



New South Wales

# Protection of the Environment Operations (Noise Control) Regulation 2026

under the

Protection of the Environment Operations Act 1997

*[The following enacting formula will be included if this regulation is made—]*

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Protection of the Environment Operations Act 1997*.

Minister for the Environment

## Explanatory note

The object of this regulation is to repeal and remake, with amendments, the *Protection of the Environment Operations (Noise Control) Regulation 2017*, which would otherwise be repealed on 1 September 2026 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation makes provision in relation to the following—

- (a) the sale and use of motor vehicles that are capable of emitting noise above certain levels and at certain times,
- (b) the sale and use of motor vehicles with defective or modified noise control equipment, temporary noise reduction packaging or temporary noise reduction equipment,
- (c) the sale and use of motor vehicle horns, intruder alarms and sound systems,
- (d) the sounding of sirens and similar devices and the use of sound systems on vessels,
- (e) the maintenance of noise control equipment on motor vehicles and vessels,
- (f) the prohibition on selling certain articles that are capable of emitting noise levels above a prescribed level,
- (g) the obligation to label certain articles,
- (h) the times during which it is not permissible to use certain articles, including musical instruments, if they emit noise that can be heard in any residential premises,
- (i) the issue of defective vehicle notices and defective vessel notices,
- (j) the testing procedures for the purpose of determining noise emission levels of shooting ranges, certain motor vehicles and motor vehicle accessories, articles or equipment.

This regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 136, 224 and 323, the general regulation-making power, and Schedule 2, clauses 3 and 4(6).

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## Protection of the Environment Operations (Noise Control) Regulation 2026

under the

Protection of the Environment Operations Act 1997

### Part 1 Preliminary

#### 1 Name of regulation

This regulation is the *Protection of the Environment Operations (Noise Control) Regulation 2026*.

#### 2 Commencement

This regulation commences on the day on which this regulation is published on the NSW legislation website.

**Note—** This regulation repeals and replaces the *Protection of the Environment Operations (Noise Control) Regulation 2017*, which would otherwise be repealed on 1 September 2026 by the *Subordinate Legislation Act 1989*, section 10(2).

#### 3 Definitions

The dictionary in Schedule 3 defines words used in this regulation.

**Note—** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

## **Part 2 Motor vehicles and motor vehicle accessories—the Act, s 136 and Sch 2, cll 3(1)–(4) and 4**

### **Division 1 Motor vehicles that emit noise over prescribed levels**

#### **4 Sale of motor vehicles generally**

For the Act, section 136—

- (a) motor vehicles, other than special purpose vehicles, are a prescribed class of articles, and
- (b) the *prescribed noise level* for motor vehicles are the noise levels—
  - (i) specified in the *Light Vehicle Standards Rules*, Part 9, Division 3, Subdivisions 2 and 3, as set out in *Road Transport (Vehicle Registration) Regulation 2017*, Schedule 2, and
  - (ii) determined in accordance with Part 6.

#### **5 Use of motor vehicles capable of emitting noise over prescribed noise level on roads**

- (1) A person must not cause or permit a motor vehicle to be used on a road or road related area if the motor vehicle is capable of emitting noise at a level that exceeds the prescribed noise level.

Maximum penalty—

- (a) if the vehicle is capable of emitting noise that exceeds the prescribed noise level but does not exceed the prescribed noise level by 5dB(A)—
    - (i) for an individual—50 penalty units, or
    - (ii) for a corporation—100 penalty units, or
  - (b) if the vehicle is capable of emitting noise that exceeds the prescribed noise level by 5dB(A) but does not exceed the prescribed noise level by 15dB(A)—
    - (i) for an individual—75 penalty units, or
    - (ii) for a corporation—150 penalty units, or
  - (c) if the vehicle is capable of emitting noise that exceeds the prescribed noise level by 15dB(A) or more—
    - (i) for an individual—150 penalty units, or
    - (ii) for a corporation—300 penalty units.
- (2) A person is not guilty of an offence under this section if the motor vehicle is being taken directly—
    - (a) to a place—
      - (i) where repairs or other work required to reduce the noise level of the vehicle are to be carried out, or
      - (ii) to be tested or inspected in accordance with a defective vehicle notice issued for the motor vehicle, or
      - (iii) to be tested or inspected in accordance with a notice issued for the motor vehicle under the Act, section 207, or
    - (b) from a place specified in subsection (a) to a place where the vehicle is usually kept.
  - (3) A person is not guilty of an offence under this section in relation to the use of—
    - (a) a special purpose vehicle, or
    - (b) a heavy vehicle, or

- (c) a motor vehicle being used on a road or road related area that is closed to traffic as part of a race, speed record attempt or speed trial approved by the Commissioner of Police under the *Road Transport Act 2013*, section 115.

## **Division 2 Motor vehicles that emit offensive or other noise**

### **6 Use of vehicles that emit offensive noise away from roads**

- (1) A person in charge of a motor vehicle must not cause or permit the motor vehicle to be used in a place, other than on a road or road related area, in a way that emits offensive noise.  
Maximum penalty—
  - (a) for an individual—50 penalty units, or
  - (b) for a corporation—100 penalty units.
- (2) In subsection (1), a *person in charge of a motor vehicle* includes—
  - (a) the owner of the motor vehicle, or
  - (b) the driver of the motor vehicle, or
  - (c) if the motor vehicle is used in a place that is private property—the owner or occupier of the private property.
- (3) This section does not affect the liability of the actual offender but, if a penalty, including a penalty under a penalty notice, has been imposed on or recovered from a person specified in subsection (2), no further penalty may be imposed on or recovered from another person specified in subsection (2).
- (4) This section does not apply to noise emitted from a tractor, or other motor vehicle, when being used to perform agricultural tasks.

### **7 Owner not in charge of motor vehicle emitting offensive noise**

- (1) Section 6 does not apply to the owner of a motor vehicle if—
  - (a) the motor vehicle was, at the time of the commission of the offence, a stolen motor vehicle or a motor vehicle illegally taken or used, or
  - (b) the owner was not in the motor vehicle at the relevant time and—
    - (i) gives notice in accordance with this section of the name and address of the person who was in charge of the motor vehicle at the relevant time, or
    - (ii) satisfies the officer who gave the penalty notice for the offence or the court dealing with the offence, as the case requires, that the owner did not know, and could not with reasonable diligence have ascertained, that name and address.
- (2) The notice specified in subsection (1)(b)(i) must be in the form of an approved nomination notice and must be given to—
  - (a) if a penalty notice has been issued for the offence— an officer specified in the penalty notice within 21 days after the issue of the penalty notice, or
  - (b) if a court is dealing with the offence—the prosecutor within 21 days after service of the summons or court attendance notice for the offence.
- (3) Despite another provision of this regulation, an approved nomination notice may be given by the owner of a motor vehicle issued with a penalty notice within 90 days of the penalty notice being issued if the approved nomination notice is given in the circumstances specified in the *Fines Act 1996*, section 23AA or 23AB.

- (4) If the owner of a vehicle gives an approved nomination notice to an officer or a prosecutor under this section, the officer or prosecutor may, by written notice served on the owner, require the owner to supply a statutory declaration for use in court proceedings that verifies the nomination contained in the approved nomination notice.
- (5) An owner who fails to supply the statutory declaration within the time required by the officer or prosecutor is taken not to have given notice in accordance with this section.

## **8 Use of motor vehicles on residential premises**

- (1) A person is guilty of an offence if—
  - (a) the person causes or permit a motor vehicle to be used on residential premises in a way that emits noise that can be heard within a residential room of another residential premises, whether or not a door or window to the residential room is open, and
  - (b) the noise occurs—
    - (i) on a Saturday, Sunday or public holiday—before 8am or after 8pm, or
    - (ii) otherwise—before 7am or after 8pm, and
  - (c) within 10 days of the noise occurring, the person is warned by an authorised officer or enforcement officer not to cause or permit a motor vehicle to be used on residential premises in the way specified in paragraphs (a) and (b), and
  - (d) the person again causes or permits a motor vehicle to be used on residential premises in that way within 40 days after the warning has been given.

