

### Your neighbourhood and noise

Noise can be described as unwanted sound and when unreasonable noise can seriously disrupt people's lives, causing loss of sleep, interference to activities, and emotional stress.

### What noise is unreasonable?

The Environmental (Noise) Regulations 1997 set permitted levels for different times of the day. These levels are calculated by considering a set base level for that time of day together with factors within the noise, such as tonality, impulsiveness, modulation, traffic and zoning.

Noise that is emitted above the permitted levels or that is not in accordance with a special case exemption is deemed to be unreasonable.

For the purposes of the legislation, noise levels are measured at the receiver's property. These levels are less after 7pm and further past 10pm.

### What are the special case exemptions?

#### 1. Equipment used on residential premises that would otherwise cause unreasonable noise – "specified equipment"

Specified equipment is any equipment that requires the constant presence of an operator such as lawnmowers, power tools, or musical instruments. This can include noise from the use of a basketball or other recreational or hobby equipment. Specified equipment other than a musical instrument can be used for up to 2 hours per day. Musical instruments may be used for up to 1 hour per day. This equipment may only be used between 7am and 7 pm Monday to Saturday and 9am to 7pm on Sundays and public holidays.

The equipment must be used in a reasonable manner and for the purpose as intended by the manufacturer. Care should be taken to ensure that any noise generated does not unreasonably interfere with health, welfare, convenience, comfort, or amenity.

The use of tools should be avoided in the early morning and late evening and, preferably the usage should take place in garages or behind barriers. Musical instruments should be played inside, with closed doors and windows. Neighbours should work together to agree on a time to practice if they raise concerns. Music practice should be restricted to a one-hour continuous period so that the neighbours will know when the noise will stop. Note that the practice of a musical instrument does not confer approval for band rehearsals.

#### 2. Construction Noise

Noise from work on a construction site is permitted between 7am and 7pm from Monday to Saturday. It should be noted that work that does not create noise is permitted outside of these hours. Additionally, noise generating work outside of the specified hours may be permitted by the Shire under an approved management plan.

#### 3. Community activities

Special rules apply to bellringing and calls to worship, and to approved sporting, cultural and entertainment events.

## Air conditioner Noise

Air conditioning units should be located as far away as possible from neighbours' bedrooms, living, and outdoor recreation areas. When purchasing an air conditioning unit, check that the model and intended location is compliant prior to installation. Consideration must be taken in regard to the location of the unit with respect to both the proximity of neighbours and hard, noise reflective structures and surfaces.

## Noise from amplified music – stereo and television noise

Most music noise from parties will exceed the prescribed noise levels. However, neighbours may tolerate a one-off party on a Friday or Saturday night particularly if they have been advised in advance of the date and time of the party and provided with a contact number to call if the music gets too loud, or the party goes on for too long. It is helpful to position your stereo speakers facing away from the neighbouring properties and to turn the music down or move the party indoors after 10pm. Ongoing or frequent loud stereo or television noise, particularly with heavy base noise, is likely to generate complaints.

## How do I resolve a noise problem?

If noise emissions become a problem and the special circumstances outlined do not apply, the Shire's Health Services may be able to assist in resolving the matter. The first thing you need to do is locate the source of the noise. If a neighbour is creating the noise, the most appropriate initial action is to contact your neighbour and try to resolve the matter by discussing it with them.

If you are unable to resolve the matter, or your neighbour is not approachable, complete a noise complaint form and noise log, available on the Shire's website or via Customer Service and submit it to [info@capel.wa.gov.au](mailto:info@capel.wa.gov.au).

In summary the types of complaint that may be investigated by Health Services include:

- Stereo noise and music instruments;
- Construction noise, commercial and industrial noise;
- Handheld equipment/tools (including lawn mowers, hammers etc.);
- Roosters and other noisy birds;
- Air conditioner units and other equipment noise; and
- **NOT Barking dog** complaints, these are investigated by Ranger Services.

Following receipt of a noise complaint form, the Shire's Environmental Health Officer will begin to investigate the matter. This normally involves approaching the owner/occupiers of the property where the noise is occurring to try to resolve the issue. All noise service requests lodged with the Shire are confidential and are usually resolved by this initial discussion. However, if the problem persists, further action may be required, such as taking noise measurements and issuing written warnings. Further enforcement action may include the issue of an infringement (\$250 for the first offence and \$500 for each subsequent offence), seizure of the offending equipment, or taking legal action. **Where further enforcement action is required, you may be called upon as a witness should the matter be disputed.**

## Noise that we cannot resolve

The Environmental Protection (Noise) Regulations 1997 do not apply to traffic and aircraft noise or behavioural noise (screaming, yelling, abusive/bad language). **For behavioural noise at any time or amplified music noise outside of Shire hours the Police may be contacted on 9722 2111 or 131 444.**

Department:	Health	Next review:
Reviewer:	Coordinator Environmental Health	Adopted:
Amended:		Version: