

NOISE CONTROL ACT 1975—REGULATION

(Noise Control (Miscellaneous Articles) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Noise Control Act 1975, has been pleased to make the Regulation set forth hereunder.

PAM ALLAN, M.P.,
Minister for the Environment.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Noise Control (Miscellaneous Articles) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. (1) In this Regulation:

“AS 1861” means the Australian Standards entitled “Air-conditioning units—Methods of assessing and rating performance”, comprising:

- (a) Part 1: Refrigerated room air-conditioners (AS 1861.1—1988); and
- (b) Part 2: Refrigerated package air-conditioners (AS 1861.2—1991);

“building intruder alarm” means a device which:

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

“domestic air conditioner” means a split or packaged mechanical system:

- (a) that is capable of controlling air temperature and distribution and that may also control the humidity and cleanliness of the air; and
- (b) whose nominal cooling capacity does not exceed 12 kilowatts when measured in accordance with AS 1861,

but does not include a device of the kind that is commonly known as an evaporative system, and does not include a device that is designed exclusively for heating;

“grass-cutting machine” means a machine that:

- (a) is designed principally for the purpose of cutting grass or other soft undergrowth; and
- (b) is powered by a motor,

but does not include electrically powered shears with a cutting width of less than 120 mm;

“mobile air compressor” means an air compressor that is mounted on a trailer, or other vehicle, capable of being registered under the Traffic Act 1909;

“mobile garbage compactor” means a unit that is comprised of a garbage compactor mounted on a truck cab-chassis;

“pavement breaker” means a pneumatic device:

- (a) capable of being manually lifted and manoeuvred by a single operator; and
- (b) designed for the purpose of breaking up rock, concrete and similar materials;

“the Act” means the Noise Control Act 1975.

(2) In this Regulation, a reference to the noise level of an article is a reference to the noise level of the article when tested in accordance with the provisions of this Regulation.

PART 2—SALE OF ARTICLES

Division 1—Preliminary

Part applies only to retail sale of new articles

4. This Part applies to the sale of new articles by retail, but does not apply to the sale of articles otherwise than by retail or to the sale of second-hand articles.

Size, design, format and construction of noise labels

5. A noise label required by this Part must be of a size, design, format and construction approved by the Authority.

Division 2—Grass-cutting machines**Application of Division**

6. This Division applies to grass-cutting machines manufactured on or after 1 July 1988, but does not apply to grass-cutting machines manufactured before that date.

Lawn mowers with cutting width between 620 mm and 950 mm

7. (1) For the purposes of section 28 of the Act:

(a) lawn mowers with a cutting width of more than 620 mm but less than 950 mm are a prescribed class of articles; and

(b) 80 dB(A) is the prescribed noise level for such lawn mowers.

(2) A person must not sell a lawn mower with a cutting width of more than 620 mm but less than 950 mm unless it has a noise label, securely attached to it in a conspicuous position, displaying the lawn mower's maximum noise level.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Ride-on mowers

8. (1) For the purposes of section 28 of the Act:

(a) ride-on mowers are a prescribed class of articles; and

(b) 80 dB(A) is the prescribed noise level for ride-on mowers.

(2) A person must not sell a ride-on mower unless it has a noise label, securely attached to it in a conspicuous position, displaying the ride-on mower's maximum noise level.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Edge-cutters

9. (1) For the purposes of section 28 of the Act:

(a) edge-cutters are a prescribed class of articles; and

(b) 75 dB(A) is the prescribed noise level for edge-cutters.

(2) A person must not sell an edge-cutter unless it has a noise label, securely attached to it in a conspicuous position, displaying the edge-cutter's maximum noise level.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

String-trimmers

10. (1) For the purposes of section 28 of the Act:

- (a) string-trimmers are a prescribed class of articles; and
- (b) 80 dB(A) is the prescribed noise level for string-trimmers.

(2) A person must not sell a string-trimmer unless it has a noise label, securely attached to it in a conspicuous position, displaying the string-trimmer's maximum noise level.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Brush cutters

11. (1) For the purposes of section 28 of the Act:

- (a) brush cutters are a prescribed class of articles; and
- (b) 85 dB(A) is the prescribed noise level for brush cutters.

(2) A person must not sell a brush cutter unless it has a noise label, securely attached to it in a conspicuous position, displaying the brush cutter's maximum noise level.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Other grass-cutting machines

12. (1) For the purposes of section 28 of the Act:

- (a) grass-cutting machines with cutting edges of 950mm or less (other than grass-cutting machines referred to elsewhere in this Division) are a prescribed class of articles; and
- (b) 75 dB(A) is the prescribed noise level for such grass-cutting machines.

