

Neighbourhood noise

Health Services Information Fact Sheet



Your neighbourhood and noise

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

When is noise unreasonable?

The *Environmental Protection (Noise) Regulations 1997* set different permitted levels for different times of the day. The levels are calculated by taking into account the mix of commercial, industrial and residential use in the area as well as local traffic factors and so vary for each property. The legislation does however create a number of exceptions 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 a special case exception is deemed to be unreasonable. As a guide, noise emanating from a neighbouring property but which is clearly audible inside your house, especially at night time, may be unreasonable and exceed prescribed noise levels.

Equipment used on residential premises (that would otherwise cause unreasonable noise) - 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, may be used for up to 2 hours per day. Musical instruments may be used for up to 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. In the case of musical instruments this would typically mean being played inside the main residence with the windows and doors closed. For more information refer to the City's additional fact sheet on specified equipment.

Construction 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. For more information refer to the City's additional fact sheet on construction 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. For more information refer to the City's additional fact sheet on air conditioner noise. *An Installers Guide to Air Conditioner Noise* is also available from the City's website at www.swan.wa.gov.au and can be used for estimating potential noise levels from air conditioners.

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 the party organiser to ring if the situation becomes unbearable.

The City supports the generally held community view that it is ok for one off parties to play music until midnight (particularly on a Friday or Saturday night) – though this is not reflected in the noise regulations

It is also recommended that:

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

Alarms

Intruder alarms are a useful security device but can create a significant nuisance for 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 even if it is faulty.

Barking dogs

If you have problems with noise from barking dogs please contact the City's Customer Services on 9267 9267 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 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 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 on 131 444.

Vehicles

Noise from a licensed vehicle's engine 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 directly on 131 444 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 try to find where the noise is coming from. 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 can either contact the City's Customer Services team on 9267 9267 or lodge a Noise Investigation Request Form which is available on the City's website.

When lodging a complaint it is important that sufficient information be provided to accurately reflect the situation and nature of noise occurrences. In general this should be for a period that demonstrates how often, and for how long the noise occurs. A period of 2 weeks is typical but it may be longer or shorter depending on the situation. This information may be able to be backdated if you can recall details of previous occurrences to help speed up the process. This record of noise history helps the City assess the situation and determine whether it is likely to be an offence. For one off situations particularly after hours the Police are the best people to call. The Police have similar powers to the City with regards to noise enforcement.

Complaint investigation

Where the City receives a noise complaint, an Environmental Health Officer will initially contact the alleged offender and inform them of the situation and requirements of the legislation. This is often sufficient to resolve the situation as the offender may not be aware that they were causing 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 assess the noise such as taking 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 unreasonable, further action can be taken which in some cases can include 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. Please be aware that should enforcement action be taken you may be called upon as a witness should the matter be disputed.

Further information

City of Swan Health Services
Ph 9267 9267

www.swan.wa.gov.au

WA Police Service
Phone 131 444

www.police.wa.gov.au

Department of Water and Environmental Regulation

www.dwer.wa.gov.au

Environmental Protection (Noise) Regulations 1997

www.legislation.wa.gov.au