

## **Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004**

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*.

12 July 2004

RICHARD BUTLER

Governor

By His Excellency's Command,

JUDY JACKSON

Minister for Environment and Planning

### **PART 1 - Preliminary**

#### **1. Short title**

These regulations may be cited as the *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004*.

#### **2. Commencement**

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

#### **3. Interpretation**

(1) In these regulations –

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

"**airconditioner**" means an apparatus that is defined as –

(a) a non-ducted airconditioner or non-ducted heat pump in Australian/New Zealand Standard AS/NZS 3823.1.1; or

(b) a refrigerated package airconditioner system in Australian Standard AS 1861.2;

"**aquatic event**" means any event where motor vessels are used for recreation, competitive racing, speed trials or performance trials;

"**A-weighted sound pressure level**" means the A-weighted sound pressure level as defined in Australian Standard AS 1055.1-1997 *Acoustics – Description and Measurement of Environmental Noise – General Procedures*;

"**car-type vehicle**" means –

(a) a car; or

(b) a utility truck, panel van or other motor vehicle derived from a car design; or

(c) any other vehicle with 4 or more wheels that is built mainly to carry not more than 9 people including the driver;

"**dB(A)**" means decibel expressed as A-weighted sound pressure level;

"**GVM**" means GVM as defined in the *Vehicle and Traffic Act 1999*;

"**habitable room**" means any room in residential premises, other than a storage area, bathroom, laundry, toilet or pantry;

"**intruder alarm system**" means an alarm system, installed in premises, that is designed to detect and audibly signal the presence of, or the entry or attempted entry into the premises by, an intruder;

"**mobile machinery**" means machinery as specified in *Schedule 2* or *3*;

"**motor bike**" means motor bike as defined in the *Vehicle and Traffic Act 1999*;

"**motor trike**" means motor trike as defined in the *Vehicle and Traffic Act 1999*;

"**motor vehicle**" means motor vehicle as defined in the *Vehicle and Traffic Act 1999*;

"**motor vessel**" means a vessel propelled by a motor on water;

"**NEP**" means net engine power determined in accordance with Australian Design Rule Number 28/01 under the *Motor Vehicle Standards Act 1989* of the Commonwealth;

"**off-street area**" means an area that is not a public street;

"**operate**" includes drive;

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

"**portable apparatus**" includes any fixed apparatus that can be easily demounted and transported without major disassembly;

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

"**racing event**" means any event where motor vehicles are used for competitive racing, speed trials, performance trials or recreation;

"**recreational facility**" means any facility used solely for recreational and non-competitive purposes by motor vehicles or motor vessels;

"**residential premises**" means –

(a) any building, or part of a building, which building or part is lawfully used as, or for the purposes of, a residence; and

(b) the land within the boundaries of the area of land on which the building is situated;

"**shop**" means a building, part of a building, place or other premises in or at which a business of selling goods by retail is carried on;

"**vehicle security alarm**" means an alarm system, installed in a motor vehicle, that is designed to detect and audibly signal any, or any attempted, intrusion into, or interference with, the motor vehicle by an intruder;

"**vessel**" means vessel as defined in the *Marine and Safety Authority Act 1997*.

(2) A reference to an Australian Standard or to a New Zealand Standard in these regulations includes, unless a particular edition is specified, a reference to an amendment of the standard, whether the amendment is published or issued before or after the commencement of these regulations.

(3) In subregulation (2), "amendment" means –

- (a) the omission of matter; and
- (b) the insertion of additional matter; and
- (c) the omission of matter and the substitution of other matter.

#### **4. Measurement of noise**

For the purposes of these regulations –

- (a) any measurement of noise or any test of a noise source must be carried out in accordance with the Noise Measurement Procedures Manual issued by the Director and notified in the *Gazette* on 11 August 2004, as amended on 13 July 2005; and
- (b) the level of any noise is taken to be the A-weighted sound pressure level of that noise expressed in dB(A).

