

Dealing with neighbourhood noise



Department of **Environment & Climate Change** NSW



Preventing neighbourhood noise

Neighbourhood noise, such as noise from animals, alarms, machines and parties can be very annoying. You can often stop noise that disturbs you without involving your council, the police or the Department of the Environment and Climate Change (formerly the EPA). This brochure outlines steps you can take to prevent noise being an issue for you.

When noise annoys

There are laws that tell us what levels of noise are acceptable. Yet how we respond to particular noises depends on the type of noise and how we feel about it. What is fine one day can drive us to distraction the next, and noise that is acceptable to one person may be unacceptable to another.

Recognising how our moods can influence our response helps us judge when others are being too noisy.

If a source of noise is a problem for you, there are several things you can do.



Talk to people

Try to solve the problem amicably by talking to whoever is causing the noise. Often people do not realise they are being noisy and are happy to work with you to solve the problem as alternatives are often available.

Contact a Community Justice Centre

If the noise continues, you can contact a Community Justice Centre (CJC). These are government-funded but independent centres that specialise in settling differences between neighbours without entering into complicated legal processes. A CJC will suggest a mediation process. This is where you meet with the people who are making the noise, together with a CJC representative, to try and solve the problem. This process will not cost you any money, and has a high success rate.

For information on your nearest CJC, visit www.cjc.nsw.gov.au or check the CJC contact details at the back of this brochure.

If your neighbour will not attend a mediation session, and the noise continues, you can do the following:

Contact your local council

Under the *Protection of the Environment Operations Act 1997* (POEO Act), local councils can serve various notices on people occupying homes and businesses, requiring them to control offensive noise and advising them what noise levels are acceptable.

A prevention notice contains conditions on ways of preventing or stopping noise, and is issued under section 96 of the POEO Act.

A noise control notice sets an acceptable noise level for a specific item of noisy equipment, and is issued under section 264 of the POEO Act. Councils can serve notices covering noise from animals and from a wide range of appliances including air conditioners, swimming pool pumps, heat pump water heaters, radios, sound reproduction equipment, musical instruments, power tools, lawn mowers and burglar alarms. The notice can require the noisy activities to be restricted to certain times of the day or certain days. If the notice is not complied with, the council can issue a fine or can prosecute.

People who receive a notice can appeal against it.



Seek a noise abatement order

If your neighbour is continually being noisy, has a noisy animal or is using noisy appliances, and you decide to take action independently of the local council or other regulator, you can seek a noise abatement order under section 268 of the POEO Act. To apply for an order, contact your local court (listed under 'Local Courts' in the White Pages). You may also consider asking your legal adviser for help. You can contact the registry staff at your local court who will explain the process to you. There are fees for applying for a noise abatement order.

If the court is satisfied that the neighbour is causing an offensive noise or that the noise is likely to recur, it may order them to stop the noise or prevent a recurrence. If the person fails to comply with the order, they could be prosecuted.

The person responsible for causing the noise can appeal against the order.

The Department of Environment and Climate Change (DECC) brochure, *Seeking a noise abatement order* contains more details.



When the noise is a one-off problem

If you are disturbed by a particular incident like amplified music, contact your local council or the local police station. They can issue a warning (see Noisy domestic equipment) or issue a noise abatement direction under section 276 of the POEO Act directing a person to stop making the offensive noise.

A noise abatement direction may be issued at any time of the day or night and can remain in force for up to 28 days from the time it was issued. A person who fails to comply with it can be issued with an on-the-spot fine of \$200 (\$400 for a corporation). Noise abatement directions cannot be appealed against. The police have special powers that allow them to seize equipment used to make noise (e.g. a sound system in contravention of a noise abatement direction).



What is offensive noise?

The definition of offensive noise in the POEO Act is noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

For further information about what constitutes offensive noise see the *Noise Guide for Local Government* at www.environment.nsw.gov.au/noise/nglg.htm



Common types of noise

Barking dogs

For advice on this issue see the DECC brochure *Dealing with barking dogs*.

Noisy vehicles

For advice on this issue see the DECC brochure *Managing vehicle noise*.

Noisy alarms

For annoying building and car alarms, contact the police or your council. Their officers can issue penalty notices when alarms sound for longer than the period specified below.

It is an offence for a building intruder alarm to be heard in other homes unless it stops sounding within 5 minutes (or within 10 minutes if installed before 1 December 1997).

It is an offence for a car alarm to sound for more than 45 seconds (or more than 90 seconds for a car manufactured before 1 September 1997).

