Draft Environmental Management and Pollution Control (Noise) Regulations 2016

and

Regulatory Impact Statement
My neighbour knocked at my door at 3am this morning!
Can you believe it? 3am!
Luckily, I was still up playing my drums...
Draft Environmental Management and Pollution Control (Noise) Regulations 2016

Regulatory Impact Statement

It is proposed that the draft *Environmental Management and Pollution Control (Noise) Regulations 2016* will replace the *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2014*. The accompanying Regulatory Impact Statement has been prepared in accordance with Schedule 2 of the *Subordinate Legislation Act 1992*.

Department of Primary Industries, Parks, Water and Environment
EPA Division
April 2016
DRAFT ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL (NOISE) REGULATIONS 2016

and

REGULATORY IMPACT STATEMENT

EPA Division
Department of Primary Industries, Parks, Water and Environment
GPO Box 1751
HOBART TAS 7001

April 2016
SUBMISSIONS

Submissions are invited on any aspect of the draft amendments to the 2016 Regulations and accompanying Regulatory Impact Statement. Comment is especially invited on the potential costs and benefits of the proposed Regulations for particular industries and other sectors of the community.

Submissions will be considered and copies provided to the Subordinate Legislation Review Committee of the Tasmanian Parliament before the Regulations are made. Submissions must be in writing and forwarded to:

EMPC Noise Regulation Review  
Environmental Policy & Support Services Section  
EPA Division  
Department of Primary Industries, Parks, Water and Environment  
GPO Box 1751  
Hobart, Tas 7001

Submissions may also be emailed to:  
EnvironmentEnquiries@environment.tas.gov.au

Submissions must be received by 5.00 p.m., Friday 3 June 2016.

If you have any queries about these documents, or if you require a copy of the proposed Regulations, please contact:

Environmental Policy & Support Services Section  
EPA Division  
Department of Primary Industries, Parks, Water and Environment  
Telephone: 61654 599  
Email: EnvironmentEnquiries@environment.tas.gov.au

Please Note

Respondents are advised that the contents of submissions will not be treated as confidential unless they are marked ‘confidential’ and are capable of being classified as such in accordance with the Right to Information Act 2009.

Respondents are also advised that personal information in submissions will be treated as public information unless the submissions are marked ‘confidential’, in which case the information will be handled in accordance with the principles of the Personal Information Protection Act 2004.

This public consultation is not intended to be an opportunity to raise personal grievances about individual noise pollution sources. Any such complaints should be lodged with the relevant local council or the Department of Primary Industries, Parks, Water and Environment. Contact details are in the telephone directory.

This document may be freely copied and distributed.

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REGULATORY IMPACT STATEMENT

for the

DRAFT ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL (NOISE) REGULATIONS 2016

April 2016
**ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>AMT</td>
<td>Accepted Modern Technology</td>
</tr>
<tr>
<td>DPIPWE</td>
<td>Department of Primary Industries, Parks, Water and Environment</td>
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<tr>
<td>EHO</td>
<td>Environmental Health Officer</td>
</tr>
<tr>
<td>EMPCA</td>
<td><em>Environmental Management and Pollution Control Act 1994</em></td>
</tr>
<tr>
<td>EPA Board</td>
<td>Environment Protection Authority Board</td>
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<td>EPA</td>
<td>Environment Protection Authority</td>
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<td>EPN</td>
<td>Environment Protection Notice</td>
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<td>EPP</td>
<td>Environment Protection Policy</td>
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<td>LGAT</td>
<td>Local Government Association of Tasmania</td>
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<tr>
<td>LUPAA</td>
<td><em>Land Use Planning and Approvals Act 1994</em></td>
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<tr>
<td>RIS</td>
<td>Regulatory Impact Statement</td>
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<tr>
<td>WHO</td>
<td>World Health Organisation</td>
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</table>
EXECUTIVE SUMMARY

New regulations for the control and management of noise pollution under the *Environmental Management and Pollution Control Act 1994* (EMPCA) are required. The proposed Regulations will replace the *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2014* which expire on 21 July 2016.

The proposed new Regulations will be known as the *Environmental Management and Pollution Control (Noise) Regulations 2016*. The *Subordinate Legislation Act 1992* requires that a Regulatory Impact Statement be prepared to assess the impacts of the proposed new Regulations.

The main objective of these Regulations is to limit the amount of community noise in residential neighbourhoods. It applies to common noise sources such as off-road motor vehicles, motor vessels, appliances, power tools, garden equipment, heating and cooling devices, pumps, chainsaws, sound systems and musical instruments. Primary responsibility for the enforcement of these Regulations lies with local government and Tasmania Police.

The main aims of the new Regulations are:

- To provide a broad regulatory framework to guide behaviour in the use of specific equipment and machinery in a neighbourhood environment.
- To regulate nuisance noise in neighbourhood situations by identifying the major sources and management measures.
- To protect the rights of those adversely affected by noise emissions.
- To protect the rights of those wishing to use items that make noise emissions by providing a framework based on hours and days of use.

The major changes in these Regulations from past noise regulations is a refocus away from a technical, engineering approach whereby noise emission limits are prescribed for a range of devices, towards a behavioural management approach. Feedback from key stakeholders revealed that the most useful tool for regulating noise emissions was the hours of use schedule. Regulators find this simple to apply and there is wide acceptance and understanding by the community. The result is that the proposed Regulations are more efficient and effective at addressing neighbourhood noise issues.
1.0 INTRODUCTION

1.1 The purpose of this document

The purpose of this regulatory impact statement (RIS) is to explain the draft Environmental Management and Pollution Control (Noise) Regulations 2016, and describe their likely impact on various sectors.

The Subordinate Legislation Act 1992 (SLA) requires all subordinate legislation be assessed before its introduction. This is to ensure that any impacts on competition have been properly identified and whether the proposed subordinate legislation will impose a significant burden, cost or disadvantage on any sector of the public. The SLA requires a RIS to be prepared for new subordinate legislation that imposes a significant cost, burden or disadvantage on any sector of the community.

The Secretary of the Department of Treasury and Finance has advised that the proposed Regulations would impose a significant cost, burden or disadvantage on the community and therefore required the preparation of a RIS.

Neighbourhood noise sources covered by the proposed Regulations are:

- motor vehicles used off-street (including cars, motor cycles, heavy vehicles and 4WDs);
- motor vessels (including jet-skis and vessels with outboard motors);
- mobile machinery (including earthmoving machinery, mobile cranes, tractors, forklifts and the like);
- portable equipment (power tools, generators, compressors, pumps and mixers);
- power lawnmowers;
- chainsaws; and
- fixed equipment - equipment that is permanently fixed in place such as heating and cooling devices, pumps and power generators (air conditioners, evaporative coolers, hot water heat pumps, pool and spa pumps and wind turbines).

The RIS has been prepared by the EPA Division of the Department of Primary Industries, Parks, Water and Environment (DPIPWE), which has developed the proposed Regulations and is also responsible for administering the legislation under which they will be made. The RIS:

- outlines the objectives of the proposed Regulations;
- describes the scope of the Regulations;
- outlines the general costs and benefits of the Regulations;
- explains general and specific alternatives to the proposed Regulations;
- assesses the impact of the proposed Regulations on competition; and
- demonstrates that the Regulations provide the greatest net benefit/least cost and are in the public interest.

1.2 Background to the proposed regulations

Australia has no national regulatory framework for noise control, and national regulations and guidelines cover only a few aspects of the noise environment. In the absence of national provisions the responsibility falls on individual states and territories to develop standards and regulations where appropriate. The matters covered by the proposed Regulations are not covered by any Commonwealth or national instrument.
Appendix A outlines a summary of legislation and other instruments concerning the regulation of noise pollution in the other Australian jurisdictions.

There are also more general reasons for establishing noise legislation. The World Health Organisation (Berglund et al., 1999) has published a report on community noise which expresses concern at the deteriorating noise environment in many countries and urges governments to take action.

Tasmania has had some form of noise legislation since 1977 when the Environment Protection (Noise) Regulations 1977 were made. The 1977 Regulations contained provisions on ‘neighbourhood’ noise sources such as off-road vehicles, lawn mowers, power tools and heat pumps. The Regulations were generally implemented by local government and Tasmania Police.

The 1977 Regulations were replaced in 2004 with the Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004. These Regulations supported the provisions of the Environmental Management and Pollution Control Act 1994 (EMPCA) by specifying how noise from various activities and sources is to be managed and controlled. They are generally implemented by local government and Tasmania Police.

In Tasmania, it is recognised that the Government has an ongoing responsibility to review and update noise legislation in line with new information and evolving community requirements. Where appropriate, such reviews may involve discussion with other jurisdictions to ensure that recent developments in noise management are considered.

The 2004 Regulations subsequently underwent significant amendment in 2009 which involved:

- restrictions on the use of chainsaws on residential premises;
- restrictions on the use of chainsaws on non-residential premises;
- restrictions on the use of musical instruments or amplified sound equipment;
- restrictions on the use of motor vehicles, motor vessels and outboard motors used off road; and
- restrictions on the use of intruder (home) alarm systems and vehicle security alarm systems.

A RIS prepared at the time of these amendments outlined the cost and benefits to industry, government and the community.