Maximum penalty—

- (a) for an individual—50 penalty units, or
  - (b) for a corporation—100 penalty units.
- (2) A person is not guilty of an offence under this section merely because noise is emitted from the motor vehicle while the motor vehicle is entering or leaving residential premises.

## **9 Use of refrigeration units fitted to motor vehicles near residential premises**

A person is guilty of an offence if—

- (a) the person causes or permits refrigeration unit fitted to a motor vehicle to be used in a way that emits noise that can be heard within a residential room of residential premises, whether or not a door or window to the residential room is open, and
- (b) the noise occurs—
  - (i) on a Saturday, Sunday or public holiday—before 8am or after 8pm, or
  - (ii) otherwise—before 7am or after 8pm, and
- (c) within 10 days of the noise occurring, the person is warned by an authorised officer or enforcement officer not to cause or permit a refrigeration unit fitted to a motor vehicle to be used in the way specified in paragraphs (a) and (b), and
- (d) the person again causes or permits a refrigeration unit fitted to a motor vehicle to be used in that way within 40 days after the warning has been given.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

## **Division 3 Motor vehicles with defective or modified noise control equipment**

### **10 Sale of used vehicles with defective noise control equipment**

A person must not sell a used motor vehicle if the motor vehicle has defective noise control equipment.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

### **11 Driving or using vehicles with defective noise control equipment**

A person must not cause or permit a motor vehicle that is not a heavy vehicle to be driven or used on a road or road related area if the motor vehicle has defective noise control equipment.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

### **12 Modification or repair of vehicles causing noise control equipment to be defective**

A person must not cause or permit a motor vehicle that is not a heavy vehicle to be modified or repaired so that the noise control equipment in the vehicle is defective.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

## **Division 4 Motor vehicles with unauthorised temporary noise reduction packing**

### **13 Sale of used vehicles with unauthorised temporary noise reduction packing**

A person must not sell a used motor vehicle if the motor vehicle has temporary noise reduction packing that—

- (a) was not fitted by the vehicle manufacturer, or
- (b) is not an equivalent replacement for the packing fitted by the vehicle manufacturer.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

### **14 Use of vehicles with unauthorised temporary noise reduction packing**

A person must not cause or permit a motor vehicle that is not a heavy vehicle to be driven or used on a road or road related area if the motor vehicle has temporary noise reduction packing that—

- (a) was not fitted by the vehicle manufacturer, or
- (b) is not an equivalent replacement for the packing fitted by the vehicle manufacturer.

Maximum penalty—

- (a) for an individual—50 penalty units, or

- (b) for a corporation—100 penalty units.

## **15 Modification or repair of vehicles with unauthorised temporary noise reduction packing**

A person must not cause or permit a motor vehicle that is not a heavy vehicle to be modified or repaired so that the motor vehicle has temporary noise reduction packing that—

- (a) was not fitted by the vehicle manufacturer, or
- (b) is not an equivalent replacement for the packing fitted by the vehicle manufacturer.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

## **Division 5 Motor vehicles with temporary noise reduction equipment**

### **16 Sale of used vehicles with unauthorised temporary noise reduction equipment**

A person must not sell a used motor vehicle if the motor vehicle has a temporary noise reduction device fitted that—

- (a) was not fitted by the vehicle manufacturer, or
- (b) is not an equivalent replacement for the device fitted by the vehicle manufacturer, or
- (c) is not a plate, baffle or other device that is—
  - (i) part of a muffler, resonator or other similar part, and
  - (ii) fitted to a motor cycle.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

### **17 Use of vehicles with unauthorised temporary noise reduction equipment**

A person must not cause or permit a motor vehicle that is not a heavy vehicle to be driven or used on a road or road related area if the motor vehicle has a temporary noise reduction device fitted that—

- (a) was not fitted by the vehicle manufacturer, or
- (b) is not an equivalent replacement for the device fitted by the vehicle manufacturer, or
- (c) is not a plate, baffle or other device that is—
  - (i) part of a muffler, resonator or other similar part, and
  - (ii) fitted to a motor cycle.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

### **18 Modification or repair of vehicles with unauthorised temporary noise reduction equipment**

A person must not cause or permit a motor vehicle that is not a heavy vehicle to be modified or repaired so that the motor vehicle has a temporary noise reduction device fitted that—

- (a) was not fitted by the vehicle manufacturer, or
- (b) is not an equivalent replacement for the device fitted by the vehicle manufacturer, or
- (c) is not a plate, baffle or other device that is—
  - (i) part of a muffler, resonator or other similar part, and
  - (ii) fitted to a motor cycle.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

## **Division 6 Motor vehicle intruder alarms**

### **19 Sale of motor vehicle intruder alarms generally**

For the Act, section 136—

- (a) new motor vehicle intruder alarms sold by retail are a prescribed class of article, and
- (b) the prescribed level for new motor vehicle intruder alarms sold by retail is 115dB(A) as determined in accordance with Part 6.

### **20 Sale of certain alarms that emit dual tone**

A person must not sell by retail a new motor vehicle intruder alarm, including a component of a motor vehicle intruder alarm, that—

- (a) emits a continuous sound composed of the alternating emission of two predominant tones of approximately equal duration, and
- (b) has a lower frequency tone of 1,000Hz or less as determined in accordance with Part 6, and
- (c) has a higher frequency tone of 2,000Hz or less as determined in accordance with Part 6, and
- (d) emits between 40 and 100 cycles of sound per minute, with each cycle consisting of a lower pitched sound followed by a higher pitched sound.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

### **21 Sale of certain alarms that emit variable tone**

A person must not sell by retail a new motor vehicle intruder alarm, including a component of a motor vehicle intruder alarm, that—

- (a) emits a continuous sound composed of the emission of a variable frequency tone that ascends and then descends between a lower and higher frequency in a repetitive and approximately uniform way, and
- (b) has a lower frequency tone of 1,000Hz or less as determined in accordance with Part 6, and
- (c) has a higher frequency tone of 2,000Hz or less as determined in accordance with Part 6, and
- (d) emits between 5 and 20 cycles of sound per minute, with each cycle consisting of a sound that moves from the lower frequency to the higher frequency and then returns to the lower frequency.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

## **22 Sale of certain alarms that emit rising tones**

A person must not sell by retail a motor vehicle intruder alarm, including a component of a motor vehicle intruder alarm, that—

- (a) emits a continuous sound composed of the emission of a variable frequency tone that is predominantly characterised by an ascending tone, and
- (b) has a lower frequency tone of 100Hz or less as determined in accordance with Part 6, and
- (c) has a higher frequency tone of 2,600Hz or less as determined in accordance with Part 6, and
- (d) emits between 100 and 200 cycles of sound per minute, with each cycle consisting of an ascending tone followed by a brief interval of either descending tone or lower frequency tone before the cycle is repeated.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

## **23 Sale of alarms with panic or override switch**

A person must not sell by retail a new motor vehicle intruder alarm that has a sounding device that is operable, while the engine of the motor vehicle is running or the ignition of the motor vehicle is turned on, by a panic or override switch.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

## **24 Use of alarms with panic or override switch**

A person must not, in connection with the use of a motor vehicle, cause or permit the use of a motor vehicle intruder alarm that is operable, while the engine of the motor vehicle is running or the ignition of the motor vehicle is turned on, by a panic or override switch.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

## **25 Alarms that sound for length of time**

- (1) A person must not, in connection with the use of a motor vehicle, cause or permit a motor vehicle intruder alarm to be sounded, whether continuously or intermittently—

- (a) for a motor vehicle manufactured before 1 September 1997—for more than 90 seconds after the alarm first sounds, or
- (b) for a motor vehicle manufactured on or after 1 September 1997—for more than 45 seconds after the alarm first sounds.

