

Preventing Conflicts in the Modern Neighbourhood

Tips On Being a Good Neighbour

Note to readers

This booklet is published by Mediation SA, a not for profit organisation that assists people throughout South Australia, who are involved in neighbourhood and/or community disputes, to resolve those disputes in an amicable manner.

Disclaimer

The booklet does not offer legal advice and readers should always consider obtaining legal advice for their particular situation. Information provided in this booklet is of a general nature and must not be seen as personal and/or professional advice.

At the time of printing the information shown is correct but may be subject to change.

**2015 © Copyright – Mediation SA**

Southern Community Justice Centre Inc
40 Beach Road
Christies Beach SA 5165

Acknowledgments

This publication has been funded by the Law Foundation of South Australia 2015.

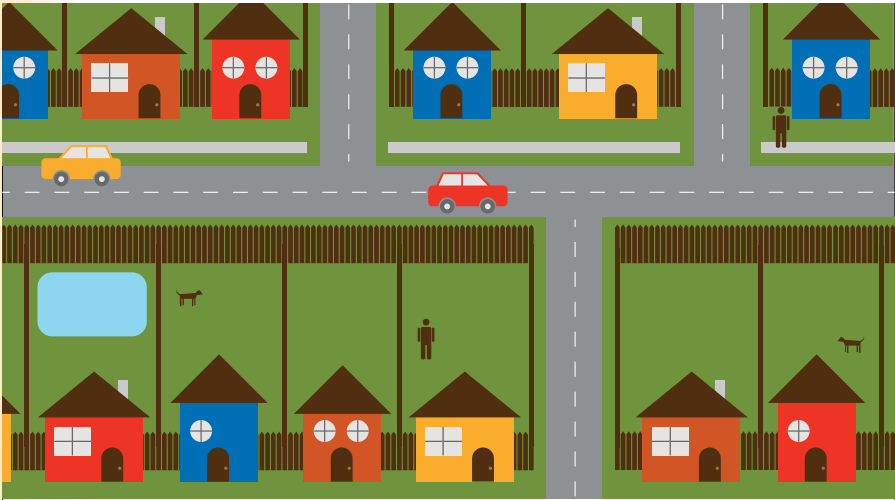
The principal author of this publication is Ms Chris Jefferys with assistance from staff and volunteers at Mediation SA.

Thanks to all who have contributed to the information provided as well as various organisations that have assisted in the editing.

Contents

Introduction.....	1
Buying or Building Your New House.....	3
Moving In.....	6
Day to Day Living.....	8
Fences and Boundaries.....	10
Encroachment.....	14
Retaining Walls.....	16
Trees and Shrubs.....	18
Storm Water.....	21
Noise.....	22
Cars and Parking.....	26
Delivery Vans and Tradespeople.....	27
Air Conditioning.....	28
Odours.....	30
Building and Property Development.....	32
Borrowing Items from your Neighbour.....	35
Pets and Animals.....	37
Holidays.....	40
Children's Toys and Other Objects.....	41

Rural Living.....	43
Right of Way.....	43
Agistment.....	44
Fencing.....	45
Rainfall/dams/storm water.....	45
Stock.....	46
Weed control.....	46
Fire Control.....	47
Strata and Community Titles.....	48
Living in a Lifestyle or Retirement Village.....	50
Landlord & Tenant	52
Utilities.....	54
Sharing a House.....	54
Multi-cultural Issues.....	57
What can I do if I have a dispute with my neighbour?.....	59
What is mediation?.....	60
What is the role of the mediator?.....	60
Why is mediation different to legal processes?.....	61
Conclusion.....	61
Resources.....	62
Useful Numbers.....	65
Notes.....	66



Introduction

This booklet provides information for people who are moving to a new neighbourhood, moving out of the family home for the first time, renting in the private or public sector or are entering into a Community or Strata housing situation. It also provides information and advice for people who may be experiencing issues with their neighbours.

Neighbourhoods are becoming increasingly diverse and multi-cultural and include people from all sorts of backgrounds. Vibrant, harmonious neighbourhoods are achieved when we accept people for who they are and respect their right to have differing views or belief systems. It would make for a very dull world indeed, if everyone were identical and held the same views and beliefs as each other.

Sometimes, due to lack of understanding or fear of other cultures or lifestyles different to our own, conflicts and misunderstandings occur in ways that have not been experienced to such a degree in the past. Therefore, understanding and avoiding the triggers for neighbourhood conflicts is important to ensure that the process of moving to a new area or welcoming new people to the neighbourhood is a positive and rewarding experience for all concerned.

While most people live well together, some find that conflicts can arise from a number of issues. Experience has shown that trying to live in a neighbourhood where people are in dispute with their neighbour is very stressful and can cause people to leave their homes, or in some cases, generate heated arguments or even physical altercations.

This booklet is not intended to answer all the questions, or to provide answers to all situations. It is intended to help people identify and mitigate potential issues for conflict, approach neighbours in ways that are positive, respectful and insightful while working to reinforce the notion of a healthy and harmonious community.

Readers are encouraged to seek advice about mediation and their options from Mediation SA on 8350 0376 or visit the Mediation SA website at **www.mediationsa.org.au**



Buying or Building Your New House

Buying or building a new house is an exciting time and the thought of future conflict with your neighbours is probably far from your mind. However, it is worth considering a few points when thinking of buying a house or land package. Being aware of potential areas of conflict may influence your decision to go ahead, or at least prepare you.

Here are some points you may wish consider:

- Have you had a survey completed of the block of land? Not being certain of your land boundaries may lead to conflict with a neighbour later when the fence needs to be renewed or your neighbour wants to install a swimming pool.
- What condition are the fences in? Do they look as though they will need replacing soon? Are the post and rails in good condition?
- Are there any structures on the boundary that may cause problems? Pergolas or carports attached to fences, garden sheds,

and outdoor play equipment can all potentially cause problems between neighbours.

- Is there a need for a retaining wall? If so, the person who creates the need for the wall is usually responsible for the cost, though this can be difficult to establish if the houses have been there for some time. Is the current retaining wall in good condition?
- Are there trees on the boundary, particularly significant trees or trees that have the potential to drop leaves and damage your guttering?
- Are the neighbour's trees blocking light onto your proposed solar panels, garden area, or potential vegetable patch?
- Are there trees at the front of your property or council land that may cause problems in the future? How often does the council maintain these?
- Do you have good access to your property? Consider whether cars parking near your driveway will be a problem for you.
- Does the house next door have a noisy air conditioner close to the living areas of your home, or does the house you are looking at have an air conditioner close to the neighbour's living area?
- Is the backyard entertainment area private so that you will not feel uncomfortable seeing or overhearing your neighbour or your neighbour overhearing or seeing you?
- Have you checked the house or proposed block of land when it rains? Is storm water going to be an issue?
- Are dogs barking or other animals being a nuisance? If you don't like cats and they wander onto your land, or the rooster crows at dawn every morning, is this going to create an issue between you and the neighbours?

- Have you spoken to the neighbours on all sides? Sometimes buying a house at a good price may be disguising ongoing disputes with the previous owners or an existing neighbour. Knowing this before you purchase may assist in how you manage the situation, or influence your decision to buy.
- Have you asked the estate agent about potential for conflict in the area, or any other issues that may arise around your prospective home? Sometimes people buy a house unaware that the fence is on the wrong boundary, or that there have been previous disputes.
- Talk to the local council. Do they know of any development applications that are pending which may influence your decision to buy?
- Are there any encumbrances that affect the property, such as access to water and sewer lines or restrictions on the type or colour of fence you are allowed to have? Check the council zoning rules as this may affect events in the future. Establishing this before you make the big commitment to buy prevents disappointments and the potential for disputes in the future.
- If you are planning major extensions or building work on your property, think about communicating your plans to the neighbours and discuss with them any potential impact your plans might cause them. If you can discuss this with them in advance, they are more likely to be amenable to change.
- Ensure any tradesman working on your land and property are considerate of the neighbours at all times. Courtesy and respect go a long way, particularly if you are new to the neighbourhood.

Whilst this is not an exhaustive list of areas for potential conflict between neighbours, these matters are worth considering before making the final decision.



Moving In

Moving into a new house or unit is both exciting and stressful; you don't know where things are yet, when the garbage needs to go out or what your neighbours are like. You're busy with removalists, getting the utilities connected and all the other things you need to consider when relocating.

