

ANNOYED BY NOISE?

OUR GUIDE TO DEALING WITH RESIDENTIAL NOISE



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This booklet can help you find the best way to address common residential noise issues. The table at the end of this booklet 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 annoying to another. Too much noise can reduce people's quality of life and, in some extreme cases, even destroy it entirely.

Residential noise is one of the most common sources of noise for Victorians and the most annoying.

NOISY NEIGHBOURS

Often 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 even aware that 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 considered 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 2018 list specific types of equipment and times their use is prohibited (see the table at the end of this booklet). 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 (see Page 6 under the heading 'Any noise may be unreasonable' for more information).

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 be most likely to 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 become 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 can remain in force for up to 72 hours. Failure to comply with a police or council direction is an offence and offenders may receive on-the-spot fines.

Local council can also take action under the nuisance provisions of the *Public Health and Wellbeing Act 2008* (PHW Act). 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 facilitate 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 their neighbours. Rental Providers may take action against renters who break these rules. For more information, contact Consumer Affairs Victoria on 1300 55 81 81.

The Dispute Settlement Centre of Victoria can also 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 PHW 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 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 booklet).

However, noise not listed in the Regulations and noise occurring outside the prohibited times can still be unreasonable in some cases. Typical problems include noisy items such as subwoofers used throughout the day, poorly located air conditioners, equipment that is noisy because it is not maintained, or groups of people talking loudly outdoors at a late-night party.

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 those around you.

EXAMPLE

If your neighbour turned on a radio after 10 pm on Monday – Thursday night 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.



RESPECT – THINK BEFORE MAKING NOISE

Many activities around the home may be heard by neighbours, but not all noises are acceptable. A person's enjoyment of their home must not unreasonably interfere with their neighbour's wellbeing. This includes their ability to use both indoor and outdoor spaces on their property.

It is especially important to be considerate when using noisy equipment, as even 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. Consider chatting with your neighbours, or leave a note in their letter box. Let them know that you will do your best to minimise your impact on them, and how to contact you if there is a problem.

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 IMPACT 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 they don'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 the ones 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.

MUSIC

It's often the bass noise that bothers neighbours. Turning down bass or turning off subwoofers, 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. Outdoor music should be kept to a reasonable level. For parties, keep night music indoors and move guest indoors late at night. Ask guests to be quiet as they leave.

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.

The Regulations set a wide range of times for both builders and residents to use noisy equipment, but continuous, intrusive work throughout the non-prohibited times is likely to be considered unreasonable.

Noise from equipment used in normal working hours and other site activities can also be unreasonable in some cases.

Early-morning deliveries, idling engines, site preparation or loud talking can unreasonably disturb neighbours. Also, people are often annoyed when the noisiest activities are carried out first thing in the work day. 'Broadcasting' radio sound across the site is another common issue.

The Environment Protection (Residential Noise) Regulations 2018 have special provisions for some types of large-scale residential construction. See the EPA website or call EPA for further information. Contact your local council to report residential construction noise.

MOTOR VEHICLE NOISE

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 2018 do not apply to vehicles when moving in or out of the premises, but extended warm-up of 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). Even if the vehicle complies with the levels in the vehicle noise regulations, the noise can still be unreasonable if it is intrusive for too long at neighbouring homes.

FIXED DOMESTIC ITEMS AND HOME OCCUPATION NOISE

Noise from items such as domestic air conditioners, swimming pool equipment, spas, ducted heating, and home occupation is subject to Section 48A of the *Environment Protection Act 1970* and the Environment Protection (Residential Noise) Regulations 2018. If you find any of these fixed domestic items are making excess noise, please provide a maintenance request to your property manager.



BARKING DOGS

The *Domestic Animals Act 1994* covers noise from dogs or cats.

A dog or cat can be regarded as a nuisance if they create a noise that persistently or continuously disturbs a neighbour.

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.

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.

The Victorian Ombudsman 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 2018

GROUP	PRESCRIBED ITEMS	PROHIBITED TIMES
1	<ul style="list-style-type: none"> • Motor vehicles (but not when entering or leaving a site). • Lawnmowers or other grass-cutting devices. • Any equipment with an internal combustion engine not in group 2. 	Monday to Friday before 7 am or after 8 pm. Weekends and public holidays before 9 am or after 8 pm.
2	<ul style="list-style-type: none"> • Electric power tools, chainsaws or circular saws. • Gas or air compressors. • Pneumatic power tools, hammers or other impacting tools or grinding equipment. 	Monday to Friday before 7 am or after 8 pm. Weekends and public holidays before 9 am or after 8 pm.
3	<ul style="list-style-type: none"> • Home heat pumps. • Swimming pool, spa or water pump except when used to fill a header tank. • Home heaters (including central heating and hot water systems). • Vacuum cleaners. 	Monday to Friday before 7 am or after 10 pm. Weekends and public holidays before 9 am or after 10 pm.
4	An air conditioner, evaporative cooler or split system used for cooling. *	Monday to Friday before 7 am and after 11 pm. Weekends and public holidays before 9 am and after 11 pm.
5	<ul style="list-style-type: none"> • Musical instruments. • Electric audio goods, including stereos, radios, TVs and public address systems. 	Monday to Thursday before 7 am or after 10 pm. Friday before 7 am or after 11 pm. Saturday and public holidays before 9 am or after 11 pm. Sunday before 9 am or after 10 pm.
6	<ul style="list-style-type: none"> • Electrical goods not in group 2, 3 or 4, including gardening tools. • Not equipment for personal care or grooming, or for food heating, cooling or preparation. 	Monday to Friday before 7 am or after 8 pm. Weekends and public holidays before 9 am or after 8 pm.

*Air conditioning noise is exempt from the residential noise regulations during a heat health alert.

Prohibited times apply when the noise can be heard inside a habitable room of another residence.

Residential noise can still be unreasonable outside the prohibited times.

FURTHER INFORMATION

DISPUTE SETTLEMENT CENTRE OF VICTORIA

1300 372 888
disputes.vic.gov.au

CONSUMER AFFAIRS VICTORIA

1300 558 181
consumer.vic.gov.au

ENVIRONMENT PROTECTION AUTHORITY VICTORIA

1300 372 842 (1300 EPA VIC)
epa.vic.gov.au

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