



## Noise Pollution in the ACT

*Disclaimer: This factsheet is a guide only and is designed to give readers a plain English overview of the law. It does not replace the need for professional legal advice in individual cases. To request free initial legal advice please visit our [website](#).*

*While every effort has been made to ensure the information is accurate, the EDO does not accept any responsibility for any loss or damage resulting from any error in this factsheet or use of this work.*

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### What are the noise pollution laws in the ACT?

Pollution in the ACT is regulated by the [Environment Protection Act 1997 \(ACT\)](#) (**EP Act**) and the [Environment Protection Regulation 2005](#) (**EP Regulation**). These are enforced by the Environment Protection Authority (**EPA**), which sits within 'Access Canberra' as part of the Chief Minister, Treasury and Economic Development Directorate.

The EP Act and EP Regulation are supplemented by the Environment Protection Guidelines which guide the EPA's decisions on particular forms of noise.

Visit: Access Canberra's page on [Environment Protection Guidelines](#) for more information.

Some types of noise are not regulated under environment protection laws. These are outlined in the table below:

Noise not covered by the <i>Environment Protection Act</i>	Avenues for complaint
Cars on the road	Complaints about noisy cars can be made on the <a href="#">Access Canberra</a> website via the <a href="#">Fix My Street Form</a>
Animals	Noise disturbances from domestic animals (e.g. dogs barking) are regulated by the <a href="#">Domestic Animals Act 2000</a> . Lodge complaints with Domestic Animal Services (see <a href="#">Animal Nuisance</a> page)
Airplanes	Aircraft noise must meet standards in <a href="#">Air Navigation (Aircraft Noise) Regulations 2018 (Cth)</a> . Lodge concerns about aircraft noise with Airservices Australia (Phone <a href="#">1800 802 584</a> ).

Noise that involves a person's body e.g., shouting or singing	Complaints can be made to ACT Police on the Police Assistance Line (Phone <a href="tel:131444">131 444</a> ).
Patron noise from licensed venues	Complaints about noise from licensed venues can be made on the <a href="#">Access Canberra</a> website via the <a href="#">Fix My Street Form</a>

N.B. The EDO can provide free legal advice in relation to public interest environmental law matters. The EDO does not provide legal advice on residential noise, or noise that is not regulated under environment protection laws. If your matter relates to ones of these issues, see [Where can I find more information?](#) below.

### Environmental Authorisations

An environmental authorisation is a permit to allow a person to undertake an activity that may have an environmental impact (e.g. an outdoor concert or motor racing event). Certain activities ('Class A' activities) require environmental authorisation (section 42 and schedule 1 of the [EP Act](#)). The holder of an environmental authorisation is allowed to emit noise within the terms of the authorisation (section 28 of the [EP Regulation](#)).

### Noise restrictions

Noise is considered to cause 'environmental harm' if it exceeds the limits set out in the regulations (see section 5(a) of the [EP Act](#) and section 25(1) of the [EP Regulation](#)). The limit depends on what time the noise is being made and where it is. The ACT is divided into seven zones for the purposes of noise regulation.

The precise areas are the zones set out in the [Territory Plan](#). The acceptable noise levels for each zone are set out in Part 2.2 of Schedule 2 of the [EP Regulation](#). These noise levels are summarised in the table below:

Noise Zone	Noise standard Monday-Saturday 7am-10pm Sunday and public holiday 8am-10pm	Noise standard Monday-Saturday 10pm-7am Sunday and public holiday 10pm-8am
<b>Industrial areas (Zone A)</b>	65 dBA	55 dBA
<b>City Hill Precinct (Zone B2)</b>	60 dBA	50 dBA
<b>Corridor/offices sites, and parliamentary areas (Zone C2)</b>	55 dBA	45 dBA
<b>Commercial areas (Zone D)</b>	50 dBA	35 dBA
<b>Broadacre and recreation areas (Zone E)</b>	50 dBA	40 dBA

<b>Commercial zone, transport services zone, community facility zone, leisure and accommodation zone (Zone F)</b>	Same as the noise standard for the adjoining noise zone with the loudest noise standard for the time period	Same as the noise standard for the adjoining noise zone with the loudest noise standard for the time period
<b>Residential and all other areas (Zone G)</b>	45 dBA	35 dBA

Noise is generally measured from the boundary of the land where the noise is coming from (section 32 of the [EP Regulation](#)).