Well-meaning neighbours may bring you a welcome gift or a cake; others may ignore you while some may want to know everything about you. It is important to remember that you are the new person in the street. Therefore, naturally, people might be curious. Under these circumstances, it's sometimes tempting to rush into relationships with your new neighbours as soon as you meet, which you may come to regret later.

Good neighbour relations can be a mutually rewarding and long lasting experience. However, falling out with neighbours can be disastrous and difficult to cope with, especially as you are likely to see them regularly in the future.

Below are a few pointers for those early days in your new house:

- Remember first impressions last. Be pleasant, polite and thank them for any gifts they have brought and for welcoming you into

the neighbourhood. You may also explain that you will need some time to settle in.

- Ask for their names so that you may contact them later when you are more settled.
- Try not to disclose personal issues until you know them better. It's sometimes tempting when under pressure to reveal things that later you may regret.
- Start as you mean to go on. If you prefer to keep a pleasant, respectful but clear distance from neighbours, begin that way, as it is difficult to pull back later.
- People are motivated by their own thoughts and feelings, not yours. Try to understand their need to feel comfortable with you as new neighbours and give them time to get used to you.
- A pleasant chat over the letterbox is a good start, and may be as much as you or your neighbour wants. Trying to get to know neighbours too soon can make them wary of you.
- Welcome new people to the neighbourhood; tell them when the garbage truck arrives and where the nearest bus stop is but take it slowly. Give people space and time to get used to you and for you to get used to them.

For some people new neighbours are like a breath of fresh air and a welcome change from what may have been a difficult relationship with previous residents. Equally, new neighbours may be viewed with caution and apprehension, as the previous neighbours were considered nice and difficult to replace.

Whatever your situation, tread carefully, be considerate, take your time and enjoy your new house and ongoing relationships with your neighbours.

Day to Day Living

Once you have settled in and the moving vans have all gone, you can get on with your normal life. Here are a few pointers to help make your neighbourhood a harmonious place to live.

- Get to know your neighbours without being intrusive. If you are aware of their daily lives, you may be able to avoid any problems. For example, if your neighbours work night shift they may need a quiet morning. If they have young children, then bed times may need to be quieter. They may be elderly or frail and sudden noise or strange people walking around can be frightening. Similarly, if you have these types of needs, it is good to let neighbours know so they can be sensitive to them.
- If you feel comfortable, give your neighbour a contact number, just in case an issue should arise while you're not home, such as a burglar alarm sounding or some other event, which would require your urgent attention.
- Be approachable. If your neighbour wants to have a chat, try to do so in a pleasant manner. If they have a complaint or a request regarding something, keep calm and try to talk it through reasonably. If you need to, get third party help and address the problems as they arise, avoid letting the issues remain unresolved.
- Keep your garden neat and tidy, lawns mown and garden beds free of weeds. Neighbours like to think their street is pleasant and attractive. If your garden is not up to standard, they may feel that you're letting the neighbourhood down. If you are renting and find the gardening overwhelming, talk to your landlord as they may be able to offer a gardening service or know of a reasonably priced local service. You may also wish to contact your local council as you might be entitled to assistance under the Commonwealth Home Support Programme (HACCS).



- Bring your garbage bins in as soon as possible; leaving it on the street all the time is unsightly. If you missed the garbage truck, bring the bin in and take it out again the following week.
- Communicate regularly with your neighbour. Keep them informed if you are going to be away (if you feel comfortable doing this). In addition, notify them if there are any changes or functions happening at your home. Neighbours will appreciate such information and will usually do the same for you.



Fences and Boundaries

The information below relates largely to homeowners. If you are a Community Housing, public or private rental tenant, you should contact your Landlord or Property Manager regarding any fencing or boundary issues.

When you first move to your new property, you assume that the fence is on the correct boundary. Unfortunately, this is not always the case. Fences are sometimes incorrectly placed, particularly in older suburbs where previous survey methods were not as accurate as they are today. Unless the situation is handled with care, the potential for conflict with neighbours can arise.

If you do suspect the fence is placed incorrectly, it is important that you obtain a survey of the land, or at the very minimum, establish clearly where the survey pegs are located which would indicate the boundary. Having a survey done is not without cost. However, this may save you considerable expense in the longer term.

Consider how you will approach your neighbour. In South Australia it is advisable to obtain the *Fences and the Law* booklet from the Legal Services Commission or similar organisations such as your local council, which has all the information and forms you require.

Even if you have a very good relationship with your neighbour and have never had a problem in the past, the formal process will ensure each party is clear on what is going to happen and their responsibilities. If you are unsure of your legal rights, talk to a lawyer or seek help from the Legal Services Commission or a Community Legal Service. Try not to assume anything, if you are unsure, check it out.

If you plan to sell the property and are aware the boundary is incorrect, there are legal obligations to be met. You should make yourself aware of these prior to placing your house on the market.

Here are some tips about fences and boundaries that have arisen from the issues that present to Mediation SA on a regular basis:

- **Do** get a survey done if you are unsure of the boundary line or there are no obvious pegs to indicate the boundary. Proceeding on the assumption that the current fence is on the correct boundary may cause problems and incur considerable costs later.
- **Do** use the fencing notices provided in the booklet titled *Fences and the Law*. You may have had a friendly chat with your neighbour and agreed on everything. However, experience has shown that disputes arise from misunderstandings and assumptions. Therefore, having a clear written record of your proposal is an effective way of ensuring agreement and understanding.
- **Do** check the name and address of your neighbour to ensure you are dealing with the owner as the property may be rented. All decisions about fences and boundaries need to be dealt with by the owner. You may need to ask your local council for the details of the owner or even check the electoral roll at the local library, simply addressing the letter to "The Owner" or "The Resident" may not be enough.
- **Do** post the notices to your neighbour using registered post. It is tempting to hand this over personally or place in their letterbox.

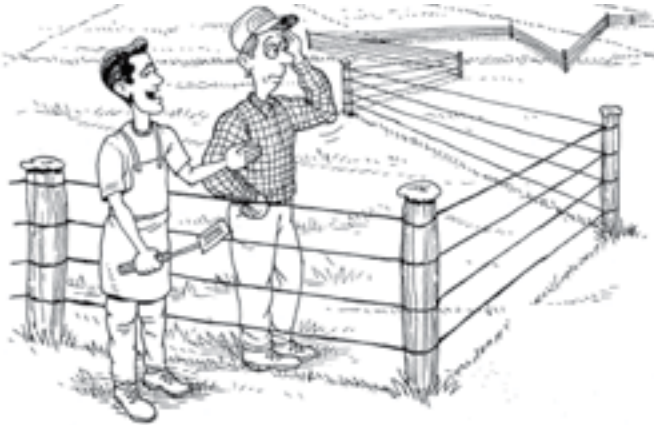
However, this can become a problem as there is no record of that transaction, no way of proving you have served the notice, or evidence that they have received it.

- **Do** leave the current fence as it is until after the 30 days notice or all agreements are finalised. It is tempting to start removing bits of the old fence or digging soil away. However, if there is an objection to the proposal or other issues regarding boundaries that need consideration before fencing work can begin, that initial work could be seen as inappropriate or even illegal.
- **Do** make sure you can go ahead with your fencing proposal before proceeding. If there has been no contact with your neighbour, the registered mail has not been collected or you suspect your neighbours are away on holiday or the home is vacant do not assume that you can go ahead after 30 days. Get some legal advice, talk to your local council and do your best to ascertain what the situation is before you proceed.
- **Do** follow the agreement once the 30 days are up. Deciding at the last moment to change the height or colour without further consultation is potentially a reason for dispute.
- **Do** keep records and copies of all your transactions and agreements with your neighbour. This will ensure if disputes arise, you have a written record of all that you have done, and can prove you have followed the process if the issue proceeds to court.

- **Do** consider any issues highlighted by your neighbour in the Cross Notice (Form 3). They may have good ideas to make the fence better and do have the right to object. If a Cross Notice is received and no agreement is reached, consider trying mediation first. Going straight to a lawyer may inflame the situation and cause further deterioration in the relationship. The mediator will direct you to gain legal advice if needed.
- **Do** follow the law at all times. Taking down a fence while the neighbour is at work, dumping debris on their property, allowing dogs to get out or leaving the property unfenced is not only distressing and cause for further anger and frustration, but may also be illegal. Even if you have decided to pay full costs for the fence, you still have obligations to your neighbour that need to be met.

If you are considering putting a second fence against the current fence, as you and your neighbour just cannot agree on a new fence, then this is something that needs to be considered carefully. Creating a vermin trap between the two structures is not only unhealthy but possibly against the law, so contact your local council and clarify the required distance between the two fences first.