In 2013 work began reviewing the 2004 Regulations as they were due to expire in July 2014. This review revealed that substantial work was required to prepare a new set of regulations that reflected contemporary measures to control noise pollution. With the expiry of the Regulations imminent it was decide to remake the Regulations with minimal changes and with a shortened life span of two years as opposed to the normal ten years. The new 2014 Regulations mirrored the 2004 Regulations and are due to expire in July 2016.

The 2014 Regulations have now undergone a comprehensive review and a new draft has been prepared in close consultation with local government and Tasmania Police.
1.3 Scope of the proposed Regulations

Regulations relating to neighbourhood noise are required in order to provide a framework for regulators seeking to implement the provisions of the *Environmental Management and Pollution Control Act 1994*.

These Regulations will outline restrictions on the use of specified equipment and machinery commonly used at residential premises and on building sites. Equipment and machinery used for road construction are not covered by these Regulations.

Time limits will be the major form of restriction on the use of the specified equipment and machinery – that is, people will be prohibited from using the specified items at certain times of the day and on some specified days. Schedule 1 outlines the days and times that use is prohibited for each type of machinery and equipment.

Noise pollution is directly addressed in section 53 of the Act where it provides that noise can be deemed to be a nuisance where the emission is taken to unreasonably interfere with a person’s enjoyment of the environment, having regard to –

(a) its volume, intensity or duration; and

(b) the time, place and other circumstances in which it is emitted; and

(c) in the case of noise emitted from residential premises, whether it is, or is likely to be, audible in a habitable room in any other residential premises.

The purpose of these Regulations is to provide some structure and limits to the principles outlined in section 53 of the Act. The draft Regulations provide a framework for regulators and the community to determine what is and is not unreasonable with respect to the elements of noise emissions set out in section 53 of the Act. The role of the Act is to establish the policy objective while the Regulations set out how that principle applies to specific situations and devices.

The framework established in the Regulations provides clarity, consistency and rigour to the assessment and management of noise pollution. It is the instrument that defines the time limits for when specified equipment and machinery can and cannot be used in neighbourhood situations. The Regulations set out the community standard for the use of these devices across the state and increase the effectiveness of enforcement measures by regulators such as local government and Tasmania Police.

It should be noted that sources of noise nuisance not covered in the draft Regulations can still be considered an offence under section 53 of Act.

The previous Regulations dealt generally with neighbourhood noise - the type of noise pollution which generally affects residential and other noise sensitive premises and which originates locally from relatively minor sources.

It is proposed that these Regulations apply not just to neighbourhood noise but also building construction noise, EXCEPT when another approval instrument has stipulated noise pollution control measures. Examples of instruments include building permits, LUPAA permits and environment protection notices.

Building construction projects that occur within or near residential areas can have conditions imposed via their building and planning permits with respect to noise. In cases of major projects such as the construction of a major shopping mall, for example, the developers were required to negotiate with local residents by Council. This was to ensure
that the use of loud machinery, such as rock hammers and concrete pours, took place at times that created the least offence to residents where possible.

The best approach in these situations is for a negotiated outcome between the developers, residents and Council that suit the particular situation. Approval instruments issued by Council that impose noise management conditions are more appropriate measures for managing these specific situations than attempting to prescribe generic provisions in regulations. However, the EMPC (Noise) Regulations are the default instrument for controlling noise pollution for particular devices when other approval instruments are silent.

The draft Regulations set out the prohibited hours of use for equipment and devices that are commonly used on construction sites. Most construction sites do not operate during the prohibited times and days outlined in Schedule 1. Restrictions with respect to times and days have been in place for over 20 years and the draft Regulations do not impose any additional burdens on the construction industry.

The overall aim of these Regulations is to present a broad framework to guide both the community and regulators in determining what is and is not acceptable behaviour in the use of specified equipment and vehicles. However, these Regulations do not attempt to address every possible localised situation that arises in relation to noise pollution. It seeks to address the majority of common situations that arise by setting up boundaries around the use of devices to provide protection to those who seek a low noise environment and those who wish to use noise generating devices.

These Regulations have been developed in close collaboration with those who have responsibility for their implementation – local government and Tasmania Police. The regulators have the best knowledge and experience resulting from their frequent interaction with the community with respect to noise pollution. The framework is based predominantly on managing behaviour and as such, local government and Tasmania Police have local knowledge and experience which will guide them in determining the best response when dealing with noise related issues. While the Regulations provide the framework, it will be up to regulators to manage the specifics of each situation.

Noise sources covered by the proposed Regulations are:

- motor vehicles used off-street (including cars, motor cycles, heavy vehicles and 4WDs);
- motor vessels (including jet-skis and vessels with outboard motors);
- mobile machinery (including earthmoving machinery, mobile cranes, tractors, forklifts and the like);
- portable equipment (power tools, generators, compressors, pumps and mixers);
- power lawnmowers;
- chainsaws; and
- Fixed equipment (heating and cooling devices, pumps and power generators).

Noise from major activities such as industry, commerce and infrastructure are addressed primarily in the Environment Protection Policy (Noise) 2009.

The proposed Regulations also do not cover several significant noise sources such as barking dogs, other animals (including human voices), aircraft and on-road motor vehicles, which some people may regard as neighbourhood sources. Noise from most of these sources is controlled through other legislation and regulatory frameworks. Inclusion of
provisions on these sources in the Regulations would create needless duplication, and in the case of aircraft the provisions may be unenforceable as they may conflict with Commonwealth legislation.

The Regulations include the following types of provisions:

- prohibited hours of operation for specified devices and activities;
- noise emission limits for fixed equipment – specifically aimed at heat pumps and air conditioners;
- separation distances from affected premises; and
- offence, penalty and machinery provisions.

1.4 **Implementation of the 2016 Regulations**

Implementation of the Regulations will primarily be the responsibility of local government and Tasmania Police.

Enforcement action will be in accordance with the enforcement policies of individual agencies. Local councils have their own enforcement policies and practices and it is likely that the type and level of enforcement by Councils will vary to suit the particular community. Various means of enforcing the Regulations are available, the main ones being: the issue of environmental infringement notices; prosecution under the regulations; and the issue of environment protection notices under section 44 of EMPCA. Informal warnings, mediation and education will often be a first step in compliance activity.

1.5 **Consultation**

*2004 Regulations*

The EPA Division sought input from key stakeholders on the effectiveness of these Regulations and any issues experienced in their implementation. These stakeholders were contacted by letter in June 2013 and advised of the proposal to prepare new EMPC (Miscellaneous Noise) Regulations. This group consisted of:

- Local Government Association of Tasmania (LGAT)
- Tasmania Police
- Marine and Safety Tasmania (MAST)
- Transport Infrastructure Services Division of the Department of Industry, Energy and Resources (DIER)
- Marine Farm Planning Branch of the Department of Primary Industries, Parks, Water and Environment (DPIPWE).

An analysis of the issues raised indicated that there were few issues with the Regulations *per se* and there were no objections to continuing to have noise legislation in Tasmania. Most issues raised from this process could be addressed through improved education and awareness rather than through making new legislation. All issues pertinent to the making of these regulations will be addressed in this document.

One issue that was raised by both local government and Tasmania Police was preventing the operation of motor vehicles or vessels within 500 metres of residential premises. The issue concerned the 500m distance, with some wanting it to be reduced and others wanting increased.
A meeting was subsequently held with Tasmania Police as it had previously raised this matter during the 2009 amendment regulation process whereby it had been agreed that officers were able to use section 53 of the Act (offence of causing environmental nuisance) to deal with noise nuisance matters greater than 500m. Tasmania police agreed to discuss this matter further with field officers to identify the extent of implementation issues with this regulation.

**2014 Noise Regulations**

A working group consisting of Environmental Health Officers (EHOs) from six Councils was formed in November 2014. This group has provided detailed feedback on current and emerging issues with respect to noise pollution as well as feedback on early drafts of the Regulations. The EHOs came from Council areas that covered a broad cross section of land use types from urban to peri-urban and rural areas. They have played a critical role in the development of these Regulations as they have daily community contact and are able to provide feedback on community sentiment concerning the Regulations.

Tasmania Police have also participated in one of the working group meetings and have been provided with all necessary documents. The primary areas of interest for Tasmania Police were regulations aimed at providing a framework for the use of trail bikes and music. They have also provided useful feedback from the community about the Regulations.

A survey was emailed to all Councils in January 2015 asking them to comment on specific provisions in the 2014 Regulations and the major sources of neighbourhood noise. The survey results clearly demonstrated that the most widely used provision of these regulations was the hours of use schedule. Least understood and used were regulations that set noise emission limits. Problems relating to noise measurement such as lack of equipment and training in use of equipment were frequently cited.

**Program for consultation**

This Regulatory Impact Statement (RIS) and the draft regulations will be released for a five week consultation period. The release of the RIS will be advertised in the State’s daily Tasmanian newspapers and in the Government Gazette, as required by section 5(2)(a) of the SLA.

The RIS will also be sent directly key stakeholders to fulfil the requirements of section 5(2)(b) of the SLA. All comments and submissions received will be considered in accordance with section 5(2)(c) of the SLA.

Submissions will be received at the address shown on the front of this document.

**1.6 Assessment of costs and benefits**

It is not feasible to quantify costs and benefits for most of the provisions of the proposed Regulations. Local government officers will respond to most enquiries and investigations arising from the amendments, and it would be entirely speculative to quantify the numbers and types of investigations or the dollar benefits and costs of these.