### **PART 2 - Emission of certain noises**

#### **5. Noise emitted from certain motor vehicles in off-street areas**

(1) Unless an approval is granted by the Director under regulation 26, a person must not operate any motor vehicle specified in Schedule 1 in an off-street area if it emits a noise greater than the level specified in respect of that motor vehicle in that Schedule measured at 0.5 metres from the motor vehicle's exhaust outlet when stationary.

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 to a motor vehicle referred to in regulation 17(3).

#### **6. Noise emitted from certain mobile machinery in off-street areas**

Unless an approval is granted by the Director under regulation 26, a person must not operate any mobile machinery specified as an item in Column 1 of Schedule 2 with an NEP specified in Column 2 of that Schedule corresponding to that item in an off-street area if that mobile machinery emits a noise greater than the corresponding level specified in respect of that mobile machinery in Column 3 or 4, whichever is appropriate, of that Schedule when measured at a distance of 7.5 metres.

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.

#### **7. Noise emitted from certain forklift trucks and industrial motor vehicles in off-street areas**

Unless an approval is granted by the Director under regulation 26, a person must not operate a forklift truck or an industrial motor vehicle specified as an item in Column 1 of Schedule 3 with an NEP specified in Column 2 of that Schedule corresponding to that item in an off-street area if that forklift truck or that industrial motor vehicle emits a noise greater than the corresponding level specified in

respect of that forklift truck or industrial motor vehicle in Column 3 of that Schedule when measured at a distance of 7.5 metres.

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.

#### **8. Noise emitted from motor vessels**

(1) Unless an approval is granted by the Director under regulation 26, a person must not operate a motor vessel propelled by an engine that is manufactured on or after 1 January 1975 if that engine emits a noise greater than 74dB(A) measured at a distance of 25 metres when operated on water.

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 to a motor vessel referred to in regulation 17(4).

(3) A measurement of noise taken for the purpose of subregulation (1) is to exclude any noise from a warning device.

#### **9. Noise emitted from outboard motors**

Unless an approval is granted by the Director under regulation 26, a person must not operate an outboard motor that is fitted to a motor vessel being operated on water if that outboard motor emits a noise greater than 74dB(A) when measured at 25 metres.

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.

#### **10. Noise emitted from certain portable apparatus**

(1) Unless an approval is granted by the Director under regulation 26, a person must not operate any portable apparatus specified as an item in Part 1 of Schedule 4 that emits a noise greater than the corresponding level specified in respect of the portable apparatus in that Part of that Schedule.

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) Unless an approval is granted by the Director under regulation 26, a person must not, within 50 metres of any residential premises, shop or office, operate any portable apparatus specified as an item in Part 2 of Schedule 4 that emits a noise greater than the corresponding level specified in respect of the portable apparatus in that Part of that Schedule.

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) Subregulation (2) does not apply if the portable apparatus referred to in that subregulation is operated with the prior consent of the occupier of the residential premises, shop or office.

#### **11. Noise emitted from power lawnmowers**

(1) Unless an approval is granted by the Director under regulation 26, a person must not operate a power lawnmower that emits a noise greater than the noise level specified in respect of the power lawnmower in Schedule 5 when measured at a distance of 7.5 metres.

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) This regulation does not apply to a power lawnmower that is also a motor vehicle.

#### **12. Noise emitted from chainsaws**

Unless an approval is granted by the Director under regulation 26, a person must not operate a chainsaw, powered by an internal combustion engine, if the chainsaw emits a noise greater than the noise level specified in respect of the chainsaw in Schedule 6 when measured at a distance of 7.5 metres.

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.