Good fencing can add value to, and clearly define your property helping you to feel safe and secure in your home. Having disputes over fencing is time consuming, distressing and potentially very expensive. Considering the needs of others and finding a solution for your shared asset, that you are both happy with is a positive benefit to both parties in the long term.



"We changed your fence to fit the actual contours of the property."

Encroachment

You may have found that the survey results indicate there is an encroachment issue between you and your neighbour, that there may be any structures either encroaching onto your property or onto theirs. Over the years, garden sheds and pergolas may have been built on the boundary, or even attached to fencing and now, either the fence has to be renewed or the block next door is being redeveloped. If this is the case then a careful and considerate approach is required to resolve the issue.

The first step is to talk to your neighbour and try to ascertain what impact the encroachment has on them. It may be that you can find an amicable solution with little distress on both sides. However, in many cases encroachment issues require lengthy discussions, legal advice and patience from both sides.

Questions you should consider asking:

- Is the encroachment affecting just one or both sides?
- What will be the effect of removing the structure?

- Will the removal damage other structures?
- How much of the structure is encroaching?
- Has the structure been there for a long time or is it a recent addition?
- Is the encroachment legal due to time or circumstance?
- Is the structure that is encroaching in poor condition and in need of replacing anyway?
- What are the costs involved in removing and replacing structures?
- How are the costs to be met?
 - a. Who will meet those costs?
 - b. Are the costs to be shared in some way and if so by what percentage?
- Are there any creative ways to adapt future developments around the existing structures?
- What will all of this mean in the future if and or when the properties are to be sold?

Each situation is different so it is vital that assumptions are avoided, structures are not removed without permission or consultation, and that legal advice is sought before any steps are taken. If the other property is encroaching on your new property it may be important to provide drawings of what you are planning to do to enable your neighbours to consider what this means for them. Either way, talk to your neighbour and consider getting help if required.

Above all, be flexible. Getting most of what you want is often preferable to getting it all at huge expense and emotional strain to you and your family, which could ultimately create a situation where even meeting your neighbour in the local supermarket is stressful and awkward.



Retaining Walls

The need for a retaining wall can be both a personal choice and/or a legal obligation depending on the gradient of the land, the material that needs to be retained and even where the wall is required. Some people like to retain small amounts of soil, while others are happy to leave the area looking natural and gently sloping. In many situations, having a retaining wall is needed for garden structures or pools etc. and while not high or large, there are certain issues that need to be addressed.

Whatever the situation is for you, finding out what you are obliged to do is the first step. Talk to your neighbour and local council. Decide firstly whether a wall is required and, secondly, what type of wall is required for your specific situation.

It may be that a wall of sleepers is adequate, or it may be that a fully engineered structure is required. Once you are clear on what you need and want, negotiations regarding the structure and how costs are to be divided will follow.

Generally, the person who creates the need for a retaining wall is responsible for the costs involved, although sometimes establishing who is responsible can be tricky, and some negotiation may be needed to clearly establish responsibility and costs.

Therefore, some questions you may need to consider are:

- How high does the wall need to be?
- What materials are needed?
- What other structures will be affected?
- Will the wall be on the boundary?
- What happens to any excess soil?
- What about drainage within the wall structure?
- What effect will the wall have on the neighbour?
- Will the neighbour need to be involved?
- If this is a shared wall, who will pay?
- What percentage should each neighbour pay?
- When should the wall be constructed?
- Who is in charge of construction?
- How is payment to be made?
- Who pays the contractor?
- How will you communicate with each other?
- How long will it take to complete construction of the wall?

Obtaining assistance with the negotiation process may be useful so that you and your neighbour can remain amicable through what can be a stressful process.



Trees and Shrubs

Every garden looks better with nice trees and shrubs. In general, many of the leafier suburbs fetch higher house prices because of the visual and climatic impact of the trees and gardens.

However, there can be problems with neighbours regarding overhanging branches, encroaching roots, gutters becoming clogged and berries or fruit decomposing in neighbouring properties.

As a neighbour, it is important to remember a few things and perhaps discuss these with your neighbours before they become a problem. It is often a good idea to look at your garden from their perspective to have a clear understanding of how your trees and shrubs may affect them.

- Choose good trees and shrubs to go into the garden. You may decide to get expert advice about what is the most appropriate plant for a particular spot that will have minimal impact on your neighbour. A lovely plant in a small pot may eventually grow to a large invasive tree and block their light or take moisture away from their prize dahlias.
- Remember that roots can spread as far as branches. Although these cannot be seen, roots can cause problems with structural elements, including underground plumbing, paving and buildings, and can affect the health of other plants.

- Consider carefully where you place the plant. Obviously, you need to consider your house and structures such as garden sheds and pergolas. However, think carefully about your neighbour's pergola or garage too. With the permission of your neighbour, you may like to enter their garden and see how your planned garden design may affect them.
- Ask yourself
 - Will this tree grow branches that may hang over the neighbour's guttering?
 - Will it cut out light to their vegetable garden or rose bed?
 - If a branch falls what is the potential for damage?
 - Will the roots of this shrub damage their paving?"

If you do move into a house with an established garden and you want to make changes, think about what those changes may mean to your neighbour. If you want to remove the ivy off the fence or garden wall, is this going to take away the visual green shield around which they may have planned their garden? Will this take away their privacy, meaning you are able to see into their backyard?

You do have the right to trim branches and shrubs back to the boundary, though you should negotiate with your neighbour about getting rid of any debris. While they technically own the debris if it is their tree, dumping the branches in their driveway is not conducive to a good neighbourly relationship. By digging out roots or trimming the overhanging tree inappropriately, you may be liable for the death of the tree. Carefully think about the best way to do what you want in a way that meets the needs of everyone.

Similarly, continually demanding that your neighbours cut their tree back or sending them bills for the job can cause frustration and conflict. It may be that they are unable, through age or disability to do the job, or that they cannot afford the cost.

Therefore, it is vital to discuss this and try to find a solution with which you are both comfortable. Seeking assistance through mediation in such circumstances may be helpful.

This does not mean you cannot make changes and do the things you want in your garden, rather it is about taking such issues into consideration before doing so.

The *Trees and the Law* booklet is available from the South Australian Legal Services Commission and covers many situations involving trees and shrubs. It is advisable to read this before making any changes. If you are unclear about anything, seek further advice from an arborist or a lawyer.

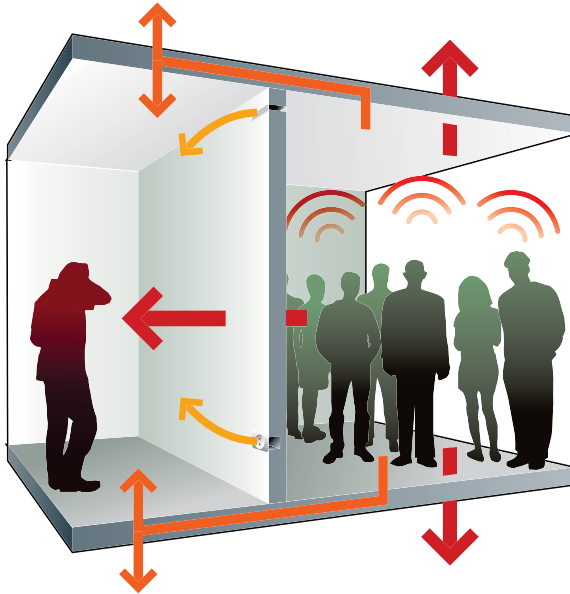


Storm Water

Rainfall is uncontrollable; no one knows exactly when and where it will fall. From a neighbourhood perspective if your garden is flooded by rainwater coming from your neighbour's property, nothing can be done. It is a natural occurrence and water will flow from high ground to low ground.

However, if the water has been artificially redirected, be this through overflow pipes, inadequate drainage or pool overflow, there may be a reason for concern. Similarly, you cannot drain water onto another property to rid your land of water. You need to make sure storm water is directed through appropriate drainage systems.

Discuss with your neighbour the ways you can reduce the impact. Think about drainage systems in the garden, creating absorbent garden beds with lots of mulch and direct water away from areas of potential damage such as foundations, fences and structures that may be damaged by water saturation.



Noise

Noise can be very distressing and what may not be considered 'noise' to you may in fact be affecting negatively on your neighbours. Some people can tolerate high noise levels while others find it unbearable.

