

Dealing with neighbourhood noise

Neighbourhood noise – such as noise from animals, power tools and parties – can be very annoying. Here’s what you can do.

Talk with your neighbour

If your neighbour’s noise is bothering you, first try to have a friendly talk with them. Often people don’t realise they are disturbing others and are happy to stop or reduce their noise.

Next steps

If talking with your neighbour doesn’t work you can complain to your local council, the police and other authorities. Tables 1 and 2 show who to contact for different types of noise. Table 1 also shows when each type of noise is not allowed.

Contact a Community Justice Centre

Community Justice Centres (CJCs) help neighbours settle differences through mediation (talking). You’ll meet with the noisy neighbour and someone from the CJC to try to solve the problem. The process is free and has a high success rate. Contact details are at the end of this sheet.

Contact your council

If CJC mediation doesn’t work, contact your local council.

What the council can do

A council officer can serve notices on residents and businesspeople requiring them to control ‘offensive noise’. (See the end of this fact sheet for what ‘offensive noise’ means.)

About notices

A **prevention notice** tells a person what they must do to prevent or stop noise.¹

A **noise control notice** puts a limit on the amount of noise allowed from noisy equipment or a noisy activity.² The notice may restrict noisy activities to certain times of the day or certain days.

If the person who gets the notice doesn’t obey it the council can fine them or prosecute.

People who get a notice can appeal against it.

You can also seek a ‘noise abatement order’ from the local court. But it’s usually better if the council does this because it has experience with preparing evidence for court.

Contact the police

For out-of-hours noise such as parties you can contact the police. Police can issue a warning or a **noise abatement direction**. A noise abatement direction:

- tells a person to stop making the noise
- can be issued at any time of day or night
- can stay in force for up to 28 days.

If people don’t follow the direction, police can:

- fine them \$300 on the spot (\$600 for corporations)
- seize noise-making equipment such as a sound system.

Authorised officers of a local council can also do these things.

Contact the owners corporation

If you and your neighbour live in a block of apartments (or some other kind of strata scheme) you can complain about their noise to the building's owners corporation. You can complain whether you own your home or rent.

Strata schemes have rules called by-laws. Usually there are by-laws about noise. Check your strata scheme's by-laws. To get a copy:

- if you rent – ask your landlord or agent
- if you own your home – ask the managing agent or strata committee.

If you think your neighbour is not following the by-laws you should first try talking with them. If that doesn't work you can contact the building's strata committee, which represents the owners corporation.

What the owners corporation can do

The owners corporation can raise your complaint with your neighbour. If that doesn't work it may issue a **notice to comply with a by-law**. This goes to your neighbour (if they own their home) or to their landlord (if they rent). The notice:

- tells them which by-law they've breached
- explains how they breached the by-law
- warns them of what the owners corporation may do if they continue to breach the by-law.

If the noise occurs again within 12 months, the owners corporation can apply to the NSW Civil and Administrative Tribunal (NCAT) for a legally enforceable order to stop it. NCAT can also fine the person making the noise.

Table 1 Residential noise: when it's not allowed, and who to contact

Noise source	When noise should not be heard by a neighbour in a 'habitable room' ^{**}	Contact
Power tools and equipment (e.g. powered garden tools such as lawn mowers and leaf blowers, electric or pneumatic tools, chainsaws, circular saws, gas or air compressors and swimming pool or spa pumps)	Before 8 am and after 8 pm on Saturdays, Sundays and public holidays Before 7 am and after 8 pm on any other day	Council or NSW Police Assistance Line, phone 131 444
Musical instruments and electrically amplified sound equipment (e.g. radios, TVs, CD and DVD players, and home theatre systems)	Before 8 am and after midnight on any Friday, or Saturday or the day immediately before a public holiday Before 8 am and after 10 pm on any other day	Council or NSW Police Assistance Line, phone 131 444
Air conditioners and heat-pump water heaters	Before 8 am and after 10 pm on weekends and public holidays Before 7 am and after 10 pm on any other day	Council or NSW Police Assistance Line, phone 131 444
Motor vehicles (except when entering or leaving residential premises)	Before 8 am and after 8 pm on weekends and public holidays Before 7 am and after 8 pm on any other day	Council or NSW Police Assistance Line, phone 131 444
Refrigeration units fitted to motor vehicles ^{**}	Before 8 am and after 8 pm on weekends and public holidays Before 7 am and after 8 pm on any other day	Council or NSW Police Assistance Line, phone 131 444

Notes

³During these hours, noise from residential premises should not be heard in a 'habitable room' in a neighbour's residence. A 'habitable room' means any room other than a garage, storage area, bathroom, laundry, toilet or pantry.