Similarly, it is not possible to quantify the costs and benefits to the community in most instances, even where bureaucratic requirements are likely to be reduced, such as the removal of the requirement to adhere to noise emission limits for the majority of devices.
and activities. Each person will place their own value on the time they require to deal with government requirements.

Discussion of costs and benefits in the RIS is therefore mostly qualitative, and justification of preferred options is in turn qualitative. Comment is invited on the potential costs and benefits of the proposed Regulations.

2.0 STATEMENT OF OBJECTIVES

The chief policy objective for the proposed Regulations is to achieve, in conjunction with other legislation, the objectives of EMPCA in relation to Tasmania’s acoustic environment (the objectives of EMPCA are set out in Schedule 2 of EMPCA). Particular objectives are as follows.

- To minimise unreasonable interference from noise with human enjoyment of the environment.
- To protect the rights of those adversely affected by noise emissions.
- To protect the rights of those wishing to use specified equipment and machinery that produce noise by providing a framework for the use of those devices.
- To protect human health in respect of noise impacts, except in relation to health in workplaces.

3.0 THE POLICY PROBLEM

Tasmania, with its relatively small population, sparse major industrial facilities and low traffic levels, has the potential for excellent acoustic environmental quality in terms of ambient noise level. Nonetheless, noise levels of particular sources may be a substantial margin above the background level because of the prevalent low background levels, a very difficult problem to overcome in some situations. Environmental noise surveys are not presently carried out, so there is no certainty regarding the impediments to achieving excellent environmental quality, nor can the noise problem be readily quantified.

Public complaints about noise to the relevant authorities are an indicator of where problems lie. This is because an unsatisfactory acoustic environment often results in annoyance, and annoyance leads to complaints.

A survey of local government Environmental Health Officers (EHOs) carried out by the EPA Division in January 2015 revealed the major sources of noise complaints. These main sources of excessive noise were (in order of significance):

- Music (live and stereo), musical instruments and amplifying equipment
- Animals and animal deterrents – predominantly birds (chickens, roosters, geese) and bird scarers
- Motor vehicles – including trail bikes; recreational vehicles
- Chainsaws
- Portable equipment – power tools, compressors, pumps, cement mixers; and

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1 In respect of workplaces, the Work, Health and Safety Act 2012 and the Work, Health and Safety Regulations 2012 should be consulted in order to understand obligations and requirements relating to workplace noise. The proposed Regulations will apply to articles covered by the Regulations when used in workplaces, but the objective of this is to prevent unacceptable noise impacts outside of the workplace.
• Fixed equipment such as air conditioners, heat pumps, spa and pool pumps and power generators.

It is notable that neighbourhood noise sources are very significant in terms of public complaints. The 2014 Regulations dealt with many of the sources which give rise to complaints, and the proposed regulations will continue this but with the focus on prohibited hours of use rather than setting noise emission limits.

The number of complaints received by local government in 2004 was approximately 530 per year, involving sources covered by the 2004 Regulations. In comparison, the latest survey of local government in 2015 revealed they now receive approximately 580 complaints per year.

Growth in the average house size has contributed to an increase in neighbourhood noise complaints. Larger houses located on smaller blocks of land mean houses are much closer together than in the past. This increases exposure to noise from fixed equipment such as heat pumps and outdoor air conditioning units. The combination of closer proximity between houses and increased use of air conditioning units has resulted in increased noise complaints to Councils\(^2\).

3.1 Health Impacts

International research now suggests that community noise may pose a general public health risk. Population groups most exposed to noise (by virtue of where they live, work and recreate) and those most sensitive to its impacts may face even greater risks. These groups include infants and the young, shift workers, the elderly, the blind, and those suffering hearing impairment, sleep disorders and other physical and mental health conditions. Potential non-auditory health impacts are summarised below\(^3\).

Speech impairment

Background noise containing sound energies at frequencies similar to those of the spoken voice may mask speech at these and resonant frequencies depending on the characteristics of the noise and location. The inability to understand speech under normal conditions is a social handicap that can result in social isolation and withdrawal. Stress reactions as well as difficulties with concentration, fatigue, lack of self-confidence and decreased working capacity, miscommunication and irritation have been reported. Increasing environmental noise will significantly hamper persons with hearing impairments in their ability to interact with the rest of society.

Sleep disturbance

Noise may interfere with sleep in a number of ways:

• causing the sleeper to awaken repeatedly, resulting in poor sleep quality as well as other impacts;
• causing sleep to change from heavier to lighter sleep;
• reducing the percentage and total time in rapid eye movement (REM) sleep;
• increasing body movement;


\(^3\) The information in this section is drawn from the reference in footnote 4. Refer to that reference for original sources of information.
• changed cardiovascular responses; and
• affecting mood and reducing performance the following day.

Annoyance

In guidelines on environmental noise published in 1980, the WHO defined annoyance as “a feeling of displeasure evoked by a noise”. Research has shown that people have widely varying reactions to noise. Individual reactions depend on the characteristics of the noise, the noise source and the individual’s attitude to the noise and source. In many instances the individual’s reaction is linked with individual beliefs about the effects the noise may have on them as well as other concerns relating to the source such as safety and air pollution. General characteristics of noise which have been found to generate a higher level of annoyance are increasing intensity, higher frequencies and intermittent, irregular, tonal, pulsing or rhythmic noise.

Performance and learning

Unexpected noise can distract from social or auditory cues that are important in the workplace and other settings. Studies on school children exposed to excessive noise have shown impacts on memory, reading, motivation, language and speech, annoyance and psychological quality of life. In occupationally exposed populations, tasks requiring auditory signals may be masked or interfered with by noise and this may affect performance. The situation is less clear in regard to non-auditory tasks.

Hypertension and ischaemic heart disease

Noise, acting as a stressor, is thought to have an impact on the cardiovascular system through certain stress response mechanisms such as the release of cortisol, adrenalin and noradrenalin which have cascade effects including raising blood pressure and increasing vasoconstriction. Studies of people in occupationally exposed situations have demonstrated there is epidemiological evidence to say that sustained exposure to excessive noise over 5 to 30 years has an impact on the cardiovascular system. The evidence from research on the effects of environmental noise on cardiovascular parameters is not yet conclusive. Some studies have indicated a link between noise and hypertension (increased blood pressure), but the results are not conclusive. There seems to be greater evidence of ischaemic heart disease risk among those exposed to excessive noise levels.

Other health effects

It appears there is a close relationship between noise sensitivity and the propensity to develop or suffer from psychiatric symptoms; however the relationship between noise exposure and mental health remains unclear. Some research suggests sensitivity to noise and annoyance from noise appears to be related to certain types of mental disorders, such as depression. Noise as a stressor may produce a range of effects in addition to the cardiovascular effects mentioned above. It has been reported that sudden or impulsive noise bursts result in stress reactions that included changes in cardiovascular blood pressure and volume, breathing, pulse rate, gastrointestinal motility, endocrine gland excretions and neural activity changes. Psychological effects that have been reported include fear, depression, frustration, irritation, anger, helplessness, sorrow and disappointment. Behavioural examples include aggression, social isolation and substance abuse. Exposure to infrasound or low frequency sound has been found to elicit stress reactions and in some instances resonance responses in vocal cords and internal organs, however additional research is required.
4.0 PROPOSED REGULATORY PROVISIONS

A draft outline of the proposed Regulations is supplied with this document. It is anticipated that they will commence in July 2016.

4.1 Explanation of Provisions

The provisions in the proposed Regulations consist of prohibited hours of use, audibility, distance separation requirements, noise emission limits for property devices and administrative provisions.

4.1.1 Provisions relating Generally to Operation of Equipment (Prohibited Hours of Use)

The prohibited hours of use provisions in Part 2 and Schedule 1 are based on what are considered to be socially unacceptable hours for use of the specified equipment and machinery (lawn mowers, power tools, mobile machinery, musical instruments, motor vehicles, vessels and outboard motors, fixed apparatus) in residential areas and on building construction sites. It is generally accepted that using this equipment and machinery during these times is more likely to create an environmental nuisance as these are the times that most people are at home and seeking peace and quiet.

The proposed prohibited hours of use are outlined in Table 1 below.

Table 1: Proposed Prohibited Hours of Use Schedule 1

<table>
<thead>
<tr>
<th>Device</th>
<th>Day of Operation</th>
<th>Prohibited Hours of use</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Chainsaw powered by internal combustion engine used within 300m of residential premises</td>
<td>Monday to Friday</td>
<td>Before 7am and after 6pm.</td>
</tr>
<tr>
<td></td>
<td>Saturday</td>
<td>Before 9am and after 6pm.</td>
</tr>
<tr>
<td></td>
<td>Sunday or public holiday</td>
<td>Before 10am and after 6pm.</td>
</tr>
<tr>
<td>2. Mobile machinery, forklift truck or industrial motor vehicle or portable equipment</td>
<td>Monday to Friday</td>
<td>Before 7am and after 6pm.</td>
</tr>
<tr>
<td></td>
<td>Saturday</td>
<td>Before 8am and after 6pm.</td>
</tr>
<tr>
<td></td>
<td>Sunday or public holiday</td>
<td>Before 10am and after 6pm.</td>
</tr>
<tr>
<td>3. Motor vehicle, motor vessel or outboard motor (unless the vehicle, vessel or motor is being operated to move into or out of residential premises or construction sites)</td>
<td>Monday to Friday</td>
<td>Before 7am and after 6pm</td>
</tr>
<tr>
<td></td>
<td>Saturday</td>
<td>Before 9am and after 6pm.</td>
</tr>
<tr>
<td></td>
<td>Sunday or public holiday</td>
<td>Before 10am and after 6pm.</td>
</tr>
<tr>
<td>4. Musical instrument or sound amplifying equipment</td>
<td>Monday to Thursday</td>
<td>Before 7am and after 10pm</td>
</tr>
</tbody>
</table>

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Prohibited hours and days provisions are a very simple and straightforward means of managing noise nuisance. They are also the most frequently used provision of the Regulations, with wide acceptance within the community and with regulators. This was clearly revealed by a survey of Council EHOs in January 2015. Comments concerning the hours of use schedule included:

Kingborough – “Generally works well”.