Maximum penalty—

- (a) if the alarm is sounded, whether continuously or intermittently, for a period of not more than 4 hours—
  - (i) for an individual—50 penalty units, or

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- (ii) for a corporation—100 penalty units, or
  - (b) if the alarm is sounded, whether continuously or intermittently, for a period of more than 4 hours but is not more than 8 hours—
    - (i) for an individual—100 penalty units, or
    - (ii) for a corporation—200 penalty units, or
  - (c) if the alarm is sounded, whether continuously or intermittently, for a period of more than 8 hours—
    - (i) for an individual—150 penalty units, or
    - (ii) for a corporation—300 penalty units.
- (2) A person is not guilty of an offence under this section in relation to a motor vehicle manufactured before 1 September 2009 if the motor vehicle intruder alarm sounds for longer than 90 or 45 seconds, as the case may be, because—
  - (a) a window or windscreen in the motor vehicle is broken or removed, or
  - (b) the motor vehicle is involved in an accident, or
  - (c) the motor vehicle is illegally broken into or there is an illegal attempt to break into the motor vehicle.
- (3) For this section—
  - (a) a person is taken to cause a motor vehicle intruder alarm to be sounded if the person leaves the motor vehicle unattended while the motor vehicle intruder alarm is turned on and the alarm later sounds, and
  - (b) a motor vehicle intruder alarm that sounds intermittently is taken to sound continuously for the purpose of measuring the period of time for which it sounds.

## 26 Design and construction of alarms

- (1) A person must not, in connection with the use of a motor vehicle manufactured on or after 1 September 1997, cause or permit a motor vehicle intruder alarm to be sounded unless the alarm is constructed and regulated so that—
  - (a) it has a maximum noise level of not more than 115dB(A) as determined in accordance with Part 6, and
  - (b) it cannot be reactivated until it has been manually reset.Maximum penalty—
  - (a) for an individual—50 penalty units, or
  - (b) for a corporation—100 penalty units.
- (2) For this section, a person is taken to cause a motor vehicle intruder alarm to be sounded if the person leaves the motor vehicle unattended while the motor vehicle intruder alarm is turned on and the alarm later sounds.

## Division 7 Motor vehicle horns

### 27 Attaching certain motor vehicle horns

- A person must not attach a motor vehicle horn to a motor vehicle if the horn—
- (a) is capable of emitting noise at a single non-varying loudness and pitch at a noise level of more than 120dB(A) as determined in accordance with Part 6, or
  - (b) is capable of emitting noise otherwise than at a single non-varying loudness and pitch at a noise level of more than 85dB(A) as determined in accordance with Part 6.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

## 28 Use of certain motor vehicle horns

A person must not, on a road or road related area, cause or permit the use of a motor vehicle fitted with a horn—

- (a) capable of emitting noise at a single non-varying loudness and pitch at a noise level of more than 120dB(A) as determined in accordance with Part 6, or
- (b) capable of emitting noise otherwise than at a single non-varying loudness and pitch at a noise level of more than 85dB(A) as determined in accordance with Part 6.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

## 29 Exemptions for emergency-related vehicles

This division does not apply to a motor vehicle horn fitted to—

- (a) an **emergency vehicle**, being a vehicle used by, or on behalf of, one of the following organisations for the purposes of the organisation—
  - (i) the NSW Police Force,
  - (ii) Fire and Rescue NSW,
  - (iii) the NSW Rural Fire Service,
  - (iv) the Ambulance Service of NSW,
  - (v) the NSW State Emergency Service,
  - (vi) VRA Rescue NSW Limited,
  - (vii) another agency that manages or controls an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*,
  - (viii) an organisation of the Commonwealth or a State or Territory that exercises similar functions to an organisation specified in subparagraphs (i)–(vii),
  - (ix) the Australian Border Force,
  - (x) Airservices Australia, or
- (b) a vehicle that is at least 25 years old, that is fitted as an emergency vehicle and is either—
  - (i) used for exhibition purposes, or
  - (ii) part of a collection of former emergency vehicles, or
- (c) a vehicle used by Transport for NSW or the National Heavy Vehicle Regulator established under the *Heavy Vehicle National Law (NSW)*, section 656 for emergency, traffic control or enforcement purposes.

## 30 References to loudness and pitch

In this division, a reference to a motor vehicle horn designed to emit noise at a single non-varying loudness and pitch is a reference to a device designed to emit noise that, while the device is being operated—

- (a) remains at a constant noise level, and
- (b) consists of one or more sounds that each remain at a constant frequency.

## Division 8 Motor vehicle sound systems

### 31 Use of motor vehicle sound systems that emit offensive noise

- (1) A person in charge of a motor vehicle must not cause or permit the sound system of the motor vehicle to be used in a way that emits offensive noise.  
Maximum penalty—
  - (a) for an individual—50 penalty units, or
  - (b) for a corporation—100 penalty units.
- (2) In subsection (1), a *person in charge of a motor vehicle* includes—
  - (a) the owner of the motor vehicle, or
  - (b) the driver of the motor vehicle.
- (3) This section does not affect the liability of the actual offender but, if a penalty, including a penalty under a penalty notice, has been imposed on or recovered from a person specified in subsection (2), no further penalty may be imposed on or recovered from another person specified in subsection (2).

### 32 Owner not in charge of motor vehicle with sound system emitting offensive noise

- (1) Section 31 does not apply to the owner of a motor vehicle if—
  - (a) the motor vehicle was, at the time of the commission of the offence, a stolen motor vehicle or a motor vehicle illegally taken or used, or
  - (b) the owner was not in the motor vehicle at the relevant time and—
    - (i) gives notice in accordance with this section of the name and address of the person who was in charge of the motor vehicle at the relevant time, or
    - (ii) satisfies the officer who gave the penalty notice for the offence or the court dealing with the offence, as the case requires, that the owner did not know, and could not with reasonable diligence have ascertained, that name and address.
- (2) The notice specified in subsection (1)(b)(i) must be in the form of an approved nomination notice and must be given to—
  - (a) if a penalty notice has been issued for the offence—an officer specified in the penalty notice within 21 days after the issue of the penalty notice, and
  - (b) if a court is dealing with the offence—the prosecutor within 21 days after service of the summons or court attendance notice for the offence.
- (3) Despite another provision of this regulation, an approved nomination notice may be given by the owner of a motor vehicle issued with a penalty notice within 90 days of the penalty notice being issued if the approved nomination notice is given in the circumstances specified in the *Fines Act 1996*, section 23AA or 23AB.
- (4) If the owner of a vehicle gives an approved nomination notice to an officer or a prosecutor under this section, the officer or prosecutor may, by written notice served on the owner, require the owner to supply a statutory declaration for use in court proceedings that verifies the nomination contained in the approved nomination notice.
- (5) An owner who fails to supply the statutory declaration within the time required by the officer or prosecutor is taken not to have given notice in accordance with this section.

**33 Drive or use motor vehicle on road or road related area if vehicle’s sound system emits offensive noise**

- (1) A person must not drive or use a motor vehicle on a road or road related area if the sound system of the motor vehicle emits offensive noise.  
Maximum penalty—50 penalty units.
- (2) If an act or omission constitutes an offence under this section and section 31, the offender is not liable to be punished twice for the offence.

## Part 3 Marine vessels—the Act, Sch 2, cll 3(1)–(4) and 4

### 34 Sounding of sirens from vessels

A person must not cause or permit a vessel's siren, whistle, hooter, horn or bell to be sounded on navigable waters except for the purposes of navigation.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

### 35 Vessels must not emit offensive noise

- (1) The owner or person in charge of a vessel must not cause the vessel to be used on navigable waters in a way that emits offensive noise.

