

# Noise from residential air conditioners, heating units and swimming pool and spa pumps

Residential noise generated from air conditioners, heating units and swimming pool and spa pumps is a common problem for many residents, particularly those living in inner urban suburbs.

Noise from these types of equipment is subject to Section 48A of the *Environment Protection Act 1970* and the *Environment Protection (Residential Noise) Regulations 2018*.

The *Environment Protection (Residential Noise) Regulations 2018* specify hours in which air conditioners, heating units and swimming pool and spa pumps must be turned off if they can be heard within a habitable room of a neighbouring property.

The following prescribed equipment must be turned off during the prohibited times:

Prescribed equipment	Prohibited times
Heating equipment, swimming pool pumps and spa pumps	Monday to Friday, before 7am and after 10pm Weekends and public holidays, before 9am and after 10pm
An air conditioner, evaporative cooler or split system used for cooling*	Monday to Friday, before 7am and after 11pm Weekends and public holidays, before 9am and after 11pm

\*Noise emitted from domestic air conditioners during a heat health alert is not taken to be unreasonable whether or not the noise is emitted during the prohibited times.

Complaints made to Council concerning noise associated with late night use of domestic air conditioners, heating units, swimming pool pumps or spa pumps are investigated by environmental health officers, who will conduct an education visit to the alleged offender. During this visit the alleged offender will be advised about the complaint, the law and how to reduce the impact of the noise.

For breaches of the *Environment Protection (Residential Noise) Regulations 2018*, complainants should contact Victoria Police, who are best placed to respond to late night noise issues. Police officers can direct offenders to stop unreasonable noise. A direction can remain in force for up to 72 hours. A failure to comply with a police direction is an offence and offenders may receive on-the-spot fines.

In instances where ongoing breaches of the *Environment Protection (Residential Noise) Regulations 2018* occur, Council will continue to investigate and may take action under the nuisance provisions of the *Public Health and Wellbeing Act 2008*.

Other options available for residents affected by late night noise from air conditioners, heating units and swimming pool and spa pumps include:

- Formal mediation — the Dispute Settlement Centre of Victoria is an organisation that helps people settle disputes in a co-operative and lasting way. Their services are free and confidential. Contact the Dispute Settlement Centre of Victoria on 1300 372 888.
- For people living in apartments — the owners' corporation must have procedures under the *Owners Corporations Act 2006* to help deal with grievances. The *Residential Tenancies Act 1997* also requires that renters avoid disturbing the peace and comfort of their neighbours. Landlords may take action against tenants who breach these laws. For more information, contact Consumer Affairs Victoria on 1300 558 181.