

This information is general and not a substitute for legal advice.

The Legal Services Commission provides free legal advice for most legal problems. Contact the Legal Helpline 1300 366 424 (TTY 8463 3691) or www.lsc.sa.gov.au

NOISY NEIGHBOURS

Noise from neighbours is a common source of nuisance, and for some people can be very upsetting. The main problems are caused by barking dogs, loud music or TV, shouting, banging doors and cars. Remember that no house or flat is totally sound proof – everyone can expect some noise from neighbours.

If your neighbours disturb you with unreasonable amounts of noise, it is a good idea to let them know that it is disturbing you. Try to be friendly and polite even if you are very annoyed about their behaviour. Your neighbour may not even be aware that the noise they are making could be disturbing you. If the problem continues, you could try writing a letter explaining the affect the noise is having upon you.

Legal action should only be used as a last resort as it tends to make relations between neighbours worse in the future. It is best to try to sort out issues with your neighbour directly or with the help of a mediator.

Community Mediation Services

Before taking any legal action against your neighbour, try talking to a community mediation service. They can help you arrive at a resolution without causing unnecessary stress, without involving police, and without taking sides. Mediation encourages neighbours to work out their own solutions to disputes and a successful outcome will help to preserve ongoing relationships. Community Mediation Services are free and confidential. For more information, telephone 8384 5222.

How much noise is unreasonable?

The *Environment Protection (Noise) Policy 2007* lists specific noisy activities and the times when their use is prohibited. The Environment Protection Authority does not handle complaints about residential noise but can provide technical support to the local council or police (depending on the issue) by measuring the level of machine noise complained of. Residential noise may be unreasonable at any time of the day, depending on its volume, intensity, duration, time, place and other circumstances. Some of the noisy activities covered under the *Environment Protection (Noise) Policy 2007* include:

Fixed domestic machinery

Fixed machinery on domestic premises (such as air conditioners) must not have an adverse impact on the amenity (the peace and tranquility) of the area. It is an offence for a machine to be installed and operated if it is too noisy. A machine is deemed to be too noisy if measurements taken between 7:00 am and 10:00 pm on the same day show the continuous source noise level exceeds 52 dB(A), or 45 dB(A) between 10:00 pm on one day and 7:00 am the following day.

Domestic activity

Noisy machines such as lawnmowers, power tools and other equipment that cause an adverse impact on amenity are only to be used between the hours of 8:00 am and 8:00 pm (9:00 am and 8:00 pm on Sunday).

Construction noise

Some activities on building sites can generate significant amounts of noise. Construction activities are limited to between 7.00 am and 7.00 pm from Monday to Saturday. Construction may occur on a Sunday or public holiday between 9.00 a.m. and 7.00 p.m., and before 7.00 a.m. on any other day if it is necessary to avoid an unreasonable interruption to traffic. In this case all reasonable and practicable measures must be taken to minimise noise and its impact.

Rubbish collection and street sweeping

Street sweeping and rubbish collection is generally restricted to between 7 am and 7 pm (9 am and 7 pm on a Sunday or public holiday). However, these activities can occur outside of these times if it necessary to avoid an unreasonable interruption to traffic.

Alarm systems

A building intruder alarm system must automatically cease to sound within 5 minutes after initial activation and should be positioned in such a way as to reduce the impact on neighbouring premises.

Noise not covered by the Environment Protection (Noise) Policy 2007

People noise consisting mainly of parties, loud music and revving cars – these complaints should be reported to police who have wide powers to stop excessive noise.

Barking dogs or other animals – contact your local council.

Noise from a school, kindergarten, child care centre or church – contact the relevant organisation.

Licensed premises – complaints regarding licensed premises such as pubs and restaurants are dealt with by the Office of the Liquor and Gambling Commissioner

To order copies of this free fact sheet visit www.lsc.sa.gov.au or telephone 8463 3528.

© 2008 Legal Services Commission