For building alarms, and for vehicles manufactured on or after 1 March 2009, no distinction is made between an alarm sounding because of a break-in or because it is faulty. For vehicles manufactured before 1 March 2009,



a defence is provided in the Regulation for alarms that sound because of an accident or illegal entry.

The police and council officers may issue penalty notices for continuously or intermittently sounding alarms. Penalties for individuals are: \$200 if the alarm sounds for up to 4 hours, \$400 if it sounds between 4 and 8 hours, and \$600 if it sounds for longer than 8 hours. Penalties for corporations are double those for individuals.

For more details, see the DECC brochure *Managing noise from intruder alarms*.

Noise from pubs and clubs

The Liquor Administration Board manages noise from licensed premises such as pubs and clubs. When the Board licenses these premises, it may place environmental noise conditions on the licence. These conditions typically include a requirement that the noise from pubs and clubs should not be heard inside any home between midnight and 7 am on any night. The Board can be contacted on (02) 9995 0300.

Noisy domestic equipment

The Protection of the Environment Operations (Noise Control) Regulation 2008 specifies the times when noise from domestic activities should not be heard in a neighbour's home. If a person fails to comply with a warning from the police or council for operating noisy equipment such as power tools, sound systems, musical instruments, air conditioners, pool pumps or heat pump water heaters during restricted times, an on-the-spot fine may be issued.

An on-the-spot fine of \$200 (\$400 for corporations) may be imposed on anyone who continues to make noise up to 28 days after being warned to stop by an authorised DECC officer, the police, or a local council officer.

The times when these noisy appliances should not be used if they can be heard inside certain rooms of a neighbour's residence are listed in Table 1, with advice on who to contact if you need help.

Table 1: Time restrictions when noise from residential premises should not be heard inside a neighbour's residence

Noise source – from residential premises

Power tools and equipment (powered garden tools – e.g. lawn mowers and leaf blowers – electric or pneumatic tools, chainsaws, circular saws, gas or air compressors and swimming pool or spa pumps)

Musical instruments and electrically amplified sound equipment (e.g. radios, TVs, tape recorders, CD and DVD players, and home theatre systems)

Air conditioners and heat pump water heaters

Motor vehicles (except when entering or leaving residential premises)

Refrigeration units fitted to motor vehicles

**Habitable room means any room other than a garage, storage area, bathroom, laundry, toilet or pantry.*

The penalty for breaching the legislation is \$200 for individuals and \$400 for corporations. The maximum penalty that a court can impose is \$5500 for individuals and \$11,000 for corporations.

Time restrictions when noise should not be heard in a habitable room* in a neighbour's residence	Contact
8 pm to 8 am on Sundays and public holidays 8 pm to 7am on weekdays and Saturdays	Local council or police
Midnight to 8 am on Friday, Saturday or any day preceding a public holiday 10 pm to 8 am on any other day	Local council or police
10 pm to 8 am on weekends and public holidays 10 pm to 7 am on weekdays	Local council or police
8 pm to 8 am on weekends and public holidays 8 pm to 7 am on weekdays	Local council or police
8 pm to 8 am on weekends and public holidays 8 pm to 7 am on weekdays	Local council or police

Outside these hours councils and police can still place restrictions on the use of these articles if they are causing 'offensive noise'.

Councils can control offensive noise by issuing prevention notices, noise control notices or noise abatement directions. Police can issue noise abatement directions or you may seek a noise abatement order from the local court.

Table 2: Noise from other sources – who to contact

Noise source	Contact
Industrial/commercial noise <ul style="list-style-type: none"> • Large industrial complexes 	DECC Environment Line, phone: 131 555
<ul style="list-style-type: none"> • Smaller factories and backyard workshops 	Local council
<ul style="list-style-type: none"> • Commercial premises – ventilation, air conditioning, refrigeration 	Local council
Transport noise <ul style="list-style-type: none"> • Commercial airports and aircraft in flight 	National Noise Inquiry Line 1300 302 240
<ul style="list-style-type: none"> • Aircraft on ground at private and council controlled airports 	Local council
<ul style="list-style-type: none"> • Noisy motor vehicles (including trail bikes) in a public place such as: <ul style="list-style-type: none"> - roads, verges and car parks - off road, including parks and reserves 	DECC Environment Line, phone: 131 555, or Police Assistance Line, phone: 131 444 or local council
<ul style="list-style-type: none"> • Noisy motor vehicles (including trail bikes) on private property 	Police Assistance Line, phone: 131 444 or local council
<ul style="list-style-type: none"> • Road traffic: <ul style="list-style-type: none"> - Local roads - Freeways, tollways, main roads 	Local council RTA, phone: 1300 308 349
<ul style="list-style-type: none"> • Rail noise 	DECC Environment Line, phone: 131 555 or Rail Greenline, phone: 1300 656 999
<ul style="list-style-type: none"> • Naval vessels 	Defence Department, phone: 1300 333 362
<ul style="list-style-type: none"> • Container and passenger ships 	Ports Corporation: Sydney, phone: 9296 4999 Port Kembla, phone: 4275 0200 Newcastle, phone: 1800 048 205

