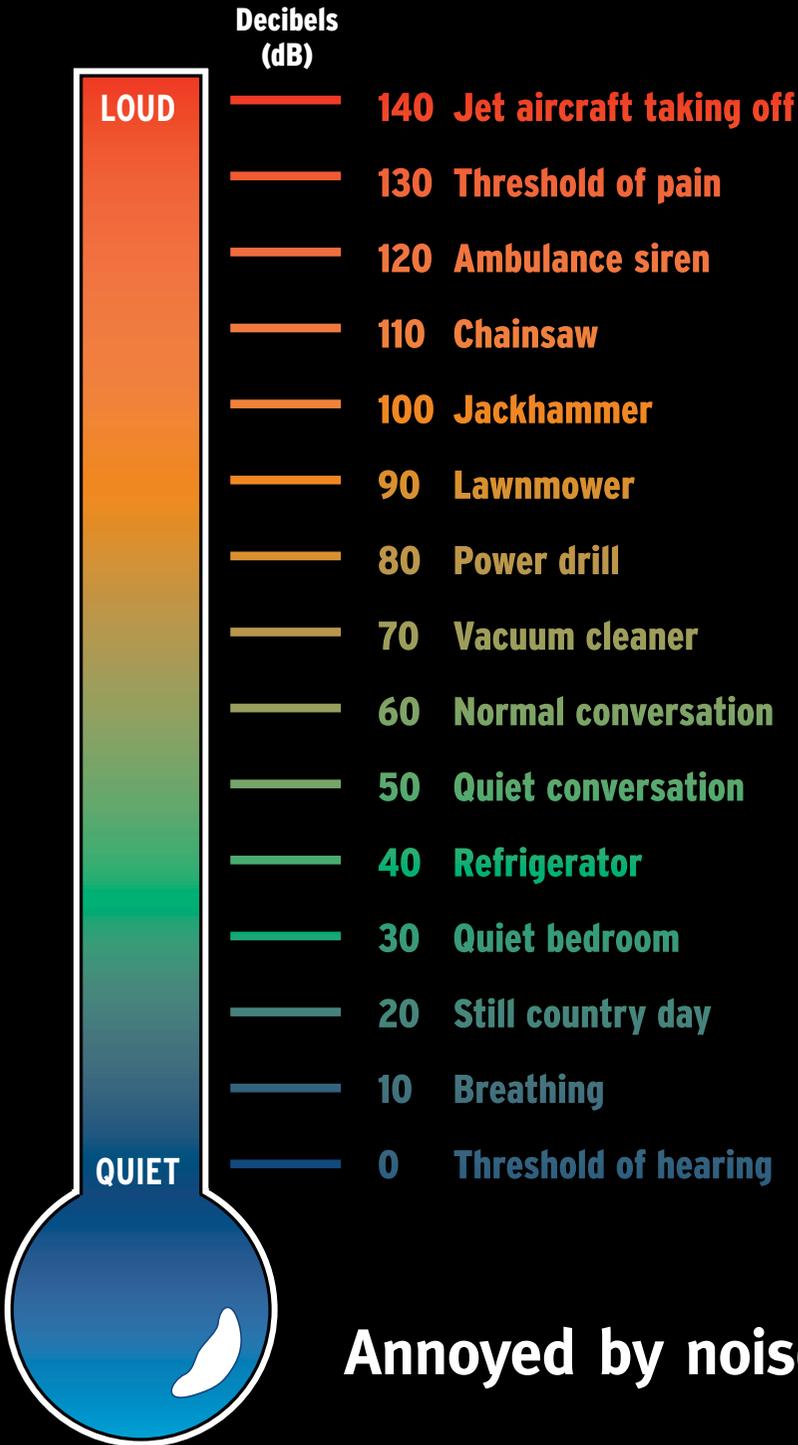




Annoyed
by noise?



Annoyed by noise?

*This booklet can help you find the best way to address common **residential noise** issues.*

*It also provides advice on **factory noise, music noise from public premises, motor vehicle and traffic noise, train/tram noise and other noises.***

*The table on page 11 lists **prohibited times** for noisy equipment used on residential premises.*

RESIDENTIAL NOISE

It is a fact of life that we all make noise, whether we are talking to others, playing music, entertaining, working around the house or just going about our daily business.

What is enjoyable to one person may be noise to another. Too much noise can reduce people's quality of life and, in some extreme cases, even destroy it entirely.

Residential noise significantly annoys around 770,000 Victorians each year.

Noisy neighbours

The best approach for dealing with noisy neighbours is to talk to them and work together on a solution to settle the problem.