Southern Midlands – “Having specified times is handy”.

Kentish – “Most people seem to appreciate the hours of use as a guide to when they can or shouldn’t do things such as use a chainsaw or lawnmower etc.”

Glenorchy – “Residents are aware of the hours of use and generally comply.”

West Tamar – “Having something clearly set out works well for regulatory purposes. Those are accepted well by the public.”

Devonport – “Days and time restrictions work best. Easy for people to know and follow.”

The main issue with implementation of the hours of use schedule concerns the duration of use of equipment on the schedule. Both Tasmania Police and EHOs frequently deal with noise complaints arising from overuse of devices outside of the prohibited times. For example, people playing music for long periods outside of the prohibited times. The Regulations state that music played must not be audible in other residential premises from 10pm to 7am. However, it was never intended that music or musical instruments would be played continuously outside of these times (during most of the day and half the evening). It is still possible to create an environmental nuisance under section 53 of the Act by playing music for excessively long periods outside of the prohibited hours of use.

This issue has been discussed by the EHO and Tasmania Police working group. Options such as attempting to put limits on the amount of time continuous noise can be made outside of the prohibited hours of use were considered for music and trail bikes in particular.

For example, stating that music could only be played continuously for two hours at a time outside of the prohibited hours of use. Both EHOs and Tasmania Police rejected this proposal stating that it would be extremely difficult to regulate and present problems in terms of collecting evidence to prove non-compliance had taken place. The working
group concluded that relying on the current provisions within the prohibited hours of use schedule was sufficient and that there were too many practical implementation impediments to trying to include specific provisions for music and trail bikes. Each regulatory group have their own systems for recording data on serial offenders and determined that they had measures in place to deal with specific incidents.

Another issue that was discussed by the EHO working group concerned adjusting hours to reflect daylight savings time during the summer period. Some have argued that the longer evenings in summer could justify removing the prohibition for the use of some power tools and garden equipment so they were not prohibited from use until 8pm. Other states and territories have legislated so that their prohibited hours begin at 8pm. It is considered that this would increase the complexity of the schedule and may create some initial confusion in the community. The working group are reluctant to make any changes at this point. However, this is an issue for consideration as part of this consultation process.

4.1.2 Specific Operation of Devices

Part 4 of the Regulations also addresses the use of specific devices – fixed equipment (air conditioners, heat pumps, pumps and generators), motor vehicles and motor vessels used for sport and recreation near residential premises, and chainsaws.

4.1.2.1 Fixed equipment – Heat Pumps, Pumps and Generators

Noise emission limits for fixed equipment such as heat pumps will be retained despite the reliance on prohibited hours of use to regulate noise pollution for all other devices in the schedule. Noise from the outdoor units of these devices continues to be an issue particularly as the proximity between premises shrink due to the increase in house sizes and reduction in house block sizes.

The EHO working group identified the problem that arises when outdoor units are located close to bedrooms of neighbouring premises. The working group discussed the option of removing the noise emission limits and relying on a provision that stated that noise from these devices should not be audible in a habitable room.

A number of practical issues were identified with using the audibility criteria. The noise levels from these devices are not high in volume but can be very intrusive especially at night. People have different perceptions of audibility and this can be problematic for regulators attempting to determine if a nuisance is being caused or not.

Measurement of this fixed equipment provides a more objective tool to regulators and can be used to distinguish noise from these devices from the background or ambient noise. Noise level measurement is also particularly suited to this type of fixed equipment that is operated at set levels. EHOs have indicated that, unlike other devices, they use the noise emission limits for these devices regularly and it assists them significantly in settling neighbourhood disputes. Retailers and installers in the air conditioner/heat pump industry are also familiar with the noise emission limits set by the previous Regulations. Therefore, noise emission limits for this group of devices has been retained.
4.1.2.2 Motor Vehicles and Motor Vessels – Sport and Recreation Use

This provision remains largely unchanged from the 2014 Regulations. It concerns placing a separation distance of 500 metres between premises and motor vehicles or motor vessels being used for sport or recreation. Vehicles used on public roads are not captured by the Regulations.

These provisions relate to noise sources with exceptionally high potential for nuisance at close range, where the noise levels emitted by Accepted Modern Technology (AMT) are far above what is acceptable to most people; the particular characteristics of noise from both motor vehicles, such as trail bikes, and motor vessels can be exceptionally irritating.

Feedback from key stakeholders has raised some issues with the use of separation distance provisions. For example, measuring the 500 metres and taking account of topographical features such as hills and valleys – which also impact the volume and intensity of the noise. The EHO and Police working group considered a range of other options including reducing and increasing the separation distance and decided that the 500 metre distance should be retained as there were as many, if not more, issues with alternatives as with the 500 metres. As with hours of use, the 500 metre separation distance is generally known and accepted by regulators and the community.

The Regulations relate to noise emissions from the use of motor vessels being used on water for sport or recreation – not when they are being transported to or from their place of use.

With respect to the requirement to not use motor vessels with 500 metres of residential premises, there are some geographic locations (along rivers and lakes) whereby a vessel has no choice but to travel within 500m of residential premises. These Regulations are aimed at vessels which are planing – travelling at high speed on water and carrying out sporting or recreational activities such as water skiing or jet skis. It does not prevent vessels transiting through an area at low speeds.

Commercial operations that use motor vessels such as tourist operators and fish farmers are not covered by these Regulations. It is expected that they would be required to acquire approval instruments from other regulatory agencies in order to operate, for which noise emissions would be considered.

4.1.2.3 Chainsaws

Chainsaw usage on residential properties usually involves occasional routine garden maintenance, but may occasionally extend to more significant activities such as cutting up a truckload of firewood logs. Non-residential usage includes log trimming and cutting by sawmills and commercial firewood suppliers. Routine garden maintenance and commercial log cutting are clearly quite different in terms of their character and potential noise impacts. Therefore the proposed Regulations create a sub-regulation for each type of usage so that the rules are activity-specific.

These provisions have been retained from the 2014 Regulations relatively unchanged with a separation distance requirement for the use of chainsaws near residential premises. Both sub-regulations state that chainsaws cannot be used within 300m of residential premises.
The first sub-regulation concerns the use of chainsaws on non-residential premises (e.g. commercial or industrial land). Chainsaw usage on non-residential blocks would usually be part of commercial activities and would require planning approval from local government. As part of the planning approval process, conditions relating to noise nuisance from that activity would be included.

The second sub-regulation prevents the use of chainsaws at residential premises where neighbouring residential premises lie within 300 metres. However, it contains an exemption that allows chainsaws to be used for domestic garden maintenance providing it takes place on one day in any consecutive seven days and outside of the prohibited hours of use.

A considerable amount of garden maintenance work can be carried out with a chainsaw over one day. Most garden work is generally carried out by residents over a weekend. It is considered reasonable to allow for one day in seven as a compromise between those residents who want to use their chainsaw and those who do not want to hear a chainsaw over the entire weekend.

In situations where chainsaw usage is required for a period greater than one day in seven (e.g. for the removal of a particularly large tree or a number of trees on a residential block) Council officers can issue environment protection notices (EPN) under section 44(2)a of the Act, which would allow such activity.

The cost of preparing an EPN varies according to the charging procedures and rates of individual councils, and the amount of time it takes to prepare the approval instrument. Some councils do not charge fees for EPNs; others charge an hourly rate of ranging from $84 to $95 per hour and some have a set fee ranging from $200 to $600. The level of the fee will usually be determined by the level of work required to prepare the approval instrument.

However, the most effective approach is to apply common sense and show respect for neighbours. The onus is with the residents hiring the commercial operators to consult with their neighbours to make sure they are fully informed about the hours and days required to carry out the activity and to negotiate acceptable times/days for all. If the resident(s) and/or the commercial arborists/tree fellers require further assurance, they should approach their local council to discuss whether a formal approval instrument is required or not. In most cases, Council will not require an approval instrument if the activity is for a short time period. However, to provide certainty and to comply fully with these Regulations, Councils are able to issue an EPN if more than one day in seven is required.

An email survey of some EHOs revealed that they have not received any complaints about commercial operators. The EPA has not received any complaints in that regard either.

Therefore, these Regulations in practice pose little or no significant restriction or disadvantage to tree felling businesses or arborists. The main objective is to restrict excessive chainsaw usage on residential premises by residents, not commercial operators, and provide a mechanism for resolving conflict, although very rare.

While the restrictions on the use of chainsaws and the provision for extended use under authority of an EPN are rarely relied upon, it is necessary to have the framework in place because it is more effective than relying solely on section 53 of the Act to resolve noise pollution issues relating to chainsaws.
4.1.3 Audibility and Noise Emission Limits

The draft Regulations also include a provision that prevents the operation of a device that can be audible in a habitable room of a neighbouring building. This replaces provisions that established noise emission limits for devices and therefore required measurement in order to determine if the noise levels set in the Regulations were exceeded or not.