Noise source	Contact
<ul style="list-style-type: none"> • Recreational boating, jet skis 	NSW Maritime, phone: 131 256
<ul style="list-style-type: none"> • Amplified music from vessels 	NSW Maritime, phone: 131 256 or Water police, phone: 9320 7499 or local council
<p>Construction noise</p> <ul style="list-style-type: none"> • Road construction: <ul style="list-style-type: none"> - Freeways and tollways - Main roads - Other roads 	DECC Environment Line, phone: 131 555 RTA, phone: 1300 308 349 Local council
<ul style="list-style-type: none"> • Building construction • Major public infrastructure 	Local council DECC Environment Line, phone: 131 555
<p>Public sporting and entertainment venues</p> <ul style="list-style-type: none"> • Motor sports and gun/ rifle/ pistol clubs • Sporting facilities (other than vessels) • Aquatic sporting events 	Local council Local council NSW Maritime, phone: 131 256
<ul style="list-style-type: none"> • Concert facilities • Concerts at major state venues (e.g. SCG, the Domain, Centennial Park, Moore Park, Olympic Park) 	Local council DECC Environment Line, phone: 131 555
<p>Neighbourhood noise</p> <ul style="list-style-type: none"> • Noise in public places, animal noise, barking dogs • Building intruder or car alarms 	Local council or Police Assistance Line, phone 131 444 Local council or Police Assistance Line, phone: 131 444

How to prevent neighbourhood noise problems

What is music to your ears may just be noise to your neighbour. Try to make sure that your activities at home do not become a nuisance to others by showing them some consideration. People can become extremely upset by noise they have no control over. Noise can aggravate stress, particularly if sleep is disturbed, as fatigue can result in heightened sensitivity and irritability. Here are some things you can do to keep the peace in your neighbourhood:

- Let your neighbours know in advance if you are going to be doing something noisy like having a party, doing building work or using a chainsaw etc. Most people appreciate the courtesy and will be less likely to complain. They can also get away from the noise if they really need to.
- Be mindful of your neighbours when playing amplified music or using power tools etc, even within the times permitted by the Noise Regulation. Remember, offensive noise can occur at any time.
- Keep the noise in your backyard or on your balcony down so it won't disturb your neighbours, especially during the evening and at night.
- Avoid revving your car's engine repeatedly when you turn on your car's ignition. Also, remember to turn the car stereo down when coming home late at night and try not to slam doors.
- Choose quiet models when buying equipment such as air conditioners, hot water heat pumps, pool pumps and rainwater tank pumps.

- Think about the impact on your neighbours when installing this equipment. Place air conditioners and hot water heat pumps away from your neighbour's bedroom and living room windows or have the equipment acoustically shielded to ensure neighbours are not affected. For more information see the Australian Institute of Refrigeration, Air-conditioning and Heating guidance at www.fairair.com.au/Calculator.Noise.aspx
- Enclose pool and spa pumps to muffle the noise so it does not reach your neighbours and run pumps only when necessary within the permitted times.
- Choose quiet models when purchasing or hiring garden equipment such as leaf blowers, string trimmers, edge cutters and lawn mowers.
- If possible, use a broom or a rake instead of a leaf blower. If you must use a leaf blower, don't start too early, use it for short periods and avoid revving it repeatedly. These devices are often much quieter but just as effective when



Contacts

DECC

Environment Line 131 555

Councils

Contact details for all NSW councils can be found on the Local Government Directory page of the Department of Local Government's website www.dlg.nsw.gov.au

Police

Police Assistance Line, phone: 131 444
Police stations are listed under 'Police' in the Business and Government edition of the White Pages

Community Justice Centres Contact Details

Phone: 1800 990 777,
8688 7455 or 4925 0333
Fax: 8688-9615 or 4925 0300
Email: cjc_northern@agd.nsw.gov.au
Website: www.cjc.nsw.gov.au
TTY: 1800 671 964
Address: Level 5,
Parramatta Justice Precinct
160 Marsden Street,
Parramatta NSW 2150

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