



FURTHER INFORMATION:

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Whakatane District Council

Noise Control

The Resource Management Act 1991



www.whakatane.govt.nz



Noise Control -

Wondering what excessive noise is and what to do about it?

The Resource Management Act 1991

The Resource Management Act 1991 is partly concerned with controlling unreasonable or excessive noise to minimise its impact on the environment. People are part of the environment.

The aim is to safeguard people from 'unreasonable' or 'excessive' noise, while also recognising the rights of people and industry to make some amount of noise. Defining noise is a subjective matter and what is reasonable noise is not clearly defined by the Act. The general view is that such noise should not disturb your neighbours.

The Act defines excessive noise as any noise controlled by people which "unreasonably interferes with the peace, comfort and convenience" of anyone. Sections 326, 327, and 328 of the Resource Management Act 1991 specifically cover excessive noise.

Sections 326, 327, & 328 of the Act

Section 326 of the Act defines excessive noise, including vibration, as that under the direct control of a person or persons. While section 327, describes the steps followed by a noise enforcement officer when a noise complaint is made.

On receiving a noise complaint, usually about a noisy party or loud stereo for example, the Enforcement Officer must assess the noise and consider the effect the noise is having on the complainant, while taking into account the time of day, background noise and duration, etc. A sound level meter to measure noise is not required in this situation under the Act.

If the Enforcement Officer finds the noise excessive, then he or she has the authority to issue an excessive noise direction requiring the person responsible to cease making excessive noise. This direction remains in effect for 72 hours (3 days) from the time it is issued and may be issued verbally or in writing.

Section 328 the Act sets out the duty of the noise maker(s) to comply with the direction to immediately cease making excessive noise at the property where the noise direction was given.

Failure to comply with the direction can result in seizure of the equipment or similar action, i.e. disable, remove, or render inoperable any offending equipment, in the presence of the Police.



Making a Complaint

If needing to make a complaint, ring Whakatane District Council on 07 306 0500 or 0800 306 0500 (Murupara), to lodge your concerns about excessive noise, including noise from licensed premises.

The operator will take details of the complaint and forward these through to the after-hours Noise Control Contractor. It is Council's policy to keep complainants details confidential, while anonymous complaints may not be acted upon.

Please note that barking dogs are not covered by this legislation. If you have concerns about barking dog noise, speak with an Animal Control Officer.

**Contact the Whakatane District Council
to lodge your concerns about
excessive noise on 07 306 0500 or
0800 306 0500 (Murupara)**

The Resource Management (Infringement Offences) Regulations 1999

The Resource Management (Infringement Offences) Regulations 1999 were made pursuant to the Resource Management Act and came into force 1 February 2000.

Under these regulations, failing to cease making excessive noise carries a maximum fine of \$500.00. So if an Officer's direction to cease making excessive noise is ignored, the noise makers are liable to receive an instant fine.

Failing to provide certain information, such as full name and date of birth etc, when requested to do so by an Enforcement Officer, carries a maximum fine of \$300.00.