

### **Submission to Future Melbourne Committee**

City of Melbourne, Melbourne Connect, Carlton  
15 February 2022, 5.30pm – Meeting No.28  
Agenda Item FMC 6.3 Code of Practice for Building, Construction and Works

The SRA supports the concerns of residents expressed as part of the community consultation, in particular those in regard to noise.

These include:

- Noisy work between 7:00am and 9:00am in Sensitive Zone 1,
- Expanding the Sensitive Zone 1 from 200m to 400m and
- Issuing of out of hours permits.

However the draft Code of Practice provides a realistic model for construction work to continue in a residential area.

#### Section 13 of Building Work

Section 13.1 specifies the permitted hours to be from 7am to 7pm for Monday to Friday. This is reasonable, although there does seem to be a fudge factor allowed in the draft where the time is expressed as 7am and not 7:00am. SRA does not know the legal status of the expression of the time of day, but it would seem in the interests of accuracy, that a more precise statement of time is used in the draft.

Council officers are also aware of the practice of some developers starting work considerably earlier than 7:00am, for example at 6:30am or even earlier, knowing that if a local resident complains to the council, that an officer will not be able to get to the site before 7:00am.

So this is a genuine problem that needs to be seriously addressed.

It is also worthy of note that the City of Melbourne itself is in breach of this regulation with garbage trucks starting as early as 6:15am. The noise from such trucks is a perennial nuisance to those in Southbank who happen to reside within two or three floors of street level.

It would not take much effort to identify the buildings that have apartments at these levels and then construct a garbage truck route that visits these buildings after 7:00am.

Section 13.2 is concerned with Out of Hours Work. The constraints on builders seeking to work out of hours are precisely worded and give very little wriggle room. The instances where out of hours work can be permitted are reasonable.

However the Draft Code seems quite vague about financial penalties for any breach of a permit. The penalty needs to be specified and at such an amount that it causes a builder to think twice, rather than being so small the builder passes it off as a minor expense/cost of business.

Section 14 on Noise and Nuisance.

A resident suggested increasing the Sensitive Zone from 200m to 400m. The comments by CoM staff in the Action statements are reasonable given the complexity of the built environment. However, there is a point of the concern and a compromise should be possible.

The nature of the acoustic environment in Southbank is such that sound echoes repeatedly off the flat surfaced buildings as it ricochets through the canyons. The direction of the source of the sound is often impossible to detect. For example, the buskers on Southbank Promenade in front of the old Esso building can be easily heard at the City Rd end of Cook St.

The SRA recommends that table 14.1 be modified as below, but further, as with loudness rule for buskers, the draft rules must specify a dB level above which there is a financial penalty:

Table 14.1 - Noise-sensitive zones

ZONE	LAND USES	TYPICAL SENSITIVE PERIODS	LIKELY AREA FOR CONSIDERATION	PROPOSED
Sensitive Zone 1	Residential buildings, homes, hotels and motels	7am-9am, Mon-Fri 8am-10am, Sat-Sun	Within 200m from site boundary	Within 300m from site boundary
Sensitive Zone 2	Crèches, schools, hospital wards, nursing homes and other noise sensitive areas (such as law courts)	Case specific, will require consultation with the affected premises	Within 100m from site boundary	Within 150m from site boundary
Sensitive Zone 3	Office buildings	Will generally be equally sensitive during business days (9am-5pm, Mon-Fri)	Within 50m from site boundary	Within 75m from site boundary
Sensitive Zone 4	Restaurants or cafes	12pm-2pm for lunchtime trade	Within 50m from site	Within 75m from site

Section 6.5 Consultation

SRA feels the requirement that the builder ‘must’ consult is commendable and the matters on which written advice must be provided is comprehensive.

Kind regards



Tony Penna  
**President**

