

Annoyed by noise?

A guide to dealing with residential noise

ENVIRONMENT PROTECTION AUTHORITY



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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 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 disturbs around 770,000 Victorians each year.

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 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 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 7 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 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 can remain in force for up to 72 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 air conditioners during the prohibited hours.

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 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 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 publication).

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 neighbours.

Example

If your neighbour turned on a radio after 10pm 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.



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 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.



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 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 *Residential Noise Regulations 2008* 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 vehicles 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 2008* 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 plant and home occupation noise

Noise from items such as domestic air conditioners, swimming pool equipment, spas, ducted heating, internal vacuum system and home occupation is subject to Section 48A of the *Environment Protection Act 1970* and the *Environment Protection (Residential Noise) Regulations 2008*.

Noise from any fixed domestic plant must not be audible within a habitable room of any other residence during **prohibited hours** prescribed by the *Environment Protection (Residential Noise) Regulations 2008* (see table at the end of this booklet).

During **non-prohibited hours**, such noise audible beyond the boundary of the residential premises must not exceed the background noise level by more than 5 dB. EPA's *Noise control guidelines* (publication 1254) describes how to assess noise from fixed domestic plant.

What to do if you have a noisy air conditioner

If you have a noisy air conditioner, consider the following:

Does the unit need maintenance or replacing? Older units may need a clean or maintenance, or you may find it better and cheaper to replace it with a newer model.

Can you install a barrier or enclosure? These can be effective ways to reduce noise if a unit is well maintained and working properly.

Do you have to restrict the hours you use the unit? If the noise is annoying you neighbours at night, then you may have to switch it off during the prescribed hours.

Move the motor? If you need to run the air conditioner and there are no options for maintenance, barriers or enclosures then you may be required to relocate the unit further away from neighbours.

If the unit is causing unreasonable noise, including if it can be heard in a neighbour's home during night-time hours (even with their windows open), then you may be required to take action to reduce the noise. It is more practical and cheaper to properly design and install an air conditioner than to try to fix problems later.

Visit EPA's website www.epa.vic.gov.au for information on choosing and installing an air conditioner.



Barking dogs

The *Domestic 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.

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 7am and after 8pm. Weekends and public holidays: before 9am and after 8pm.
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 7am and after 8pm. Weekends and public holidays: before 9am and after 8pm.
3	A domestic air conditioner 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 7am and after 10pm. Weekends and public holidays: before 9am and after 10pm.
4	A musical instrument and any electrical amplified sound reproducing equipment including a stereo, radio, television or public address system.	Monday to Thursday: before 7am and after 10pm. Friday: before 7am and after 11pm. Saturday and public holidays: before 9am and after 11pm. Sunday: before 9am and after 10pm.
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 7am and after 8pm. Weekends and public holidays: before 9am and after 8pm.

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

Any residential noise might still be considered unreasonable outside 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

Consumer Affairs Victoria Victorian Consumer & Business Centre

113 Exhibition Street Melbourne 3000

Ph 1300 55 81 81

www.consumer.vic.gov.au

EPA Victoria

1300 EPA VIC (1300 372 842)

www.epa.vic.gov.au



If you need interpreter assistance or want this document translated, please call 131 450 and ask to speak with the Environment Protection Authority (EPA).



Level 3, 200 Victoria Street, Carlton, Victoria 3053

GPO Box 4395, Melbourne, Victoria 3001

T: 1300 EPA VIC **F:** 03 9695 2610 **www.epa.vic.gov.au**