There are many types of neighbourhood noises. Some are covered by legislation such as the Environment Protection Act 1993 (the EP Act), and by the Environment Protection (Noise) Policy 2007 (Noise Policy) but many types of noise are not covered by legislation. Below are a few pointers to help prevent noise related conflict with your neighbours.

- Noise can be inadvertently directed towards neighbouring properties by the way in which buildings are constructed and the positioning of trees, shrubs and garden furniture. Try to consider this if you are planning a new outdoor area or garden bed. Screens and dividers can buffer noise and provide privacy for your activities. This makes the added expense worth the cost in the long run.

- Repetitive noise is the most difficult to cope with. The dripping tap or ticking clock can be very annoying, even though these are not 'noisy'. A banging gate, a wind chime, or a pool pump can be highly distressing during the daytime if your neighbour is a shift worker and is trying to sleep. Minimise such noises where possible, and if your neighbour speaks to you about this, do what you can to fix it.
- Discuss with your neighbour if you are planning a function at home such as a birthday or pool party. Try to give them a time when the party will finish.
- Try not to have a home function too regularly. Most people don't mind the occasional noisy evening, although every night or weekend can be very distressing.
- Ask your visitors to come and go quietly and remind them that they are guests but you live here all the time. Ask them to be aware of their car noises, slamming doors, headlights etc. particularly at night.
- Try to keep music levels to a minimum. Many people find loud music intrusive especially when it has a repetitive beat. Your taste in music may be very different to that of your neighbours. You may find their pop rock music almost intolerable yet your love of classical opera is driving them crazy too. By both keeping the volume down a little, you can all continue to live your lives harmoniously. If you really can't enjoy music unless it's loud, consider the use of head or earphones.
- Think about where basketball rings and play equipment are located. That noise may sound like innocent play to you, but it can be a cause for conflict. A ball repeatedly hitting the neighbour's fence can be very annoying as well as damaging to the fence. Furthermore, the sound might be startling and even frightening to some, particularly elderly people.

- Giving a drum kit to your teenager is wonderful, they are keen to learn, you want them to succeed and so they practice, practice, practice. However, drums are not quiet and unless you have a specific sound proof area set aside it can be very distressing to hear the drum beat, especially when played by a novice. Think about the time of day, the length of each practice session, sound pads and headphones, or practicing in another place such as a community hall or youth centre.
- If you share a wall with your neighbour, placing your flat screen entertainment unit against the common wall may cause distress to your neighbour. The speakers may be perfectly placed for your enjoyment; however, the sound will almost certainly travel through the wall and may well disturb your neighbour. Think about another good spot where noise and vibration will not affect the neighbours. Consider ways of reducing the sound such as using rubber mats under speakers or placing the speakers away from the common wall.
- Try to understand that not everyone likes the same music or TV programme as you, so turn down the volume, especially late in the evening, during the night and early morning. Consider using headphones if you like the sound up high, or if you have a hearing problem and need the volume at a higher than normal level.
- Don't play your music too loud outside. You may like it loud, but your neighbour may not appreciate your music at all or may be a shift worker trying to sleep.
- Having a pool or spa in your backyard is a wonderful asset both in terms of the value of your home, and as a form of relaxation, fun and entertainment. Obviously, there will be noise and some consideration to your neighbours may prevent a lot of distress. Think about how your pool is placed, what sort of sound barriers you may need, where is the best place for the pump to go, how

can it be insulated and how often is it to be used. Taking the time and paying money for insulation in the building stage may save additional expense in the future. Of course, you may have purchased the home with the pool or spa in place, so some form of remedial work may be required to reduce the impact of noise on your neighbours.

- If you use the pool or spa a lot in summer think about how voices and sounds can carry, particularly at night. On a hot night, listening to a neighbour splashing about and talking loudly while you are trying to sleep in a hot house is difficult and many disputes escalate out of frustration over very simple issues such as this
- Try to do your washing, vacuuming and lawn mowing during the day, not late at night or in the early hours of the morning. Running the clothes dryer at 3am is likely to be irritating to your neighbours.
- If you live in a multi-story block of units, recognise that even walking on the floor with heavy shoes or heels can be irritating for your neighbour downstairs. Think about getting a thick mat to absorb the footsteps or use soft slippers on the floor. Children bouncing balls on the floor can also be a problem if there is no way of dampening the sound.
- Close doors quietly rather than allowing them to slam shut.
- If you are experiencing problems relating to loud noise from a neighbour, often a polite request to keep the noise down can resolve the issue. People can be unaware that they are causing irritation or distress to neighbours until they are advised.



Cars and Parking

Cars and access to property can be a point of conflict with neighbours, though with some thought this can be avoided. Of course you are allowed to park on your property and, unless there are signs indicating otherwise, parking in the designated area in the street is your right too. However, there are some ways of being a good neighbour in this area as well.

- **Park legally:** Blocking your neighbour's driveway can cause problems so leave them as much room as possible to reverse out safely and with ease. If you have a designated spot to park in a block of units make sure you only park there. If you need to drive past other units to get to your spot, obey any speed limits and drive quietly.
- Try not to rev motors or honk your horn in residential areas. While a quick 'beep-beep' on the horn can be a nice way to say goodbye, doing it too often can be annoying to others especially late at night or early in the morning.
- If you are using the car late at night or early in the morning, try not to slam the doors or talk too loudly.

Delivery Vans and Tradespeople

One sign of the modern neighbourhood is the number of people who work from home or who access services at their home. This can range from a tradesperson such as home cleaning service, dog washers or garden maintenance to those who deal on EBay and have home delivery of goods they have bought online. Whatever the situation, the impact on neighbours from more frequent home delivery or trade activities such as noise can sometimes be a cause of conflict.

If you do have tradespeople coming to your home on a regular basis, discuss ways of reducing their impact such as appropriate parking, keeping noise such as radios to a minimum, or using noisy tools at appropriate times. Make sure they don't leave litter or builders waste around that can blow into the neighbour's yard or discard dirty water onto the neighbour's property.

You may have arranged to do work on your property over a couple of days and will have tradespeople coming and going. If so, speak with your neighbour about what is going to happen and ask them for suggested ways that you can reduce the impact on them.

If you regularly have mail delivery by a van, consider getting a post office box instead rather than daily deliveries at home. This applies particularly if you live in a Strata arrangement where driveway access may be limited, where houses are very close together, or where your neighbour is a shift worker.



Air Conditioning

In the South Australian summer, an air-conditioning unit is a comfort when temperatures get into the high 30° and 40° Celsius. No one wants to feel uncomfortable and most people use air conditioning to make their home cooler. Unfortunately, the placement of an air-conditioning unit or the noise this makes can cause real problems with the neighbours.

If you are considering installing a new air conditioning system or unit, it is very important to think clearly about where this will be most effective for you, and also where any potential impact on your neighbour is minimised.

Whilst modern air-conditioner units meet noise level standards, it is frequently the low hum or the motor cutting in and out that is most annoying, particularly if people are trying to sleep, study or enjoy quiet times. In addition, the hot air being expelled from your house may be directed in such a manner as to impact on the neighbour.

Here are some issues you may need to consider when installing a system or unit:

- Does the unit meet the noise regulation standards for both day and night time operation?
- Is the motor big enough so the unit is not struggling, and as a result working overtime?
- Can the unit be installed away from all neighbours, ideally on the roof?
- Can the unit be installed in such a way that hot air is not blowing into the neighbour's living or outdoor entertaining area?
- Have you checked the noise legislation regarding your legal obligations in installing air conditioners?
- Has your installer advised you correctly regarding instalment? Failure to do this can be illegal.

If you buy a house with a unit already installed, there may be things you can do to keep the impact to a minimum.

- How long has it been since the unit was serviced? Consider regularly servicing it before the start of summer each year.
- Does it meet allowable noise levels?
- Can the noise be buffered in some way with additional materials such as shrubs or soundproofing materials?
- Can hot air be redirected away from the neighbour's house?

Finally, it is important to remember there are specific laws about noise levels and quite high penalties for breaching these. For more information about noise limits in South Australia, you can log onto the Environmental Protection Authority website at <http://www.epa.sa.gov.au> and follow the prompts.



Odours

Nobody likes bad smells, for some people it can affect their health if odours are present in their environment. Of course, there are health regulations about appropriate disposal of household waste and correct drainage etc. However, some odours are more difficult to regulate.

