Updates to noise regulation in NSW

The EPA has reviewed and proposed changes to the Protection of the Environment Operations (Noise Control) Regulation 2017 (current Regulation) to ensure it continues to provide the best approach to protecting the community from unacceptable noise.

The Regulation specifies rules and regulatory options for managing offensive noise from motor vehicles, marine vessels and common neighbourhood sources, such as air conditioners, intruder alarms, amplified music, gardening equipment and power tools.

The review has been informed by consultation with key stakeholders including local councils, Transport for NSW, NSW Police, NSW Health, the Office of Local Government, as well as peak bodies, industry representatives and the community.

The draft Protection of the Environment Operations (Noise Control) Regulation 2026 (draft Regulation) is now available for public consultation, with the accompanying Regulatory Impact Statement (RIS) detailing the proposed changes.

Key changes

The following section provides a summary of the key changes in the draft Regulation. Further detail about each change is available in the referenced chapter of the RIS.

Motor vehicles

Align the prescribed noise levels for motor vehicles with those in the Road Transport (Vehicle Registration) Regulation 2017 (chapter 5.1.1).

The Noise Control Regulation and Vehicle Registration Regulation adopt stationary vehicle noise standards from the Commonwealth *Road Vehicle Standards Act 2018*.

There are minor differences in the prescribed motor vehicle stationary noise levels and some of the definitions between the two regulations.

To reduce potential uncertainty for regulators and the community, the draft Regulation replaces the prescribed noise levels with a reference to the Vehicle Registration Regulation 2017 and aligns relevant terms and definitions.

Extend the liability for offensive noise from off-road motor vehicle use to the owner or occupier of private land (chapter 5.1.2).

When a motor vehicle (including a trail bike) is being used off-road in such a manner that it emits offensive noise, the driver of the vehicle can be liable. This includes use on private land.

The draft Regulation extends this liability to the owner or occupier of private land, if they cause or permit the vehicle to be used in a way that emits offensive noise. This liability does not apply if the vehicle is being used for agricultural purposes.

This proposal has been informed by feedback from local councils, police and the community, who have highlighted the challenges of taking successful regulatory action against a rider or driver of a vehicle emitting offensive noise off-road.

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Exempt child presence detection (CPD) alarms in motor vehicles from noise requirements for intruder alarms and horns (chapter 5.1.3).

A CPD system is an emerging technology that detects children and animals left inside a vehicle, triggering an audible, visual or haptic alarm. A CPD alarm may use existing sounding devices fitted to motor vehicles, such as intruder alarms or horns.

The Noise Control Regulation places restrictions on motor vehicle intruder alarms and horns, to reduce unnecessary noise impacts on the community from these devices. These restrictions are not intended to inhibit the installation or operation of important safety features such as CPD alarms.

The draft Regulation exempts noise triggered by the CPD alarms from the provisions relating to motor vehicle intruder alarms and motor vehicle horns.

Marine vessels

The Noise Control Regulation restricts the use of certain sounding devices and the emission of offensive noise from marine vessels. Stakeholder consultation identified additional devices that can cause significant noise impacts.

Sounding of sirens from vessels (chapter 5.2.1).

The Noise Control Regulation prohibits the sounding of a vessel's siren, whistle, hooter, foghorn or bell on navigable waters, except for the purposes of navigation and emergency.

Feedback from stakeholders indicated that other vessel horns can have a similar noise impact and the regulation should capture all horns used on vessels.

The draft Regulation restricts the sounding of all horns on marine vessels, except for the purposes of navigation and emergency.

Use of sound systems on vessels (chapter 5.2.2).

The Noise Control Regulation restricts the use of any musical instrument or sound system on a vessel if it is being used in a manner that emits offensive noise.

Feedback from stakeholders highlighted that devices used to amplify speech, such as microphones used for DJ announcements and megaphones used by rowing coaches, can have a similar noise impact.

The draft Regulation adds speech amplification devices to the requirement to not cause offensive noise from vessels.

Miscellaneous

Some neighbourhood noise sources are regulated by limiting the hours in which an article can be used (if it can be heard in another residential premises). The draft Regulation makes minor changes to the permitted hours for the use of air conditioners and pumps and introduces an exemption for air conditioner use during heatwaves.

Air conditioners (chapter 5.3.1–2).

