



CITY OF
Port Adelaide Enfield

LOCAL NUISANCE AND LITTER CONTROL

Noise

What is Noise Nuisance?

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.

Noise is generally accepted as being any sound that a person doesn't want to hear, with the result that it becomes a nuisance to an individual. Local noise nuisance can originate from a number of different residential, commercial or industrial sources such as:

- Equipment
- Power tools and other machinery (Mowers, leaf blowers, compressors, impacting tools, mulchers etc.)
- Living near commercial or industrial premises can create extra noise in the neighbourhood. Although some noise may be unavoidable, it can often be controlled using improved work practices and other mitigation construction or demolition works.
- Air conditioning compressors
- Domestic pool pumps and spas
- Indoor venues/ outdoor events

Types of Noise

Non-fixed domestic machine noise.

Non-fixed domestic machine noise comes from the use of machinery, tools or other equipment that are not fixed in position at a domestic premises. Examples of non-fixed domestic machines include lawn mowers, blower vacs, power tools or other similar machinery.

Non-fixed domestic machines such as lawnmowers and power tools can emit significant levels of noise but are commonly only used for short periods of time. These types of machines must only be used between:

- 8am and 8pm Monday to Saturday
- 9am and 8pm on a Sunday

Fixed Domestic Machine Noise

Fixed domestic machines are those that are installed and operated in a fixed position at domestic premises. Examples of a fixed domestic machine noise can include an air conditioner or a pool pump.

Construction Noise

Certain activities on construction sites are noisy. Although some noise may be unavoidable, it can often be controlled using improved work practices and working within permitted times.

Normal construction activity (for example: the use of power tools, machinery, hammering and sawing) is only permitted between the hours of 7am and 7pm Monday to Saturday.

Construction noise is not permitted to occur on Sunday or a public holiday.

Construction activity related to roads, railways or other public infrastructure is exempt from the construction noise requirements in the Policy and may occur outside of the permitted times.

Industrial and non-domestic noise

The Policy controls the level of noise that should not be exceeded for people living near industrial and other non-domestic premises.

Ideally, factories and houses should not be located near each other; however, when they are, both have to accept restrictions.

Noise levels that should not be exceeded for both day and night have been set for premises operating in different areas. This allows a balance between the needs of industry and housing.

Daytime noise levels are between the hours of 7am and 10pm on any day.

Night time noise levels are between the hours of 10pm on any day to 7am on the next day.

Animal Noise

Complaints regarding noise from animals are investigated by the Community Safety Team. Non-domestic animals such as roosters, chickens, birds etc. can be considered a Local Nuisance if allowed to create excessive noise. Roosters are not recommended in urban areas, as houses are built too close and the noise is often unbearable for neighbours.

When considering a non-domestic animal such as chickens or birds consider the placement in proximity to your neighbours prior to placing any cage or shelter. You may wish to discuss this with your neighbour first to avoid any potential complaints.

Barking dogs are not considered a Local Nuisance, however are managed by the Dog and Cat Management Act 1995.

Complaints about excessive noise from animals can be directed to the Community Safety Team on 8405 6600.





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How can Noise Nuisance be Reduced or Prevented?

There are many actions a person can take to reduce or prevent noise nuisance altogether. Please see a few examples below:

- **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 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.

What is the Law with Regard to Noise Nuisance?

It is an offence under the Local Nuisance and Litter Control Act 2016 (the Act) to cause a noise nuisance and penalties apply. If the matter is ongoing, Council 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. Such notices may also be issued orally in the first instance if the matter is considered severe enough. Council also has the power to expiate an offence by way of an on-the-spot-fine. A Council's enforcement approach, such as issuing of expiations, warnings, requests to cease an activity, will depend on the circumstances and Council's Enforcement Policy. If a nuisance is emanating from an industrial premises, it may be a site that is licensed by the Environment Protection Authority (EPA) and therefore not within the Council's jurisdiction. These matters can be referred directly to the EPA.

When Should a Noise Nuisance be Reported?

In the first instance a person should try and discuss concerns with the people (eg. Neighbours) from where the nuisance is emanating from, as they may not be aware that they are causing a nuisance. Concerns should be raised and discussed,

and suggestions provided to resolve problem. Often a simple solution can be found which satisfies everyone.

Generally, councils will only become involved if an issue with the community (eg. Between neighbours) cannot be resolved or if the nuisance is a broad-scale issue involving multiple parties.

How Does Council Handle Noise Complaints?

Please refer to Council's Local Nuisance – Complaint Handling Guideline which provides information as to how these complaints are handled.

Council uses a graduated response to enforcement in line with Council's Enforcement Policy. The Enforcement Policy provides guidance to the 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 of the Enforcement Policy can be found on Council's website.

What Does a Council Consider When Investigating a Noise Nuisance?

There are many factors that are taken into consideration when determining whether noise is a nuisance. These factors may include, but not limited to:

- The day of the week and time at which the noise is occurring.
- The land uses existing in the vicinity of the noise source.
- Whether Development Plan provisions applicable to the noise source have been introduced or since changed since the current occupancy of the premises.
- The amount of noise being emitted.
- The duration and rate of emission and the noise characteristics and qualities.
- The sensitivity of the environment into which the noise is being emitted and the impact that it has or may have.
- Views of any other neighbours or complaints.
- Council will investigate a Noise Nuisance issue upon receiving a customer request. If the noise is found to be a nuisance, Council will take a graduated response to enforcement in line with Council's Enforcement and Compliance Policy.

More Information

This fact sheet is one of a range designed to increase your awareness and understanding of the requirements of the Local Nuisance and Litter Control Act 2016. Please see other fact sheets for further information about the Act.

You can access more information on our website:

www.cityofpae.sa.gov.au/live/public-and-environmental-health/local-nuisance



www.cityofpae.sa.gov.au



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