

Council Policy

Policy Title:	Excessive Noise and Offenders Policy 2022
Responsibility:	Group Manager Community Services
First Adopted:	10 March 2015
Review Frequency:	Five yearly, or as otherwise required
Last Reviewed:	March 2022
Next Review Due:	March 2027



1 Policy Objectives

- 1.1 The following objectives set out what the Council wants to achieve with this policy document:
- To enable Council staff to identify excessive noise, nuisance noise and repeat offenders with consistency and fairness which discharges Council's responsibilities in a manner that is fair, transparent, consistent, and legally defensible.
 - To document Council's policy towards noise control, to ensure Council's responsibilities are discharged so that public nuisance, caused by noise, is minimised and managed.

2 Definitions

2.1 Nuisance Noise

As defined in section 29(ka) of the Health Act 1956, nuisance noise is where any noise or vibration occurs in or is emitted from any building, premises, or land to a degree that is likely to be injurious to health.

2.2 Noise: Unreasonable and Excessive

Noise is categorised within the Resource Management Act 1991 (RMA) as either 'unreasonable' (Section 16) or 'excessive' (Section 326).

(a) Unreasonable Noise

Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.

(b) Excessive Noise

(1) Means any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person (other than a person in or at the place from which the noise is being emitted), but does not include any noise emitted by any—

- aircraft being operated during, or immediately before or after, flight; or
- vehicle being driven on a road (within the meaning of section 2(1) of the Land Transport Act 1998); or
- train, other than when being tested (when stationary), maintained, loaded, or unloaded.

(2) Without limiting subsection (1), **excessive noise**—

- includes noise that exceeds a standard for noise prescribed by a national environmental standard; and
- may include noise emitted by—
 - a musical instrument; or

- (ii) an electrical appliance; or
 - (iii) a machine, however powered; or
 - (iv) a person or group of persons; or
 - (v) an explosion or vibration.
- (c) **District Plan definition of Noise**
- Residential*
- (a) The Leq noise level and maximum noise level (Lmax) arising from any activity, with the exception of fire stations, measured at the boundary of any residentially zoned site, or within the boundary of any residentially zoned site, other than the site generating the noise shall not exceed the following limits:
 - (i) Daily 7.00am to 8.00pm inclusive – 50 dB LAeq (15 min);
 - (ii) All other times - 40 dBLAeq (15 min);
 - (iii) 8.00pm to 7.00am: maximum noise 65dB LAFmax.
- Urban*
- (a) The Leq noise level and maximum noise level (Lmax) arising from any activity, with the exception of fire stations, measured at the boundary of any site, other than the site generating the noise shall not exceed the following limits:
 - (i) Monday to Saturday 7.00am to 8.00pm inclusive 55dBLAeq (15 min);
 - (ii) All other times and on public holidays 45dBLAeq (15 min);
 - (iii) 8.00pm to 7.00am and on public holidays: maximum noise 75dB LAFmax.
- Commercial*
- (a) The Leq noise level and maximum noise level (Lmax) arising from any activity measured at the boundary of any commercially zoned site, except State Highway 4 at National Park, other than the site generating the noise shall not exceed the following limit:
 - (i) 65 dBLAeq (15 min).
 - (b) The Leq noise level and maximum noise level (Lmax) arising from any activity measured at or within the boundary of any residentially zoned site or within the Commercial Zone alongside State Highway 4 at National Park, shall not exceed the following limits:
 - (i) Monday to Saturday 7.00am to 10.00pm inclusive – 55 dBLAeq (15 min);
 - (ii) All other times and on public holidays - 45 dBLAeq (15 min);
 - (iii) 10.00pm to 7.00am and on public holidays: maximum noise 65dB LAFmax.
 - (c) Measurement and assessment of noise levels shall be in accordance with New Zealand Standards NZS 6801:2008 *Acoustics – Measurement of Environmental Sound* and NZS 6802:2008 *Acoustics – Environmental Noise*.

3 Principles

3.1 This policy supports the following Council focus and community wellbeing outcomes:

- (a) **Social - safe and healthy communities**
 - Excellence standards of safety and welfare are promoted and respected.
- (b) **Environmental - sustaining beautiful environments**
 - Our environment is accessible, clean, and safe and our water, soil and air meets required standards.
- (c) **Strong leadership and advocacy**
 - Council is proactive, transparent, and accountable.

- 3.2 It is in the best interest of Ruapehu communities, that Council takes affirmative action against those who continually violate Excessive Noise Direction notices (E.N.D) and area consistent nuisance to the public in terms of emitting excessive or unreasonable levels of noise.
- 3.3 This policy gives Ruapehu communities a fair means with which to identify repeat offenders and allows for a consistent and fair process and action to be taken against residents who emit excessive noise.

4 Background

- 4.1 In 2014 Councillors requested that a policy be created to curb the growing issue of repeat nuisance and excessive noise offenders.
- 4.2 In 2015, Council staff requested that the procedural flowchart of the policy be reviewed to ensure a more robust process that will mitigate possible subsequent criticism or legal penalties be followed.

5 Policy Statement

5.1 Nuisance Noise

Nuisance noise will be investigated and classified as either unreasonable noise or excessive noise in order for the incident to be escalated further.

5.2 Unreasonable Noise

Will be managed and controlled using the noise rules defined within the RMA.

- 5.2.1 Any non-compliance by offenders will result in enforcement action by Council using effective communication, written correspondence, and statutory enforcement options (including abatement notices and call out recovery costs as per schedule one and the Fees and Charges Manual).

5.3 Excessive Noise

Excessive noise will be managed and controlled by Council's Compliance Officers or contractors. Compliance Officers will use their professional judgment, follow the RMA excessive noise provisions, and follow the procedures of Schedule 1 of this Policy.

- 5.3.1 Any non-compliance by offenders will result in enforcement action by Council using effective communication, written correspondence, and statutory enforcement options (including abatement notices and call out recovery costs as per schedule one and the Fees and Charges Manual).

5.4 Repeat Offenders

Repeat offenders will be managed using the procedure flow chart (Schedule 1) and identified by the associated definition within this policy.

- 5.5.1 For repeat offenders, an invoice will be issued to recoup call out costs and an administration fee will also be issued. These are to be issued when Council's Compliance Team have identified repeat offenders as per the definition above and as set out in the procedure flow chart (Schedule 1).

6 Annotations

Date	Description
10 March 2015	Policy first adopted
11 December 2015	No changes made to policy. Flow chart updated.
17 April 2019	Policy reviewed and updated (Doc 704369).
30 March 2022	Policy reviewed; review date extended. Flow chart updated. No other changes.

**SCHEDULE 1
EXCESSIVE NOISE AND OFFENDERS
POLICY FLOWCHART 2022**

SCHEDULE 1

