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Environmental Management and Pollution Control (Noise) Regulations 2026

Version current from 14 August 2026 to date (accessed 3 September 2026 at 19:52)

TASMANIA

Environmental Management and Pollution Control (Noise) Regulations 2026

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 .

10 August 2026

CAROLINE WELLS

Governor

By Her Excellency's Command,

GUY BARNETT

Minister for Environment and Climate Change

PART 1 - Preliminary

1. Short title

These regulations may be cited as the Environmental Management and Pollution Control (Noise) Regulations 2026 .

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

In these regulations –

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 authorized officer, under section 34 of the Act;

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

(e) a building permit granted under section 143 of the Building Act 2016 ;

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

(g) a permit issued under a by-law made under section 145 of the Local Government Act 1993 ;

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

chainsaw means a power-driven crosscut saw with teeth mounted on an endless chain;

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 affixed at the location at which they are in use;

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

motor vehicle means a vehicle that is –

(a) built to be propelled by a motor that forms part of the vehicle; and

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

motor vessel means a vessel, propelled by a motor that forms part of the vessel, 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, or demolition, that is not the construction or demolition 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, other than the residential premises referred to 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 –

(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.

(3) If, in a proceeding for an offence against subregulation (1) , an authorized officer or a council officer gives evidence, based on the officer's own senses, that the noise referred to in subregulation (1) –

(a) was emitted from a premises or site on which the defendant was operating the equipment or machine referred to in subregulation (1) ; and

(b) travelled to, or was, or was likely to be, detectable at a residential premises occupied by another person –

that evidence is *prima facie* evidence of the matters so stated.

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); or

(b) from 10.00 p.m. until 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 residential premises –

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

(b) if the distance between the external wall of the residential premises closest to the fixed equipment and the property boundary of the residential 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 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) there are no other residential premises within 500 metres of where the vehicle or vessel is being so operated; 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) , a motor vehicle or motor vessel is not being operated for the purposes of sport or recreation if –

(a) in the case of a motor vehicle, 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 residential premises; or

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

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

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

(ii) 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 –

(a) at a racing event, or an aquatic event, that is an event authorised under an approved instrument; and

(b) in accordance with that approved instrument.

(4) Subregulation (1) does not apply to a motor vessel being operated within a designated ski area, within the meaning of the *Marine and Safety (Motor Boats and Licences) By-laws 2023*.

9. Chainsaw operation near residential premises

(1) 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.

(2) 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

(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.

PART 3 - Miscellaneous

10. Prescribed offences

For the purposes of section 72 of the Act –

(a) an offence specified in column 1 of the table in Schedule 2 is a prescribed offence; and

(b) a penalty specified in column 2 of the table in Schedule 2 is the penalty prescribed as applicable for the offence to which it relates.

SCHEDULE 1 - Prohibited Hours of Use

Regulations 6 and 9

In this Schedule –

portable equipment includes any equipment that can be 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.

	Equipment	**Day of operation**	**Prohibited hours of use**
1.	Chainsaw operated within 300 metres of residential premises	Monday to Friday	Before 7 a.m. and after 6 p.m.
		Saturday	Before 9 a.m. and after 6 p.m.
		Sunday or public holiday	Before 10 a.m. and after 6 p.m.
2.	Mobile machinery, forklift truck or portable equipment	Monday to Friday	Before 7 a.m. and after 6 p.m.
		Saturday	Before 8 a.m. and after 6 p.m.
		Sunday or public holiday	Before 10 a.m. and after 6 p.m.
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 a construction or demolition site)	Monday to Friday	Before 7 a.m. and after 6 p.m.
		Saturday	Before 9 a.m. and after 6 p.m.
		Sunday or public holiday	Before 10 a.m. and after 6 p.m.
4.	Musical instrument or sound-amplifying equipment	Monday to Thursday	Before 7 a.m. and after 10 p.m.
		Friday	Before 7 a.m.
		Saturday	Before 9 a.m.
		Sunday or public holiday	Before 10 a.m. and after 10 p.m.
5.	Power lawn mower and other garden maintenance equipment powered by a motor	Monday to Friday	Before 7 a.m. and after 8 p.m.
		Saturday	Before 9 a.m. and after 8 p.m.
		Sunday or public holiday	Before 10 a.m. and after 8 p.m.

SCHEDULE 2 - Environmental Infringement Notice Penalties

Regulation 10

	Column 1 **Regulation**	**Column 2** **Penalty** **(penalty units)**
1.	Regulation 6(1)	2
2.	Regulation 7(1)	2
3.	Regulation 8(1)	2
4.	Regulation 9(1)	2
5.	Regulation 9(2)	2

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 14 August 2026

These regulations are administered in the Department of Natural Resources and Environment Tasmania.