(2) A person must not sell a grass-cutting machine with a cutting edge of 950mm or less (other than a grass-cutting machine referred to elsewhere in this Division) unless it has a noise label, securely attached to it in a conspicuous position, displaying the grass-cutting machine's maximum noise level.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Division 3—Chainsaws**Labelling of chainsaws**

13. (1) This clause applies to chainsaws manufactured on or after 1 July 1988, but does not apply to chainsaws manufactured before that date.

(2) A person must not sell a chainsaw unless the chainsaw has a noise label, securely attached to it in a conspicuous position, displaying the chainsaw's maximum noise level.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Division 4—Domestic air conditioners**Labelling of domestic air conditioners**

14. (1) This clause applies to domestic air conditioners manufactured on or after 1 March 1986, but does not apply to domestic air conditioners manufactured before that date.

(2) A person must not sell a domestic air conditioner unless the air conditioner has a noise label, securely attached to it in a conspicuous position, displaying the air conditioner's sound power level.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Division 5—Mobile air compressors**Labelling of mobile air compressors**

15. (1) This clause applies to mobile air compressors manufactured on or after 1 October 1985, but does not apply to mobile air compressors manufactured before that date.

(2) A person must not sell a mobile air compressor unless it has a noise label, securely attached to it in a conspicuous position, displaying the mobile air compressor's mean sound level.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Division 6—Pavement breakers**Labelling of pavement breakers**

16. (1) This clause applies to pavement breakers manufactured on or after 1 October 1985, but does not apply to pavement breakers manufactured before that date.

(2) A person must not sell a pavement breaker unless it has a noise label, securely attached to it in a conspicuous position, displaying the pavement breaker's mean sound level.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Division 7—Mobile garbage compactors

Labelling of mobile garbage compactors

17. (1) This clause applies to mobile garbage compactors registered under the Traffic Act 1909 that were first registered on or after 1 February 1989, but does not apply to mobile garbage compactors registered before that date.

(2) A person must not sell a mobile garbage compactor unless it has a noise label, securely attached to it in a conspicuous position, displaying the mobile garbage compactor's maximum noise level.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Division 8—Building intruder alarms

Sale of building intruder alarms

18. (1) A person must not sell a building intruder alarm unless the alarm is so constructed and regulated 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: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

(2) 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.

(3) This clause applies only to building intruder alarms sold on or after 1 September 1997.

PART 3—USE OF ARTICLES**Division 1—Time limits on the use of certain articles****Power tools and equipment**

19. (1) A person must not cause or permit a power tool or swimming pool pump to be used on residential premises in such a manner that it emits noise that can be heard within a room in any other residential premises:

- (a) before 8 a.m. or after 8 p.m. on any Sunday or public holiday; or
- (b) before 7 a.m. or after 8 p.m. on any other day.

Maximum penalty: 5 penalty units.

(2) A person is not guilty of an offence under this clause unless:

- (a) the person has, within 7 days after causing or permitting a power tool or swimming pool pump to be used in such a manner, been warned by any other person not to cause or permit the tool or pump to be used in that manner; and
- (b) the person causes or permits the tool or pump to be used in that manner within 28 days after the warning has been given.

(3) In this clause:

“power tool” means any of the following:

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

“swimming pool pump” includes a spa pump.

Musical instruments and sound equipment

20. (1) A person must not cause or permit any musical instrument or electrically amplified sound equipment to be used on residential premises in such a manner that it emits noise that can be heard within a room in any other residential premises between midnight and 8 a.m. on any day.

Maximum penalty: 5 penalty units.

- (2) A person is not guilty of an offence under this clause unless:
- (a) the person has, within 7 days after causing or permitting a musical instrument or electrically amplified sound equipment to be used in such a manner, been warned by any other person not to cause or permit the instrument or equipment to be used in that manner; and
 - (b) the person causes or permits the instrument or equipment to be used in that manner within 28 days after the warning has been given.

(3) In this clause, “**electrically amplified sound equipment**” includes any radio, television, tape recorder, record player, compact disc player or public address system.

Air conditioners

21. (1) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a room in any other residential premises:

- (a) before 8 a.m. or after 10 p.m. on any Saturday, Sunday or public holiday; or
- (b) before 7 a.m. or after 10 p.m. on any other day.

Maximum penalty: 5 penalty units.

- (2) A person is not guilty of an offence unless:
- (a) the person has, within 7 days after causing or permitting an air conditioner to be used in such a manner, been warned by any other person not to cause or permit the air conditioner to be used in that manner; and
 - (b) the person causes or permits an air conditioner to be used in that manner within 28 days after the warning has been given.

