to be considered objectionable residential noise, then loud human noise created on open land should also be required to be made at a minimum distance, so as to not impact unreasonably on residential houses.

NOTE – clearly my need to have input into this review emanates from a noise related issue I have. I live over the road from an oval and the soccer club and residents have lived very harmoniously for years. Then, without consulting the local Council and no consideration for residents, the soccer clubs joined another soccer league and want to train/play till 9pm every weeknight. This started last Winter and grown men could be clearly heard yelling/screaming till 9pm every night. It drove me insane and could be heard from my lounge room and bedroom. The field is only approx. 30mtrs from my property and approx. 45mtrs from my house. It was loud and PERSISTENT. The Council feels like they are in a really hard place and are conflicted – do they let the muscle of the big soccer clubs train or look after residents? I have been in talks with Councillors and CEO of the City Council, but no resolution yet.

If EPA had definite regulations around REGULAR OUTSIDE NOISE and appropriate distances from residences, it would help enormously. It would also help if associations that operate out of a premises, were to be considered as “residents.” Just because the members don’t sleep there, they still label themselves as being the occupier of the space.

Regards,

Linda Pervan

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### 4. Maroondah City Council

#### **Maroondah City Council Comments – Proposed Environment Protection (Residential Noise) Regulations 2018**

The following departments of Maroondah City Council have reviewed the proposed amendments to the Environment Protection (Residential Noise) Regulations and wish make the following submission.

- Community Health and Emergency Management
- Local Laws

- Statutory Planning

	<b>Maroondah City Council Response</b>
<p>1. Do you agree with the proposal to remake the regulations to continue managing residential noise in Victoria?</p>	<p><i>Agree. It is important that we have a regulation that governs noise in order to be able to manage noise complaints with a set of enforceable restrictions.</i></p>
<p><b>2a. Air conditioners – general use</b></p> <p><b>Currently, you cannot use your air -conditioner after 10 pm if your neighbor’s can hear it inside their houses</b></p> <p>Do you agree with EPA’s proposal to change this to 11 pm (see section 7)?</p>	<p><i>Agree. This may reduce some noise complaints requiring action. However, more work needs to be done with air conditioner installers on the location of the system.</i></p>
<p><b>2b. Air conditioners on extremely hot days</b></p> <p>Do you agree with EPA’s proposal to provide an exemption for air conditions on extremely hot days (see section 7) – I.e. to allow the use of air conditioners at all times, on days and in regions where an official heat health alert is in place?</p>	<p><i>Yes, this is important, particularly for the vulnerable population with respect to heat health risks.</i></p>
<p><b>3. Concrete pours</b></p> <p><b>Currently, renovations cannot start before 7 am on weekdays. Some stakeholders have asked EPA to change this to allow concrete pours to start earlier, particularly in summer. EPA has reviewed this feedback and is proposing not to make any changes to prohibited hours for concrete pours.</b></p> <p>Do you agree with EPA’s proposal (see section 8)?</p>	<p><i>Agree. The current start time is suitable and starting earlier may result in increased complaints.</i></p> <p><i>Builders can currently obtain an exemption from Maroondah for early starts if they can demonstrate the need to do it early on a weekend. Council notifies the residents in advance. This usually only happens on large construction sites. This is known to happen across Councils.</i></p> <p><i>Would a permit or notification system be considered where the neighbours were informed and earlier start times</i></p>

	<i>were considered on a case by case basis?</i>
4. Do you agree with the list of prescribed items and prohibited times (see regulation 6 in Appendix 1)?	<i>No concern with the current prescribed times.</i>
<p><b>6. Musical instruments and amplified music</b></p> <p><b>Currently, you cannot play musical instruments or amplified music at the following times, if your neighbors can hear it inside their house (see regulation 6 in Appendix 1):</b></p> <ul style="list-style-type: none"> <li><b>a. before 7 am and after 10 pm on Mondays–Thursdays</b></li> <li><b>b. before 7 am and after 11 pm on Fridays</b></li> <li><b>c. before 9 am and after 11 pm on Saturdays and public holidays</b></li> <li><b>d. before 9 am and after 10 pm on Sundays.</b></li> </ul>	<i>Agree. The times are reasonable</i>
7. Do you have any other comments	<i>The additional flexibility with extreme heat days and air conditioner noise is a sensible change.</i>

## Emails

### 5. Brian Falconer

**From:** Brian Falconer [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Cc:** [REDACTED]  
**Subject:** Residential Noise RIS  
**Attachments:** CRA - Residential Noise Newsflash.docx

[REDACTED]

Dear Policy and Regulation Unit

Last year, the committee of the Carlton Residents' Association appointed a sub-committee to examine the scope for noise abatement in Carlton. This gave the sub-committee members the opportunity to speak with officers of EPA, City of Melbourne and Victoria Police. I was delegated by CRA to work on residential noise, focussing initially on 'party noise'. I learned at the outset that there is little awareness within the community of the 'pivotal' regulations.

When I learned that a policy review by EPA was planned, I gathered as many copies of 'Annoyed by noise' as I could for handout. However, the supply of that booklet quickly ran out so I drafted a contribution to CRA's September 2017 'Newsflash'. This glossy quarterly newsletter reaches out to 150 association members and a further 30 VIPS and Councillors (see attachment).

I have not spent much time on this work since, but accept your assurance about the noise made by air conditioners on very hot days. Clearly I am in favour of making new regulations and noted your suggestions about garaging of cars and human voices. The absence of the latter is most noticeable when you read pages 6 and 7 of the booklet 'Annoyed about noise', which highlights the nexus between noise made when using a musical instrument and human noise created during a backyard party. The justification is strong helping greatly to clarify what is reasonable domestic noise. Regulations are needed to take care of the implementation detail rather than legal/statements of Law.

Yours sincerely

BRIAN FALCONER  
[REDACTED]

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### 6. Cameron McDonald

**From:** Cameron McDonald [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** Noise regulations

To whom it may concern

I have reviewed the proposed changes for noise and agree with the proposed changes for air conditioning.

However as you can see from table 5 in the report the impact of noise in relation to residential neighbours has been steadily increasing. We also see housing becoming more dense (apartments, duplexes etc). Therefore it's my view that while inside my home I should be able to enjoy it without the interference of neighbours noise being generated from amplified equipment such as a bass/sub woofer/speaker at all times.

The onus should be on the neighbour making noise to contain it via soundproofing or to turn it down. I do not see why a resident should have to put up with noise being generated from inside another house up until 10pm or 11pm.

Other noise items such as pool pumps/mowers are or can be generally timed for the day and are temporary in nature rather than consistent boom of a subwoofer

My suggestion would be to curtail the Group 4 noise items to the same as the other groups 1, 2 and 5. They can still watch tv or listen to music but I should also be able to do the same in my own home without hearing the neighbours

Regards  
Cameron

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Cameron McDonald  
[REDACTED]

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## 7. Carmen Costabile

**From:** Carmen Costabile [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** Re: Submission for updating noise regulations

Dear EPA Staff

On Wednesday 7 March 2018 Mr Nial Finegan, Chief Executive Officer of the EPA, spoke on radio 3AW and invited submissions from the public about issues affecting them.

### Noisy tenants

In 2015 the property next door was sold and the new owner is using it as a rental property. Prior to this the property was a family home for as long as we can remember, going back some 50 years. Since it became a rental property we have had no end of trouble with noisy tenants.

The property is semi-detached with a driveway and this driveway is adjacent to our home. The back door and windows of the property are opposite our bedrooms. There is an outdoor area undercover, opposite our property.

The tenants sit in the undercover area talking loudly, laughing, drinking and yelling. They are very loud and rowdy. They sit outside regardless of the weather. All the noise goes straight into our home and unfortunately our bedrooms are opposite the rental property. The tenants are sometimes outside for hours, late at night and in the early hours of the morning. They do have to smoke outside but it doesn't take an hour or two hours to smoke a cigarette.

### Affect on our family

The tenants' behaviour is not just annoying, it impacts on our lives. On more than one occasion I've had to stay up and keep the TV on to try and mask the noise so my brother could get to sleep. I couldn't go to bed early. We have been awoken from sleep in the early hours of the morning by the noisy tenants coming home drunk. We can't use the third bedroom of our home because it is towards the back of the house and the tenants are too noisy. My brother had to move from the third bedroom to the second bedroom. I currently share my mum's bedroom. The third bedroom is currently used as storage space. We have to shut the back door and windows due to the noise and cigarette smoke.

### New behaviours

We are seeing behaviours now that in the past simply did not exist. A former tenant next door used to sit outside talking on her mobile phone and drinking for hours. She would go in to refill her wine glass and then go outside again still on her phone. I confronted her one night and she was outside in the cold with a coat and scarf, a hands-free mobile phone device and a wine glass. The current tenants seem to spend all their spare time outside talking and drinking. One of the tenants comes home from work and then sits outside with a bottle of alcohol, even in the cold.

