



RESIDENTIAL NOISE

# RESIDENTS' NOISE STORIES

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## PART I – OVERVIEW

### INTRODUCTION

Noise from neighbours is a widespread and important issue. Residential noise significantly annoys around 770,000 Victorians each year.

The *Environment Protection Act 1970* (EP Act) makes it an offence to cause *unreasonable noise* from any residential premises. Residential noise may be unreasonable at any time of the day, depending on its volume, intensity, duration, time, place and other circumstances.

The *Environment Protection (Residential Noise) Regulations 1997* (Regulations) list specific types of equipment and times when their use is prohibited (if they can be heard from another residence). This helps to clarify what is unreasonable noise for the use of common household items. In most cases, the Regulations prohibit the operation of noisy equipment in the later evenings, nights and early mornings.

While noise at these times is automatically unreasonable, noise at other times can still be considered unreasonable, taking into account the type of noise.

The Regulations apply to all residential premises in Victoria, including those under construction. Victoria Police Officers and local councils (local authorities) use the Regulations in responding to neighbour noise complaints.

EPA is currently reviewing the Regulations. To assist this, EPA has consulted with local government, police and Victorian residents.

A story-gathering process was used to gather information about the experiences of the Victorian community. Residents in local areas came together to share their experiences of noise from neighbours.

These sessions focused on noisy equipment used by neighbours, such as power tools, air conditioners and stereos. They did not look at noise from voices or animals, or noise from non-residential sites such as factories, roads or pubs and clubs.

EPA and local government officers analysed these stories to identify ways to improve the way residential noise is managed in Victoria. The story findings and recommendations are presented in this report. The key areas of concern are:

- the significant health and community wellbeing impacts of residential noise, which may not be recognised by others
- the degree of understanding by those making noise and how this affects neighbourhood relationships
- barriers between neighbours in resolving problems
- how local government and police investigate and manage residential noise issues.

This phase of the consultation did not reveal any problems with the Regulations themselves. It did, however, reveal common misunderstandings about the operation of the EP Act and Regulations.

Any noise may be unreasonable if it is too loud or goes for too long. Noise at times listed in the Regulations is automatically unreasonable. However, in many stories, noise makers or local authorities thought that noise is automatically acceptable if not specifically prohibited under the Regulations.

Analysis of the stories showed that there are many challenges to resolving residential noise issues. Ways to improve the current situation include:

- guidance encouraging better community awareness and communication around noise problems
- guidance for local authorities on awareness and management of noise, collection of evidence and how the EP Act works with other legislation
- improved investigation and enforcement of noise issues and improved cooperation between local councils and police
- EPA to remake the Regulations.

While this research has intentionally targeted the worst-case experiences of noise, the stories have helped in understanding the range of issues that can occur. Understanding these issues will help EPA improve the overall response to residential noise.

## UNDERSTANDING RESIDENTIAL NOISE

EPA conducted a phone survey of 1213 people in late 2006, to better understand the impact of noise on the community. The survey showed that the two most significant sources of noise in Victoria are road traffic and residential noise (including residential construction/building).

Road traffic noise is heard by 70 per cent of respondents, and annoys or bothers 20 per cent of respondents moderately to extremely.

Neighbour noise (noise from other residents) is heard by 57 per cent of respondents, and significantly annoys 15 per cent of people (770,000 residents). If construction noise coming from homes is also considered, the level of disturbance from residential activities may be comparable to that from traffic.

The most common sources of residential noise are TV, music and radio noise and noisy dogs. Neighbour noise mainly interferes with home life through impacts on:

- sleep
- reading, relaxing or other quiet activities
- spending time outdoors
- listening to TV or music.

Neighbour noise most commonly impacts on people at night on weekends. Overall, neighbour noise is more disturbing during weekends than during the week.

To view a full report on the survey please visit: [www.epa.vic.gov.au/noise/noise\\_surveys.asp](http://www.epa.vic.gov.au/noise/noise_surveys.asp)

### Going beyond the survey

Although the survey helped to show the scale of residential noise problems in Victoria, it didn't describe peoples' experience of residential noise and the impacts on their life, such as:

- how long issues carried on for
- the impacts of the noise
- the way people have responded to noise
- the way it affects relationships with neighbours
- how local authorities or neighbours responded to a complaint
- how well legislation addresses noise issues
- the different kinds of experiences for different housing situations.

For the review of the Regulations, EPA wanted to go beyond the survey information and find out more about residents' experiences of noise, the government response to noise and how these can be improved through better guidance.

EPA also wanted to consult with Victorian residents early in the process, to ensure community views were considered. A program of gathering residential noise stories was set up in mid-2007.

## Residents story focus groups

Story focus groups are an ideal way to find out more about people's experience of a topic. They give a greater depth of understanding that can be found with traditional phone or written surveys.

A story can also carry a personal voice that brings to reality the human impacts of a problem such as noise. By listening to a story, others can gain an insight into and feel a greater connection to a problem. Reporting on stories can help people better understand how to resolve an issue.

Story focus groups can be more accessible than traditional methods of consulting communities, such as asking for letters from the public. Focus groups allow people from a range of backgrounds to share their experiences in a constructive environment.

EPA heard the experiences of people from a range of socio-economic groups and housing types. Selected councils were approached to find the best way of inviting their local community to a session. Through advertising and help from community networks, story focus groups were set up in:

- Traralgon (a regional growth centre)
- Collingwood (high-density public housing)
- St Albans (range of cultural groups)
- Melbourne CBD (inner-city living)
- Cranbourne North (urban growth centre).

Attendees were self-nominated and chose to come because they had experiences of residential noise that had been unresolved or carried strong impacts.

The story focus groups ran for between 90 minutes and two hours. EPA also arranged personal phone interviews and took written stories for people who weren't close to one of the locations. The phone interviews ran from eight to 25 minutes.

With consent of the participants, the story focus groups and phone interviews were recorded in audio and later transcribed into text form (with personal details removed) for analysis. A total of 71 stories were collected.

This report uses the terms 'noise maker' (the noisy neighbour) and 'noise sufferer' (the person exposed to the noise, usually the storyteller).

### The discussion workshop – analysing the stories

In November 2007, EPA and local government officers met in a discussion workshop, where the collected stories were analysed.

The workshop identified issues within the stories and made suggestions for improvement in EPA guidance and local authority (police and council) processes. This was followed by further analysis by EPA.

Where common issues were described in a number of stories we grouped them into a theme. We grouped



together related themes to form the key topics presented in this report.

Further information on this process and the outcomes is given at the end of this report.

### *Stories not representative of general noise problems*

Many noise issues are resolved through communication between neighbours. EPA encourages this early on as the best way to address most issues.

A small number of noise issues are reported to local authorities and are often resolved through communication and negotiation. Very few problems require ongoing investigation, or enforcement such as fines or court action.

In contrast, many of the following stories could be considered the 'worst-case' of residential noise and don't represent the general experience of the Victorian community.

EPA recognises that for every bad story there are many where people work together to resolve issues.

Storytelling focus groups are not used to gather statistical data and most participants nominated themselves because they have a strong story to share, usually about how a problem was not resolved. Others were invited because of longstanding issues they had previously raised with authorities.

The collected stories do, however, show the significant impacts that happen when noise issues are not resolved. Looking at the worst problems helps EPA understand the common issues that can occur with residential noise. Focusing on these issues can bring improvements for all noise issues, both big and small.

## WHAT WERE THE MAIN STORY TOPICS?

The key themes emerging from the 71 stories were identified as follows:

- Impacts of residential noise.
- Barriers between neighbours.
- Genuine suffering can go unrecognised.
- Experience of making a complaint.
- Stories express a feeling of injustice.
- Barriers with noise, tenancy and body corporate law.
- Problems with particular noise sources.

These themes are the basis of this report.

A summary of these themes follows, with further explanations and story quotes in detailed appendices.

### Impacts of residential noise

*You feel constantly on guard, constantly sick, constantly you're just a mess, it just stuffs you.* - Story 16

*You couldn't sleep, you couldn't think, you couldn't watch your tele, you couldn't read... I ended up selling my house in just over twelve months.* - Story 2

The stories showed the many impacts that residential noise can have on the community.

People described:

- ongoing and intense noise
- impacts on health, such as stress, anxiety and loss of sleep
- loss of home enjoyment
- financial costs or inconvenience to try and control the noise.

*Just constantly on edge. In the end I had to get prescription to get relaxants just to even sleep... I just need this thumping to stop, so we can sleep for an eight-hour stretch.* - Story 3

The stories showed how residential noise can be a severe and longstanding problem that affects people's wellbeing.

### Barriers between neighbours

It can be difficult for neighbours to raise and resolve noise problems. Sometimes this is because the noise sufferer wants to avoid conflict and does not raise the issue early on with their neighbour or local authorities.

There can also be problems with the attitude of the noise maker. Of concern were the many stories of noisy neighbours who didn't care about or recognise the impact they were having on others, or felt their right to enjoy the home was more important than the rights of others.

*[Our other neighbours] asked if things could be 'toned down as a new baby had just come home'. They were told, 'We don't care, go away... we will be glad when we leave here; can't you handle this noise, why don't you move?'* - Story 68

Some noise makers were aggressive, violent or threatening, showing that it is not always appropriate for a person to try to fix problems with their neighbour.

There were also many stories in which people incorrectly thought they could make as much noise as they liked at times not prohibited by the Regulations.

*She started blasting me and telling me it was their right to play music as loud as they liked, all day up until ten o'clock at night.* - Story 14

These are issues that EPA can help address through better guidance, actively promoted to the community.

