



Local Nuisance - Noise

When noise becomes a problem

Noise may become a nuisance if it intrudes into people's awareness or is heard against their wishes. An introduced noise that disturbs a person's everyday life or working environment can be very annoying or harmful, affecting their wellbeing. Local noise nuisance can originate from a number of different residential, commercial or industrial sources such as:

- construction or demolition works
- air conditioning units
- pool pumps, spas and water features
- refrigeration equipment
- power tools and other machinery (mowers, power tools, leaf blowers, compressors, impacting tools, mulchers)
- rubbish collection, street and vegetation maintenance

What is the law with regard to noise nuisance?

Noise may become a nuisance if it constitutes an unreasonable interference with the enjoyment of the neighbouring premises by persons occupying those premises. It is an offence under the Local Nuisance and Litter Control Act 2016 (the Act) to cause a noise nuisance and penalties apply. If a matter is ongoing, councils can issue the person causing the nuisance with a Nuisance Abatement Notice, which specifies a certain period within which the offender must rectify the problem.

When should a noise nuisance be reported?

In the first instance a person should try and discuss concerns with the people (e.g. neighbours or business) from where the nuisance is emanating from, as they may not be aware that they are causing a nuisance. Council will only become involved if an issue within the community cannot be resolved between the neighbours, or if the nuisance is a broad-scale issue involving multiple parties.

How does Council manage noise complaints?

The City of Holdfast Bay uses a graduated response to enforcement in line with Council's Compliance and Enforcement Policy. The Compliance and Enforcement Policy provides guidance to Council as to how and when enforcement mechanisms should be applied under the Act and to inform its community as to how decisions on enforcement matters are made. A copy can be found on Council's website.

How can noise nuisance be reduced or mitigated?

There are many actions a person can take to reduce the risk or prevent noise nuisance altogether.

Select a quieter alternative: when buying equipment or appliances, consider the expected noise level and where possible give some thought to purchasing the quietest option.

Location: where practical, locate noisy appliances as far away as possible from neighbours (especially away from sensitive areas like bedrooms). Avoid placing noisy equipment near noise reflective surfaces like walls or fences (especially corners) and use noise absorbing features (such as plants or baffles) to hide the equipment and reduce noise output.

Work: particularly when using power tools, work as far away as possible from neighbours if it's likely to be noisy. Remember that avoiding 'line of sight' between noisy equipment and other people will reduce the noise they hear.

Be a good neighbour: when taking on a project that has the possibility of creating noise likely to disturb your neighbours take the time to talk to them first before you begin. Find out what concerns they may have and ask them for suggestions about solving any problems. In many cases an agreement can be reached that satisfies everyone's needs.

Are there any exemptions from the Local Nuisance Laws?

There are a number of circumstances declared not to be a nuisance. This includes (but is not limited to):

- noise from fireworks displays
- noise from sporting activities at a sporting facility
- noise from public infrastructure works
- noise consisting of music and voices at domestic premises
- noise from barking dogs
- noise from vehicles and railways
- noise from premises licensed under the Liquor Licensing Act 1997
- noise from normal activities undertaken at a school, kindergarten or place of worship

Where can I direct my enquiries and complaints?

If you would like any more information, or to make a complaint, please contact us by phone on (08) 8229 9999, or via email at mail@holdfast.sa.gov.au