



Noise Regulations fact sheet

Regulation 14: Residential equipment

September 2021

Purpose

This fact sheet provides guidance for users of the Environmental Protection (Noise) Regulations 1997 (Noise Regulations) in relation to noise emitted from the use of 'specified equipment' on residential premises.

The Noise 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 which could 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 four requirements set in regulation 14(2) of the Noise 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 all of 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 either:
 - more than two hours since 7am on that day
 - for more than one hour since 7am on that day, if it is a musical instrument.
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 the premises receiving the noise.
4. The specified equipment is used between either:
 - 7am and 7pm on Monday to Saturday inclusive
 - 9am and 7pm on a Sunday or public holiday.



‘Reasonable manner’ and ‘unreasonable interference’

An ‘authorised person’ or ‘inspector’ from a local government 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?

So, a noise from specified equipment may meet requirements 2 and 4 of the ‘four requirements’, and yet it may be considered unreasonable if the equipment is used periodically throughout the day. This could include, for example, playing drums for 10 minutes at a time at different periods throughout the relevant day.

More information

For further information, please contact the Environmental Noise Branch at the Department of Water and Environmental Regulation via email (info@dwer.wa.gov.au) or phone (08 6364 7000).

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 Department of Justice, Western Australian Legislation [website](#) for copies of the relevant legislation.



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