### Genuine suffering can go unrecognised

*When I put my head on the pillow, I can hear the whole house rumble..., it's quiet outdoors, but it's distressing me and my father on the inside.* - Story 53

*The council... want more than one complainant. But everyone was too scared to [complain].* - Story 8

The stories showed many reasons why significant noise problems may seem insignificant to an outsider, related to how the noise appears or the noise sufferer behaves.

Sometimes, when people were suffering normal impacts of noise such as anxiety and stress, authorities did not recognise the reason for their condition and dismissed the complaint.

*[Police didn't realise] that we've been through years of being tormented and you do become sensitive.* - Story 3

The stories show that EPA guidance is needed to help local authorities thoroughly investigate the nature of a noise and its effects on a person.

These steps are necessary to avoid making hasty judgements and to distinguish between genuine complaints and those from people unreasonably fixated on an issue or with a vexatious attitude.

### Stories express a feeling of injustice

*Hundreds, hundreds of phone calls have been made... That's a disheartening process, and it's a heartbreaking thing.* - Story 58

Perhaps the most concerning theme to emerge from the sessions was a sense of injustice that residents experienced, arising from a failure of the system to deal with antisocial neighbours.

For example, many stories talked about noise impacting on people for months or years, showing that problems had not been resolved.

The most severe stories were when the affected person had tried a range of approaches to the noise maker and local authorities, but with little or no success. In these cases, many residents felt powerless and that they were ignored or dismissed by others.

*Everywhere we turned it was a dead end... To date, [the noise maker] has had the police there 300 times.*  
- Story 3

Although 'worst-case', these stories raise broad concerns about how severe noise problems can become, the potential for the system to fail people and how difficult it is for a person to resolve an issue without assistance.

Importantly, they also help to point out areas that can be improved through better guidance and enforcement.

### Experience of making a complaint

*The police would throw it to the council and the council would throw it to the police.* - Story 40

People came to the story sessions because they wanted to share their experience of unresolved problems. Noise sufferers often felt the lack of resolution was because of the approach of local authorities.

*These Regulations exist, but I have heard every possible excuse at the council [to not enforce] that you can imagine.* - Story 24

*We went to the council, the Health Department, and they said get signatures from at least three neighbours [before they would take action].* - Story 60

The main areas of concern with local authorities were the approach towards noise problems, poor understanding of legislation, procedures, lack of cooperation between councils and police, and poor noise investigation and evidence gathering.

*They would do a drive by, and because it was down the back of the house, they couldn't hear it and they'd just keep on driving.* - Story 3

EPA believes that local authorities, on the whole, are addressing residential noise. We also recognise that barriers to resolution are not solely due to the local authorities involved. However, the commonly occurring themes do raise the opportunity for further guidance, training and other support.

*The council suggested I should move as there isn't anything they can do unless they have them on during the prohibited times.* - Story 55

*It's eight, nine, ten, eleven, twelve, thirteen hours a day. And despite what it says in the Act, the duration part... none of the council officers have ever taken that into consideration.* - Story 58

To help address these issues EPA will provide guidance to local authorities, supporting better understanding of the impacts of noise and how to investigate problems.

### Barriers with noise legislation

Some of the stories highlighted issues with the legislation for residential noise. The problems mentioned were resolution of long-term issues and that the financial penalties for some noise makers were insufficient.

*You get to a point where you appreciate the limitations of the EPA Act as it's written at the moment, and the stupidity of the 12-hour notice provisions that are in there.* - Story 58

*The Sheriff can't touch him because he just pays his \$5 off a week on his dole, so fines have no impact on this guy whatsoever.* - Story 3

### Stories about apartment living and landlords or agents

In apartment living, bodies corporate can play a key role in mediations between tenants, and can take action on issues where necessary. Landlords or agents can also assist with noisy tenants.

Some stories mentioned shortcomings in the approach of bodies corporate and landlords/agents.

*I started to keep a [noise] diary and it just gets bigger and bigger... the current one's up to about fifty A4 pages... even with police records ... [It] was not enough for the body corporate or the landlord or the agent.* - Story 65

Occasional confusion of police/council roles for people living in apartments was also mentioned.

*It's the whole palm them off to someone else. Body corporate, council, owner.* - Story 25

### Particular noise sources

Most of the stories focused on music noise and air conditioners. Three less common sources were trail bikes, residential construction and noise from serviced apartments. Each of these had unique challenges.

With trail bikes on rural properties, the noise was intense and ongoing. It was difficult to find a balance between the expectations of the noise sufferer for peace and relaxation at home and the expectations of the noise maker, who used their property for recreation.





*You get like a nice weekend and you'd want to spend it in the garden. We'd end up with... twelve motorbikes running around... the windows would be shaking.*

- Story 4

With construction, early start times, difficulties in finding permit information, the lack of consideration by building companies and difficulties with council process were mentioned.

*But it's just a back-and-forth sort of thing. No-one wants to tell you the permit details of what they're allowed to do and when they're allowed to do it.*

- Story 23

*The builders were starting on site an hour, an hour and a half before the scheduled start time in the morning, through the week, and up to three hours early on Saturdays and Sundays... that was the most horrendous period of my life, living on that street!*

- Story 41

Other stories described serviced apartments rented out over weekends to large groups of people, causing noise impacts for the long-term tenants or owners in the building.

## NEXT STEPS – PROVIDING GUIDANCE

This section describes the outcomes of the local government noise stories discussion workshop.

### Workshop overview

Before the workshop, the stories were sorted according to:

- number of words in story
- sources of noise
- type (character/attitude) of noise maker
- ending (e.g., happy/unresolved)
- story themes
- story rating (how powerful and illustrative the story was).

A total of 29 stories were taken into the workshop. EPA analysed others separately.

Twelve participants from councils across Melbourne were at the workshop. Police were also invited to attend the workshop but representatives were unable to attend on the day.

Participants split in groups of two or three to read through the selected stories and discuss and write on post-it notes their observations of the stories.

Participants also highlighted quotations and statements that they felt captured an important or relevant aspect of the story themes or the experience of the storyteller.

After discussing their reaction to the stories, participants were asked to think about how their observations could be used to improve guidance for local government, police and the community.

After this, officers discussed stories where there was poor collaboration between agencies and models for better collaboration between local government and police.

Finally, officers reflected on the experience of hearing the stories and how they related to their approach to managing noise.

From analysis of the stories, local government officers:

- outlined a framework for future guidance
- described the messages to communicate to noise makers, noise sufferers and local authorities
- discussed the most appropriate roles of councils and police in managing noise.

The key messages to come from the workshop were as follows:

- The need to avoid bias and complacency when dealing with noise complaints.
- The need to recognise the rights of all people in our community: a right to play music, a right to be able to sleep and the need to find a reasonable balance.

The participants had a high level of experience with both legitimate and non-legitimate noise complaints. This was an important aspect of the workshop and helped in outlining future guidance.

The stories discussed through the workshop revealed a common theme of potentially genuine issues being mistaken for vexatious or unreasonable complaints. These stories challenged some initial impressions of noise sufferers as having unreasonable expectations or a high sensitivity to noise.

They also highlighted that, where a person does appear to be unreasonable, highly sensitive or vexatious, thorough investigation is needed to properly assess the problem.

At the conclusion of the workshop, participants discussed some of their previous cases and the judgements they had made.

The discussion also focused on how severe the impacts of residential noise can be in extreme cases.

Their advice for future guidance emphasised that noise sufferers should be aware of their rights and of the powers and duties of local authorities.

Officers also looked at stories about poor collaboration between councils and police. Discussion highlighted that, while police are strong for short-term interventions and music or party issues, local government have strengths in long-term issues that require mediation or behavioural change.

### Recommendations

The recommendations from the workshop are outlined at the end of this report. In summary, the workshop participants recommended:

- guidance for local government, police and the community
- training for local government and police, including presenting to police recruits
- guidance to assist local government working better with police.

## PART II – ANALYSIS OF THE STORIES

The following sections provide analysis on the story themes and outline ideas for addressing the issues raised by residents.

### 1. IMPACTS OF RESIDENTIAL NOISE

This section describes impacts of residential noise as identified by the storytellers.

#### Duration and intensity

As examples of some particularly severe problems, the stories showed that residential noise can be frequent, ongoing and/or intense.

##### Duration

The duration of noise was an issue when it went on for hours at a time, or happened frequently, day after day.

*There was one time where it was like eight days in a row, eight nights, it just went on and on and on, and poor 'Joan', we ended up having to take her to the hospital. She ended up with high blood pressure, she just got stressed right out, that was it, off to the casualty. It was terrible. - Story 8*

*It goes on and it goes on and it goes on. Usually for about 8 to 10 days, night after night... - Story 12*

*On Saturday, she start[s] around about 9 [am] and [plays] until around about 9.30[pm]. There might be a half an hour break here and there, or an hour break here and there. - Story 20*

##### Intensity

The noise was often very *intense* and intrusive. A particular problem was *low-frequency* or bass noise from stereos ('doof-doof'). Low-frequency sounds can be very difficult or impossible to reduce – with actions such as closing a window or wearing earplugs ineffective.

*We had loud music from morning until night. Sometimes almost 24 hours a day. You couldn't sleep, you couldn't think, you couldn't watch your tele, you couldn't read. I used to go to bed with cushions and things wrapped around my ears, and as you said, you could feel the floor going boom, boom, like this. - Story 2*

*Because I could feel it pumping through my body. I could feel it vibrating my organs. I could feel it in my head, just shaking everything or shaking our windows. - Story 52*

##### Intruding everywhere

In some stories, the noise described was loud throughout the home, both indoors and out. This was a

problem where the noise was of high *volume*, travelled throughout the building (especially in apartments), or where it was low-frequency sound. Having nowhere to escape from the noise tended to increase its impact on people.