Division 2—Building intruder alarms

Use of building intruder alarms

22. (1) The occupier of any premises must not cause or permit a building intruder alarm installed on those premises to be used so as to emit noise that can be heard within a room in any other residential premises unless the alarm is so constructed and regulated that:

- (a) it automatically ceases to sound, whether continuously or intermittently:
 - (i) in the case of an alarm installed before 1 September 1997, within 10 minutes after being activated by a detection device; or

(ii) in the case of an alarm installed on or after 1 September 1997, 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: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

(2) 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.

PART 4—INSPECTION AND TESTING OF CERTAIN ARTICLES

Division 1—Powers of authorised officers

Power to inspect and test articles

23. An authorised officer may inspect and test an article that the authorised officer knows or reasonably suspects:

- (a) is intended to be sold in breach of section 28 of the Act, or in breach of this Regulation; or
- (b) is being used in breach of this Regulation.

Power to seize articles

24. (1) An authorised officer may take possession of an article and take it to an approved place for the purpose of measuring its noise level or its noise emission characteristics.

(2) An authorised officer who takes possession of an article under this clause must provide the person from whom it is taken with a receipt that:

- (a) specifies the make, model and serial number of the article, or any other information which will identify the article; and
- (b) specifies the time and date of issue of the receipt; and
- (c) specifies a date (being a date not more than 21 days after the date of issue) on or before which the article will be returned; and
- (d) is signed by the authorised officer issuing it.

(3) The officer must return the article to its owner, or to the person from whose possession it was taken, on or before the date specified in the receipt.

(4) An authorised officer must produce evidence of his or her appointment as an authorised officer if requested to do so by a person from whose possession the authorised officer has taken or proposes to take an article.

Power to require articles to be presented for further testing

25. (1) If, after inspecting or testing an article to which Part 2 applies, an authorised officer is satisfied that it does not comply with the requirements of the Act or this Regulation, the authorised officer may, by notice in writing given to its owner, or to the person in possession of the article, direct the owner or person to present it for inspection and testing:

- (a) at a specified place (being a place within 50 kilometres of the owner's or person's residence or place of business); and
- (b) on or before a specified day.

(2) A person must not, without reasonable excuse, fail to comply with the terms of a notice under this clause.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Division 2—Determining the noise level of an article

Determining the noise level of an article

26. The noise level of an article is to be measured and determined as follows:

- (a) the maximum noise level of a grass-cutting machine is to be determined in accordance with Part 1 of Schedule 1;
- (b) the maximum noise level of a chainsaw is to be determined in accordance with Part 2 of Schedule 1;
- (c) the sound power level of a domestic air conditioner is to be determined in accordance with the document published by the Australian Environment Council entitled "Technical Basis for the Regulation of Noise Labelling of New Air Conditioners in Australia" dated July 1984;
- (d) the mean sound level of a mobile air compressor or pavement breaker is to be determined in accordance with the document published by the Australian Environment Council entitled "Technical Basis for the Regulation of Noise—Labelling of New Pavement Breakers and Mobile Air Compressors in Australia" dated July 1984;
- (e) the maximum noise level of a mobile garbage compactor is to be determined in accordance with Part 3 of Schedule 1.

Instruments

27. (1) The noise level of a grass-cutting machine, chainsaw or mobile garbage compactor must be measured with a Type 1 or 2 sound level meter complying with AS 1259.1 and associated equipment, including a microphone windshield.

(2) The sound level meter must be set to measure A-weighted noise levels and must have its meter dynamic characteristic set:

- (a) to “fast”, when measuring the noise level of a chainsaw; or
- (b) to “slow”, when measuring the noise level of a grass-cutting machine or mobile garbage compactor.

(3) In this clause, “AS 1259.1” means the document numbered “AS 1259.1—1990” and entitled “Sound Level Meters”, as published in 1990 by the Standards Association of Australia.

Testing the calibration of instruments

28. (1) The calibration of a sound level meter must be checked, and any necessary adjustments made, immediately before the sound level meter is used to make the noise level measurements required by this Regulation (“the pre-test check”) and must be checked again immediately after making those measurements (“the post-test check”).

(2) The calibration is to be checked by performing a field calibration, using a reference sound source, when the article whose noise level is being measured is not operating.

(3) If the noise level recorded during the post-test check (after any necessary adjustments have been made) differs by more than 1 dB(A) from the noise level recorded during the pre-test check, then all measurements made in the intervening period must be disregarded.

Measurements may be disregarded on account of extraneous noise

29. (1) The person making the noise level measurements is to take all reasonable precautions to ensure that extraneous noise does not interfere with the making of measurements required by this Regulation.

(2) If the noise levels recorded during the pre-test and post-test checks (when the article whose noise level is being measured is not operating) are not each 10 dB(A) or more below the lowest maximum noise level reading observed when making those noise level measurements, then all measurements made in the intervening period may be disregarded.

