



16 June 2016

Our Ref: 01-006-02-0003MA:HS
Your Ref:

Strategy and Reform
StrategyandReform@der.wa.gov.au
Department of Environment Regulation
Locked Bag 33 Cloisters Square
PERTH WA 6850

Dear Strategy and Reform

DER Draft Guideline: Environmental Noise for Prescribed Premises

The Municipal Waste Advisory Council (MWAC), on behalf of Local Government in WA welcomes the opportunity to comment on the draft DER *Guideline: Environmental Noise for Prescribed Premises*. The following comments have not yet been endorsed by MWAC, however will be put before Council at the earliest opportunity. The Department will be informed of any changes to this submission following consideration by MWAC.

The draft Guideline provides guidance on the assessment of noise emissions from prescribed premises under Part V of the *Environmental Protection Act 1986*. In particular, those facilities that have an inherent risk of noise emissions, as identified in Table 1 of the draft *DER Guidance Statement: Regulatory Controls*.

Local Government in commenting on the Draft Guideline in its capacity as an operator of prescribed premises, as well as a regulator and community representative.

The draft Guideline presents a coherent process for applicants to follow, that largely mirrors the considerations of the *EPA Environmental Assessment Guideline No.13 Consideration of environmental impacts from noise (2014)*. These documents appear to require similar levels of assessment. The Association questions if individual prescribed premises, regulated under Part V of the Act will be subject to a similar level of scrutiny as a major project assessed under Part IV of the Act. Clarification is also required as to why noise from construction activities is addressed in the EPA Guideline, but not the draft DER Guideline. As construction is likely to result from new applications, it would be useful to understand why it will not be assessed.

The majority of prescribed premises have noise listed as an inherent emission type in Table 1 of the draft *DER Guidance Statement: Regulatory Controls*. As such, it is the Association's understanding that operators of these facilities will have to go through the process outlined in the Guideline.

The draft DER *Guidance Statement: Separation Distances* is used as the main threshold to determine whether a full scale noise assessment will be required. The draft distances that have

been proposed by DER are much greater than those used previously for land use planning purposes. The majority of existing facilities will fail to meet these distances and will require a higher level of assessment. Those facilities with a noise receptor within their specified separation distance, will need to complete more detailed screening and potentially need assistance from an acoustic consultant. The Association is extremely concerned that, depending on the final separation distances, a number of existing and prospective facilities will be subject to significant and costly requirements to assess noise. As identified in the Draft Guideline, noise is affected by a complex range of factors and does not necessarily progress in a linear fashion. Given this, it is difficult for Local Government to understand why a separation distance, that has a limited scientific or evidence base, is a pass/fail consideration on whether detailed screening is required.

For existing facilities, one approach that DER could adopt is to identify if a facility has had any noise related complaints. If there have been no complaints - then regardless of the separation distance, the facility could be considered to be operating in a manner that minimises their noise impact on others.

With regards to the Emissions Assessment Process, the inclusion of information on how to progress an exemption under Regulation 17 of the *Environmental Protection (Noise) Regulations 1997* is particularly useful. It would also be beneficial to highlight the role of influencing factors in clause 2 in Schedule 3 of the Regulations, specifically the reference to the Kwinana Policy Area where prescribed premises may well be located.

For enquiries please contact Rebecca Brown, Manager Waste and Recycling, on telephone (08) 9213 2063 or email rbrown@walga.asn.au.

Yours sincerely



Cr Michael Aspinall
MWAC Chair