



A Guide to You, Noise & the Resource Management Act

The Resource Management Act 1991 replaced the Noise Control Act 1982 as the main control over noise in New Zealand.

The aims of the noise provisions of the Resource Management Act 1991 (RMA) are:

- Protect people from excessive or unreasonable noise;
- Provide a system of effective noise control in our communities;
- Protect the rights of people and industry to make noise by setting reasonable levels;
- Provide a process where the public, police and Local Authorities can work together to address noise issues.

Everybody is responsible for ensuring that the noise they make is not of such a nature as to disturb other people.

Noise can affect some people and not others, and the level of disturbance may depend on the type of noise, the volume, weather and the time of the day.

Why control noise?

Exposure to excessive or unreasonable noise can have a serious effect on a person's health, directly such as through damage to hearing, and indirectly such as through sleep deprivation.

What is "excessive" noise?

Excessive noise is defined as noise that is under human control and of such a nature as to unreasonably interfere with a person's peace, comfort or convenience. In short, it is noise that disturbs other people. Excessive noise is usually from stereos or one-off events such as parties.

The RMA requires that an officer attend complaints

and decide if the noise is excessive. Noise is not excessive simply because it can be heard.

As a general rule, if noise can be clearly heard at the boundary of your property, then it is very likely it could be disturbing others.

What is "unreasonable" noise?

Unreasonable noise refers to noise from ongoing activities such as a business or industry.

There are maximum noise levels permitted by the district plan, which vary depending on the zoning of the property concerned, and time of day.

How is noise control enforced?

In the case of excessive noise, from stereos or parties for example, Waipa District Council has officers available 24 hours a day to respond to complaints.

Council has a number of Enforcement Officers, and also contracts Officers from a local security company, resulting in a 24 hours response.

Complaints about excessive noise should be made to Councils normal phone number when the noise is happening. Officers have to hear the noise before action can be taken.

What happens when a complaint is made?

Enforcement Officers will assess whether they believe the noise is excessive.

If they do not feel the noise is excessive, no further action will be taken.



If the Enforcement Officer believes the noise is excessive, they will direct the person making the noise to reduce the noise to a reasonable level. This direction can be verbal, or in writing.

A direction to reduce noise is normally in force for seventy-two hours.

If a person continues to make excessive noise after being directed to stop, an Enforcement Officer accompanied by a Police Constable may:

- Seize or detain the noise source (e.g. stereo)
- Remove parts from a noise source;
- Lock up the noise source so it can't be used;
- Generally take any steps to stop the noise.

Beaching a noise direction can also lead to an instant infringement notice fine of \$500, or a fine of up to \$10 000 after prosecution.

If a person is directed to stop making noise, but starts up again, it will be necessary to make another phone call to the Council.

Provision of details

An enforcement officer may require the name of the occupier of a property, and any other person they believe responsible for making the noise.

What happens to the seized equipment?

Any equipment seized by an Enforcement Officer will be held at the District Council Offices.

The owner, or the person from whom it was seized, can apply to have the equipment returned.

Equipment will only be returned when an Enforcement Officer is satisfied that it will not be used to make excessive noise again.

A fee to cover the costs of seizing and storing the equipment, usually around \$150, is also required.

If an officer does not approve the release of the

equipment, an application can be made to the Environment Court who may order its release.

Council is required to hold equipment for six months. If no application is received for its return, Council may dispose of the equipment.

Appeals

If you believe that any action taken against you is unreasonable, you can appeal the action of the Local Authority to the Environment Court.

Traffic noise

The RMA does not give Local Authorities any control over traffic noise. Complaints related to vehicles being driven on the road should be directed to the Police.

Barking dogs

Barking dogs are dealt with by Waipā District Council Animal Control Officers under different legislation, so complaints of this nature should be directed to Animal Control.

Complaints & Queries

In the case of complaints, Officers will want to know your name and address, and the address where the noise is coming from. This will not be disclosed to anybody else.

Anyone who feels they are being disturbed by excessive noise can make a complaint at any time of the day or night.

Any complaints or queries relating to noise control issues should be directed to an Enforcement Officer by calling Waipā District Council.

Te Awamutu 07 872 0030

Cambridge 07 827 6033

Toll free 0800 924 723