*... I have nowhere else to go to escape this noise ... It makes me feel incredibly tense. -Story 55*

*It's not only us, we're their next-door neighbours, but the neighbours above, even like two or three floors above. It seems like the noise just travels up as well... it goes, literally, for [the whole length of the] apartment. - Story 20*

*It goes through his whole place, through my whole place and out the other side. - Story 25*

#### Impacts on health

Many studies have shown the psychological and physiological health impacts noise can have on people. The World Health Organisation (WHO) states that:

*Noise can interfere with speech, disturb sleep, affect psychological function, accelerate or intensify mental illness, reduce cognitive performance and have social and behavioural effects.<sup>1</sup>*

These impacts were a common theme throughout many of the stories, with the main impacts being as follows.

##### Stress

People described tension as they came home, when thinking about their noisy neighbour and how they were in their home environment. Associated *high blood pressure* was also mentioned.

*I was like that every time I heard thump, and it was like in a second, the blood pressure went, I was tensed up. I used to feel physically ill whenever I was driving back to my house, just going 'I'm going to cop it tonight or what's going to happen?' You feel constantly on guard, constantly sick, constantly you're just a mess, it just stuffs you. - Story 16*

*... My blood pressure went up to the degree where I was in some trouble and had to go to hospital because I had no relief unless I actually left my house and went somewhere else. - Story 48*

##### Anxiety and fearfulness

Talking to their neighbour and concern about potential conflict was intimidating, especially for women or the elderly. Some people described their neighbour using noise to dominate them, contributing to a sense of fear. A general sense of anxiety or fear could come

<sup>1</sup> WHO 1999a, *Guidelines for Community Noise: Executive Summary*, <http://www.who.int/docstore/peh/noise/ComnoiseExec.htm>

from being exposed to noise, even where the neighbour was not directly intimidating.

*... It's a threat to me, it's threatening. When I'm on my own, it's threatening.* - Story 25

*... But the sad part was, out of all the people that were affected, there was only me that complained and I think that's sad, and that's what I was saying about the fear. Because I used to be scared to go out and I was scared to stay in.* - Story 2

### Irritability

Irritability between noise-affected partners or families was mentioned in some stories. One person described arguing with his wife before they realised that the noise was making them irritable and argumentative.

### Loss of sleep

There was a common theme of *loss of sleep* and related impacts on work and general wellbeing.

*But it was horrendous, just never slept. Just constantly on edge. In the end I had to get prescription to get relaxants and stuff just to even sleep, because it's a constant thing and a constant fear too... I just need this thumping to stop, so we can sleep for an eight-hour stretch.* - Story 3

*Twice I had to ring in sick because I'd had no sleep because they played till 3:00 in the morning!* - Story 40

### Impacting other issues

Exacerbation of a physical or psychological condition was mentioned in cases where a person was at home and unable to escape the noise.

### Impacts on useability of home

The impacts on the residents' ability to enjoy their home environment were reflected in interference with speech, watching TV, enjoyment of outdoor areas and other 'normal' home activities.

It could be said that many, if not all, of the stories included this theme. Two illustrative quotes follow:

*Basically, I walk in the door at seven o'clock at night. I can't read, I can't work on the computer. Some nights I can't even sleep... it's this constant boof, boof, boof coming through the walls which is what's really p\*\*\*\*\* me off. To the point where some nights I'm just, 'why go home?', because you know you're not going to get anything done.* - Story 25

*The noise was there as soon as I moved in five years ago. Drums with like big amplifiers. They would have maybe up to four two-hour sessions a day. It was so loud that my house shook, and it's a brick house, and it shook. I could not have a conversation with anyone in my lounge room. I could not have my television on and*

*hear it. People would visit me and go again because they couldn't stay.* - Story 1

### Financial costs and inconvenience

Respondents to EPA's earlier social survey were asked about the actions they had taken to reduce noise, other than making a complaint. 11 per cent of respondents had taken some action, such as changing their home or habits, doing something to keep the noise out or wearing earplugs. The most effective of these actions was making changes to the home.

Many of the residents at the story sessions also talked about the actions they had taken. The stories highlighted the high costs or significant inconvenience of these changes. Storytellers described their need to take action because government enforcement or approaches to the noise maker had failed.

Some residents had to stay with friends or family in order to get any sleep.

*...But it was so bad at the time that we had to, we've got two young kids... they couldn't sleep. We spent endless Saturday nights, particularly, sleeping at my parent's place with the kids, because it was just, it was terrible.* - Story 60

In the social survey, most people who used earplugs found them only marginally effective at reducing noise. The stories supported this finding:

*I have to wear earplugs in my own house with no doors or windows open when they have friends over... I'm so upset that I'm crying myself to sleep, and taking sleeping pills trying to sleep through it because they're not complying.* - Story 69.

Changes such as installation of double glazing or getting in an acoustic consultant were mentioned by a number of people at the sessions, with significant financial costs. These changes would not necessarily negate the noise problem.

*I replaced my windows with double-glazed windows - didn't help. I put up with it for nearly a year and my other neighbours were saying, 'how can you stand it?'* - Story 1

*I've been obliged to spend over \$300 on having laminated, thickened glass put in on my windows in my bedroom but to no real effect. I've had to keep the windows closed night and day.* - Story 70

*As a last desperate step... we engaged a noise consultant (cost of \$850 to us) to provide us with a report on how to reduce the noise from the backyards coming into our house (plans, work on house etc). We implemented some of the suggestions but the cost of undertaking some of the major changes were prohibitive.* - Story 68

Even more significant could be the cost of moving home. Interestingly, while some were forced to move in resignation to the problem, others described choosing to stay and 'put up' with the noise because they did not want to suffer the injustice of moving – particularly where the noise maker was a renter.

*I lasted less than you. You did three years before you got there, I ended up selling my house in just over twelve months. - Story 2*

## 2. BARRIERS BETWEEN NEIGHBOURS

EPA's social survey showed that, to reduce noise, people are more than twice as likely to change their home and habits than interact directly with a noise maker. Changes to the home or habits were generally more effective than a direct approach to the noise maker.<sup>2</sup>

Building on this research, the stories described some of the barriers that can make a person reluctant to raise a noise issue with their neighbour or local authorities. They also highlight barriers that prevent neighbours resolving a problem, and why help from local authorities is sometimes needed.

### Barriers from the noise maker

There are many different types of noisy neighbours. Some may be unaware they are causing a problem. In the stories, some noise makers were dismissive of the impact they had on others, thought they have a right to make noise, or did so deliberately to antagonise neighbours.

Most of the stories involved noise makers who had a negative, dismissive or aggressive response to their neighbour, making it difficult for the affected person to resolve the issue. This is not considered to be the typical response of neighbours.

### Attitudes around making noise

In the stories one of the most common attitudes of the noise makers was, 'I have a right to make noise'. Many felt their right to enjoy their property was more important than any impacts they had on others.

*[My neighbours] were so upset by the music, abuse etc that they moved late last year. When they arrived home with a new baby a party was in full swing... and they asked if things could be 'toned down as a new baby had just come home'. They were told [by the noise maker], 'we don't care, go away'... When I went and spoke to [the noise makers]: 'We will be glad when we leave here, can't you handle this noise, why don't you move?' - Story 68*

This was particularly the case in the day and evening when using noisy equipment is not prohibited by the Regulations. Some noise makers assumed that 'within times I can make as much noise as I like'.

*'... How dare you do this? I have a right.' His words were, 'I have a right to play my music' and I said, 'Well, I have a right to peace and quiet.' I said, 'I don't need to listen to techno.' - Story 25*

EPA's noise booklet, *Annoyed by Noise*, does say that noise in times not prohibited under the Residential Noise Regulations may still be unreasonable. However, the stories show that this message may need to be communicated more fully across the community.

*I went around to them and I just said to them that I was finding it too loud... then his girlfriend came out and she started blasting me and telling me it was their right to play music as loud as they liked, all day up until ten o'clock at night. - Story 14*

*[Annoyed by Noise says] it's prohibited to run something with a motor in it before 7 am and after 8 pm... They said, 'Beauty, we can run our motorbikes [all day] between 7 am and 8 pm.' ...They kept telling me, 'We're allowed to do this' - Story 15*

### Noise sufferer unable to resolve with noise maker

EPA encourages neighbours to talk to each other about issues in the first instance, as this is often the best way to resolve noise problems. The stories illustrate that some residents are willing to attempt to resolve a problem with the noise maker.

However, there are cases where noise makers are dismissive or unresponsive to noise sufferers. Mediation can be an effective way to overcome these barriers, but only if the attitude of the noise maker is reasonable.

*Well, we had mediation and all that and they kept on denying there was any subwoofer coming from there. [His] mum kept on saying, 'He just plays Beethoven.' I'm thinking, 'Hmmm, Beethoven never had a subwoofer.'*

*And going to mediation. My wife and I didn't get any sleep leading up to that. That's stressed us right out as well. That's not good. We're just being antagonised by these people and being tormented by them and you've got to go through that. - Story 52*

### Not always appropriate for neighbour to talk to noise maker

EPA guidance suggests 'the best approach for dealing with noisy neighbours is to talk to them and work together on a solution to settle the problem'. The stories suggest that this is not always appropriate, as

<sup>2</sup> Strahan Research, pg 109-112

noise makers may be aggressive or violent and the noise sufferer has a justified fear of retaliation.

*...I went round when they had a party and I had beer put all over my head and I was pretty angry, and it got to the stage where I had to walk away because I felt abused - Story 53*

Indeed, in many stories, particularly those about noisy stereos, subwoofers or parties, the noise was part of other antisocial, violent or illegal behaviour.