Approaching your neighbour

You may feel anxious about approaching your neighbour, but remember that they are sometimes not aware they are disturbing you. Talking about the noise early on can help make neighbours aware of the problem and be more considerate in future.



Residential noise and the law

Section 48A of the *Environment Protection Act 1970* (EP Act) makes it an offence to cause **unreasonable noise** from any residential premises. Residential noise may be unreasonable at any time of the day, depending on its volume, intensity and duration, and the time, place and other circumstances in which it is emitted.

The *Environment Protection (Residential Noise) Regulations 2008* list specific types of equipment and times their use is prohibited (see the table on page 11). The times depend on the type of equipment being used and the day of the week; however, some equipment may still be too loud even when used during the appropriate times.



Tips for talking to your neighbour

Before you approach your neighbour, plan what you are going to say. If you are pleasant and keep calm then they are more likely to respond positively.

Pick the best moment – try to find a time when you can remain calm and your neighbour will listen to, understand and resolve your concern.

The best approach might be to explain how the noise disturbs your need for peace, relaxation or sleep, and how this makes you feel. Try to focus on what you are hearing, rather than what your neighbour is doing. You could suggest a reasonable action that may help solve the problem by asking ‘would you be willing to...?’.

If talking to your neighbour does not resolve the problem, or if you feel intimidated and worried they may be aggressive, you do have other options available.

If your problem isn't easily resolved

Formal mediation can be a good way to work through the issue together, or you may seek help from police or your local council.

Police and council officers can direct offenders to stop unreasonable noise. A direction remains in force for 12 hours. Failure to comply with a police or council direction is an offence and offenders are liable for on-the-spot fines. Directions can be issued at any time, and are typically used for noise such as loud parties or annoying airconditioners during the prohibited hours.

Local council can also take action under the nuisance provisions of the *Health Act 1958*. Councils are obliged to investigate noise nuisances.

For people living in apartments, their owners corporation must have procedures under the *Owners Corporations Act 2006* to help deal with grievances. These can support communication between neighbours or when making a formal complaint. Also, under the *Residential Tenancies Act 1997*, renters must avoid disturbing the peace and comfort of neighbours. Landlords may take action against tenants who break these rules. For more information on owners corporations or rental and noise, please contact Consumer Affairs Victoria on 1300 55 81 81.

The Dispute Settlement Centre of Victoria can assist in resolving noise problems. This organisation helps people settle their disputes in a cooperative and lasting way. Mediation relies on both parties to the dispute being willing to discuss the problem in the presence of a mediator. Services are free and confidential.

You may also take legal action yourself under the Health Act or EP Act. You should consult a solicitor if you are considering this course of action.

Help from police or council

If you contact your local council or the police, they can listen to and form an opinion about the noise. Their assessment will consider all the factors of the noise (see 'Residential noise and the law') and how it impacts on you. To support their assessment and help if the matter is taken to court, they may also ask you to keep a diary of when the noise occurs or they may take noise level measurements.

Police are best placed to respond to late night noise such as parties, or issues where the noisy neighbour might also be drunk or threatening.

Councils are most suited to address long-term issues, and machine and animal noise. Investigations of complex issues may require a collaborative approach between both the local council and police officers.



Any noise may be unreasonable

The Regulations list items and times when noise from their use is unreasonable, if they can be heard in a neighbour's home (refer to the 'Prohibited times' table at the end of this publication).

However, any noise from residential premises may be unreasonable, not just the equipment listed in the Regulations. Typical problems include noisy equipment such as subwoofers used throughout the day, poorly located airconditioners, equipment that is noisy because it is not maintained, or groups of people talking loudly outdoors at a late-night party.

Some activities are easily recognisable as producing unreasonable noise, but some can be difficult to determine. What is unreasonable can depend on where you live, as residents living in apartments or attached houses expect to hear some noise from normal activity in neighbouring homes.

Neighbours should however be considerate of where they live, as closer living means a greater chance of music or general household activities impacting on neighbours.

Respect – think before making noise



Example

If your neighbour turned on a radio after 10 pm on a weeknight and you could hear it – and it bothered you – it would be considered unreasonable noise. If your neighbour turned on the radio at 10 am it may not be unreasonable noise because people are generally awake at that time. It could still be considered unreasonable if it was excessively loud, or continued for too long.

Many activities around the home may be heard by neighbours, but not all noises are acceptable. Noise can have significant impacts, particularly when it keeps someone awake – and enjoyment of the home must not unreasonably interfere with the wellbeing of others.

