

A Good Night's Sleep for Everyone

A Policy Initiative released by The Greens for Melbourne City Council

18 September 2020

Our regulatory system is broken

Central Melbourne is undergoing extraordinary change and development and, as the economic heart of Victoria and our cultural centre, the Greens embrace this vibrant activity. At the same time, Victoria's regulations on noise and nuisance are so weak as to frequently be meaningless.

With the [current maximum penalty](#) in local laws set at \$2,000, big developers can incorporate fines into the cost of doing business and wilfully break rules designed to give people a good night's sleep.

Works in the public realm, particularly on roads, often don't require any permits at all, and are frequently scheduled at night with no notice to affected residents.

In addition, waste collection to the central city is a free-for-all, resulting in noisy and highly disruptive waste and recycling collection and truck noise at unpredictable times.

Nobody expects living in the central city to be like living in the country, but residents of the central city have suffered weak laws for too long. Everyone needs a good night's sleep.

Overcoming the fragmented state of noise regulation

Construction, waste collection and noise from certain land uses are governed by at least 13 Acts of Parliament. Construction noise alone is influenced by six. Residents shouldn't need to know which Act of Parliament permits a particular construction project, and therefore which body regulates and enforces it; Government needs to lead in providing a clear service to all parties on where all construction projects exist.

KEY POINTS

The Greens support a vibrant central city, and the activities that make the centre of Melbourne Victoria's economic powerhouse and cultural heart.

A Greens Melbourne City Council will however crack down on unnecessary, unannounced and under-regulated nuisances and noise that can be harmful to the health of the 100,000 residents that call central Melbourne home.

We will:

1. Roll out an effective City Disruption digital tool covering all construction projects by all proponents, public and private, to give everyone notice and knowledge of noisy activities.
2. Fight for reforms to the Building Act to make the penalties for breaching construction hours and permits a meaningful deterrent.
3. Fight for changes to all Acts of Parliament governing road management and utilities and infrastructure works to ensure that fair notice is given to all affected persons.
4. Roll out restricted access zones in laneways where sound travels, to prevent loud waste truck movements at unsociable hours.
5. Strengthen the 'agent of change' rules in the Planning Scheme to ensure that new buildings are adequately sound-proofed.

The Council can do so much more on this front. While work has started on a digital tool to inform residents, businesses and all city users on road closures and disruptions in real time, we will provide significantly more resources to this project to ensure that it:

1. Covers all construction projects, from utilities and infrastructure interventions in the public realm to all building sites, whether approved as a stand-alone planning application or whether it's a major transport project like Metro Tunnel; and
2. Is promoted to and easily accessible by all central city residents and Owners Corporations.

For any agencies and companies with the right to conduct some works on public land without obtaining permits from a government body – such as CitiPower, Telstra, Yarra Trams and Water agencies –we will seek amendments to primary legislation to require public notice to be provided for all works. We will ensure that all notice is translated into the City Disruption digital tool and able to inform residents and all city users of all works.

Tackling illegal building construction in the middle of the night

Greens on Council have a strong track record of advocating for a better deal for central city residents. A [recent resolution](#) of the Council, from a Greens motion, has advocated for changes to the Building Act to make penalties for construction outside the permitted hours a meaningful deterrent.

We prefer the Sydney model: developers should be required to lodge a bond commensurate with the size of the project before they start construction, and forfeit part or all if rules are breached. Repeat offences should be subject to greater penalties.

This doesn't mean that construction won't be approved at unsociable hours from time to time: sometimes concrete pours or crane jumping needs to happen on irregular schedules. But these works should be planned ahead, approved and notice given. We can't continue with the status quo, where the largest building companies just laugh off the relatively tiny penalties able to be issued under local laws.

Direct regulation on waste truck movements

It has been more than ten years since the Council has rolled out new 'exclusion zones' for waste and recycling collections – lanes where truck movements are restricted at certain times of the day – under local laws. It is not possible to apply an exclusion zone to every lane, as this will make enforcement impossible. A Greens Council will ensure our local laws team will have the ability to conduct quality acoustic studies to identify those areas where sound travels in the most obtrusive ways, and identify lanes for new exclusion zones.

At the same time we will use these changes to local regulations to encourage all operators in the central city to change their practices. Waste and recycling collection at 4am is fine for some lanes. In others, to avoid peak hour traffic, collections can and should be scheduled for after 7am. There are dozens of companies serving central city buildings, and a Council for the community will seek to coordinate them; it's not easy, but it has to happen.

Strengthen the Agent of Change rules

The Greens are passionate about Melbourne's nightlife and live music culture. Live music venues are the backbone of our music industry, and we don't want to see any venues closed. We also don't want to make the opening of new venues prohibitive. It comes down to balance and fairness: the agent of change (say, a new apartment building being constructed next to an existing live music venue) must provide for adequate sound attenuation. It works the other way too: a new live music venue opening in close proximity to an apartment block will generally require a higher standard of sound proofing than older live music venues nearby, given they are the agent of change.

In 2014, the State Government introduced the 'agent of change' principle into the Victoria Planning Provisions. A Greens Council will work with the State and with the music industry to strengthen the provisions, broaden the distance that the provisions seek to control, and participate fully in all efforts to ensure that the Melbourne Planning Scheme is fit for purpose: it is possible to facilitate a thriving live music scene while also providing a good night's sleep.