#### **13. Noise emitted from airconditioners**

(1) Unless an approval is granted by the Director under regulation 26, a person must not operate an airconditioner on any premises –

(a) from 7.00 a.m. up to 10.00 p.m. if the noise emitted by that airconditioner exceeds –

(i) in the case of that part of residential premises used for sleeping, a level of 45dB(A); or

(ii) in the case of that part of residential premises used for recreation or study, a level of 50dB(A); or

(iii) in the case of that part of residential premises used for work, a level of 52dB(A); or

(b) from 10.00 p.m. up to 7.00 a.m. if the noise emitted by that airconditioner exceeds –

(i) in the case of that part of residential premises used for sleeping, a level of 40dB(A); or

(ii) in the case of that part of residential premises used for recreation or study, a level of 45dB(A); or

(iii) in the case of that part of residential premises used for work, a level of 47dB(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 an airconditioner is to be taken –

(a) one metre from the external wall closest to the relevant area of any residential premises on which the airconditioner is not situated; or

(b) if the distance between the external wall closest to the relevant area of those residential premises and the property boundary of those premises is less than one metre, at that property boundary.

#### **14. Restricted hours of use of specified things**

(1) A person must not, at any time outside a permitted period, operate a thing, specified in an item in Column 1 of Schedule 7, on –

(a) any residential premises; or

(b) any site where residential premises are being constructed –

if the noise emitted by the thing is, or is likely to be, audible in a habitable room in any other residential premises (whether or not all windows and doors to that habitable room are shut).

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 this regulation, a permitted period, in relation to a thing specified in an item in Column 1 of Schedule 7, is a period that occurs –

(a) between the hours specified, opposite the item, in Column 3 of the Schedule; and

(b) on a day, specified opposite the hours, in Column 2 of the Schedule.

(3) Subregulation (1) does not apply to the operation of mobile machinery at a time and on a day that are outside of a permitted period, if a permit has been issued under Part 4 in respect of the mobile machinery, permitting the operation at such a time, on such a day.

### **PART 3 - Operation of motor vehicles, motor vessels and chainsaws**

#### **15. Operation of motor vehicles and motor vessels near residential premises**

Subject to regulations 16 and 17, a person must not operate a motor vehicle or motor vessel for sport or recreation within 500 metres of residential premises unless –

(a) the motor vehicle or motor vessel is being operated by, or with the consent of, the occupier of the premises; or

(b) 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 public street; or
- (iii) driven directly to or from a place that is further than 500 metres from the premises; or
- (iv) driven directly to or from a place for cleaning, maintenance, refuelling or repairs; or
- (c) in the case of a motor vessel, the motor vessel is –
  - (i) being driven directly to or from a place that is further than 500 metres from the premises; or
  - (ii) being driven directly to or from a place for cleaning, maintenance, refuelling, repairs or unloading or loading passengers; or
  - (iii) not planing; or
  - (d) a permit has been issued under Part 4 of these regulations in respect of that motor vehicle or motor vessel.

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.

## **16. Operation of motor vehicle or motor vessel at recreational facilities**

Regulation 15 does not apply to the operation of a motor vehicle or a motor vessel at a recreational facility –

- (a) the conduct of which is not a level 2 activity; and
- (b) in respect of which a permit has been issued under Part 4.

## **17. Operation of racing events and aquatic events**

(1) Regulation 15 does not apply to a motor vehicle or a motor vessel being used –

- (a) at a racing event in an off-street area, the conduct of which is a level 2 activity, or at an aquatic event, the conduct of which is a level 2 activity; and
- (b) in accordance with –
  - (i) an environment protection notice issued under the Act; or
  - (ii) a permit issued under the *Land Use Planning and Approvals Act 1993*.

(2) Regulation 15 does not apply to a motor vehicle being used at a racing event in an off-street area, or to a motor vessel being used at an aquatic event, if –

- (a) the conduct of the racing event or aquatic event is not a level 2 activity; and
- (b) a permit has been issued under Part 4 in respect of the racing event or aquatic event.

(3) A person must not operate a motor vehicle at a racing event, for the purpose of competitive racing, speed trials or performance trials in an off-street area, if it emits a noise level greater than 95dB(A), when measured at a distance of 30 metres when driven.

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.

(4) A person must not operate a motor vessel at an aquatic event, for the purpose of competitive racing, speed trials or performance trials, if it emits a noise level greater than 95dB(A), when measured at a distance of 25 metres when operated on water.