SCHEDULE 1—TESTING PROCEDURES

(Cl. 26)

PART 1—GRASS-CUTTING MACHINES**Site requirements**

1. (1) The site at which the noise level of a grass-cutting machine is measured:
 - (a) must have its perimeter at least 30 metres from any part of the grass-cutting machine under test; and
 - (b) must be in the open air; and
 - (c) must be substantially level; and
 - (d) must be covered with grass not more than 80 mm high.
- (2) While the noise level of a grass-cutting machine is being measured, the following people only may be within the test site:
 - (a) the person operating the grass-cutting machine;
 - (b) the person making the measurements;
 - (c) one observer, standing in a position specified by that person.
- (3) While the noise level of a grass-cutting machine is being measured, only the following articles may be within the test site:
 - (a) the grass-cutting machine;
 - (b) a test pad (where applicable);
 - (c) the instrumentation and other objects necessary for the measurement of the noise level of the grass-cutting machine;
 - (d) any other article which, in the opinion of the person making the measurements, will not substantially affect the measurements.
- (4) The measurements must be made at each of the positions marked A, B, C and D in Figure 1 at the end of this Schedule.

Position of microphone

2. (1) The microphone:
 - (a) must be placed at a height of 1.5 m (\pm 0.1 m) above the ground; and
 - (b) must be placed at a distance of 7.5 m (\pm 0.2 m) from the centre of the test site; and
 - (c) must face towards and have its nominal axis of maximum sensitivity (as indicated by the manufacturer of the microphone) directed towards the centre of the test site.
- (2) Figure 2 at the end of this Schedule shows the position of the microphone relative to the noise source.

Condition of grass-cutting machine

3. (1) A lawn mower or ride-on mower must be fitted with an empty grass-catcher if such a catcher is normally supplied with the mower.

(2) Where a catcher is not normally supplied, or is supplied as an optional accessory, the mower must be fitted with a safety discharge chute if such a chute is supplied.

(3) Where blades having varying degrees of grass lift are available, those providing the greatest amount of lift must be fitted.

(4) A reel lawnmower must have the cutting cylinder and stationary blade correctly sharpened and set. For that purpose, the ability of the lawnmower to cut Kraft paper of not less than 80 gm/m² weight over the full cutting width, and at any position, of the cylinder when the cylinder is turned by hand is an acceptable indication that the cylinder and blade are correctly sharpened and set.

(5) The grass-cutting machine under test must not have been previously run for more than 2 hours at the manufacturer's recommended operating speed.

(6) Immediately before each series of measurements the correctly adjusted grass-cutting machine must be operated for a period of not less than 5 minutes at its maximum governed or ungoverned speed.

(7) The height adjustment position of a rotary mower must be determined by the person making the measurements as being the position approximately midway between the maximum and minimum adjustable height positions (where fitted).

(8) For edge-cutters, the lower edge cutting tip of the blade or cord must be more than 30 mm but not more than 200 mm above the test pad.

(9) A lawn mower or ride-on mower, and in particular the underside of the base plate and the cutting disc and blades assembly of a rotary mower, must be generally clean and free of all grass and dirt.

(10) Where applicable, the engine oil level must be within the manufacturer's allowable tolerances.

(11) Blades of reel mowers must be lubricated before and during operation.

(12) For string-trimmers and brush-cutters, the lower edge of the cutting system must be not more than 200 mm above the test site.

(13) When a harness is fitted, the attachment point, when the machine is balanced for the operator, must be not more than 785 mm and not less than 765 mm above the test site.

(14) When a string-trimmer or brush-cutter is to be tested, only a nylon line head must be used.

Engine operating conditions

4. (1) The grass-cutting machine must be stationary during testing.

(2) Where the grass-cutting machine is propelled by the engine, the controls must be set so that the propulsion drive is activated and the driving wheels are raised above the test pad and, in all instances, the cutting mechanism is operating.

(3) Where the grass-cutting machine is a ride-on mower, rollers may be placed under the driving wheels and the operator seated to operate the controls.

(4) If a speed control governor (and throttle control) is fitted to the grass-cutting machine (not being a string-trimmer or brush-cutter), the engine must be operated with the speed control set on the maximum throttle setting or, if a governor is not fitted, the engine must be operated at the maximum speed attainable.

(5) Grass-cutting machines powered by electric motors must be operated at the maximum pre-set motor speed set by the manufacturer.

(6) For string-trimmers and brush-cutters, the engine speed which corresponds to the manufacturer's stated maximum power rating must be the speed (± 100 rpm) at which the noise level measurements are taken.

