

## Unreasonable Noise

These are the long term problems where noise from commercial or industrial premises affects a residential neighbourhood. The occupiers of these premises must "adopt the best practicable option" to ensure that the emission of noise does not exceed a reasonable level. In many cases the levels will be set by the Palmerston North District Plan.

Where several households are affected by an industry the Council would expect to receive complaints from the number of premises affected. It is often necessary to assess the degree of nuisance using a sound level meter. Some sound survey work can be time consuming.

The Act empowers an Enforcement Officer to issue an Abatement Notice requiring the person or business to select the best of a range of possible options to remedy the problem.

The provisions of seizure of equipment can also apply. There are also appeal rights where Abatement Notices have been served.

## What are the Penalties

The Act sets a maximum fine of \$10,000 plus \$1,000 for each day the offence continues. Infringement Notices (instant fines) of up to \$750 may be issued if an individual is responsible for the breach of an Excessive Noise Direction or Abatement Notice.

## What about other Noise?

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

Barking Dogs	Dog Control Act 1996
Palmerston North City Council	Animal Control Officers
Noisy Motor Vehicles	Traffic Regulations - NZ Police
Noise in the Workplace	Health and Safety at Work Act 2015 - Worksafe NZ

**If you have any questions or require further information please contact Palmerston North City Council. Phone: 06 356 8199 or [www.pncc.govt.nz](http://www.pncc.govt.nz)**

Palmerston North City Council

# Environmental Protection Services

## NOISE CONTROL

The Resource Management Act 1991

## The Act

The Resource Management Act came into force on 1 October 1991. The noise control provisions of the Act are designed to:

- Protect people from excessive or unreasonable noise.
- Set out generally the obligations on all of us in respect of noise.
- Include noise as one issue in a variety of environmental matters.
- Protect the rights of people and industry to make a reasonable amount of noise.
- Define the responsibilities of local government.

The Act provides a legal solution:

- (a) Where people need immediate relief from noise of a temporary nature often caused out of thoughtlessness – defined as “excessive noise”.
- (b) Where longer term measures are needed to protect people from persistent noise - defined as “unreasonable noise”.

## What Is Excessive Noise?

This is noise being of “such a nature as to unreasonably interfere with the peace, comfort and convenience” of persons being affected by it, and includes noise caused by:

- (a) Musical instruments and stereos
- (b) Electrical appliances
- (c) Persons or groups of persons
- (d) Machines however powered
- (e) Explosion or vibration

The typical party noise could be classified as “excessive noise”. The Act does not require the noise to be measured with a sound level meter.

## How is it Enforced?

The Enforcement Officer will direct that the noise be reduced to a reasonable level. The Excessive Noise Direction may be given orally but is usually written and remains in force up to 72 hours.

If the Excessive Noise Direction is not followed, or in the case of an alarm sounding where there is no one present responsible for it, the Officer with Police assistance may enter the premises and, without further notice:

- seize and impound whatever is making the noise;
- take away any working parts; or
- lock or seal it, so as to make it inoperable.

## Impounded Equipment

Equipment will be returned –

- on application by the owner; and
- so long as the Council is satisfied that its return will not cause a repeat of excessive noise; and
- when the applicant has paid all costs incurred by the Council in seizing, transporting and storing the equipment.

## Making a Complaint

Ring the City Council (06 356 8199) and ask for “Noise Control” while the noise is going.

If the complaint is received between the hours of:

7.00 am to 10.00 pm Sunday to Thursday or 7.00 am to 11.00 pm Friday and Saturday you will be asked to phone the same number back again if the noise is still going in a half an hour.

If you make the complaint outside of these times, the complaint will be responded to as soon as possible. (No half hour call-back required.)

Noise control officers are available most times, including nights and weekends to respond to “excessive noise”. If, after complaining, and the call has been attended to, but the noise does not reduce to a reasonable level, you may need to notify Noise Control once more, so that the “Direction” can be followed up.

## Talk to your Neighbour

Often, problems are solved across the fence. A friendly word with your neighbour may be enough.