## **Council**

I contacted our local Council to try and get some help. In the past I've submitted noise diaries to the Local Laws area of the Council.

Under the Council's previous Local Laws, a Council officer would write to the people creating the noise. If the noise continued the Council would issue a Notice to Comply. If the noise continued after that, the Council would issue a fine. If the property was a rental property the fine would be issued to the landlord.

The Council updated its Local Laws in 2018 and now there are no provisions to deal with noise from residential premises. Instead, the Council follows EPA. Under the current system the complainant is required to complete a noise diary with a statutory declaration. If the noise is deemed to be a nuisance then the Council conducts drive-bys. I submitted a noise diary with a statutory declaration which recorded noise over 15 days and contained 10 instances of noise during prohibited hours. The Council spoke to the tenants and later conducted drive-bys. I then received a letter from the Council stating that there was 'insufficient evidence' and the Council would not be pursuing the matter further.

In the current system the noise complaint first has to pass the nuisance test. The noise has to occur at regular intervals -- say every day or every second day. Next, the noise complaint has to pass the drive-by test. If the Council officers can't hear the noise no further action is taken. I requested the dates and times of the drive-bys and compared these to my noise notes. On a number of occasions where the drive-bys took place, there was no noise because only one of the tenants was home, or the tenants were inside or no one was home. From the Council's point of view there may not be a noise issue, but the complainant is still left to deal with the problem. I have submitted a document to the Council showing the noise situation at each of the drive-by times. I am awaiting a response from the Council. At the time of this submission, the Council indicated that they would not review their decision not to pursue the complaint any further.

In my experience, these noise issues cease when the landlord is fined, but the current EPA regulations don't have any provisions to fine the property owner. The Council fines the occupiers, in this case the tenants living at the property. But how can the Council issue a fine to the tenants when the Council does not have the names of the tenants occupying the property?

## **Police**

I have called the Police on several occasions and they have attended twice. The Police are very busy and are under resourced. They only have two cars to cover eight suburbs. I am appreciative that the police attended when they were able to do so. The first time the Police attended they told the tenants and their visitors to keep the noise down and to go inside if it was getting late. The tenants and their visitors did not comply with the Police request. The noise ceased when the visitors left after 1.00 a.m.

## **Residential Tenancies Act 1997**

The EPA states that '... under the Residential Tenancies Act 1997 ... renters must avoid disturbing the peace and comfort of neighbours. Landlords may take action against tenants who break these rules.'<sup>[1]</sup>

Section sixty of the act is there to protect neighbours from renters behaving badly. I contacted Consumer Affairs Victoria last year, and the reality is that landlords and real estate agents are under no obligation to issue breach notices. As a neighbour my family and I are third parties and cannot access the legislation which is there to help us.

The last time I contacted the landlord about problems with the tenants next door, her response was 'I can't do anything, contact the agent.' I have contacted the real estate agent several times but the agent advocates for the tenants.

### **Not in the regulations**

A Council officer stated that the Council could not direct the tenants not to talk. I pointed out that the tenants are not talking – they're yelling. The tenants are doing this outside next to our home. The EPA states that '... noise not listed in the Regulations and noise occurring outside the prohibited times can still be unreasonable. . . [for example] groups of people talking loudly outdoors at a late night party.'<sup>[2]</sup> This is similar to the noise my family and I are experiencing. Of the three tenants living next door, two of them are drinking six or seven nights a week. The EPA also gives advice on how to minimise noise, and suggests that visitors go inside at night-time.<sup>[3]</sup> Again, this is similar to the situation affecting my family and me. Whilst this scenario is mentioned in the EPA literature, it is not formerly included in the regulations. One police officer told me that because it was not in the regulations, the police were limited in what they could do.

### **No consideration for others**

On 7 March 2018 Nial Finegan said that most people were sorry when they learned that their actions were impacting on others. But what do you do when you're not dealing with most people? The tenants next door have not listened to us, the Council, the Real Estate Agent or the Police. We contacted the Dispute Settlement Centre of Victoria and invited the tenants to mediation but they chose not to attend.

### **Other issues – Dogs**

Another issue is dogs and frequent barking. The former tenants next door were looking after a dog for a friend. The dog would bark at anything and everything, most often when it was outside.

Under the current legislation, the people looking after a dog on behalf of the dog owner are not responsible for the dog. This does not make sense. How can someone accept to look after a dog for a friend, but at the same time not be responsible for that dog?

I completed a noise diary and forwarded this to the Council. Under the current provisions, a dog has to bark all day every day before the Council will act. In the scenario above, the Council could not knock on the door of the property next door because this constituted harassment.

The dog was barking early in the morning and late at night. It woke us up on more than one occasion, on one morning it was at 4.40 a.m. On another occasion I got up to go to the bathroom at 2.40 a.m. and the dog was outside. It started barking opposite the bathroom window. I turned off the light in the bathroom but the dog kept barking.

In the noise diary I had to document the affect on myself and others. It's very concerning that wanting peace and quiet in our home was not sufficient for the Council to pursue the issue further. Another neighbour could also hear the dog barking from inside her home and was very concerned about the noise.

## **Other issues – Smoker barbeques**

One of the previous tenants delivered a commercial smoker barbeque to the property. It came from a catering company where one of the tenants works. It was very large and had two compartments. The smoker was on all day from approx. 7:30 a.m. to 9:30 p.m. Clouds of smoke were literally coming over the fence into our backyard. The tenants were not home but they invited their friends to come and use the smoker. I had to tell one of the tenants friends two times to move the smoker away from the fence. The smoker is fuelled by a wood fire. It cooks food using wood smoke. Aside from the smoke I was concerned that it was a fire risk. The fire compartment was open with sparks and flames coming out.

The smoker was used on a hot day reaching 32 degrees. We could not use our evaporative cooler. We could not put our washing out to dry. We had to do most of our laundry the next day. We had to keep all of the windows and the backdoor closed. Our toilet cubicle smelled of wood smoke for several days afterwards.

The following Monday I went in person to the Council office, and lodged a formal complaint regarding the smoke from the smoker barbeque. A Council Local Laws officer subsequently hand delivered a letter to the rental property, explaining that smoke is a nuisance.

When people talk about smoker barbeques they say they like the smoked flavour of the food. What people don't talk about is the impact smoker barbeques have on the neighbouring properties.

## **Other issues – Litter**

If a person leaves rubbish in a public place such as a road or footpath he or she can be fined. However there are no laws if a person disposes of rubbish into a neighbouring property. The Police can only act if the rubbish causes property damage or strikes a person. Since the property next door became a rental property we have had rubbish thrown over the fence. This includes broken glass, cigarette butts and plastic bags.

Litter may sound trivial but it can be a serious issue. After years of putting up with rubbish thrown over the fence I contacted the Premier's office, and as I could not get help from the Authorities or the Government, I decided to sell my previous home.

## **Recommendations**

Please consider the following:

1. Individual instances of noise occurring during prohibited hours should be valid breaches of the regulations. Please remove the requirement for complainants to prove a nuisance exists by passing the frequency test.
2. The requirement for drive-bys to be revisited. Currently drive-bys occur when Council officers are available, not necessarily when noise occurs.
3. Please make a provision whereby the property owner can be fined for breaches of the noise regulations
4. Please formerly include in the regulations an item to deal with 'other noise' so that loud and rowdy talking and yelling outside can be addressed. If noise can be heard in a bedroom and this prevents the occupant from sleeping, a provision needs to be made to address it.

5. Please change the legislation regarding dogs barking so that anyone looking after a dog for a dog owner is also responsible for the dog during that time.
6. The quiet enjoyment of one's home should be a valid reason for objecting to the noise from a frequently barking dog. Can this be recognised in a noise diary?
7. Commercial smoker barbeques should not be permitted in residential areas.
8. Please introduce Laws to address the issue of people disposing of rubbish into neighbouring properties.

## References

- [1] Environment Protection Authority (EPA), *How to deal with noisy neighbours*, (State Government of Victoria, 24 October 2017). Retrieved November 27, 2017 from <http://www.epa.vic.gov.au/your-environment/noise/residential-noise/noisy-neighbours>
- [2] Environment Protection Authority (EPA), *Annoyed by noise? A guide to dealing with residential noise*, no. 406.6. (Carlton, Vic.: State Government of Victoria, April 2014), 6. Retrieved November 27, 2017 from <http://www.epa.vic.gov.au/~media/Publications/406%206.pdf>.
- [3] Ibid., 7.

