

Proposed Marlborough Environment Plan

Minute of the Hearing Panel

Minute 59

To: Paul Whyte, Section 42A Report Writer – Nuisance Effects

Cc: Nevil Hegley, Section 42A Report Writer – Nuisance Effects (Noise)

1. In Minute 54 as the most efficient and effective solution in respect of noise reporting difficulties that had arisen, the Hearing Panel had requested that you jointly prepare a set of final recommended amendments on a tracked changed basis with reference to the source submission relied upon for scope.
2. The Panel is grateful for the response that was provided which the Panel has considered. However, as a result of that detailed consideration some other issues have been identified which still require further clarification as referencing back to the original Section 42A report and the final Section 42A reports by Mr Hegley does not provide the answers.
3. Those issues are as follows:
 - (i) At page 3 of the joint response in relation to rule 3.2.4.1 reductions are proposed in dB levels for two categories but reference to the submission number provided 1039.114 does not when checked appear to show any request in that submission to reduce the dB levels as recommended. Can the reasons for that reduction and the scope for that by way of a submission request be provided. It may be that the difference between the two National Standards provides the answer but that is not clear to the Panel at the moment on the material it has.
 - (ii) The same issue arises in respect of the reductions recommended at rule 4.2.3.1.
 - (iii) In relation to rule 3.3.5.1, subclause (c) is recommended to be deleted. Again checking against the submission relief sought in the submission that is referred to, being 769.98, does not appear to provide scope. Once more could reasons for the proposed deletion be provided and for scope purposes a submission reference to that specific relief sought in a particular submission.
 - (iv) In many rules the A qualifier to the dB level is recommended to be removed and in other locations it is recommended to be inserted. Can an explanation be provided as to why that has occurred and reference be provided to the

submission or submissions which provide scope for those recommendations. A good example of that contrast is found at Chapter 13 for the Port Zone and Chapter 14 for the Port Landing Areas. In the former the A is recommended for inclusion and in the latter it is recommended for deletion. Another example appears at Chapter 22 in relation to the Lake Grassmere Salt Works Zone where at varying times of the day the A factor is recommended to be deleted or included.

4. The Panel requests that again on an agreed joint basis responses are provided as soon as possible to those issues.
5. The Panel would wish to receive that report if possible by Monday 29 April, 2019 for its deliberations that week. It appreciates that the timing will depend on the present availability of both Mr Whyte and Mr Hegley.
6. If there is a difficulty with the date could you please liaise with Mr Pere Hawes to fix on another suitable date which can fit into the Hearing Panel's increasingly compressed deliberation meetings schedule as it seeks to conclude its deliberation process.

Dated 12 April 2019

A handwritten signature in black ink, appearing to read 'T Hook', with a small dot at the end.

Councillor Trevor Hook

Chair of the MEP Hearing Panel