

ENVIRONMENTAL PROTECTION SERVICES NOISE CONTROL

THE RESOURCE MANAGEMENT ACT 1991

An outline of excessive and unreasonable noise from residential and commercial premises and the steps that can be taken to reduce it.

THE ACT

The Resource Management Act (1991) has noise control provisions. They are designed to:

- Protect people from excessive or unreasonable noise
- Set out everyone's obligations around noise
- Include noise as an environmental issue
- Protect the rights of people and industry to make a reasonable amount of noise
- Define the local government responsibilities

WHAT IS EXCESSIVE NOISE?

This is noise that unreasonably interferes with the peace, comfort and convenience of an affected person. This includes noise caused by:

- Musical instruments and stereos
- Electrical appliances
- A person or groups of people
- Machines, no matter how they are powered
- Explosions or vibrations



RESIDENTIAL NOISE

HOW TO MAKE A COMPLAINT

You can call us anytime on **(06) 356 8199** and ask for “Noise Control” while the noise is going on.

If we receive your complaint between 7am and 10pm Sunday to Thursday, or 7am to 11pm Friday and Saturday, you will normally be asked to phone the same number again in half an hour if the noise is still being heard.

Outside of these times, we'll respond to the complaint as soon as possible. You won't need to call back in half an hour.

Our Noise Control Officers are available all hours, including nights and weekends, to respond to excessive noise. If your complaint has been attended by our officers and found to be excessive, an Excessive Noise Direction will be served, but if the noise does not reduce to a reasonable level, you might need to notify Noise Control once more, so this can be followed up.

TALK TO YOUR NEIGHBOUR

Often problems are solved across the fence. A friendly word with your neighbour might be enough to see excessive noise reduced to be reasonable.

HOW IS IT ENFORCED?

We know what might be considered to be excessive noise can differ from person to person, which is why officers are required to assess the noise complaint. When we receive a noise complaint, a Noise Control Officer will assess the noise and decide if action is required. Outcomes might include that no action is required, or that an Excessive Noise Direction is issued for the noise to be reduced to a reasonable level. Once issued, an Excessive Noise Direction is in force for up to 72 hours.

If an Excessive Noise Direction is not followed, or if an alarm is sounding with no one around responsible for it, the officer can, with Police assistance, enter the premises and, without further notice:

- seize or impound whatever is making the noise;
- take away any working parts; or
- lock or seal it, so it can't be operated.

The Act allows for Infringement Notices (instant fines) of up to \$500 to be issued to the individual responsible for the breach of an Excessive Noise Direction. Multiple Excessive Noise Directions can also lead to an Abatement Notice, which could include court action or instant fines of \$750.



IMPOUNDED EQUIPMENT

If we impound noise-generating equipment, it can be returned after the owner makes an application for its return. Our officers need to be satisfied that returning the equipment will not lead to further excessive noise. The applicant will need to pay the costs incurred by Council in seizing, transporting and storing the equipment.

INDUSTRIAL NOISE

These are noise problems from commercial or industrial premises that affect other parties. We follow up these types of noise complaints during business hours.

Operators in these premises must “adopt the best practicable option” to keep noise emissions to a reasonable level. In many cases, these levels will be set by the Palmerston North District Plan.

If a group of households or other commercial premises are affected by industry noise, we’d expect to receive multiple complaints. The degree of nuisance will need to be established through monitoring with a sound-level meter – this will take some time.

The Act empowers an officer to issue an Abatement Notice, which will require the person/business to select the best option(s) to remedy the problem.

Provisions for court action and instant fines of \$750 can also apply. There are also rights to appeal served Abatement Notices.

WHAT ARE THE PENALTIES?

The Act sets a maximum fine of \$10,000 plus \$1000 for each day the offence continues.

WHAT ABOUT OTHER NOISE?

Aircraft and train noise are exempted under the Resource Management Act. Other kinds of noise are controlled by specific legislation.

➤ Barking dogs

- This is under the Dog Control Act 1996
- Our Contact Centre can help with this

➤ Noisy motor vehicles

- If on the road, this is under Traffic Regulations, contact NZ Police
- If at a residential or commercial premises, our Contact Centre can help

➤ Noise in the workplace affecting a worker’s hearing

- This is under the Health and Safety at Work Act 2015, contact Worksafe NZ

**HAVE QUESTIONS
OR NEED MORE
INFORMATION?**

Contact Centre: **06 356 8199**
Website: **pncc.govt.nz**