

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

Visit us online at 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.

Legal Help for all South Australians

Legal Reference Guide

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 uniting communities.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

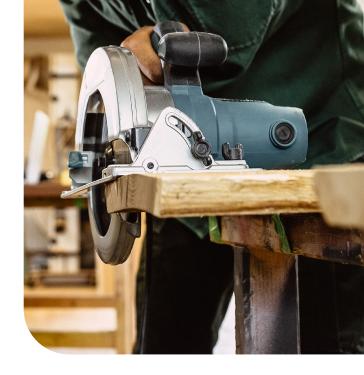
Noise from **machines** such as lawnmowers or power tools or **other sources** that travels to neighbouring premises after **8:00 pm** or before **8:00 am** (or before 9:00 am on Sunday).

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.