*A party could occur on any night and that would usually involve loud thumping music, broken bottles, loud yelling, swearing etc. I initially spoke to the tenants about turning down the music but was met with abuse. - Story 68*

Noise sufferers also found that making a complaint and having police or council attend could unintentionally reveal the noise sufferer to the noise maker and jeopardise their sense of security.

Improved guidance could assist by helping officers to be aware of these issues.

### Barriers from noise sufferer

As well as issues with the noise maker, the person exposed to noise may put up barriers to addressing or resolving a problem.

The two core barriers emerging from the stories were a reluctance to approach the noise maker and reluctance or poor awareness around contacting authorities.

#### Reluctance to approach noise maker

Noise sufferers are often reluctant to approach a noise maker, even when it would be appropriate to do so. People may have a fear of conflict and will put up with a noise for some time before they take action.

Others, such as an elderly storyteller, were fearful of the noise maker even though they weren't necessarily aggressive. This may be linked to impacts that noise can have on a person's mental wellbeing.

Some people did not want to create conflict with a noise maker who was considered 'nice' or 'friendly'.

*[He's] a great neighbour... friendly, helpful, really nice guy... whenever you want to do anything, you always hear his music, all weekend. I guess because he's a good neighbour... I haven't really taken it up with him yet but I'll have to at some point... - Story 6*

In one story, language barriers prevented a resident from discussing the problem effectively with the noise maker.

#### Reluctance or poor awareness around contacting authorities

Many noise sufferers felt uncomfortable involving the police in noise-related matters because they recognised it was a low-priority issue, but they had no other way to address the problem. Some felt guilty for wanting to seek resolution.<sup>3</sup>

*I was really embarrassed to have to ring the police over an issue like that. - Story 41*

*Then I called the police, and like you, I felt guilty because I was dobbing. Isn't it ridiculous when you feel guilty because you're dobbing and you're stressed out. - Story 2*

In the stories, other barriers to resolving the noise problem were:

- a reluctance to contact authorities because
  - it could damage neighbour relationships
  - they did not want to be seen by their neighbours as culturally intolerant
- a lack of knowledge about who to contact
- a lack of awareness of council obligations.

### 3. GENUINE SUFFERING CAN GO UNRECOGNISED

This section looks at some of the ways a noise problem can appear less significant than it really is, and how a noise sufferer may appear to be unreasonable because of the impacts and symptoms of noise exposure.

These findings will be the basis of future EPA guidance.

#### How a genuine noise problem may appear insignificant

Residential noise can be very difficult to assess. The way noise impacts on a person and the nature of the sound itself can be misleading. These examples point out some key areas where well-considered investigation is needed.

#### Long-term noise – sensitivity and awareness

Some storytellers described how over weeks, months and years they became increasingly aware of noise from their neighbour, to the point where even at low levels it could have severe impacts.

*What happened then was I became very, oh, what can I call it, very tuned to it, and so initially it was annoying, but then to got in my head and now I can hear a pin drop. - Story 66*

<sup>3</sup> In EPA's social survey, 40.6 per cent of residents who made a complaint about residential noise contacted police and 14.2 per cent contacted their council.

The stories suggest that this can be a natural reaction to prolonged noise, but may be confused for a natural sensitivity of the sufferer.

*Male: The police would come in with expectations of very loud noise at times, which it certainly was. But other times they come in with that expectation and come in and go, 'Oh yeah, that's not too bad'.*

*Female: What you grizzling at?*

*Male: Yeah. But then he hasn't realised that we've been through years of being tormented and you do become sensitive. Absolutely, I wouldn't deny that but the fact still remains. And if I can't sleep all night because I can hear this thump, thump, thump. - Story 3*

### Neighbour noise difficult to adjust to

With other types of noise, such as where a person moves near to a train line, a person may adjust to the noise over time and it does not really bother them.

This is less often the case with neighbour noise. There are many reasons people don't get 'used to' neighbour noise in the same way.

Compared with public transport or general traffic noise, neighbour noise is often less predictable and there is less certainty about when it will end, making it difficult to adjust to.

There is also less sense of personal control. For example, a reasonable person moving next to a train line or busy road would expect some noise, but this is not something a person can reasonably expect to know about their neighbours when they purchase or rent.

Also, neighbour noise may be seen as unreasonable because it is at the discretion of the noisy neighbour. This is different from noise sources such as traffic, public transport or daytime construction, which will usually be recognised as necessary noise.

*It's this area that you don't have a right to broadcast noise around a neighbourhood, noise that you have some control over, like a knob to turn down or a button to turn off, or a power tool not to use. - Story 59*

Neighbour noise also doesn't carry the same sense of social value to a noise sufferer. For example, people may be more accepting of noise from public transport because it has a public benefit. On the other hand, neighbour noise usually comes from recreational or other activities that only benefit the noisy neighbour.

These are valid reasons why people may not be able to adjust to neighbour noise. They also help explain how noise does not seem to be a big problem to an outsider but may increasingly impact on the sufferer over time.

### Impacts remain even when noise is not occurring

As described in section 1 (*Impacts of residential noise*), uncertainty about when noise will occur and when it will stop can lead to heightened anxiety.

What may not be recognised is that these impacts often remain even when the noise is not occurring. This can be the case with unresolved problems, especially long-term, unpredictable noise.

*We are always on edge, as we did not know when the music would start, how long it would go for and when it would stop. - Story 68*

*You're saying, 'God, are the motorbikes going to start up?' So even though they're not there, you're on edge because you don't know... you think, 'next ten minutes will tell. Is he going to get out on the bike or isn't he?' And like I say, it's not [just] when the noise is going, you're on edge all the time. - Story 16*

The stories show that the feeling of being 'on edge' can be a normal response to ongoing noise exposure, but may be dismissed by others, or thought of as separate from the noise problem.

### Unpredictable noise and manipulative noise makers

Some noise makers may manipulate a noise assessment by changing the volume of their equipment or turning it off when it is being assessed. This was most typical with air conditioners and stereos.

*[Council] said they were going to come out and test the sound system... You could hardly hear it. In my bedroom all you could hear was a little boom, boom, boom. Not much at all. And they said, 'We can't really hear anything'. And I said, 'Well I'm telling you that's not the way it sounds'. At night you can hear the songs so clearly. You couldn't watch TV it was so loud. And I could not sleep because the music was so loud. And they said, 'Well it's not very loud'. - Story 40*

In some stories, particularly those about music noise, the noise level would be very unpredictable and difficult for local authorities to accurately capture. This can be because of the habits of the noise maker, or because they deliberately use noise to antagonise their neighbour, as described in these stories:

*The tenants started to learn how to deal with the police and adjusted their behaviour accordingly: turning off the music when the police knocked on the door or turning up the music for 10-15 minutes just before they went out, knowing that they would be gone by the time the police arrived. - Story 68*

*Then the police went around and told him to shut up and minutes later it's up again. This just went on and on and on. We'd ring them and it would go up for ten*

*minutes and then down and up and down and up and down. And the police have to be there to actually warn him and fine him. But he could do this day and night and day and night. Because we complained and he was being vindictive and was going to make life even more difficult for us. - Story 3*

These behaviours can lead local authorities to dismiss a problem because they cannot observe it. EPA recognises the challenges this poses for evidence gathering and the need for guidance in the way local authorities conduct an assessment.

#### **Low-frequency noise**

Low-frequency noise can have unique impacts that make it particularly difficult to assess and for noise makers to appreciate.

*It's the bass noise that gets me. When I put my head on the pillow, I can hear the whole house rumble... I walk the streets... to find out whether they hear it or not, it's quiet on the outside, but it's distressing me and my father on the inside. I've rearranged my lounge room so I'm not on the wall that vibrates. - Story 53*

A common theme in stories about low-frequency music noise was that people assessing the problem would listen outside the home or at an open window – not in the area of most impact, such as where the person was trying to sleep. Consequently, very significant issues were dismissed and remained unresolved.

Improved guidance could assist in this area by explaining the assessment challenges with low-frequency noise.

#### **Even with one complainant there may still be genuine suffering**

In many stories only one person in a neighbourhood made a complaint to local authorities, even though others were affected. As described in section 21 (*Barriers between neighbours*), this was often because people had a fear of conflict or retaliation if they complained.

*They were just too scared to do anything and, because it was only us that were flying the flag, the council are less likely to do something because they want more than one complainant. But everyone was too scared to do it, and I thought, 'I'm not going to be intimidated by some little punk'. - Story 8*

*One of my neighbours is very old. The other one is Vietnamese, they don't want to get involved at all, because they don't want a rock through their window, but I'm defiant that I need to get this problem fixed. - Story 53*

In other cases there was only one complainant because the noise mainly impacted one person. This was due to the location of sleeping or recreation areas

in relation to the noise source, when they were home, their personal circumstances (for example, shift workers, new parents, elderly or unwell) or how they perceived or responded to the noise.

The stories showed that although the number of complaints may give a good indication of the magnitude of an issue, there are many genuine problems for which there is only one complainant. A key challenge in considering an individual complaint is distinguishing between an unreasonable impact and someone who is particularly sensitive or vexatious in raising the noise issue.

#### **How a genuine noise sufferer may appear**

As described earlier, noise can have a range of significant psychological and physiological impacts on people, including stress and anxiety.

The stories suggest that normal responses to noise can make a noise sufferer difficult to deal with. Although they are challenging, local authorities need to try to look beyond these behaviours to properly assess the noise and the impact on the person affected.

#### **Anxiety, stress and noise reaction**

Most of the people participating in the story sessions appeared to have normal sensitivity and reasonable expectations around residential noise. However, stories suggested that long-term impacts causing anxiety and stress can heighten a person's reaction to noise and make them appear irrational or mentally unwell.