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.

## 18. Operation of chainsaws

(1) In this regulation –

"**approved**" means approved in accordance with any one or more of the following:

- (a) a permit issued and in force under Part 4 of these regulations;
- (b) a permit issued and in force under the *Land Use Planning and Approvals Act 1993* for a level 1 activity or level 2 activity;
- (c) an environment protection notice issued, or caused to be issued, by the Director under section 27 or 44 of the Act;
- (d) an environment protection notice issued by a council officer under section 44 of the Act;
- (e) an emergency authorization.

(2) A person on premises, other than residential premises, must not operate a chainsaw powered by an internal combustion engine within 300 metres of residential premises unless –

- (a) the operation of the chainsaw is approved; or
- (b) the chainsaw is operated by or with the consent of the occupier of the residential premises; or
- (c) the occupier of the residential premises owns the premises on which the chainsaw is being operated.

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 powered by an internal combustion engine 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 7 consecutive days and at a time within any of the following periods:

**(i)** Monday to Friday (inclusive), from 7 a.m. until 6 p.m.;

**(ii)** Saturday, from 9 a.m. until 6 p.m.;

**(iii)** Sundays and statutory holidays as defined in the *Statutory Holidays Act 2000*, from 10 a.m. until 6 p.m.; or

**(b)** the operation of the chainsaw is approved; or

**(c)** the chainsaw is operated by or with the consent of the occupier of the other residential premises; or

**(d)** the occupier of the other residential premises owns the residential premises on which the chainsaw is being operated.

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.

#### **18A. Operation of vehicle security alarms**

**(1)** A person must not cause or permit a vehicle security alarm installed in the motor vehicle to emit noise continuously –

**(a)** for more than 90 seconds after the alarm begins to emit the noise, if the motor vehicle was manufactured before 1 September 1997; or

**(b)** for more than 45 seconds after the alarm begins to emit the noise, if the motor vehicle was manufactured on or after 1 September 1997.

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 must not cause or permit a vehicle security alarm installed in a motor vehicle to emit noise while the engine of the motor vehicle is running or the ignition of the motor vehicle is turned on.

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)** For the purpose of this regulation –

**(a)** a person is taken to cause or permit a vehicle security alarm installed in a motor vehicle to emit noise if –

**(i)** the person is in the motor vehicle while the vehicle security alarm is turned on and the alarm emits noise; or

(ii) the person leaves the motor vehicle unattended while the vehicle security alarm is turned on and the alarm subsequently emits noise; and

(b) a vehicle security alarm that emits noise intermittently is taken to emit the noise continuously from the first emission of the noise from the alarm on a day until the last emission of the noise from the alarm on that day.

(4) This regulation does not apply to an emission of noise from a vehicle security alarm installed in a motor vehicle if the alarm emits the noise –

(a) in an emergency; or

(b) as a consequence of an intrusion into, or interference with, a motor vehicle; or

(c) as a consequence of a motor vehicle accident involving the vehicle.

### **18B. Operation of intruder alarm systems**

(1) An occupier of premises or, if there is no occupier, an owner of the premises, must not permit an intruder alarm system that is installed in the premises to emit noise continuously for more than 5 minutes after the alarm system first emits the noise.

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 purpose of this regulation, an intruder alarm system that emits noise intermittently is taken to emit the noise continuously from the first emission of the noise by the system on a day until the last emission of the noise on that day.

(3) This regulation does not apply to the emission of noise by an intruder alarm system, installed in premises, if the noise is emitted because of –

(a) an emergency; or

(b) an entry, or attempted entry, to the premises by an intruder.

## **PART 4 - Permits**

### **19. Application for permits**

(1) A person may apply to the Director for a permit for the purposes of regulation 14(3), regulation 15(d), regulation 16(b), regulation 17(2)(b) or regulation 18.

