

CITY OF BELMONT

Noise Nuisance

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In Western Australia certain environmental noise emissions are regulated by the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. Under this legislation local government authorised officers, normally Environmental Health Officers and Police can investigate breaches and enforce the requirements of this legislation.

If you are experiencing a noise nuisance try initially to resolve the issue by speaking to the person causing the noise in a polite and respectful manner, if it is practical to do so. In some instances they may be unaware of the issue. If you don't have any success you may consider other options such as mediation or depending on the type of noise, discuss the matter with an Environmental Health Officer from the City of Belmont or the Police for potential assistance.

In considering the investigation of noise issues the City's Environmental Health Officers will only investigate justified complaints. This is where it is considered likely that the permitted levels of environmental noise have been exceeded or specific requirements of the legislation breached. If you are unsatisfied with the investigation of a matter you may wish to consider mediation services (<http://www.legalaid.wa.gov.au>) or seeking legal advice and investigating the possibility of taking your own action under the *Environmental Protection Act 1986*.

The City reserves discretion on whether or not to investigate and act on a complaint having regard to the validity of the complaint, availability of resources and the practicalities of achieving a resolution.

- **Party noise**

You should consider whether a party is unreasonable in terms of the time of day, duration, any prior notice given and how often it occurs.

If party noise is unreasonable the Police can be contacted on 131 444. The City of Belmont Community Watch can also be called on 1300 655 011. The Community Watch may call the Police if they consider it necessary and if considered safe to do so may approach the noise emitter and ask that any unreasonable noise is moderated.

The Community Watch are available on a 24/7 basis and are able to respond to calls within a very short timeframe. The Community Watch provide reports from their attendance to the City. If you require the matter to be followed up by an Environmental Health Officer you should call the City on 9477 7222 during business hours.

If you are holding a party you should consider your neighbours by notifying them and keeping the party noise levels, any disturbance and times reasonable. The act of

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notifying neighbours or Police of your intent to hold a party does not give you any form of approval or allow you to not comply with the requirements of the noise regulations.

- **Stereo, home theatre or radio noise**

Noise levels can generally be reduced from stereo, home theatre or radio systems by lowering the sound volume, playing it at reasonable times and indoors with windows and doors closed. In addition to closing windows and doors, further adjustment to the sound level may be necessary for low frequency bass cable loudspeaker and subwoofer systems that can transmit sound through building structures. During business hours an Environmental Health Officer can be contacted on 9477 7222 or alternatively the Community Watch 1300 655 011 or Police 131 444.

- **Construction and maintenance noise**

Noise from construction work is permitted during the hours of 7:00 am to 7:00 pm Monday to Saturday and should be conducted in the quietest reasonable manner. Some construction activities are inherently noisy and no quieter alternatives may exist.

Approvals to undertake works outside of the hours of 7:00 am to 7:00 pm Monday to Saturday are only issued by the City in certain circumstances. This is generally only when there is no alternative, for example resurfacing a major highway if it is unable to be undertaken during daytime hours.

Any approval issued by the City will require residents who may be affected by the noise to be notified of the pending works. This notification is normally required at least 48 hours prior to commencement of the works. If you do not receive a notification and are impacted by out of hours construction noise an Environmental Health Officer can be contacted on 9477 7222 during business hours.

If you have received a notification and have concerns about the noise impact of any out of hours works being undertaken you should in the first instance phone the contact number on the notification. It is normally a condition of approval that a contact number is available for the duration of any out of hours works with either direct or indirect contact to the worksite.

- **Barking dogs**

The City's Rangers may be contacted on 9477 7222 to enquire about or lodge a complaint regarding noisy barking dogs.

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- **Roosters and other birds**

Roosters are not permitted to be kept under *The City of Belmont Health Local Laws 2002*. If you are disturbed by a rooster in a neighbouring property you should contact the owner to request removal of the rooster. If you are unsuccessful an Environmental Health Officer may be contacted on 9477 7222 for assistance.

