

Annoyed by noise?

A guide to dealing with residential noise



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This booklet covers different ways 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

Residential noise is noise coming from a residential property and its surroundings. Noise can come from many of our activities like playing music, entertaining at home, 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 cases, even harm their health.

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

Residential noise and the law

The *Environment Protection Act 2017* (the EP Act) makes it an offence to make **unreasonable noise** from any residence. Noise may be considered unreasonable at any time of the day, depending on factors such as its volume, intensity, duration, its character, the time, the place, and how often it happens.

There are specific types of equipment and times their use isn't allowed if your neighbours can hear the noise in their home. The times depend on the type of equipment 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).

Also, under the *Residential Tenancies Act 1997*, renters must avoid disturbing the peace and comfort of their neighbours.

Approaching noisy neighbours

If it is safe to do so, talking with a noisy neighbour may be helpful. Your neighbour may not be aware they are disturbing you. Try to work together on a solution to settle the problem.

Talking about the noise early on can help make neighbours aware of the problem and be more considerate in future



Tips for talking to your neighbour

Before you approach your neighbour, plan what you're going to say. If you're pleasant and calm, they may be more likely to respond positively.

Pick the best moment. Try to find a time when you can stay calm and when you think your neighbour may be more likely to listen.

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 doesn't resolve the problem, or if you feel intimidated and worried they may become aggressive, there are other options available.

If your problem isn't easily resolved

Help through formal mediation and the courts

Formal mediation can be a good way to work through the issue.

The Dispute Settlement Centre of Victoria helps people settle their disputes in a cooperative and lasting way. Mediation relies on both parties 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 *Public Health and Wellbeing Act 2008* (PHW Act) or EP Act. You should consult a solicitor if you're thinking of doing this.

Help from your local council or police

Local council can take action under the PHW Act. Councils must investigate noise nuisances.

Under the EP Act, a council may issue a residential noise improvement notice to require a person to stop, minimise or prevent noise. This can apply when unreasonable noise is likely to continue or happen again.

Your local council will assess the situation. 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 collect evidence, they may also ask you to keep a diary of when the noise happens or they may use equipment to measure noise levels.

Councils are most suited to address long-term issues, and machine and animal noise. More complex issues may require both the local council and the police to work together.

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

Police can issue a warning or an on-the-spot fine to a person who makes or allows unreasonable noise from a residence.

Police or councils 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.

Help from residential bodies

For people living in apartments, their owners' corporation must have a process under the *Owners Corporations Act 2006* to help deal with complaints. This can help neighbours communicate or help when making a formal complaint. Under the *Residential Tenancies Act 1997*, landlords may take action against tenants who make unreasonable noise. For more information, contact Consumer Affairs Victoria on 1300 55 81 81.

Times when certain noise is unreasonable

Environmental Protection Regulations 2021 (the Regulations) list sources of noise, for example, certain types of equipment and sounds, and times when this noise may be unreasonable. These are called prohibited times. (See the 'Prohibited times' table at the end of this publication). When maintaining and/or repairing an existing residential building, equipment such as jackhammers and power tools are covered by the prohibited times in the Regulations.

When any noise may be unreasonable

Noise not listed in the Regulations and noise that happens 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.

Noise from these sources may be unreasonable if it can be heard in a neighbour's home, even if a door or window in the room is open.

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

What is unreasonable can depend on where you live. For example, residents living in apartments or attached houses can expect to hear some noise from normal activity in neighbouring homes.

Neighbours should, however, be considerate, as closer living means a greater chance of noise 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 inside your home – 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.



Your responsibilities – think before making noise

Many activities around the home may be heard by neighbours, but not all noises are acceptable. Your enjoyment of your home must not unreasonably interfere with your 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 you use noisy equipment. Even casual use can create significant and unreasonable impacts.

It's good to let your neighbours know if you're 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 may be less annoyed if they know in advance when the noise will start and end, and that they can contact you if it causes a problem for them.

Understanding the impacts of noise

Over time, noise can cause significant impacts on anyone's health, wellbeing or ability to work– especially when it disturbs sleep. Noise can lead to anxiety, stress and other health impacts, even if they don't happen 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 can be more impacted by noise. Vulnerable people may include the elderly or ill, parents with young children, shift workers or those who work or study at home. 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 and your responsibility to prevent, reduce or minimise unreasonable noise.

Tips for reducing 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.

Try not to play loud music at times when your neighbours are most sensitive, such as early morning, late at night, or when you know your neighbours are sleeping, for example, shift workers.

Keep outdoor music 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 noise Regulations discussed earlier only cover repairs and maintenance to an existing building. Noise from construction, demolition and removal of residential premises is **not** regulated under the Regulations. Instead, residential construction noise is covered by two parts of the EP Act.

The EP Act includes the general environmental duty (GED). This requires all Victorians to minimise the risk of harm to people and the environment from any of their activities which could cause pollution or waste. Noise is a type of pollution. Noise includes both sound and vibration.

