

HOW DO ENFORCEMENT OFFICERS DETERMINE WHAT IS A REASONABLE LEVEL OF NOISE?

Section 16 of the Act imposes a duty on the occupiers of premises to ensure that the emission of noise does not exceed a reasonable level. The Act does not define 'reasonable' or 'reasonable level', so in the first instance this is for the Enforcement Officer to decide, using any of the following factors to help determine what is reasonable:

1. **Time of day** - A noise which is reasonable during day-light hours, may be totally unreasonable at night.
2. **Duration** - A noise which occurs for a short time is more likely to be thought reasonable than one which is sustained.
3. **How often the noise occurs** - An infrequent noise may be reasonable. Generally the more often a noise occurs the less likely it is to be reasonable.
4. **Frequency or pitch** - Very low or very high frequencies are more likely to cause annoyance than middle range frequencies.
5. **Tonal quality** - A single or very dominant tone is more likely to be unreasonable, than the same level of broad spectrum ('white') noise.
6. **Kind of activity producing the noise** - A noise from an economically or socially productive activity is more likely to be reasonable than one associated with unproductive or anti-social activity.
7. **Purpose of the noise** - A noise intended to warn or inform the public, or some sector of the public, such as a fire siren, church bell or burglar alarm, may be considered reasonable unless unduly prolonged.

8. **Location of the premises making the noise** - A noise from premises adjacent to a noise sensitive area, such as a quiet residential neighbourhood or a hospital, is more likely to be unreasonable than one from an industrial zone, or an isolated building.
9. **Kind of premises making the noise** - Premises used for industry or recreation may reasonably make more noise than residential premises.
10. **Compliance with town planning ordinances or bylaws** - A level of noise which does not exceed planning ordinances or bylaws is likely to be reasonable.
11. **Sound level of the noise** - A sound level measurement may help to determine whether a level of noise is reasonable.
12. **Level of other sources of noise nearby** - A noise level which does not make a great contribution to the total noise level is likely to be reasonable.
13. **Potential to avoid or abate the noise** - A noise level which results from a failure to adopt the best practicable means to control it is unreasonable.

FOR MORE INFORMATION

- Contact your Clutha District Council Enforcement Officer (Noise Control), phone 4190200 or 0800 801350 anytime.
- A copy of the Resource Management Act 1991 is available on line at www.legislation.govt.nz

Please note that the Clutha District Council has appointed a security company to carry out noise control duty after hours.

NOISE CONTROL

&

YOU



Clutha District Council
Regulatory Services

Q: What law covers noise control?

- A: Noise control is carried out under the provisions of the Resource Management Act 1991 which aims to:
- a. Protect people from unreasonable or excessive noise;
 - b. Provide better noise control in your community;
 - c. Protect the rights of people and industry to make a reasonable amount of noise; and
 - d. Allow the public, local authorities and Police to work together to control noise.

Everyone is responsible for the noise they make - it is your duty not to make noise that unreasonably disturbs or upsets other people.

Q: What is a reasonable level of noise?

- A: Noise can disturb some people and not others. An Enforcement Officer has been appointed and is available to receive any complaints. This Officer will decide whether the noise complained of is reasonable, unreasonable or excessive.

NOISE ANNOYS



Q: What happens in the cases of 'excessive' noise?

- A. Excessive noise is that which seriously upsets the peace, comfort and convenience of people living close by.

An Enforcement Officer or Constable will order the noise to be stopped as quickly as possible 'on the spot'. No one on the premises may continue to make excessive noise. It may include noise from a musical instrument, or electric appliance or machine, person or group of people, or explosion or vibration.

Q: What happens in the case of 'unreasonable' noise?

- A: Anyone making unreasonable noise may be given an abatement notice by the Enforcement Officer. This requires action to be taken to reduce the noise to a reasonable level within a certain time.

Q: How is noise reduction enforced?

- A: Anyone making unreasonable or excessive noise can be fined up to \$10,000 and a further fine of up to \$1,000 for every day during which the offence continues.

If unreasonable noise is not reduced within the time ordered, an Enforcement Officer can legally take steps to have it reduced.

If excessive noise is not stopped immediately following the issue of an Excessive Noise Direction, the following steps can be taken on the spot:

Together with a Police Officer, the Enforcement Officer can enter the premises and:

- a. seizes and remove whatever is making the noise; or
- b. remove any part of the noise source to render it inoperable; or
- c. lock or seal the object making the noise.

Excessive Noise Directions can be given verbally or in writing.

An Excessive Noise Direction prohibits any further excessive noise from the premises for a period of up to 72 hours.

Q: What happens to equipment which is seized?

- A. Any equipment taken by an Enforcement Officer can be reclaimed at the Clutha District Council provided:
- a. The Enforcement Officer is satisfied it will not be used to create unreasonable or excessive noise again; and
 - b. All costs of seizing the equipment are paid in full.

Q: What about barking dogs and traffic?

- A: Certain noises are covered by other legislation, e.g. Dog Control Act 1996 and Transport Act 1962. In the case of a complaint about dogs, please contact the Council. For vehicles on the road, the NZ Police should be contacted.

APPEALS

You have the right to appeal to the Environment Court against the whole or any part of an unreasonable noise abatement notice.

QUIET PLEASES

