

10. Prescribed offences

Schedule 1 - Prohibited hours of use

Schedule 2 - Environmental infringement notice penalties

Environmental Management and Pollution Control (Noise) Regulations 2016

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**Environmental Management and Pollution Control (Noise)
Regulations 2016**

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

8 August 2016

C. WARNER

Governor

By Her Excellency's Command,

34 of the Act;

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

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

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

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

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

equipment includes fixed equipment;

fixed equipment includes domestic heating equipment, systems for the production of hot water, air conditioners, evaporative coolers, pumps, generators or wind turbines, that are affixed at the location at which they are in use;

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

motor vehicle means a vehicle that is –

(h) powered by an internal combustion engine; and

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

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

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

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

residential premises has the same meaning as in section 53 of the Act.

4. Application of regulations

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

5. General exclusions

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

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

7. Fixed equipment

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

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

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

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

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

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

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

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

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

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

(b) there is no other residential premises within 500 metres of where the vehicle or vessel is being so operated; and

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

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

(2) For the purposes of subregulation (1), a motor vehicle or motor vessel is not being operated for the purposes of sport or recreation if –

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

(1) In this regulation –

chainsaw means a chainsaw powered by an internal combustion engine.

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

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

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

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

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

(a) the chainsaw is operated for the purpose of domestic garden maintenance, on only one day in any consecutive 7 days and at a time outside the prohibited hours of use specified in item 1 of the table in Schedule 1 ; or

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

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

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

	(b) Saturday	View - Tasmanian Legislation Online	Before 9 a.m. and after 6 p.m.
	(c) Sunday or public holiday		Before 10 a.m. and after 6 p.m.
2.	Mobile machinery, forklift truck or portable equipment		
	(a) Monday to Friday		Before 7 a.m. and after 6 p.m.
	(b) Saturday		Before 8 a.m. and after 6 p.m.
	(c) Sunday or public holiday		Before 10 a.m. and after 6 p.m.
3.	Motor vehicle, motor vessel or outboard motor (unless the vehicle, vessel or motor is being operated to move into or out of residential premises or a construction or demolition site)		
	(a) Monday to Friday		Before 7 a.m. and after 6 p.m.
	(b) Saturday		Before 9 a.m. and after 6 p.m.
	(c) Sunday or public holiday		Before 10 a.m. and after 6 p.m.
4.	Musical instrument or sound-amplifying equipment		
	(a) Monday to Thursday		Before 7 a.m. and after 10 p.m.
	(b) Friday		Before 7 a.m.
	(c) Saturday		Before 9 a.m.
	(d) Sunday or public holiday		Before 10 a.m. and after 10 p.m.

