

Common types of neighbourhood noise

This factsheet provides information about the legal requirements for some common noise issues.

Barking Dogs

Where a barking dog continually causes disturbance to the sleep of neighbours, it is a source of concern. Dogs that bark during the daytime may also be a source of annoyance to residents at home during the day. Dog barking can be due to a variety of factors including boredom and visual stimulation.

Boarding or training establishments

Development consent is required for activities such as breeding, boarding, training or caring for dogs for commercial purposes. Noise from these activities is dealt with through development processes.

Barking dogs

Where the noise issue is not about development activities such as breeding dogs, the *Companion Animals Act 1998* is the primary way this noise is dealt with. The Act describes a dog as a nuisance if the dog makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.

It is recommended that residents take steps to let the owner of the dog know that there is a problem, as owners are often not aware of the issue and will take steps to fix the issue once they know.

Where this does not succeed in solving the problem, complaints to Council must be lodged in a written format and using the template on Council's website.

Council provides an advisory letter (or phone call) to the owner. Information on free mediation through the Community Justice Centre (CJC) is provided along with a Noise Diary template. The CJC is also recommended where there are additional issues between neighbours other than barking dogs.

After a dog owner receives an initial notification of the issue, the dog owner should be given some time to try to alleviate the issue.

Where the complaint is not resolved in this first stage, Council may undertake a site visit to verify the details and discuss the process for further investigation. A noise diary kept for a minimum of seven days will also be required.

In the investigation of a complaint or request, Council will not proceed past the first advisory letter stage unless there is clear evidence in the mind of the Officer that a legitimate case exists. Council officers will consider, amongst other things a noise diary, statements from other neighbours and evidence that CJC mediation has been attempted.

Where investigation determines a dog is causing a nuisance, Council will first issue a warning letter to the dog owner. If the barking continues Council may choose to pursue the matter by either:

- Prevention order under *Protection of the Environment Operations Act 1997*
- Nuisance order under the *Companion Animals Act 2015*
- Order to reduce number of dogs under the *Local Government Act 1993*.

Chickens and Roosters

Certain animal noise is to be expected in areas zoned as rural areas. However, it is also expected that owners of chickens consider the impact on their neighbours. When investigating issues about animal noise, Council officers will consider the Local Environment Plan zoning, permissible activities and prohibited activities, and local characteristics of the area.

Breeding and commercial activities

Development consent is required for commercial breeding, boarding, training, or caring for poultry and these are dealt with through development processes.

Keeping chickens and roosters

Under the *Local Government (General) Regulation 2005*, poultry must be kept in a way that does not create a nuisance or create health problems. Poultry yards must at be kept clean and free from offensive odours at all times.

In addition the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, provides conditions for chicken houses for different zones. A chicken house does not require consent from Council if the following conditions are met:

- Only one poultry house is allowed and it must be at least three metres from the lot boundary.

- Size of a poultry house:
 - For R1 to R5 zones chicken houses must not have a floor area of more than 15 square metres.
 - For RU1 to RU4 and RU6 zones – chicken houses must not have a floor area of more than 50 square metres.
- Number of poultry:
 - For R1 to R4 zones the chicken house must not have more than five poultry and no roosters.
 - For R5 zone the chicken house must not have more than 10 poultry.
 - For RU1 to RU4 zones there are no restrictions on the number of poultry for the poultry house.

There are also additional rules about the proximity of the poultry house to any food preparation facilities, fire prone land and heritage items outlined in the SEPP.

If the keeping of poultry becomes a public health issue, Council can place additional requirements on the owner under section 124 of the *Local Government Act 1993*.

Vehicles

For off-road vehicles such as trail bikes, the offensive noise test under the *Protection of the Environment (Noise Control) Regulation 2017* is used.

Under the *Protection of the Environment (Noise Control) Regulation 2017*, vehicles at residential premises (for on-road use) and any refrigerated units on vehicles are required to be inaudible in neighbouring premises between 8pm and 7am on weekdays and 8pm and 8am on weekends and public holidays, except where the vehicle is entering or exiting.

Loud music and musical instruments

Loud music that is associated with parties or antisocial behaviour should be directed to the Police. Council staff are not able to respond after hours for this type of noise issue.