*[The music went] week after week after week... day and night and day and night... they probably didn't quite understand how it can affect you. And we were just a mess, raving looneys. All day we'd be thinking about it and shaking... - Story 3*

*It's had like this really weird psychological effect on me, and look, I kid you not, I can't describe it... I dreaded coming home. When I drove away from my apartment, I started to relax. When I turned around and came back, I could feel it – anxiety attacks, you name it. So I thought, 'I'd better do something here. I think I'm going crazy'. - Story 66*

The stories show that such behaviour can be normal symptoms of long-term noise suffering, and should not necessarily be dismissed as an underlying condition of the noise sufferer.

#### **Extreme reactions**

Where a person suffers from an ongoing noise problem they may react aggressively. The stories showed that extreme reactions to noise may not mean a person is naturally unreasonable or aggressive, but that the long-term impacts have strongly affected them.



*I put up with this for years and years ... about a month ago I had enough and I yelled out to him, 'Shut up or step out the front because I want to rip your \*\*\*\*\* head off' ... - Story 17*

*Female: I was cross at the time so I went a little bit...*

*Male: Ballistic?*

*Female: Little-old-lady stroppy. - Story 1*

*Male: I would have burnt their places down. I couldn't have stopped myself.*

*Female: You feel like it. - Story 8*

### Recurring complaints

Some stories described noise that went on for months or years, yet was infrequent and therefore difficult for local authorities to assess. Similarly, some noise sufferers generally gave up reporting the noise, apart from particularly noisy occasions when it became too difficult for the noise sufferer to manage.

For the local council or police, the problem may have presented as a series of one-off incidents, but for the noise sufferer they were part of one large problem that had not been resolved.

The stories highlighted the importance of careful noise investigation to distinguish between genuine issues and other complaints that appear similar but may arise out of neighbour disputes.

### Persistent complainants

Some people described being very persistent in their approach to councils, such as writing letters, asking for permit information and questioning council decisions.

Comments in the workshop suggested that, in some cases, local authorities may not see such complaints as valid or may not focus on identifying the noise issue. This is because the person raises issues with 'rules and regulations' and the performance of council or police more than the noise itself. This can lead to a perception from the investigating officer that the noise problem is not significant.

However, the stories showed that a person might take this approach because of frustration - as they feel the local authority is not doing what they should to address a real problem, and being persistent is the only way of getting a result.

Understandably, these cases can be difficult for local authorities to assess, as they need to look beyond the immediate request in order to understand the underlying problem.

### Vexatious complainants

Research indicates that noise can sometimes be one of many disputes between neighbours, or noise

complaints are used as a way of getting back at a neighbour.<sup>4</sup>

Sometimes local authorities conclude that a complaint is vexatious (without reasonable cause) and decide neighbour mediation is the most appropriate way of dealing with the issue.

Although noise can result in or from broader disputes between neighbours, it may be that a person is genuinely impacted by noise and this makes them agitated towards their neighbour.

There were stories where noise from one person appeared to be the underlying issue, but tensions had escalated to the point where the whole problem was dismissed by local authorities as 'tit-for-tat' (retaliatory) behaviour.

*They told me we were being vexatious and that my complaints weren't warranted. I just went hysterical. I couldn't believe that they didn't believe it. - Story 40*

Such cases can be very difficult for neighbours and local authorities to resolve. Guidance is needed to assist neighbours to resolve noise issues early on, before tensions escalate.

There is also a need to recognise that neighbour animosity may have built up due to a genuine noise impact and that the noise complainant is not necessarily vexatious. Thorough assessment is needed to determine the validity of each complaint.

### Vulnerable groups

The World Health Organisation (WHO) recognises that there are groups within the population who may be less able to cope with the impacts of noise exposure and be at greater risk from harmful effects.<sup>5</sup>

These include elderly, ill or depressed people, people with medical problems, people who are blind or have a hearing impairment, people dealing with complex tasks and babies and young children.

The WHO recommends that these vulnerable groups should be specifically considered in management of noise.

There were stories that showed there might currently be issues in the way some neighbours and local authorities respond to complaints from people from vulnerable groups.

The stories suggested that, in particular, people who did not have the ability to 'stand up' for themselves because of an impairment could be less successful in gaining resolution of issues.

There were also difficulties when the person was confined to their home during the day because of their

<sup>4</sup> ENCAMS, *Noise Makers and Sufferers Segmentation*, Research Conducted for Department for Environment, Food and Rural Affairs (Defra), London

<sup>5</sup> WHO Guidelines for Community noise, *Vulnerable Groups*, pg 35 <http://whqlibdoc.who.int/hq/1999/a68672.pdf>

age, wellbeing or other factors, and consequently was exposed to more noise.

Analysis suggested that, because of the increased sensitivity of the person, a neighbour or local authority may dismiss concerns from a vulnerable person as unreasonable or arising purely from their existing condition. Consequently, some people could suffer noise for very long periods, with less access to resolution.

*You're doubly burdened when you're sick and injured, or old and frail, or otherwise disabled in some way... it sucks every bit of energy out of your life, it intrudes on every part of your life... you become socially isolated, more, because of what this person has been doing to me, and his determination to have his own way, to do what he thinks he's got an absolute right to do, which is to pump out his music at any hour of the day...*

*It got to the stage where the management from the top down of the council point blank refused to do anything... They refused to come out during the day.*  
- Story 58

This is a difficult area and EPA recognises the need for improved guidance. This will help local authorities and the community recognise that sensitive or vulnerable people can still suffer from genuine noise problems – and that reasonable outcomes for both parties need to be considered.

#### 4. STORIES EXPRESS A FEELING OF INJUSTICE

The following are extracts taken from some of the stories highlighting the most severe and ongoing noise problems, where the noise sufferer had tried many avenues to resolve the problem with no success.

It is recognised that these stories represent the worst experiences, and do not reflect typical behaviour of residential neighbours or the general performance of local authorities in addressing noise issues. They do however point out extreme cases, key areas for improvement and where individuals need assistance to resolve genuine problems.

*We got hold of local laws, by-laws. They served a notice to abate the noise on him, to no avail really at all... I was getting really nowhere there and I visited the EPA... not really much they can do... wrote to about half a dozen polities, including the Police Commissioner... I also got in contact with... Legal Services... I also wrote to the owner of the property, who ended up I think being related to this guy and basically wasn't interested at all... Everywhere we turned it was a dead end... To date, this guy has had the police there 300 times.* - Story 3

*[I] persisted with trying the civil approaches, and he got more and more angry and aggressive about it. Threatening, intimidating, yelling abuse and non-stop... as he said, he's going to continue to do this until he drives me out of my home...*

*[Council] had a complete lack of understanding, a complete disregard for people and their poor health... despite me doing all of the ringing, making all of the statements, sending in all the stat decs they requested, going down every path that you could to meet their requisites, keeping lengthy 40-page diaries that were typed up to meet their needs...*

*... It's been in excess of 120 telephone calls to 000 to try and get [police] at all times of day and night to come and deal with the problem. That's a disheartening process, and it's a heart-breaking thing...*

*I tried through the Justice Department, in the early days, to have mediations... it reached the point where they refused to help you any longer, because they have boundaries and thresholds. Once [the noise maker says] no [to mediation] twice, they will not try any further times...*

*My experiences with the EPA, just to add to that, have been disastrous. The cry for help to the EPA has more often than not been met with indifference, with a lack of understanding. A certain arrogance about refusing to become involved and hand-passing and buck-passing the issues...*

*The police simply don't get it... They don't understand the damage it can do to a person and their life and I couldn't count up the number of times that police officers or council officers tell you to shift house, get out of there, as being the only solution that they can offer you. Instead of being there and enforcing the law...*

*We have to rely on the police, we have to rely on the council. They are the only ones with the tools, the only ones with the authority to realistically take any sort of effective action and, in my case, it's been going on for two years.* - Story 58

*We approached the tenants on a number of occasions... and asked them to turn down the music as it was waking our then small children... After there was no improvement... I [made] enquires into what could be done about the noise... We spoke to a number of builders... [We] contacted the Victoria Police... [We] spoke to the Health and Welfare Section of the local council... [We] spoke to the real estate agents... I wrote to the owners of the property.* - Story 68

## 5. EXPERIENCE OF MAKING A COMPLAINT

Unsurprisingly, given that the stories focused on unresolved issues, many storytellers were critical of the way the local authorities handled noise complaints.

### Local authorities' approach

The storytellers often felt that local authorities were under-skilled, didn't understand legislation or resisted investigation.

This related to action under the EP Act and the *Health Act 1958* (Health Act). The Health Act requires councils to investigate nuisances and remedy them as far as is reasonably possible. It is used by many councils to address noise.

### Investigation of noise

A common story theme was that council officers would not act on a report of noise unless there were multiple complainants.

*So the music just went, well, all day... It was just awful, just awful. We rang the police. The police [told] us to go to the council... The Health Department said get signatures from at least three neighbours [before they would take action] - Story 60*

This approach may be used by officers to help determine genuine complaints from those by vexatious neighbours or people who are unreasonably fixated on a noise. There are, however, problems with this approach, as there are many genuine problems with only one complainant.<sup>6</sup>

*The minute the council got the two of us complaining that stepped up. But before that they would not believe me. - Story 40*

In other stories, councils or police would not investigate noise in the times not prohibited under the Regulations.

*[Council] were absolutely apathetic... An absolute disinterest, and I was pretty disgusted. - Story 5*

*You end up in arguments or disagreements with the staff about interpretations of the law and interpretations of what they can or can't do, or should or shouldn't do. - Story 58*

While this may arise from unrealistic expectations on the part of noise sufferers, the stories do suggest room for improvement in the way some cases are approached and issues recognised.

