

# WAITAKERE CITY COUNCIL

## BYLAW NO. 24 1991

### CONSTRUCTION NOISE

Waitakere City Council, acting on behalf of the Mayor, Councillors and Citizens of the City of Waitakere HEREBY CONFIRMS by SPECIAL ORDER the following bylaw pursuant to the powers contained in the Local Government Act 1974, and the Standards Act 1965 and any other Act or authority in any way enabling the Council in that behalf.

#### **1** SHORT TITLE

The short title of this bylaw shall be the Waitakere City Council Bylaw No. 24, 1991 - Construction Noise.

#### **2** COMMENCEMENT

This bylaw shall come into force on the 11th day of March 1991.

#### **3** INTERPRETATION

The expression 'NZS' and 'NZSS' when used herein shall mean a specification declared by the Standards Council to be a New Zealand Standard Specification pursuant to the provisions of the Standards Act 1965.

#### **4** ADOPTION OF NZS 6803P: 1984

The Standard Specification known as NZS 6803P: 1984 is hereby adopted as the means of measurement and prediction of noise from construction work as that term is defined in that Standard Specification.

#### **5** ADOPTION OF STANDARDS BY REFERENCE

The following Standard Specifications are cited in NZS: 6803P: 1984 and are therefore incorporated by reference in this bylaw:

NZS 6801:1977 Methods of Measuring Noise

NZS 6802:1977 Assessment of Noise in the Environment

#### **6** NOISE LIMITS

6.1 No person undertaking construction work shall exceed the upper limits for levels of construction work noise received in residential areas set out in Table 1 of NZS 6803P: 1984.

6.2 Subject to paragraph 6.1 no person undertaking construction work in industrial or commercial areas shall exceed the upper limits for levels of construction work noise set out in Table 2 of NZS 6803P: 1974.

6.3 No person undertaking construction work shall exceed the upper limits for indoor noise levels created by construction work set out in Table 3 of NZS 6803P: 1984.

6.4 No person using explosives on a construction site shall exceed the peak overall sound pressure levels specified in Clause 5.1.2 of NZS 6803P: 1984.

**7 BREACH OF BYLAW**

Any person who shall do, or cause or allow to be done, anything in contravention of this bylaw, or who shall omit or neglect to do, or knowingly omit to remain undone, any matter or thing required under this bylaw, shall be deemed to have committed a breach thereof and shall be liable accordingly.

**8 PENALTIES FOR BREACH OF BYLAWS**

8.1 Every person who commits a breach of this bylaw is liable to a fine not exceeding \$500.00 and, where the breach is a continuing one, then to a further fine not exceeding \$150.00 for every day or part of a day during which the breach has continued.

8.2 The Council may, after a conviction for the continuing breach of the bylaw, apply to any Court of competent jurisdiction for an injunction to restrain the further continuance of the breach by the person so convicted.

**9 DISPENSATION**

The Chief Executive Officer of the Waitakere City Council or any officer of the Council so delegated by the Chief Executive Officer may upon application in writing authorise construction work in contravention of Clause 6 of this bylaw where he is of the opinion full compliance with Clause 6 would be attended with loss or inconvenience to any person without any corresponding benefit to the community and may impose such conditions as he or she considers appropriate.

The Common Seal of the )  
WAITAKERE CITY COUNCIL )  
was hereunto affixed pursuant to a )  
resolution of Council passed on )  
27 February 1991 in the presence of: )

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**CHIEF EXECUTIVE OFFICER**

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**MANAGER: FINANCE & ADMINISTRATION**