Audibility is a far easier basis for regulators and the community to assess whether the noise source is a problem.

The 2014 provisions prescribed noise emission limits for volume (decibel levels) only, which is not always the basis for a noise complaint. A volume measurement does not provide direct evidence of nuisance as it doesn’t deal with duration, tonal dominance, frequency or intrusive characteristics.

The dB(A) levels cited in the 2014 Regulations were generic for a class of devices. Setting a specific dB(A) when issuing a permit or EPN is more suited to some activities (such as building sites) as it takes into account the location and neighbourhood environment. These can be set in building and planning permits to account for site specific issues that impact noise emission levels.

Generic dB(A) levels can be useful in some situations, such as air conditioners in new residential subdivisions, but more often than not the specific factors such as location, duration, tone and frequency of the noise generating activity have a greater bearing on whether a noise nuisance is likely to occur.

Generic volume levels can be a guide to an authorising officer but should not be the determining factor as to whether a noise nuisance has occurred. The generic volume levels used in the 2014 Schedules are also derived from operating machinery correctly in a controlled and structured environment – which is usually not the situation in which a noise nuisance is created. Again, other statutory instruments such as building and planning permits have the capacity to set noise emission limits suited to the specific activity taking place and location.

The survey of Council EHOs asked about the usefulness of noise emission limits in the 2014 Regulations in dealing with noise complaints. The majority responded that there was little value in having the noise emission limits as they are rarely used due to implementation problems outlined in the comments below:

- “Untrained in use of noise monitoring equipment to obtain ‘useful evidence’.”
- “Calibration of the noise meter can be costly and time consuming (applies to all below).”
- “Very difficult to determine when using NEP or dB(a) or vehicle manufacture”.
- Noise limits above 95dB(a) and measured at 30m – impossible.”
- “Getting both parties together to do the noise sampling. Also different noise limits between night and day very difficult to arrange appropriate sampling times etc.”
- “Generally no complaints were received in relation to the level or intensity of noise, the time or the day that the noise occurs seems to be of more concern to the complainants, or in the case of alarms the duration of the alarm.”
Anecdotal reports also confirmed that many noise complaints could not be pursued because measurement of the volume levels revealed they complied with the noise emission limits in the Regulations. If the tonal dominance, frequency or duration were able to be considered, some complaints may have been upheld. Inclusion of these factors into regulations would greatly increase the complexity for regulators investigating noise complaints. It would also greatly increase the cost to government of implementing the regulations. To provide the necessary noise measurement equipment, skills and training to carry out this expanded form of noise measurement would require a substantial increase in training, equipment and resources for government.

On the basis of the survey results and following discussions with the EHO working group, it was decided to not include noise emission limits in the draft 2016 Regulations. The noise emission limits have been reviewed and updated. They will be presented in a guideline document that will be available on the EPA website for those who wish to access this information along with the Noise Measurement Procedures Manual.

### 4.2 Summary of Regulations

Table 1 summarises the draft provisions proposed for the 2016 Regulations and provides a brief description for each regulation. There have been some significant changes from the 2014 Regulations, with the removal of noise emission limits for the majority of devices.

Most of the draft provisions listed in Table 1 have been in force since the 2004 Regulations. The costs and benefits associated with implementing these are not expected to change and have been well accepted by industry, government and the community.

**Table 1 – Provisions of the 2016 Regulations**

<table>
<thead>
<tr>
<th>Proposed Regulation No.</th>
<th>Subject</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Short Title</td>
<td>The new title is <em>Environmental Management and Pollution Control (Noise) Regulations 2016.</em></td>
</tr>
<tr>
<td>3</td>
<td>Interpretation</td>
<td>List of defined terms used throughout the Regulations.</td>
</tr>
<tr>
<td>4</td>
<td>Application of Regulations</td>
<td>This states that these Regulations apply to noise sources that are not subject to noise control measures in other approval instruments.</td>
</tr>
<tr>
<td>5</td>
<td>General exclusions</td>
<td>This regulation states that these Regulations do not restrict the operation of articles when used in emergency situations or to ensure public health and safety are maintained.</td>
</tr>
<tr>
<td>6</td>
<td>Part 2 – Provisions Relating Generally to Operation of Equipment Equipment with noise restrictions relating to hours of use.</td>
<td>These regulations set out the prohibited hours and days of use for certain equipment as set out in Schedule 1. This regulation applies to noise from residential premises and noise from construction except noise from construction of a public street. It states it does not apply to certain equipment and machinery used outside the prohibited hours and days stated in</td>
</tr>
<tr>
<td>Proposed Regulation No.</td>
<td>Subject</td>
<td>Description</td>
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<tr>
<td>------------------------</td>
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</tr>
<tr>
<td>Schedule 1.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.8 and 9</td>
<td>Part 2 – Fixed Equipment, Motor Vehicles and Motor Vessels and Chainsaws</td>
<td>These regulations outline the conditions of use for specific types of equipment and machinery such as fixed equipment (e.g. air conditioners and heat pumps); motor vehicles; motor vessels used near residential premises for sport and recreation and chainsaws. It uses noise emission limits for fixed equipment; and separation distances and time restrictions for motor vehicles, motor vessels and chainsaws.</td>
</tr>
<tr>
<td>Schedule 1</td>
<td></td>
<td>This schedule sets out the prohibited hours of use for specific equipment, motor vehicles and vessels.</td>
</tr>
</tbody>
</table>

### 4.3 Implementation of the Proposed Regulations

The provisions of the Regulations will be implemented and enforced in accordance with responsibilities generally defined in the EMPCA. The EMPCA requires councils to use their ‘best endeavours’ to prevent or control pollution in relation to activities which are not level 2 or level 3 activities as defined by the EMPCA (level 2 and level 3 activities are generally medium-large industrial activities and infrastructure). The neighbourhood noise sources covered by the proposed Regulations are generally not associated with level 2 or level 3 activities, so local government will be primarily responsible for their implementation, as was the case with the 2014 Regulations.

Tasmania Police have played a role in implementing the 2014 Regulations outside of normal business hours, providing a first response to complaints and investigating and enforcing particular provisions such as those for recreational vehicles. Police officers are authorised officers under EMPCA. This practice is expected to continue under the proposed Regulations. The EPA has provided technical assistance to councils in some cases where enforcement of noise limit provisions has been necessary.

### 5.0 COSTS AND BENEFITS

As a result of the review of the 2014 regulations, a significant number of provisions that have proved to be redundant or not achieving the desired outcome have been removed from these proposed Regulations. The review identified that the most useful component of the previous Regulations were the hours of use for a range of equipment and machinery. This schedule is easily understood and implemented, and has wide acceptance for all the various sectors of the economy. As such, the regulatory burden for all sectors – industry, government and community – is reduced compared with past Regulations.

#### 5.1 Costs and benefits for industry

The proposed Regulations apply mainly to residential premises and to the building construction industry. The main industry impact would be upon the building construction
industry in respect of the use of the devices listed in Schedule 1 of the Regulations. The provisions would restrict the hours during which work may take place in urban areas, thus limiting operational flexibility to a certain extent and increasing costs in some instances. The prohibited hours/days of use are largely identical to those specified in the 2014 Regulations and as such, many of these costs have already by accounted for and accepted by industry.

An emerging issue is the increase in inner city urban development in commercial zones. Noise from delivery, waste removal and street cleaning vehicles were identified by the EHO working group. Due consideration was given to including a provision to either exempt or restrict the activities of these vehicles. However, most of these vehicle movements take place on-road and are therefore outside the scope of these Regulations. It was also too difficult to develop a provision that would provide a satisfactory outcome in all situations. Commercial activities require deliveries and waste removal and usually the best time of day for these vehicle movements to take place is in the early hours of the morning, when few other vehicles are around. The cost of inner urban living is therefore the short-term noise arising from living within a commercial zone.

The Environment Protection Policy (Noise) 2009 also addresses how noise from commercial and industrial activities should be managed. The Environment Protection Policy is a statutory instrument made under the Environmental Management and Pollution Control Act 1994. Therefore, there is no need for further attempts at regulating noise from these sectors via these Regulations.

The separation distance provision may add to the cost of a range of commercial activities. Chainsaws may need to be operated at locations on the site of the activity such that the separation distance will be maintained, which may increase costs. Nonetheless this could be addressed through the planning permit or environment protection notice with conditions. The conditions set out in the approval instrument, if granted, may also impose costs. An identical separation distance was specified in the 2014 Regulations.

There may be a cost impact for commercially operated racing events, aquatic events or motor recreational facilities proposed to be located within 500m of residential premises, depending on whether the relevant Council is prepared to issue a permit and if so, the nature of the permit conditions. An identical separation distance was specified in the 2014 Regulations. It is considered that these costs continue to be justified by the benefits to the community against the alternative of not controlling noise pollution from these sources.

These Regulations also state that they apply in situations where no other approval instrument is in place or where an approval instrument is silent about noise emissions. Noise from industry (construction and commercial sectors) would be mostly addressed in approval instruments such as building and planning permits issued by local government. The proposed regulations present no additional cost beyond the normal regulatory requirements they face in carrying out their activities.