Maximum penalty—

- (a) for an individual—50 penalty units, or
  - (b) for a corporation—100 penalty units.
- (2) This section does not affect the liability of the actual offender but, if a penalty, including a penalty under a penalty notice, has been imposed on or recovered from a person in relation to the offence, whether the actual offender, the person in charge of the vessel or the owner of the vessel, no further penalty may be imposed on or recovered from another person.

### 36 Owner not in charge of vessel emitting offensive noise

- (1) Section 35 does not apply to the owner of a vessel if—
  - (a) the vessel was, at the time, a stolen vessel or a vessel illegally taken or used, or
  - (b) the owner was not in the vessel at the relevant time and—
    - (i) gives notice in accordance with this section of the name and address of the person who was in charge of the vessel at the relevant time, or
    - (ii) satisfies the officer who gave the penalty notice for the offence or the court dealing with the offence, as the case requires, that the owner did not know, and could not with reasonable diligence have ascertained, that name and address.

**Note.** The *Crimes Act 1900*, sections 307B and 307C provide a maximum penalty of imprisonment for 2 years, or a fine of 200 penalty units or both for giving false or misleading information, or providing false or misleading documents, in compliance or purported compliance with a law of the State.

- (2) The notice specified in subsection (1)(b)(i) must be in the form of an approved nomination notice and must be given to—
  - (a) if a penalty notice has been issued for the offence—an officer specified in the penalty notice within 21 days after the issue of the penalty notice, and
  - (b) if a court is dealing with the offence—the prosecutor within 21 days after service of the summons or court attendance notice for the offence.
- (3) Despite another provision of this regulation, an approved nomination notice may be given by a person issued with a penalty notice within 90 days of the penalty notice being issued if the approved nomination notice is given in the circumstances specified in the *Fines Act 1996*, section 23AA or 23AB.
- (4) If the owner of a vessel gives an approved nomination notice to an officer or a prosecutor under this section, an officer or prosecutor may, by written notice served on the owner, require the owner to supply a statutory declaration for use in court

proceedings that verifies the nomination contained in the approved nomination notice.

- (5) An owner who fails to supply the statutory declaration within the time required by the officer or prosecutor is taken not to have given notice in accordance with this section.

### **37 Noise control equipment must be properly maintained**

- (1) A person must not cause or permit an engine powered vessel to be used on navigable waters if the vessel's noise control equipment is defective or is not securely in place.

Maximum penalty—

- (a) for an individual—50 penalty units, or  
(b) for a corporation—100 penalty units.

- (2) For this section, the circumstances in which noise control equipment is *defective* are taken to include—

- (a) where an authorised marine officer reasonably believes the equipment has been modified in a way that makes it less effective than it would have been if the modification had not been made, or  
(b) where the equipment allows gas to escape from a place other than the intended exhaust outlet.

- (3) In this section—

*engine*, in relation to a vessel, includes the whole of the machinery involved in the propulsion and operation of the vessel.

### **38 Noise control equipment must not be removed or rendered less effective**

A person must not remove, or render less effective, a vessel's noise control equipment, otherwise than for the purpose of repairing or replacing it.

Maximum penalty—

- (a) for an individual—50 penalty units, or  
(b) for a corporation—100 penalty units.

### **39 Use of sound systems on vessels**

A person must not cause or permit a musical instrument, sound system, megaphone or microphone to be used on a vessel in a way that emits offensive noise.

Maximum penalty—

- (a) for an individual—50 penalty units, or  
(b) for a corporation—100 penalty units.

## Part 4 Miscellaneous articles—the Act, Sch 2, cl 3(1)–(4)

### Division 1 Building intruder alarms

#### 40 Meaning of “building intruder alarm”

In this division—

**building intruder alarm** means a device used or intended to be used as an intruder alarm for a building that—

- (a) incorporates or connects to a sounding device, and
- (b) on being triggered, causes the sounding device to emit sound.

#### 41 Sale of building intruder alarms

A person must not sell a new building intruder alarm by retail unless the alarm is constructed and regulated so that—

- (a) it automatically ceases to sound, whether continuously or intermittently, within 5 minutes after being activated by a detection device, and
- (b) it cannot be reactivated, except by a different detection device, until it has been manually reset.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

#### 42 Use of building intruder alarms

The occupier of premises must not cause or permit a building intruder alarm installed on the premises to be used to emit noise that can be heard within a residential room of another residential premises, whether or not a door or window to the residential room is open, unless the alarm is constructed and regulated in a way that—

- (a) for an alarm installed before 1 December 1997—
  - (i) it automatically ceases to sound, whether continuously or intermittently, within 10 minutes after being activated by a detection device, and
  - (ii) it cannot be reactivated, except by a different detection device, until it has been manually or automatically reset, or
- (b) for an alarm installed on or after 1 December 1997—
  - (i) it automatically ceases to sound, whether continuously or intermittently, within 5 minutes after being activated by a detection device, and
  - (ii) it cannot be reactivated, except by a different detection device, until it has been manually reset.

Maximum penalty—

- (a) if the alarm is sounded, whether continuously or intermittently, for a period of not more than 4 hours—
  - (i) for an individual—50 penalty units, or
  - (ii) for a corporation—100 penalty units, or
- (b) if the alarm is sounded, whether continuously or intermittently, for a period of more than 4 hours but not more than 8 hours—
  - (i) for an individual—100 penalty units, or
  - (ii) for a corporation—200 penalty units, or

- (c) if the alarm is sounded, whether continuously or intermittently, for a period of more than 8 hours—
  - (i) for an individual—150 penalty units, or
  - (ii) for a corporation—300 penalty units.

#### 43 Determining alarm characteristics

For this division, a building intruder alarm that sounds intermittently is taken to sound continuously for the purpose of measuring the period of time for which it sounds.

### Division 2 Air conditioners

#### 44 Use of air conditioners on residential premises

- (1) A person is guilty of an offence if—
  - (a) the person causes or permits an air conditioner to be used on residential premises in a way that emits noise that can be heard within a residential room of another residential premises, whether or not a door or window to the residential room is open, and
  - (b) the noise occurs—
    - (i) on a Saturday, Sunday or public holiday—before 8am or after 11pm, or
    - (ii) otherwise—before 7am or after 11pm, and
  - (c) within 10 days of the noise occurring, the person is warned by an authorised officer or enforcement officer not to cause or permit an air conditioner to be used on residential premises in the way specified in paragraphs (a) and (b), and
  - (d) the person again causes or permits an air conditioner to be used on residential premises in that way within 40 days after the warning has been given.

Maximum penalty—

- (a) for an individual—50 penalty units, or
  - (b) for a corporation—100 penalty units.
- (2) A person is not guilty of an offence under this section if the person causes or permits an air conditioner to be used on residential premises during an extreme or severe heatwave.
  - (3) For subsection (2), an air conditioner is used on residential premises during an extreme or severe heatwave if—
    - (a) the Bureau of Meteorology’s website has issued a heatwave warning for the weather district in which the residential premises are located, and
    - (b) the heatwave warning was in force when the air conditioner was in use, and
    - (c) the heatwave warning is classified by the Bureau of Meteorology as a severe heatwave or extreme heatwave.
  - (4) In this section—

***Bureau of Meteorology*** means the Commonwealth Bureau of Meteorology established under the *Meteorology Act 1955* of the Commonwealth, section 5.

### Division 3 Grass-cutting machines

#### 45 Labelling of grass-cutting machines with maximum sound power level

- (1) A person must not sell by retail a new grass-cutting machine unless it has securely attached to it in a conspicuous position—

- (a) an approved noise label displaying the machine's maximum sound power level as determined in accordance with Part 6, or
- (b) a label that accords with the EU Outdoor Noise Directive and displays—
  - (i) the marking of conformity in the form shown in Annex IV to the Directive, and
  - (ii) the machine's guaranteed sound power level.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

- (2) In this section—

***grass-cutting machine*** means a machine, powered by a motor, designed principally for the purpose of cutting grass or other soft undergrowth, and includes a lawn mower, ride-on mower, edge-trimmer, brush cutter or string trimmer, but does not include—

- (a) a robot mower, being a battery-powered grass-cutting machine designed to autonomously cut lawns, or
- (b) electrically powered shears with a cutting width of less than 120mm.

