



Department of
Environment and
Conservation (NSW)



dealing with

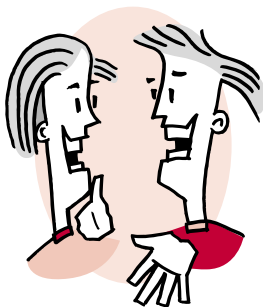
neighbourhood noise

our environment

it's a living thing

Preventing neighbourhood noise

Neighbourhood noise, such as noise from animals, alarms, machines and parties can be very annoying. However, you can often stop noise that disturbs you without involving your council, the Police or the Department of Environment and Conservation (formerly the EPA). This brochure outlines steps you can take to prevent noise being an issue for you.



When noise annoys

There are laws that tell us what levels of noise are acceptable. Yet how we respond to particular noises depends on the type of noise and how we feel about it. What is fine one day can drive us to distraction the next, and noise that is acceptable to one person may be unacceptable to another.

Recognising how our moods can influence our response helps us judge when others are being too noisy.

If a source of noise is a problem for you, there are several things you can do.

Talk to people

Try to solve the problem amicably by talking to whoever is causing the noise. Often people do not realise they are being noisy and are happy to work with you to solve the problem.

Contact a Community Justice Centre

If the noise continues, you can contact a Community Justice Centre (CJC). These are government-funded but independent centres that specialise in settling differences between neighbours without entering into complicated legal processes. They will suggest mediation, which is where you meet with the people who are making the noise and a CJC representative to try and solve the problem. This process will not cost you any money, and has a 95% success rate.

For information on your nearest CJC, visit www.cjc.nsw.gov.au or look up CJC contact details at the back of this brochure.

If your neighbour will not attend mediation, or the noise continues, you can do the following:

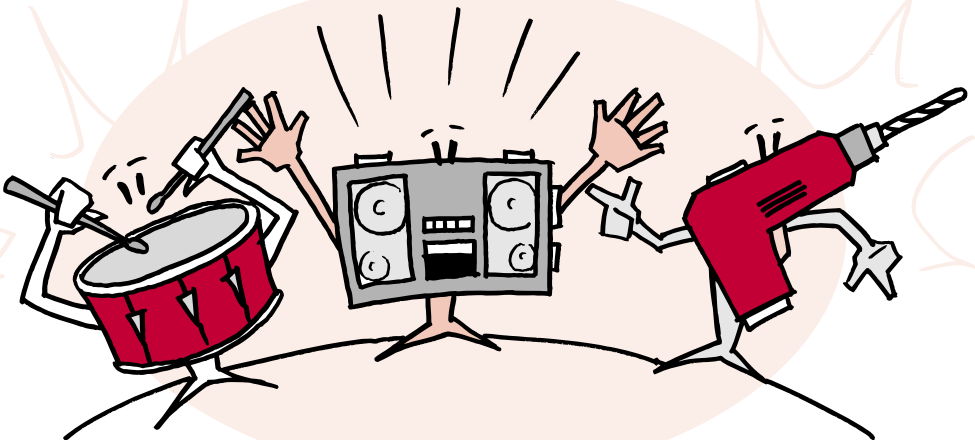
Contact your local council

Local councils can serve various notices on people occupying homes and businesses under the *Protection of the Environment Operations Act 1997* (POEO Act), requiring them to control noise and advising them what noise levels are acceptable.

- > A prevention notice contains conditions on ways of preventing or stopping noise, and is issued under section 96 of the POEO Act.
- > A noise control notice sets an acceptable noise level for a specific item of noisy equipment, and is issued under section 264 of the POEO Act.

Councils can serve notices covering noise from animals and from a wide range of appliances including air conditioners, swimming pool pumps, radios, sound reproduction equipment, musical instruments, power tools, lawn mowers and burglar alarms. The notice can require the noise-making activities to be restricted to certain times of the day or certain days. If the notice is not complied with, the council can prosecute.

People who get a notice can appeal against it.



Seek a noise abatement order

If your neighbour is continually being noisy, has a noisy animal or is using noisy appliances and you decide to take action independently of the local council or other regulator, you can seek a noise abatement order under section 268 of the POEO Act. To apply for an order, contact your local court (listed under 'Local Courts' in the white pages). You may also consider asking your legal adviser for help. Meet with the chamber magistrate in your local court who will explain the process to you. There are fees for applying for a noise abatement order.