Test pad

5. The test pad (where applicable) must conform:

- (a) to the design specified in the document entitled "Technical Basis for the Regulation of Noise Labelling of New Grass-Cutting Machines" published in 1988 by the Australian Environment Council (a copy of which is deposited in the office of the Authority); or
- (b) to such other design as may be approved.

Test procedure

6. (1) For a rotary mower, cylinder mower or edge-cutter, the test pad must be positioned generally at the centre of the test site, and the rotary mower, cylinder mower or edge-cutter must be located on the test pad so that:

- (a) for a rotary mower, the vertical axis passing through the geometric centre of the cutting blades coincides generally with the vertical axis passing through the geometric centre of the test pad; and
- (b) for a cylinder mower, the mid-point of the rectangular area formed by projecting the outer planes of the front and rear rollers or wheels coincides generally with the vertical axis passing through the geometric centre of the test pad; and
- (c) for an edge-cutter, the cutting mechanism must be placed so that it generally coincides with the vertical axis passing through the geometric centre of the test pad.

(2) For a ride-on mower, string-trimmer or brush-cutter, the ride-on mower, string-trimmer or brush-cutter must be located so that:

- (a) where a ride-on mower is driven through the front wheels, the vertical axis passing through the geometric centre of the machine coincides generally with the vertical axis passing through the geometric centre of the test site; or
- (b) where a ride-on mower is driven otherwise than through the front wheels, the vertical axis passing through the geometric centre of the cutting disk coincides generally with the vertical axis passing through the geometric centre of the test site; or
- (c) for a string-trimmer or brush-cutter, the operator is positioned approximately on the vertical axis passing through the geometric centre of the test site as shown in Figure 2 at the end of this Schedule.

Determination of noise level

7. (1) The person making the measurements is to make as many noise level measurements of the grass-cutting machine as are reasonably appropriate.

(2) The maximum noise level (L_{pA}) of a grass-cutting machine is to be the average of the greatest noise level readings obtained at the positions, A, B, C and D (shown in Figure 1), as calculated in accordance with this item, taken, if the average reading is not a whole number of decibels, to the next lower whole number of decibels.

(3) An A-weighted sound pressure level must be calculated from the measured values of the A-weighted sound pressure levels (L_{pAi}) from the following equation:

$$L_{pA} = \frac{10 \log_{10}}{N} \sum_{i=1}^N 10^{0.1L_{pAi}}$$

Where:

L_{pA} = A-weighted sound pressure level.

L_{pAi} = A-weighted sound pressure level at the i 'th measured position, in decibels.

N = Total number of measured points.

(4) If the range of values of L_{pAi} does not exceed 5 dB(A), the A-weighted sound pressure level is to be the arithmetical mean of those values.

PART 2—CHAINSAWS

Site requirements

1. (1) The site at which the noise level of a chainsaw is measured:
 - (a) must have its perimeter at least 30 metres from any part of the chainsaw under test; and
 - (b) must be in the open air; and
 - (c) must be substantially level; and
 - (d) must be covered with grass not more than 80 mm high or with concrete, asphalt or any other approved material or with a mixture of those coverings.
- (2) While the noise level of a chainsaw is being measured, the following people only may be within the test site:
 - (a) the person operating the chainsaw;
 - (b) the person making the measurements;
 - (c) one observer, standing in the position specified by that person.
- (3) While the noise level of the chainsaw is being measured, the following articles only may be within the test site:
 - (a) the chainsaw;
 - (b) the timber to be cut;
 - (c) the timber stands;
 - (d) the instrumentation and other objects necessary for the measurement of the noise level of the chainsaw;
 - (e) any other article which, in the opinion of the person making the measurements, will not substantially affect the measurements.

(4) The measurements must be made at each of the positions marked A, B, C and D in Figure 3 at the end of this Schedule.

Position of microphone

2. (1) The microphone used to measure the noise level of a chainsaw:

- (a) must be placed at a height of 1.5m (\pm 0.1m) above the ground; and
- (b) must be placed at a distance of 7.5m (\pm 0.2m) from the nearest point of the motor of the chainsaw under test to the microphone; and
- (c) must face towards the motor of the chainsaw; and
- (d) must have its nominal axis of maximum sensitivity (as indicated by the manufacturer of the microphone) directed towards the motor of the chainsaw.

(2) Figure 4 at the end of this Schedule shows the position of the microphone relative to the noise source.

Operation of chainsaw during measurement

3. (1) Noise measurements must be taken while the chainsaw is cutting a log.

(2) The noise level measurement must be taken at the engine speed which corresponds to the manufacturer's stated maximum power rating.

(3) Immediately before the noise level of a chainsaw is measured, the motor of the chainsaw must be operated for not less than 5 minutes.

(4) The position of the log and chainsaw during cutting must be as shown in Figure 4 at the end of this Schedule.

