

*Mr Downie*

## NEIGHBOURHOOD NOISE CONTROL

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### ANALYSIS

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### A BILL INTITULED

5 **An Act to abate neighbourhood noise and to ensure the protection of the rights of citizens to enjoy privacy in a peaceful and reasonably quiet environment through granting power to Local Authorities and Magistrates' Courts, as the case may be, to cause the abatement of such noises which may be offensive or injurious to health.**

10 **BE IT ENACTED** by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

15 **1. Short Title and commencement**—(1) This Act may be cited as the Neighbourhood Noise Control Act 1974.  
(2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

**2. Interpretation**—(1) In this Act, unless the context otherwise requires:

No. 26—1

*Price 5c*

“Council” means the Noise Control Council established under this Act:

“Local authority” means:

(a) A Borough Council, a Town Council, or a County Council, or any other territorial authority to which the functions of any such Council under this Act have been assigned or delegated by or under any other enactment; and 5

(b) In relation to any part of New Zealand which is within the jurisdiction of a Harbour Board constituted under the Harbours Act 1950, but is not within the jurisdiction of a local authority referred to in paragraph (a) of this definition, that Harbour Board. 10

**3. General powers and duties of local authorities in respect of noise control**—Subject to the provisions of this Act, it shall be the duty of every local authority to promote noise abatement and control noise within its district, and for that purpose every local authority is hereby empowered and directed— 15 20

- (a) To appoint all such Inspectors and other officers and servants as in its opinion are necessary for the proper discharge of its duties under this Act:
- (b) To cause inspection of its district to be regularly made for the purpose of ascertaining if any noise nuisances, or any similar conditions likely to be injurious to health or offensive, exist in the district: 25
- (c) If satisfied that any noise nuisance or vibration or any similar condition likely to be injurious to health or offensive, exists in the district, to cause all proper steps to be taken to secure the abatement of the nuisance or the removal of the condition: 30
- (d) Subject to the direction of the Board of Health or of the Director-General of Health to enforce within its district the provisions of all regulations under this Act for the time being in force: 35
- (e) To make bylaws under and for the purposes of this Act or any other Act authorising the making of bylaws for the control of noise. 40

**4. Noise Control Council**—(1) There shall be a Council to be known as the Noise Control Council.

(2) The principal functions of the Council shall be—

- 5 (a) To make recommendations to the Minister of Health on such matters relating to the prevention and control of noise; and
- (b) To advise local authorities on the discharge of their functions under this Act:
- 10 (c) To co-ordinate the activities of local authorities with the activities of voluntary associations and of the Department of Health in relation to the prevention and control of noise:
- (d) To promote researches, investigations, and evaluation of equipment in relation to the prevention and
- 15 control of noise.
- (e) To publish reports, information, and advice concerning the prevention and control of noise.
- (f) To receive and consider suggestions, complaints, and
- 20 representations from any person and to take such action (if any) thereon, within the scope of its functions, as it thinks fit.
- (g) To set standards to minimise the emission of any noise or vibration.

**5. Noise nuisance notices**—(1) Any local authority which  
25 is satisfied that a noise nuisance exists under section 3 of this Act, may serve a noise nuisance notice on the person by whose act, default or suffrance the nuisance arose or continued.

(2) The notice shall specify the noise which constitutes  
30 a nuisance, and shall, within a specified period within which the nuisance can practicably be abated, require the person on whom the notice is served to abate that nuisance and to execute such works and take such steps as may be necessary for that purpose.

**6. Appeal against notice**—Every person on whom a noise  
35 notice has been served may within 7 days or within the period specified in that notice appeal to the Magistrate's Court.

**7. Noise nuisance order**—A Magistrate, having heard an appeal pursuant to section 6 of this Act, and being satisfied that the alleged nuisance exists, or having been abated, is likely to recur on the same premises, may issue a noise nuisance order, requiring the person on whom the notice had been served, to comply with the requirements of that notice and to prevent a recurrence of the nuisance. 5

**8. Failure to comply with noise nuisance order**—Anyone who without reasonable excuse, fails to comply with, or knowingly contravenes a noise nuisance order shall be liable to a fine not exceeding \$1,000 and to a further fine not exceeding \$100 for each day after conviction on which the offence continues. 10

**9. Regulations**—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes: 15

- (a) To carry out the functions prescribed in section 4 of this Act:
- (b) Prescribing the constitution and regulating the procedure of the Council: 20
- (c) Making appointments to the Council:
- (d) Providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration:
- (e) To make provisions for exemption under any provision of this Act: 25
- (f) Prescribing the form and effect of notices and orders made under sections 5 and 7 of this Act.