5.2 Costs and benefits for State government

State government agencies and government business enterprises were subject to the provisions of the 2014 Regulations and would likewise be subject to the proposed Regulations. The proposed Regulations apply primarily to private land, which falls outside most government activities. The prohibited hours of use generally fall outside normal business hours when most activity by government or its contractors would be carried out –
thereby presenting no barriers to the conduct of those activities. Any works that are required to be carried out during the prohibited hours of use can usually be addressed via planning and local government permits.

Unscheduled maintenance activities of the electricity supply enterprises (Hydro Tasmania and TasNetworks) and their contractors, and the water authority (TasWater), would be covered by the exemption to ensure public health and safety in regulation 5. Any costs associated with compliance with the proposed Regulations would ultimately be a cost to the taxpayers of the State. These costs are not expected to differ from costs of compliance with the 2014 Regulations.

The 2014 Regulations created a small workload for the EPA Division of DPIWE in the provision of advice and technical assistance to local government and other parties, but this is not expected to change under the proposed Regulations. In fact, the removal of the noise emission limits from the regulations will reduce the complexity and perhaps lower the impost on the Division to assist with interpretation and implementation of the regulations. This will allow resources to be directed more towards project specific advice instead of general advice and assistance on how to measure noise emission levels.

Tasmania Police incurred costs in the enforcement of the 2014 Regulations (mainly outside of business hours). The following activities may have been required, at associated cost:

- initial receipt and assessment of complaints;
- site visits;
- issue of infringement notices;
- preparing evidence for prosecutions; and
- officer attendances in court.

The above pattern would not change under the proposed Regulations.

The State government derived revenue from the issue by authorised officers (mainly police officers) of environmental infringement notices against breaches of the 2014 Regulations. Revenue was paid into the Environment Protection Fund in accordance with section 71(2) of the Act. Revenue from infringement notices averaged only $200 per year, and this is not expected to change under the proposed Regulations.

While infringement notices have been low and no prosecutions have been made under the 2014 Regulations, the threat of fines and prosecution action is shown to be effective in achieving voluntary compliance with the Regulations. Removing offence or penalty provisions would remove the incentive for voluntary compliance.

5.3 Costs and benefits for local government

Councils incurred costs in the enforcement of the 2014 Regulations. The following activities may have been required, at associated cost:

- initial receipt and assessment of complaints;
- site visits;
- noise measurements by council officers;
- engagement and briefing of a consultant to take measurements, and evaluation of the consultant’s report;
• negotiation with the perpetrator regarding noise abatement measures;
• issue of infringement notices;
• obtaining legal advice on prosecutions;
• preparing evidence for prosecutions; and
• staff attendances in court.

The removal of noise emission limits (apart from those for fixed equipment such as heat pumps) will reduce the costs associated with taking measurements and/or employing environmental consultants.

Investigation of possible breaches of the proposed Regulations will generally be driven by complaints, as with the 2014 Regulations. In 2004, local governments were receiving an average of around 530 noise complaints per year, whereas the results from the 2015 survey revealed that they are now receiving approximately 580 complaints per year.

Cost data received from the email survey of local governments revealed that the collection of cost data is sporadic amongst Councils. The methods and type of data recorded varied, ranging from some Councils not keeping records at all to the rest providing estimates on the amount of time spent on dealing with noise complaints. As such, it is not possible to provide any meaningful cost data.

Councils derived negligible revenue from the issue of environmental infringement notices against breaches of the 2014 Regulations, and Councils rarely prosecuted breaches of the Regulations. This was supported by the lack of responses in the Council survey to the question about the number of Environmental Infringement Notices (EINs) issued for 2014. The one response indicated that they have issued three EINs and carried out one prosecution. Revenue from this source is not expected to change with the proposed Regulations.

Prosecutions are viewed as a measure of last resort and are only used in cases of long term and repeated non-compliance. The majority of EHOs seek to resolve disputes via mediation and formal warnings.

The major benefit to local government of the proposed Regulations is the decreased complexity resulting from the removal of noise emission limits, relieving them of the need for equipment and training to measure noise emissions.

Without regulations, local government would have to rely on section 53 of the Act. They would still be required to carry out most of the activities listed in the dot points above and, therefore, incur those costs. Costs could be considerably higher as they would be operating without the framework that is provided by the draft Regulations. A prohibited hours of use schedule allows Council officers to deal with many queries and complaints in an expeditious manner. Without it, they may have to spend a lot more time investigating a complaint to establish whether an offence had occurred or not under the Act.

The focus on the prohibited hours of use schedule as the main form of regulatory control reduces the complexity and duplication of previous Regulations. Improved clarity and focus in the Regulations may also reduce the demand on Council resources for interpreting the noise regulations as the prohibited hours of use schedule is easier for the community to understand, compared to the long, complex schedules of noise emission limits in the previous Regulations.
5.4 Costs and benefits for the community

The obvious benefit to the community from the 2014 Regulations, which would continue under the proposed Regulations, was improved environmental amenity and protection of health. The provisions provide a clear framework to the community on what and when various devices can be used, which has both a regulatory value and a public education value. The framework, through the prohibited hours of use schedule, provides the boundaries for when certain devices can and cannot be used.

The provisions represent a social cost to the community by restricting the operation of specified equipment and machinery. For example, power tools must not be audible in neighbouring residential premises after 6.00 pm on any day, which limits the use of power tools in home workshops and the hours during which home repairs or renovations may take place. However, there is an expectation in the community that they are entitled to a low noise environment in the evening, especially to protect vulnerable people, such as young children and the elderly.

Another common example of noise pollution addressed by the Regulations is the recreational use of trail bikes within 500 metres of residential premises, which is generally prohibited by regulation 8.

5.5 Restrictions on competition

The prohibited hours of use schedule for non-residential users will apply to all construction businesses across the State. This means that there will not be any restriction in competition associated with the proposed provision.

Table 2 outlines some possible impacts on competition.

<table>
<thead>
<tr>
<th>Proposed Regulation no.</th>
<th>Subject</th>
<th>Possible restriction on competition</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Fixed equipment (including air conditioners, heat pumps) – noise limits</td>
<td>The provisions of this regulation were subject to regulatory impact assessment in 2000(^4) when they were inserted into the 1977 Regulations as SR 2000 No. 186. Modern devices are much quieter than earlier models and most installers are very familiar with the need to limit noise nuisance when considering models and location of outdoor unit. All impacts have now been absorbed by the market.</td>
</tr>
</tbody>
</table>
| 8                       | Use of vehicles or vessels for sport or recreation in off-street areas – prohibition on operation within | Cost impact of the separation distance for vehicles/vessels used commercially for racing, amusement or tourism purposes would create a market entry restriction and a competitive conduct restriction by adversely affecting competition with other forms of entertainment and tourism. It may also favour those businesses that are able to more easily meet the

<table>
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<tr>
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<th>Subject</th>
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</tr>
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<tbody>
<tr>
<td></td>
<td>500m of residential premises</td>
<td>separation distance provision. Permits to operate a racing or tourism event are required from local government (such as a place of assembly permit) which can stipulate conditions to manage noise emissions.</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>Chainsaws – prohibition on operation within 300m of residential premises The separation distance provision could create a market entry restriction and a competitive conduct restriction by favouring those businesses that are able to more easily meet the separation distance provision (e.g. those which are located on large sites). Commercial arborists and tree fellers operating in residential areas are able to obtain approval instruments from councils if they require more than one day in seven to carry out a job. Chainsaws tend to be used at commercial woodlots or sawmills. Best practice land use planning would presumably ensure that such industries were not located close to residential areas. Therefore the restriction on competition should be minimal.</td>
</tr>
</tbody>
</table>

6. ALTERNATIVES TO THE PROPOSED REGULATIONS

6.1 Rely on the general provisions of primary legislation

If the 2014 Regulations are not replaced by another instrument with specific provisions for neighbourhood noise sources, the general provisions of primary legislation could be relied upon to address neighbourhood noise issues on a case-by-case basis. These include the general provisions of EMPCA, in particular section 53 (environmental nuisance offences) and section 44 (environment protection notices). The nuisance provisions of the Local Government Act 1993 may also be utilised by councils. Noise control conditions relating to specific activities may be included in permits issued under the Land Use Planning and Approvals Act 1993. Other approval instruments such as place of assembly licenses and liquor licenses and permits may include noise control conditions.

For sources which have a small potential for nuisance, special regulatory provisions are unnecessary and the general provisions of EMPCA and other legislation should suffice to address occasional problems. Where no nuisance exists then general provisions can remain unutilised, an appropriate response where there is no benefit in government intervention.

For those sources which have significant potential for nuisance, some government intervention beyond primary legislation is necessary to minimise nuisance. A case-by-case approach using the general provisions of EMPCA or other legislation would be administratively and technically inefficient for neighbourhood noise sources, given the very large number of such sources. Appropriate criteria would need to be established and implemented in each and every case. Guidelines could be issued, but it is unlikely that they would be applied consistently by the various councils and the Police. This would result in inequities and inconsistent protection of the acoustic environment.
6.2 Develop non-mandatory guidelines

As would be the case in using the general provisions of EMPCA or other legislation, developing non-mandatory guidelines for each type of noise source covered by the proposed major amendments would be inefficient and take considerably longer to research and develop than regulations.

Furthermore, it is unlikely that they would be applied consistently by the various councils and the Police. This would result in inequities and inconsistent protection of the acoustic environment. As there would be no compunction to comply with the guidelines, persistent or blatant noise offences would be likely to continue, and public confidence in the regulatory abilities of government would be undermined. It should also be noted that most other Australian jurisdictions have mandatory requirements covering noise sources.