The GED means you must make an effort to prevent the impacts of noise. If you manage or control construction and demolition activities you must proactively manage the risks of noise to people near the building site. The *Civil construction, building and demolition guide* (publication 1834) has information for builders on managing noise.

The EP Act makes it an offence to make unreasonable noise from any place that isn't a residence. It also applies to construction, demolition and removal of a residence.

Noise from a construction site in normal working hours can be unreasonable in some cases.

Early-morning deliveries, vehicle engines, equipment or loud talking and radio noise can unreasonably disturb neighbours. This can impact people much more when the noisiest activities happen first thing in the work day.

Councils can investigate residential construction noise under the EP Act and issue notices for not complying with the GED or for making unreasonable noise. A notice can require a person to:

- stop doing the activity which causes the noise, or
- take action to control the noise, or
- take action to minimise the risk of harm from the noise.

Contact your local council to report residential construction noise.



Motor vehicles noise

The EP Act also applies to motor vehicles on residential premises, for example, a car left idling for a time or at a volume that could be considered unreasonable. The prohibited times in the EP Regulations do not apply to vehicles when they're entering or leaving a property, but extended idling or warm-up of vehicles is not allowed during the prohibited times.

Noise from recreational vehicles such as mini-bikes and trail bikes on residential premises, is also considered residential noise under the EP Act. Large rural living allotments are also included as residential premises and vehicle noise at any level may be considered unreasonable if it disturbs neighbours for long periods of time.

Equipment noise

Noise from fixed equipment such as domestic air conditioners, swimming pool equipment, spas, ducted heating and internal vacuum systems is covered by the noise provisions in the EP Act and the Regulations.

Noise must not be audible inside a habitable room of any other residence during **prohibited hours** (See the table at the end of this booklet). A habitable room means any room which isn't a kitchen, bathroom or laundry.

Even during **non-prohibited hours**, noise must not be unreasonable.

Noise guidelines: Assessing noise from residential equipment (publication 1973) describes how to assess noise from fixed residential equipment.

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 already well-maintained and working properly.

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

Can you move the unit? 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, then you may be required to take action to reduce the noise. It can be more practical and cheaper to properly install an air conditioner than to try to fix problems later.

Cool air – quietly and efficiently. A guide to buying and operating an air conditioner (publication 1176) has information on choosing and installing an air conditioner.



Barking dogs

The *Domestic Animals Act 1994* (DA Act) 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.

Report ongoing issues to your local council. If the council finds there is a nuisance under the DA 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 the council has not appropriately assessed the noise or its impacts, you can ask to discuss this with a senior council 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 with government agencies and how they can help.
ombudsman.vic.gov.au

Prohibited times

Environment Protection Regulations 2021

Group	Prescribed items	Prohibited times
1	<ul style="list-style-type: none"> Motor vehicles (but not when entering or leaving a site). Vessel or personal watercraft. Lawnmowers or other grass-cutting devices. Any equipment with an internal combustion engine not in group 2. 	<p>Monday to Friday before 7 am or after 8 pm.</p> <p>Weekends and public holidays before 9 am or after 8 pm.</p>
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. 	<p>Monday to Friday before 7 am or after 8 pm.</p> <p>Weekends and public holidays before 9 am or after 8 pm.</p>
3	<ul style="list-style-type: none"> Heating equipment (including central heating, a hot water system or a heat pump, air conditioner or split heating system). Swimming pool, spa or water pumps except when used to fill a header tank. Vacuum cleaners. 	<p>Monday to Friday before 7 am or after 10 pm.</p> <p>Weekends and public holidays before 9 am or after 10 pm.</p>
4	An air conditioner, evaporative cooler or split system used for cooling.*	<p>Monday to Friday before 7 am and after 11 pm.</p> <p>Weekends and public holidays before 9 am and after 11 pm.</p>
5	<ul style="list-style-type: none"> Musical instruments. Electric audio goods, including stereos, radios, TVs and public address systems. 	<p>Monday to Thursday before 7 am or after 10 pm.</p> <p>Friday before 7 am or after 11 pm.</p> <p>Saturday and public holidays before 9 am or after 11 pm.</p> <p>Sunday before 9 am or after 10 pm.</p>
6	<ul style="list-style-type: none"> Electrical goods not in group 2, 3, 4, or 5 other than an item for personal care or grooming, or for food heating, cooling or preparation. 	<p>Monday to Friday before 7 am or after 8 pm.</p> <p>Weekends and public holidays before 9 am or after 8 pm.</p>

*Prohibited times do not apply to noise from an air conditioner used for cooling during a heat health alert. However, the air conditioner noise may still be unreasonable, for example, if it is too loud or rattles as assessed using Noise guidelines: Assessing noise from residential equipment (publication 1973).

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

Enquiry line: 1300 372 888
disputes.vic.gov.au

Consumer Affairs Victoria Victorian Consumer & Business Centre

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

Environment Protection Authority Victoria

Level 3, 200 Victoria Street, Carlton, VIC 3053
GPO Box 4395, Melbourne, VIC 3001
1300 372 842 (1300 EPA VIC)
epa.vic.gov.au



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