

Our ref: R26/0018

10 March 2026

POEO Noise Control Regulation
NSW Environment Protection Authority

Endorsed by the LGNSW Board
in April 2026

Via email: noise.reform@epa.nsw.gov.au

Draft Submission on Protection of the Environment Operations (Noise Control) Regulation 2026

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW welcomes the opportunity to comment on the Protection of the Environment Operations (Noise Control Regulation 2026).

This is a draft submission and is subject to review and approval of the LGNSW Board. Any changes will be advised at the earliest opportunity.

Background

The EPA notes that the draft regulation has been developed in consultation with key community, industry and government stakeholders to ensure it remains robust, practical and fit for purpose. The review has been informed by noise data and extensive research and aims to achieve a balance between the community's right to peace and quiet and the right to conduct legitimate, although potentially noisy, activities. The EPA considers that the draft regulation better responds to contemporary challenges while ensuring controls remain appropriate and workable.

Feedback provided to the EPA from councils suggests that the top neighbourhood noise issues are amplified music and musical instruments, motor vehicles, air conditioners and power tools (including powered garden tools). Complaints are most frequent where there is high population density.

Key proposed changes, include:

- extending liability for offensive noise from vehicles used on private property
- exempting noise triggered by child presence detection alarms from the noise requirements for motor vehicle intruder alarms and horns

- including a broader range of noise-making devices related to marine vessel noise
- extending the permitted hours of use for air conditioners and pumps
- simplifying labelling requirements for grass-cutting machines, pavement breakers and mobile garbage compactors
- exempting certain articles from labelling requirements due to technological or safety advancements, such as robot lawn mowers
- extending the time frame for regulators to investigate and issue penalties, and increasing penalty amounts, for certain noise offences.

These changes aim to ensure that the regulation continues to effectively protect communities from offensive noise impacts.

LGNSW policy position

The LGNSW [Policy Platform](#) consolidates the voices of councils across NSW, reflecting the collective positions of local government on issues of importance and guiding LGNSW in its advocacy on behalf of the local government sector.

Specific positions in relation to noise are outlined in Position 15.3 (e):

LGNSW advocates for the NSW Government to take action to protect human health and the environment by amendments to noise control regulations to:

- *ensure that general activities within a park cannot be deemed intrusive or offensive during certain hours of the day.*
- *enable simpler enforcement of excessive motor vehicle idling.*

At previous LGNSW Annual Conferences, councils have resolved to take the following positions in relation to noise:

- 2020 / 123 – Noise complaints from park activities
That Local Government NSW lobbies the NSW Government for the inclusion of specific provisions in the POEO (Noise Control) Regulation 2008 which stipulates that general activities within a park cannot be deemed ‘intrusive’ or ‘offensive’ during certain hours of the day.
- 2022 / 68 – Noise Cameras on roads
That Local Government NSW lobbies the NSW State Government to introduce the legislative or regulatory change required to introduce the use of noise cameras on NSW roads.
- 2023 / 107 – Role of EPA in exercising their compliance powers
That Local Government NSW calls on the NSW EPA to exercise its compliance powers. NSW EPA is a public agency and it should protect the public’s interest. The agency regulates all activities which fall under the jurisdiction of the POEO

Act including contamination, noise, air, waste and water pollution. NSW EPA are slowly divesting their compliance responsibilities and have moved away from compliance to strategy.

- 2023 / 110 – Idling of motor vehicles causing excessive air pollution
That Local Government NSW advocates to the NSW Government and NSW Department of Planning and Environment, to extend the current offence of noise from an idling vehicle (POEO (Noise Control) Regulation 2008) to make it a traffic offence for excessive idling of a motor vehicle that causes air pollution in public areas.
- 2025 / X43 – Regulation of idling heavy vehicles in residential areas
That Local Government NSW calls on the NSW Government to provide Councils with adequate abilities to proactively manage and penalise idling heavy vehicles in residential areas.

Response

How proposed changes align with LGNSW policy positions

- The proposed changes do not address noise from the idling of vehicles, in particular heavy vehicles, that are parked on roads or road related areas, other than the action that can be taken for the use of vehicle refrigeration units in these areas (Section 9).

It is noted that councils can act if a vehicle is causing offensive noise in a place, other than on a road or road related area (Section 6). Councils may also act if the vehicle is used on residential land and emits noise that can be heard within a residential room of another residential premises (Section 8 & 9).

- The proposed changes do not address the use of noise cameras on roads. LGNSW is pleased to note that the EPA has concluded a noise camera trial in Bayside and Wollongong Council areas.
- The proposed changes do not exclude noise from general activities (such as children playing) within a park during the day from being considered offensive noise. Until excluded, councils should continue to use an assessment of reasonableness to determine whether further investigation is warranted.

LGNSW recommends that the POEO (Noise Regulation) 2026 include:

- *provisions to enable the proactive management and enforcement of idling heavy vehicles in residential areas;*
- *provisions enabling the use of noise cameras on NSW roads, noting guidance around requirements can be placed in guidelines under the Regulation;*
- *a provision that confirms general activities within a park cannot be deemed 'intrusive' or 'offensive' during certain hours of the day.*

Further recommendations and comments

LGNSW's recommendations and comments on the proposed changes, as outlined in the Regulatory Impact Statement (RIS), are provided below.