## Division 4 Power tools

### 46 Labelling of chainsaws with maximum sound power level

A person must not sell a new chainsaw by retail unless it has securely attached to it in a conspicuous position—

- (a) an approved noise label displaying the chainsaw's maximum sound power level as determined in accordance with Part 6, or
- (b) a label that accords with the EU Outdoor Noise Directive and displays—
  - (i) the marking of conformity in the form shown in Annex IV to the Directive, and
  - (ii) the chainsaw's guaranteed sound power level.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

### 47 Use of power tools on residential premises

- (1) A person is guilty of an offence if—

- (a) the person causes or permits a power tool to be used on residential premises in a way that emits noise that can be heard within a residential room of another residential premises, whether or not a door or window to the residential room is open, and
- (b) the noise occurs—
  - (i) on a Saturday, Sunday or public holiday—before 8am or after 8pm, or
  - (ii) otherwise—before 7am or after 8pm, and
- (c) within 10 days of the noise occurring, the person is warned by an authorised officer or enforcement officer not to cause or permit a power tool to be used on residential premises in the way specified in paragraphs (a) and (b), and
- (d) the person again causes or permits a power tool to be used on residential premises in that way within 40 days after the warning has been given.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

(2) In this section—

**power tool** means a tool actuated by an additional power source and mechanism other than manual power and includes the following—

- (a) a powered garden tool, being a tool powered by a petrol engine or an electric motor, including a lawn mower, a lawn trimmer, a blower or sweeper, a garden mulcher, an edge-cutter or a chipper or shredder,
- (b) an electric power tool, including a battery-operated power tool,
- (c) a pneumatic power tool,
- (d) a chainsaw,
- (e) a circular saw,
- (f) a gas or air compressor.

## Division 5 Pumps and heat pump water heaters

### 48 Use of pumps on residential premises

(1) A person is guilty of an offence if—

- (a) the person causes or permits a pump to be used on residential premises in a way that emits noise that can be heard within a residential room of another residential premises, whether or not a door or window to the residential room is open, and
- (b) the noise occurs—
  - (i) on a Saturday, Sunday or public holiday—before 8am or after 9pm, or
  - (ii) otherwise—before 7am or after 9pm, and
- (c) within 10 days of the noise occurring, the person is warned by an authorised officer or enforcement officer not to cause or permit a pump to be used on residential premises in the way specified in paragraphs (a) and (b), and
- (d) the person again causes or permits a pump to be used on residential premises in that way within 40 days after the warning has been given.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

(2) In this section—

**pump** includes the following pumps, but does not include a heat pump water heater, within the meaning of section 49—

- (a) a swimming pool pump,
- (b) a spa pump,
- (c) a sump pump,
- (d) a water cooler that uses a pump,
- (e) another apparatus or machine for raising, driving, exhausting or compressing fluid by a piston, plunger or rotating vanes.

### 49 Use of heat pump water heaters

(1) A person is guilty of an offence if—

- (a) the person causes or permits a heat pump water heater to be used on residential premises in a way that emits noise that can be heard within a residential room of another residential premises, whether or not a door or window to the residential room is open, and
- (b) the noise occurs—
  - (i) on a Saturday, Sunday or public holiday—before 8am or after 10pm, or
  - (ii) otherwise—before 7am or after 10pm, and
- (c) within 10 days of the noise occurring, the person is warned by an authorised officer or enforcement officer not to cause or permit a heat pump water heater to be used on residential premises in the way specified in paragraphs (a) and (b), and
- (d) the person again causes or permits a heat pump water heater to be used on residential premises in that way within 40 days after the warning has been given.

Maximum penalty—

- (a) for an individual—50 penalty units, or
  - (b) for a corporation—100 penalty units.
- (2) In this section—  
*heat pump water heater* means a device that heats water using the energy generated from the compression of a gas.

## **Division 6      Mobile air compressors**

### **50    Labelling of mobile air compressors with mean sound power level**

A person must not sell a new mobile air compressor by retail unless it has securely attached to it in a conspicuous position an approved noise label displaying the mobile air compressor's mean sound power level as determined in accordance with Part 6.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

## **Division 7      Musical instruments and sound equipment**

### **51    Use of musical instruments**

A person is guilty of an offence if—

- (a) the person causes or permits a musical instrument to be used on residential premises in a way that emits noise that can be heard within a residential room of another residential premises, whether or not a door or window to the residential room is open, and
- (b) the noise occurs—
  - (i) on a Friday, Saturday or day immediately before a public holiday—before 8am or after midnight, or
  - (ii) otherwise—before 8am or after 10pm, and
- (c) within 10 days of the noise occurring, the person is warned by an authorised officer or enforcement officer not to cause or permit a musical instrument to be used on residential premises in the way specified in paragraphs (a) and (b), and

- (d) the person again causes or permits a musical instrument to be used on residential premises in that way within 40 days after the warning has been given.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

## 52 Use of electrically amplified sound equipment

- (1) A person is guilty of an offence if—
  - (a) the person causes or permits electrically amplified sound equipment to be used on residential premises in a way that emits noise that can be heard within a residential room of another residential premises, whether or not a door or window to the residential room is open, and
  - (b) the noise occurs—
    - (i) on a Friday, Saturday or day immediately before a public holiday—before 8am or after midnight, or
    - (ii) otherwise—before 8am or after 10pm, and
  - (c) within 10 days of the noise occurring, the person is warned by an authorised officer or enforcement officer not to cause or permit electrically amplified sound equipment to be used on residential premises in the way specified in paragraphs (a) and (b), and
  - (d) the person again causes or permits electrically amplified sound equipment to be used on residential premises in that way within 40 days after the warning has been given.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a corporation—100 penalty units.

- (2) In this section—

***electrically amplified sound equipment*** means an electrical or battery powered device that can be used to make or amplify sound, including television sets and home entertainment systems.

## Part 5 Enforcement through defective vehicle or vessel notices—the Act Sch 2, cl 4

### 53 Issue of defective vehicle notices and defective vessel notices

- (1) An authorised officer may issue a defective vehicle notice to the owner of a motor vehicle if satisfied the motor vehicle—
  - (a) emits noise over the prescribed noise level for the motor vehicle, or
  - (b) has defective noise control equipment, or
  - (c) has a temporary noise reduction device fitted, or
  - (d) has one or more of the following accessories that do not comply with the Act or this regulation—
    - (i) a motor vehicle horn,
    - (ii) a motor vehicle intruder alarm,
    - (iii) a motor vehicle sound system,
    - (iv) another device attached to or that forms part of, or is intended to be attached to or form part of, the motor vehicle.
- (2) An authorised marine officer who is satisfied a vessel has no noise control equipment, does not have appropriate noise control equipment or has noise control equipment that is defective, within the meaning of section 37(2), may issue a defective vessel notice to—
  - (a) the vessel's owner, or
  - (b) the vessel's master.
- (3) In this section—

*master*, in relation to a vessel, means a person, other than a pilot, having command or charge of the vessel.

### 54 Form of notices

- (1) A defective vehicle notice or defective vessel notice must be in the form approved by the EPA and must include the following particulars—
  - (a) the defect on the basis of which it is issued,
  - (b) where the motor vehicle or vessel should be taken for inspection or testing for the purpose of having the notice withdrawn.
- (2) A defective vehicle notice may indicate—
  - (a) what needs to be done to remedy the defect, and
  - (b) a date after which the motor vehicle must not be used on a road or road related area if the defect has not been remedied, and
  - (c) a date after which the motor vehicle's registration under the *Road Transport Act 2013* may be suspended if the defect has not been remedied.
- (3) A defective vessel notice—
  - (a) may indicate what needs to be done to remedy the defect, and
  - (b) may indicate a date after which the vessel must not be used in navigable waters if the defect has not been remedied.