It is especially important to be considerate when using noisy equipment such as subwoofers, as casual use can create significant and unreasonable impacts.

It's good for neighbours to let each other know if they are planning noisy activities such as renovations or a party. People are usually less annoyed if they know in advance when the noise will start and end, and that they can approach someone if it causes a problem.

Understanding the impacts of noise

Over time, noise can cause significant impacts on anyone's health and wellbeing – especially when it disturbs sleep. Noise can lead to anxiety, stress and other health impacts, even if it doesn't occur all the time. It can also make people irritable or aggressive. It is important to be aware of these impacts, especially if a neighbour has been affected for some time before they approach you.

Vulnerable people such as the elderly or ill, parents with young children, shift workers or those who work or study at home can be most impacted by noise. It's not always possible to avoid noise affecting these neighbours, because some noise is normal or may even be unavoidable during the day. However, it is important to be aware of the needs of others. If there is a conflict, both neighbours should agree on what reasonable things they can do to reduce the noise.



Tips to reduce noise

- With music, it's often only the bass noise that bothers neighbours. Turning down bass controls or turning off subwoofers can control the noise, or try using headphones late at night.
- Try not to play loud music at times when your neighbours are most sensitive, such as early morning or late at night. Speak to your neighbours.
- Outdoor music should be kept to a reasonable level.
- For parties, keep night music indoors and move guests inside later at night. Ask guests to be quiet when they leave.
- Try to keep speakers and noisy appliances away from walls or floors shared with neighbours.
- For air conditioners, see *Cool air – quietly and efficiently* (EPA publication 1176) for good advice.

Residential construction noise

The provisions for unreasonable noise also apply to residential premises and apartments under construction. Residential construction equipment such as jackhammers and power tools are covered by the prohibited times in the Regulations. Noise from equipment used in normal working hours and other site activities such as early-morning site preparation might also be unreasonable in some cases; for example, noisier equipment used at an inappropriate location or time, such as early in the morning. In these cases contact your local council to report the noise.

The *Residential Noise Regulations 2008* have special provisions for some types of large-scale residential construction. These enable greater work flexibility, while still protecting amenity in residential areas. See the EPA website or call EPA for further information.

Music noise from public premises

Loud music from entertainment venues can be a problem, especially late at night.

State Environment Protection Policy (Control of music noise from public premises) No. N-2 has been developed for the control of music from non-residential premises. Noise requirements based on this policy are often included in a venue's liquor licence or planning permit.

EPA enforces the policy for large outdoor music events. For indoor venues such as hotels, restaurants and nightclubs, enforcement of these rules should be referred to the police or local council.

Following a report, police have power under the EP Act to instruct a venue to abate any entertainment noise after midnight. These directions stay in force until 8 am.

Police have power under the Environment Protection Act 1970 to instruct a venue to abate any entertainment noise after midnight.



Factory noise

State Environment Protection Policy (Control of noise from commerce, industry and trade) No. N-1 sets limits for noise from industry. EPA will investigate noise reports about major industries.

Reports about noise from shops and other small commercial premises are better resolved at the local level. Reports should be made to your local council health officer.

Motor vehicle noise

Individual motor vehicles

It is an offence to own or use a vehicle that exceeds noise limits in the vehicle emissions regulations. EPA can require a vehicle to be presented at one of its approved motor vehicle noise testers to determine compliance with the limits. A list of EPA-approved noise testers is available from EPA's website, www.epa.vic.gov.au.

A member of the public can report a noisy vehicle to the Traffic Management Unit at their local police station. If a police officer assesses the vehicle as being too noisy, the vehicle will be referred to EPA for noise testing.

The unreasonable noise provisions of the EP Act also apply to motor vehicles on residential premises, such as vehicles left idling for a time or at a volume that could be considered unreasonable. The prohibited times in the *Environment Protection (Residential Noise) Regulations 2008* do not apply to vehicles when moving in or out of the premises, but extended warm-up of large vehicles is not allowed during the prohibited times.

Noise from recreational vehicles, mini-bikes and trail bikes used on residential premises, including large rural living allotments, is also considered residential noise and the unreasonable noise provisions of the EP Act apply (refer to the 'Residential noise' section of this publication).

Traffic noise

Reports about road traffic noise, including trucks using engine brakes, should be directed to VicRoads (phone 9854 2666) or your local council, which are the bodies responsible for traffic management.