### Levels of care, skill and understanding of legislation

In many stories, local authority officers appeared to be untrained in noise legislation and how to investigate noise.

*She said to me, 'Well, we really can't help that much because we're not trained for this sort of thing, we're only dog-catchers'. - Story 1*

Some local authorities would give incorrect advice, did not refer to legislation or said they could not address noise if it was not directly under control of the Regulations.

*The guy pretty well intimidated [the council officer] and told her he had a right to make a noise. And she rang me up and she said, 'and he's right, he does.' And I said, 'No he's not, he doesn't, he doesn't. Not when it impacts on everybody'. - Story 1*

*It's eight, nine, ten, eleven, twelve, thirteen hours a day. And despite what it says in the Act, the duration part... none of the council officers have ever taken that into consideration. - Story 58*

*A neighbour has placed a five-metre row of pool pump, air conditioner, pool heater, water tank heater etc next to my fence... I have nowhere else to go to escape the noise... The council... suggested I should move as there isn't anything they can do unless they have them on during the prohibited times. - Story 55*

These problems suggest a general need for EPA guidance and noise training to support council and police officers.

### Bureaucracy dead-ends

Many noise sufferers felt like they had to 'fight' and be persistent in order to get a response from local authorities<sup>7</sup>, indicating that authorities either did not consider the issue to be genuine or did not have adequate systems or resources to address issues.

As highlighted in the following story, frustration at these barriers can compound the psychological effects of the noise:

*Once you've got the problem, you've then got to tackle the bureaucracy to get something done, and that becomes more frustrating and I suppose even more annoying, that every time you hear that noise, you think, 'There's a rule there says they can't do that but there's no-one there to do anything about it'. - Story 4*

### Police and council 'handballing'

A common issue was a lack of coordination between the local council and police.

*They told us that the police can fine them... But the police said, 'Oh no, it's up to the council'. The police would throw it to the council and the council would*

<sup>6</sup> See section 3 (*Genuine suffering can go unrecognised*)

<sup>7</sup> See 'Persistent complainants' under section 3 (*Genuine suffering can go unrecognised*)

*throw it to the police. We had it back and forth from then.* - Story 40

Consultation with local government and police suggests that the main reason for this is that council departments tend not to be resourced for after-hours noise assessments. Accordingly, night-time noise issues, commonly parties and music, will be referred to police.

It can also be more appropriate for police to deal with some aggressive and potentially violent noise makers.

Police, however, tend not to be equipped for management of ongoing issues in the way that councils can be<sup>8</sup>, especially where they involve ongoing negotiation or noise measurement. In the stories, police also tended to believe that noise from things like air conditioners or construction were issues for local councils to address.

The stories did not provide any examples of police and councils referring cases, sharing information or working together to resolve issues. In some stories, problems would be repeatedly shifted between agencies without communication.

*The police say that, if they're continually called out to the same address, it becomes a council issue, [but] the council's denying or shifting the problem.* - Story 51

This issue can be addressed at a local level, through better dialogue and recognition of the strengths and limitations of each agency. EPA is considering how it can support improved relationships.

#### Other barriers to resolution

Other themes were:

- lack of collaboration between council departments
- lack of advice regarding response time and actions by council
- no handover of information between various police dealing with an ongoing issue
- lack of guidance or involvement from EPA .

*They didn't bother telling me... that the council have different departments and the Health Department has nothing to do with the by-laws. And they say, 'Go to the Health Department, they'll solve it', [but they] just say, 'No, it's not our business'.* - Story 4

*The police want the council to act, the council want the police to act, they all want the EPA to do their bit and the EPA refuses and around and around and around you go.* - Story 58

The workshop of local government officers identified a theme in some stories where it appeared that noise issues were not seen as genuine and were too difficult to resolve – creating a perceived resistance to

investigation and resolution. In other stories, an approach to a different department or local councillor helped address the issue.

#### The investigation process

In consultation with police and local government, strong support emerged for improved guidance on noise investigation, especially from councils. The guidance and training needs identified by local authorities tend to match the problems raised in the residents' stories.

Many stories talked about deficient noise investigations, or where important details were missed by local authorities. The most common of these are described below.

#### Assessment of night-time or evening noise problems

In some stories, a complaint about night-time or evening noise (such as air conditioners or stereos) was made to the local council and an officer came to assess the noise during the day, even though the problem occurred at night.

An investigation during the day is usually an important first step, as night-time or evening investigations can be difficult because of limited council resources.

However, although a daytime assessment could indicate how bad the noise is during evening or night-time, there are strong risks that a person could mistakenly underestimate the real noise impact.

This is because, during the day, the level of background noise is much higher than during the evening or night, and the apparent loudness of a noise depends on its relationship to the background noise.<sup>9</sup>

During the daytime, the background noise can cover or 'mask' a noise and make it seem quiet and unobtrusive. During the night, however, when the background noise is low, even a slight noise can be very noticeable and disturbing. If a person is unable to take this into account they may mistakenly think the noise is not a problem.

There can be similar problems when an assessment is done whilst it is windy or there are other nearby noise sources. One story demonstrates this issue:

*The central heating unit was switched on. At the time there was a high wind blowing and there was an enormous amount of noise from thrashing leaves and trees. [The council officers] said it didn't appear to be significant. I said I'm not concerned with their daylight operation; I'm more concerned at night, particularly on a still winter's night or on a still summer night... They*

<sup>8</sup> For example, council officers with powers under the Health Act.

<sup>9</sup> Background noise is the underlying 'hum' in an area and is made up mostly from the sound of nearby and distant traffic, but doesn't include the noise under investigation. It is louder in inner-city areas than country areas, is at its quietest in the early hours of the morning and its loudest during the day, especially around peak traffic times.

*said, 'We can attend to anything during the daytime'. I said, 'I'm not concerned with the daytime! It's night-times'. - Story 70*

Improved EPA guidance can address the benefits and limitations of a daytime assessment and can recognise that sometimes an assessment at night must be done to really identify the problem.

Although this can create a resource challenge for local councils, collaboration between local councils and police may help to resolve this – and ensure local noise issues are properly addressed.

#### **Assessing low-frequency noise – getting the right location**

Another common issue, especially in relation to low-frequency ('doof') noise from stereos, was assessment of noise from the wrong location.

*Most [police] won't enter your premises to do the thing that's necessary, which is to hear the noise, the audibility of it in a habitable room. - Story 58*

*I was told that the [police] unit have gone down the street and didn't hear anything. And I said, 'You're joking, didn't they get out of their car? Because I can still feel it'. And when I say feel it, I'm not talking about slight vibration. - Story 51*

Although an assessment from outside the home or from a motor vehicle might be enough to detect some noise sources (like a noisy party), it is also possible to miss others, particularly with low-frequency music noise.

Problems can be entirely missed if the assessment is not done at the place a person is most impacted. Sometimes this means listening to the noise at the head of a bed, or on a couch, as problems can be much worse in room corners or near internal walls.

A related issue is that individuals can have widely varying sensitivity to low-frequency noise – so what is not a problem to one person (such as someone with minor hearing loss) can be quite intense for another. This was described in one story about a long-term music noise issue:

*We had the same problem with [police], some of them come in and say, 'Can't hear anything', and we'd just be looking at this guy going, 'You're kidding me'. And then you might get a younger guy in who said, 'Yeah, I'll go and give him another \$500 fine'. - Story 3*

These are issues that can be addressed through EPA guidance and thorough investigation.

#### **Other assessment problems**

There were two other noise assessment problems noted in the stories, both of which relate strongly to the stories' theme of how 'Genuine suffering can go unrecognised'.

Firstly, where local authorities did not consider the long-term impact of the noise: 'It's not that loud, you can deal with it.' While in some cases a person can become unreasonably fixated on a noise issue over time, there is still a need for education on recognising long-term impacts and how residential noise can be difficult to adjust to.

Secondly, there were some stories where the local officer notified the noise maker of the assessment, but the noise maker manipulated the process by lowering the volume setting of their equipment.

#### **Noise measurements**

Some stories concerned the use of noise level meters, used to measure the intensity of sound in decibels (dB).

The stories suggested that residents and/or local authorities can place unrealistic expectations on noise measurements as a way to resolve an issue and, by focusing on noise measurement, other important noise assessment information is not adequately considered. There were also issues in the way noise was measured and the types of noise that it was used for.

This is an area where there is a need for improved guidance.

#### **Evidence gathered but does not help case**

A common tool used to help local government assess the nature of a noise problem is to have the affected person fill out a 'log sheet' of the occurrences and type of noise.

Log sheets can be an effective way to support an investigation and can be valuable evidence if a matter reaches court.

There were, however, some stories in which the reasons for noise logging were not made clear to the noise sufferer, or the use of logs did not appear to be supported by other forms of investigation.

This contributed to a sense of futility and frustration experienced by some noise sufferers, especially as use of the logs sometimes extended to months or years without resolution. Some noise sufferers gave up using the logs or otherwise felt that the log was being used as an excuse not to deal with the complaint.

*A good two-year period. I've got it all diarised and all that. I had to fill out things for the Health Department and all of that, logs and all this, and they just said, 'Nuh, nuh'. They just didn't want to have anything to [with it] and they kept on passing the buck. - Story 52*

*Sending in all the stat decs they requested, going down every path that you could to meet their requisites, keeping diaries, lengthy 40-page diaries that were typed up to meet their needs. - Story 58*

This problem suggests a general need for improved information about the types of evidence that can be

used for noise and the appropriate role of log sheets in noise investigation.

#### **Attempted solutions do not resolve problem**

Local authorities can try a range of approaches to resolving a noise problem. Negotiation and discussion with the affected people is often the best approach.