^{**}This applies whether or not the vehicle is on residential premises.

Table 2 Non-residential noise: who to contact

Noise type	Noise source	Contact
Industrial/commercial noise	Large industrial complexes	EPA Environment Line, phone 131 555
	Smaller factories, backyard workshops and commercial premises (e.g. air conditioning and refrigeration)	Council
Transport noise	Commercial airports and aircraft in flight	Airservices Australia, Noise Complaints and Information Service, phone 1800 802 584
	Aircraft on ground at private and council-controlled airports	Council
	Noisy motor vehicles (e.g. trail bikes) in a public place, such as roads, verges, car parks or off road (including parks and reserves)	<ul style="list-style-type: none"> EPA Environment Line, phone 131 555 NSW Police Assistance Line, phone 131 444 Council
	Noisy motor vehicles (e.g. trail bikes) on private property	<ul style="list-style-type: none"> NSW Police Assistance Line, phone 131 444 Council
	Road traffic: <ul style="list-style-type: none"> local roads freeways, tollways and main roads 	<ul style="list-style-type: none"> Council Transport for NSW, phone 131 782
	Rail noise	<ul style="list-style-type: none"> EPA Environment Line, phone 131 555 Rail Greenline, phone 1300 656 999
	Naval vessels	Defence Department, phone 1300 333 362
	Container and passenger ships	Ports Corporation: <ul style="list-style-type: none"> Sydney, phone 9296 4999 Port Kembla, phone 4275 0100 Newcastle, phone 1800 048 205
Recreational boating and jet skis	Transport for NSW, phone 131 782	
Amplified music from vessels	<ul style="list-style-type: none"> Transport for NSW, phone 131 782 Water Police, phone 9320 7499 Council 	
Construction noise	Road construction: freeways and tollways, main roads and other roads	<ul style="list-style-type: none"> EPA Environment Line, phone 131 555 Transport for NSW, phone 131 782 Council
	Building construction	Council
	Major public infrastructure construction	EPA Environment Line, phone 131 555
Public sporting and entertainment venues	Motor sports and gun/rifle/pistol clubs and sporting facilities (other than vessels)	Council
	Open water activities	Transport for NSW, phone 131 782
	Concert facilities	Council

Noise type	Noise source	Contact
Public sporting and entertainment venues	Concerts at major state venues (e.g. Sydney's Domain)	EPA Environment Line, phone 131 555
	Pubs and clubs	Liquor & Gaming NSW, phone 1300 024 720
Neighbourhood noise	Noise in public places, barking dogs and other animal noise	<ul style="list-style-type: none"> • Council • NSW Police Assistance Line, phone 131 444
	Intruder alarms for buildings and vehicles	<ul style="list-style-type: none"> • Council • NSW Police Assistance Line, phone 131 444
Noise in a strata scheme (e.g. a block of home units)	Noise that breaches a by-law (a rule) of the strata scheme	<ul style="list-style-type: none"> • Owners corporation • Strata manager

Common types of noise

Noisy domestic equipment

Table 1 shows the times you shouldn't use certain equipment if a neighbour could hear it. These times are called **restricted hours**.

Police, councils and the NSW Environment Protection Authority can warn people to stop using noisy equipment in restricted hours.

If people ignore the warning and make noise again – up to 28 days after the warning – they can be fined \$300 (\$600 for corporations) on the spot.

Even if the noise happens in unrestricted hours, councils and police can still take action if they think it's 'offensive noise'. (See *What is 'offensive noise'?* at the end of this sheet.)

Courts can fine people for making noise. Fines are up to \$5,500 for an individual and \$11,000 for a corporation.

Noise from pubs and clubs

Pubs and clubs must hold a licence to operate. The licence often says that noise from the pub or club should not be heard inside any home between midnight and 7 am on any night of the week. To complain about noise from a pub or club, contact Liquor & Gaming NSW (details at end).

Barking dogs

See the *Dealing with Barking Dogs* fact sheet.

Noisy vehicles

See the *Managing Noise from Vehicles* fact sheet.

Noisy alarms

By law, an intruder alarm can only sound for a certain amount of time. If it sounds for longer, the person responsible for the alarm can be fined. The person responsible is:

- for a vehicle alarm – the owner or operator of the vehicle
- for a building alarm – the person occupying the building.

An alarm might go off because there has been a break-in or because the alarm is faulty. No matter why the alarm goes off, it's against the law for it to sound for too long – in most cases. The exception is for vehicles made before 1 March 2009 but only under some circumstances.