## **55 Withdrawal of notices**

- (1) An authorised officer may withdraw a defective vehicle notice if satisfied the motor vehicle for which the notice has been issued no longer has the defect on the basis of which the notice was issued.
- (2) An authorised marine officer may withdraw a defective vessel notice if satisfied the vessel for which the notice has been issued no longer has the defect on the basis of which the notice was issued.

## **56 Use of motor vehicle in breach of defective vehicle notice**

- (1) If a defective vehicle notice indicates a date after which the motor vehicle must not be used on a road or road related area, a person must not cause or permit the motor vehicle to be used on a road or road related area after the date unless the notice has been withdrawn.

Maximum penalty—

- (a) for an individual—50 penalty units, or
  - (b) for a corporation—100 penalty units.
- (2) A person is not guilty of an offence under this section if the motor vehicle is being taken directly—
    - (a) to a place where repairs or other work required to reduce the noise level of the vehicle are to be carried out, or
    - (b) to be tested or inspected in accordance with a defective vehicle notice or a notice under the Act, section 207, or
    - (c) from the place specified in paragraph (a) or (b) to the place where the vehicle is usually kept.

## **57 Use of vessel in breach of defective vessel notice**

- (1) If a defective vessel notice indicates a date after which the vessel must not be used, a person must not cause or permit the vessel to be used in navigable waters after the date unless the notice has been withdrawn.

Maximum penalty—

- (a) for an individual—50 penalty units, or
  - (b) for a corporation—100 penalty units.
- (2) A person is not guilty of an offence under this section if the vessel is being taken directly—
    - (a) to a place where repairs or other work required to remedy the defect are to be carried out, or
    - (b) to a place where an authorised marine officer may inspect or test the vessel, or
    - (c) from the place specified in paragraph (a) or (b) to the place where the vessel is usually kept.

## **58 Use of vessel in breach of defective vessel label**

- (1) An authorised marine officer who issues a defective vessel notice for a vessel may also affix a defective vessel label in a conspicuous position on some part of the vessel.
- (2) A defective vessel label must be in the form approved by—
  - (a) the EPA, or
  - (b) the authority or body whose officers or employees are authorised by this part to issue or affix the label.

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# public consultation draft

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- (3) A defective vessel label must include the following particulars—
  - (a) the defect on the basis of which the defective vessel notice was issued,
  - (b) the date, if any, after which the vessel must not be used if the defect has not been remedied,
  - (c) other particulars as the EPA may require.
- (4) An authorised marine officer who withdraws a defective vessel notice for a vessel must also remove, or direct the removal of, the defective vessel label from the vessel.
- (5) A person must not remove, obscure or deface a defective vessel label affixed to a vessel under this section unless the person is an authorised officer or is acting under the direction of an authorised officer.  
Maximum penalty—
  - (a) for an individual—50 penalty units, or
  - (b) for a corporation—100 penalty units.
- (6) A person must not cause or permit a vessel to be used if the person knows, or ought reasonably to know, a defective vessel label affixed to the vessel under this section has been removed, obscured or defaced in contravention of subsection (5).  
Maximum penalty—
  - (a) for an individual—50 penalty units, or
  - (b) for a corporation—100 penalty units.
- (7) A person is not guilty of an offence under this section if the vessel is being taken directly—
  - (a) to a place where repairs or other work required to remedy the defect are to be carried out, or
  - (b) to a place where an authorised marine officer may inspect or test the vessel, or
  - (c) from the place specified in paragraph (a) or (b) to the place where the vessel is usually kept.

## **Part 6 Determining noise levels—the Act, Sch 2, cl 3(7)**

### **59 Measurements may be disregarded on account of extraneous noise**

A person making noise level measurements for the purposes of this regulation must take all reasonable precautions to ensure extraneous noise does not interfere with the making of measurements required by this regulation.

### **60 Determining maximum noise level of a motor vehicle**

(1) The maximum noise level of a motor vehicle must be determined in accordance with the National Stationary Exhaust Noise Test Procedures.

(2) In this section—

*National Stationary Exhaust Noise Test Procedures* means the document titled *National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles*, published on the National Transport Commission's website in September 2006 as amended or replaced from time to time.

### **61 Determining maximum noise level and noise emission characteristics of motor vehicle intruder alarms and horns**

The maximum noise level of, and noise emission characteristics of, a motor vehicle intruder alarm or a motor vehicle horn must be determined in accordance with the Approved Methods document.

### **62 Determining noise levels of certain accessories**

The noise level of the following must be determined in accordance with the Approved Methods document—

- (a) grass-cutting machines,
- (b) chainsaws,
- (c) mobile air compressors.

### **63 Method for determining noise levels from shooting ranges**

(1) The method for determining the noise level from a shooting range, for a requirement imposed by or under the Act, must be the method specified in Schedule 1.

(2) The method specified in Schedule 1 must be carried out or supervised by a person who has the qualifications and experience necessary to carry out the method.

## **Part 7 Miscellaneous**

### **64 Repeal and savings**

- (1) The *Protection of the Environment Operations (Noise Control) Regulation 2017* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Protection of the Environment Operations (Noise Control) Regulation 2017*, had effect under that regulation is taken to have effect under this regulation.

## Schedule 1 Determining noise levels from shooting ranges

section 63

### Part 1 Preliminary

#### 1 Definitions

In this schedule—

**LZpeak hold level** means the maximum reading within a measurement interval from an instrument that is set to record or display the LZpeak level.

**LZpeak level** means the maximum absolute value of the instantaneous sound pressure level using a Z-weighting frequency curve.

**shot** means a gunshot noise level measured, or identified, at a measurement location.

### Part 2 Measurement instruments

#### 2 Measurement instruments

The sound pressure level from a shooting range must be measured using—

- (a) a sound level instrument, and
- (b) a microphone.

#### 3 Sound level instrument

The sound level instrument must—

- (a) meet the specifications of a precision (Class 1) or general purpose (Class 2) sound level meter as defined in AS/NZS IEC 61672.1:2019, *Electroacoustics: sound level meter specifications*, and
- (b) be set to a Z-weighting frequency curve as specified in the document, and
- (c) use a noise descriptor for measurement that is the LZpeak level, and
- (d) use a sampling rate of 48kHz or other rate approved by the EPA in writing.

#### 4 Microphone

The measurement microphone must—

- (a) be placed at a height of between 1.2m and 1.5m above ground level, and
- (b) be placed at least 5m from a sound reflecting surface other than the ground, and
- (c) have a wind screen that meets the specifications of the instrument's manufacturer for outdoor measurements, and
- (d) be oriented for optimum accuracy in accordance with the manufacturer's instructions.

#### 5 Calibration of various instruments

All sound level instruments, microphones and calibration instruments must be calibrated in accordance with AS 1055.1:2018, *Acoustics—Description and measurement of environmental noise*.

#### 6 Calibration of sound level instrument

- (1) The calibration of the sound level instrument must be checked by performing a field calibration, using a field calibrator according to the manufacturer's instructions, before and after making measurements.

- (2) The calibration of a sound level instrument must be checked, and any necessary adjustments be made, immediately before the sound level instrument is used to make the noise level measurements (the *pre-test check*) and must be checked again after making the measurements and before the instrument is switched off (the *post-test check*).
- (3) If the noise level recorded during the post-test check differs by more than 1dB from the noise level recorded during the pre-test check, then all measurements made in the intervening period must be disregarded.