The *Protection of the Environment (Noise Control) Regulation 2017* regulates noise from musical instruments and amplified equipment. Between 12pm and 8am on Friday, Saturday and days preceding a public holiday, noise from the use of musical instruments and amplified sound equipment should not be audible in a habitable room of a neighbouring residence. On other days noise should not be audible between 10pm and 8am on other days.

At other times, intrusive noise levels are considered as part of the offensive noise test.

Residential air conditioners

The *SEPP (Exempt and Complying Development Codes) 2008* states, between 10pm and 7am weekdays and 10pm and 8am on weekends and public holidays, noise should not be audible in a habitable room of a neighbouring residence.

Between 7am and 10pm on weekdays and 8am and 10pm on weekends and public holidays, noise from air conditioners should not exceed the background noise level by more than 5dB(A) when measured at any property boundary under the *Protection of the Environment (Noise Control) Regulation 2017*.

Garden equipment

The *Protection of the Environment (Noise Control) Regulation 2017* regulates noise from powered garden tools. Powered garden tools include equipment such as mowers, brushcutters and chippers.

Between 8pm and 7am weekdays and 8pm and 8am on weekends and public holidays, noise from powered garden equipment should not be audible in a habitable room of a neighbouring residence.

Power tools

The *Protection of the Environment (Noise Control) Regulation 2017* regulates noise from power tools. Power tools include equipment such as chainsaws, circular saws and other battery or electric power tools.

Between 8pm and 7am weekdays and 8pm and 8am on weekends and public holidays, noise from power tools should not be audible in a habitable room of a neighbouring residence.

Construction and hours of operation

Construction noise is governed in different ways for the different categories of development, that is, development that requires approval or development that is exempt or complying development. Activity that has approval or is complying development will have the certifier notice on the front of the site during construction. This may be Council or a private certifier. Exempt development does not need to have a sign on site.

Contact Council for queries about individual properties or for complaints about exempt activities (for example, where there is no certifier's notice at the entrance to the site).

For activities with development approval, conditions of consent specify construction hours. Any potential breaches should be referred to the certifying body advertised at the development site. Conditions of Consent can be viewed through the [DA Tracker](#) on Council's website.

In general, for residential activities that are exempt or complying, the *SEPP (Exempt and Complying Development Codes) 2008* applies. The hours of construction are 7am to 5pm Monday to Saturday. No construction on Sunday or public holidays.

In general, for commercial and industrial development that is exempt or complying the hours are 7am to 6 pm Monday to Friday and 8am to 1pm Saturday. No construction on Sunday or public holidays.

The hours a business can operate are approved under development consent.

Swimming Pool and Heat Pump Water Heaters

For swimming pool pumps to be exempt development under the *SEPP Exempt and Complying Codes 2008* they must be housed in an enclosure that is sound proofed.

The *Protection of the Environment (Noise Control) Regulation 2017* also regulates noise from pumps.

Between 8pm and 7am weekdays and 8pm and 8am on weekends and public holidays, noise from swimming pool pumps should not be audible in a habitable room of a neighbouring residence.

For heat pump water heaters, between 10pm and 7am weekdays and 10pm and 8am on weekends and public holidays, noise from heat pumps should not be audible in a habitable room of a neighbouring residence.

At other times heat pump water heaters should not exceed the background noise level by more than 5dB(A) when measured at any property boundary, for heat pumps to be considered exempt development under the *SEPP (Exempt and Complying Development Codes) 2008*.

Agricultural noise

Council encourages good neighbour practices, both on the part of the person responsible for the noise and the adjoining property. Neighbours who are advised when particular farm activities which may impact on them are to occur are generally more tolerant than those who are caught by surprise.

Garbage collection

While there are no specific time restrictions for garbage collection, Wingecarribee Council garbage collection is usually between 6am and 6pm. However, there are some situations, such as Christmas Day, where collection may occur outside these times.

Bird scare guns

Under Council's Neighbourhood Noise Policy, the South Australian Environment Protection Authority *Audible Bird Scaring Devices: Environmental Noise Guidelines* is required to be followed when using a bird scare gun. This includes:

- having a 300 metre buffer from any residence in agricultural and rural zoned land
- having a 500 metre buffer from any residence in a residential or rural living zoned land
- facing the gun away from the nearest residence
- hours of use are 7am to 8pm
- maximum level of any one shot is 100 accumulated peak level (APL) and 115 APL at the affected residence where there are multiple guns in operation
- maximum number of shots is 6 per hour for 10 hours.