

Being a good neighbour

If a problem occurs, the best thing you can do is talk to your neighbour.

Maintaining communication between yourself and your neighbour is always the best way to ensure a dispute does not arise.

Try to maintain a reasonable degree of tolerance to noise, odour etc made by your neighbours.

Be conscious of differing interests and needs of others, and adjust your activities accordingly, as far as is reasonable to accommodate these differing needs.



Environmental Protection Authority

Department of Primary Industries, Parks, Water and Environment
T: 1800 005 171



Tasmania Police

Assistance for non-emergencies
T: 131 444



Meander Valley Council

WORKING TOGETHER

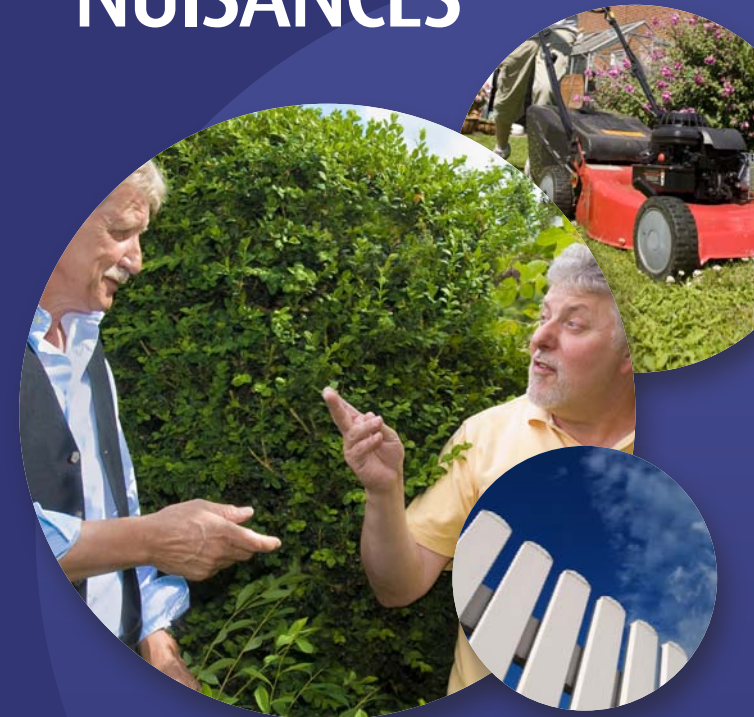
26 Lyall Street (PO Box 102) Westbury TAS 7303
T: 03 6393 5300 F: 03 6393 1474 E: mail@mvc.tas.gov.au

www.meander.tas.gov.au

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NEIGHBOUR DISPUTES & ENVIRONMENTAL NUISANCES



This brochure has been designed to assist those affected by neighbourhood issues, to ensure disputes are effectively managed before they escalate into environmental nuisances.

There are many reasons why neighbour disputes and nuisances arise. These reasons can be anything from differing use of property, work and lifestyle practices. Noise, smoke and odour are commonly the cause of nuisances. Many cases are simply neighbour disputes and can be easily resolved. When these problems persist, they can become environmental nuisances.

A **Neighbour Dispute** may occur when a landowner/user carries out an activity that causes an annoyance or interference to the neighbour.

An **Environmental Nuisance** may occur when an emission of a pollutant (e.g. noise, odour, smoke) causes an unreasonable interference with a person's enjoyment of their environment. To wilfully and or unlawfully cause an environmental nuisance is an offence under the *Environmental Management and Pollution Control Act 1994 (EMPCA)*.



Difference between neighbour dispute and environmental nuisance

The difference is that a neighbour dispute may be an activity that is annoying but otherwise harmless, whereas an environmental nuisance causes unreasonable interference and is done wilfully and/or unlawfully.

Noise that is created in association with a legitimate farming practice is not generally considered an offence.

An environmental nuisance is an activity that a reasonable person should not be expected to put up with.

Council's role

Meander Valley Council **will not** be involved in neighbour disputes. These matters should be resolved by the parties involved, or through mediation.

In the case of an environmental nuisance, Council will become involved, although it must be demonstrated the activity involved is causing or likely to cause **unreasonable** interference.

Council will take action if there is evidence to show that someone is experiencing unreasonable interference of the enjoyment of their environment, through unlawful or wilful actions.



In any conflict, the complainant should be aware that all parties may receive copies of any correspondence to and from Council. If court action is taken, complainants will be subpoenaed to give evidence. However, it is reasonable for mediation and other resolution options to be attempted before taking the matter to the Judicial system.

Collecting evidence

When making a complaint to Council, a chronological record of when and how the nuisance is occurring is helpful. A diary is often the most appropriate method. Factors which may support claims of an unreasonable interference of your enjoyment of the environment could include:

- Volume, intensity and duration
- Time, place, frequency and circumstances
- How your enjoyment of the environment has been affected.