(2) An application for a permit –

(a) is to be in writing; and

(b) is to be accompanied by the following fee:

(i) a fee of 100 fee units for an application under regulation 15(d);

- (ii) a fee of 100 fee units for an application under regulation 16(b);
- (iii) a fee of 200 fee units for an application under regulation 17(2)(b); and
- (c) is to be lodged with the Director.

## **20. Grant or refusal of applications with or without conditions**

(1) Subject to subregulations (2) and (3), on receipt of an application for a permit, the Director may –

(a) grant the application with or without any conditions that he or she considers appropriate relating to the prevention of environmental harm or environmental nuisance from the emission of noise if he or she is satisfied that –

(i) reasonable noise-reduction measures are to be taken at the place and time at which the person proposes to operate the motor vehicle, motor vessel or mobile machinery; and

(ii) the motor vehicle, motor vessel or mobile machinery is fitted with reasonable noise-reduction equipment which will be employed at the time at which the person proposes to operate the motor vehicle, motor vessel or mobile machinery; or

(b) refuse to grant the application.

(2) Subregulation (1) does not apply to an application for a permit under regulation 17(2)(b) or regulation 18(2)(a).

(3) On receipt of an application for a permit under regulation 17(2)(b) or regulation 18(2)(a), the Director may –

(a) grant the application with or without any conditions that he or she considers appropriate relating to the prevention of environmental harm or environmental nuisance from the emission of noise; or

(b) refuse to grant the application.

(4) The Director must, as soon as practicable after considering an application, give the applicant notice of –

(a) the grant of the application; or

(b) the refusal to grant the application and any reasons for the refusal.

(5) The holder of a permit must comply with any conditions imposed under this Part.

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.

## **21. Variation of conditions**

(1) The Director may –

- (a) impose a new condition on a permit; or
- (b) vary a condition of a permit; or
- (c) revoke a condition of a permit.

(2) The Director must, as soon as practicable after exercising a power under subregulation (1), give the holder of the permit notice of –

- (a) the imposition, variation or revocation of the condition; and
- (b) the reasons for the imposition, variation or revocation.

## **22. Issue of permits**

(1) The Director must, as soon as practicable after granting an application by a person for a permit, issue the permit to that person.

(2) A permit is to specify –

- (a) the operation or the activity authorised under the permit; and
- (b) the period during which the permit is in force; and
- (c) any condition of the permit; and
- (d) the person to whom the permit is issued.

(3) The Director must give notice of the issue of a permit to the council in whose municipal area is situated the place at which the operation or activity authorised under the permit is to occur.

(4) Notice under subregulation (3) is to include the information specified under subregulation (2).

## **23. Term of permits**

A permit remains in force for a period, not exceeding 3 years, as is specified in the permit.

## **24. Revocation of permits**

(1) The Director may revoke a permit issued under these regulations if –

- (a) the holder of the permit fails to comply with, or contravenes –
  - (i) a provision of the Act or these regulations; or
  - (ii) a condition of the permit; or
- (b) the permit holder has ceased to carry on the activity specified in the permit; or
- (c) the recreational facility, the racing event or any other event or facility specified in the permit is no longer suitable for the purpose for which the permit was issued.

(2) As soon as practicable after revoking a permit, the Director is to give the permit holder written reasons for the revocation.

## PART 5 - . . . . .

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## PART 6 - Miscellaneous

### 26. Approval of emission of certain noises

(1) The Director may approve, in writing, the emission of certain noises otherwise prohibited in Part 2 of these regulations, if –

- (a) the relevant motor vehicle, motor vessel, apparatus or machinery is to be operated at a place specified in the approval; and
- (b) no other motor vehicle or motor vessel, or no other apparatus or machinery referred to in Part 2 of these regulations, that complies with these regulations, is available; and
- (c) the use of any other motor vehicle or motor vessel, or any other apparatus or machinery referred to in Part 2 of these regulations, that complies with Part 2 of these regulations, is not practicable.

(2) An approval under subregulation (1) may be subject to any terms and conditions the Director considers appropriate relating to the prevention of environmental harm or environmental nuisance from the emission of noise.