(5) When the noise level of a chainsaw is being measured:

- (a) the chainsaw must be held in a horizontal position by the operator and operated in a manner appropriate to normal cross-cutting; and
- (b) the guide bar must be fed into the log and the load applied so that the engine speed is the same as, or within 300 rpm of, the speed at which maximum power is developed according to the manufacturer's specification; and
- (c) the slices of timber cut must not be more than 25 mm thick; and
- (d) full throttle must be maintained during the cutting operation.

Determination of noise level

4. (1) The person making the measurements is to make as many noise level measurements of the chainsaw as are reasonably appropriate.

(2) The maximum noise level (LpA) of a chainsaw is to be the average of the greatest noise level readings obtained from the positions A, B, C and D (shown in Figure 3 at the end of this Schedule), as calculated in accordance with this item. If the average reading is not a whole number of decibels, it must be rounded down to the next lower whole number of decibels.

(3) An A-weighted sound pressure level must be calculated from the measured values of the A-weighted sound pressure levels (L_{pA_i}) from the following equation:

$$L_{pA} = \frac{10 \log_{10}}{N} \sum_{i=1}^N 10^{0.1L_{pA_i}}$$

Where:

L_{pA} = A-weighted sound pressure level.

L_{pA_i} = A-weighted sound pressure level at the i 'th measured position, in decibels.

N = Total number of measured points.

(4) If the range of values of L_{pA_i} does not exceed 5 dB(A), the A-weighted sound pressure level is to be the arithmetical mean of those values.

PART 3—MOBILE GARBAGE COMPACTORS

Site requirements

1. (1) The test site:
 - (a) must be in the open air; and
 - (b) must be free from obstructions; and
 - (c) must be substantially level; and
 - (d) must have a perimeter at least 20 metres from the mobile garbage compactor under test; and
 - (e) must be covered with concrete, asphalt or other approved material, or a mixture of those coverings.
- (2) While the noise level of a mobile garbage compactor is being measured, the following people only may be within the test site:
 - (a) the driver or operator of the compactor;
 - (b) the person making the measurements;
 - (c) one observer, standing in a position specified by that person.
- (3) While the noise level measurements are being made, only the following articles may be within the test site:
 - (a) the mobile garbage compactor;
 - (b) instruments necessary for the measurement of noise emitted by the compactor;
 - (c) any other article which, in the opinion of the person making the measurements, will not substantially affect the measurements.
- (4) Noise measurements must not be made when wind speed exceeds 5 m/s.

Position of mobile garbage compactor

2. The mobile garbage compactor must be positioned in the approximate centre of the test site.

Position of microphone

3. The microphone:

- (a) must be placed at a height of 1.5 metres (± 0.1 m) above the ground; and
- (b) must (in any sequence) be placed at a distance of 15 metres (± 0.2 m) from the approximate geometric centre of the vehicle at each of the 4 points on the principal axes of the vehicle; and
- (c) must have its nominal axis of maximum sensitivity (as indicated by the manufacturer of the microphone) directed towards the mobile garbage compactor under test.

Operation of mobile garbage compactor

4. (1) The controls of the mobile garbage compactor being tested must be operated in such manner as to cause the compactor to operate over full compaction cycles.

(2) The bin lifters must not be operated during the tests unless this is necessary for operation of the compactor.

(3) The tests must be conducted without any garbage present in the compactor body or loading chute.

(4) The compactor must be operated over as many cycles as the person making the measurements considers necessary to obtain representative results.

(5) The compactor must be operated over full compaction cycles for a minimum period of 15 minutes prior to conducting the noise tests.

(6) Relief valves must be set to operate at the pressures or flows, or pressures and flows, specified by the manufacturer of the compactor.

Engine rotation speed

5. (1) The object of this clause is to provide the rotation speed at which the engine driving the hydraulic pump must be operated.

(2) For a mobile garbage compactor with a hydraulic pump the rotation speed of which cannot be increased by operation of the accelerator pedal while the compactor is engaged, the engine speed during the test must be set to the governed engine speed as specified by the manufacturer of the compactor unit.

(3) If the speed of the hydraulic pump can be altered by use of the accelerator pedal while the compactor is engaged, the speed of the engine driving the hydraulic pump must be:

- (a) the greater of the engine speed which is automatically obtained when the compactor is engaged and an engine speed that provides between 80 and 85 per cent of the speed of the pump at which the compactor operation is disengaged or its performance is reduced or limited:
 - (i) by the use of a dump circuit, a pump unloader system or a clutch on the drive to the pump; or
 - (ii) by other appropriate means built into the compactor unit to limit the flow of hydraulic fluid or to limit the engine rotation speed; or

1995—No. 503

- (b) a rotation speed between 95 and 100 per cent of the maximum speed of the engine where the compactor has no facility for limiting the flow or pressure, or flow and pressure, applied to the compaction system; or
- (c) where a variable displacement pump is used, the design speed for normal operation of the compaction system as stated by the compactor manufacturer.

