

Council's Health Service

Phone 9257 9999

SOLVING PROBLEMS WITH NEIGHBOURS

This package has been developed by the Shire of Kalamunda to assist you in resolving problems that you may be experiencing with a neighbour.

In the interest of neighbourly relations, you should attempt to resolve any problems that you are experiencing by speaking directly with your neighbour to try and reach a mutually satisfactory solution. You are after all, living in close proximity, so resolving any issues that arise, in a friendly and reasonable manner, will generally assist you to stay on good terms.

It is not in your best interest to take any direct action over a problem without talking things over first. Please find enclosed information on how best to approach your neighbour to discuss your problem.

If you and your neighbour cannot reach a mutually satisfactory solution to your problem, you may wish to utilise a community mediation service (information on these services is also included).

Alternatively, you may find it necessary to lodge a formal complaint with Council's Health Service, in which case it is necessary to complete a *Health Investigation Request Form* (HIRF). By completing this form, you can assist us to accurately investigate and address your concerns. This form may be returned by mail, by fax on 9293 2715 or by email to kala.shire@kalamunda.wa.gov.au.

It is very important that all sections of this form be completed and that the form is signed and dated prior to return to Health Services. Once the form has been received, an Environmental Health Officer from the Shire will investigate the matter based on the information that you have provided.

Jonathan Smith

MANAGER HEALTH SERVICE

Solving Neighbourhood Issues

It is natural that in the course of day to day living that some activities may result in noise, dust, and other effects, that might affect those living with you or on other nearby properties. While it is acceptable for some activities to be undertaken that might create smoke, dust, fumes or odours, these effects must be within legal levels.



So when people engage in activities on their property, they should ensure that the noise, smoke, dust, fumes, odours, or accumulations of solid or liquid waste that might result does not adversely effect surrounding properties. Similarly, they should ensure that activities on their land do not result in the breeding or attraction of pests.

Animals, Smoke, Odours and Other Issues

The first thing to do regarding any nuisance problem is to politely advise your neighbour of the problem and request that they take the necessary action to solve the problem. If following speaking to your neighbour, the problem persists, you might try mediation or use a Dispute Resolution Service (see the end of this pamphlet).

Neighbourhood Noise

The first thing to do regarding a noise problem is to advise your neighbour that the noise is causing you a problem and politely ask them to stop or reduce the noise level. It may be of assistance to agree when the noisy activity is going to occur and how long it will last. If the problem is after hour's noise from loud parties, music or vehicles, you may choose to contact the police.

There are regulations determining what noise is acceptable and on how noisy equipment like lawn mowers and musical instruments may be used. Council's leaflet titled *Neighbourhood Noise* (attached) has additional information on noise requirements.



With other issues, like dust or odour, there may be local or state laws to protect the health, safety and amenity of your neighbourhood. You may be able to lodge a formal complaint with Council's Health Service by completing a Health Investigation Request Form (HIRF) and returning it to us.



In some instances, such as with barking dogs, there is specific legislation that can be used to address the problem. In other instances, such as with loud parties and music late at night, the police can assist if the property owner has not improved the noise level.

HOW DO I APPROACH MY NEIGHBOUR ABOUT THIS?

Try to take a Win/Win approach. This approach relies on identifying what each person needs to do to achieve a good outcome for everyone, and may require a compromise from both parties. Sometimes focusing on what each party needs, helps more than trying to look immediately for a solution.

Try to come to a consensus and build a solution together. Also, look at your own expectations - it may be unrealistic to expect the other party to immediately fix or respond to the problem. ***And remember to address the problem, not attack the person!*** Keep the language "clean" and polite.

Some Advice on Verbal Attacks...

Sometimes, people shout when they are angry or upset or if they feel they aren't being heard... In this situation it can be hard to resist the urge to either run away or shout back! ***It is most important to try to stay calm and resist the urge to rise to the bait or retaliate.***



It may help them to calm down if you acknowledge their viewpoint to let them know that you are listening to what they are saying - *this doesn't mean you have to agree!*

If they are not showing any sign of calming down, maybe politely suggest that you discuss the issue again at another time.

"Mrs Smith this does seem to have upset you a little, would you rather discuss this later?"

Generally however, stridently defending yourself or justifying your actions in this situation will only inflame the other person further.

Remember, when trying to negotiate:

- ***Focus on the problem - NOT on the person.***
- ***Identify each party's needs.***
- ***Emphasise your common ground.***
- ***Be inventive for solutions.***
- ***Make sure the details of the agreed solution are clearly understood and accepted by all parties.***

Other Sources of Assistance

1. ***Western Australian Dispute Resolution Service*** ***Phone 9221 1322***
C/- The Law Society of WA 6th Floor, 33 Barrack Street, Perth 6000
2. ***Citizens Advice Bureau***
25 Barrack Street, Perth Phone 9221 5711
Midland Town Hall Phone 9274 3000

Further information on dealing with difficult situations may be obtained from the ***Conflict Resolution Network*** Home Page at www.crnhq.org.



For Office Use Only:

Action ID No: _____

Request Category: _____

File Number: _____

Health Investigation Request Form



**shire of
kalamunda**

Your Contact Details:

Name: _____

Address: _____

Phone: _____ *(Office Hours Only)*

Details of the Other Party (where applicable):

Name *(if known)*: _____

Address: _____

Please outline in this section the details of the problem:

If the problem is regarding noise, please complete the section over leaf also.

Have you discussed this issue with the other party? Yes No

Please outline in this section what action you have taken to resolve this problem:

Please note that unless you have discussed this matter with your neighbour, Council's Environmental Health Officers generally cannot intervene.

To ensure no delay in the investigation of your concern, please ensure that all the information requested above has been provided

Signature: _____

Print Name: _____

Date: _____

Noise Complaints Only:

Please identify the pattern of noise occurrence:

What do you believe to be the source of the noise?

eg. the lawn mower at 10 Smith Street

What time does the noise occur?

eg. approximately 6am to 8 am

For how long does the noise occur?

eg. approximately 2 hours on each occasion

How often does the noise occur?

eg. every second Sunday morning (in summer only)

Any other information that may be of assistance?

Please note that it has been our experience that resolving some noise issues can become protracted and may require you to liaise directly with the investigating Environmental Health Officer to achieve the desired outcome.