

# FACT SHEET

## SPECIFIED EQUIPMENT

Under regulation 14 the *Environmental Protection (Noise) Regulations 1997*, the term “Specified Equipment” is any equipment that requires the constant presence of an operator for normal use. This includes and is not limited to lawnmowers, electric drills, basketballs and musical instruments. It is understood that noise from specified equipment generally exceeds the assigned levels set in the regulations; therefore these assigned levels do not apply, **provided**:

The equipment is used –

- Between 7am and 7pm Monday to Saturday; or
- Between 9am and 7pm on a Sunday or Public Holiday.

The equipment must not be used –

- For more than two hours per day; or
- One hour per day if it is a musical instrument.

The specified equipment must be used in a reasonable manner and the noise emitted must not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of premises receiving the noise. Whether or not the noise emission unreasonably interferes is up to the discretion of the Environmental Health Officer.

Noise emitted from specified equipment outside of these hours must meet the assigned levels and regulations 7 and 8 apply. To determine whether a noise emission exceeds the assigned levels, as a general rule, if you can hear the noise past your property boundary, it is likely to exceed the assigned levels.

### REPORTING A NOISE COMPLAINT

If noise is unreasonable, identify the specific noise source. Once confirmed, the most appropriate thing would be to discuss the matter directly with the owner/ occupier that the noise source emanates from.

If the situation does not change, contact the City’s Environmental Health Services in writing to [mailbag@ckb.wa.gov.au](mailto:mailbag@ckb.wa.gov.au) including the date, time, nature and duration of the noise. To help the Officer deal with the issue, complete a **Noise Log Sheets** for approximately two weeks, to verify your claim. An Authorised Officer may visit the owner/occupier of the property to advise them of the complaint and determine if it is noise. Resolving the issue through consensus and cooperation is the most desirable outcome.

If further complaints are received by the City, Officer(s) may take further action:

1. Issue of an infringement notice (\$250 for a first offence and \$500 for subsequent offences);
2. Seizure for up to 12 months of equipment contributing to unreasonable noise;
3. Legal action under section 79(1) *Environmental Protection Act 1986* through the courts, which carries a penalty up to \$5000 for breaches of the Act; and
4. Service of an Environmental Protection Notice (EPN) or a Noise Abatement Direction (NAD). Maximum penalty for non-compliance with the NAD is \$25,000 and for an EPN is \$62,500 for an individual and \$125,000 for a body corporate. 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.