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## 8. City of Greater Geelong

**From:** Lyndon Ray [REDACTED] (on behalf of **City of Greater Geelong**)  
**Sent:** Friday, June 15, 2018 3:32 PM  
**To:** Residential Noise Regulations Project  
**Subject:** Residential Noise Regulation Response

To whom it may concern,

Over all we at the City of Greater Geelong support those changes proposed. We do feel however that allowing concrete pours earlier would have been a good consideration given our experience in growth areas and the number of times they occur and limited ways to successfully manage them.

They usually occur in the warmer months when there are good reasons for starting early.

However, our main concern is around and issue that was raised numerous times while I was part of the Local Government Working Groups meeting to discuss the current revisions.

**NOTE: Portion of this email kept confidential at submitter's request.**

Lyndon Ray

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## 9. David Harmer

From: David Harmer [REDACTED]  
Sent: [REDACTED]  
To: Residential Noise Regulations Project  
Subject: Air Conditioner noise

Thank you for the opportunity to provide feedback regarding the Review of Residential Noise Regulations.

I live in Mont Albert North in the City of Whitehorse.

This issue has affected me directly as an air conditioner compressor was installed on the side [boundary] wall of a neighbouring unit built 5 years ago.

This was installed 5m from my bedroom window and is a very noisy old technology unit.

As result I am unable to sleep in my bedroom when it is running at night and have to move to another room .

This is despite having installed double glazing and sound deadening material on the fence.

I have spoken to the neighbours but they often forget .

I can understand that allowing air conditioning units to run until 11pm on hot nights is reasonable but who will police this and how effectively?

Basically I have a right to be able to sleep just as much as neighbours have to run their aircon.

I would be quite happy to allow them to run it all night but with me the main issue is the NOISE VOLUME.

That is the main issue and noise levels from a unit can be readily measured and regulated and enforced.

Thanks again

David Harmer

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## 10. Des Wakefield

From: Des Wakefield [REDACTED]  
Sent: [REDACTED]  
To: Residential Noise Regulations Project  
Subject: Local residents rights.

We have had the property, next door bought and become an air bnb. Noise has become a problem on most weekends. We have notified .the owner, and it appears there is little control over this apart from the police. We live in a residential area which has been relatively quiet most of the time.

I would like to see some thought given to some extra controls or laws considered for these situations. There has been considerable distress caused to our neighbourhood by the temporary clientele from this business. It's just a thought, but also a problem which had not occurred to me until

now, and one I think should be considered.  
Thank you  
Des Wakefield  
Echuca vic.

Sent from my iPad

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## 11. Georgette Haddad

**From:** Georgette Haddad [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** Re: Have your say on EPA's proposed new Residential Noise Regulations

Hi,

I have looked through the RIS and would like to make a few points:

- Air conditioner noise and use is now extended an extra hour every night. That is fine, however please keep in mind, that residences are built these days on small lots of land and so close to each other, therefore every noise is heard from next door. Air conditioner noise has a large impact on sleep for most people. For example, this doesn't affect me, however there is a house opposite mine and in the summer time their air conditioning is on all day and night. Thing is, is if i was to walk outside i can hear it as clear as day, it is extremely loud that i can even hear it from a section of my house inside. This makes me feel very bad for their next door neighbors. I'm not sure why you extended the hours to be able to use this, considering this isn't regulating noise at all.
- I disagree completely with noise regulation in Table 3 - Group 4 (Page 20) of the RIS. In my opinion, all musical instrument noise should be prohibited after **9 pm Mon-Fri**. The regulation is not considering these factors:
  1. We do not live in an age where we have 9-5 jobs anymore. Most jobs start from 7am and even if they started at 9am, people still wake up early to go to work to avoid traffic. We have a huge infrastructure problem in this country, and part of that is roads not being rebuilt or extended, whilst housing and building construction is on the rise. The traffic problem in Australia is an epidemic, therefore people are using more of their time on the road and at work and less time at home. That leads me to this; people sleep earlier now. If you need to wake up early, that means you need to sleep early. No one should have to suffer listening to music all night until 10pm. A majority of Australian people are waking early, working, doing overtime and going home, only to come home to a next door neighbour pumping music and has to wait until 10pm to call the police or inform the EPA? We need to take care of our health and our health is quickly deteriorating. Your statistics prove noise and affected sleep is related in the RIS, so why is EPA Victoria not taking this as seriously as they should? The prohibited hours **need** to be revised.
  2. In the RIS as far as i've seen, it doesnt mention (at least in Table 3) about neighbour noise such as adults arguing, screaming and children causing chaos in the evening time. Where do the noise regulations state anything prohibited times about this?

Overall looking at the RIS i can say that your statistics prove noise is a big problem in Victoria, and im sure, Australia wide. You seem to be acknowledging this however, keeping some noise regulations the same and not doing anything to improve on this. There needs to be more focus on prohibited times with noises for especially between Monday to Friday.

I hope you take my opinions and thoughts into consideration, as I am not speaking for myself, but for all hard working Australians who need change for the better.

Kind regards,  
Georgette Haddad

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## 12. Graeme Robinson

**From:** Graeme Robinson [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** Residential noise review suggestion

I think that a modern-day residential noise issue arising more and more is the impact of **audio** system sub-woofers (very low frequency sounds). The low frequency sounds travel long distances and easily through solid walls. The result is very disturbing beat and rumble that comes and goes, day after day. Over time, it becomes very stressful and seemingly endless. Think of someone regularly practicing bass guitar next door, and there you have it - same thing.

I now have three houses nearby with such devices. The neighbours are probably unaware of the impact because even when playing music at low volumes, the sub-woofers still seem to pump it out full strength (they are often on their own volume control which doesn't reduce with the main volume). I have a home office and when early in the day the rumble commences, it brings with it a horrible sinking feeling - here we go again!

I refer specifically to audio systems and not home theatre setups, which also usually also feature sub woofers. It's the audio systems that people run all day, and often instead small hours of the morning when you want to sleep.

I think a public awareness campaign would help... "consider your neighbours", although there are people who just don't care so some kind of regulation also needs to apply.

**Graeme Robinson**  
[REDACTED]

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## 13. Herbert Weber

**From:** Herbert Weber [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** RIS Submission  
**Attachments:** ISBN-Noise-control-grinders-2017-06.pdf

To whom it may concern

I previously contacted the EPA to make a submission regarding the review of the noise regulation.

To be short:

- We live in a much denser populated residential area which requires a more stringent approach to regulating noise;
- Council actions are restricted by current rules and regulation, especially when it comes for semi-industrial noise;
- In residential zoned area there should not be any activity stemming from a business that uses power tools, welding, sawing, grinding, metal works etc. The noise and odour emitted does impact the health of residents.
- Health is an important aspect and with increased pressures of work and also living in a much denser populated area recuperation, regeneration and simply being able to enjoy the homes and odours must be given a much higher priority.

I refer to the list of noise emitter in one of EPA's studies. Air Conditioners generally emit a noise of around 40db maybe to 50db. One could live with that as it is done to deal with heat and potentially essential. However, power tools used in back yard businesses emit a considerably higher noise levels. For that I attached a documentation ISBN Noise control on a working environment. Clearly this indicates the level of noise that can be emitted way above 80/90 db.

Consider this in a densely populated residential area.

- Home businesses (builders, workshops etc) should be banned from residential areas and be required to conduct those activities in an industrial zone.
- Handyman or hobbies also need to be taken into account and must only done inside buildings with proper noise mitigation, such as firm doors or doors with double glazing.
- Councils need to be given a greater authority in curtailing those activities

You can refer to stringent noise regulations in Germany, Switzerland, the Nordic countries in which power tools are prohibited over weekends. Use of power tools only on building sites or when renovations are done. Otherwise behind closed doors and premises with proper noise mitigation.

I urge you to revisit the impact of power tools and trade related home businesses.

Kind regards  
Herbert Weber

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#### 14. Isa Rose

From: Isa Rose [REDACTED]  
Sent: [REDACTED]  
To: Residential Noise Regulations Project  
Subject: Noise

I am AGAINST the changes to the air conditioners being allowed on hot days and for one hour extra.

If people want to use noisy air conditioners they can put them in a place that does NOT affect neigh properties like I have.

I AM NOT IN FAVOUR OF CHANGING THE LAW ON THIS

Isa Rose

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#### 15. Jeremy Rose

From: jeremy rose [REDACTED]  
Sent: [REDACTED]  
To: Residential Noise Regulations Project  
Subject: Proposed noise regulation changes.

I would like the EPA to not make these proposed changes.

I live next to a new development and the owner has placed twin air conditioners that are less than 4 metres from my house.

The noise is ridiculous and the tennants in the property have it running at innapropriate times.

Its is very stressfull to live next to and is ruining my peaceful area that I call home.

Jeremy Rose. Aspendale home owner.