If other birds such as cockatoos and parrots are kept on a neighbouring property and are causing significant noise disturbance the owners should be made aware of the issue and requested to reduce the noise by better management of the bird or removal. The Local Laws also provide for the general management of caged birds including any excessive noise issues.

- **Musical instruments**

Musical instruments may be used in a reasonable manner for not more than one hour each day between the hours of 7:00 am to 7:00 pm Monday to Saturday and 9:00 am to 7:00 pm Sundays or public holidays. The playing of musical instruments must not unnecessarily interfere with the health, welfare and amenity of any person who is receiving the noise. For this reason drums may be required to be used with pads to limit their impact on neighbours.

When playing instruments, always consider the neighbours by keeping the activity indoors and closing windows and doors to keep sound inside the building as much as possible.

- **Lawn mowers, power tools and other residential equipment**

Equipment that requires the constant presence of an operator may be used in a reasonable manner for not more than two hours cumulatively each day between the hours of 7:00 am to 7:00 pm Monday to Saturday and 9:00 am to 7:00 pm Sundays or public holidays.

This provision does not apply to equipment used as part of a home based business. Home based businesses normally require Planning approval and are required to comply with the assigned levels of the noise regulations at all times.

- **Air-conditioners, pool pumps and spas**

Noise from this type of equipment is not permitted to exceed the relevant noise regulation assigned levels at any time. When operating this equipment it should be

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well maintained, used in a reasonable manner and at appropriate times of the day, generally between the hours of 7:00 am to 7:00 pm Monday to Saturday and 9:00 am to 7:00 pm Sundays or public holidays.

If purchasing and installing new equipment it should be the quietest reasonably available, positioned where the least amount of annoyance is likely to occur and not exceed the required noise levels for all potentially affected neighbours. Incorrect positioning of air-conditioning systems, such as on the side of the house closest to a neighbour, is likely to cause a noise nuisance and positioning of equipment on the rear or front of the house may be more suitable.

- **Burglar alarms, car alarms and other security devices**

If an alarm has been sounding for an unreasonable period of time and you are not able to contact the owner of the alarm to turn it off you may contact the Police on 131 444 for assistance.

The *Environmental Protection Act 1986* gives the Police the power to silence audible alarms. If a Police officer is satisfied that the alarm has been causing unreasonable noise for at least 30 minutes, they may take whatever reasonable steps are necessary to stop the alarm. In these situations the Police may call out an alarm technician, working for a security company, who can disconnect the alarm.

- **Outdoor events, sporting activities, community gatherings and schools**

Noise from events and community gatherings in parks and private open spaces is permitted if the activity is approved by the City. Events that are likely to impact residents with noise are often required to provide notification of the event including a contact number to call in the case of complaints or concerns.

Noise associated with sporting activities in parks, sporting venues and schools is also permitted and does not require approval or notification.

- **Domestic Noise**

Noise such as loud talking and laughing is sometimes best dealt with between neighbours. Domestic noise from loud voices, shouting and swearing should be brought to the attention of the neighbour or the person causing it. If the matter is unable to be resolved and the noise is unreasonable the police can be contacted on 131 444 or in the case of emergencies 000.

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- **Aircraft and road traffic noise**

Noise from the movement of aircraft, road and rail traffic is exempt from compliance with the *Environmental Protection (Noise) Regulations 1997*. The City of Belmont is generally unable to deal with such issues.

Complaints and further information about aircraft noise can be made online to <http://www.airservicesaustralia.com>.

The Noise Enquiry Service can also be contacted on 1800 802 584 (free call) or 1300 301 120 or by writing to:

Noise Enquiry Service
Alan Woods Building
25 Constitution Avenue
Canberra ACT 2600

For road traffic noise issues call Main Roads Western Australia on 134 134 or visit their website at <http://www.mainroads.wa.gov.au>.

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