

STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY

POLICY RELATING TO THE IMPLEMENTATION OF THE PROVINCIAL NOISE CONTROL REGULATIONS PN 200/2013 (July 2018)

This policy replaces all previous policies in this regard and must be implemented with immediate effect.

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1. DEFINITIONS

In these regulations a word or expression to which a meaning has been assigned in the Noise Control Regulations PN200/2013, Environment Conservation Act, 1989 (Act 73 of 1989), or the

relevant Standards South Africa publication (SANS) has the meaning so assigned and, unless the context indicates otherwise –

“ambient noise” means the all-encompassing sound in a given situation at a given time measured as the reading on an integrated impulse sound level meter for a total period of at least 10 minutes;

“animal”, in relation to a person, means any animal in the possession or under the control of that person, and includes birds and poultry;

“authorised person” means –

- a) a designated person;
- b) a member of the service as defined in section 1 of the South African Police Service Act, 1995 (Act 68 of 1995);
- c) a municipal police officer, traffic official, law enforcement officer or traffic warden appointed under any law; or
- d) a person who has been declared a peace officer under section 334(1) of the Criminal Procedures Act, 1977 (Act 51 of 1977);

“complaint” means any written complaint submitted for any noise nuisance or disturbing noise.

“dBA” means the sound pressure level measured in decibels which is A-weighted to approximate the response of the human ear;

“designated person” means a person designated or appointed by a local authority in terms of Regulation 9 of the Western Cape Noise Regulations P.N. 200/2013;

“disturbing noise” means a noise, excluding the unamplified human voice, which –

- (a) exceeds the rating level by 7 dBA;
- (b) exceeds the residual noise level where the residual noise level is higher than the rating level;
- (c) exceeds the residual noise level by 3 dBA where the residual noise level is higher than the rating level; or
- (d) In the case of a low-frequency noise, exceeds the level specified in Annexure B of SANS 10103;

“emergency” means a situation that arises suddenly and involves imminent or actual-

- a) danger to persons, or
- b) damage to property or the environment and which demand immediate action.

“investigating officer” means a person designated or appointed by a local authority in terms of Regulation 9 of the Western Cape Noise Regulations P.N. 200/2013;

“local authority” means Stellenbosch Municipality;

“low frequency noise” sound which contains sound energy at frequencies predominantly below 100 Hz;

“model aircraft” includes an unmanned recreational aircraft, whether full size or scaled down;

“NEMA” means the National Environmental Management Act, 107 of 1998;

“noise nuisance” means any sound which impairs or may impair the convenience or peace of a reasonable person;

“noise sensitive activity” means any activity that could be negatively impacted by noise, including residential, healthcare, educational or religious activities;

“person” includes a juristic person and an organ of state;

“premises” means a piece of land or any building or part of a building, place of residence, tent or other structure;

“property projection plane” means a vertical or horizontal plane, whichever is applicable on a boundary line of premises defining a boundary of the premises in space;

“Province” means the Province of the Western Cape;

“public event” means any event –

- a) to which the public or any section thereof has access, including a show, music concert, festival, sports event or any similar event; and
- b) at which any amplified music is played or reproduced;

rating level” means the applicable outdoor equivalent continuous rating level indicated in Table 2 of SANS 10103;

“regulation/s” means the Western Cape Noise Control Regulations, PN200/2013;

“residual noise” the all-encompassing sound in a given situation at a given time measured as the reading on an integrating impulse sound level meter for a total period of at least 10 minutes, excluding noise alleged to be causing a noise nuisance or disturbing noise;

“responsible person” means:

- (a) any person who is or was responsible for, or who directly or indirectly contributed to, the cause of noise;
- (b) the owner of the premises from where the noise originates or originated from;
- (c) the person in control of the premise or any person who has or had a right to use the premises from where the noise originates or originated from.

“SANS 10103” means the latest edition of Standard South Africa publication No. 10103 titled “The measurement and rating of environmental noise with respect to annoyance and to speech communication”, as amended from time to time, or corresponding replacement;

“SANS 10117” means the latest edition of Standard South Africa publication No.10117 titled “Calculation and prediction of aircraft noise around airports for land use purposes” as amended from time to time, or its corresponding replacement as referred to in SANS 10328;

“SANS 10210” means the latest edition of Standards South Africa publication No.10210 titled “Calculating and predicting road traffic noise as amended from time to time, or its corresponding replacement”, as amended from time to time or its corresponding replacement;

“SANS 10328” means the latest edition of Standard South Africa publication No.10328 titled “methods for environmental noise impact assessments”, as amended from time to time or its corresponding replacement;

“SANS 658” means the latest edition of Standard South Africa publication No.658 titled “integrating-averaging sound level meters”, as amended from time to time, or its corresponding replacement;

“sound level” means the equivalent continuous rating level as defined in SANS 10103, taking into account impulse, tone and night-time corrections;

“vehicle” means any device designed or adapted mainly to travel on wheels or crawler tracks, whether self-powered or not, other than such a device which travels solely on rails, including–

- (a) a motor vehicle;
- (b) motorcycle;
- (c) an off-road vehicle, such as a scrambler, quadru cycle or dune buggy; and
- (d) a model vehicle;

“vessel” means any watercraft, including –

- (a) a jet ski;
- (b) a ski boat; and
- (c) a model vessel.