Instruments to test rotation speed

6. A suitable engine or pump rotation speed measurement device capable of measuring the maximum rotation speed to within (\pm) 50 rpm of the actual speed of the engine or hydraulic pump during a compaction cycle must be used to measure the engine or pump rotation speed during the test.

Determination of mean noise level

7. (1) The person making the measurements is to make as many noise level measurements of the mobile garbage compactor as are reasonably appropriate.

(2) The compactor must be operated with the engine powering the hydraulic pump operating at a speed determined in accordance with this Schedule and the maximum sound pressure level must be observed and recorded with an accuracy to the first decimal place at each of the 4 microphone positions on the principal axes of the vehicle.

(3) The mean noise level of a mobile garbage compactor is the logarithmic average of the maximum noise level readings at those 4 positions but, if the range of levels is 5 dB(A) or less, the arithmetic average may be used instead.

(4) If the average so determined is not a whole number of decibels, it must be rounded down to the next lower whole number of decibels.

FIGURE 1

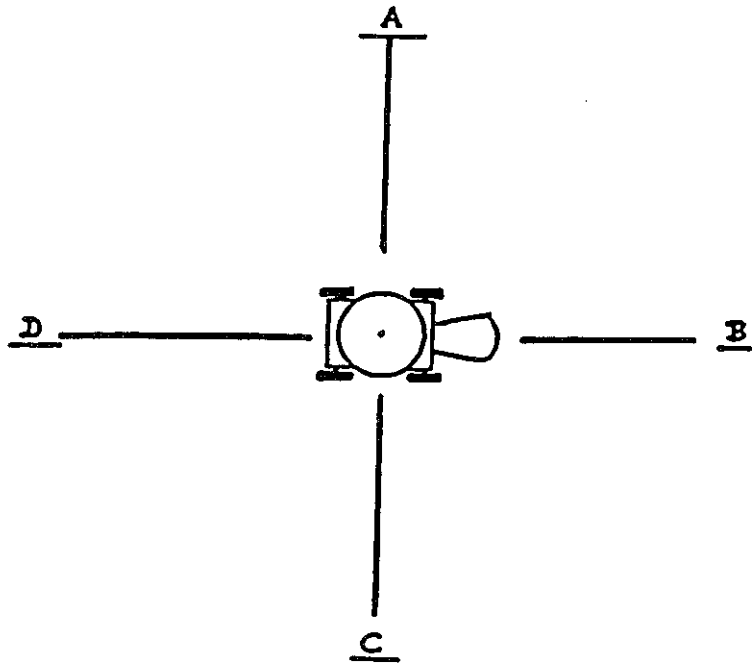


FIGURE 2

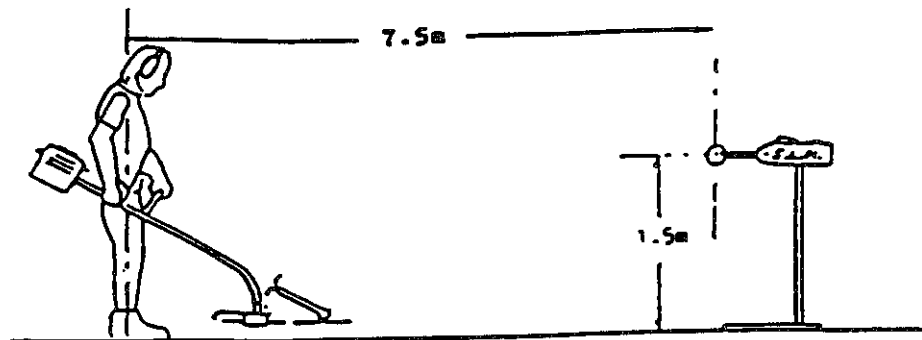


FIGURE 3

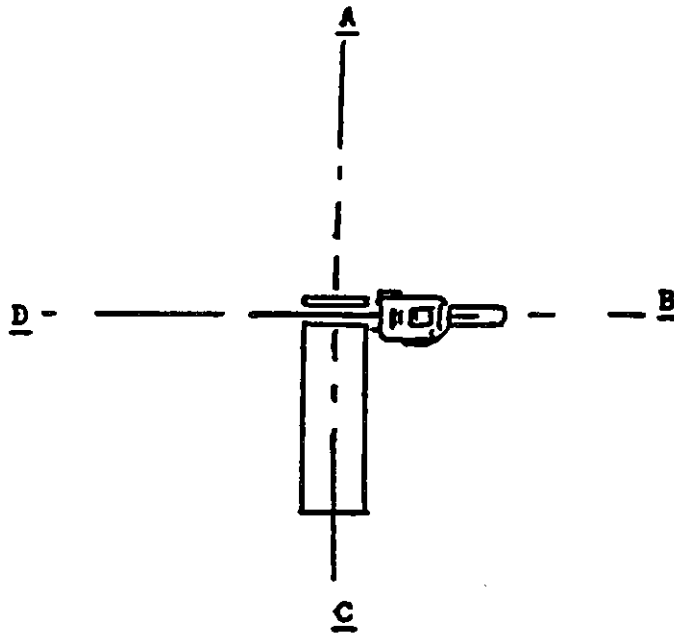
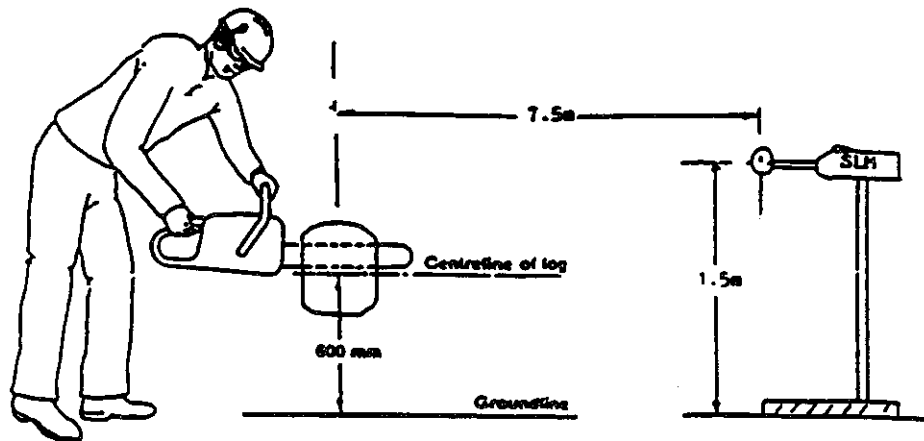


FIGURE 4



NOTES
TABLE OF PROVISIONS

PART 1—PRELIMINARY

1. Citation
2. Commencement
3. Definitions

PART 2—SALE OF ARTICLES

Division 1—Preliminary

4. Part applies only to retail sale of new articles
5. Size, design, format and construction of noise labels

Division 2—Grass-cutting machines

6. Application of Division
7. Lawn mowers with cutting width between 620 mm and 950 mm
8. Ride-on mowers
9. Edge-cutters
10. String-trimmers
11. Brush-cutters
12. Other grass-cutting machines

Division 3—Chainsaws

13. Labelling of chainsaws

Division 4—Domestic air conditioners

14. Labelling of domestic air conditioners

Division 5—Mobile air compressors

15. Labelling of mobile air compressors