## Part 3 Measuring shot noise

### 7 Measurement locations—residential premises

If a measurement of shot noise must be made on a parcel of land on which residential premises are situated, the measurement must be taken—

- (a) on or within the boundary of the land that is closest to the shooting range, or
- (b) if the boundary of the land that is closest to the shooting range is more than 30 metres away from residential premises on the land—within 30 metres of the nearest residential premises in the direction of the shooting range.

### 8 Test measurements must be representative

- (1) The testing measurements must be representative of noise from the shooting range and exclude extraneous and weather-affected measurements.
- (2) Noise measurements clearly affected by extraneous noise must be discarded when determining the noise level.

## Part 4 Methods of measuring shot noise

### 9 Methods of measuring shot noise

The person making the measurements must use either—

- (a) a manual method, or
- (b) a post processing method.

### 10 Classification of shot noise

- (1) The noise level from a shot must be classified as one of the following—
  - (a) Category A,
  - (b) Category B,
  - (c) Category C,
  - (d) Category D,
  - (e) Not valid.
- (2) The noise level of a shot must be classified as *Category A* if the noise level—
  - (a) has a peak level higher than the peak level immediately before the sound of the shot, and
  - (b) cannot be attributed to another extraneous noise or due to weather conditions.
- (3) A Category A level is considered an accurate representation of the noise contribution from the shot.
- (4) The noise level of a shot must be classified as *Category B* if the noise level has a peak level that may have been elevated by the weather or extraneous noise.

- (5) A Category B level is considered as an upper estimate of the measured noise from the shot unless it is clearly affected by extraneous noise in which case the noise level must be classified as Not valid.
- (6) The noise level of a shot must be classified as **Category C** if the shot is audible at the measurement location but the noise level from the shot cannot be classified as Category A or Category B.
- (7) A Category C level is not considered a measurable noise contribution from the shot.
- (8) The noise level of a shot must be classified as **Category D** if the shot is not audible at the measurement location and the noise level from the shot cannot be classified as Category A or Category B.
- (9) A Category D level is not considered a measurable noise contribution from the shot.
- (10) The noise level of a shot must be classified as **Not valid** if, in the opinion of the person making the measurement—
  - (a) the noise level is the result of a noise that is not shooting noise, or
  - (b) the noise level is the result of shooting noise that is not shooting noise from the range being measured, or
  - (c) weather conditions have excessively elevated the measurement.
- (11) The classification of the noise level of a shot may be demoted, but not promoted, in accordance with section 11 or 12 of this schedule, as appropriate.

## 11 Manual method of measuring shot noise

If a manual method is used, the LZpeak hold level that may be reasonably attributed to an audible shot must be recorded and—

- (a) if the difference between the level of the shot and the peak hold level immediately preceding the sound of the shot is at least 3dB—the noise level must be classified as Category A, or
- (b) if the difference is between 0dB and 3dB—the noise level must be classified as Category B, or
- (c) if there is no difference—the noise level must be classified as Not valid.

## 12 Post processing method of measuring shot noise

- (1) If a post processing method is used, the stored LZpeak level measurements may be reviewed with one or more of the following to obtain the level of each shot—
  - (a) suitable identifying markers for each audible shot attached to the data,
  - (b) time-synchronised audio,
  - (c) time-synchronised data from the range.
- (2) If the measurements are reviewed using a post processing method that complies with this section—
  - (a) if the difference between the level of a shot and the preceding LZpeak level is 5dB or greater—the noise level of the shot must be classified as Category A, or
  - (b) if the difference is greater than 0dB but less than 5dB—the noise level of the shot must be classified as Category B, or
  - (c) if the difference is 0dB but the shot is audible—the noise level of the shot must be classified as Category C, or
  - (d) if the shot is not audible and not measurable—the noise level of the shot must be classified as Category D.

- (3) If time-synchronised data from the range is used, an observation must also be made at a location that has an unobstructed view of the firing line.

### 13 Determining noise levels from shooting ranges—manual method

- (1) If more than 50 Category A shots are measured within 1 hour of commencing the measurements—
- (a) the noise level for the shooting range is the arithmetic average of the first 50 Category A shots, and
  - (b) the determination of the noise level may be regarded as representing a true measurement since there is no interference.
- (2) If 50 Category A shots are measured within 1 hour of commencing the measurements—
- (a) the noise level for the shooting range is the arithmetic average of the 50 Category A shots, and
  - (b) the determination of the noise level may be regarded as representing a true measurement since there is no interference.
- (3) If fewer than 50 Category A shots but 30 or more Category A and B shots combined are measured within 1 hour of commencing the measurements, the noise level for the shooting range is the arithmetic average of the total number of Category A shots and Category B shots.
- (4) If fewer than 30 Category A shots and Category B shots combined have been measured within 1 hour of commencing the measurements—
- (a) the measurements may be continued until the numbers in subsection (1), (2) or (3) are reached, or
  - (b) the measurements must be discarded and the assessment may be rescheduled.
- (5) If the noise level determined in accordance with subsection (3) or (4) is—
- (a) less than or equal to the maximum noise level specified in the relevant requirement imposed by or under the Act, the determination may be regarded as representing a true measurement for establishing compliance with the requirement, since, even with interference, the noise level is within the limit, or
  - (b) greater than the maximum noise level specified in the relevant requirement imposed by or under the Act, the determination must not be regarded as representing a true measurement for establishing compliance with the requirement since there may be interference.
- (6) In this section—  
*Category A shot* or *Category B shot* means a shot the noise level of which is classified as Category A or Category B, as the case may be, under this schedule, section 10.

### 14 Determining noise levels from shooting ranges—post processing method

- (1) If more than 50 Category A shots are measured within 1 hour of commencing the measurements—
- (a) the noise level for the shooting range is the arithmetic average of the first 50 Category A shots, and
  - (b) the determination of the noise level may be regarded as representing a true measurement since there is no interference.

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# public consultation draft

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Protection of the Environment Operations (Noise Control) Regulation 2026 [NSW]  
Schedule 1 Determining noise levels from shooting ranges

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- (2) If 50 Category A shots are measured within 1 hour of commencing the measurements—
  - (a) the noise level for the shooting range is the arithmetic average of the 50 Category A shots, and
  - (b) the determination of the noise level may be regarded as representing a true measurement since there is no interference.
- (3) If fewer than 50 Category A shots but 30 or more Category A and Category B shots combined are measured within 1 hour of commencing the measurements, the noise level for the shooting range is the arithmetic average of the total number of Category A shots and Category B shots.
- (4) If fewer than 30 Category A and B shots combined, but 50 or more Category A, B, C and D shots combined, are identified within 1 hour of commencing the measurements, the noise level for the shooting range is the arithmetic average of the total number of Category A shots and Category B shots.
- (5) If the noise level determined in accordance with subsection (3) or (4) is—
  - (a) less than or equal to the maximum noise level specified in the relevant requirement imposed by or under the Act, the determination may be regarded as representing a true measurement for establishing compliance with the requirement, since, even with interference, the noise level is within the limit, or
  - (b) greater than the maximum noise level specified in the relevant requirement imposed by or under the Act, that determination must not be regarded as representing a true measurement for establishing compliance with the requirement since there may be interference.
- (6) In this section—

**Category A shot, Category B shot, Category C shot or Category D shot** means a shot the noise level of which is classified as Category A, Category B, Category C or Category D, as the case may be, under this schedule, section 10.

## Schedule 2 Amendment of Protection of the Environment Operations (General) Regulation 2022

### Schedule 6 Penalty notice offences

Omit the matter relating to the *Protection of the Environment Operations (Noise Control) Regulation 2017*.