The most common complaint is that of smoke from wood fires or cigarettes. If you do use a wood fire to heat your home, remember to use good wood that is dry and appropriate for burning. Check regularly to ensure that your chimney is clear and is of the correct height to disperse any odours or smoke. You may consider taking the flue higher than is legally required to ensure smoke is blown away and not into your neighbour's house. A good rule of thumb is to build the flue higher than the roofline of the surrounding houses.

Backyard BBQ's smell wonderful when the steaks are cooking. However, smoke can be irritating - think about that when positioning the BBQ and ensure any smoke or odours are directed way from your neighbours.

With the arrival of migrants from all over the world there are now many new and exotic foods being cooked that produce aromas unfamiliar to some people. Similarly, you may be cooking dishes that your neighbours find strange. Rather than complain, recognise that it is different, perhaps even get to try some of their foods. If you find it really challenging, perhaps talk to you neighbour, so that when they are going to cook that dish again you can close windows and doors to reduce the odours in your house.

Cigarette smoke can become an issue when the outdoor area in both properties adjoin, or when the air conditioner draws in smoke from a neighbour's back yard. No one is saying you or your neighbour can't smoke; it's about finding a spot where the smoke is dissipated away from neighbours.

If you are using chemicals of any description on your property, you need to be aware of regulations and be mindful of your health and the health of others. If you are painting or restoring objects like furniture or cars then you will use chemicals that may smell. Alternatively, you may be spraying the garden with toxic or poisonous substances like weed killer. Think about where you do this to avoid neighbours being affected, and be sure to dispose of any chemicals appropriately and safely.

If you are a keen gardener and thinking about making your own compost, consider how this should be done. Ensure there are no odours that can cause a problem and maintain the compost properly so you can reap the benefits and the neighbour is happy.



Building and Property Development

There are many issues that can become contentious when building and development take place. The impact of the conflict will vary depending on your role; whether you are the developer, the builder, the neighbour, a contractor, the owner of the property or an interested party. The stage at which these issues can arise can vary and may need addressing in different ways.

Throughout the process, it is vital to establish positive working relationships with all people involved so that ongoing communication is a prime basis for a less stressful outcome for all involved. People may not like what is happening and they may not like each other. However, if people place importance on communicating in an open and honest way, positive outcomes can be achieved.

Development can take a considerable amount of time. Everyone involved needs patience to see it through, together with recognition that each person may feel the impact differently and therefore reacts differently. Change can be hard to handle and the needs of all involved will reflect how they are coping with that change.

If you are planning to redevelop your property, talk to the neighbours, if you are the neighbour, listen to the proposals and try to reach an amicable agreement. If you need to get help, do so. This will be worth the effort in the long term.

There are usually three stages to building and development, each stage presents differing issues that may need to be considered.

Stage One

Pre Approval and Consultation

- The removal of fences or other structures such as garden sheds or pergolas
- Temporary fencing
- The correct placement of the boundary
- Permission to build on the boundary
- Retaining walls
- The removal of trees and shrubs
- Privacy issues arising from multi story development proposals
- The impact of changes in light and shade on neighbour's houses and gardens
- Access for tradespeople
- Access to power and water

Stage Two

During Development

- Noise and dust issues
- Access onto properties

- Access to power and water
- Security and privacy
- Temporary fencing
- Impact on animals
- Protection of existing trees and gardens
- Work times
- Disposal of rubbish
- Parking for tradespeople
- Contact details for emergencies
- Damage by the contractor

Stage Three

After development

- Replacement of fencing
- Costs of new fencing
- Replacement of other structures and costs
- Completion of retaining walls
- Storm water redirections
- Aesthetics of overall development
- Replacing or planting of new gardens and trees

Many of these issues should be addressed in detail as part of the initial consultation. Therefore, everyone is strongly encouraged to talk these issues through before proceeding.



Borrowing Items from your Neighbour

Lending Tools

At times most people find that they have a job around the house which needs a particular tool. Rather than buy and perhaps use it once, people sometimes approach neighbours and ask to borrow a tool. Whilst this can be a great way to establish a good neighbourly relationship, there are pitfalls, which, with care and consideration, can be avoided.

If you borrow tools always return them promptly and in good clean condition. Not returning a tool as soon as you have finished, or returning it dirty, is disrespectful and can cause conflicts with neighbours.

If you use fuel for a lawn mower or whipper sniper, replace it without being asked to. If a tool needs new blades, replace these too. A few dollars cost to you rewards the generosity of your neighbour. Obviously, if you do inadvertently break the tool then you should offer to buy a replacement.

Never lend a borrowed tool to a third person without permission of the owner.

If you find you need to borrow the same tool on a regular basis, you probably need your own. Consider buying it, instead of regularly relying on your neighbour's generosity.

Borrowing Food

It is nice to think you can pop next door and borrow a cup of sugar if you have run out. However, doing this on a regular basis can cause resentment and frustration, as is the case with borrowing food and not replacing it, asking for cigarettes, or going next door to have a drink and never reciprocating or offering to contribute anything yourself. As a result, in times of genuine need you may find the neighbours are not as willing to help you as they might be.

Think about how you may feel in such circumstances and reciprocate where possible. Saying thanks is important, doing something in return, unasked is a sign of respect and gratitude for their generosity and can help build great neighbourhood relationships. Failure to acknowledge this, or abusing their generosity, tends to create a stressful and negative environment.



Pets and Animals

Many families like to have a pet: dogs, cats, birds, guinea pigs and chickens are common. Some families have animals that are more exotic and depending where you live some larger animals such as horses. Whatever the case, pets can be a source of great joy though they can also be a source of real neighbourhood conflict.

Here are some things to take into consideration:

- Get a pet that suits your surroundings. If you buy a large dog and you have a small flat then the dog is likely to be stressed and may start barking. If you're at work all day the dog may become bored and start barking too. As a neighbour; the noise of that barking can become very irritating, particularly if the neighbour is elderly, infirm or a shift worker. Having to get rid of a dog that you have become very fond of is very difficult so making sure that your dog is suited to its surroundings, is not bored or lonely, will go a long way to keeping the dog and the neighbourhood happy.

There are laws about the number of dogs you can keep and the need to have them registered, on a leash or restrained in some way. Find out what your obligations are and follow them.

- If your dog defecates in your garden, clean up regularly, especially in hot weather as the smell can be overpowering and very unpleasant for neighbours.
- Keep in mind that not everyone loves dogs. People from some cultures do not view dogs as pets at all and some find them frightening.
- If you have cats, try to keep them on your property. There may be no restrictions on the numbers of cats people can keep but neighbours get very angry when those cats use their gardens as toilets or mark their cars with dirty paw prints. Responsible cat ownership includes de-sexing, micro chipping and caring for the animals properly. Neighbours will be much happier if this is the case. Allowing feral cats to eat your pet's food can also spread disease, so think about not encouraging other cats to your garden. The South Australian Dog and Cat Management Board have booklets outlining how to care for your animals and provide an excellent resource for owners who want to build cat cages or dog runs.
- Chickens are a wonderful source of fresh eggs and garden compost. Roosters in a suburban environment are usually not permitted so check with your local council about whether you can keep one. Even with permission, unless you have plenty of space for a rooster it is probably not the best idea to have one. They frequently crow before dawn and cause real distress for people even in the country. Cages should be kept clean and must not be allowed to smell as this can affect neighbours. There are also laws about the number of chickens you can keep, so check with your local council about that

- Store the grain or dispose of kitchen scraps in such a way that rats and mice are not encouraged; nobody wants to find a rat in their house or garage. If you have eggs to spare, sharing with your neighbours is a great idea.
- Caged birds are a source of delight and fascination to many people but not everyone enjoys the noise they can make or are as fascinated by them as you may be. Thinking about where to site the cage and how to reduce the impact on the neighbours is crucial in maintaining harmonious relationships.
- If you keep racing pigeons and they are allowed to fly out of their cages regularly, what impact could that have on neighbours? Nobody likes to find bird droppings on their fresh washing, so talking with your neighbour about when to let your birds out may save a lot of anger and frustration later.
- Think about the impact on the neighbourhood before you start feeding feral birds such as pigeons, doves or blackbirds. Not only is there potential for disease, resentment from a neighbour due to the sight and smell of bird droppings as well as the noise can be very disturbing.
- Native animals such as possums require particular food so giving them household scraps or left over bread is not healthy for them in the long term. Growing shrubs and trees that provide them food is a better way.



Holidays

Going on holiday is fun and the last thing you want is to have a problem at home when you are far away. Asking your neighbour to keep an eye on your home is the obvious way to ensure everything is okay. However, you need to be clear and agree about what and how much you want your neighbour to do while you're away.