Individual guidelines would, however, have the benefit of focussing directly on specific activities and items of equipment.

6.3 Self-regulation

Self-regulation is an approach whereby businesses and individuals are given a degree of freedom to determine the means by which they will meet established standards. Self-regulation allows for reduced inspections by regulators, with resources being redirected to prosecutions and policy development.

To promote satisfactory environmental performance, businesses may be required to acquire certification to ISO14001 or equivalent quality assurance standards for environmental management systems. Self-regulation will sometimes be supported and steered by government through the provision of guidelines, public education and information and financial incentives. However, diminishing budgets and a focus on core business by government has meant fewer resources are allocated to such tasks and this situation is unlikely to change in the immediate future.

A variant of self-regulation is co-regulation, whereby there is formal provision for cooperative decision making between regulatory authorities and businesses or individuals on environmental standards or case-specific requirements.

The advantages of self-regulation include greater freedom of action by businesses and individuals, greater internalisation of costs by polluters, and potential reductions in costs to government. The disadvantages include greater uncertainty, greater likelihood of litigation, substantial expense for quality assurance certification (a particular burden on small business and individuals) and reduction of the regulatory authority role to a strictly reactive one (potentially allowing serious environmental harm or nuisance to occur as a result of negligence or cost cutting).

Self-regulation is not a practical option for the control of neighbourhood noise sources because of the very large number of sources of noise emissions, the high probability of breaches occurring and the incapacity of many operators to adequately self-regulate.

6.4 Economic mechanisms

There has been a trend to structure environmental regulation so as to provide economic incentives to polluters to reduce pollution, to allocate pollution abatement resources more
efficiently and to properly reflect the 'polluter pays' principle. The two main instruments for achieving this are emission charges and tradeable emission permits.

Emission charges place a tax on each unit of pollution or on each unit produced above a certain threshold, to provide an incentive to reduce the total amount of pollution in a cost-effective manner.

Tradeable emission permits attempt to create a market by establishing and enforcing pollution property rights through a permit quota system. A regulatory authority determines the aggregate emission level and issues permits which will achieve the desired aggregate level. Ownership of permits allows an industrial operator to emit pollution to the extent of the permits held. Expansion necessitates the purchase of additional permits or implementation of better pollution control, and surplus permits may be sold.

The advantages of economic mechanisms are:

- they are self-regulatory to a degree, allowing polluters to determine the type and extent of pollution control in a cost-efficient manner;
- they allow the regulator to manipulate the level of pollution by changing the emission charges or the aggregate emission levels; and
- there can be a strong incentive for polluters to take advantage of the latest available abatement technology or to develop their own.

The disadvantages of economic mechanisms, generally speaking, are:

- potential for emission charges to be set too low, with polluters preferring to pay the charge rather than control the pollution;
- potential for emission charges to be set too high, with polluters being forced to reduce production because of the high marginal cost of production or in extreme cases to cease production;
- complexity of planning and implementation;
- the need for high level, costly, detailed and difficult to obtain information on pollution sources and ambient pollution levels (regulatory costs are usually much higher than for conventional regulation); and
- the tendency for point source emissions to be concentrated among a few sources, particularly major industries, causing localised pollution problems;
- in the case of tradeable permits, the necessity for a viable market.

As far as can be determined, pollution taxes and tradeable permit schemes have been used exclusively for the reduction of air and water pollution and nowhere have they been applied to the reduction of noise pollution (with the exception of an aircraft noise emission charge scheme at British airports).

It is doubtful that it would be feasible to apply economic mechanisms to the control of noise in Tasmania at present. The highly variable nature of noise emissions and transmission would require continuous or frequent monitoring of sources and averaging in accordance with specified formulas. A large amount of research would be required to determine the relative contributions of the various sources. This is expected to be an expensive, lengthy and ground-breaking exercise, with no guarantee of success.

The economic mechanism approach is particularly inappropriate for the minor neighbourhood noise sources which are the subject of the proposed Regulations, operated as they are by a very large number of private households and small businesses.
Localised noise pollution would be particularly severe in some situations, and the cost of taxes or permits may have detrimental social or economic consequences. Administration costs for regulatory authorities would be extremely high, given the very large number of sources that would need to be registered and monitored and the relative difficulty of gaining access to them.
7. GREATEST NET BENEFIT/LEAST COST

After reviewing the alternative (of no regulations), it is considered the best approach to achieving the policy objective is to continue to have Regulations made under section 102 of the Act. It is considered that this option provides the greatest net public benefit, as the benefits of improved environmental amenity and human health are expected to outweigh the identified costs.

The main benefits of the Regulations are:

- Practical rules governing hours of operation, separation distances and measurement of fixed equipment (heat pumps et al) that are consistent with current community expectations;
- Improved environmental amenity and human health given the potential reductions in noise pollution.

The main costs associated with the Regulations are:

- the requirement for people to ensure their behaviour is in accordance with the proposed prohibited hours of use provisions. For example, builders need to comply with the prohibited hours of use when using portable equipment (power tools) and mobile machinery; gardening, tree removal and landscaping businesses need to comply with the schedule when using garden maintenance equipment and chainsaws, or obtain an approval instrument to carry out their activities within the prohibited days or hours;
- Potential penalties related to breaches of the amended regulations.

It is considered that the listed benefits, supported by the more detailed discussion in Part 4, 5 and 6 of the RIS, are likely to outweigh the identified costs and will provide a net public benefit.

8. CONCLUSION

The preferred option for addressing the environmental and health issues that relate to neighbourhood noise pollution is to adopt the provisions described in section 4, that is, to make the Regulations as proposed. It is considered that this option has the greatest net public benefit, as the benefits of improved environmental amenity and human health are expected to outweigh the identified costs.
9. **APPENDIX A - SUMMARY OF NOISE LEGISLATION IN OTHER AUSTRALIAN JURISDICTIONS**

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Main Legislation related to noise</th>
<th>Environment Protection Policies (EPP)</th>
<th>Regulations</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Australia</td>
<td><em>Environment Protection Act 1993</em>&lt;br&gt;<em>Development Act 1993</em></td>
<td><em>Environment Protection (Noise) Policy 2007</em>&lt;br&gt;Contains noise control provisions (including hours of use and maximum noise levels) for residential and construction noise, rubbish collection, building intruder alarms &amp; frost fans</td>
<td><em>Environment Protection Regulations 2009</em>&lt;br&gt;Note – these do not contain any specific noise management provisions</td>
<td>Supporting publications including codes of practice, guidelines and information sheets related to the EPP provisions</td>
</tr>
<tr>
<td>Victoria</td>
<td><em>Environment Protection Act 1970</em></td>
<td><em>State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade)</em> – sets noise limits for industry&lt;br&gt;<em>State Environment Protection Policy (Control of Music Noise from Public Premises)</em></td>
<td><em>Environment Protection (Residential Noise) Regulations 2008</em>&lt;br&gt;Lists items and times when noise from their use is unreasonable, if they can be heard in a neighbour’s home&lt;br&gt;<em>Environment Protection (Vehicle Emissions) Regulations 2013</em></td>
<td>Various guidelines and explanatory documents on major noise sources, including residential noise.</td>
</tr>
<tr>
<td>New South Wales</td>
<td><em>Protection of the Environment Operations Act 1997 (POEO)</em></td>
<td><em>POEO (Noise Control) Regulation 2008</em>&lt;br&gt;Includes limits on the time of day that noisy articles (such as lawn mowers, stereos and leaf blowers) are permitted to be heard in neighbouring residences.&lt;br&gt;Also includes</td>
<td><em>NSW industrial noise policy</em>&lt;br&gt;Various brochures dealing with sources of community noise.</td>
<td></td>
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<tr>
<td>Queensland</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Western Australia</td>
<td>Environmental Protection Act 1986</td>
<td>Environmental Protection Act 1994</td>
<td>Environmental Protection (Noise) Regulations 1997 Includes provisions for community and residential noise, and sporting and cultural events</td>
<td></td>
</tr>
</tbody>
</table>
10. REFERENCES


Draft Environmental Management and Pollution Control (Noise) Regulations 2016
TASMANIA

ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL (NOISE) REGULATIONS 2016
STATUTORY RULES 2016, No.

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2. Commencement
3. Interpretation
4. Application of regulations
5. General exclusions

PART 2 – PROVISIONS RELATING GENERALLY TO OPERATION OF EQUIPMENT
6. Equipment with noise restrictions relating to hours of use
7. Fixed Equipment
8. Motor vehicles and motor vessels operated near residential premises for the purposes of sport or recreation
9. Chainsaw operation near residential premises

SCHEDULE 1 – PROHIBITED HOURS OF USE
ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL (NOISE) REGULATIONS 2016

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the Environmental Management and Pollution Control Act 1994.

Dated 20 .

By Her Excellency's Command,

Minister for Environment, Parks and Heritage

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the Environmental Management and Pollution Control (Noise) Regulations 2016.

2. Commencement

These regulations take effect on 1 July 2016.