Division 6—Pavement breakers

16. Labelling of pavement breakers

Division 7—Mobile garbage compactors

17. Labelling of mobile garbage compactors

Division 8—Building intruder alarms

18. Sale of building intruder alarms

PART 3—USE OF ARTICLES

Division 1—Time limits on the use of certain articles

19. Power tools and equipment
20. Musical instruments and sound equipment
21. Air conditioners

Division 2—Building intruder alarms

22. Use of building intruder alarms

PART 4—INSPECTION AND TESTING OF CERTAIN ARTICLES

Division 1—Powers of authorised officers

23. Power to inspect and test articles
 24. Power to seize articles
 25. Power to require articles to be presented for further testing

Division 2—Determining the noise level of an article

26. Determining the noise level of an article
 27. Instruments
 28. Testing the calibration of instruments
 29. Measurements may be disregarded on account of extraneous noise

SCHEDULE 1—TESTING PROCEDURES

EXPLANATORY NOTE

The object of this Regulation is to control the emission of noise by certain articles.

The Regulation makes provision in respect of the following matters:

- (a) the maximum noise levels in relation to certain classes of articles, such that articles capable of emitting noise above those noise levels cannot be sold;
- (b) obligations to label certain articles;
- (c) the times during which it is not permissible to use certain articles if they emit noise that can be heard in other residential premises;
- (d) other restrictions on the use of certain articles;
- (e) inspection and testing procedures for the purpose of determining noise emission levels of certain articles or equipment;
- (f) other formal matters.

This Regulation is made under the provisions of the Noise Control Act 1975, including section 64 (the general regulation making power) and section 28 (which makes it an offence for a person to sell any article of a class prescribed if, when in use or operation, the article emits noise that is in excess of the level prescribed in respect of that class of article).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.