

Laura Bowman

From: official information
Sent: Friday, 4 March 2022 11:34 am
To: [REDACTED]
Cc: official information
Subject: Final Response: LGOIMA 255802 - [REDACTED] - Information regarding Allied Security / Noise control procedures and figures re seizure and warnings

Kia Ora,

I refer to your **information request below**, Hamilton City Council is able to provide the following response.

You requested-

The noise control procedure where there is a complaint about noise at a business.

Our response-

On the first occasion a complaint about noise from a business activity is received, a noise control officer will investigate and will issue an excessive noise direction (a direction to abate excessive noise) to the occupier or other person responsible if the noise is assessed as excessive. The business must comply with the direction.

Council staff are notified of any complaint involving a business activity and the issue of any direction. They then make enquiries into the location of the business (zoning) and determine the applicable noise rules that may apply to that business, either in the district plan or imposed through conditions of any consent the business may have. Staff then contact the business to discuss the type of activity producing the noise emission, the likely on-going occurrence of the activity and noise emission and any applicable requirements the business must comply with.

Any continuing issues with noise emission from a business activity may require the recording of sound level measurements to determine compliance with the applicable noise limits. Any continuing non-compliance with noise limits may result in the issue of an abatement notice under the Resource Management Act 1991.

You requested-

How many visits within a 72-hr period before gear is seized.

Our response-

Within the 72-hr period that an excessive noise direction is 'in force'-

Property that is causing or contributing to the noise emission can be seized on the next visit after the issue of the direction if the noise control officer assesses the noise as excessive. If the noise is not assessed as excessive then no property is seized. Multiple visits may occur within the 72 hours with the noise control officer assessing the noise each time and taking the appropriate action based on the assessment.

You requested-

How many warnings before a 72-hr excess noise notice is given.

Our response-

If the noise is assessed as excessive by the noise control officer, then an excessive noise direction can be issued on the first visit. No 'warnings' are issued or required. The direction is the 'warning'.

You requested-

What is classed as a warning – is it a verbal warning when they get to a site.

Our response-

As stated above, the excessive noise direction is the 'warning'. It can be issued in writing or verbally. Where the noise is assessed as not excessive, the noise control officer may in some situations enter the property just to advise the person responsible that a complaint has been made so that the person is aware of the complaint and are given the opportunity to manage the on-going noise emission. However, this is NOT a verbal warning.

Other points you may wish to know regarding excessive noise directions (taken from sections 326 to 328 of the Resource Management Act 1991)-

- Excessive noise is noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort or convenience of any person
- An excessive noise direction is issued when a noise control officer assesses the noise as excessive in relation to the person who lodged a complaint
- The direction is issued to the occupier of the site or any other person responsible for the excessive noise
- The direction requires the immediate abatement of excessive noise and for a period of up to 72 hours after issue
- Every person who ought to know that a direction has been issued needs to comply with the direction, even if they were absent at the time of the issue of the direction
- Non-compliance can result in seizure of the noise-making property with the assistance of the Police without further notice and in the issue of an infringement fine or prosecution

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Kind Regards,

Official Information Team

Legal Services & Risk | People and Organisational Performance

Email: officialinformation@hcc.govt.nz



Full Details of Request (Required)

Comment: Comments: Hi there, can Allied Security please email me their noise control procedure for Hamilton when there is a complaint at a business? Also can you please answer the following questions: 1. How many visits within a 72 hour period before gear seized 2. How many warnings before a 72 hours excess noise notice is given 3. What is classed as a warning- is it a verbal warning when they get to the site? I can't find this information anywhere and Hamilton City Council referred me back to your company.