### 27. General exclusions

These regulations do not prohibit the operation of any motor vehicle or motor vessel, or any other apparatus or machinery referred to in these regulations, for carrying out work that is required for –

- (a) public safety; or
- (b) the safety or security of plant and equipment in emergency situations; or
- (c) the maintenance of essential services; or
- (d) the provision of emergency services by emergency services personnel in emergency situations.

### 28. Infringement notices

The *Environmental Management and Pollution Control (Infringement Notices) Regulations 1996* apply to offences against these regulations.

### 29. Savings for certain permits and approvals

A permit issued or an approval granted under regulation 8A, 8B, 16(3), 17(2) or 20 of the *Environment Protection (Noise) Regulations 1977* that provided for certain activities to continue after 1 January 2004 is taken to be a permit issued or an approval granted under these regulations.

## SCHEDULE 1 - Noise emitted from certain motor vehicles in off-street areas

**PART 1 - Motor bikes and motor trikes**

Type of motor bike or motor trike	Noise level (dB(A))
1. Motor bikes and motor trikes manufactured before 1 March 1985	100
2. Motor bikes and motor trikes manufactured on or after 1 March 1985	94

**PART 2 - Car-type vehicles**

Type of car-type vehicle	Noise level (dB(A))
1. Car-type vehicles manufactured before 1 January 1983	96
2. Car-type vehicles manufactured on or after 1 January 1983	90

**PART 3 - Positive ignition (petrol or gas fuel) - engined motor vehicles not referred to in Parts 1 and 2**

GVM	Date of motor vehicle manufacture	Noise level (dB(A))
1. Not exceeding 3.5 tonnes	Before 1 July 1983	92
	On or after 1 July 1983	89
2. Exceeding 3.5 tonnes	Before 1 July 1983	98
	On or after 1 July 1983	95

**PART 4 - Compression ignition (diesel) - engined motor vehicles not referred to in Parts 1 and 2**

GVM	Date of motor vehicle manufacture	Noise level (dB(A))
1. Not exceeding 3.5 tonnes	Before 1 July 1980	105
	On or after 1 July 1980 but before 1 July 1983	102
	On or after 1 July 1983	99
2. Exceeding 3.5 tonnes but not exceeding 12 tonnes	Before 1 July 1980	107
	On or after 1 July 1980 but before 1 July 1983	104
	On or after 1 July 1983	101
3. Exceeding 12 tonnes	Before 1 July 1980	109
	On or after 1 July 1980 but before 1 July 1983	106
	On or after 1 July 1983	103

**SCHEDULE 2 - Noise emitted from certain mobile machinery in off-street areas**

Column 1	Column 2	Column 3	Column 4
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Type of mobile machinery	NEP (kilowatts)	Noise level (dB(A))	
		motor vehicle manufactured on or after 1 July 1978 and before 1 July 1980	motor vehicle manufactured on or after 1 July 1980
1. Tractors, graders, rollers, scrapers, dump trucks and other wheel-driven mobile machinery other than front-end loaders, forklift trucks and similar mobile machinery	Less than 110	87	83
	110 to 220	89	85
	221 to 450	92	88
	Greater than 450	95	92
2. Front-end loaders, mobile machinery based on front-end loader chassis and backhoes other than crawler mobile machinery	Less than 110	85	82
	110 to 220	87	85
	221 to 450	92	88
	Greater than 450	95	92
3. Crawler mobile machinery excluding cranes and excavators	Less than 110	87	83
	110 to 220	89	85
	221 to 450	92	88
	Greater than 450	95	92
4. Mobile cranes and excavators	Less than 110	87	83
	110 to 220	89	85
	Greater than 220	92	88
5. Agricultural machinery excluding general-purpose tractors	Less than 110	87	83
	110 to 220	89	85
	221 to 450	92	88
	Greater than 450	95	92