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## 16. Joseph Allen

**From:** Joseph Allen [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** review of epa noise regulations

Hello, EPA, this is in regard to the very short notice of asking public input on noise regulations. I live in Brookfield and we hear several times a year the police copters fly over our neighborhood for up to an hour, plus sirens that blare in the night. There is no reason for the copters to fly over Melton Reservoir at night making a droning low level noise that irritates immensely other than to piss off the citizens and interrupt our sleep. Same with police and ambulance sirens at night. There is no need for all this racket.

And the gall to complain about air conditioners when houses are built on tiny blocks wall to wall. People should be allowed to run their air cons at night, if they feel so hot. Especially with the population getting fatter, these people are hot even at 20 deg ambient temperature. How dare the government tell us when to run our AC units. Government buildings run their ACs 24 hours a day. What is wrong with citizens doing the same?

I would like to know under what section of the Australian Constitution you are deriving your dictatorial powers from? Your charter calls for air and water pollution caused by chemicals; noise is not listed at all. Birds and other wild creatures can make far more noise than an AC unit running on a hot or even warm night. Does the EPA regulate the sounds of cockatoo birds? I didn't think so.

You complain about AC noises but allow windmills with their subsonic noises that destroy people's health and sanity to be erected when the mills only work when the wind blows 8% of the time each day. If you come after AC units, then I demand that all windmills be subject to the same limits, and have these noisy devices removed from our scenic landscapes.

I don't think it is your business to regulate noise, other than to collect fines by removal of due process. There are many other laws that cover noise, and the epa has no expertise on regulating noise. Keep your nose out of areas that cause no pollution. I would be much in favour of the EPA getting back to regulating water and air pollution.

Regards

Joe Allen

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## 17. Latrobe City Council

**From:** Andrew Balfour [REDACTED] (on behalf of Latrobe City Council)  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** Proposed Changes. (Feedback)

Attention: EPA

After careful review of the proposed changes to regulations regarding residential noise, I believe them to be reasonable.

Regards,

**Andrew Balfour**

Coordinator Local Law

Latrobe City Council

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## 18. Mouy Burgess

**From:** Leng Burgess [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** Submission for Review of Residential Noise Regulations

Hi,

I wish to submit my request to have any insistent recorded noise played over a period of time from our neighbour's backyard to be considered a nuisance.

We have a neighbour that is playing the recording of a rooster crowing insistenty over our backyard every single day for at least 5 hours. We can hear it in our house, and it's even more audible when we were in our backyard.

It is causing us a lot of stress and deteriorating health. When you work from home it is also impacting our working life.

We have brought the issue to our council - the city of Darebin, but they don't seem to know what to do. This is a form of nuisance that needs to be stopped. We need peace in our homes and neighbourhood. Nobody needs to be subjected to this kind of torment.

Thank you,

Mouy Burgess.

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## 19. Patricia Martin

**From:** Richard and Patricia Martin [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** Noise

**Categories:** feedback for consultation

Our experience is dogs barking day and night. The owners are in denial as they stop barking as soon as they return home.

Windows and doors closed, can still hear it.

Trucks and freight trains idling for hours. Over zealous train drivers who hoot loudly in the night. Decibels? LOUD Rubbish collectors at 0530. Why are they allowed to get away with it? I thought the hours between 2300 and 0700 were the times for quietness.

Bass music thumping away after midnight.

Motorbikes with what seems like no muffler. Music thumping away from cars day and night.

With my husband's occupation we have moved around Tasmania and Victoria a lot. Not all these things happened at one place but most did. Dogs are the biggest problem. Owners are so selfish and defensive.

With mobile phones and drugs and alcohol, this combination makes for LOUD conversations in the street during the night.

Hope this helps.

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## 20. Paul Kirkwood

**From:** Paul Kirkwood [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** Public submission proposed changes

Good morning,

Can you please consider tighter restrictions on the use and application of leaf blowers as they are becoming ever more prevalent. This is a unique opportunity to bring these under tighter control.

Regards,

Paul Kirkwood.

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## 21. Peter Langton

**From:** Peter Langton [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** Treadmill noise regulations need changing

Dear Sir/Madam,

We have a direct interest after reading that changes to EPA noise regulations are under consideration. Our neighbour uses a Treadmill in his gym, usually about 5:00am weekdays & about 6:00am weekends & public holidays.

Therefore we are woken 7 days per week by our neighbour's use of his Treadmill.

There is no noise from the electric motor of the Treadmill, so that the times that the Treadmill can be used are not covered by current EPA regulations.

However, it is the "thump-thump" sound of our neighbour running on his treadmill, which can obviously be heard in our bedroom, that causes our problem. This "thumping" noise can be heard in every room of our home.

We have tried to involve the Police in stopping this sound, but it cannot be heard from the footpath, so they will take no action.

This continual disturbance of our sleep has affected our health & our life-style, as we must change our living to allow for continually being woken early by our neighbour's Treadmill.

We believe that EPA noise regulations need to be changed to prohibit the actual sound of the running on a Treadmill, not just to consider the sound of the electric motor.

Yours sincerely,

Peter & Christine Langton  
[REDACTED]

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## 22. Prue Mercer

**From:** Ian Hamilton [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** Proposed Environment Protection (Residential Noise) Regulations 2018. Attention: Dan Keely, Manager Policy and Regulation

**Importance:** High

Dear Sir,

As a Senior Victorian I was shocked and dismayed to read that the Environment Protection Agency is proposing to change the hours of air-conditioner use. I have experienced the noise, sleeplessness and difficulty of a neighbour's breach of allowed use of a badly located air-conditioner. Many people are not aware of or ignore the current regulations. There is no local government enforcement available if you are affected by noise from a neighbour's air conditioner in the middle of the night.

I have read the relevant section, Section 7 Option 2A: Changes to air conditioner provisions in your Regulatory Impact Statement: proposed Environment Protection (Residential Noise) Regulations 2018  
<https://www.epa.vic.gov.au/our-work/publications/publication/2018/may/1694>.

The statement reports that this change was developed from discussions with a group of local government officers. Noise from air-conditioners is "one of the most common sources" of local government complaints and this is "a growing issue".

Yet, in spite of these complaints, you have put forward an option that extends the allowable hours of use at night, every night, not just on days when there is a Heat Health Alert. I am sympathetic to an exemption to the regulations for Heat Health Alert days, but where is the compelling evidence to justify the change applying all year? Has there been a significant change in temperature between 10 and 11pm every night?

The proposed change will be detrimental to the health and well-being of the community and will drive increased energy use. The voice of residents who endure noisy air conditioners at night and suffer their damaging impact is missing from your Impact Statement.

You provide no specific compelling evidence in your analysis to support your preferred Option 2A (iii):

- Where is the evidence about minimal energy costs? Any increase in use will reduce overall energy security.
- Where is the evidence about quieter air-conditioners? How and when will a majority of the population purchase and install quieter air-conditioners?
- How will you address community sleep deprivation and the detrimental impact on health, safety and well-being?

The proposed change will mean that local government will receive more complaints because the community is developing, as you acknowledge, "reduced noise tolerance".

I would like you to contact me about the issues I have raised in this email and advise the next steps in the consultation process.

Your sincerely,

Prue Mercer  
[REDACTED]

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### 23. Robyn Westwood

**From:** Robyn Westwood [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** Re: noisy air-conditioners and their outdoor motors

Hi EPA,

I want tighter noise restrictions on air-conditioner/reverse-cycle air-conditioner noise.

There are some brands of split system outdoor units which, when located between two residences, create noticeable indoors of a neighbour's house due to the noise bouncing off the walls of both houses. I do know that Daikin units have a quiet outdoor setting so that it cannot truly be heard even when standing a couple of feet away, but others like Mitsubishi are noisy and do not have this setting.

Even noisier and more irritating are evaporative coolers on the roofs of neighbouring houses. These are extremely noisy and **need more legislation to force businesses to design quieter units**. This is becoming a greater problem as housing becomes denser in the suburbs.

If all outdoor units were designed with quiet settings, then there would be no problem with air-conditioners operating on hot nights after 10 pm. They wouldn't be heard, even if a neighbour had their windows open. The noise is also a problem in winter with reverse-cycle units being used for heating.

R. Westwood

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## 24. Shawn

**From:** georgieandshawn [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project

We are a young family of three and have been living in the area for almost 6 years. We have endured 2 years of constant noise from a young couple who have purchased the house next door. The noise ranges from music, parties but worst of all talking at unreasonable hours.

There has been parties for 20 hours, music blaring at noon and people sitting on a deck near our fence line talking loudly at 4.30 to 7.30 am.

