



Environmental Health Information Sheet: Community Noise

Introduction

Noise is a fact of life. Most of us are involved in driving, playing the radio, entertaining or mowing lawns. People vary in their perception of noise, some are highly sensitive and others are completely accepting. What is 'music' to some may be an intolerable racket to others. In general, noise is regarded as unwanted sound. Factors include loudness, time of day and intrusiveness. No-one enjoys hearing a party start up in the middle of the night or being woken up in the early hours by a faulty burglar alarm.

The Legislation

The noise section of the *Resource Management Act 1991* is designed to:

- Protect people from unreasonable or excessive noise
- Provide better noise control for your community
- Protect the rights of individuals and industry to make a **reasonable** level of noise
- Allow the public, local authority and the police to work together to manage noise

Your Responsibility

Everyone is responsible for the noise they make. The legislation points out that it is your duty not to make noise that disturbs or upsets other people.

Minimising Community Noise

Most noise complaints in a neighbourhood involve parties and/or loud stereos. Here are some tips when planning a party:

- Inform neighbours of the day and time well in advance
- Keep stereos and guests inside after 10pm and close doors and windows
- If you like listening to the radio while outside, keep the radio close by and the volume down
- Bands sometimes practice in residential areas. Neighbours should be informed first and if they don't mind, sessions should be short and during the daytime or at agreed times

Noise Problems

If neighbours are noisy and you can't tolerate it any longer, firstly approach them yourself as they may be unaware they are causing a problem. If this isn't effective contact either:

- A Council Noise Control Officer on **03 3077700** for after hours complaints
- An Environmental Health Officer during normal working hours on **03 307 7700**



Unreasonable Noise

As we have said before noise is perceived differently by individuals and can disturb some people more than others. Ashburton District Council has appointed Enforcement Officers who are there to receive any noise complaints and make an assessment of the noise. The Enforcement Officers will decide whether the noise level is reasonable or not. If the noise is deemed excessive further action will be taken.

Unreasonable noise is usually industrial or commercial noise that cannot easily be reduced or stopped because it could interfere with production. A noise survey is usually required and levels are compared to criteria set in the Ashburton District Plan. If noise is unreasonable, a Noise Abatement Notice may be issued by the Enforcement Officer. This Notice will require noise to be reduced to a reasonable level within a specified time.

The Ashburton District is divided into zones depending on the characteristics of each area. The zones are allocated maximum sound levels, higher noise limits apply to industrial zones than to residential zones.

Excessive Noise

Excessive noise seriously interferes with the peace, comfort and convenience of people living close by. This is covered by Section 327 of the Resource Management Act. It may include parties, a loud radio, rock bands or chainsaws. The process for noise enforcement is as follows:

- 1) Complaint received by an Enforcement Officer
- 2) Noise is found excessive (e.g. can be heard beyond the property boundary, late at night)
- 3) The person responsible is requested to reduce the noise
- 4) If noise continues or increases again within 72hrs an Enforcement Officer or Police constable will order the noise to be stopped immediately – verbally or by a written notice
- 5) If excessive noise continues an Enforcement Officer and Police may seize the equipment causing the noise

Enforcement

Anyone making unreasonable or excessive noise can be initially fined up to \$200,000 and up to an additional \$10,000 per day for a continuing offence. If **unreasonable** noise is not reduced within the time ordered and there is a failure to comply with an Abatement Notice the Council may take legal action. Any seized equipment may be reclaimed from Council when the Officer is satisfied it will not be used in resumption of the noise. Also a fee covering costs of removal and storage will be payable (currently \$100).

Appeals

If you believe the issue of an unreasonable noise abatement notice is not fair, you can appeal to the Planning Tribunal. The noise must be reduced until the appeal is heard.

There is no right to appeal in the event of an excessive noise direction.



FAQs

Q. How late can my neighbour mow their lawn?

A. There are no set times. Lawn mowing noise is generally acceptable during daytime hours but mowing should not be carried out prior to 7am.
In all situations however, people mowing their lawns should be mindful of the noise impact on their neighbours, particularly during the later evening.

Q. What can I do about a car alarm sounding?

A. If any sign of forced entry or intruders is evident, contact the Police.
If it looks as though the car has not been broken into, check adjacent properties or businesses for the owner. If it is a frequent occurrence, leave a note on the windscreen, otherwise, contact Council with registration number, description and location of vehicle (these details will help us locate the keyholder).

Q. What time can commercial construction work start and finish?

A. There is a New Zealand Standard NZS 6803:2008, which specifies noise levels and times certain activities can be undertaken. Generally, work starting between 7am and 7.30am Monday to Saturday and finishing at 6pm is acceptable, providing the noise levels in the standard are met for the living zones.

Q. What time can private construction work take place?

A. Because of its nature, this work tends to occur in the evenings, at night, or at the weekends. Keep the following start/finish times in mind if undertaking noisy work:

- Weekend starts – 7am Saturday, 9am Sunday
- Evening finishes – 9.30pm Summer, 7.30pm Winter

It is suggested that noisier activities are programmed to the most appropriate times e.g. early evening, middle of the day.

Other Noise

Certain noises are covered by other legislation and are therefore controlled by other authorities.

NOISE CONCERN

CONTACT

Barking dogs

Animal Control Officer 03 307 7700

Loud or disorderly human behaviour

NZ Police 03 307 8400

Noisy vehicles

NZ Police Traffic Safety 03 307 8400

Workplace noise

Department of Labour, Health and Safety
0800 20 90 20