**SCHEDULE 3 - Noise emitted from certain forklift trucks and industrial motor vehicles in off-street areas**

Regulation 7

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
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Type of motor vehicle	NEP (kilowatts)	Noise level (dB(A))
1. Forklift trucks and industrial motor vehicles manufactured on or after 1 July 1978	Less than 110	85
	110 to 220	87
	Greater than 220	92

#### SCHEDULE 4 - Noise emitted from certain portable apparatus

Regulation 10

##### PART 1 - Type of portable apparatus

Type of portable apparatus	Noise level (dB(A))	
	Measured at –	
	7.5 metres	3 metres
1. Power tools	92	100
2. Gas or air compressors and their drives	92	100
3. AC or DC generators and their drives	92	100
4. Pumps and their drives	92	100
5. Cement mixers and their drives	92	100

##### PART 2 - Type of portable apparatus

Type of portable apparatus	Noise level (dB(A))	
	Measured at –	
	7.5 metres	3 metres
1. Power tools	74	82
2. Gas or air compressors and their drives	74	82
3. AC or DC generators and their drives	74	82
4. Pumps and their drives	74	82
5. Cement mixers and their drives	74	82

#### SCHEDULE 5 - Noise emitted from power lawnmowers

Regulation 11

Type of power lawnmower	Noise level (dB(A))
1. Power lawnmower with engine less than 5kW NEP	74
2. Power lawnmower with engine 5kW NEP or greater	77

#### SCHEDULE 6 - Noise emitted from chainsaws

Type of chainsaw	Noise level (dB(A))
1. Chainsaw powered by internal combustion engine	95
2. Chainsaw powered by electric motor	77

### SCHEDULE 7 - Permissible Hours of Use of Specified Things

Item	Column 1	Column 2	Column 3
		Days	Permissible hours of use
1. Mobile machinery, forklift trucks and industrial motor vehicles referred to in <u>Schedules 2 and 3</u>		Monday to Friday	Between 7 a.m. and 6 p.m.
		Saturday	Between 8 a.m. and 6 p.m.
		Sundays and statutory holidays as defined in the <u>Statutory Holidays Act 2000</u>	Between 10 a.m. and 6 p.m.
2. Portable apparatus referred to in <u>Schedule 4</u>		Monday to Friday	Between 7 a.m. and 6 p.m.
		Saturday	Between 9 a.m. and 6 p.m.
		Sundays and statutory holidays as defined in the <u>Statutory Holidays Act 2000</u>	Between 10 a.m. and 6 p.m.
3. Power lawnmowers referred to in <u>Schedule 5</u> and other power garden maintenance equipment		Monday to Friday	Between 7 a.m. and 8 p.m.
		Saturday	Between 9 a.m. and 8 p.m.
		Sundays and statutory holidays as defined in the <u>Statutory Holidays Act 2000</u>	Between 10 a.m. and 8 p.m.
4. Musical instruments and sound amplifying equipment		Monday to Thursday	Between 7 a.m. and 10 p.m.
		Friday	Between 7 a.m. and midnight
		Saturday	Between 9 a.m. and midnight
		Sundays and statutory holidays as defined in the <u>Statutory Holidays Act 2000</u>	Between 10 a.m. and 10 p.m.
5. Motor vehicles, motor vessels and outboard motors (unless the motor vehicle or motor vessel is moving into or out of residential premises)		Monday to Friday	Between 7 a.m. and 6 p.m.
		Saturday	Between 9 a.m. and 6 p.m.

Sundays and statutory holidays as defined in the Statutory Holidays Act 2000 Between 10 a.m. and 6 p.m.

Displayed and numbered in accordance with the [Rules Publication Act 1953](#).

Notified in the *Gazette* on 21 July 2004.

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

**Table Of Amendments**

<b>Citation</b>	<b>Serial Number</b>	<b>Date of commencement</b>
Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004	S.R. 2004, No. 50	21.7.2004
Environmental Management and Pollution Control (Miscellaneous Noise) Amendment Regulations 2010	S.R. 2010, No. 14	17.2.2010

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