

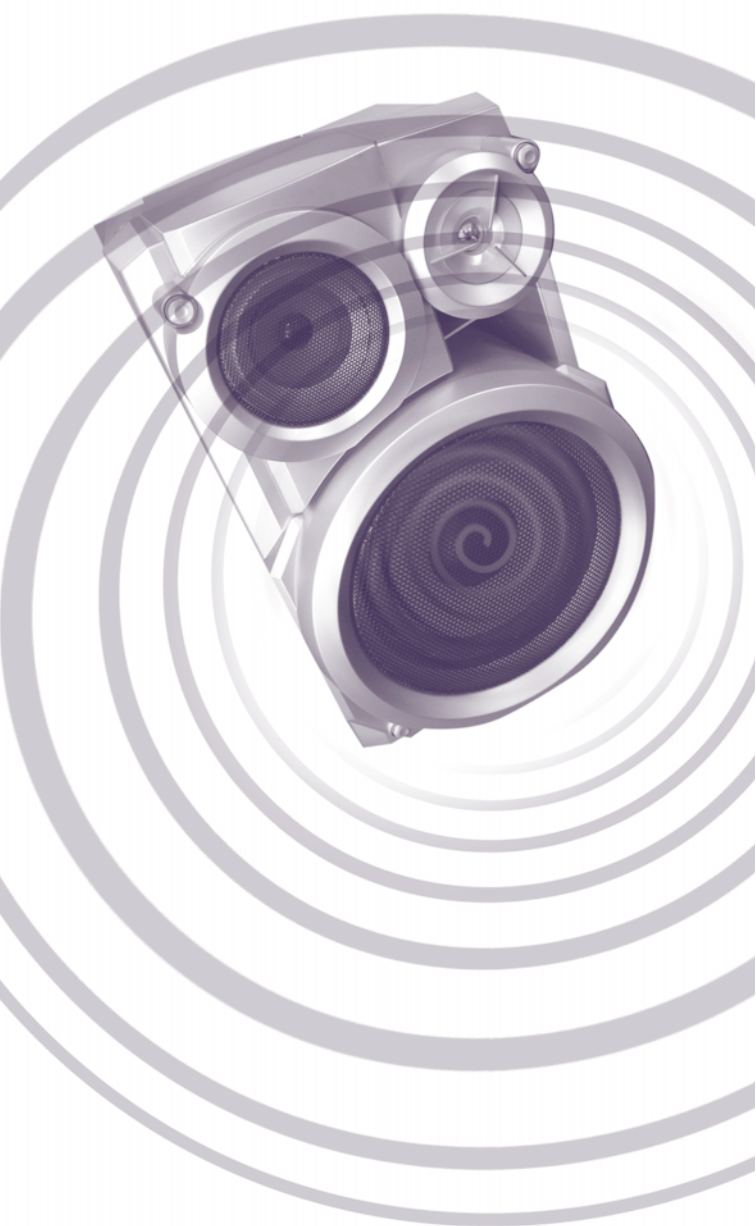


HASTINGS
DISTRICT
COUNCIL

Excessive noise a modern problem



Sound Advice: Your rights and
responsibilities under New Zealand's
noise control laws



Is excessive noise affecting you?

A certain amount of noise is part of the normal human environment. Traffic noise, aircraft noise, industrial and residential noise form part of the background to our lives.

However, excessive noise can have an adverse effect upon people's work, health and lifestyle. This is sometimes referred to as "noise pollution".

Under New Zealand's environmental laws (The Resource Management Act 1991) your Council has the responsibility for controlling excessive noise in your district.

The law isn't designed to eliminate noise, but to provide a system for reasonable control. Generally noise is not a problem unless it becomes excessive.







What is excessive noise?

Excessive noise is any noise under human control that unreasonably interferes with the peace, comfort and convenience of other people.

Under the Resource Management Act, there is no requirement for noise levels to be measured and there are no definite measurements to be met during the night or day time. Deciding whether noise is excessive is up to the judgement of the Noise Control Officer who has been trained to make that decision.

