



### What can be done about a local nuisance?

If you are unable to resolve the issue with your neighbour directly or with the help of a mediator, you can **complain to your local council**.

Authorised officers at your local council can decide whether or not the particular noise constitutes a local nuisance. If it does, they may issue a **nuisance abatement notice** which will require your neighbour to stop making the noise. They may also issue a **fine**.

If you are affected by a local nuisance, you may **apply to the Environment, Resources and Development Court** for orders to stop the nuisance. However, if the application is unsuccessful, you may be required to compensate your neighbour and pay their legal costs. You may also be required to cover these costs at the outset (called payment of security for costs). Legal advice should be sought before making such an application to the court.

**Legal Helpline** 1300 366 424  
**Child Support Advice** 8111 5576

### Legal Services Commission Offices

- Adelaide Office  
159 Gawler Place  
Adelaide 5000  
Telephone 8111 5555
- Elizabeth Office  
Suite 2 Windsor Building  
1 Windsor Square  
(off Playford Boulevard)  
Elizabeth Shopping Centre  
Elizabeth 5112  
Telephone 8111 5400
- Noarlunga Office  
Noarlunga House  
Ramsay Place  
Noarlunga Centre 5168  
Telephone 8111 5340
- Port Adelaide Office  
263 St Vincent Street  
Port Adelaide 5015  
Telephone 8111 5460
- Port Augusta Office  
34 Flinders Terrace  
Port Augusta SA 5700  
Telephone 8686 2200
- Whyalla Office  
17A Forsyth Street  
Whyalla 5600  
Telephone 8620 8500

### Do you need help calling us?

- Translating and Interpreting Service 131 450
- National Relay Service  
TTY users phone 133 677
- National Relay Service  
Speak and Listen users  
phone 1300 555 727
- National Relay Service  
SMS Relay 0423 677 767
- National Relay Service  
Internet Relay users visit  
[nrschat.nrscall.gov.au](https://nrschat.nrscall.gov.au)

### Visit us online at [lsc.sa.gov.au](https://lsc.sa.gov.au)

This information is general and not a substitute for legal advice. The Legal Services Commission provides free legal advice for most legal problems.

# Noisy Neighbours



## Neighbourhood noise

Noise from neighbours is a common source of nuisance and can be very distressing.

Common neighbourhood noises include barking dogs, loud music and television, shouting, banging doors, and cars. No house or unit is totally soundproof, and everyone can expect some noise from neighbours.

If your neighbours disturb you with **unreasonable** amounts of noise, let them know. Try to be friendly and polite even if you are annoyed about their behaviour. Your neighbour may not even be aware that their noise is disturbing you.

If the noise continues, try writing a letter explaining the effect the noise is having on you.

**Legal action** should only be taken as a **last resort** as it can make relations between neighbours worse in the future.

It is best to try to sort out issues with your neighbour directly or with the help of a mediator.

## Community mediation services

Before commencing any legal action against your neighbour, contact a community mediation service. They can help you resolve the problem without taking sides, causing unnecessary stress, or involving police.

Mediation encourages neighbours to work together to develop solutions to disputes. A successful outcome can help to preserve ongoing relationships. Community mediation services are confidential.

For more information and advice about mediation, telephone **Uniting Communities Mediation Service** on **8202 5960** or **1300 886 220** (country callers) or visit [unitingcommunities.org/service/legal-services/mediation](http://unitingcommunities.org/service/legal-services/mediation).

## How much noise is unreasonable?

Most domestic noise is governed by the Local Nuisance and Litter Control Act 2016 (SA). Under this Act, it is a criminal offence to cause a **local nuisance**.

If a noise falls within the definition of a local nuisance, complaints may be handled by your local council.

A noisy activity may be a local nuisance if the **level**, **nature** or **extent** of the noise (including its volume, pitch, vibrational frequency, prevalence or frequency of occurrence) **unreasonably interferes** with the enjoyment of neighbouring premises.

Some examples include:

### Fixed machine noise on domestic premises

Noise from **fixed machinery** on domestic premises (such as air conditioners) that travels from those premises to a habitable room, outdoor courtyard or entertainment area on neighbouring premises.

### Domestic activity

Noise from **machines** such as lawnmowers or power tools or **other sources** that travels to neighbouring premises after **8:00 pm** or before **8:00 am** (or before 9:00 am on Sunday).

### Construction noise

**Construction** noise that travels to neighbouring premises after **7:00 pm** or before **7:00 am** from Monday to Saturday, or at any time on a Sunday or public holiday.

### Waste collection, street sweeping and tree maintenance

**Waste collection**, public **street sweeping** and **tree maintenance** noise that travels to neighbouring premises after **7:00 pm** or before **7:00 am** (9:00 am on a Sunday or public holiday).



## Noise that is not a local nuisance

Noise consisting primarily of **music** or **voices** (including **parties**) and **revving cars** – these complaints should be reported to **SA Police** who have wide powers to stop excessive noise.

**Barking dogs** or **other animals** – contact your **local council**. If a dog creates a noise which persistently occurs or unreasonably interferes with your peace and comfort, your local council may be able to issue the owner with a Control (Barking Dog) Order or a fine under the Dog and Cat Management Act 1995 (SA).

Noise from a **school**, **kindergarten**, **childcare centre** or **church** – contact the relevant organisation directly.

**Licensed premises** (including restaurants and pubs) – complaints are dealt with by Consumer and Business Services on 131 882.