

REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS

The Regulations were developed after extensive industry and government consultation.

As early-morning work at weekends can be disruptive to the community, the Regulations generally prohibit construction equipment noise **before 9 am on Saturdays and Sundays**. An earlier start time of **7 am on Saturdays** applies to infrastructure work for some larger residential subdivisions.

The 7 am provision applies to large-scale infrastructure works in growth areas and to undeveloped sites at the Melbourne urban fringe or outside the Melbourne metropolitan area.

General residential construction/preparation works on redevelopment sites are not subject to the earlier start time, because of the greater and more prolonged noise impacts that arise from development in established urban residential areas.

The Regulations match general industry and community expectations on noise from different types and scales of work and address previous regulatory inconsistencies.

Description of sites with an earlier start time 7 am provision limited to large-scale subdivisions (in relevant areas)

To qualify for the 7 am Saturday start, residential projects (in the areas described below) must be large enough to include a new road or upgrades to an existing road in the subdivision plan.

The standard restriction on noisy work before 9 am applies to all smaller sites, such as creating additional lots on a residential property.

(Regulation 5. Definitions, Relevant land.)

Only for land preparation and infrastructure works, not house/apartment construction

Once the road servicing the future residential premises is complete, the standard 9 am noise restriction applies.

(Regulation 7(3)(b), regulation 8(3).)

Provision only applies in growth areas, and undeveloped land at urban fringes or outside Melbourne Metro area

The 7 am provision applies to construction/preparation work in an Urban Growth Zone or Designated Growth Area.

It also applies to construction/preparation work on **undeveloped land** zoned for residential development or identified in the local planning scheme for residential development where:

- the land is at the urban fringe of Metropolitan Melbourne or is outside the metro area (such as a rural city)

- the work is not infill or redevelopment. *(Regulation 5. Definitions, Fringe Residential Subdivision.)*

Management requirements

Sites starting at 7 am must meet certain buffer conditions. These enable critical-path work while minimising noisier work between 7 am and 9 am.

No early work is permitted closer than 35 m from residences

Before 9 am on Saturdays, no equipment can be used closer than 35 m from the boundary of the nearest residential premises.

Limitations at 35–200 m distance from residences

Between 35 and 200 m distance, limited equipment can be used from 7 am Saturday:

- earthmoving machinery (such as graders or excavators)
- concrete trucks
- self-propelled, single-drum vibrating rollers
- non-vibrating compaction machinery.

At this distance, noisier equipment must not be used before 9 am; this means all other types of compaction plant (e.g. double drum vibrating roller) and impacting, vibrating or rotating tools and implements (for example, a rock breaker attached to an excavator).

This condition means that, for some qualifying large projects, work may not be practicable before 9 am because there is no scope for an adequate buffer (for example, where there are existing homes surrounding a house development with a single road).

(Regulation 7(2))

Time limit applies to 35-200m works

Within this distance from homes, infrastructure work from 7–9 am on Saturdays may only continue for a period of 20 weeks. Beyond this period, remaining work must start from 9 am.

(Regulation 7(3))

Greater flexibility from 200m distance

More than 200 m from the property boundary, noisier equipment may also be used from 7 am:

- impacting, vibrating or rotating implements
- all types of compaction equipment
- other tools such as jackhammers, drills etc.

Pile drivers must not be used before 9 am.

(Regulation 8(2))

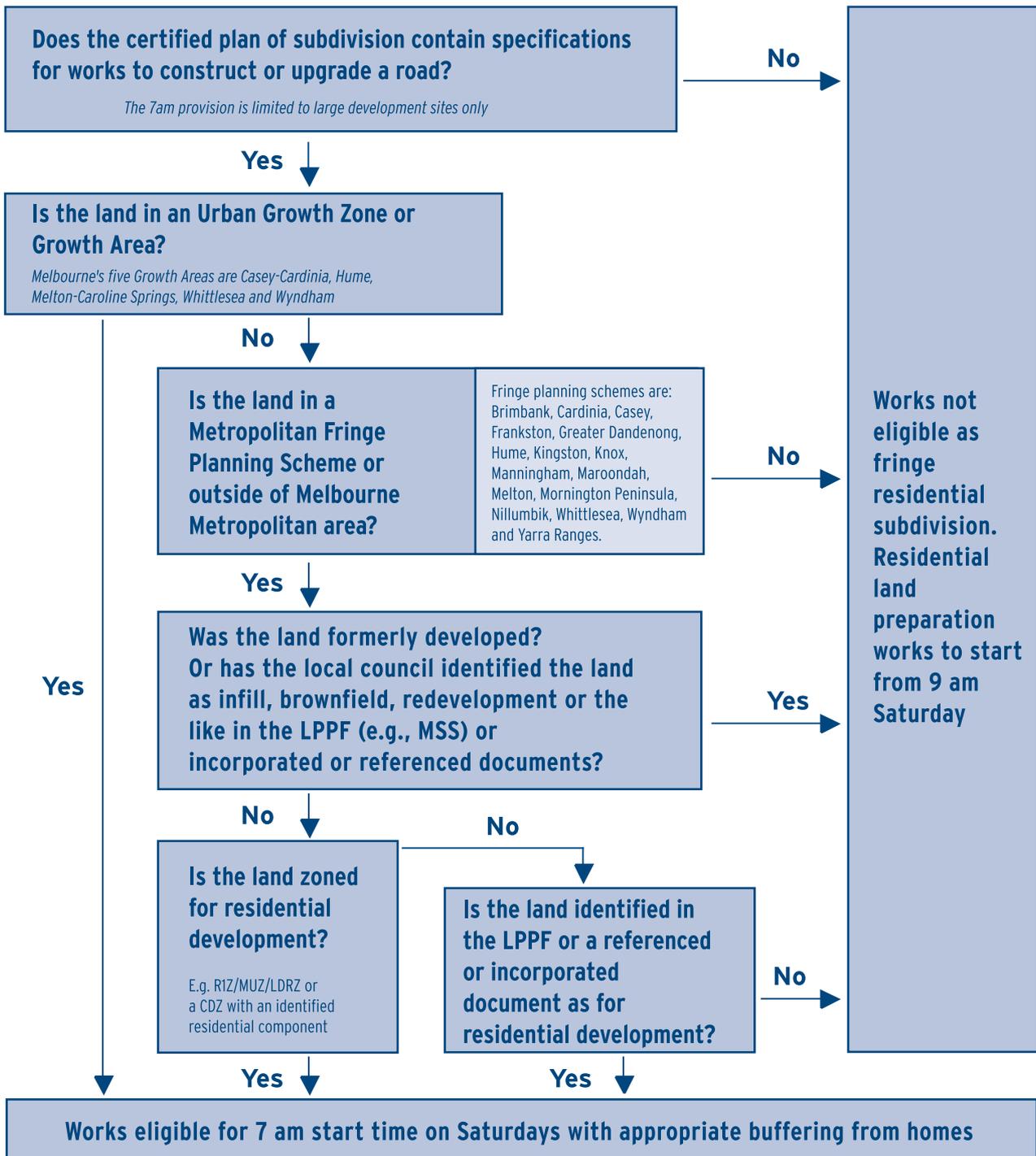
Note: After 9 am on Saturdays, the buffer requirements do not apply.