Barking dogs

The *Domestic (Feral and Nuisance) Animals Act 1994* covers noise from dogs or cats. A dog or cat can be regarded as a nuisance if the animal creates a noise that persistently or continuously disturbs a neighbour. Barking dogs can also be considered unreasonable noise under Section 48A of the EP Act.



Ongoing issues should be reported to your local council. If the council determines there is a nuisance under the Animals Act, they can give a notice to the owner to prevent the nuisance or can issue a fine for the offence. Court action is also available in some cases.

Train/tram noise and track maintenance



Problems with noise from public transport or noise from maintenance work on railway or tramway equipment should be directed to the transport operator.

You can also contact the Public Transport Ombudsman (Victoria) on 8623 2111 to investigate your complaint. The PTO can only investigate the complaint after the transport operator has had an opportunity to respond.

Other noises

There are guidelines on a variety of other noises, such as those coming from commercial/industrial construction sites, public address systems, rubbish collection and shops. See EPA's *Noise control guidelines* (EPA publication 1254).

Your local council is responsible for any problems with these activities, but EPA can offer advice on the best way to deal with your problem.



Appropriate investigation of noise

If you feel that authorities have not appropriately assessed the noise or its impacts, you can ask to discuss this with a senior officer, or ask about other options you have for looking into the investigation process.

Ombudsman Victoria has good advice on how to lodge concerns to government agencies (www.ombudsman.vic.gov.au), and on their role in this process.

Prohibited times

Environment Protection (Residential Noise) Regulations 2008

| Group | Prescribed items | Prohibited times |
|-------|--|--|
| 1 | A motor vehicle (except a vehicle moving in or out of premises), lawn mower or other grass-cutting device and any equipment or appliance not falling within Group 2 having an internal combustion engine. | Monday to Friday: before 7 am and after 8 pm. Weekends and public holidays: before 9 am and after 8 pm. |
| 2 | An electric power tool, chain or circular saw, gas or air compressor, pneumatic power tool, hammer and any other impacting tool and grinding equipment. | Monday to Friday: before 7 am and after 8 pm. Weekends and public holidays: before 9 am and after 8 pm. |
| 3 | A domestic airconditioner or evaporative cooler, heat pump, swimming pool pump, spa pump, water pump other than a pump being used to fill a header tank, domestic heating equipment (including central heating and hot water systems) and a domestic vacuum cleaner. | Monday to Friday: before 7 am and after 10 pm. Weekends and public holidays: before 9 am and after 10 pm. |
| 4 | A musical instrument and any electrical amplified sound reproducing equipment including a stereo, radio, television or public address system. | Monday to Thursday: before 7 am and after 10 pm. Friday: before 7 am and after 11 pm. Saturday and public holidays: before 9 am and after 11 pm. Sunday: before 9 am and after 10 pm. |
| 5 | Any electric equipment or appliance not falling within Group 2, Group 3 or Group 4, including electric gardening equipment, but not electric equipment or appliances for personal care or grooming or for the heating, refrigeration or preparation of food. | Monday to Friday: before 7 am and after 8 pm. Weekends and public holidays: before 9 am and after 8 pm. |

Note: The prohibited times apply when the noise can be heard from inside a habitable room of another residential premises.

Any residential noise can still be considered unreasonable outside of the prohibited times.

Further information

Dispute Settlement Centre of Victoria

4th floor, 456 Lonsdale Street
Melbourne 3000
Ph (03) 9603 8370
Country Callers 1800 658 528
Fax (03) 9603 8355
www.justice.vic.gov.au/disputes

VicRoads

Ph 9854 2666
www.vicroads.vic.gov.au

Consumer Affairs Victoria Victorian Consumer & Business Centre

113 Exhibition Street
Melbourne 3000
Ph 1300 55 81 81
www.consumer.vic.gov.au

Public Transport Ombudsman (Victoria)

PO Box 538, Collins Street West
Melbourne 8007
Ph (03) 8623 2111
Email: enquiries@ptovic.com.au
Web: www.ptovic.com.au

EPA Victoria regional offices

Gippsland

7 Church St, Traralgon 3844
Ph (03) 5173 9800
Fax (03) 5176 7851

North East

27-29 Faithful St, Wangaratta 3677
Ph (03) 5720 1111
Fax (03) 5721 2121

South West

Cnr Lt Malop & Fenwick Sts, Geelong 3220
Ph (03) 5226 4825
Fax (03) 5226 4632

South Metro

35 Langhorne St, Dandenong 3175
Ph (03) 8710 5555
Fax (03) 9794 5188

North West

43 Williamson St, Bendigo 3550
Ph (03) 5438 1000
Fax (03) 5443 6555



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