Climate change is causing longer and more frequent severe and extreme weather events, including high temperatures and heatwaves. These conditions can affect a person's overall health and wellbeing, and their ability to get quality sleep; they also pose serious health risks to vulnerable communities. Heatwaves

cause more deaths in Australia than any other natural hazard.[1] NSW Health recommends that people use air conditioners to reduce health risks during hot periods.[2]

To accommodate these changing conditions, the draft Regulation extends the permitted hours for air conditioner use from 10 pm to 11 pm each day to reduce the potential impacts of higher temperatures on sleep and wellbeing.

The draft Regulation also exempts the time-of-use restrictions of air conditioners during severe and extreme heatwaves as declared by the Australian Bureau of Meteorology (BOM). Community members and councils will be able to verify the timing and extent of a heatwave for the purposes of the exemption via the BOM website or phone app.

Pumps (other than heat-pump water heaters) (chapter 5.3.3).

Feedback from stakeholders has indicated that modern pumps are quieter and more efficient than those that were commonly used when the current provisions of the Noise Control Regulation were drafted. Extending the night-time operating hours from 8 pm to 9 pm will provide increased flexibility for people using amenities that require the operation of pumps, such as swimming pools, without causing significant changes to noise impacts.

Labelling requirements

The Noise Control Regulation includes labelling requirements for certain articles at the point of sale. The draft Regulation amends labelling requirements for some articles, as described below.

Pavement breakers and garbage compactors (chapter 5.3.4).

The Noise Control Regulation prohibits the sale of pavement breakers and mobile garbage compactors unless noise labels are attached displaying their sound level output.

NSW is the only Australian jurisdiction that requires noise labels for these articles, and technological advances mean there is little evidence to suggest they cause significant noise impacts when compared with industrial or commercial equipment that does not require noise labelling.

The draft Regulation removes the labelling requirements for pavement breakers and mobile garbage compactors.

These articles are still subject to offensive noise provisions in the *Protection of the Environment Operations Act 1997* (POEO Act).

Grass-cutting machines (chapter 5.3.5).

Division 3 of the Noise Control Regulation includes provisions for the sale of grass-cutting machines to meet certain requirements for labelling, and classifies them

[1] Coates et al. (2014), An examination of extreme heat events in Australia 1844–2010, https://www.sciencedirect.com/science/article/pii/S1462901114000999

[2] NSW Health, *Beat the Heat*, https://www.health.nsw.gov.au/environment/beattheheat/Pages/health-in-hot-weather.aspx

as a prescribed article for the purposes of section 136 of the POEO Act.

Stakeholder feedback has indicated that technological advances, and a shift towards electric articles, has made some of the requirements in the Noise Control Regulation redundant.

The draft Regulation:

- removes grass-cutting machines as a prescribed article under section 136 of the POEO Act.
- removes the two categories of grass-cutting machines and allows for two types of noise labels.
- exempts robot mowers, being an autonomous battery powered grass-cutting machine, from noise labelling requirements.

Grass-cutting machines are still subject to other provisions in the draft Regulation (see section 47) and the POEO Act.

Strengthening regulatory tools and penalties

Increase penalties for noise offences (chapter 5.4.1).

Penalties for breaching offensive noise provisions of the Noise Control Regulation are relatively low compared to those for similar legislation, and feedback indicated that in some cases they may be too low to deter offending behaviour. An example is motor vehicle noise provisions relating to antisocial driver behaviour such as modifying or tampering with noise control equipment. To help address this, the proposed penalty notice amounts are:

- increased by about a third for general noise offences
- doubled for certain motor vehicle noise offences (Section 5, Divisions 3–5 of the Noise Control Regulation).

Penalty notice amounts for Noise Control Regulation offences are specified in Schedule 6 of the Protection of the Environment (General) Regulation 2022.

Extend time frames for issuing a warning, and subsequent issue of a penalty for noise offences (chapter 5.4.2).

For provisions with prescribed hours, the Noise Control Regulation requires a warning to be issued for a first breach of the provision, rather than a penalty. If the person again fails to comply with the same provision within 28 days of being issued the warning, an offence is deemed to have occurred and regulatory action (such as issuing a penalty notice) can be taken.

Feedback from local councils indicated that 7 days is often not long enough to adequately investigate a noise complaint and issue a warning and 28 days between the warning and subsequent breach can be too short a period to deter repeated noise.

The draft Regulation extends the time frames from:

- 7 days to 10 days for a warning
- 28 days to 40 days for an offence to occur.

More information on regulating noise in NSW

https://www.epa.nsw.gov.au/your-environment/noise/regulating-noise.