

### Important Information - Please Read:

Controlling noise levels must always balance the expectations for an appropriate noise environment and the rights of people to go about their lawful business.

**The most effective solution:** Where neighbours are causing a nuisance, experience has shown the most effective resolution comes with communication.

Sometimes neighbours may not be aware that they are making unreasonable noise, or that they are disturbing you.

Your first step should be to talk with them, letting them understand how their behaviour affects you and how you are prepared to negotiate suitable compromises.

Where the matter is not resolved in discussion, the Shire may investigate.

**Legislation governing noise:** There is legislation to guide what is and isn't appropriate regarding noise. These are:

1. *Environmental Protection Act 1986*
2. *Environmental Protection (Noise) Regulations 1997*

The *Environmental Protection Act 1986* prohibits 'offensive noise' that has the potential to be harmful to health.

This is determined on a case-by-case basis. 'Offensive' is defined as a nuisance that is noxious or injurious to the personal comfort of the average person, i.e. affecting the person in a significant and unreasonable way.

The *Environmental Protection (Noise) Regulations 1997* prohibits the use of specific types of equipment on residential premises at certain times.

Both the Shire and Police can enforce these regulations. Each will require evidence that the noise occurs outside the prohibited times over a prolonged period of time.

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#### If you are concerned about noise, then you should follow the steps below:

1. Speak to your neighbour or the responsible person in the first instance. This is the most effective means of obtaining an amicable resolution.
2. If the noise continues to be a problem, speak to the Shire. An Environmental Health Officer will contact the alleged offender to advise them that a complaint has been received. Your name will be kept confidential.

3. Complete the diary sheets attached:
  - For **mechanical/construction noise**, please complete at least 2 weeks.
  - For **noise from parties**, complete at least 4 weeks.

For the matter to be investigated you must be prepared to record:

- i) The times the noise has occurred;
- ii) The length of time the noise occurs;
- iii) The specific type of noise, e.g. air conditioner, music from radio;
- iv) An indication of the volume of noise as judged from where it can be heard, e.g. from your bedroom or living room; and
- v) How it affects you, e.g. in disturbing sleep, difficulty listening to television.

4. If the diary sheets inadequately reflect the problem, the Environmental Health Officer may ask you to complete further diary sheets before undertaking further action.

Return the completed diary sheets to the Shire of Gingin Health Services Departments.

The diary sheets assist the Environmental Health Officer to determine the trend and scale of the problem and provide evidence which may later be required in court.

This will also allow the Shire to understand the best time to visit the property and undertake noise measurements if necessary. The Environmental Health Officer can then make an assessment of the evidence to determine whether the noise is offensive.

Throughout the investigation you should continue to document the noise you experience, even after the initial two-week period, as this too may be required as evidence in court.

5. If satisfied that a nuisance exists, the Environmental Health Officer will take action to abate the nuisance (including the serving of notices if appropriate).

Alternatively, the Environmental Health Officer may notify you that the evidence does not support a nuisance, or believes that the matter is better settled privately and provide advice for settling the matter privately.

If the Environmental Health Officer is not satisfied that the evidence supports a nuisance, then you will be informed and no further action will be taken.



# Environmental Health Services Noise Complaint Form & Diary

Complainant Details	
Complainant's Name:	
Home Address:	
Email Address:	
Contact Phone:	

Noise Complaint Diary					
Date	Time of Noise		Listener Location (eg. Room you witnessed the noise)	Describe the Noise (eg. Banging; drilling; loud music; pool pump; air conditioner etc)	How Does Noise Affect You? (eg. Disturbs sleep; cannot hear television; cannot work/study etc)
	Started:	Ended:			

- Please Note:**
- Your details will be kept confidential, however, the Shire of Gingin is subject to the *Freedom of Information Act 1992*.
  - While every effort will be made to resolve your request promptly, the Shire of Gingin has limited resources and public health issues are dealt with in order of priority.
  - Where legal proceedings are instigated you may be called as a witness.
  - If you obstruct or interfere with the investigation, and or do not cooperate or reasonably assist during the investigation process, the investigation may be closed and any subsequent complaint may not be investigated by the Shire of Gingin.
  - If the diary is not returned within 30 days, it will be assumed you do not wish to pursue this matter.

By signing below, I agree to all of the above. I confirm that the details given above are true and accurate.

**IMPORTANT:** Please print your completed diary and then handwrite your name, date and signature below, and then return this form to the Shire of Gingin.

..... Print Your Name	..... Signature	..... Date
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