



Wanganui District Council Noise Control Policy 2009

1.0 Introduction:

Prior to this policy document Council had no formal policy on noise control procedures and relied instead on relevant statutory provisions, District Plan rules, Noise standards and historical practice.

Council at its meeting in February 2009, resolved to review its existing noise processes by way of a working party. The working party reported back to Council in May with its findings and recommended amended practice.

This document is produced to reflect Council's formalised policy direction towards noise control.

2.0 Purpose:

The purpose of this policy is to document Council's policy towards noise control to ensure Council's responsibilities are discharged in a manner that is fair and transparent and public nuisance, caused by noise, is minimised.

3.0 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 receiving neighbourhood 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 judgement.

That being said Council has developed this policy and associated procedure to ensure the noise control service it delivers is discharged in a manner that is fair, transparent, effective and legally defensible.

This Council has also signalled that it wants to take a hard line against noise makers that cause statutory nuisance and this policy should assist in ensuring the service is effective in controlling nuisance noise. Council has recently retendered its after hours noise control service resulting in an improved contract and response service. Working hours noise control response is provided by Council employed Environmental Health Officers, Enforcement Officer and General Inspector.

Noise is categorised within the Resource Management Act 1991 as either ‘**unreasonable**’ (section 16) or ‘**excessive**’ (section 322).

Unreasonable noise is defined by the Act as noise that exceeds a reasonable level as prescribed in a District Plan or Resource Consent.

Excessive noise on the other hand, is defined as any noise under human control and of such a nature as to unreasonably interfere with the peace, comfort and convenience of any other person.

Usually speaking **unreasonable noise** involves commercial or occupational noises of a constant nature that continues over some period of time. Whereas **excessive noise** usually involves short term one off noise nuisances such as party, stereo and band noise. The statutory provisions available under the Act reflect the two variable types of noise.

This Policy should also be read in conjunction with Council’s District Plan Noise Rules including Appendix D – Noise.

4.0 Objectives:

The following objectives set out what the Council wants to achieve with this policy document.

- 4.1 To minimise and manage public nuisance caused by excessive noise.
- 4.2 To discharge Council’s responsibilities and service in a manner that is fair, transparent, consistent and legally defensible.

5.0 Policies and Methods:

This section of the policy document sets out how the above objectives will be achieved.

- 5.1 **Unreasonable Noise** as defined by the Resource Management Act 1991 will be managed and controlled using the noise rules defined within the Wanganui District Plan and following procedures outlined on page 3 of Appendix 1 of this policy.
 - 5.1.1 For unreasonable noise, detailed and measured assessments will be undertaken using noise control meters, environmental surveys, and complaint monitoring to assess compliance with District Plan noise rules.
 - 5.1.2 Where Council's resources and expertise is insufficient for the problem, Council, within budgetary limits, will seek consultancy assistance.
 - 5.1.3 Any non compliance will result in enforcement action by Council using effective communication, written correspondence and statutory enforcement options including abatement notices.
- 5.2 **Excessive Noise** as defined by the Resource Management Act 1991, will be managed and controlled by Council's Noise Control Officers. Noise Control Officers will use their professional judgment, follow the Resource Management Act 1991 excessive noise provisions, and follow the procedures detailed in page 2 of Appendix 1 of this Policy.
 - 5.2.1 Response times to complaints shall be no more than 30 minutes.
 - 5.2.2 All discernable excessive noise shall result in a written Excessive Noise Direction being served.
 - 5.2.3 Non-compliance with an Excessive Noise Direction will result in an uplift of the stereo or rendering the noise equipment inoperable.
 - 5.2.4 Any noise complaints received where two previous Excessive Noise Directions have been issued within 3 months, Council will issue an Abatement Notice.

5.3 **Escalation** – for cases where effective resolution of noise complaints is not achieved in the first instance, Council will escalate the particular issue to ensure resolution of nuisance.

5.3.1 Escalation may include:

- Survey of neighbours to gather further information and evidence
- Increased surveillance and monitoring of area
- Mediation
- Forming an escalation group of relevant officers, managers and if necessary contractors.

5.4 **Service Contract** – Council will ensure its contract for after hours noise control is effectively written and efficiently performed.

5.4.1 Council will actively monitor performance measures within the after hours noise control contract.

5.4.2 Council will make adjustments to the after hours noise control contract whenever necessary to improve service performance.

5.4.3 Council will continually liaise with after hours noise control contractor to ensure escalation occurs where necessary.

5.5 **Service administration** – Council will ensure its processes and administration of the service is consistent, defensible and of a high standard.

5.5.1 Noise control procedures, Appendix 1, are continually reviewed and updated.

5.5.2 Noise Control Officers, contractors and staff, are to follow noise control procedures.

5.5.3 Information from taking the complaint through to notifying the complainant of the outcome is to be well documented.

5.5.4 Council will improve its communication to the Wanganui Community through improved information available on its website and increasing communication to both noise complainant and maker.

6.0 Anticipated Results:

Its anticipated this policy and procedure should deliver the following results.

- 6.1 Greater awareness of and compliance with noise rules.
- 6.2 Less noise nuisance.
- 6.3 A more credible service.
- 6.4 A service that is transparent, consistent and fair.
- 6.5 Statutory compliance.

7.0 Policy Review:

It is suggested that this policy be reviewed at least every three years unless earlier review is required due to legislative change, service level change or changed circumstances.