

Information on Noise

Most of us have been disturbed by noise on occasion and may even have been responsible for causing noise which affects our neighbours.

When is noise unreasonable?

The *Environmental Protection (Noise) Regulations 1997* (the Regulations) set different permitted levels depending on the time of the day. The legislation does however also create a number of exemptions for certain activities if they are done in accordance with set conditions. Noise which is emitted in excess of the permitted levels or not in accordance with an exemption is deemed to be unreasonable. As a guide, noise emanating from a neighbouring property which is clearly audible inside your house, especially at night time, may be unreasonable and exceed the prescribed noise levels.

Equipment used on residential premises – specified equipment

Specified equipment is defined as any equipment that requires the constant presence of an operator e.g. lawn mower and power tools. Equipment, other than a musical instrument, should not be used for more than 2 hours per day. Musical instruments should not be used for more than 1 hour per day. Equipment may only be used between 7am to 7pm Monday to Saturday and 9am to 7pm Sunday or Public Holidays. The equipment must be used in a reasonable manner e.g. for the purpose and as intended by the manufacturer or in the case of musical instruments inside the main residence with the windows and doors closed.

It should be noted that specified equipment or activities normally associated with a commercial operation would not be deemed a reasonable use at a residential property and would need to comply with the noise limits at all times.

Construction noise

Work that creates noise on a construction site is permitted between 7am and 7pm Monday to Saturday. Work at other times is only permitted under an approved noise management plan. It should be noted that work which does not create noise is permitted outside these times as are other activities such as workers arriving at site and unloading materials or tools provided they are not creating noise.

Air conditioner noise

The location of the air conditioner is an important factor in ensuring neighbours are not adversely affected by noise. Air conditioners should be located as far away as possible from neighbours bedrooms and outdoor recreation areas. When purchasing a new air conditioner quieter models should be selected over noisier units.

Vehicles

If an off road vehicle is used for farming purposes, it is exempt from the noise limits set out in the regulations when it is used between sunrise to sunset, used in a practicable and reasonable manner and the vehicle is in a good working condition. Off road vehicles used for recreational purposes are not exempt and must comply with the noise limits set out under the Regulations.

Noise from a licensed vehicle's propulsion or braking system operating on the road is generally exempt from the noise Regulations. However if a vehicle is unnecessary revving on private property this is not exempt and must comply with the Regulations. Noise from burnouts should be reported to the Police directly under the anti-hoon legislation.

Party noise

Music noise emitted from a party will generally exceed the permitted noise levels. Neighbours will in most cases tolerate 'one off parties' particular if they have been advised of the following in advance:

1. The date of the party (neighbours may wish to make alternative arrangements and go out).
2. The time the music will be switched off or turned down (this indicates how long the situation has to be tolerated and when it will improve).
3. A phone number of the party organiser to ring if the situation becomes unbearable.

Even if the above guidelines are followed neighbours can still lodge a noise complaint with the Police and/ or the Shire. Some people mistakenly believe music at parties can be played until midnight. This is not the case as no such exemption

exists under the Regulations, although some people may be accepting of this situation particularly on Friday or Saturday nights.

It is also recommended the use of outdoor speakers be minimised, speakers be directed away from neighbours houses, keep bass component of music low, move the party indoors if it goes late into the night and keep the windows and doors closed.

Intruder alarms

Intruder alarms are a useful security device but can create a significant nuisance to neighbours if they are operated incorrectly, continually being triggered or are faulty. Ideally they should sound for only 5 to 10 minutes before shutting off. If a Police officer is satisfied that the alarm has been causing unreasonable noise for at least 30 minutes, he or she may take whatever reasonable steps are necessary to stop the alarm. In these situations the Police will normally call out an alarm technician, working for a security company, who will disconnect the alarm at the owner's expense. The Shire is not authorised to disconnect an alarm.

Barking dogs

If you have problems with noise from barking dogs please contact the Shire's Ranger Services on 9574 9360 as this matter is covered under the *Dog Act 1976* and not the noise Regulations.

People

Noise from people yelling or screaming is best described as antisocial behaviour. As such it is something that is best handled by the Police and not something which the Shire has control over. Similarly issues of an abusive, threatening or intimidating nature are a Police matter. Therefore if the noise is in relation to any of these matters you are encouraged to contact the Police directly.

What to do if you have a noise problem

If noise is bothering you the first thing you need to do is locate the noise source. If a neighbour is creating noise you may want to try discussing the situation with them in the first instance. If the situation doesn't change or you feel uncomfortable approaching your neighbour you may lodge a complaint with the Shire.

A record of noise history for 2 weeks is recommended as it helps the Shire assess the situation and determine whether it is likely to be an offence. It also helps demonstrate to any offender that the Shire is fully aware of the situation. This information may be able to be backdated if you can recall details of previous occurrences to help speed up the process. For a one off situation particularly after hours, the Police are the best people to call. The Police have similar powers to the Shire with regards to noise enforcement.

Complaint investigation

Where the Shire receives a noise complaint, the Environmental Health Officer will initially make contact with the alleged offender and inform them of the situation and requirements under the legislation. Usually this is sufficient to resolve most situations as quite often the offender was not aware they were creating a problem or were not aware of the legislation.

However if the problem continues, further action may be needed. In order to take further action, it may be necessary to take sound level measurement. Under the Regulations these are required to be taken from the property receiving the noise and not the property generating the noise.

Enforcement options

If the noise is found to be excessive, further action will be taken which in some cases can include but is not limited to issuing an infringement, seizing the offending equipment or undertaking legal action. It should be noted that the owner of a rental property can also be held responsible for offences created by their tenants.

Further information

Department of Environmental Regulation - www.der.wa.gov.au
Environmental Protection (Noise) Regulation 1997 – www.slp.wa.gov.au