3. Interpretation

In these regulations –
Environmental Management and Pollution Control (Noise) Regulations 2016
Statutory Rules 2016, No.

r. 3 Part 1 – Preliminary

**Act** means the *Environmental Management and Pollution Control Act 1994*;

**approved instrument** means any of the following instruments while in force:

(a) an environment protection notice issued by the Director under section 27 of the Act;

(b) an environment protection notice, issued, or caused to be issued, under section 44 of the Act;

(c) an emergency authorization, issued by the Director or an authorised officer under section 34 of the Act;

(d) a permit issued under the *Land Use Planning and Approvals Act 1993*;

(e) a building permit issued under section 60 of the *Building Act 2000*;

(f) a permit granted by the Commissioner of Police under section 49 of the *Police Offences Act 1935*;

**aquatic event** means an event where a motor vessel is operated for recreation, competitive racing, speed trials or performance trials;
equipment includes fixed equipment;

fixed equipment includes domestic heating equipment, systems for the production of hot water, air conditioners, evaporative coolers, pumps, generators or wind turbines, that are permanently fixed in place;

habitable room has the same meaning as in section 53 of the Act;

motor vehicle means a vehicle that is –

(a) powered by an internal combustion engine; and

(b) operated in an area that is not a public street;

motor vessel means a vessel, propelled by an internal combustion engine, on water;

public street means public street as defined in the Traffic Act 1925;

racing event means any event where motor vehicles are operated for competitive racing, speed trials or performance trials;

residential premises has the same meaning as in section 53 of the Act.
4. **Application of regulations**

These regulations apply to noise that is not the subject of noise control measures specified in an approved instrument.

5. **General exclusions**

These regulations do not apply to noise that is emitted by the operation of any equipment or machine carrying out work that is required for the following purposes:

   (a) public health and safety;
   
   (b) the provision of emergency services by emergency services personnel in emergency situations;
   
   (c) the safety or security of plant and equipment in emergency situations.
PART 2 – PROVISIONS RELATING GENERALLY TO OPERATION OF EQUIPMENT

6. Equipment with noise restrictions relating to hours of use

(1) A person must not operate equipment, or a machine, specified in Schedule 1, on –

(a) any residential premises; or

(b) any site where construction, that is not the construction of a public street, is taking place –

if the noise emitted by the equipment, or machine, when so operated is, or is likely to be, audible in a habitable room in any residential premises that are not the residential premises specified in paragraph (a), whether or not the doors and windows of that habitable room are opened or closed.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

(2) Subregulation (1) does not apply in respect of the operation of equipment, or a machine, if –

(a) the equipment, or machine, is operated outside the prohibited hours of use specified in Schedule 1 –
Environmental Management and Pollution Control (Noise)
Regulations 2016
Statutory Rules 2016, No.

r. 7 Part 2 – Provisions relating generally to operation of equipment

(i) for that equipment, or machine; and

(ii) for the day on which the equipment, or machine, is operated; and

(b) the noise emitted by the equipment, or machine, is not otherwise unlawful.

7. Fixed Equipment

(1) A person must not operate fixed equipment on any premises –

(a) from 7.00 a.m. until 10.00 p.m., if the fixed equipment, when so operated, emits noise that is greater than 45dB(A); and

(b) from 10.00 p.m. up to 7.00 a.m., if the fixed equipment, when so operated, emits noise that is greater than 40dB(A).

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

(2) A measurement of noise, emitted by fixed equipment on any premises, that is to be measured at another residential premises –

(a) is to be taken one metre from the external wall, of the other premises, that is closest
to the fixed equipment emitting in the noise; or

(b) if the distance between the external wall of the other premises closest to the fixed equipment and the property boundary of the other premises is less than one metre, is to be taken at that property boundary.

8. Motor vehicles and motor vessels operated near residential premises for the purposes of sport or recreation

(1) A person must not, within 500 metres of residential premises, operate a motor vehicle, or motor vessel, for the purposes of sport or recreation, unless –

(a) the vehicle, or vessel, is being operated by the owner of the premises; and

(b) the vehicle, or vessel, is not, whilst within 500 metres of the premises, being operated within 500 metres of any other residential premises; and

(c) the noise emitted by the vehicle, or vessel, is not otherwise unlawful.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.
(2) For the purposes of subregulation (1), the following operations are not sport or recreation:

(a) in the case of a motor vehicle, if the motor vehicle is being –

(i) operated on a public street; or

(ii) driven directly to or from a place that is further than 500 metres from a residential premises; or

(iii) driven directly to or from a place for the purposes of cleaning, maintenance, refuelling or repairs;

(b) in the case of a motor vessel, if the motor vessel is being –

(i) driven directly to or from a place that is further than 500 metres from a residential premises; or

(ii) being driven directly to or from a place for cleaning, maintenance, refuelling, repairs or unloading or loading passengers –

and the motor vessel is not planing while being so driven.

(3) Subregulation (1) does not apply to a motor vehicle, or motor vessel, being operated at a racing event, or an aquatic event, that is an event authorised under an approved instrument.
9. Chainsaw operation near residential premises

(1) In this regulation—

*chainsaw* means a chainsaw powered by an internal combustion engine.

(2) A person on premises, other than residential premises, must not operate a chainsaw within 300 metres of residential premises unless—

(a) the operation of the chainsaw is authorised under an approved instrument; and

(b) the noise emitted by the chainsaw is not otherwise unlawful.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

(3) A person on residential premises must not operate a chainsaw within 300 metres of other residential premises unless—

(a) the chainsaw is operated for the purpose of domestic garden maintenance, on only one day in any consecutive 7 days and at a time outside the prohibited hours of use specified in item 1 of the table in Schedule 1; or
r. 9 Part 2 – Provisions relating generally to operation of equipment

(b) the operation of the chainsaw is authorised under an approved instrument;

and the noise emitted by the chainsaw is not otherwise unlawful.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.
SCHEDULE 1 – PROHIBITED HOURS OF USE

In this Schedule –

**outboard motor** means a motor designed to propel a motor vessel and to be easily fitted to or easily removed from the vessel;

**portable equipment** includes any equipment that can be easily demounted and transported without major disassembly, such as a power tool, gas or air compressor, generator, pump or cement mixer;

**public holiday** means a statutory holiday within the meaning of the *Statutory Holidays Act 2000*;

**sound amplifying equipment** means any machine or device that allows the amplification of the human voice, music or any other sound.

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Day of operation</th>
<th>Prohibited hours of use</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Chainsaw powered by internal combustion engine operated within 300 metres of residential premises</td>
<td>(a) Monday to Friday</td>
<td>Before 7 a.m. and after 6 p.m.</td>
</tr>
</tbody>
</table>
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sch. 1

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Day of operation</th>
<th>Prohibited hours of use</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) Saturday</td>
<td></td>
<td>Before 9 a.m. and after 6 p.m.</td>
</tr>
<tr>
<td>(c) Sunday or public holiday</td>
<td></td>
<td>Before 10 a.m. and after 6 p.m.</td>
</tr>
</tbody>
</table>

2. Mobile machinery, forklift truck, industrial motor vehicle or portable equipment

<table>
<thead>
<tr>
<th></th>
<th>Day of operation</th>
<th>Prohibited hours of use</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Monday to Friday</td>
<td></td>
<td>Before 7 a.m. and after 6 p.m.</td>
</tr>
<tr>
<td>(b) Saturday</td>
<td></td>
<td>Before 8 a.m. and after 6 p.m.</td>
</tr>
<tr>
<td>(c) Sunday or public holiday</td>
<td></td>
<td>Before 10 a.m. and after 6 p.m.</td>
</tr>
</tbody>
</table>

3. Motor vehicle, motor vessel or outboard motor (unless the vehicle, vessel or motor is being operated to move into or out of residential premises or construction sites)

<table>
<thead>
<tr>
<th></th>
<th>Day of operation</th>
<th>Prohibited hours of use</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Monday to Friday</td>
<td></td>
<td>Before 7 a.m. and after 6 p.m.</td>
</tr>
<tr>
<td>(b) Saturday</td>
<td></td>
<td>Before 9 a.m. and after 6 p.m.</td>
</tr>
<tr>
<td>(c) Sunday or public holiday</td>
<td></td>
<td>Before 10 a.m. and after 6 p.m.</td>
</tr>
</tbody>
</table>

4. Musical instrument or sound amplifying equipment
### Equipment and Prohibited Hours of Use

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Day of operation</th>
<th>Prohibited hours of use</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Power lawn mower and other garden maintenance equipment powered by an engine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Monday to Friday</td>
<td>Before 7 a.m. and after 8 p.m.</td>
<td></td>
</tr>
<tr>
<td>(b) Saturday</td>
<td>Before 9 a.m. and after 8 p.m.</td>
<td></td>
</tr>
<tr>
<td>(c) Sunday or public holiday</td>
<td>Before 10 a.m. and after 8 p.m.</td>
<td></td>
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</tbody>
</table>
Environmental Management and Pollution Control (Noise) Regulations 2016
Statutory Rules 2016, No.

Printed and numbered in accordance with the Rules Publication Act 1953.

Notified in the Gazette on 20.

These regulations are administered in the Department of Primary Industry, Parks, Water and Environment.

EXPLANATORY NOTE
(This note is not part of the regulations)

These regulations, made under the Environmental Management and Pollution Control Act 1994, provide for the regulation of the emission of certain noises caused by the operation of domestic and industrial equipment and machines, and in particular for the regulation of noise caused by –

(a) the operation of motor vehicles, motor vessels and machinery near residential premises; and

(b) the operation of chainsaws, lawnmowers and fixed equipment; and

(c) the operation of motor vehicles and motor vessels at racing events, aquatic events and recreational activities.