



Regulation 14—Residential Equipment

Purpose

The purpose of this fact sheet is to provide guidance for users of the *Environmental Protection (Noise) Regulations 1997* (the Regulations) in relation to noise emitted from the use of 'specified equipment' on residential premises.

The Regulations set assigned (allowable) noise levels for noise received at various types of premises. However, the Regulations create a number of special cases where noise emissions may not be required to meet these assigned levels.

One of the special cases is for 'specified equipment' used on residential premises under Regulation 14.

How Regulation 14 Works

Under Regulation 14, the assigned noise levels set in Regulations 7 and 8 do not apply to noise emitted as a result of the use of specified equipment on residential premises, provided it is used in a reasonable manner and within certain timeframes between particular hours.

Regulation 14 provides that 'specified equipment' is any item of equipment which requires the constant presence of an operator for normal use.

Specified equipment may include musical instruments and many common household items, including lawnmowers, hand drills, whippersnippers and basketballs. However, equipment that can be turned on and left running, such as an air conditioner or stereo system, does not come under the definition of specified equipment—as the constant presence of an operator for normal use of the equipment is not required.

If a person uses specified equipment outside the parameters set in Regulation 14(2) of

the Regulations, the noise may be treated as a breach of Regulation 7 and the assigned noise levels.

The Four Requirements

The assigned levels for noise do not apply to noise emitted from residential premises from the use of specified equipment if the following four requirements of Regulation 14(2) are met:

1. The specified equipment is used in a reasonable manner.
2. The specified equipment has not been used:
 - for more than two hours since 7am on that day; or
 - if it is a musical instrument, for more than one hour since 7am on that day.
3. The noise resulting from the use of that specified equipment on those premises does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of premises receiving the noise.
4. The specified equipment is used between:
 - 7am and 7pm on Monday to Saturday inclusive; or
 - 9am and 7pm on a Sunday or public holiday.

'Reasonable Manner' and 'Unreasonably Interfering'

An 'Authorised Person' or 'Inspector' from Local Government agencies can initially decide whether or not equipment is used in a reasonable manner.

They can also determine whether a level of interference is unreasonable by having regard (but not limited) to the following:

- Is the specified equipment used for its specified purpose, or some other purpose?
- Have reasonable and practical methods of reducing the impact on nearby receivers been employed by the user? What is the duration of the noise emission?
- How often do noise emissions from that type of specified equipment occur from that premises?

Therefore, even if requirements 2 and 4 of the 'Four Requirements' are met, it may be considered unreasonable when specified equipment is used periodically throughout the day. This could include playing drums for 10 minutes at a time at different periods throughout the relevant day.

More Information

For advice on equipment used on residential premises, or related matters, please contact the Department of Environment Regulation (DER) Noise Regulation on 6467 5000.

This document is available in alternative formats and other languages on request.

Related Documents

Additional publications about noise regulation are available online from www.der.wa.gov.au/your-environment/noise, or can be requested by phoning 6467 5000.

Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation. Please refer to the State Law Publisher (SLP) for copies of the relevant legislation, available electronically from the SLP website at www.slp.wa.gov.au.

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Legal Advice

The information provided to you by DER in relation to this matter does not constitute legal advice. Due to the range of legal issues potentially involved in this matter, DER recommends that you obtain independent legal advice.