



GLEN EIRA
CITY COUNCIL

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GLEN EIRA CITY COUNCIL

After-Hours Noise Complaint Response Policy

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and Compliance

Approved by: Council

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Council approval

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1. TITLE

After-Hours Noise Complaint Response Policy

2. OBJECTIVES

The objectives of this Policy are to outline the principles under which Glen Eira City Council ("Council") provides a limited after-hours attendance service to:

- Respond to and assess noise complaints occurring outside normal business hours.
- Assist in resolving ongoing or recurring noise complaints where after-hours attendance is appropriate.
- Support the collection of evidence where such after-hours attendance may assist in determining an appropriate response or enforcement action.
- Support Council's functions and exercise of powers under relevant legislation, including:
 - Council's Community Local Law 2019
 - *Environment Protection Act 2017* and Environment Protection Regulations 2021
 - *Public Health and Wellbeing Act 2008*
 - *Planning and Environment Act 1987*
 - *Domestic Animals Act 1994*

3. BACKGROUND

Local Councils in Victoria have functions and regulatory roles in relation to investigating and responding to complaints relating to unreasonable or prohibited noise, including noise from:

- residential premises
- commercial premises
- residential construction and demolition activities
- animal-related sources
- breaches of planning permits or local laws
- public health nuisances

Regulation of noise in Victoria occurs across multiple legislative frameworks and agencies, and responsibility for investigation and enforcement is shared. Council's role will depend on the applicable legislative framework and the nature of the complaint.

Most noise complaints are effectively managed during standard business hours through investigation, education, and compliance processes. However, a small portion of complaints involve recurring or time-sensitive after-hours noise, where:

- the noise is intermittent or difficult to substantiate retrospectively;
- evidence may be insufficient without direct observation;
- escalation may require real time assessment.

These types of complaints may benefit from Council attendance outside normal business hours to assist in investigation, enforcement and/or resolution.

4. SCOPE

This Policy applies to Council's assessment, investigation and management of noise complaints that occur outside normal business hours where Council is responsible for administering, enforcing or exercising powers under relevant legislation.

The Policy sets out criteria to be considered by Council officers when determining whether after-hours attendance is appropriate and applies to complaints relating to:

- residential premises;
- commercial premises;
- residential construction and demolition activities;
- animal-related noise;
- alleged breaches of planning permits, Local Laws or public health requirements where noise is a contributing factor; and
- other noise complaints where Council has a statutory role or responsibility.

This Policy applies to Council's Authorised Officers and other Council officers involved in the assessment, coordination and delivery of after-hours complaint responses.

This Policy does not apply to matters that are the responsibility of another authority, including emergency incidents, criminal behaviour, traffic noise, or other matters for which Victoria Police, the Environment Protection Authority Victoria, or another government agency has primary jurisdiction. In such cases, Council may refer the complainant to the appropriate authority or work collaboratively with that authority where appropriate.

5. POLICY STATEMENT

Council is committed to protecting the amenity, health and wellbeing of the community through the fair, consistent and lawful management of noise complaints.

Council recognises that some noise complaints occur outside normal business hours and may require direct observation to be appropriately investigated, assessed and resolved.

Accordingly, Council provides a limited after-hours attendance service to support the investigation of complaints where attendance is considered necessary and appropriate.

The provision of after-hours attendance is discretionary and subject to assessment against the criteria set out in this Policy, available resources, operational requirements, legislative responsibilities and officer safety considerations.

In administering this Policy, Council will:

- assess complaints on their individual circumstances and merits;
- prioritise complaints where after-hours attendance may assist in verifying, investigating or resolving the matter;
- use a proportionate, evidence-based and risk-based approach to compliance and enforcement;
- seek to resolve complaints through education, engagement and voluntary

- compliance where appropriate;
- exercise statutory powers fairly, consistently and in accordance with applicable legislation;
- collaborate with relevant agencies where required to achieve effective and safe outcomes; and
- balance the efficient use of Council resources with community expectations and service needs.

Council does not guarantee attendance in response to every after-hours noise complaint and retains discretion to determine the most appropriate response to each complaint based on the circumstances of the matter.

6. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Council	Glen Eira City Council
After-hours	the period outside Council's normal business operating hours
Authorised Officer	a person appointed by Council to be an Authorised Officer under section 224 of the <i>Local Government Act 1989</i>
Private land	means any land which is not Council Land

7. POLICY

7.1 Limited Service

Council provides a limited service to support investigation and resolution of after-hours complaints.

This service is not available for all complaints and will only be provided in circumstances where attendance is considered appropriate, having regard to the nature of the complaint, available resources, officer safety and the assessment criteria set out in this Policy.

7.2 Assessment criteria for after-hours attendance

Council will generally investigate ongoing after-hours noise complaints as part of a planned inspection or call-out arrangement where there is a reoccurrence of the issue and prior interaction with the person responsible for the noise has not resolved the issue.

The following criteria will be used to determine after-hours attendance:

- history of prior complaints or ongoing pattern of noise;
- ability to observe or verify the noise in real time;
- availability of Authorised Officers and operational resources;

- the noise reported involves an animal and the noise occurs outside the hours from 7am to 8pm Monday to Friday and 9am to 8pm Saturdays, Sundays and Public Holidays, and the complainant has indicated that the noise emitted interferes with their peace, comfort or convenience;
- it is necessary for the Authorised Officer to properly assess and substantiate an alleged breach, as supporting evidence alone is insufficient to support enforcement;
- the Authorised Officer needs to investigate the noise after-hours to complete the investigation and determine the complaint outcome.

Council may attend outside these criteria where warranted by the circumstances of the complaint.

7.3 Collaboration with other agencies

Where Council is not the appropriate authority or is unable to resolve, safely investigate or take enforcement action in relation to a complaint, Council may refer matters to, or work with, relevant agencies, including but not limited to, Victoria Police.

Council may do so where this may assist in the effective, safe or lawful management of the complaint, including where:

- another agency has primary jurisdiction or additional powers to deal with the complaint more effectively;
- two Council officers are unable to attend the after-hours complaint;
- there are identified or potential risk to officer safety;
- assistance is required to facilitate or support enforcement action, for example, to hand-deliver notices, including infringement notices, after-hours;
- assistance from a relevant agency is required to safely or effectively carry out the investigation or enforcement action;
- the relevant agency has advised Council to not attend without their presence;
- Council has been unsuccessful and relevant agency intervention is appropriate to resolve the complaint (for example, if access to a dwelling is required).

8. LEGISLATIVE COMPLIANCE

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

In line with the Gender Equality Act 2020 (Vic), a Gender Impact Assessment is not required for this policy.

9. ASSOCIATED COUNCIL DOCUMENTS

- Glen Eira *Community Local Law 2019*

10. EXTERNAL REFERENCES/RESOURCES

- *Domestic Animals Act 1994*
- *Environment Protection Act 2017*
- *Environment Protection Regulations 2021*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Public Health and Wellbeing Act 2008*
- *Planning and Environment Act 1987*
- *Victorian Ombudsman Councils and complaints – A Good Practice Guide 2nd Edition, 2021*

DRAFT



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