There are a number of activities (such as gardening, building work, and New Years Eve parties) which are allowed to exceed these levels if certain requirements are complied with (section 29 and Schedule 2, Table 2.3 of the [EP Regulation](#)). Where noise complies with conditions set out for the particular activity there is no limit to the noise levels (section 29 of the EP Regulation). A summary of activities and their applicable conditions can be viewed in detail on the Access Canberra website.

Visit: Access Canberra's page on [Noise thresholds](#) to view a summary of activities (for residents) and their applicable conditions.

## Frequently Asked Questions?

### **I have a problem with noise – what should I do?**

Depending on the circumstances, you can begin by speaking with the person generating the noise about the issue. Give the person a chance to hear your concerns, and take their views into consideration when deciding what to do next. You should write down what was said so that you have a record of what has been discussed and agreed upon (or not).

Depending on the nature of the noise, you have a number of options:

1. Mediation

If you cannot reach an agreement with a neighbour, you can try mediation. Mediation is a discussion facilitated by an independent person who has been trained in resolving conflict. The Conflict Resolution Service ([www.crs.org.au](http://www.crs.org.au)) is recommended by the ACT government and can help with disputes between neighbours.

2. Lodge a complaint

Depending on the nature of the noise, you can submit a noise complaint to the EPA online via the Access Canberra "[Fix My Street](#)" service. The EPA has a range of powers to enforce noise pollution laws, including the power to write a warning letter, issue an infringement notice, or issue an environment protection order,

which is a written order that requires that specified action be taken, stopped or not begun by a person (section 125 of the [EP Act](#)). Otherwise, you can contact the agencies on page 1 of this factsheet if the noise you are experiencing is not regulated by the EPA.

### 3. Nuisance Application in ACAT

A nuisance application is an application for relief of a nuisance. You can make a civil dispute application to deal with a nuisance under sections 15, 16 and 17 of the [ACT Civil and Administrative Tribunal Act 2008 \(ACT\) \(ACAT Act\)](#) or an application to deal with interference with use or enjoyment of land. You can apply for particular orders to deal with the interference. You can also apply for monetary damages and/or an order to stop the interference or grant other legal relief (section 22 of the ACAT Act, which gives ACAT the powers of the Magistrates Court in its civil jurisdiction).

Read: EDO factsheet on [Appealing Planning and Environment Decisions in the ACAT](#) for more information about ACAT's procedures.

### **What if I live in the ACT and my neighbours in NSW are making noise?**

The [EP Act](#) only covers noise made in the ACT. Noise made in NSW is covered by NSW law.

### **What if I live in NSW and my neighbours in the ACT are making noise?**

The [EP Act](#) applies to noise made in the ACT regardless of whether the person affected by the noise is inside or outside the ACT (sections 22, 25 and 39 of the [EP Regulation](#) Areas in Queanbeyan are also included as part of the noise zones in the EP Regulation (described above). This means that a person in NSW can make a complaint under ACT laws about noise being made in the ACT.

### **Where can I find more information?**

You can find more information through the following:

- Access Canberra, particularly the [Noise Portal](#) which contains numerous resources;
- [Conflict Resolution Service](#); and/or
- Read our legal resources available on our [website](#).

For legal advice on public interest noise pollution matters, such as noise pollution caused by a development, you can request legal advice from the EDO on our [Get Advice](#) page. For more information about the EDO, visit our [website](#).

For legal advice on noise issues that are not regulated by the EPA, you can contact Legal Aid ACT by calling the Legal Aid ACT Helpline on [1300 654 314](#). For more information about Legal Aid ACT, visit their [website](#).