

Most of us have been disturbed by noise on occasion and may even have been responsible for causing noise which affects our neighbours. With the current trend towards smaller block sizes the probability of producing noise that may affect others has increased.

When is noise unreasonable?

The *Environmental Protection (Noise) Regulations 1997* (the Regulations) set different permitted levels depending on the time of 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 which is clearly audible at a residential boundary may exceed the permitted level.

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 site noise

Work that creates noise on a construction site is permitted between 7am to 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 material or tools provided they are not creating noise.

Tips when undertaking construction work

- Use tools out of direct sight to neighbours windows and doors, such as behind barriers.
- Avoid using tools early in the morning and late in the evening
- Ensure tools are properly maintained and most suited to the task at hand.
- If using a piece of equipment repeatedly, try to plan the activity to use equipment in block periods. eg if using a saw to cut timber, measure a number of bits of timber and cut them all at the same time rather than measuring and cutting each piece separately.
- If undertaking renovations, inform neighbours of likely timeframe of construction work.

Tips when dealing with noise from construction sites:

- Speak to the builders on the construction site to make them aware of your concerns.
- Contact the building company who is responsible for the construction. Often workers are sub contractors and the site manager may not be aware of any issues.
- Be patient. Remember construction work is of a temporary nature and so the noise nuisance will cease eventually.
- Remember you may wish to undertake construction work at some point and the situation will then be reversed.
- Should the annoyance caused by construction site noise continue, you may lodge a written complaint to the City's Health Services.

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. A guide for estimating potential noise levels from air conditioners is available from the City's website at www.wanneroo.wa.gov.au.

Noisy vehicles on private property

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.

Party noise

Music noise emitted from a party will generally exceed the permitted noise levels. Neighbours will in most cases tolerate 'one off parties' particularly 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 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 City. 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 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 City is not authorised to disconnect an alarm.

Barking dogs

If you have problems with noise from barking dogs please contact the City's Ranger Services on 9405 5000 as this matter is covered under the *Dog Act 1976* and not the noise regulations.

People noise

Noise from people yelling or screaming is best described as antisocial behavior. As such it is something that is best handled by the Police and not something which the City has control over. Similarly issues of an abusive, threatening or intimidation 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.

Noise from vehicles

Noise from a licenced vehicle's propulsion or braking system is generally exempt from the noise regulations. Therefore despite situations such as loud motorbike exhausts, v8 engines or use of air brakes being noisy there is little the City can do. Noise from burnouts should be reported to the Police under the anti hoon legislation.

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 does not change or you feel uncomfortable approaching your neighbour you may lodge a complaint with the City. If you would like to lodge a complaint you will need to fill out the City's Noise Complaint Form and Log Sheet which is available from the City's website at www.wanneroo.wa.gov.au.

A record of noise history for 2 weeks is required as it helps the City assess the situation and determine whether it is likely to be an offence. It also helps demonstrate to any offender that the City is fully aware of the situation. For one off situations particularly afterhours the Police are the best people to call. The Police have similar powers to the City with regards to noise enforcement.

Lodging your complaint:

In Person: City of Wanneroo Administration Centre, 23 Dundobar Road, Wanneroo

By Mail: Locked Bag 1, Wanneroo WA 6946

By Fax: 9405 5499

By Email: health@wanneroo.wa.gov.au

To the Police: 131 444

Complaint investigation

Where the City receives a noise complaint, Environmental Health Officers will initially make contact with the alleged offender and inform them of the situation and requirements of 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 measurements. 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 (\$250 for first offence and \$500 for each subsequent offence), seizing the offending equipment or undertaking legal action. It should also be noted that the owner of a rental property can also be held responsible for offences created by their tenants.

Further information:

Additional information, including complaint forms and information sheets may be found on the following websites;

- City of Wanneroo – www.wanneroo.wa.gov.au
- Department of Environment Regulation – www.der.wa.gov.au
- WA Police – www.police.wa.gov.au
- *Environmental Protection (Noise) Regulations 1997* – www.slp.wa.gov.au

Should you have any queries regarding any of the above, please do not hesitate to contact the City of Wanneroo's Health Services on 9405 5000.