We have been to council (toothless tiger) they issued a letter to them advising they were being monitored (no outcome). We call EPA and they cannot do anything (toothless tiger). We call the Police and they have been really good but are limited with what they can do. We have even been to court to obtain a safety intervention order as I was assaulted after asking my neighbour to keep the noise down at 11am on a weekday.

We believe there needs to be changes made to residential noise to include human voices outdoors during specified times.

The noise disturbs our sleep and our mental wellbeing. It is not unreasonable to ask people to talk inside their home after 12am.

At the moment there is little we can do about this. Given the increase in residential neighbour noise complaints, higher density building and neighbour disputes it only makes common sense to change the regulations regarding human voices as unreasonable noise at certain times of the day.

Thankyou for your time

Shawn

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## 25. Travis Bowland

**From:** Travis Bowland [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** please include in review

**Categories:** feedback for consultation

dogs dogs dogs - councils dont do anything.

air conditioners during the day ruining peaceful backyard.

(enforce sound covers)

motorbikes

loud cars

music

parties with windows open in townhouse setting (basically same noise as having party in the driveway)

**From:** Travis Bowland [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** Fwd: Have your say on EPA's proposed new Residential Noise Regulations

1. Do you agree with the proposal to remake the regulations to continue managing residential noise in Victoria?

No

2a. Airconditioners – general use

Currently, you cannot use your airconditioner after 10 pm if your neighbours can hear it inside their houses.

Do you agree with EPA's proposal to change this to 11 pm (see section 7)?

No

Other (please specify)

2b. Airconditioners on extremely hot days

Do you agree with EPA's proposal to provide an exemption for air conditions on extremely hot days (see section 7) – i.e., to allow the use of air conditioners at all times, on days and in regions where an official heat health alert is in place?

No

Other (please specify)

3. Concrete pours

No

6. Musical instruments and amplified music

Currently, you cannot play musical instruments or amplified music at the following times, if your neighbours can hear it inside their house (see regulation 6 in Appendix 1):

before 7 am and after 10 pm on Mondays–Thursdays

before 7 am and after 11 pm on Fridays

before 9 am and after 11 pm on Saturdays and public holidays

before 9 am and after 10 pm on Sundays.

EPA is not proposing any changes to these times. Do you agree with these times?

No  
7. Do you have any other comments?

why are all these hours based around people sleeping 11pm - 7am?

due to work hours I sleep 9pm - 5am

why is there no consideration for people during these hours.

also why arent air conditioners regulated for levels of noise?

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## 26. Winn McLoughlin

**From:** Winn & Jim McLoughlin. [REDACTED]  
**Sent:** [REDACTED]  
**To:** Residential Noise Regulations Project  
**Subject:** Residential noise.

Dear reviewers,

I would like to see stricter laws re noise and other matters due to the following situation which has been and continues to be occurring now and over the past two and a half months because of the work being carried out on a property next to mine.

The property situated in a quiet street in Balnarring was bought by a developer for the reason of refurbishing and renovating so as to lift it's worth from the \$751,000 paid for the property to a much higher amount judging from the incessant work which has been and continues to be carried out on the property. I was informed by an officer of Mornington Peninsula Shire that because no additions were going to be made to the property, no planning or yellow notice re the property was required by council. My husband and I, both over 75, moved to this area in 1999 because we loved the village atmosphere and the peaceful and lovely surroundings. On contacting council before making the move we were advised there would be no changes to the green wedge rules and therefore the village would retain it's attractive appearance.

Some properties in the area have now reached a selling price of over \$1 million which is why the Balnarring and Bittern area has attracted many developer/builders to buy up homes (and back yards) hoping to capitalize in this market. However, it stops those homes being available to young home buyers as they are put back into the market at a much increased price by such developer/builders. It also affects the rates payable to councils by the existing local residents and does nothing to increase the much needed, reasonably priced new homes for Victorian citizens.

I realise this is not illegal however it has had a massive impact on the homes in our street especially the homes on either side of the subject home.

The number of vehicles parked in the street on a daily basis, some being of large size as they pull or carry large grading and digging equipment, also multiple large bins have been delivered to the site for collecting the removed interior walls and fittings etc. as the developer has internally changed the interior by adding a fourth bedroom by downsizing parts of other rooms. This has restricted movement of local residents vehicles.

There are many different changes being undertaken so there can be 10+ men working on the site each day and a radio blaring at high frequency during the day.

High pressure water blasting of the roof of the home resulted in my having to wash scum of my car and my husbands truck as no effort was made in preventing that scum being blown into our carport.

A complete makeover of the garden has resulted in a very noisy grader being used styling the ground and then large amounts of top soil being brought in and distributed around the yard on a very windy day thus our vehicles are again having to be washed.

To get out of our front gate yesterday I had to ask that timber which had been placed on our gate be removed so I could drive out.

Basically, I am asking for the EPA to make sure residents in existing residential areas be given greater rights by law to protect them from developer/builders (or other parties) profiteering at those residents expense.

Yours sincerely,  
Mrs. Winn McLoughlin

[REDACTED]

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## Online submissions

Table 1: Submissions through Engage Victoria website

	First Name	Last Name	Q1	Q2a	Q2b	Q3	Q4	Q5	Q6	Q7 - Comments
27	Andrea	Hamilton	Yes	Yes	Yes	Yes	See comments	No	Yes	Q4: I think burglar alarms should be regulated for noise level. My neighbour has his alarm pointed towards my bedroom, and it sounds 3 times whenever they leave or enter their house. This should be illegal.
28	Ani	Melb	Yes		NA	Yes	Yes	No	Yes	<p>Q2: 10.30pm - Unfortunately the living area and air conditioner of my neighbours face my bedroom so changing this means that I cannot sleep till they turn the ac off</p> <p>Q7: I would actually love to see stricter noise restrictions for apartment dwelling - especially older blocks. Maybe a scheme to help re-visit the insulation of older properties. It is very frustrating living in a dwelling when you can hear every conversation and music through the wall when neighbours are loud and don't care about your wellbeing. And it really does affect a persons wellbeing.</p> <p>I also would not change the hour for music etc because it essentially means I am not allowed to sleep until whatever time is prescribed (and 10pm is reasonable for weekdays, 11 for weekends). I would stress that music should not be heard within my abode giving me the right to peaceful enjoyment of my residence. I play music all day and no one hears it. My neighbours play music exceptionally loud and I can hear it on top of my music - I do not think that is acceptable to my general enjoyment of my apartment.</p>
29	Anthony	O'Hara	Yes	Yes	Yes	Yes	Yes	No	Yes	
30	Astrid	Mertzlin	Yes	Yes	Yes	Yes	Yes	No	Yes	
31	Barnaby	McIlrath	Yes	No	No	No	See comments	No	Yes	<p>Our neighbour has provided a pool pump without adequate noise attenuation. We are on a small lot with only a 10m setback from the boundary where the pump is located to our house. Our deck extends 4m into this setback Noise is over 60dB at boundary with pump on high.</p> <p>The regs target noise in the evening. This ignores how annoying pool pump noise is during the day and on weekends when people use their secluded open space. This is not common sense. Amenity when people are most likley to use secluded open space should be a priority. Pools arent usually located at the front of a house where bedrooms are. They are located in backyards backing onto other backyards (unlike A/C units).</p> <p>We would rather our neighbour operate his pump when we are not using 32our secluded open space - if its on at night with adequate/reasonable</p>

										<p>att33enuation, it should not be a problem.</p> <p>The regs should allow for use at night, where an assessment demonstrates to the satisfaction of the EPA or local council that this better protects amenity and will not lead to sleep disturbance.</p> <p>The type of pump is not best practice and the noise its tonal/pitchy. Existing EPA policy applies a 5 dB penalty for tonality. However, this established policy (requiring that the noise not be audible) is not reflected in the regulations and there is no compliance assurance framework. A more intergrated approach is required that requires a noise assessment to be carried out when such items are commissioned, to ensure compliance with EPA's noise guidelines.</p> <p>The EPA needs to form a view on how such noise is assessed when pumps are commissioned. Pool pump noise is of long duration, frequent and intrusive. Its not like the occasional use of machinery. It is just as important as ensuring septic tanks are properly installed.</p> <p>Relying on the regs alone and reactive local government enforcement is neither efficient, nor effective. The onus should be on the pool owner to demonstrate compliance.</p>
32	Benson	Or	Yes	Yes	Yes	No	Yes	Yes	Yes	
33	Brad	Petryczkowycz	Yes	No	Yes	Yes	Yes	No	Yes	
34	Bronwyn	Heap	Yes	Yes	Yes	Yes	Yes	No	No	As I have someone who plays guitar and sings for extended periods of time in the flat immediately next to me making my life a misery. I would like the times on all days to be shortened to not before 10am and not after 8pm. As I am really suffering and nothing is being done about this I feel powerless to get the intrusion into my space stopped.
35	Casey	Schauer	Yes	Yes	Yes	Yes	Yes	No	Yes	<p>There needs to be better enforcement of the regulations by police and local council if EPA is not going to be involved.</p> <p>Currently, complaints about noise on weekend nights are hand balled between the council and local police which has a huge negative impact on communities. The attitude from the police regarding noise complaints is that they have 'more important work to do'.</p> <p>There is no point having these regulations if no one is going to put the time in to enforce them.</p>
36	Dan	Hirth	Yes	Yes	Yes	No	No	No	Yes	I don't think human voices should be regulated as noise.
37	Daniel	Abrams	Yes	Yes	Yes	Yes	Yes	NA	Yes	
38	City of	Casey	Yes	Yes	Yes	No	Yes	No	Yes	<p>In relation to concrete pours, from a practical perspective, it would make sense to extend the times over the summer months for the following reasons:</p> <ul style="list-style-type: none"> <li>• Concrete pours are generally one-off in a residential setting. Therefore, if viewed purely in the context of frequency alone, a once off event would not necessarily be deemed unreasonable.</li> </ul>

									<ul style="list-style-type: none"><li>• Given the typical one-off nature of a concrete pour, the impact upon neighbouring properties is likely to be more one of inconvenience/annoyance. Impact to health is likely to be minimal.</li><li>• Concrete pours will continue to occur earlier than the current prescribed times during hot weather anyway. Concrete contractors know that the Police are extremely unlikely to attend such complaints and that Council officers are unable to attend secondary to Council operating hours. Retrospectively, there is little that Council is able to do in terms of enforcement as (1) the noise has ceased by the time the complaint can be actioned by a Council officer (2) there is no/limited evidence as to who the alleged offender is. Typically, a Council response would be to contact the site supervisor and remind them of the prescribed times under the Residential Noise Regulations.</li><li>• Based on my experience, most concrete pours that occur outside the current prescribed times don't occur before 5am. Typical times seems to be from 6am onwards. Changing the prescribed times could therefore result in a reduction in the number of noise complaints lodged with Council.</li><li>• Concerns around what defines a 'truck pouring concrete' could be negated by including a definition in the Regulations.</li></ul> <p>Definition of air conditioner:</p> <p>Given that many air conditioning units heat as well as cool, it may be prudent to define in the Regulations exactly what constitutes an air conditioner given that under the proposed changes, domestic heater devices will have different prescribed times to an air conditioner.</p>
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39	City of	Greater Bendigo	Yes	No	Yes	NA	See comments	Yes	No	<p>a) Changes need to be made to provide clear guidance to the definition of unreasonable noise, when noise is produced out of the prescribed times. Volume, intensity and duration concepts may reflect well the science supporting noise but are too relative to enable practicality when local government officers need to demonstrate these concepts individually, in pairs or in the whole render noise unreasonable. Guidance on the application of volume, intensity and duration is much needed instead of the current officer's opinions.</p> <p>b) Current legislation brings limited options (ranging from less to more intrusive enforcement tools) to local governments to ensure compliance.</p> <p>c) Changes allowing for exemption of prescribed noise are in opposite direction of very little improvement in sound proof building materials. Higher urban density is a reality in Victoria therefore sound proof building options should be the focus before any exemption is granted to prescribed noise groups.</p> <p>d) Exemptions within each prescribed noise groups need simpler wording to be used and complied with by the lay person. It is suggested exemptions to be reworded in a separate sentence within each prescribed group. The sections currently presenting unclear exemptions are:</p> <p>d1) Group 3: '.... water pump other than Q3: More effort should be put on considering the proposal to allow concrete pouring activities to occur earlier than 7am during summer months only. Our view is that 6am should be early enough in this case.a pump being used to fill a header tank....'</p> <p>and</p> <p>d2) Group 5: '....but not electric equipment or appliances for personal care or grooming, or for heating, refrigeration or preparation of food.'</p>
40	City of	Monash	Yes	No	Yes	Yes	Yes	No	Yes	<p>Council Officers are generally in agreeance with EPA's proposed changes. Officers support the proposed exemption for a/c use for extremely hot days ( Heat Health alerts), however it felt that an extension to the allowable permitted times would have more impact on those who may be affected by noise rather than the benefit it provides to those who wish to run the unit for only an additonal hour at that time of the night.</p> <p>Officers also support the EPA decision not to alter start times or provide exemptions for concrete pours.</p>
41	City of	Wodonga	Yes	Yes	Yes	Yes	No	No	Yes	<p>Can you assist councils in enforcing the guidelines but making non-compliances easier to understand for the public and greater powers for council to abate nuisances. Please</p>
42	Corang-mite	Shire	Yes	Yes	Yes	Yes	Yes	No	Yes	<p>The Regulatory Impact Statement clearly identifies that residential noise is a significant and growing impost on the community. The remake of the Regulations is timely, however the narrow scope of this review results in a negligible impact on the community. The inflexibility of the enforcement options and the difficulties in monitoring out of hours complaints needs to be considered within a broader review.</p> <p>43The many various pieces of legislation and guidance around the different types of noise are difficult to understand and enforce for</p>

										government let alone for the public. A wider review of all noise related legislation and guidance should be considered to streamline the responsible agencies.
43	David	Woollands	Yes	Yes	Yes	No	Yes	No	Yes	
44	David	Brown	No	No	No	No	See comments	No	Yes	Q4: Keep restrictions. Please don't change this as it will affect kids trying to get to sleep when noisy neighbours keep their air conditioners going without regards to others. 10pm is late enough. Should be reduced to 9 pm if anything. Why should people have to put up with it in their homes. Get a ceiling fan.
45	Edward	Virtser	Yes	No	No	No	Yes	No	NA	
46	Effie	Deftereos	No	No	No	Yes	No	No	Yes	<p>Noise levels in even quite streets has been increasing due to:</p> <ul style="list-style-type: none"> <li>- increasing density of our suburbs,</li> <li>- construction of new developments closer to or on property boundaries</li> <li>- increased sound reflection from rigid buildings and reduction in soft landscaping.</li> </ul> <p>Regulations need to minimize residential noise during normal quiet times and not be adjusted due to poorly designed housing. 11pm for conditioners is too late for most people and will negatively affect children, students, workers and in particular the disabled, chronically ill and elderly who are more likely to be stuck at home and possibly in bed for most of they day and therefore cannot escape a noise. An air conditioning unit that has been operating all day should have sufficiently cooled a building by sunset and should not need to work late into the night or overnight.if required other forms of cooling can be adopted eg a fan. Constant noise particularly in a normally quiet environment is very harmful to the physical and mental health of people who are forced to endure it long term. Not everyone can afford to move nor should they have to. Plus there is nothing to prevent the same problem occurring elsewhere.</p> <p>Also please consider listing instantaneous hot water units as a specifically listed regulated item. The number of these units being installed is increasing at a rapid rate and this will increasingly become a noise problem between residents as hot water is used multiple times every day of the year unlike air conditioners. Such a unit was installed 2.2m from my bedroom window (and my sleeping head) and it operates for hours every day. I have to avoid half the habitable rooms in my house to avoid the irritating noise and am rudely woken before my normal wake up time every week day and some weekends. The position of these units needs to be regulated.</p>
47	Ellen	King	Yes	See comments	See comments	See comments	No	No	Yes	<p>Q2a: Consider encouraging / education to the benefit of newer quieter more efficient systems would help all</p> <p>Q2b: New air conditioners are more cost effective cleaner and quieter. These should be mandated for use. Older style noisy models should be updated</p> <p>Q3: allowing extended hours may push back further. Are current rulings followed?</p>