Where this is not effective, treatment to noisy equipment, fines or penalties or, in rare cases, legal action may be required.

The stories pointed to potential problems with some approaches. For example, in one story noise treatments were put on an outdoor heater, but were not properly designed and therefore did not fix the problem.

There were other stories where legal action appeared to be necessary to resolve the problem, as other approaches had been ineffective. Some noise sufferers, however, felt that the authorities were reluctant to take the matter to court. There can be a range of valid reasons for this, such as cost and evidence required.

*They told me that the Health Act is not worth the paper it's written on, throw it in the bin. They have had bad and costly experiences trying to enforce the Health Act provisions... so they refused to take any legal action.*  
- Story 58

Understanding of legal issues is also important when mediation has failed and, without support from authorities, a noise sufferer may end up burdened with a problem they cannot resolve. One story in particular suggested that, even with successful legal action, there can still be substantial problems for the noise sufferer.

*It's an expensive business to chase it yourself, [and] even if [the noise sufferer] could get a successful prosecution up in front of a magistrate... you would then have no civil mechanism to enforce any orders that a court might make.* - Story 58

The stories suggest that there may be benefits in EPA guidance on the role of legal action in resolving noise issues.

## **6. STORIES DISCUSS NOISE LEGISLATION**

Some of the stories highlighted issues with the legislative framework for residential noise.

### **Long-term issues**

Under the EP Act, police and local government officers can issue a direction to the person making noise to cease. This direction lasts for 12 hours and, if the noise recurs in this time, a penalty applies.

Some storytellers were frustrated by these provisions as they related to long-term, reoccurring issues.

*You get to a point where you appreciate the limitations of the EPA Act as it's written at the moment, and the stupidity of the 12-hour notice provisions that are in there.* - Story 58

*I asked, 'What happens then?' And they said, 'Well, the police come along and they will hear [the heating unit]. And if they can hear it they will ask them to shut it down'. But the shutdown order will only last for, I think it was 12-15 hours.* - Story 70

### **Financial penalties**

In one particularly difficult case, the noise maker received multiple fines but was not deterred from making noise as he didn't intend to pay, and the noise continued for years without resolution.

*Doesn't even own the property. Doesn't pay any fines. The sheriff can't touch him because he just pays his \$5 off a week on his dole, so fines have no impact on this guy whatsoever, so there sort of seemed to be nowhere to go.* - Story 3

The EP Act does provide for council, police or the person affected to initiate legal proceedings. However, this can be a time-consuming process.

Another theme was that larger building companies may not be deterred by the penalty available under the EP Act and will knowingly break the law.

*A group of builders started on site at approximately 6 am [in breach of the Regulations]... They said, 'We've just been given instructions to keep working because it would cost the boss more if we were to abandon the site than it would be to pay the fine'. Absolute, total defiance. Another time... this noise was occurring again at the weekend and I [said to the developer], 'These people are working... in breach of the permit[ed] hours. Can you instruct them to stop, please'. And he said, 'Well, Christina, I'll give that some thought'. He closed the door, went inside and the work never stopped. And he was the developer. Couldn't care less.'*  
- Story 41

## 7. STORIES ABOUT APARTMENT LIVING AND LANDLORDS/AGENTS

As for all neighbours, people living in apartments are encouraged to discuss noise problems in the first instance. Where communication has not been effective, bodies corporate can play a key role in mediations between tenants and can take action on issues where necessary.

Similarly, landlords can take action against their tenants if they disturb the peace of others. In stories about apartment living, landlords or their agents were often involved. They were also contacted when the local council or police had investigation or enforcement difficulties taking action against a noisy tenant living in another home.

The stories identified potential issues with the way bodies corporate and landlords or agents handle noise problems, and in how their role relates to local authorities.

These are not areas directly related to the EP Act. EPA will raise these issues with the relevant agencies, to help identify areas where improvements can be made.

### Role of local authorities in apartment living

In most of the stories about noisy apartment living, the local police or council did not feature strongly, as the body corporate was the main party dealing with the issue.

The stories suggested that the role of council or police can be unclear in these cases and, although there may be times when the support of local authorities is needed, they may not be contacted or may not want to attend.

*[Council] sort of said, 'We can come around and see, but it's more body corporate'. Because it's the whole rental thing, they say go to the body corporate. It's the whole palm them off to someone else. Body corporate, council, owner. - Story 25.*

There were some stories in which, after initial callouts, the local police would refer the problem back to the body corporate, especially if they had private security.

*You can't call the police because they're just fed up of coming. - Story 21*

While some storytellers found private security effective in managing residential noise, there were other stories that showed risks and limitations of private security, particularly around aggressive noise makers or frequent parties. In the public housing stories, the noise sufferers were unsure of the role of police in dealing with issues.

Overall, it appeared that there was a general lack of clarity about when it might be appropriate for local authorities to become involved in issues, especially as

this related to the actions available to the body corporate.

### No action when only one complainant

A number of stories mentioned how a body corporate, landlord or agent would be unwilling to address a noise issue when there was only one complainant.

*I don't know where to go. The body corporate says, 'Has anyone else... [complained]?' because they look at it, 'well, it's only you complaining, live with it' sort of attitude. - Story 25*

*The ploy they always use, the body corporate... is that you need another person to complain before they can actually do something... The real estate agent also said we need someone [else] to complain, regardless of all the [visits from] police. - Story 65*

In these stories there were often other people affected who did not complain because of fear of retaliation or reluctance to be involved with lengthy reporting about the noise.

### Showing evidence of the issue

Another issue with getting action from the body corporate, landlord or agent was the level of proof that was first required. Some noise sufferers felt that the expectations for providing evidence were unclear or impossibly high and, even with records of the noise, the issue would still be avoided.

*Not only myself, other tenants as well have complained about it. And the body corporate said to keep a diary so I started to keep a diary and it just gets bigger and bigger... The current one's up to about fifty A4 pages... Even with police records, where police have come on numerous occasions, over a dozen mentions here I've got listed... [and] nothing gets done by the body corporate. [It] was not enough for the Body Corporate or the landlord or the agent. - Story 65*

One story described an ongoing problem where the noisy tenant's estate agent would refuse to accept the complaint was valid, as the tenants claimed they were not causing a problem.

*We also spoke to the real estate agents for the property. They said ... 'We have been advised that our tenants are not doing anything like what you are complaining about and we will not be doing anything'. - Story 69*

Despite local council and police involvement with the noise issue, the noise sufferer was unable to get any response from the estate agent.

### Landlord/agent takes no action because rent is paid

A related problem was that, even if the landlord or agent accepted there was an issue, noise sufferers reported that they weren't interested in taking action.

*She could have kicked them out but she didn't want to because they were good tenants to her – they paid and she didn't care. - Story 40*

*So I've tried a couple of times with his real estate agent, went to the body corporate and they said, 'We'll write a letter', but of course the letter goes to the owners, the owners just go, 'We're getting our \$250 a week, chuck it in the bin'. - Story 25*

In a number of stories the landlord's agent incorrectly claimed that they couldn't take action against antisocial/problem tenants unless rent was in arrears.

*All night long [there was noise from] their tablet-making machine for drugs and they'd have all their pushers coming in the lifts all night long... It's only because the Federal Police raided it quite a few times and we were able to get rid of them... because apparently they paid their rent and no one could get rid of them. - Story 21*

These issues were also mentioned in relation to body corporate managers who were also rental agents.

*Generally the agents that [owners] appoint as the body corporate manager have got a vested interest. They want to rent the building out or they want to sell the building on. They don't really want to upset the [noisy] tenants. So it's not really very smart having them as your body corporate manager if they've got a pecuniary interest in the building. - Story 20*

There were, however, examples of a positive result from contacting the landlord about the noisy tenant, after approaches to the agent were unsuccessful. This required the noise sufferer to conduct a title search to get the owner's details.

*We wrote again to the owner about the problems we were experiencing. This had some effect, as the music, and instances of the music, reduced for a time. - Story 68*

### Dissatisfaction with action taken by body corporate

Some storytellers felt frustrated that, once a problem was acknowledged, the body corporate would write letters to the noise maker but would not escalate further action. Even if the body corporate was following procedures correctly, there was a general sense that the process was inadequate for ongoing or intense noise.

*It's obvious that these neighbours don't care, because they just disregard the letters, so they keep going, so*

*how many letters do we have to send? Like we've got to grin and bear it. - Story 20*

## 8. PARTICULAR NOISE SOURCES

The majority of the stories from across the Melbourne metro area focused on noise from music, parties or home cooling/heating. These are also some of the most common and difficult issues for local government and police.

Three less commonly mentioned noise sources were trail bikes, residential construction and noise from serviced apartments. Each of these had unique challenges, covered in this section.

### Trail bikes

Most of the stories collected from regional Victoria focused on noise from trail bikes used on residential properties.

The noise from these was described in the stories as ongoing and pervasive, particularly in how it impacted use of outdoor areas on weekends.

One problem mentioned was where people modified their bikes to improve performance, also increasing noise levels.

*One day they were out really loud, and... I said, 'Look, there's a testing station down in... where you can get [bikes tested against a noise standard]'. Well the bikes went real quiet, because obviously they put the mufflers back in. - Story 4*

Also mentioned was that, although on a residential property, there could be a large numbers of bikes from visitors, contributing to intense noise.

*You get like a nice weekend and you think you want to spend it in the garden. We'd end up with ten and twelve motorbikes running around... We were getting all the dust and the noise. The windows would be shaking. - Story 4*

Overall, stories talked about a tension between the expectations of different people living in regional areas.