If the court is satisfied that the neighbour is causing an offensive noise or that the noise is likely to recur, it may order them to stop the noise or prevent a recurrence. If the person fails to comply with the order, they could be prosecuted.

The person responsible for causing the noise can appeal against the order.

The Department of Environment and Conservation (DEC) brochure, *Seeking a Noise Abatement Order*, contains more details.

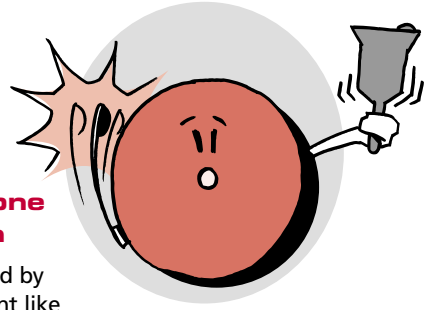
When the noise is a 'one off' problem

If you are disturbed by a particular incident like amplified music, contact your local council or the local police station. They can use section 276 of the POEO Act to issue a noise abatement direction, directing a person making an offensive noise to stop.

A noise abatement direction may be issued at any time of the day or night and can remain in force for up to 28 days from the time it was issued. Any person who fails to comply with it can be fined up to \$3300 or issued with a \$200 on-the-spot fine (or \$400 for a corporation). Noise abatement directions cannot be appealed against. Also see the additional controls under 'Restrictions on domestic activities'. The Police have special powers that allow them to seize equipment used to make noise in contravention of a noise abatement direction.

On-the-spot fines

An on-the-spot fine of \$200 can be imposed on anyone who continues to make noise up to 28 days after being warned to stop by an authorised DEC officer, the Police, the Waterways Authority or a local council officer.



Common types of noise

Noisy alarms

For annoying building and car alarms, contact the Police or your council. Their officers can issue penalty notices when alarms ring for longer than the period specified below.

It is an offense for a **building intruder alarm** to be heard in other homes unless it stops ringing within 5 minutes (or within 10 minutes if installed before 1 December 1997). No distinction is made between an alarm ringing because of a break-in or because it is faulty.

It is an offense for a **car alarm** to make noise unrelated to an accident or break-in for more than 45 seconds (or more than 90 seconds for a car manufactured before 1 September 1997).

The Police and council officers can also issue penalty notices for continuously or intermittently sounding alarms. Penalties for individuals are: \$200 if the alarm sounds for up to 24 hours, \$400 if it sounds between 24 and 48 hours, and \$600 if it sounds for longer than 48 hours. Penalties for individuals are doubled for corporations.

For more details, see the DEC brochure *Managing Noise from Intruder Alarms*.

Noise from pubs and clubs

The Liquor Administration Board manages noise from licensed premises such as pubs and clubs. When the board licenses these premises, it places environmental noise conditions on the licences. These conditions typically include a requirement that pub and club noise should not be heard in any home between midnight and 7 am on any night.

The board can be contacted on (02) 9995 0300.

Restrictions on times of domestic activities

The Protection of the Environment Operations (Noise Control) Regulation 2000 sets out restricted times of operation for domestic activities that should not be heard in a neighbour's home.

If a person fails to comply with a warning from the Police or council, an on-the-spot fine may be issued for operating power tools, sound systems, musical instrument and air conditioners during restricted times.

Times when these appliances should not be used if they are audible inside a neighbour's residence are listed in Table 1, with who to contact if you need help.



