

Information on Noise Problems

Unacceptable noise in your neighbourhood can come from a number of sources, such as loud music, parties, noisy machines, barking dogs, air-conditioning units, lawn mowers and intruder alarms. The main piece of law regulating these sorts of noise is the Protection of the Environment Operations Act 1997, and the Regulations made under that Act. This law not only places restrictions on the times that certain activities can be conducted, but it also deals with noise being made over long periods.

If excessive noise is being caused by a neighbour, you have a number of options.

CHOICES ABOUT WHAT TO DO

If you want to deal with the problem at a local level, you can try to talk to your neighbour directly and ask them that the particular activity be stopped, or reduced, or kept to certain hours. If you do not feel confident enough to approach your neighbour on your own, you can contact **Community Justice Centres** for help to resolve your dispute.

Noise Abatement Directions

You can complain to the **Police** for urgent noise problems, such as loud late-night parties, or car and house alarms, where immediate relief is required. Police have the authority to issue a noise abatement direction, which if broken, may result in an on-the-spot fine.

Noise Control Notices

Local Councils have the authority to issue a noise control notice, to control the level of noise or the times when certain activities can be undertaken. Failure to comply with a noise control notice may result in an on-the-spot fine. For non-urgent, but continuing noise problems, such as air-conditioning units, barking dogs, pool pumps and power tools, you can complain to your local Council.

Noise Abatement Orders

Another possibility is to apply for a noise abatement order from a **Local Court**.

You start the process in the Local Court by filing an application. A court date is arranged and a summons is issued asking the person you believe is responsible for the noise or the occupier of the premises, to come to Court. There is a fee to start this process. It will be necessary for you to provide evidence that the noise that you are complaining about is offensive. You may also be required to obtain evidence of noise levels using decibel measurements. If the Court is satisfied that the noise is offensive then it can make orders to stop the noise or to limit the times that the noise can be made. Breaking such an order may result in a fine. If you are unsuccessful at Court you may be ordered to pay the other party's legal costs. Before commencing legal action you should speak to a solicitor or Chamber Magistrate.

Generally, people who live in strata title units are meant to keep a certain standard of behaviour. If you live in a strata title scheme, and you are affected by offensive noise from a neighbour, who also lives in the strata title scheme, you can apply to the Strata Schemes and Mediation Branch for assistance in resolving the problem. The Strata Schemes and Mediation Branch is located at Level 6, 234 Sussex Street Sydney and can be contacted on (02) 93387900 or 1800 451 431.

Department of Housing tenants can make a complaint to their local housing office if they are being unreasonably disturbed by the noise created by a neighbour, who is also a Department of Housing tenant.

WHEN DO NOISE RESTRICTIONS APPLY?

Domestic noise source	When restrictions apply	Who to contact
Power tools and equipment eg. Lawn mowers, chainsaws, leaf blowers, electric tools, gas or air compressors, spa or swimming pool pumps	8pm to 7am on weekdays and Saturdays 8pm to 8am on Sundays and public holidays	Local Council or police
Musical instruments and sound equipment such as radios, TVs, CD and record players, etc	12 midnight to 8am every day	Local Council or police
Domestic air-conditioners	10pm to 7am on weekdays 10pm to 8am on weekends and public holidays	Local Council
Motor vehicles (except when entering or leaving residential premises)	8pm to 7am on weekdays 8pm to 8am on weekends and public holidays	Local Council or police

OTHER SOURCES OF NOISE AND WHO TO CONTACT

- Complaints may be made to the Liquor Administration Board, which has the power to order clubs and hotels to take measures to reduce noise levels in the neighbourhood. If the Board does not take action, it may be possible to make an application to the Licensing Court. Seek legal advice on this issue;
- Complaints about noise pollution from large industrial complexes, the construction of freeways and tollways, road and rail transport, and car alarms can be made to the Environment Protection Authority [Pollution Line 131-555 local call cost];
- The Roads and Traffic Authority can deal with noise coming from the construction of main roads, and traffic noise from freeways, tollways and main roads [phone 131-782 (local call cost)];
- Apart from what has already been stated, your Local Council has authority to deal with complaints about offensive noise from the construction of minor roads, building construction generally, traffic on local roads, motor sports facilities, pistol/rifle clubs, shop ventilation and refrigeration, small factories and backyard workshops, sporting facilities (other than boating events), concert facilities, motor vehicles, household/shop intruder alarms, car alarms and aircraft on the ground at private and local council operated airports;
- Airservices Australia handles complaints about noise from Kingsford Smith Airport and aircraft in flight [National Noise Enquiry Line 1300-302-240];
- The Waterways Authority can deal with complaints about noise from ships, boats, pleasure craft and jet skis, while the Ports Corporation deals with noise from naval vessels and container and passenger ships [phone 131-256 (local call cost)].