If you trust your neighbour, then providing them with contact details and what to do in an emergency, is the first step. Ensuring your mail is collected, the lawns are mowed regularly, the house looks cared for and lived in, are all important. All this does take time and commitment from your neighbour, and showing your appreciation is vital to keep the neighbourly relationship positive, consider sending them a post card or bringing them a small gift from your holiday destination.

Similarly, if you are asked to do this for a neighbour, take the responsibility seriously. They trust you to do the right thing and care for their home. Make sure you are clear on what they want, ask for their contact details in case of emergencies, and maybe keep a logbook of the things that you have done for them while they were away.



Children's Toys and Other Objects

Sometimes, children's toys, particularly balls, end up over the fence and in the neighbour's garden. It is tempting to either jump over the fence to get it or to go quickly into their yard and retrieve the ball. However, it is important to knock on the door and ask your neighbour if you can get it, doing so without asking is not only impolite, it could be perceived as trespassing.

If balls or toys are coming into your garden, it is appropriate that you put them back over the fence, holding onto them may be seen as an illegal act but it also means that the neighbourly relationship is threatened. It may happen very frequently and you are sick of finding these objects or being constantly asked to get them. If this is the case, then a calm chat with your neighbour and maybe some strategies to stop it happening, such as nets or fence extensions is preferable to an ongoing heated dispute that may involve the police and result in a fractured neighbourly relationship.

Allowing litter of any kind to drift into your neighbour's garden or the placing of litter on their property is cause for dispute. Nobody likes to

have to deal with other people's rubbish so finding bottles after a party or garbage dumped on your land is very annoying. If this happens from your property, apologise and clean it up. Denying that it is your responsibility because a guest did it is not an appropriate response.

If you find that litter is coming onto your property, try to talk with the neighbour about it rather than dumping it back on their property. Litter going back and forth over the fence is not solving the issue, it just builds resentment and tension.



Rural Living

Living outside major cities and towns presents a unique category of conflict and again, with good communication and respect for others, most issues can be avoided. Some people who are new to country living do so with a lot of local knowledge, but for others it is a learning experience. Some have considerable resources at their disposal and others may be struggling to maintain their properties how they would wish. Whatever the case, good communication, a willingness to listen and negotiate will both prevent problems initially and also encourage good neighbourly relationships and satisfactory outcomes to any disputes. Some of the most common issues are as follows:-

Right of Way

As cities encroach on neighbouring rural areas, the issue of right of way emerges. Rural blocks that are subdivided often have a right of way access to them, which some people are confused by.

For the owner of the property, through which the right of way passes, it means they are not allowed to prevent access to the other block.

However, they can fence their land or have a gate on the road but they must not prevent access by locking the gate. Whilst they own the land through which the right of way goes, they are legally obliged to allow access.

For the property owner that uses the right of way, they must leave the gate as they found it. They cannot stray off the road or right of way access and must do nothing to the land, which the owner is not aware of. Whilst it can be inconvenient to have to get in and out of a vehicle, they must do nothing that can interfere with the running of the land. There may be stock grazing and the owner wants those stock in a particular part of the paddock and leaving the gate open could cause the owner problems.

It is vital that good communication is established and every effort made to keep that communication effective.

Agistment

Paying to have your stock graze on another person's land is a good way of managing situations of drought and lack of feed. In addition, particularly with horses, it is a way for people to have the pleasure of owning and riding a horse but don't have the land to do so.

As in all situations however, conflict can arise if the agistment arrangements are not clearly defined and managed. The following issues should be clear before entering into any agreement:-

- How long will the agistment period last?
- What is the total weekly cost?
- What payment processes are in place?
- What does the agistment arrangement cover?
- What about extras such as veterinary bills?
- Who decides when a vet needs to be called?
- What happens if stock dies?

- What happens if feed runs out?
- Does the agreement need to be in writing and witnessed?

Fencing

Rural fencing is different to suburban fences. There is a lot more of it, as it is covering larger distances and it is more about defining the boundary and keeping stock under control than providing privacy. Usually rural fencing is made of post and wire, often with barbed wire on top for stock control.

Problems arise with rural fencing when that fencing is in poor condition allowing stock to wander, potentially accessing roads or into properties where disease can be spread or interbreeding occurs with stock from neighbouring properties. Nobody wants their prize cow to be bothered by a rogue bull.

In addition, problems can arise after natural disasters such as floods and fires when stock cannot be adequately controlled and some time may elapse before fencing is reinstated. Patience, understanding and communication with neighbours can help in such situations.

Talk to your neighbour about the type of fencing you want, use the fencing process as outlined in the *Fences and Law Booklet* and keep focussing on the preferred outcome. If your neighbour wants to do the fencing, listen to what they want, talk to them about your role and how you see yourself being involved.

Rainfall/dams/storm water

Similar rules apply in rural regions in regards to storm water as it does in the city but rainfall is usually gladly received in the country. Nevertheless flooding from inappropriately redirected storm water can cause conflict and even potential for loss of stock and equipment if the inundation of water is substantial.

To prevent this occurring, seek advice about storm water treatment from an expert if you are planning a new dam or redirection of a water course.

You may also need to seek advice from the appropriate government body. Above all keep communicating with your neighbour, keep them informed of what you are doing and listen to their perspective, they may think of some things you may not have considered.

Stock

Conflicts arising from stock issues usually come about when neighbours allow stock to roam or to have stock that is noisy and intrusive. Typically, roosters crowing at pre-dawn hours or inadequate fencing creates the potential for disputes. Again, you are responsible for your stock and you must keep them under effective control at all times.

Weed control

The invasion of weeds into prime farming land, the impact of feral plants on land productivity and the threat to stock if they eat some plants can all cause long running and destructive disputes in the rural neighbourhood.

Seek advice from your land management experts on how best to prevent problems with weeds. Don't ignore the weeds and think that, as they are not affecting you, they are not a problem.

Dogs

Many people in rural areas use dogs both as pets but also as part of their stock management. Good working dogs are often an essential part of farm life but problems can arise when dogs are not trained or controlled properly. The most common problem is when dogs chase sheep or cattle so the animals become stressed or even go so far as to kill lambs. This can cause very real problems between neighbours. No one wants to be told his or her much loved pet is a sheep killer. These circumstances often lead to a costly compensation bill as well as seeing the dog put down.

Ensure that your dogs are well trained and under control. Similarly, if you suspect that dogs are coming onto your land and worrying your stock, try to talk with the neighbour before making any decisions. Often a simple solution may in fact resolve the problem while neighbourly relations are maintained.

Fire Control

Everyone knows the devastation that a bushfire can cause and no one wants to lose their homes or worse still, their lives, from an uncontrolled fire. It is vital that everyone takes a proactive role in making sure the threat of fire is reduced as much as possible. If your neighbour keeps their weeds and grasses under control and you don't, there is a potential for conflict and in times of need there may be ambiguity about helping someone who has not done the right thing by themselves and their neighbours.

There is a lot of information available through local government and the fire authorities that can help with plans and methods to reduce fire risk. Contact the Country Fire Service in South Australia for more information.



Strata and Community Titles

There are many benefits to buying a Strata or Community Title property but unfortunately, there are some consequences that may not be immediately obvious, which can have devastating effects on neighbourly relations. Many people purchase such a property in good faith and are unaware of what this can mean in terms of their rights and responsibilities. Not knowing these rights and responsibilities can lead to ongoing conflict that can become deeply entrenched. Many people have expressed regret at buying into a Strata or Community Title property. However, with forethought and knowledge, much of the conflicts can be avoided.

The following points should be considered both prior to purchase and once ownership is complete.

- Is the Body Corporate self-managing or is there an external manager?
- Is there an external manager; what is their role; how much are they being paid and how accessible and responsive are they?
- What are the annual fees for the Body Corporate?
- Who is the Presiding Officer of the Body Corporate?
- How long have they had that role and are they still committed to doing it well?

- Who are the other office bearers of the Body Corporate and how long have they had those roles?
- How many of the units are owner occupied and how many are rented?
- Are the tenants long-term occupiers or is there a frequent turnover?
- Are the common areas truly common or have unit owners taken that area over as their own?
- How often are meetings held and where?
- Is everyone aware of their role within the strata?
- How much is the insurance cover and when was that amount last reviewed?
- How much is the maintenance fee, what does it cover and when was that reviewed?
- How often are maintenance issues raised at meetings?
- Is there a maintenance fund?
- What is the Strata Title Association Number?
- Who has a copy of the Constitution?
- What by-laws are in place and how much and by whom are those by-laws enforced?
- Is there a grievance or complaints procedure?