										<p>Q7: Noise from performance cars and loud motor bikes ie Harley Davidsons can be heard, particularly late on Friday or Saturday nights. As the vehicles have little other traffic or little chance of apprehension, excessive speeds are reached.</p> <p>The noise of these vehicles reaches a high pitch and are safe in the knowledge no one will or can catch them .</p> <p>It would be suggested that the current rules are adequately adhered to before opening them up more</p> <p>Appreciate the opportunity to participate</p>
48	Frankston	City Council	Yes	Yes	Yes	See comments	Yes	No	Yes	We receive regular complaints from building sites about concrete companies being on site earlier than the allowable times. Regardless of the number of times fines have been issued and builders and contractors advised of the allowable times, the concretors still attend the site too early. What is the reason behind the EPA proposing not to make the change to allow an earlier time?
49	Geoff	Jones	Yes	Yes	Yes	Yes	Yes	No	Yes	
50	Geoffrey	Goode	No	No	Yes	Yes	NA	NA	Yes	I could not answer Questions 4 or 5, as I could not find Appendix 1.
51	Glenda	White	Yes	See comments	Yes	No	No	No	No	<p>If airconditioners are too noisy then they should be fixed even airconditioners that can be heard during the day in a neighbouring property is annoying and could impact on the sleep of shift workers, babies or sick or elderly. It is never OK for neighbours to be able to hear amplified musical instruments. Everybody should be entitled to the quiet enjoyment of their own home. This goes for lawnmowers, leaf blowers and screaming children. Neighbours should be caring and if not be forced to consider other peoples enjoyment of their own homes. In this day and age so many people are shift workers and sleep during the day. To say that noise during the night is the only noise that affects sleep is just ludicrous. I think the regulations need to change to reflect the change in work habits.</p> <p>Police, Ambulance, Nurses, Doctors, Pilots, Aircrew, Airline Staff, truck drivers, taxi drivers, Bus and train drivers, road crews just to name a few are expected to work at night and a lot of other jobs require shift work where people are expected to sleep during the day. Neighbours should be forced to keep 'quiet while shift workers are sleeping. It is never OK to disturb the sleep of people required to work at night. People working with lack of sleep could be hurt at work or cause injury to others and it is about time that something is done about unreasonable noise</p>
52	Greg	Yorke	Yes	Yes	Yes	Yes	Yes	No	Yes	
53	Guy	Price	Yes	Yes	Yes	Yes	Yes	No	Yes	
54	Helen	Hodgkins	Yes	No	Yes	Yes	Yes	No	Yes	
55	Hume	City Council	No	Yes	Yes	Yes	Yes	Yes	No	<p>The Environment Protection Act 1970 should be amended concurrently with these regulations to provide Police and Council Officers with the option to issue an on the spot fine. This will alleviate the current matters arising from the issuing of a twelve hour direction, it will also prevent ineffective use of agency resources.</p> <p>Although we appreciate it cannot be added to the Environmental Protection</p>

										(Residential Noise) Regulations 2018 at this point in time, steps should be made to amend the Environment Protection Act 1970 to facilitate the use of on the spot fines as an additional option to the current twelve hour direction.
56	Ian	Vonarx	Yes	Yes	Yes	Yes	Yes	No	Yes	
57	Isa		No	No	No	Yes	No	No	Yes	I am disappointed that the EPA is attempting to change the laws for noise from machines like air conditioners. These things have an horrendous impact on peoples peace and quiet especially now that the suburbs are getting to full and populated. I hope that whoever proposed these changes gets an air conditioner right next to their bedroom - they will soon change their mind about the proposed changes. It is horrible and has destroyed my quality of life. You should be making changes that IMPROVE lives not ruins them. NOT HAPPY AT ALL!!!! Look at South Australia laws regarding air conditioners - these are not allowed to be closer than 5 meters to a neighbour so it does not matter if the thing is on as it is too far away to bother anyone.
58	James	Macdonald	Yes	Yes	Yes	Yes	Yes	No	Yes	
59	James	McIntosh	Yes	No	Yes	Yes	See comments	No	Yes	Q4: Should add drones ( remotely powered air craft)Need to add drones. They are remarkably annoying, presumably due to the tonal nature of the noise and the difficulty of identifying its direction. They are rapidly growing in number so the problem is getting worse.
60	James	Habel	Yes	Yes	Yes	Yes	Yes	No	Yes	
61	Jeffry	Amy	Yes	Yes	Yes	Yes	Yes	No	Yes	Sensible changes being proposed
62	Jeremy		No	No	No	Yes	No	No	Yes	Look at South Australia superior noise regulations policies. The proposed laws are ridiculous especially regarding the hot days rule...what is hot days.... what may be a hot day to me may not be the same, the law is ambiguous and will lead to problems.
63	Jerome	Pearce	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
64	Jon	Langford	Yes	Yes	Yes	Yes	No	Yes	Yes	I would like to see some regulation of barking dogs, especially in the evening after 5pm and early morning before 9am, and additionally during the day on weekends.
65	Julianna	Rozek	Yes	Yes	Yes	Yes	Yes	No	No	Amplified music should be allowed until 12 midnight on Fridays, Saturdays and public holidays.
66	Karen	Sandon	Yes	Yes	Yes	Yes	Yes	No	Yes	
67	Kelly	Eaton	Yes	Yes	Yes	No	Yes	No	Yes	

68	Kelsey	Corrie	Yes	Yes	Yes	Yes	No	No	No	<p>The proposed changes to air conditioners are appropriate as there are health risks to people (particularly elderly, young children and people of ill health) when the weather is extremely hot. Increasing the time limit to 11:00pm may reduce excess deaths.</p> <p>The musical instruments and amplified music regulations require further work to allow for music venues and residential tenancies. With the encroachment of residential properties into zones where there have been longstanding music venues (existing only), there should be protections in place for the venues as well as the residents.</p> <p>Another area that requires further work are the noise guidelines for rural areas. These should be considered for strengthening into regulations, particularly for common items in rural areas including frost fans, scare guns and other.</p>
69	Ken	Siah	Yes	Yes	Yes	Yes	Yes	Yes	No	Prohibited times should be made the same for all days of the week.
70	Kerri	Stewart	Yes	No	Yes	No	Yes	Yes	Yes	<p>Please take this opportunity to include more on pool pumps given the increasing proximity of houses to their border fencelines, subdivision of blocks and increased numbers of pools being installed. In my case my neighbour's pool pump is 3 metres from my backdoor due a subdivision of a corner block. His pump is up against our common fence line and is uncovered. He cant hear it in his place place due to decorative surrounds on 2 sides of his pool. Hobsons Bay Council has advised this is not in breach of their regs as there are no minimum distance requirements currently which I feel would mitigate some of the issue. It is unacceptable that pool filters are not required to be covered to reduce noise or better soundproof completely especially within close proximity of a neighbouring property ie within 3 mtrs of their border fence line. If they can afford a pool they can afford to sound proof it.</p>
71	Kirsten	Mackay	Yes	No	Yes	Yes	No	No	Yes	No.
72	Kitty	Catania	Yes	No	No	Yes	Yes	No	No	Should be not before 9.00am on all days and not after 10.00pm on all days. current times are not restrictive enough

73	Knox	City Council	Yes	Yes	No	Yes	Yes	No	Yes	<p>I am writing this submission as an officer of Council with management responsibilities for domestic noise management in the community. In my opinion the regulations do not go far enough to address the "changes suggested by stakeholders" - reference Table 10 of the Regulatory Impact Statement.</p> <p>As urban density increases, our community expectations are becoming more demanding with regard to the resolution of domestic noise complaints. The current tools limit what Council officers can do in responding to domestic noise investigation, and the proposed regulations do little to change this.</p> <p>Most of the notations in "summary of assessment" reference legislative amendment being required. This includes amending definitions, determination of noise standards, and more robust enforcement provisions. Without these changes, officers will still work with limitations when investigating domestic noise complaints, making resolution increasingly difficult for our community.</p> <p>The proposed changes to the times authorising the use of airconditioning units will have no impact on the challenges for local government noise investigation.</p> <p>We look forward to the review of the EP Act as indicated</p>
74	Lachlan	Leatham	Yes	Yes	Yes	Yes	Yes	Yes	No	<p>Hearing somebody else's amplified music inside another house at any time is unreasonable.</p> <p>Many people have no choice but to work weekends (and/or odd hours) or have young children and should not have to put up with the disruption at any time.</p>
75	Linda	Pervan	Yes	Yes	Yes	Yes	See comments	No	No	<p>Noise generated from sport &amp; recreation facilities should also be included in any change to EPA Act. Prohibited times are ok for "one off" noise but too late for persistent, almost nightly noise. Music, like sport is ok having late cut off times (as already stipulated) but only if its irregular. If it is persistent and/or regular, then these times are much too late for a resident to put up with, due to it being relentless.</p>