2. POLICY PURPOSE

The purpose of this policy is:

- a) To control and manage noise by the enforcement of the Western Cape Noise Control Regulations, PN200/2013;
- b) To initiate and sustain an effective administrative structure for the control of noise, including the keeping of statistics of all noise complaints;

- c) To engage with all spheres of government, adjacent Local Authorities and other agencies whose activities may influence or affect the control of noise;
- d) To initiate and maintain a Noise Mapping program; and
- e) To raise awareness about noise pollution and the health risks associated with environmental noise.

The designated Noise Control Office is responsible for the overarching administration and implementation of all items contained in this policy unless specified otherwise. The Municipal Law Enforcement will deal with all items, as listed below in terms of “noise nuisance” as promulgated in the By-Law on the Prevention of Public Nuisances and the keeping of animals.

3. COMPLAINTS (Flowchart 1)

Noise related complaints are to be dealt with in the following manner:

- a. Incoming complaints must be logged on the complaints register.
- b. The investigating officer must determine the nature of the complaint.
- c. If a disturbing noise is confirmed, the disturbing noise procedure (flowchart 2) applies.
- d. If a noise nuisance is confirmed, the noise nuisance procedure (flowchart 3) applies.

4. DISTURBING NOISE PROCEDURE (Flowchart 2)

- a. The investigating officer is to determine the nature of the noise, whether it is a noise nuisance or noise disturbance as defined in the Western Cape Noise Control Regulations.
- b. Should the residual noise level differ by more than 10 dBA from the rating level, apply the SANS rating tables.
- c. Should the noise level equal or exceed the rating level by 7 dBA, a written instruction must be issued on the responsible person to cease or mitigate the noise.
- d. Should the residual noise level differ by more than 10 dBA from the rating level, the disturbing noise test procedure must be executed;
 - i. exceeds the rating level by 7 dBA;
 - ii. exceeds the residual noise level where the residual noise level is higher than the rating level;
 - iii. exceeds the residual noise level by 3 dBA where the residual noise level is lower than the rating level; or
 - iv. in the case of low-frequency noise, exceeds the level specified in Annexure B of SANS 10103.
- e. Should any of the above be violated, then apply f-h.
- f. Issue a written instruction on the responsible person to cease or mitigate the noise.
- g. Notify the complainant of the outcome of the investigation.
- h. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 4(c) and (f).
- i. Should the complaint be solved, close the complaint and notify the complainant of such action.

- j. Should the complaint be unsolved, issue a summons on the responsible person.

5. NOISE NUISANCE PROCEDURE (Flowchart 3)

- a. The investigating officer must request the complainant to submit an affidavit in terms of Regulation 10(3).
- b. Should the complainant refuse or fail to submit a valid affidavit within 7 working days of submitting the noise complaint, the complaint may be closed.
- c. Should the complainant submit a valid affidavit, the investigating officer must validate the complaint.
- d. Should the investigating officer, after executing (c), confirm in his/her opinion that the noise does not constitute a nuisance the complaint may be closed after which the complainant must be informed accordingly.
- e. Should the investigating officer, after investigating the complaint, confirm in his/her opinion that the noise does constitute a nuisance, a written instruction must be issued on the responsible person to cease or mitigate the noise after which the complainant must be notified accordingly.
- f. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 5(e).
- g. Should the complaint be unsolved, issue an appropriate fine in terms of the Admission of Guilt Fines Guidelines or a summons.
- h. Should the complaint be solved, the complaint is to be closed and complainant notified accordingly.

6. MACHINERY IN RESIDENTIAL AREAS (Flowchart 4)

- a. The investigating officer must measure noise levels near the property projection plane for the exceedance of 50 dBA noise level or a noise level exceedance of the residual noise level of 5 dBA.
- b. In the case of no exceedance, close complaint and notify complainant accordingly.
- c. Should the sound level exceed 50 dBA or exceed the residual noise level by 5 dBA, issue written instruction on the responsible person to cease or mitigate the noise.
- d. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 6(c).
- e. Should sound level exceed 50 dBA after the follow-up inspection conducted in terms of 6(d) or exceed the residual noise by 5 dBA, issue appropriate fine in terms of the Admission of Guilt Fines Guideline.
- f. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 6(c).
- g. Should the complaint be solved and the requirements met, the complaint is to be closed and complainant notified accordingly.