Many people buy a Strata or Community Title property and find that there have been no meetings of the Body Corporate for many years, that insurance levels have not been maintained or there is maintenance to be done and no money to do so. In addition, the people in the role of Presiding Officer or Secretary have been in these roles for many years and are reluctant to provide information to new-comers.

Other examples of areas of conflict can include additions or alterations to the building and around purchase and placement of air-conditioners.

Generally everything on the external part of the property and all gardens are under the control of the Body Corporate but this should be clarified at the time of purchase.

Most Strata and Community Titled units are pleasant and harmonious places to live. It is important that prospective owners and newcomers become familiar with the way the Body Corporate functions and to learn their rights and responsibilities quickly. Be an active participant in the running of the Association as it can be a rewarding role.

Community Titles are now much more common and have their own obligations too. It is important that you are aware of those at the time of purchase. You may find yourself dealing with conflict about such things as garden and driveway maintenance, external fixtures and common use structures such as communal BBQs and swimming pools.

The Legal Services Commission has two very useful booklets that may be able to assist you in clarifying any concerns you may have. *Strata Titles: A Legal Guide* and *Community Titles: A Legal Guide* are available from the Legal Services Commission, your local council or Mediation SA.

Living in a Lifestyle or Retirement Village

People choose to live in a gated community for many reasons, close proximity to recreational and sporting facilities, the sense of community and closeness to other people of a similar age and interest and of course for the safety and security of the complex.

However, as with any close living arrangement, there will inevitably be friction arising from a difference of opinion, different perspectives on what is important and a different outlook on life. Be aware that a change in lifestyle, moving to a smaller property and having many more people in close proximity can give rise to unique issues that can cause distress.

Intending residents are usually given clear guidelines on what is expected by all residents but the following ideas may prevent any issues arising.

- Read carefully any documents that are provided that outline the rights and responsibilities of living in the complex so that you have a clear understanding of what is expected of you as a resident.
- Ensure you are clear on what is your private area is and what is common to the complex so that you do not inadvertently impact on the common areas.
- Always check before you do anything to the external area of your property as there may be regulations on what you can add or alter.
- Put your garbage bins out in the appropriate space and try to bring them in as soon as possible as they may be considered unsightly. Similarly always pick up after your pets and follow all the regulations regarding having a pet.
- Try to communicate helpfully and in a respectful manner. Demanding that things be done your way will cause anger and resentment so talking things through calmly will keep issues to a minimum.
- Respect the ideas and suggestions of others. Even if you don't agree everyone has the right to an opinion and should be heard fairly.
- It is important that committees function in a positive manner to the benefit of all so if you are on a committee try to ensure everyone has a fair go, different ideas are considered reasonably and that consensus drives decisions.
- Using shared facilities can cause some problems so it is important to follow the guidelines and expectations of the complex in regards to when the facility can be booked and how it can be used
- Having family and friends visit is always nice but again, check the expectations in regards to using facilities, parking and possible noise concerns.
- Above all it is important that your choice of lifestyle is respected and that the choices of others is respected in turn.



Landlord & Tenant

Entering into an agreement to rent a property is a legal process with rights and responsibilities for both landlord and tenants. Each person who is intending to share the household should make themselves familiar with the rights and responsibilities that they have under the Residential Tenancies Act 1995. If you are unsure of what you can or cannot do, seeking information from the Residential Tenancies branch of Consumer and Business Services (CBS) or the South Australian Administrative Appeals Tribunal (SACAT) would be good places to start. This may prevent any issues arising, which could lead to legal problems or a poor tenancy record.

Here are some important points to consider;

- Always pay the rent on time, even if you believe there is an error or that you are in dispute with the landlord. Paying the rent indicates to both the landlord and any third party that you are a good tenant. If possible, maintain a number of weeks rent in advance so that if

something does happen you are not caught out with no money to pay on rent day. You can always use any extra credit in your account to pay water bills when they arrive.

- Keep records of any conversations with your landlord and note any areas of conflict and what efforts you have made to resolve these. Doing this may be helpful if the issue does become a legal situation.
- Try to maintain a good relationship with the landlord, communicate well and remember they have a stake in you as a good tenant. Contact them early if there are problems, don't leave it until the last minute hoping it will go away, it won't and the landlord needs to know sooner rather than later.
- Keep the property clean and tidy both inside and out. Remember this is someone else's property and while they may not live there, they are keen to see standards maintained.
- If there are any maintenance issues or other concerns, notify the landlord immediately so that the situation can be remedied as soon as possible.
- Ensure you do the right thing by your neighbours. Avoid loud music, park appropriately and consider others as it will mean you have a good record if you want to rent again in the future.

Landlords have obligations too. Make sure you treat the tenants appropriately, communicate with them regularly and respond quickly if the tenant contacts you. Ensuring that the property is well maintained and of a good healthy standard means you will get better tenants and both parties benefit with minimal conflict.

Utilities

The types of utilities that you'll need to have connected and pay for will vary with each property but generally electricity, water, gas and phones are the most common. It is important that once these utilities are connected, any costs associated with them are kept up to date and paid on time to ensure a good credit rating and to ensure services are not cut at times of need. No one wants to be without heating in winter or cooling in summer because the electricity or gas bills have not been paid.

If you have trouble meeting those costs or have concerns about the costs of your bill, it is important that you contact the company as soon as possible to discuss the situation and seek a resolution to the situation in an amicable manner. Most utility providers are happy to negotiate payment plans. Also, consider seeking guidance from a professional financial counsellor. If you are renting public or community housing, try the landlord first as they may have an "in house" service for free.

Sharing a House

It is very exciting to move out of home for the first time, sharing a house with friends can be a lot of fun and a great learning experience. Applying for and getting a place to rent can be hard especially for young people who may not have a rental history. In addition, landlords are sometimes concerned that the rent may not be paid or damage may occur due to bad past experiences of share houses. Establishing a good rental history is important and making sure you do the right thing from the start means renting in the future will be easier.

Learning how to budget, pay the rent, clean the bathroom and just live with other people is both exciting and fun but there can be problems, so knowing about potential areas of conflict before you make the move may help to prevent that whole arrangement coming apart and seeing friendships soured. While TV shows make sharing a house look easy, the reality is that

there is a lot of hard work, consideration of others and responsibilities that need to be met for such an arrangement to be successful.

Here are some questions you may need to ask each other **before** you sign the lease.

- How many of you are going to share?
- Whose name will be on the lease and bond?
- Who pays the bond money or how is that deposit shared and refunded if the agreement breaks down?
- How is the rent to be paid and who pays it?
- What happens if someone can't pay their share of the rent?
- What happens if a person decides to leave?
- Is there an exit strategy so the others are not left with bills etc.?
- Who buys the groceries and how is that paid for?
- Who decides what groceries to buy?
- What about special food, who buys it and who eats it?
- Who cooks and who cleans up?
- How is the general cleaning to be done? If there is a roster, what happens if it is not done or not done properly?
- If large items such as fridges, TV's and washing machines need to be purchased, who buys them and who owns them?
- What happens if they break down and need servicing, who pays?
- What about electricity, water and phone leases and other household costs, how are they to be allocated and paid for? Who pays the connection fees? What happens if the bills are not paid and the service is cut?

- What happens when friends stay over, how are costs, if any, allocated? What if someone gets a new partner and they decide to stay overnight, how is that new dynamic dealt with?
- What happens when there is a disagreement? How are concerns approached and dealt with?
- If there is only one car park, who gets to use it and where are other cars parked?
- What about noise issues? These can arise if people are trying to study or they work late.

Talking openly and honestly about these and other issues and determining clear guidelines before making the final decision means that when the lease is signed and everyone moves in, there is a clear understanding of each person's role and responsibilities. Often it is important to write down these agreed guidelines so that if any disputes do arise each person is well aware of the possible outcomes. You can ask a lawyer to draft these agreements or even request mediation before the lease is signed so that the guidelines are negotiated effectively.



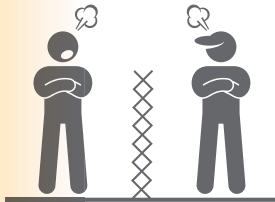
Multi-cultural Issues

Australia is increasingly a multicultural country. It is exciting to have such a mix of cultures and ethnicities within our neighbourhoods. However, as with anything new, there is sometimes potential for conflict particularly where there is a language barrier. In addition, strange clothes, music, new food smells, different fruits and vegetables and a different lifestyle can all lead to fear and misunderstandings from all sides that can make life difficult for everyone.