Table 1: Time restrictions when noise is audible inside a neighbour's residence

Noise source on residential premises	Time restrictions	Contact
Power tools and equipment (powered garden tools, e.g. lawn mowers and leaf blowers; electric or pneumatic tools; chainsaws or circular saws; gas or air compressors; swimming pool or spa pumps)	8 pm–7 am on weekdays and Saturdays 8 pm–8 am on Sundays and public holidays	Local council or Police
Musical instruments and sound equipment (radios, TVs, tape recorders, record or compact disc players, public address systems, computer games)	12 midnight to 8 am everyday	Local council or Police
Air conditioners	10 pm to 7 am on weekdays 10 pm to 8 am on weekends and public holidays	Local council
Motor vehicles (except when entering or leaving residential premises)	8 pm to 7 am on weekdays 8 pm to 8 am on weekends and public holidays	Local council or Police
Refrigeration units fitted to motor vehicles	8 pm to 7 am on weekdays 8 pm to 8 am on weekends and public holidays	Local council or Police

Outside these hours, restrictions can be placed on using these articles if they cause offensive levels of noise. Restrictions can be placed by issuing prevention notices, noise control notices or noise abatement directions under the *Protection of the Environment Operations Act 1997*. Penalty notices for individuals breaching the legislation are \$200 for individuals or \$400 for corporations. The maximum penalty that a court can impose is \$5,500 for individuals and \$11,000 for corporations.

Table 2: Noise from other sources: who to contact

Noise source	Contact
Large industrial complexes	DEC
Smaller factories, backyard workshops	Local council
Kingsford Smith (Sydney) Airport and aircraft in flight	National Noise Enquiry Line: 1300 302 240
Aircraft on the ground at private and local council operated airports	Local council
Road construction:	
> freeways, tollways	DEC
> main roads	RTA
> other roads	Local council
Road traffic:	
> freeways, tollways, main roads	RTA
> local roads	Local council
Rail transport	Transport Information Line: 131500 or DEC
Naval vessels, container and passenger ships	Ports Corporation
Individual motor vehicles (including trail bikes) in a public place:	
> roads	Police or DEC
> parks, reserves etc	Police or local council
Motor sports facilities, gun, rifle, pistol clubs	Local council
Sporting facilities (other than boating events)	Local council
Ships, boats or pleasure craft, jet skis™	Waterways Authority
Building construction	Local council
Shop ventilation, air conditioning, refrigeration equipment etc	Local council
Amplified music from:	
> commercial premises	Local council or Police
> residential premises	See Table 1
Concert facilities	Local council
Noise in public places: animal noise, barking dogs, crowing roosters	Local council or Police
Burglar or intruder alarms: private homes, shops and small factories	Local councils
Car alarms	The Police or local council; Australian Car Alarm Traders Association hotline: (02) 9713 2081; or DEC

Contact details

Airservices Australia

Sydney airport noise enquiry service: 1300 302 240

Australia Car Alarm Traders Association

Hotline: (02) 9744 5400

Community Justice Centres:

Directorate, Level 8,
Goodsell Building, 8–12
Chifley Square, Sydney,
NSW 2000.

Tel: (02) 9228 7455

Fax: (02) 9228 7456

TTY: 1800 671 964

Sydney CJs, Ground Floor,
Civic Tower, 66–72 Rickard
Road, Bankstown, NSW 2200

Tel: (02) 9790 0656

Fax: (02) 9796 3258

Toll free/TTY: 1800 671 964

Northern CJs, Corner
Bolton and Church Streets,
Newcastle NSW 2300
Tel: (02) 4929 1211.
Fax: (02) 4926 2420.
Toll free: 1800 990 777

Southern CJs, 2nd Floor,
Transport House, 1 Rawson
Street, Wollongong
NSW 2500

Tel: (02) 4228 0433

Fax: (02) 4226 363

Western CJs, Level 1,
Dan Allam House, 311 High
Street, Penrith NSW 2750

Ph: (02) 4732 1933.

Fax: (02) 4731 3578.

Toll free 1800 252 736

Email: all CJs can be
contacted at

cjc_info@agd.nsw.gov.au

Website: www.cjc.nsw.gov.au

Department of Environment and Conservation (DEC)

Pollution Line: 131 555 (local call cost—NSW only) or (02) 9995 5000

Roads and Traffic Authority

Tel: 131 782 (local call cost)

Waterways Authority

Tel: 131 256 (local call cost)

Department of Environment and Conservation (NSW)

59–61 Goulburn Street, Sydney

PO Box A290

Sydney South 1232

Phone: 131 555

(NSW only—publication and information requests)

Phone: (02) 9995 5000

(switchboard)

Fax: (02) 9995 5999

TTY: (02) 9211 4723

Email: info@epa.nsw.gov.au

Website: www.environment.nsw.gov.au

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