

Environmental Health *matters*



Message from the Health Inspectors

Welcome to the second edition of 'Health Matters'. In this quarterly publication we outline issues on your behalf, to ensure a safer and healthier community.

In this issue we look at the legislation and enforcement options surrounding noise.

Background

Council has a statutory responsibility to enforce noise legislation in an effort to minimise public nuisance. The Council is tasked with balancing the right of people to use their property for their enjoyment with the right of the surrounding neighbours not to be adversely affected.

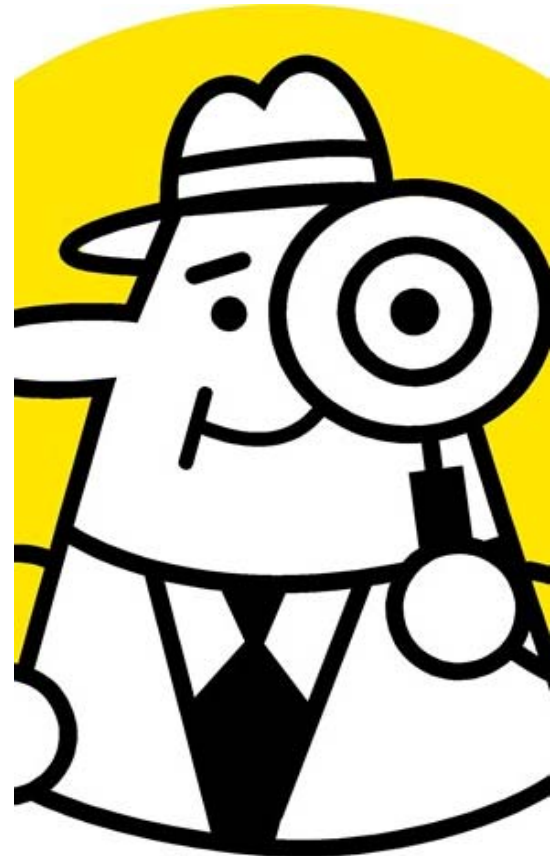
As with any statutory nuisance, excessive noise is subjective by nature, requiring the Council's Enforcement Officers to exercise professional judgment.

Council has developed a Noise Control Policy and an associated procedure to ensure the noise control service it delivers is discharged in a manner that is fair, transparent and legally defensible.

The council has also signalled that it wants to take a hard line against repetitive noise makers who cause statutory nuisance and the Noise Policy will assist in ensuring the service is effective in controlling noise nuisance.

Results to date from the implementation of the new Noise Policy and procedures indicate a great improvement in effectiveness and we have reduced the number of 'problem' properties.

**Doug, Karl, Victor, Therese & Clive
Environmental Health Team**



How to deal with unwanted noise

Noise is a fact of everyday life; however, we are all entitled to expect that the activities of others do not interfere unreasonably with our private lives. Noise can arise from various sources:

- Domestic noise (loud music, barking dogs)
- Commercial or industrial premises (pubs, clubs, factories)
- Noisy equipment (alarms, ventilation fans, refrigeration units)
- Outdoor events
- Vehicles, when not being driven on the road (car alarms and stereos)
- Construction work (from DIY to major projects)

In many cases, the person/s causing the noise may not be aware that they are causing a problem and all that is required is a polite request for some action to be taken to resolve the issue in a friendly way. Don't take any risks if you are unsure - such an approach can sometimes produce a hostile response.

Please contact us if you don't feel able to deal with the problem yourself, or if you have tried and it hasn't worked. Officer's will investigate the complaint and decide if legal action is needed to resolve the problem.

Noise pollution



Environmental
Health Matters

Noise in your neighbourhood

Everybody should expect some degree of noise in their neighbourhood from time to time. We do not regulate everyday activities such as mowing lawns, building construction, road repairs.

While such noise may be a nuisance to you temporarily, provided the hours of operation are reasonable we may not take action in relation to such complaints.



What is excessive noise

The Resource Management Act 1991, Section 326, defines "excessive noise" as 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.

Your responsibilities

Under the Act, you must keep noise from your property to a "reasonable" level. Although there is no clear definition of what "reasonable", generally noise should not disturb your neighbours or be clearly audible beyond your property boundary.

If a complaint is received

If a complaint is received by a Council Officer regarding excessive noise, the Officer is required to investigate the complaint. If the Officer is of the opinion that the noise is excessive, they may direct the person responsible for the noise to turn the noise down to a reasonable level.

A direction may be given in writing or verbally to any person who appears responsible for the noise. The direction can be in force for up to 72 hours.

If the noise is not turned down (or if the noise continues when the Officer leaves) that Officer (accompanied by a Police Officer) may enter the property and seize the instrument or appliance which the noise is coming from.

Seized equipment

If your equipment is seized by a Noise Control Officer you may not get it back. You must prove that your circumstances are special and that neighbours will not be affected.

Provided you have sufficient evidence that the neighbours will not be affected your equipment may be collected from the Customer Services Desk at the Wanganui District Council Municipal Building, 101 Guyton Street, Wanganui upon payment of \$120.00.



If equipment has been seized from an address that has a Noise Abatement Notice issued to the property the equipment will not be returned. If a Noise Abatement Notice has been issued to an address and you do not agree with the notice the owner or occupant has the right to appeal to the Environment Court using Form 49 which can be obtained from the Wanganui District Council Offices, 101 Guyton Street, Wanganui.

If you wish to make a noise complaint

The Wanganui District Council operates a 24 hour noise complaint response service. Phone 349 0001.

If ringing to make a complaint please provide as much information to assist the responding Officer. If an accurate location of the noise is given this assists us in providing you, the customer, with a faster and more effective service.

Barking dogs

It is an offence under the Animal Control Act 1996 for a dog to cause a nuisance by loud persistent barking. If this occurs try to identify the property where the dog is barking by house number and street name and ring Council's Animal Control Office. Call 349 0001.



MYTH

Noise Control Officer's must take noise readings to assess domestic noise.

Contact us:
Wanganui District Council,
101 Guyton Street, PO Box 637, Wanganui 4500
www.wanganui.govt.nz

Phone 06 349 0001
Fax 06 349 0000
Email wdc@wanganui.govt.nz