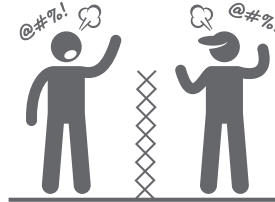
To prevent situations arising in the neighbourhood that may have a cultural misunderstanding, it is important to try to remember a few pointers that may assist in ensuring everybody gets along.

- New immigrants to this country are keen to settle down and get on with their lives and to become part of the Australian community. They want to belong just as we all do.
- People are motivated by their own experience and background, and while some things may seem wrong or strange to you, in reality it is just different. Try to see the differences in a positive light and appreciate them.

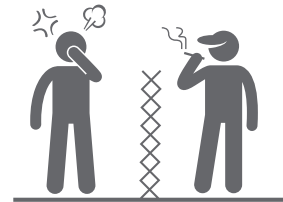
- Understand that Australia can be an exciting yet strange and confusing place for some immigrants, especially those escaping persecution or violence. They will want to feel a sense of belonging and will often meet with others of their culture to feel comfortable and share experiences. This does not mean they don't want to mix with other Australian cultures too.
- Talk to your neighbour but don't assume they understand everything you say straight away. You may need to repeat yourself or get someone to translate, but with good will and a willingness to understand, most communication can be positive.
- Don't yell when you think they don't understand you, remember English is probably not their first language and immigrants from non-English speaking countries will have a varied grasp of the English language as they continue to learn and may not have heard English spoken in an Australian accent before
- Learn about the culture, try the food, listen to the music and attend any culturally inclusive community festivals. This way you will form more of an insight into different cultures and the social norms within those cultures. If you are invited to join social events, do so and in return invite people new to Australia to try your food and cultural events. Remember, we generally have more in common with each other than differences.



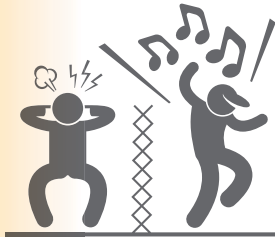
Hate each other



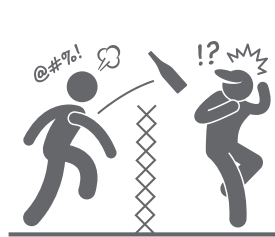
Disagreement



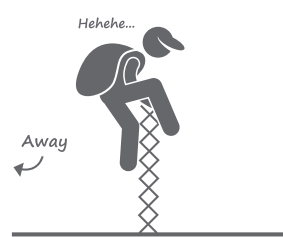
Smoking



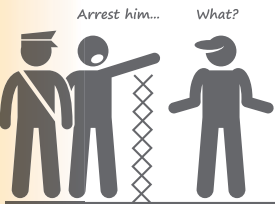
Loud music



Throwing object



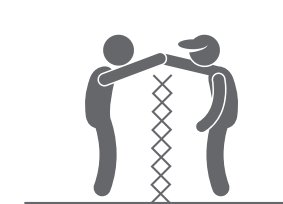
Stealing things



Report to police



Move dirt over



Peace

What can I do if I have a dispute with my neighbour?

Deciding to use mediation or other ways to resolve any neighbourhood disputes can be difficult. 'What happens in mediation?' and 'Is it right for me?' are common questions people have. The following information may help you make that decision.

If you have any further questions do not hesitate to call the Mediation SA office and discuss your concerns with the Staff or access the website at www.mediationsa.org.au. If you are a Housing SA tenant or another housing provider, contact your Housing team, as they will be able to offer further advice and referrals.

What is mediation?

Mediation is a process, which takes you through stages in a discussion to enable an agreement to be reached that meets the needs of all parties involved.

There are a number of steps in the process starting with the initial conversation with mediation staff. This is a confidential meeting where your concerns are discussed before the other party is invited to take part. The other party would have their own confidential discussion with the worker and the mediator would then encourage the parties to meet and discuss their perspectives. The aim is to find a mutually satisfactory non legal agreement.

Participation in mediation is voluntary; no one is forced to participate or agree to anything. In addition mediation is confidential as far as the law allows so that issues between neighbours are kept discreet and not open to public scrutiny.

Coming face to face with another party in mediation can be challenging. The mediators are trained to assist parties in reaching a mutually satisfactory settlement in the best way possible so discuss your concerns and if a face to face meeting is not appropriate, other methods such as shuttle mediation can be used. It is worth exploring all options before making decisions about what to do if there is conflict with your neighbour.

What is the role of the mediator?

The mediator's role is purely to facilitate the process. The mediators **do not** make suggestions, provide options, or judge who is right and wrong. They are there to ensure everyone has a fair go, that enough time is allowed for each party to speak and to help identify problems.

Sometimes it is difficult for parties to get past the emotional involvement; mediators can help put things into perspective so that clear decisions can be made that benefit each party.

The mediators are neutral and impartial; they have no personal interest in the result and can leave the mediation without getting involved in the dispute. Other people may choose to go elsewhere for mediation and there may be charges involved so check that before you commit to mediation.

Why is mediation different to legal processes?

Mediation SA offers a free service whereas other services or private providers may have a fee involved. Legal actions can cost a lot of money so mediation is a positive alternative.

Mediation is quick in that most cases can be dealt with in a few weeks, whereas some court proceedings can take many months.

Mediation allows people to express their emotions and discuss openly what is of concern to them. This is not always possible in a court setting.

Mediation can be less stressful. Sessions are informal and timed to allow people to attend after hours if necessary and at a place that is convenient for both parties.

Mediation looks at a compromise that can benefit both parties whereas courts are looking for right and wrong within the limits of the law and legislation.

Mediation enhances neighbourhood relationships, allowing people to enjoy living in their community. Frequent legal proceedings tend to make relationships more difficult so that people find it difficult to live next to their neighbour during and after such proceedings.

Conclusion

The modern neighbourhood is diverse, vibrant and challenging but sometimes fear and misunderstandings can make living difficult and stressful. This booklet is designed to maximise the positives, prevent conflict and encourage harmony and wellbeing. Please use this booklet as a resource, share with your neighbours and enjoy living in the modern neighbourhood.

Resources

Mediation SA

175 Oaklands Road
Warradale
(08) 8350 0376
wreception@mediationsa.org.au
www.mediationsa.org.au

Legal Services Commission

1300 366 424
www.lsc.sa.gov.au
www.lawhandbook.sa.gov.au

Southern Community Justice Centre (SCJC)

(08) 8384 5222
www.scjc.com.au
Christies Beach

Central Community Legal Centre

(08) 8342 1800
www.unitingcommunities.org/central-community-legal-service
Medindie

Northern Community Legal Centre

(08) 8281 6911
www.saccls.org.au
Salisbury

WestSide Community Lawyers

(08) 8340 9009
www.westsidelawyers.net/
Hindmarsh

South East Community Legal Service

(08) 87 236 232

www.secommunitylegalservice.org.au

Mount Gambier

Riverland Community Legal Service

(08) 8582 2255

www.saccls.org.au

Berri

Women's Legal Service

(08) 8221 5553

www.wlssa.org.au

Adelaide

Aboriginal Legal Rights Movement (ALRM)

(08) 8113 3777

www.alrm.org.au

Adelaide

Consumer and Business Services

131 882

www.cbs.sa.gov.au

Commonwealth Home Support Programme (HACCS)

1800 200 422

<https://www.dss.gov.au>

Environmental Protection Authority (EPA)

(08) 8204 2004

www.epa.sa.gov.au

Real Estate Institute of South Australia (REISA)

(08) 8366 4360

www.reisa.com.au

Local Government Association (LGA)

(08) 8224 2000

<http://www.lga.sa.gov.au>

Multicultural SA

(08) 8226 1944

www.multicultural.sa.gov.au

Housing SA

131 299

<http://dcsi.sa.gov.au/services>

South Australian Police (SAPOL)

131 444

Crime Stoppers

11800 333 000

www.police.sa.gov.au

South Australian Civil Appeals Tribunal (SACAT)

1800 723 767

<http://www.sacat.sa.gov.au>

Useful Numbers

My Council _____

My Ward Councillor _____

My Real Estate Agent _____

My Landlord _____

My Fencing Contractor _____

My Handyman _____

My Plumber _____

My Electrician _____

My Lawyer _____



Mediation SA

