



## Noise Regulations fact sheet

# Regulation 13: Construction sites

June 2021

## Purpose

This fact sheet provides guidance for users of the Environmental Protection (Noise) Regulations 1997 (Noise Regulations) in relation to noise from construction work on construction sites.

The Noise Regulations set assigned (allowable) levels for noise received at various types of premises. However, the regulations create several special cases where noise emissions may not be required to meet these assigned levels.

One of the special cases is construction noise.

## How regulation 13 works

When dealing with construction sites under regulation 13, the assigned noise levels set in regulations 7 and 8 do not apply to noise emitted from construction work, provided certain requirements are met.

If the requirements are not met, the noise must comply with the assigned levels.

Broadly, under regulation 13:

- A 'construction site' means premises or public places on which the sole or principal activity is the carrying out of construction work.
- 'Construction work' is defined in detail to include the construction, erection, installation, alteration, repair, maintenance, cleaning, painting, renewal, removal, excavation, dismantling or demolition of, or addition to, any building or structure, and also includes:
  - work on which a hoisting appliance or any scaffold or shoring is used
  - work in driving or extracting piles, sheet piles or trench sheets
  - work in laying any pipe or work in lining pipe that is done at or adjacent to the place where the pipe is laid or to be laid
  - work in sinking or lining or altering, repairing, maintaining, renewing, removing, or dismantling a well or borehole
  - reclamation or site works including road works and earth works
  - the removal or reinstatement of vegetation or topsoil for the purpose of or in relation to a mining operation
  - tunnelling.
- Construction work must be carried out between 7am and 7pm on any day which is not a Sunday or public holiday. It must also be in accordance with the control of environmental noise practices in section 4 of AS 2436-2010 *Guide to noise and vibration control on construction, demolition and maintenance sites*.
- Out-of-hours works must be carried out in accordance with an approved noise management plan (NMP).
- An NMP may also be required at any time for daytime works.

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation has delegated his powers and duties in relation to NMPs under regulation 13 of the Noise Regulations (Delegation EV 405 No. 119 Government Gazette 16 May 2014). The delegates are:

- any person holding or acting as a CEO under the *Local Government Act 1995* (LG Act)
- any employee of the local government under the LG Act who is appointed as an authorised person under section 87 of the *Environmental Protection Act 1986* (EP Act).

The CEO of the department approves NMPs for construction works on prescribed premises under the EP Act.

## Daytime: Monday to Saturday

The following applies for construction work carried out between 7am and 7pm on Monday to Saturday, excluding public holidays:

- Construction work must be carried out in accordance with control of environmental noise practices set out in section 4 of AS 2436-2010.
- Equipment used must be the quietest reasonably available.
- The CEO of the department or any delegate of the CEO can require an NMP at any stage of the construction work and in relation to any type of construction work on part of a site or premises. The NMP must then be prepared and given in accordance with the requirement and, if approved by the CEO or his delegate, the construction work must be carried out in accordance with the NMP.

## Out-of-hours construction

For construction work outside the above 'daytime' hours, such as weekday evenings, Sunday and public holidays, the occupier of the construction site must:

- carry out construction work in accordance with the control of environmental noise practices in section 4 of AS 2436-2010; and the equipment used must be the quietest reasonably available, as for daytime
- show that the occupiers of all premises at which noise received was likely to be above the assigned levels have been given written notice of the proposed construction work at least 24 hours before it started
- demonstrate that it was reasonably necessary for the work to be done out-of-hours
- show that:
  - an NMP was prepared and given to the CEO or his delegate no later than seven days before the construction work commenced
  - the NMP was approved by the CEO or his delegate
  - the construction work was carried out in accordance with the NMP.





## Noise Management Plans

NMPs must include details of:

- **need and reasons** for the construction work to be done
- **types and durations of activity** likely to result in noise emissions above assigned noise levels
- **predictions** of noise emissions
- **control** measures for noise emissions, including vibration
- **monitoring** of noise emissions, including vibration
- **complaint** response procedure.

## More information

For further information, please contact the Environmental Noise Branch at the Department of Water and Environmental Regulation via email ([info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au)) or phone (08 6364 7000).

## Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation. Please refer to the Department of Justice, Western Australian Legislation [website](#) for copies of the relevant legislation.

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