

**ABATEMENT NOTICE  
SECTION 324, RESOURCE MANAGEMENT ACT 1991**

TO: s7(2)(a) Privacy

**The Palmerston North City Council gives notice that you must take the following action:**

Cease all construction work outside the permitted hours outlined in the New Zealand Standard for Construction Noise.

**The location in respect of which this abatement notice applies is:**

2 Te Pirangi Way, Palmerston North

**You must comply with this abatement notice within the following period:**

Immediately

**This notice imposes the following further conditions:**

Nil

**This notice is issued under:**

The Resource Management Act 1991, Section 322(1)(b)(i)

An abatement notice may be served on any person by an enforcement officer—

(b) requiring that person to do something that, in the opinion of the enforcement officer, is necessary to avoid, remedy, or mitigate any actual or likely adverse effect on the environment—

(i) caused by or on behalf of the person;

**The reasons for this notice are:**

On 13<sup>th</sup> February 2026, Palmerston North City Council (PNCC) received a noise complaint. The complaint referred to a concrete pour being undertaken as part of a new house build at 2 Te Pirangi Way. The call was received at PNCC at 3.57am. As part of the complaint I visited the site at 10.30am on 13<sup>th</sup> February 2026 and spoke with the site foreman who confirmed they had poured concrete at around 4am that morning primarily to avoid the heavy rain forecast for that afternoon.

The New Zealand Standard for Construction Noise sets the following noise limits for the residential and rural zones –

Table 2 – Recommended upper limits for construction noise received in residential zones and dwellings in rural areas

Time of week	Time period	Duration of work					
		Typical duration (dBA)		Short-term duration (dBA)		Long-term duration (dBA)	
		$L_{eq}$	$L_{max}$	$L_{eq}$	$L_{max}$	$L_{eq}$	$L_{max}$
Weekdays	0630-0730	60	75	65	75	55	75
	0730-1800	75	90	80	95	70	85
	1800-2000	70	85	75	90	65	80
	2000-0630	45	75	45	75	45	75
Saturdays	0630-0730	45	75	45	75	45	75
	0730-1800	75	90	80	95	70	85
	1800-2000	45	75	45	75	45	75
	2000-0630	45	75	45	75	45	75
Sundays and public holidays	0630-0730	45	75	45	75	45	75
	0730-1800	55	85	55	85	55	85
	1800-2000	45	75	45	75	45	75
	2000-0630	45	75	45	75	45	75

The Councils District Plan sets out the following noise rule –

#### **R6.2.6.2 1. Exclusions from Noise Control Rules**

g. Sounds generated by construction, maintenance and demolition activities, and, additionally, sounds generated by soil conservation and river control works carried out or supervised by the Manawatu-Wanganui Regional Council in the Flood Protection Zone, shall be assessed, predicted, measured, managed and controlled by reference to NZS6803:1999 Acoustics – Construction Noise.

This means that the New Zealand Standard for Construction Noise is used to assess the noise rather than the Councils District Plan. I, Stephen McNicholl, am satisfied that a non-compliance with the above Standard has occurred as outlined above as the noise generated by the concrete pouring should have occurred after 7.30am to comply.

**If you do not comply with this notice, you may be prosecuted under Section 338 of the Resource Management Act 1991 (unless you appeal and the notice is stayed as explained below).**

**You have the right to appeal to the Environment Court against the whole or any part of this notice. If you wish to appeal, you must lodge a notice of appeal in form 49 with the Environment Court within 15 working days of being served with this notice.**

**\*An appeal does not automatically stay the notice and so you must continue to comply with it unless you also apply for a stay from an Environment Judge under Section 325(3A) of the Resource Management Act 1991 (see form 50). To obtain a stay, you must lodge both an appeal and a stay with the Environment Court.**

**You also have the right to apply in writing to the Palmerston North City Council to change or cancel this notice in accordance with Section 325A of the Resource Management Act 1991.**

The Palmerston North City Council **authorised the enforcement officer who issued this notice. Its address is:** Palmerston North City Council, Private Bag 11034, The Square, Palmerston North 4442, New Zealand

The enforcement officer is acting under the following authorisation: A warrant of authority issued by the Palmerston North City Council, pursuant to section 38 of the Resource Management Act 1991, authorising the officer to carry out all or any of the functions and powers as an enforcement officer under the Resource Management Act 1991.

Section 7(2)(a) Privacy



\_\_\_\_\_  
Stephen McNicholl  
(Signature of enforcement officer)

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16 February 2026

LGOIMA SRC0430466 provided to Rob Elshire 12/6/2026