

Proposed Marlborough Environment Plan

**Section 42A Hearings Report for Hearing Commencing
12 November 2018**

Report dated 12 October 2018

**Addendum to Report
Dated 5 October 2018
Report on submissions and further submissions on
Topic: 18 - Nuisance Effects/Temporary Military
Training (Noise)**

**Report prepared by
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List of Submitters

NZDF

New Zealand Defence Force

Section 42A Report Addendum: Chapter 18: Nuisance Effects / Temporary Military Training (Noise)

Introduction

1. My name is Nevil Ian Hegley. I am an Acoustic Engineer from Hegley Acoustic Consultants, based in Auckland. My qualifications and experience are as set out in my Section 42A Hearings Report for Hearing Commencing 12 November 2018 and dated 5 October 2018.

Code of Conduct

2. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it.
3. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
4. I am authorised to give this evidence on the Council's behalf.

Scope of Hearings Report Addendum

5. The New Zealand Defence Force submission 992.55 was assessed and the recommendation to modify Rule 2.42 (and consequently Rule 2.41) plus the recommended decisions on decisions requested included in the Section 42A report but the details of the submission and assessment was not included. This addendum sets out the missing submission and assessment.

Submissions

Point 992.55 - Submission and Assessment

CHAPTER 2, GENERAL RULES

Submission	Submitter	Rule	Submission	Comment
992.55	New Zealand Defence Force	2.24.1.3	Noise levels of a short duration generated as part of a temporary military training activity must not exceed the following: NZDF is undertaking a nationwide project to seek TMTA specific noise provisions to be included in District Plans. As activities are uniquely military in nature, it is appropriate to have specific TMTA provisions to address their effects. To this end, NZDF has developed a set of noise standards specific to TMTAs, to replace those	There is no justification given to expose the community to potentially random high noise levels, including the potential use of explosives that significantly exceed the proposed Plan noise limits. The submission to delete Rule 2.42 (and as

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Submission	Submitter	Rule	Submission	Comment
			<p>currently included in district plans. For weapons firing and explosives, the TMTA noise provisions work by using separation distances from sensitive receivers. NZDF's provisions are attached as Attachment A to this submission.</p> <p>Delete Standard 2.42.1.3 and replace with the noise standards developed by NZDF specifically for TMTA activities, attached as Attachment A to this submission</p>	<p>a consequence, Rule 2.41) is agreed with.</p> <p>The request to adopt Attachment A to this submission is not supported as:</p> <p>i) The proposed levels for weapon firing is well in excess of the noise rules for all zones and potentially cause unreasonable noise and make it impractical to sleep;</p> <p>ii) there is no justification to adopt NZS 6803:1999 Acoustics – Construction Noise for mobile noise sources not related to construction activities at such high levels for an unspecified duration;</p> <p>iii) there is no justification of adopt a level for fixed noise sources other than that set in the MEP for the relevant zone;</p> <p>iv) the use of NZS6807:1994 <i>Noise Management and Landing Use Planning for Helicopter Landing Areas</i> was developed for helipads that have been fully assessed, not “one off” events without a specific assessment of the effects.</p>

Recommendation

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for “A” is difficult to locate.

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This recommendation is set out in the original S42A report and repeated here to confirm the recommendation.

- a) Delete Rule 2.42 (and consequently Rule 2.41)

Temporary Military Training Activity

Other General Rules contained in Chapter 2 may apply in addition to any relevant zone rules.

2.41. Permitted Activities

Unless expressly limited elsewhere by rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.42:

2.41.1 Temporary military training activity.

2.42 Standards that apply to specific permitted activities

2.42.2 Temporary military training activity.

2.42.1 The activity must be limited to a period not exceeding 31 days.

2.42.2 Permanent structures must not be constructed.

2.42.3 Noise levels of a short duration generated as part of a temporary military training activity must not exceed the following:

- (a) Noise levels measured from a line 20m from, and parallel to, the nominal boundary of any dwelling or the legal boundary where this is closer to the dwelling must not exceed the following limits:

Time	Limits (DBA)		
Any Day	L ₄₀	L ₉₅	L _{MAX}
6:30 am – 7:30 am	60	45	70
7:30 am – 6:00 pm	75	60	90
6:00 pm – 8:00 pm	70	55	85
8:00 pm – 6:30 am	55		

2.42.1.4 Impulse noise resulting from the use of explosives, explosives simulators small arms must not exceed 122dB_C.

Appendix A – Recommended decisions on decisions requested

This recommendation is set out in the original S42A report and repeated here to confirm the recommendation

Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
992	55	New Zealand Defence Force	Volume 2	2 General Rules	2.42.1.3.	Accept in part