

Noise from specified equipment

Health Services Information Fact Sheet



The *Environmental Protection (Noise) Regulations 1997* recognise that in some situations it is impracticable to comply with assigned (permitted) levels and so a number of special case provisions have been created. These exceptions cover a range of situations but are subject to adherence with set conditions. Failure to comply with the conditions sees the provision cease to have effect and the noise must then comply with the permitted levels. One such exception relates to specified equipment.

What is specified equipment?

Specified equipment is any equipment that is used on a residential property and needs the constant presence of an operator for normal use. This includes lawn mowers, power tools, musical instruments or even a basketball. It would not include a radio as this could be left on unattended which would not meet the presence of an operator requirement.

What is allowed?

Specified equipment may be used in accordance with the following requirements;

- Equipment, other than musical instruments, is not to be used for more than two hours in any day.
- Musical instruments can only be played for 1 hour per day.
- Equipment can be used between 7am and 7pm Monday to Saturday or between 9am and 7pm Sunday and public holidays.
- Equipment must be used in a reasonable manner.
- The noise from the use of equipment must not unreasonably interfere with the health, welfare, convenience, comfort or amenity of a person receiving the noise.

What is meant by reasonable manner or unreasonably interfere?

Whilst the legislation does not specifically define these terms, the City of Swan will apply a general interest test in assessing situations. For 'reasonable manner' the City would expect equipment to be used as per manufacturer's instruction or in a manner that was common practice for that type of equipment.

Unreasonably interfere relates to the type and manner of the activity being undertaken. In this regard the City will consider if the activity is normal practice in the area and consider the duration of the noise, frequency of emissions and purpose of the activity. For example it is not unreasonable for people to want to mow their lawn and noise from the lawn mower whilst undertaking this activity would be exempt. Starting a lawn mower each day for 5 minutes however for no purpose would be considered to unreasonably interfere as it is not normal practice and despite the equipment and noise levels being the same as when the lawn is mowed the exemption would not apply.

Unreasonably interfere also relates to the condition of the equipment and what efforts have been taking to minimise the effect of the noise. Equipment must be maintained to a reasonable standard so that the level of noise is not higher than when it was manufactured.

Tips when using specified equipment:

- Use tools out of direct sight to neighbours, windows and doors, such as in garages or behind barriers.
- Avoid using tools early in the morning and late in the evening.
- 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.

Tips when playing a musical instrument:

- Play instruments inside and out of direct sight to neighbours, and close windows and doors.
- Must not be accompanied by recorded, broadcasted or amplified music or sounds that are likely to exceed the regulations.
- If practicable consider measures designed to reduce noise such as sound off pads for drums.
- Speak to neighbours and try to come up with agreed time for practice and stick to this time for each occasion.
- Avoid playing a musical instrument early in the morning and late in the evening.
- Restrict practice to within a 1 hour continuous period eg 3pm to 4pm so neighbours will know when the noise will cease ie 1hr from commencement.

Please note that the regulations relating to the practice of a musical instrument does not confer approval for band rehearsal or performances of a similar nature.

Tips when dealing with noise from specified equipment:

- Speak to the person using the equipment to make them aware that it causes you annoyance, as they may not realise that it causes you concern and it also gives them the opportunity to change their actions.
- See whether or not an agreement can be made on the time of day at which the equipment is used or for how long.
- Should the annoyance caused by the specified equipment continue, you may lodge a written complaint to the City's Health Services.

What happens if a complaint is lodged?

Where the City receives a noise complaint an investigation will be undertaken as per established procedures. For more information on this as well as possible enforcement options please refer to the City's Neighbourhood Noise fact sheet.

If you require further information about noise, you may contact the City of Swan's Health Services on 9267 9153.