Insert instead—

#### Protection of the Environment Operations (Noise Control) Regulation 2026

Column 1 Provision of Regulation	Column 2 Officer	Column 3 Penalty	Column 4 Penalty
Section 5(1) cause or permit use of vehicle capable of emitting noise more than the maximum level—	2		
• by less than 5dB(A)		\$300	\$600
• by 5dB(A) but no more than 15dB(A)		\$500	\$1,000
• by more than 15dB(A)		\$1,200	\$2,400
Section 6(1)	1, 2, 4	\$270	\$540
Section 8(1)	1, 4	\$400	\$800
Section 9	1, 4	\$400	\$800
Section 10	2	\$600	\$1,200
Section 11	2, 4	\$400	\$800
Section 12	2	\$400	\$800
Section 13	2	\$600	\$1,200
Section 14	2, 4	\$400	\$800
Section 15	2	\$400	\$800
Section 16	2	\$600	\$1,200
Section 17	2, 4	\$400	\$800
Section 18	2	\$400	\$800
Section 20	2	\$400	\$800
Section 21	2	\$400	\$800
Section 22	2	\$400	\$800
Section 23	2	\$400	\$800
Section 24	1, 2, 4	\$400	\$800
Section 25(1) cause or permit use of audible vehicle intruder alarm—	1, 2, 4, 7		
• for 4 hours or less		\$400	\$800
• for more than 4 hours but not more than 8 hours		\$800	\$1,600
• for more than 8 hours		\$1,200	\$2,400
Section 26(1)	2	\$400	\$800

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# public consultation draft

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Protection of the Environment Operations (Noise Control) Regulation 2026 [NSW]  
Schedule 2 Amendment of Protection of the Environment Operations (General) Regulation 2022

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## Protection of the Environment Operations (Noise Control) Regulation 2026

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Provision of Regulation</b>	<b>Officer</b>	<b>Penalty</b>	<b>Penalty</b>
Section 27	2	\$400	\$800
Section 28	2	\$400	\$800
Section 31	1, 2, 4	\$400	\$800
Section 33(1)	2, 4	\$270	—
Section 34	1, 3, 4, 13	\$400	\$800
Section 35(1)	1, 3, 4, 13	\$535	\$1,070
Section 37(1)	3, 4, 13	\$400	\$800
Section 38	3, 4, 13	\$400	\$800
Section 39	1, 3, 4, 13	\$400	\$800
Section 41	2	\$400	\$800
Section 42 cause or permit use of audible building intruder alarm—	1, 2, 4		
• for 4 hours or less		\$400	\$800
• for more than 4 hours but not more than 8 hours		\$800	\$1,600
• for more than 8 hours		\$1,200	\$2,400
Section 44(1)	1, 4	\$400	\$800
Section 47(1)	1, 4	\$400	\$800
Section 48(1)	1, 4	\$400	\$800
Section 49(1)	1, 4	\$400	\$800
Section 51	1, 4	\$400	\$800
Section 52(1)	1, 4	\$400	\$800
Section 56(1)	2, 4	\$400	\$800
Section 57(1)	3, 4, 13	\$535	\$1,070
Section 58(5)	3, 4, 13	\$535	\$1,070
Section 58(6)	3, 4, 13	\$535	\$1,070

## Schedule 3 Dictionary

section 3

**Approved Methods document** means the document entitled *Approved Methods for Testing Noise Emissions*, prepared by the EPA and published in the Gazette, as in force from time to time.

**approved noise label**, in relation to an article, means a noise label of a size, design, format and construction approved by the EPA for articles of that type.

**approved nomination notice** has the same meaning as in the *Fines Act 1996*, section 38.

**authorised marine officer** means—

- (a) an authorised officer, or
- (b) a police officer, or
- (c) an officer or employee of the marine authority who is authorised by the authority for Parts 3 and 5.

**building intruder alarm**, for Part 4, Division 1—see section 40.

**child presence detection alarm** means a sound emitted from a device, that is attached to or forms part of a motor vehicle, when a child or animal has been left inside the motor vehicle while the motor vehicle is not in use.

**defective noise control equipment**, in relation to a motor vehicle, means noise control equipment that—

- (a) allows gas to escape from a place other than the intended exhaust outlet, or
- (b) allows the emission of—
  - (i) more noise than originally omitted when the noise control equipment was first fitted by the manufacturer of the vehicle, and
  - (ii) if the noise control equipment relates to, or is part of, the vehicle's exhaust system—exhaust noise at a level an authorised officer reasonably believes is above the prescribed noise level, or
- (c) has been modified in a way that an authorised officer reasonably believes makes the noise control equipment—
  - (i) less effective than it would have been if the modification had not been made, and
  - (ii) if the modified noise control equipment relates to, or is part of, the vehicle's exhaust system—capable of emitting exhaust noise at a level the authorised officer reasonably believes is above the prescribed noise level.

**defective vehicle notice** means a notice under section 53(1).

**defective vessel notice** means a notice under section 53(2).

**drive** has the same meaning as in the *Road Transport Act 2013*.

**driver** has the same meaning as in the *Road Transport Act 2013*.

**EU Outdoor Noise Directive** means the document titled *Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors*.

**Note**—European Union law may be accessed at [eur-lex.europa.eu](http://eur-lex.europa.eu).

**heavy vehicle** has the same meaning as in the *Heavy Vehicle National Law (NSW)*.

**LZpeak hold level**, for Schedule 1—see Schedule 1, section 1.

**LZpeak level**, for Schedule 1—see Schedule 1, section 1.

**mobile air compressor** means an air compressor that is mounted on a trailer, or other vehicle, of a kind capable of being registered within the meaning of the *Road Transport Act 2013*.

**motor cycle** means a 2 or 3 wheeled motor vehicle constructed primarily for the carriage of persons.

**motor vehicle** has the same meaning as in the *Road Transport Act 2013*.

**motor vehicle horn** means a sounding device designed to be attached to or form part of a motor vehicle, but does not include—

- (a) a motor vehicle intruder alarm, or
- (b) the sounding device when in use as a child presence detection alarm.

**motor vehicle intruder alarm** means a sounding device, that is attached to or forms part of a motor vehicle, that emits noise when triggered by an intruder, but does not include the sounding device when in use as a child presence detection alarm.

**noise control equipment** means an apparatus or device, that is not an apparatus or device prescribed as excluded from the Act, Schedule 6, definition of **control equipment**—

- (a) used or designed to—
  - (i) prevent, limit or regulate the emission of noise, or
  - (ii) monitor or give warning of the emission of noise, or
  - (iii) give warning of the excessive emission of noise, or
- (b) used or designed in a way specified in paragraph (a), that is also used or designed for other or additional purposes, or
- (c) that is or would be, if properly maintained and operated, capable, without modification, of being used in a way specified in paragraph (a).

**prescribed noise level**, for a motor vehicle—see section 4.

**residential room**, of residential premises, means a room that is not used as a garage, storage area, bathroom, laundry, toilet or pantry.

**road** means a road within the meaning of the *Road Transport Act 2013*, section 4(1), other than a road that is the subject of a declaration made under that Act, section 18(1)(b) relating to all of the provisions of that Act.

**road related area** means a road related area within the meaning of the *Road Transport Act 2013*, section 4(1), other than a road related area that is the subject of a declaration made under that Act, section 18(1)(b) relating to all of the provisions of that Act.

**shooting range** means an area for firearm shooting competition, training or practice but does not include a shooting range that is able to be moved.

**shot**, for Schedule 1—see Schedule 1, section 1.

**special purpose vehicle** has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 2017*.

**temporary noise reduction device** includes the following exhaust system components that reduce noise—

- (a) a valve or other device that is adjustable,
- (b) a plate, baffle or other device that is part of a muffler, resonator or other similar part and that is not substantially welded in place.

**temporary noise reduction packing** means packing or other matter in an exhaust system that reduces noise but is not permanently sealed in the system using welding or rivets.

**the Act** means the *Protection of the Environment Operations Act 1997*.

**use**, in relation to a motor vehicle, has the same meaning as in the *Road Transport Act 2013*.