IDENTIFYING WORK HOURS FOR A RESIDENTIAL SUBDIVISION

The Regulations apply to large-scale infrastructure works for sites at the urban fringe. Urban infill construction is not eligible for the earlier start time because of the increased noise impacts.

Developers should use the chart below to identify what requirements apply. A detailed assessment should not be necessary where the land has been clearly identified for new development. Where relevant, local or site provisions should be checked with council planners.



Identifying work hours for a residential subdivision

OTHER NOISE CONSIDERATIONS

The following key noise considerations should be integrated into consultation and project/contract planning.

Management roles

The developer should verify the conditions applying to the site and formalise this through works tenders and contracts, advising council of the approach.

Council planning and approval officers should be able to assist with enquiries about the local planning framework and the site.

The contractor needs to develop and implement a work plan compliant with noise guidelines and legislation. They are expected to provide accessible records on the project duration, noise specifications and complaints, to assist in case of council investigation.

Consultation is essential in long-term project planning and the following noise management measures should be applied.

General measures to reduce noise

- Consider quieter safety/movement alarms in initial project tenders.
- Formalise noise and other environmental controls through the site management framework.
- Observe council local laws.
- Inform neighbours of the time/duration of noisier work such as rock breaking.
- Consider periods of respite for noisy work that impacts on neighbours.
- For residential development sites, the requirements of the Regulations must be followed. For all other sites near residents, apply the management principles of the Regulations whenever practical.
- Provide contact details through letters and signage and follow a complaint response procedure.
- Schedule noisy activities for less sensitive times.
- Include lower noise movement/reversing alarms in OHS planning.
- Avoid truck queuing near residential areas and plan the site to minimise vehicle reversing.
- Ensure machinery is well maintained and appropriately silenced/muffled.
- Maximise distance from residents and utilise solid barriers such as embankments where possible.

Further information/definitions

In the majority of cases it will be straightforward to determine the Saturday work hours applying to a site. A minority of projects will require discussion with the local council regarding planning controls and the history of the site.

The following planning terms are referred to in the descriptions and chart overleaf. They are relevant to eligible large-scale subdivisions only.

Growth Area and Urban Growth Zone (UGZ): the 7 am Saturday start time applies to all residential development within a Growth Area or Urban Growth Zone.

Growth areas and Urban Growth Zones are described, with maps, on the website of the Growth Area Authority: www.gaa.vic.gov.au/growth_areas.

Zoned for residential development: where a new development is not in a Growth Area or Urban Growth Zone, and is either in the Melbourne metropolitan fringe or a rural centre, then it would usually qualify for the 7 am start on the basis of its land zoning.

'Zoned for residential development' means land in a Residential Zone (such as R1Z), Low Density Residential Zone (LDRZ) or another zone used to facilitate development with a recognised residential component, (for example, a Comprehensive Development Zone (CDZ)). The majority of new residential subdivisions would be within these types of zones.

Local Planning Policy Framework (LPPF): this is the planning framework set out by the local council for land-use strategy, zoning, overlays and other planning requirements. The **Municipal Strategic Statement (MSS)** is the part of the LPPF identifying long-term directions about land use and development in the municipality.

The LPPF would not normally need to be referred to, unless:

- The project is at the urban fringe but hasn't been zoned for residential development
- or
- the development is within an established urban area and might be considered a redevelopment site.

Local planning schemes and zones can be viewed at: www.dse.vic.gov.au/PlanningSchemes.