

Disclaimers: This information was believed to be correct at the date of its publication. This information is for general information purposes only and should not be relied upon for legal advice.

Neighbourhood noise problems are among the most frequent causes of complaints received by local councils, the police and the Environment Protection Authority.

Noise annoys - particularly when we want to relax and enjoy our leisure time at home. Neighbours are entitled to peace and quiet.

Generally speaking, noise problems fall under the control of Council except for one-off noises, such as night time parties, which are the responsibility of the police.

This information sheet is designed to provide a guideline as to what may be considered acceptable noise and the action to take when noise is offensive.

DOMESTIC NOISE

To enable people to use and maintain their properties, an understanding has been reached about the acceptability of certain domestic noises. The following equipment or articles may be operated subject to certain restrictions on residential properties during the times specified below.

NOISE	PERMISSIBLE HOURS
Musical instruments and sound equipment (including radio, TV, hi-fi, etc.)	8 am to 12 midnight Friday, Saturday and days immediately before a Public Holiday 8 am to 10 pm Sunday to Thursday
Power tools and equipment, including: <ul style="list-style-type: none"> <input type="checkbox"/> lawn mowers <input type="checkbox"/> lawn trimmers <input type="checkbox"/> leaf blowers <input type="checkbox"/> leaf sweepers <input type="checkbox"/> edge cutters <input type="checkbox"/> chainsaws <input type="checkbox"/> circular saws <input type="checkbox"/> any powered tool driven by petrol engine or electric motor. 	8 am to 8 pm Sunday and Public Holiday 7 am to 8 pm any other day
Domestic air conditioners Heat pump water heaters (from 1 September 2008)	8 am to 10 pm Saturday, Sunday and Public Holiday 7 am to 10 pm any other day
Swimming pool/spa pumps	8 am to 8 pm Sunday and Public Holidays 7 am to 8 pm any Weekdays and Saturdays
Motor vehicles (except when entering or leaving the premises)	8 am to 8 pm Saturday, Sunday and Public Holiday 8 am to 7 pm any other day

- Restrictions can be placed on the articles if they cause an offensive noise during these hours. Noise is considered offensive if it is likely to interfere unreasonably with the comfort or repose of your neighbours.

ANIMAL NOISE

People have a responsibility to control the noise made by animals. Noise from excessive barking for example, can cause considerable annoyance. Reasons why a dog barks often exist. It could be provoked, lonely, sick, hungry or under exercised. Providing your dog with a balanced diet, with exercise, ensuring that it does not have worms or other health problems and removing the direct line of sight between the dog and children or other dogs, may reduce the barking problem.

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COMMERCIAL/INDUSTRIAL NOISE

Noise emitted from commercial or industrial premises are generally controlled by Council. When a complaint is received Council needs to satisfy itself that the noise is offensive. Generally, this is done by taking noise level readings and by interviewing a number of complainants to ascertain that they will verify noise is offensive.

The Council may then serve a notice on the occupier that the offending noise be controlled or alternatively that a noise be prevented at certain times during the day or week. The receiver of the notice has the right to appeal. If it is verified that the offending noise occurs after the expiration of the appeal period, council may then prosecute.

BUILDING CONSTRUCTION NOISE

Building construction noise where an approved Development Consent has been issued is confined to the working hours conditioned on that approved consent. Therefore prior to identifying any building construction hours, the development consent should be checked for verification. Note: The Council's current standard condition reflects the permissible construction hours of 7.00 am to 5.00 pm Monday to Friday and 8.00 am to 4.00 pm Saturdays with no work to occur on Sundays or Public Holidays.

WHAT SHOULD I DO WHEN NOISE IS A PROBLEM?

- 1 Discuss the problem with your neighbour. Often people are not aware that the noise is a problem. If the neighbour wants to continue with the activity that is making the noise, (such as, a mini-bike given as a birthday present), see if you can come to an agreement over times that would not inconvenience you. If you are aware that your sleep or your favourite TV show will not be interrupted the particular noise may not be offensive. Also remember that sometimes activities are a fad and the noise will not be long lasting.
- 2 If the first approach is unsuccessful contact the Community Justice Centre. This organisation has professional mediators and will help resolve those differences. Try not to sever your relationship with your neighbours because of one problem. Friendly neighbours are an asset. They can help by looking after your home or animals while on holidays and could be a lifesaver if you have a health problem and need assistance.
- 3 If the earlier negotiations do not work, and the type of noise fits within Council's Enforcement Policy, you can contact Council. If more than one residence is affected or you are the only resident in the vicinity, Council may take action under the Protection of the Environment Operations Act 1997. It is expected, however, that all complainants are willing to testify in court regarding the offensive noise.
- 4 If all the previous avenues do not resolve your problem you may take your own private action under Section 268 Protection of the Environment Operations Act 1997. If you decide to take this action discuss the matter with the Chamber Magistrate at the local court or your solicitor.

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