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

Councils are not the appropriate regulatory authority for vehicles exceeding the prescribed noise limit. It is noted that the availability of EPA approved inspection stations is limited. This may make it difficult for councils and the EPA to resolve complaints, as well as being expensive and inconvenient for vehicles owners, in areas without an approved inspection station.

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

Councils, EPA and Police are appropriate regulatory authorities (ARA) for offensive vehicle noise on private property. LGNSW supports extending the liability to the property owner or occupier when the user of the vehicle cannot be identified.

In Section 6(2)(c) the person in charge of a vehicle includes - *if the motor vehicle is used in a place that is private property—the owner or occupier of the private property.*

For the purposes of Section 6(2)(c), it is recommended that a definition be added in the Regulation for 'private property' to remove any doubt regarding properties that are included. Private property should include land owned by government entities that is leased out to persons as well as public places that are open to, or used by, the public (such as private carparks, private roads, businesses etc).

Given the property owner may be liable, guidance should clarify who is the ARA if the activity occurs on land owned by council or government but leased to another occupier (e.g. motor bikes on a school property or residential council property).

LGNSW recommends that a definition for 'private property' be added in the Regulation.

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

The exemption of child presence detection (CPD) alarms, through exclusion in the definition of alarms and horns, is supported. It is recognised that noise from CPD alarms is an important safety measure.

5.2.1 - Sounding of sirens from vessels

Councils are not the appropriate regulatory authority for vessels. Guidance for councils regarding when vessels use sirens for navigation would be beneficial to facilitate referral of enquiries.

5.2.2 - Use of sound systems on vessels

Councils are not the appropriate regulatory authority for vessels.

It is noted that there may be some circumstances where vessels are used for community and sporting events such as barges for fireworks and as floating stages, where louder than usual noise may be emitted. Noting that such events usually require a development approval (DA), it would be beneficial for the EPA to clarify if noise from vessels in these circumstances should be assessed through the DA process or instead be subject to the new provisions requiring speech amplification devices to not cause offensive noise.

5.3.1 - 5.3.2 - Air conditioners

The exemption permitting use of air conditioners at any time during heatwaves is noted and supported as a public health measure. To enable councils to adequately respond and investigate complaints it would be necessary for the Bureau of Meteorology (BOM) heatwave declarations to be easily available after the event has occurred, preferably online, to reduce the investigation time for council officers.

Currently the BOM heatwave service appears to only provide warnings of severe or extreme heatwaves within the next 4 days, and likely heatwaves in the next 7 days. A record of these warnings could not be located on the BOM website after an event occurred. Although historic temperature records are available it cannot currently be confirmed if a particular day was considered a severe or extreme heatwave. This information would be required evidence should council need to prove or disprove an offence has occurred.

It is recognised that there may be public health advantages to increasing the permitted hours for air conditioners from 10pm to 11pm. Council have however indicated that this may result in further complaints and make it more difficult to investigate complaints. In addition, it will be more difficult to justify to complainants who are experiencing impacts to their own sleep and overall health and wellbeing due to the noise of a neighbouring air conditioner.

LGNSW recommends the exemption to use air conditioners during heatwaves is accompanied by a publicly available register of declared heatwaves, accessible for at least 90 days after the event. Further it is recommended that the permitted hours of use for air conditioners not be extended.

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

Although pump technology has improved, complaints to councils are more likely to relate to older, poorly maintained equipment. Council feedback indicates that time creep is an issue (e.g. leeway on time limits) where users will push the boundaries, and those complaining will experience noise even later and be more distressed or fixed in their complaint. The extension of time may make it more difficult to resolve a complaint. As newer technology is quieter, providing an extended time for use should not be required as noise is less likely to be heard within another residential premises.

LGNSW recommends the permitted hours of use for residential pumps not be extended.

5.3.4 - Pavement breakers and garbage compactors (chapter 5.3.4).

The removal of labelling requirements is should not impact councils' approach to investigating offensive noise complaints.

5.3.5 - Grass-cutting machines

LGNSW notes that the draft Regulation proposes to simplify noise labelling requirements for grass cutting machines, however labels will still display maximum sound power. This should not impact councils' approach to investigating offensive noise complaints

5.4.1 - Increase penalties for noise offences

The draft Regulation proposes to increase penalty notice amounts for general noise offences by approximately one third. This is to reflect CPI increase since the last penalty increase in 2014, and to bring penalties more in line with those for similar legislation. LGNSW supports this increase as the current notice amounts no longer provide an adequate disincentive.

5.4.2 - Extend time frames for issuing a warning, and subsequent issue of a penalty for noise offences

The draft regulation extends the time frames to issue a warning from 7 to 10 days, and the time frame in which a person who contravenes that warning is deemed to have committed an offence, from 28 to 40 days. These extended timeframes are supported as these will allow more effective investigation by council officers.

Thank you for the opportunity to comment on the proposed changes to the POEO Noise Control Regulation. If you would like further information on LGNSW's position, please contact Debbie Archer, Senior Policy Officer - Environment on 02 9242 4058 or debbie.archer@lgnsw.org.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Thomas', with a stylized flourish at the end.

Damian Thomas
Director Advocacy