

### Your Neighbourhood and Noise

Most of us have been disturbed from time to time by neighbourhood noise and there are probably occasions when we have been responsible for causing disturbance. Current trends towards smaller block sizes in residential areas have increased the probability of producing noise that may affect others.

### So What Is Noise And When Is It Considered Unreasonable?

Noise can be best described as unwanted or unpleasant sound. Noise can disrupt people's lives, causing loss of sleep, interference to activities and stress. Assigned noise levels are set out in the *Environmental Protection (Noise) Regulations 1997* to ensure that noise from premises is kept to acceptable levels for other neighbouring properties.

The noise regulations set different levels for the type of premises receiving noise at various times of the day. As a guide, noise which is clearly audible at the boundary of a property may cause a disturbance and exceed prescribed noise levels. Any noise emitted from premises must comply with prescribed noise levels. However, the legislation does allow, under strict conditions, certain noisy activities to occur, such as:-

### Equipment Used On Residential Areas

Specified equipment is defined as "any equipment that requires the constant presence of an operator e.g. lawn mower, power tools." Specified equipment, other than a musical instrument, should not be used for more than 2 hours per day. Musical instruments are not to be used for more than 1 hour per day.

Specified equipment may only be used between 7.00am - 7.00pm Monday to Saturday and 9.00am - 7.00pm Sunday and Public Holidays. The equipment must be used in a reasonable manner and not interfere with the health, welfare, convenience or amenity of an occupier of a premises receiving noise.

### Construction Site Noise

Construction work on building sites can be carried out on any day, which is not a Sunday or Public Holiday between 7.00am - 7.00pm. Work at other times is only permitted with an approval from the Shire of Esperance and under a noise management plan.

### Air Conditioners

Noise from air conditioners can disturb neighbours. The noise can disrupt sleep and interfere with normal daily activities. Noise Regulations may prevent your air conditioner from being used if inappropriately selected, installed or located. The location of the air conditioner is the most important factor in making sure noise is not going to be an issue. Air conditioners should be located as far away as possible from neighbours bedrooms and recreational areas. Relocation or attenuation of a noisy air conditioner can be very expensive and inconvenient. A guide for estimating potential noise levels from air conditioners is available with Environmental Health officers at the Shire office.

### What about Parties?

Music noise emitted from a party will generally exceed the permitted noise levels. Neighbours will in most cases tolerate 'one off parties' advised of the following in advance;

- The date of the party (neighbours may wish to make alternative arrangements and go out).
- A phone number of the party organiser to ring if the situation becomes unbearable.
- 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).

The music should be turned down at 10pm and off at midnight (or down to a level that is not audible at your property boundary). Monitor the noise at the boundary during the party and try to locate amplified music indoors rather than having it outside. Ask everyone to move inside the house after midnight to prevent loud voices from disturbing neighbours.

Leave the clean up until the morning so the sound of clanging bottles doesn't disturb neighbours.

Ask your guests to leave quietly and say your goodbyes inside. For everyday stereo use, the volume must be turned down at 7pm, and either off or to a level that is not audible at the property boundary at 10pm.

Keep the bass component of your stereo to a minimum, as this is often the common cause of complaints about stereo usage

Esperance Police Officers have the power to ensure music is turned down and or to confiscate equipment and should be your first point of contact after hours.

## What About Animals?

If you are concerned about undue noise from animals, please call the Shire's Ranger Service on phone: 9071 0662.

## What Do You Do If You Have A Noise Complaint?

If noise is bothering you and does not fit into one of the previous special circumstances or you think it is unreasonable the first thing you need to do is to locate the noise source.

If a neighbour is creating noise, the most appropriate thing would be to try to resolve it with your neighbour by calmly discussing the matter with them.

If the situation does not change or you feel uncomfortable approaching your neighbour, contact the Esperance Police or the Shire's Health Service on phone: 9071 0676. Written complaints should include the date, time, nature and duration of the noise. To help the Environmental Health Officer deal with your noise problem, keep a diary for approximately two weeks, detailing the above information.

## What Can Happen If A Noise Complaint Is Lodged?

An Environmental Health Officer may visit the owner/occupier of the property in a confidential manner, where the noise is occurring and advise them of the complaint. In most cases, the first meeting will solve the noise problem. If not, a verbal or written warning may be issued or sound level readings may be taken. If readings are found to be over the prescribed noise level, the owner/occupier of the premises will be notified and given a period of time to bring the noise down to prescribed levels.




If further readings are taken and the noise is still above prescribed levels the Shire may take further action which could result in the:

1. Issue of an infringement notice, fines vary in amount in line with the severity of the offence.
2. Seizure for up to 12 months of equipment contributing to unreasonable noise.
3. Service of an Environmental Protection Notice (EPN) or a Noise Abatement Direction (NAD).

The maximum penalty for non-compliance with the requirements of a Noise Abatement Direction or an Environmental Protection Notice is \$25,000 for an individual and \$62,000 for a body corporate respectively. In addition, if a breach of the Environmental Protection Act is intentional or criminally negligent, the maximum penalty rises to \$250,000 for an individual and \$500,000 for a body corporate. Legal action is never the preferred option. Resolving a noise issue through consensus and cooperation is the most desirable outcome.

For further information, please contact the Shire's Health Service on 9071 0676, or for more in depth information, the Department of Environmental Regulation is an excellent source of information, please click on the following link

<https://www.der.wa.gov.au/your-environment/noise> to access this site. Noise can also be reported with other agencies.

To report	Contact
<ul style="list-style-type: none"><li>• Loud parties</li><li>• Burglar alarms that have been sounding for more than 30 minutes</li></ul>	Police – 131 444
Noise from: <ul style="list-style-type: none"><li>• Residential or small to medium business premises</li><li>• Air conditioners</li></ul>	<a href="#">Your local council</a> 
Noise from: <ul style="list-style-type: none"><li>• concerts</li><li>• construction</li></ul>	Event promoter or construction company if you received prior notification or <a href="#">Your local council</a> 
Noise from premises that are licensed or registered by DER under the <i>Environmental Protection Act 1986</i> . <a href="#">Check if a premises is licensed</a>	DER's 24 hour Pollution Watch hotline – 1300 784 782 or use the <a href="#">Online reporting form</a>
Aircraft noise	Airservices Australia Noise Complaints and Information Service Hotline – 1800 802 584
Traffic noise along major roads	Main Roads Western Australia – 138 138
Noise from shipping and associated activities (e.g. loading and unloading at major ports)	The relevant <a href="#">port authority</a> 
Noise nuisance relating to passenger trains	Public Transport Authority – 13 62 13