*One of the problems I see is that, particularly these small acreages, is that a lot of us go out there because we want peace and quiet. But the local real estate agents around here are advertising these blocks and they are advertising, 'Come and ride your motorbikes', so you are getting those two different factions. - Story 7*

This appeared to contribute to difficulties for local councils in finding a reasonable balance between the needs of the different groups, pointing to a need for EPA guidance and local laws to address the problem.



*[Council] just say[s], 'No, it's not our business, we can't solve it. As long as he's not charging people to go there and it's a private thing, it's purely up to them.*

*- Story 4*

### Barriers with residential development/construction

A number of stories discussed large-scale residential construction, such as high-rise apartments or multiple houses.

Most commonly mentioned was building noise that would start before the times permitted in the Regulations.

There were stories in which the site preparation (opening gates and preparing equipment) started within the prohibited times, half an hour or an hour before the site was scheduled to start. While the noise from preparation may not necessarily have been in breach of the Regulations (which control the use of certain noisy items) the residents felt that the impacts were unreasonable.

*So they started demolition last November and after three weeks, when they started it, I think it's there at 6.30. They might pull up at six o'clock and listen to the radio or have a cuppa or rattle some chains or move some equipment or do something. Then things get sort of started by 6.30, seven o'clock. - Story 24*

In other cases the works with construction items would start well before the times permitted by the Regulations.

*There were no days off on Sunday... The builders were starting on site an hour, an hour and a half before the scheduled start time in the morning, through the week and up to three hours early on Saturdays and Sundays, when they weren't supposed to start until 9, they were starting as early as 6 am! And it was absolutely driving us crazy! That was the most horrendous period of my life, living on that street! - Story 41*

As reflected in section 6 (Stories discuss noise legislation), there was an impression among noise sufferers that, as big industry, some companies did not care about their noise impacts.

*But I think if I had to boil it down, the developers are there to make money. The sooner that building gets up, the sooner they sell them, the sooner they make money. Right? So that's what they want, so [they try] everything they can possibly do [to complete the project]. - Story 24*

The stories also focused on the role of local councils. Some storytellers felt that the council was unwilling to take action on construction noise, or were biased to the developer because of financial interest.

*These Regulations exist, but I have heard every possible excuse at the council as you can imagine. - Story 24*

*The council's not really going to step in and do anything about it either, because the council wants someone to develop the area, and this is the way they're going to develop it. - Story 23*

*[I asked the council], 'Why did you allow them to get away with [early weekend starts] for one and a half years before taking any action?' ... He said, 'Well... with any sort of construction work you've got to expect some reasonable level of inconvenience'. So he called this a 'reasonable level of inconvenience'". - Story 41*

There were also examples where the council incorrectly thought that the Regulations did not apply to some larger residential construction sites. Instead, EPA guidelines for commercial construction were applied.

*But one of the other problems is that the rules that actually apply are a bit confusing. Is it actually Section 48A of the EPA Regulations? ... The chief executive [of council] has quoted the wrong regulations in the same letter that they've sent me the construction management plan. - Story 24*

*The council would come up with that many different lines! They couldn't even tell me what the correct hours were! They would give me all sorts of conflicting information. - Story 41*

Noise sufferers also described difficulties in getting information about the site, such as permit conditions.

*So it's been 12 months, and my file gets fatter and fatter by the day... I asked for a copy of the construction management plan, which is what they need to get a building permit, they wouldn't give it to me. So I FOI'd it. - Story 24*

*I did ring [the developer] to enquire about permit regulations and that sort of thing and then they referred me onto... the builder... But it's just a back-and-forth sort of thing, no one wants to tell you the permit details of what they're allowed to do and when they're allowed to do it. - Story 23*

These stories point to issues in current EPA guidance for construction noise, and issues in how the Regulations work for large-scale residential construction.

### Serviced apartments

Two storytellers mentioned problems with short-lease serviced apartments within their apartment building.

*Speaker 1: It's a residential building but we also happen to have a serviced apartment manager next door, and they have been, by stealth, kind of leasing apartments within our building, so we're now...*

*Speaker 2: Party block.*

*Speaker 1: Yeah, exactly, party block. We're now on a floor which has got, of the four apartments... three which are leased [as short-term serviced apartments]... On weekends, we get groups coming in. It's like an episode of Seinfeld. Every door in the other apartments are open or they're just continually slamming doors between and there's a lot of yelling... So there's a difference in the way they tend to use the building... You'll have more people in the apartments that would normally be there... We had people, they were just screaming and running rampant and the thumping on the floors and on the doors above us ... and of course the attitude, 'Screw you, we can do whatever we like'... They're not there for any long term, they basically get away with it. - Story 28/30*

Application of the Regulations in these cases can be problematic due to the crossover between residential and commercial activities and the other constraints previously discussed for apartment complexes.

This appears to be an area where more effective controls from apartment managers would be of benefit.

## OUR GUIDANCE RECOMMENDATIONS

The topics and themes of this report were developed through a local government workshop and further analysis from EPA.

The workshop participants understood that the stories intentionally focused on some worst-case experiences of noise. Recognising this, officers saw how analysis could assist in improving the response to residential noise more generally.

The following recommendations for guidance came from local government officers at the workshop.

### General advice and education for the public

General suggestions for public guidance were:

- to explain the nature of different problems, and what legislation can apply to them, by categories such as:
  - machinery noise (e.g. air conditioners)
  - appliance noise (e.g. stereos, power tools)
  - human noise (e.g. voices, footsteps)
  - animal noise
- to outline the priorities and strengths of different agencies:
  - police
  - council
  - mediation
  - EPA
  - civil legal options
- to outline the impacts of noise on noise sufferers and noise makers
- for agents and owners to know they could be responsible in addition to tenants.

### Guidance for noise makers

The most important message identified for noise makers was the need to recognise the rights of all people in our community: a right to play music, a right to be able to sleep and the need to find a reasonable balance.

Other issues to be considered in guidance for noise makers include:

- what is unreasonable noise?
- the need to see noise from the other point of view (that of the noise sufferer)
- the health effects of noise
- different types of noise, related to the source of noise, duration of noise and time of day
- the prohibited times under the Regulations
- how unreasonable noise may be dealt with by local authorities
- penalties
- where to go for further information.

### Guidance for noise sufferers

There were two main topics covered in this section. The first was understanding what is unreasonable noise and the type of noise a person may be reasonably expected to tolerate as a resident in a residential area. Use of scenarios and examples of resolution was suggested.

The second covered the role of local authorities and the process of making a complaint, with key points being these:

- Who do I contact to raise my concerns?
- The type of noise best dealt with by police or local government
- The legislation that may be used:
  - EP Act
  - Health Act
  - Local Laws
- What may be required to take action
  - Logs – time, duration, effect
  - Maybe approaching the noise maker

The need for noise sufferers to have information about what to do if a problem has not been adequately addressed was emphasised:

- What do I do if my complaint has not been resolved satisfactorily?
- What can I do to improve the situation?
- Don't accept unreasonable noise.
- Understand your rights.
- Don't forget possibility of dispute settlement.

### Council process

A number of comments focused on the overall approach of councils, with an emphasis on a need for consistency.

Some participants mentioned that noise resolution should be a key objective of councils - that noise should be taken seriously, and addressed in municipal public health plans.

Other points discussed were the need to:

- develop policy and guidelines that have a bottom line – what will happen if offenders don't comply?
- have better cooperation of planning and building departments at the time of application.
- bring about consistency through training.

### Officers to better understand the effects of noise

The key message recommended in this area was the need to avoid bias and complacency when dealing with noise complaints.

It is important for officers to recognise the effects of noise, particularly reactions such as anxiety, frustration and impacts from unpredictability of noise.

To assist, short real life stories could be used in guidance, outlining different reactions and emotions

that residents experience when faced with noise problem, as well as other health impacts.

The workshop concluded that it is also important for officers to understand the characteristics of noise. It was noted that better understanding can help officers approach complaints confidently.

Recognising the way low frequency sound travels and is perceived was strongly mentioned, as was understanding how noise can reflect or bounce off surfaces.

To ensure an appropriate response to noise sufferers, the workshop concluded that officers should be aware of the importance of:

- how to effectively communicate with a stressed, anxious, frustrated resident
- avoiding biased opinions of complainants
- keeping an open mind
- establishing clear lines of communication
- setting clear expectations
- implementing achievable but not unreasonable timelines.

#### **Evidence gathering**

The workshop identified a number of areas that local authorities need to be particularly mindful of in their noise investigation. The workshop identified a number of risks, including 'how genuinely council investigates', 'sloppy approach to investigation', 'showing up in the middle of the day to investigate noise' and perceived 'buck-passing'.

The key areas to be considered in guidance for noise investigations were:

- the nature of noise effects
- the legal framework
- elements of offences
- obtaining statements from complainant
- noise logs: how do they work?
- site inspections/visits: where are you most affected?
- photographs
- audio/recording: noise measurement and analysis – (when and how?)
- use of police and other witnesses for evidence
- putting it all together: what does it mean?
- getting all the facts of a case
- who is the actual offender: renter, owner, occupier?

#### **Guidance for police**

The main suggestions for guidance for police were:

- law/times
- community expectations
- council role
- police role

- best process/agency for short-term and long-term solutions.



### WHAT HAPPENS NEXT?

The noise stories have provided a valuable insight into the issues that can be associated with residential noise.

As particularly strong examples of residential noise, the stories have helped EPA and local government to identify the range of issues that can occur. This will help in developing future residential noise guidance.

Future guidance will support the revised Regulations, encourage better community relationships around noise and help improve noise investigation by local authorities.

EPA thanks all the residents who shared their experiences and the councils and community groups who helped with the story sessions. We also thank the local government officers who assisted with analysis of the stories.