Vehicles

How long a vehicle alarm can sound for depends on how old the vehicle is. The limit is:

- 45 seconds for vehicles manufactured on or after 1 September 1997
- 90 seconds for vehicles manufactured before 1 September 1997.

Buildings

How long a building intruder alarm can sound for depends on when the alarm was installed. The limit is:

- 5 minutes if the alarm was installed on or after 1 December 1997
- 10 minutes if the alarm was installed before 1 December 1997.

Who to contact about an alarm

If an alarm disturbs you, contact the NSW Police Assistance Line on 131 444, your local police station or your local council.

Police officers are not allowed to enter unoccupied premises or vehicles to turn off an alarm.

However, they can accompany council officers, who are authorised to do this. Council officers need a warrant to enter an unoccupied residential building to deal with a faulty alarm.

How to be a good neighbour

Sound you enjoy, such as music, may be just noise to others. People can get upset over noise they can't control. And if noise stops people sleeping they get tired and cranky. So be considerate to you neighbours.

- Let your neighbours know in advance if you are going to be doing something noisy (e.g. having a party, doing building work or using a chainsaw). Most people appreciate this and will be less likely to complain. They can also arrange to get away from the noise if they want to.
 - Keep down the noise in your backyard or on your balcony, especially during the early evening and at night.
 - Enclose pool and spa pumps. Run pumps only when necessary and only within the permitted times.
 - When buying equipment such as air conditioners, hot-water heat pumps, pool pumps and tank pumps
 - choose quiet models
 - try to place the equipment away from your neighbour's bedroom and living-room windows
 - use sound insulation if you need to.
- Use this [noise calculator](#) to work out how your equipment might affect neighbours.⁴
- Be mindful of your neighbours when playing amplified music or using power tools etc., even at times when it's allowed (Table 1). Noise may be considered 'offensive noise' at any time of day.
 - To keep car noise down
 - don't rev the engine repeatedly
 - turn down the sound system when you come home late at night
 - don't slam car doors.

- Choose quiet models of powered garden equipment (e.g. leaf blowers, string trimmers, edge cutters and lawn mowers)
- Use a broom or a rake instead of a leaf blower if you can. If you must use a leaf blower
 - don't start too early
 - use it for short periods
 - don't rev it repeatedly.

What is 'offensive noise'?

'Offensive noise' is defined in the dictionary at the end of the [Protection of the Environment Operations Act 1997](#) (POEO Act).

Council officers decide if a noise is offensive by considering:

- its loudness
- its character
- its time and duration
- whether it's typical for the area
- how often it occurs
- how many people it affects.

For more about offensive noise see section 2.1 of the EPA's [Noise guide for local government](#).

Contact details

Airservices Australia Noise Complaints and Information Service (NCIS)

Phone: 1800 802 584

Website:

www.airservicesaustralia.com/aircraftnoise/about-making-a-complaint

Community Justice Centres (CJCs)

Phone: 1800 990 777

Email: cjc-info@justice.nsw.gov.au

Website: www.cjc.justice.nsw.gov.au

Councils

Office of Local Government website:

www.olg.nsw.gov.au

Look under 'For the public'.

Department of Defence

Phone: 1300 333 362

Liquor & Gaming NSW

Phone: 1300 024 720

Website:

<https://www.liquorandgaming.nsw.gov.au/community-and-stakeholders/have-your-say/complaints/formal-disturbance-complaints>

Local courts

Website: www.localcourt.justice.nsw.gov.au

NSW Environment Protection Authority (EPA)

Phone: 131 555

Email: info@environment.nsw.gov.au

Website: www.epa.nsw.gov.au

NSW Police

NSW Police Assistance Line: 131 444

Website: www.police.nsw.gov.au

Ports Corporation

- Sydney, phone: 9296 4999
- Port Kembla, phone: 4275 0100
- Newcastle, phone: 1800 048 205

Rail Greenline

Phone: 1300 656 999

Transport for NSW

Phone: 131 22 13

Water Police

Phone: 9320 7499

References

1 Issued under section 96 of the *Protection of the Environment Operations Act 1997* (POEO Act)

2 Issued under section 264 of the POEO Act

3 The times when noise should not be heard (Table 1) are set out in the Protection of the Environment Operations (Noise Control) Regulation 2017 (the Regulation).

4 *FairAir* website of the Australian Institute of Refrigeration, Air Conditioning and Heating, www.fairair.com.au

NSW Environment Protection Authority

Email: info@epa.nsw.gov.au

Website: www.epa.nsw.gov.au

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