

NOISY NEIGHBOURS



This information is general and should not be relied upon as a substitute for legal advice. The Legal Services Commission provides free advice for most legal problems. Contact the Legal Helpline on 1300 366 424 www.lsc.sa.gov.au www.lawhandbook.sa.gov.au

Noise from neighbours is a common source of nuisance, and for some people can be very upsetting. The main problems are caused by barking dogs, loud music or TV, shouting, banging doors and cars. Remember that no house or flat is totally sound proof – everyone can expect some noise from neighbours.

If your neighbours disturb you with unreasonable amounts of noise, it is a good idea to let them know that it is disturbing you. Try to be friendly and polite even if you are very annoyed about their behaviour. Your neighbour may not even be aware that the noise they are making could be disturbing you. If the problem continues, you could try writing a letter explaining the affect the noise is having upon you.

Legal action should only be used as a last resort as it tends to make relations between neighbours worse in the future. It is best to try to sort out issues with your neighbour directly or with the help of a mediator.

COMMUNITY MEDIATION SERVICES

Before taking any legal action against your neighbour, try talking to a community mediation service. They can help you arrive at a resolution without causing unnecessary stress, without involving police, and without taking sides. Mediation encourages neighbours to work out their own solutions to disputes and a successful outcome will help to preserve ongoing relationships. Community Mediation Services are free and confidential. For more information, telephone 8342 1800.

HOW MUCH NOISE IS UNREASONABLE?

Depending on the circumstances, noise may fall under the definition of local nuisance in the Local Nuisance and Litter Control Act 2016 and complaints can be handled by your local council but only if the noise falls within the definition of a local nuisance under the Act. Some of the noisy activities covered under the Local Nuisance and Litter Control Act 2016 include:

Fixed machine noise (domestic)

Fixed machinery on domestic premises (such as air conditioners) must not have an adverse impact on the amenity (the peace and tranquility) of the area. It is an offence for a machine to be installed and operated if it is too noisy. The Local Nuisance and Litter Control Act defines excessive noise in the case of fixed machine noise as being noise travelling from domestic premises to a room or outdoor courtyard area on neighbouring premises. The Environment Protection (Noise) Policy 2007 may be of some assistance in providing guidance on the level of noise. For example under the policy a machine is deemed to be too noisy if measurements taken between 7:00 am and 10:00 pm on the same day show the continuous source noise level exceeds 52 dB(A), or 45 dB(A) between 10:00 pm on one day and 7:00 am the following day.

Domestic activity

Noisy machines such as lawnmowers, power tools and other equipment that cause an adverse impact on amenity are only to be used between the hours of 8:00 am and 8:00 pm (9:00 am and 8:00 pm on Sunday). Use outside of these times will constitute a local nuisance and penalties may apply.

Construction noise

Some activities on building sites can generate significant amounts of noise. Construction activities are limited to between 7.00 am and 7.00 pm from Monday to Saturday. Construction may occur on a Sunday or public holiday between 9.00 a.m. and 7.00 p.m., and before 7.00 a.m. on any other day if it is necessary to avoid an unreasonable interruption to traffic. In this case all reasonable and practicable measures must be taken to minimise noise and its impact.

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**Legal Services
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OF SOUTH AUSTRALIA

Rubbish collection and street sweeping

Street sweeping and rubbish collection is generally restricted to between 7 am and 7 pm (9 am and 7 pm on a Sunday or public holiday). However, these activities can occur outside of these times if it necessary to avoid an unreasonable interruption to traffic.

Alarm systems

A building intruder alarm system must automatically cease to sound within 5 minutes after initial activation and should be positioned in such a way as to reduce the impact on neighbouring premises.

NOISE NOT DEFINED AS A LOCAL NUISANCE UNDER THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016

Noise consisting primarily of music or voices (including parties) and revving cars – these complaints should be reported to police who have wide powers to stop excessive noise.

Barking dogs or other animals – contact your local council.

Noise from a school, kindergarten, child care centre or church – contact the relevant organisation.

Licensed premises – complaints regarding licensed premises such as pubs and restaurants are dealt with by the Office of the Liquor and Gambling Commissioner.