What is **excessive** can change depending on a number of factors, such as time of day or night, type and nature of the noise. For example, a stereo played at a certain volume may be acceptable at 3 o'clock in the afternoon but not 3 o'clock in the morning. Some noises can be excessive at any time of day!

Noise may be excessive for a number of reasons.

-  When noise stops someone going to sleep or wakes them up at night.
-  During the daytime, noise can seriously intrude on a person's work or concentration.
-  Where noise prevents normal conversation in a neighbouring property.
-  Where noise requires the volume of a radio or television to be increased significantly in order to be heard.

Be a good neighbour!

Consider your neighbours before undertaking noisy activities. The following advice should help you and your neighbours live together peacefully:

- ① Ensure burglar alarms cut off after 10 minutes. Arrange for a suitable response procedure.
- ① Tell neighbours in advance if you're having a party.
- ① Advise neighbours of any planned work on your property that may be noisy.
- ① Don't start up noisy equipment early in the mornings or late in the evenings.
- ① Minimise noise travelling from your property by closing doors and windows.








How to make a complaint

- ① Contact Hastings District Council on 878 0500 anytime of the day or night to make a noise complaint.
- ② It's important to make the complaint whilst the noise is still occurring.



During office hours, your call will be taken by an Environmental Health Officer who is warranted as a Noise Control Officer.

Out of office hours, your call will be answered by our answering service who will pass the details of the call to the contracted Security Company who employ a warranted Noise Control Officer.

-  You will be asked to provide your name and address together with details of the complaint and address of the noise source.
The noise maker is not advised of the name or address of the complainant.
-  The Noise Control Officer will attend the complaint and make an assessment to determine whether the noise is excessive.
-  You may be asked if the Noise Control Officer can visit you to assess the noise from your property. That's because noise, in some cases (in particular bass noise), will appear louder from inside a neighbouring property than from the street. You have the right to deny this but it may prevent the Officer from assessing the noise correctly.
-  If the noise is considered to be excessive, the Officer will serve a written direction to the occupier of the property, directing them to reduce the noise immediately. This written notice is in force for 72 hours from service. Failure to obey the notice may result in seizure of the noise making equipment by Council or a fine of up to \$10,000.
-  If the noise is not reduced or does not cease, repeat your complaint so that further action can be taken.

Are you the noise maker? What are your rights?

The Noise Control Officer is trained to make a judgement on whether your noise is excessive (no noise meter is needed). He or she is warranted under the Resource Management Act to serve notice for excessive noise.



If a complaint has been made about excessive noise from your property, the Noise Control Officer will visit you. If the Noise Control Officer believes the noise is excessive, you will be issued with a notice to reduce the noise.

The notice will remain effective for up to 72 hours. The equipment that is causing the noise may be seized if the notice is not complied with.

A Police Constable or the Noise Control Officer accompanied by the Police will carry out the seizure. You will be formally advised in writing by this Council of the procedure for reclaiming your equipment.

To reclaim the equipment you will need to:

- ① Make an appointment with Noise Control at the Hastings District Council, ph: 878 0500.
- ② Pay the costs incurred by Council which are currently \$125.00. (No part payments accepted.)
- ③ Bring proof of identity.
- ④ Bring the original copy of the seizure notice with you.

The Council has the right to refuse to return equipment where it is believed that it will be used to create further noise problems.

If you have been served with a notice or had equipment seized and wish to discuss your concerns, contact the Environmental Health Officer at the Hastings District Council.



Environmental noise

Noise from industrial or commercial sites



Ongoing complaints from residents about noise from neighbouring industry or commercial premises may be dealt with in different ways to those used for excessive noise like noisy stereos.

Noise levels will usually be checked for compliance with the appropriate performance standards in the District Plan. These noise levels vary according to zoning of the site and time of day or night. Environmental Health Officers will take noise measurements using a noise meter where appropriate.

Contact the Environmental Health Officers at the Council for further information on noise problems.

Noise from vehicles on the public road

The Council has no legal jurisdiction over excessive noise from vehicles being driven on the public road. Complaints about noisy vehicles must be referred to the New Zealand Police.