76	Lyudmila	Demyanenko	Yes	No	No	Yes	Yes	No	Yes	<p>We've been leaving in the residential areas of Caulfield North at the dead end of the street for the last 8 years. Till spring of 2017 quiet and peaceful nights were a norm. This ability to have rejuvenating, good night sleep came crashing down last spring when my neighbour had installed an air-compressors unit under my master bedroom window, no more than 2m away from it. Which is a nuisance in its own right!</p> <p>This unit woks in cycles producing loud banging noise that occurs at the start and the end of each cycle. While during cycle the noise have particularly annoying characteristics such as intermittent crashes, humming, scraping, and scratching. Noise has ups and downs of various pitch and duration while it is running.</p> <p>Since this noise began and while it continued for whole summer, me and my husband have survived on just a couple hours' sleep a night. As neighbour's air- compressors starts with an unbearable bang, that wakes me up, I lie awake for as long as air-conditioner is working producing disturbing constant hum, sometimes vibration, high frequency squeaks in conjunction a with low hum. In a few minutes after air- compressors finished its cycle with another big bang I doze back to sleep only to be waken up again with the start of a new cycle.</p> <p>We are not a "spring chickens". Like most people that work full-time, we'd like to sleep at night.</p> <p>As we have been sleep deprived for more than three months, our wellbeing clearly suffered as a result.</p> <p>We both work long hours holding the positions that require attention to details.</p> <p>This noise during night was jangling our concentration. Because of lack of sleep and through exhaustion and anxiety it caused I was getting digestive problems.</p> <p>There were clearly noticeable personal physical impacts on both of us constituting of fatigue; headache; sometimes when the sound is too loud, disorientation; reduced performance at work gradually increasing chaos what can i do about this nuisance?</p>
77	Marilyn	Hearn	NA	No	No	Yes	Yes	No	No	<p>Unless it is for a special occasion there is no reason to have to hear what your neighbors want to listen too in your home as well. I have lived through the nightmare of neighbors playing loud music or loud instruments , nights, weekend and, weekdays. I could not get any peace in my own home the effect on my family being anxiety and stress. Should not be allowed to happen. The rules are to relaxed and need to be upgraded so the community can live in their own homes without fear that they have no haven to go to after work, school or uni. Health and Wellness of the community should be respected and taken seriously. There are studios specifically for people to practice their musical instruments or they can purchase electrical instruments with ear phones for use.</p>
78	Mark	Pokryshevsky	Yes	No	No	Yes	Yes	No	Yes	
79	Matt	Doherty	Yes	See comm ents	Yes	See comm ents	See comm ents	No	Yes	<p>In considering these regulations will not sunset for another decade they must take into account the higher density living of inner municipalities. While acknowledging there is provision in the impact statement for</p>

											Councils to take into consideration scenarios such as high density living, such a condition is highly subjective and open to interpretation by both Councils and the public which will result in a lack of consistency in application. My view is to completely remove any restrictions on air conditioning units use and allow Council's to regulate their use through the Fixed Plant section of the Noise Control Guidelines (Publication 1254). The Guidelines themselves will require an update to remove any times that fixed plants items are prohibited and focus will be on 5dB above background noise. The Noise Control Guidelines (Publication 1254) already consider concrete pours to be unavoidable works and as such Councils would not take action on such activities unless otherwise enforced through a Local Law. Sanitary pumps should also be an exempt item in the updated regulations similar to that of a header tank. Current Building Regulations seek 6 star energy ratings from new properties with many achieving this through the inclusion of toilets that fill from rainwater tanks. Considering that many of these are within high density townhouse developments, it will likely see breaches for residents who wish to flush their own toilet after 10pm.
80	Megan	Williams	Yes	Yes	Yes	Yes	Yes	No	Yes		
81	Mel	Linardatos	Yes	No	Yes	Yes	Yes	No	No	you need to make provisions regarding dogs barking and yahooing, yelling, banging, loud conversations, continued home shed construction work and disruptions of peace in and outside noise regulation hours of that are continuous and unreasonable	
82	Michael	Dyt	Yes	Yes	Yes	Yes	Yes	No	No	I think this could be changed to: before 8 am and after 9 pm on Mondays–Thursdays	
83	Neil	mack	Yes	See comm ents	NA	Yes	Yes	No	Yes	Q2a: The maxium dBA emissions should be stipulated by EPA at point of sale so any conditioner can be installed anywhere and used at anytime without being intrusive  Q7: The maxium dBA emissions should be stipulated by EPA at point of sale so any conditioner can be installed anywhere and used at anytime without being intrusive	



90	Samantha	Bell	Yes	No	Yes	Yes	Yes	No	No	Agree to all times other than public holidays. As these are often followed by a weekday, they should be treated the same as a Sunday: before 9 am and after 10 pm on Public Holidays
91	Sarah	G	Yes	Yes	Yes	See comments	See comments	No	Yes	Q3: Often the truck turn up before 7. So arrive on site at 7 is better. Starting building site work should be after 9 am on sat and sun and until 5 pm. This includes deliveries.
92	Scott	Bastow	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
93	Sean	O'Malley	Yes	Yes	Yes	Yes	Yes	No	Yes	
94	Sonja	Leokvic	Yes	NA	NA	NA	No	No	Yes	<p>There should be distinction made between different types of motor vehicles. At present, any motor vehicles is allowed to move in and out of premises at any time. However, a motorbike, even if within EPA's traffic noise allowances, makes a significantly louder noise than most cars. This type of noise is not only louder but disturbing in other ways, sometimes causing vibrations depending on where it is being use on the premises.</p> <p>I have personally been exposed to the noise from a motorbike leave our apartment building car port at 5.30am every morning. The noise is unbearable and extremely disturbing. It causes significant sleep disturbance and general disruption to health, stemming from lack of sleep and anticipation of loud noise every morning.</p> <p>There should be prohibited times for moving in and out of premises for motorbikes with certain engines, even if the noise regulations generally allow that engine in the street. The times should be similar to others in regulations, with the allowed times between 7am and 11pm.</p>
95	Stantine	Ross	Yes	Yes	Yes	Yes	See comments	No	Yes	<p>These hours work for detached housing but not apartment buildings. Should consider 8am start time for apartment buildings because of the intense impactMusical instruments and amplified music - should replace "music" with "sound" to capture all amplified noise including televisions and public announcement systems.</p>
96	Sue	Walker	Yes	Yes	Yes	Yes	No	No	No	Musical instruments should not be heard in neighbours houses at any time because they may be shift workers etc. if they wish to play music or use home theatres, radio or just tv they should make sure it can not be heard outside their property, so that it doesn't impact on others.
97	Susan	Ablitt	No	No	No	Yes	No	No	Yes	
98	Susan	Carden	NA	No	No	Yes	NA	NA	NA	<p>Musical instruments and amplified music should not be played at any time if they can be heard inside neighbours' houses.</p> <p>Builders and tradespeople should not be permitted to have loud radios on the sites that they are working.</p>
99	Tania	Rose	Yes	Yes	Yes	Yes	See comments	No	Yes	Q4: The use of external basketball hoops should be the same times as Power Tools. The bouncing of basketballs and the sound entering neighbouring houses can cause distress and prevent children sleeping this in becoming a bigger issue as more households install basketball hoops in

										higher density properties Would like to see noise from Basketballs explicitly included with Power tools as they do in WA.
100	Tanie	Vander Wolk	No	See comments	NA	No	See comments	No	No	Q4: I don't agree that you should hear a neighbour's music inside your home. The start time for any neighbour's noise re music, chainsaws, lawn-mowing, drilling, sanding, hammering, vehicle engine-revving, etc should be 12pm. People do work shift-work. No outdoor noisy neighbour's machinery music, chainsaws, lawn-mowing, drilling, sanding, hammering, vehicle engine-revving etc should be allowed on a Sunday.
101	Tina	Forte	Yes	No	Yes	Yes	See comments	No	Yes	Yes. please consider rural land owners who put up with louder noise from larger machinery.
102	Tobias	Jones	Yes	No	Yes	Yes	Yes	No	Yes	
103	Tracey	Watson	Yes	Yes	Yes	Yes	Yes	No	Yes	
104	Ty	Harmer	Yes	Yes	Yes	Yes	See comments	No	Yes	Ban motorbikes in residential areas before 9am and after 9pm.

105	Wyndham	City	Yes	Yes	Yes	Yes	Yes	No	No	<p>I am an Environmental Health Officer working for Wyndham Council. I've been investigating residential noise issues for 8 years.</p> <p>Making slight changes to the regulations will NOT have a significant impact on the bigger noise issues that Local Government face as clearly indicated in your review.</p> <p>This proposed MINOR amendment seems to only be a 'safe' option for EPA to do instead of actually pursuing the recommendations of the report of remaking the regulations all together, which requires amendments to the Act. I think the minor proposed changes is completely the wrong approach to dealing with the real issues of noise in Victoria, all the resources spent to highlight the key issues for the EPA to consider, for them to only implement minor insignificant changes, is a clear example of a waste of money.</p> <p>Recommendations</p> <ul style="list-style-type: none"> <li>- Develop clear documentation advice on role clarity between regulatory authorities (i.e. police and Local Government) in terms of noise enforcement.</li> <li>- Provide detailed documentation of EPAs interpretation of 'unreasonable noise' to enable local government consistency in enforcing prescribed items.</li> <li>- Amend the enforcement timeframe of the noise abatement notice to a discretionary time of the assessing officer (i.e replace 72 hours with X). I can guarantee you that if this was amended that it will become a useful tool for Local Government to use. At the moment Local government is hesitant to use this tool because most noise investigations are not 'one off' events, they are ongoing noise issues that extend beyond the 72 hour enforcement period of the notice.</li> </ul>
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