

NOISE CONTROL

Like all cities, Waitakere City can be noisy – it's a fact of city life. You are entitled to make a certain amount of noise as you work and play – but there are limits.

At any time of the day or night you have the right to have excessive noise stopped or reduced – whether it be from a loud party, an alarm, construction activity at an unreasonable hour, or other source. The Council's noise control officers will investigate, assess the noise level and ensure it is reduced if it is considered excessive under the Resource Management Act 1991.

THE RESOURCE MANAGEMENT ACT 1991

The noise control provisions of the Resource Management Act 1991 are designed to:

- Protect people from unreasonable and excessive noise
- Provide effective noise control in the community
- Protect the rights of people and industry to make a reasonable level of noise

NOISE IN YOUR NEIGHBOURHOOD

Everybody should expect some degree of noise in their neighbourhood from time to time. Noise control is not intended to regulate everyday residential activities such as mowing lawns and driving on the road etc.

If you have a problem with noise from your neighbour's place, try speaking to them first. Often a friendly word over the fence is all that is required.

While such a noise may be a temporary nuisance to you, in some instances, provided the activity making the noise and the hours of operation are reasonable for that location, noise control may not consider the noise excessive or unreasonable.

EXCESSIVE NOISE

Excessive noise is defined as “**any noise that is under human control and is of such nature as to unreasonably interfere with the peace, comfort and convenience of any person**”. Excessive noise differs from unreasonable noise, which is explained latter in this pamphlet.

Loud stereo's, bands and parties are by far the most common activity investigated by the Council as excessive noise.

The assessment of excessive noise is solely based on the subjective opinion of the noise control officer. Measurement of the noise level (i.e. a decibel reading) is not undertaken.

WHAT HAPPENS IN CASES OF EXCESSIVE NOISE?

On investigation of a complaint, if the noise control officer considers the noise to be excessive, they will issue an excessive noise direction to the occupier or other person they deem responsible for causing the excessive noise. The assessment by the noise control officer is totally subjective as no noise measurements are obtained. The excessive noise direction will require that the noise be immediately reduced to a reasonable level and that no one on the premise generate any excessive noise for 72 hours.

If anyone on the premises creates excessive noise within the 72 hours after an excessive noise direction has been served, the noise control officer can return with the Police and enter the premises to seize whatever is creating or contributing to the creation of excessive noise. In order to reclaim any seized equipment the owner must first pay the costs of the seizure.

In circumstances where the noise control officer cannot seize the noise making equipment (or where there are just people making the excessive noise), they can gather information upon which the

Council may issue an infringement notice to the person(s) they hold responsible for not complying with the excessive noise direction.

An infringement notice is similar to a traffic ticket, where the fine (i.e. the infringement fee) is \$500.

HOW DO I MAKE A NOISE COMPLAINT?

After-hours excessive noise complaints are investigated by a security firm under contract to the Council. Noise complaints can be lodged at any time of the night or day with the Council's 24 hour Call Centre, telephone 839 0400.

Before 11pm at night, the Call Centre Operator will ask you to telephone back after 30 minutes to advise them that the noise is still going. If you call back after 30 minutes, the noise complaint will be despatched to the contractor to investigate. In the vast majority of complaints before 11pm, the noise is stopped or reduced in this 30-minute period. This stand-down ensures complaints involving continuing noise are prioritised. After 11pm, all noise complaints are despatched to the contractor on the first call (i.e. there is no 30-minute stand-down after 11pm).

If you have lodged a noise complaint and the Council's noise control service has been despatched to investigate, it is important that you contact the Council's Call Centre again if the noise has not ceased or been reduced after about 45 minutes. It is more than likely that the Council's noise control service will have been on-site. However, they will not realise that a revisit is required unless additional complaints about the noise are received. This is particularly important where the noise control officer may have issued an excessive noise direction and the occupiers have complied while the noise control officer is on-site. However once the noise control officer leaves the site the occupier may choose to turn the noise back up. The Council's noise control service will not know this has occurred and re-despatch the noise control officer back to the site unless a further call is lodged.

UNREASONABLE NOISE

There are certain noisy activities in our community that noise control cannot abate or reduce immediately, such as a continuous industrial or commercial noise and on-going business related noise. Unreasonable noise is essentially noise produced by commercial or industrial activities that exceed noise levels set for those activities in the Council's District Plan or a Resource Consent issued by the Council.

A noise measurement using a precision sound level meter is required to be obtained in the assessment of unreasonable noise.

All complaints about unreasonable noise need to be directed through the Council's 24-hour Call Centre (telephone 839 0400) and are investigated by the Council's Environmental Health Officers who are trained in all the technical aspects of noise measurement, that must be met for any noise reading to be valid. Noise measurements are normally required over a period of time.

Anyone making unreasonable noise may be served an abatement notice. An Abatement Notice requires action to be taken to reduce noise to a reasonable level within a defined period of time that normally will allow the commercial or industrial operator to implement noise reduction solutions (i.e. insulation, isolation, re-engineering, process modifications, etc).

DOES THE RESOURCE MANAGEMENT ACT COVER ALL TYPES OF NOISE?

NO. There are other kinds of noise, which are specifically covered or controlled by other pieces of legislation. For example:

- Noisy vehicles on the road are covered by the Traffic Regulations 1976. Contact the Traffic Safety Branch of the NZ Police.
- Noise within the workplace is covered by the Health and Safety in Employment Act 1992. Contact the Occupational Safety and Health Service of the Department of Labour.

- Noise between tenancies with the same landlord is covered by the Residential Tenancies Act 1996. Contact your landlord or the Tenancy Tribunal
- Barking Dogs are covered by the Dog Control Act 1996. Contact Animal Welfare at Councils 24-hour Call Centre on 839 0400.
- The Civil Aviation Authority controls noise from aircraft in flight.