

## The Noise Control Regulations

*South Africa's primary law on noise is the National Noise Control Regulations (1992), part of the Environmental Conservation Act. Some provinces have (as instructed) written their own version. These Regulations generally apply to external noise only and since they are the only legally enforceable ones we have, are good to know.*

The National Noise Control Regulations (NCRs) came out way back in 1992. In 1996, Schedule 5 of the Constitution devolved responsibility to the provinces to administer these regulations themselves. To date only three have done so: Western Cape, Gauteng and Free State. Some local authorities (e.g. Cape Town and NMBMM) have local noise control by-laws.

The nuances of all the legislations would fill many pages. This is a brief summary of the parts you need to know.

### Disturbing noise vs. noise nuisance

These are the two key concepts in all the NCRs. A disturbing noise is objective—a scientifically measureable noise level—and generally compared to the existing ambient noise level. A noise nuisance is a subjective measure and is defined as any noise that “disturbs or impairs or may disturb or impair the convenience or peace of any person”.

Unsurprisingly, it is the objective disturbing noise that is more easily enforceable in the Courts and must cease once identified. Noise nuisance complaints often go to Local Authority (LA) mediation and mutually acceptable, reasonable, solutions.

### Controlled Area

LAs use Controlled Areas to denote areas with high noise levels (somewhere between 60 dBA and 65 dBA from 06h00 to 24h00, depending on the province and the type of noise). There are restrictions on developments in these Controlled Areas, most notably that developers must show that internal noise levels will be below 40 dBA in their proposed resi, school, hospital and office buildings.

You show this by doing a Noise Impact Assessment, the most commonly requested noise report from the local Health Department.

### National vs provincial

The most important difference between the National and Provincial NCRs is the definition of a disturbing noise.

The significant 2013 revision of the Western Cape NCRs gives four separate definitions of a disturbing noise, depending on the residual noise level measured (i.e. the noise level without the noise being investigated), and the rating level for the district in SANS 10103. This definition needs careful application, and seems to be aimed and preventing “noise creep”.

The National NCRs define a disturbing noise as any noise level 7 dBA above ambient, while the Free State NCRs set the bar at 5 dBA. Remember that 5 dBA is added to any noise with a “discernible pitch”, which means a hum, drone, whistle, etc. and most notably music. If the noise has this discernible pitch, the limits effectively become 2 and 0 dBA respectively.

**“A disturbing noise is objective ... a noise nuisance is subjective.”**

Gauteng's NCRs on the other hand use “noise zones”, which are either defined by the LA or by Table 2 in SANS 10103. Note that these values may not reflect the existing ambient noise level so may require that you

achieve a noise level well below (or above!) the existing ambient level. It is critical to get the LA to define your development's zone noise level in writing so you have a defined target to design to.

### Next issue: Controlling environmental noise

In issue 6 we will look at how to control environmental noise. There are a few very cheap and effective ways of reducing environmental noise (notably distance and screens). There are also some useful rules of thumb to bear in mind when laying out your development or choosing a position for that noisy standby generator.

### SRL: we've got your back

Whether you're planning a development in a noisy area or installing potentially noisy equipment, we have the expertise and experience to help you control the noise reliably and cost effectively. It's quicker and cheaper to do it now, rather than once the project is finished, your plant is running, and the LA knocks on your door with a Notice of Noise Disturbance and that R20k fine.

Call us on +27 21 680 5305 or email [srl@srlsa.co.za](mailto:srl@srlsa.co.za).