- h. If the requirements were not met, issue a summons on the responsible person.
- i. Should the noise level not exceed 50 dBA or not exceed the residual noise level by 5 dBA, the complaint may be closed and the complainant notified accordingly.

7. NOISE EXEMPTIONS (Flowchart 5)

- a. The Municipal Department tasked with considering public events must consider the application to host such an event.
- b. The applicant applying for exemption of any aspect contained in the Western Cape Noise Control Regulations, PN200/2013, or this policy is to provide reasons for the application and must provide written comment from interested and affected parties.
- c. In the case that an exemption is granted the Municipal Department tasked with considering public events must prepare an exemption document with conditions applicable to such exemption.
- d. In the case that an exemption is denied the Municipal Department tasked with considering public events must prepare a refusal document with reasons for such refusal.
- e. A Noise Impact Assessment, at the cost of the applicant, may be requested in accordance with Western Cape Noise Control Regulations, 12(4)(c).

8. PLACES OF LATE-NIGHT ENTERTAINMENT (Flowchart 6)

- a. On receiving a noise complaint, the investigating officer must investigate the integrity of the existing soundproofing of the relevant place of late night entertainment in terms of disturbance noise or conditions imposed.
- b. Should the soundproofing comply to (a), the matter is closed.
- c. Should the soundproofing not comply, a written instruction must be issued on the responsible person to cease or to mitigate the noise.
- d. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 8(c).
- e. Should the sound proofing comply at the time of the follow up assessment, the matter is closed.
- f. Should the sound proofing of the premises fail to comply at the time of the follow up assessment the investigating officer should:
 - i. issue an appropriate fine in terms of the Admission of Guilt Fines Guideline,
 - ii. and/or refer to law enforcement for possible impoundment.
 - iii. and/or summons the responsible person to court.

9. LAND USE APPLICATIONS WITH NOISE IMPACT (Flowchart 7)

- a. Land use applications with a probability of causing noise nuisance or noise disturbance must be circulated to the designated Noise Control Officer for comment.
- b. The designated Noise Control Officer may impose noise abatement or noise mitigation measures to be implemented.

- c. The investigating officer may inspect the relevant premise after construction to determine compliance with instructions issued in terms 9(b).

10. GENERATOR SETS: SYNCHRONISED UNITS ONLY (Flowchart 8)

- a. Applications for the installation of synchronised generator units must be circulated to the designated Noise Control Officer for comment.
- b. The designated Noise Control Officer may impose noise abatement or noise mitigation measures to be implemented.
- c. Inspection of synchronised generator units must be conducted to establish compliance with instructions issued in terms 10(b).
- d. The applicant is to inform the Noise Control Officer after the relevant generator has been installed and is ready for inspection.
- e. If, during a site inspection it is found that the generator is in working order, noise measurements may be conducted.
 - i. The results of the noise measurements must be compared to the SANS rating levels.
 - ii. Should it be found that the noise is not causing a disturbance, the application may be approved.
- f. If the noise is found to be causing a disturbance, a written request must be issued for further sound proofing.
- g. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 9(f).
- h. If requirements are met, the application may be approved.
- i. If requirements are not met, section (f) to (h) must be repeated.

11. CONSTRUCTION NOISE (Flowchart 9)

- a. When dealing with building construction noise complaints, should the noise be within the permitted National Building Control Regulation hours, refer the complaint to Building Development Management Division for further processing, thereafter close the complaint to conclude the action taken.
- b. Should the noise not be within the permitted National Building Control Regulation hours, apply Flowchart 1: The Noise Complaint Procedure.

12. UNAMPLIFIED HUMAN VOICE (Flowchart 10)

- a. Should the noise in question be identified as human voice the Western Cape Noise Control Regulations 10(4)(b) should be applied.
- b. Should no noise nuisance be evident, the investigating officer must notify the complainant of the outcome and the complaint closed.
- c. Should the noise be identified as a noise nuisance, the investigating officer must establish if Anti-Social behaviour is associated. Should Anti-Social behaviour be

associated to the noise complaint, the investigating officer must hand the complaint to the Law Enforcement for further processing and the complaint closed.

- d. If a noise nuisance is confirmed, apply the Flowchart 1: Noise Complaint Process.

13. ANIMAL NOISE (Flowchart 11)

Should a complaint regarding animal noise be received:

- a. Apply flowchart 3: Noise Nuisance Process
- b. Apply flowchart 2: Disturbing Noise Process