

**SUBMISSION ON PRIVATE REQUEST FOR PLAN CHANGE TO THE
SELWYN DISTRICT PLAN (RURAL VOLUME)**

PLAN CHANGE 43 – SYNLAIT EXPANSION

To: Selwyn District Council
PO Box 90
ROLLESTON, 7643

Submitter: Philip Hindin, Yuying Wan
Unit 4 – 17 Wise Street
CHRISTCHURCH 8024
Phone 021 351 001 (+86 151 2252 6576)
Email: pjhindin@globe.net.nz

Trade Competition Declaration

**The Resource Management Act requires you to declare any trade advantage you may gain through this submission.*

I could gain an advantage in trade competition through this submission No

I am directly affected by an effect of the subject matter of the submission that adversely affects the environment. Yes

I am directly affected by an effect of the subject matter of the submission that does not relate to trade competition or the effects of trade competition. Yes

Hearing Options

Do you wish to be heard in support of your submission? Yes

If others are making a similar submission would you consider presenting a joint case with them at the Hearing? Yes
You can change your mind once the hearing date has been notified.

Submission

We support the establishment of a Dairy Processing Management Area with the exception of the proposed Noise Control Boundary.

We oppose the proposed Noise Control Boundary (as shown on the Outline Development Plan, Appendix 26A).

Our property is on the opposite side of State Highway 1 adjacent to the Synlait plant and is RS 14478 (the triangular shaped section bounded by State highway1, Sharlands Road, and the Old South Road).

As proposed, the whole of my property falls within the Noise Control Boundary, triggering compliance with proposed Rural Rule – Buildings 3.13.6. This rule applies to a new dwelling and requires compliance with a specified level of noise insulation and installation of a ventilation system.

We believe that companies generating noise should be responsible for control of noise and should ensure that the noise does not exceed the limits appropriate to the area at the boundary of the property owned by the noise generating company.

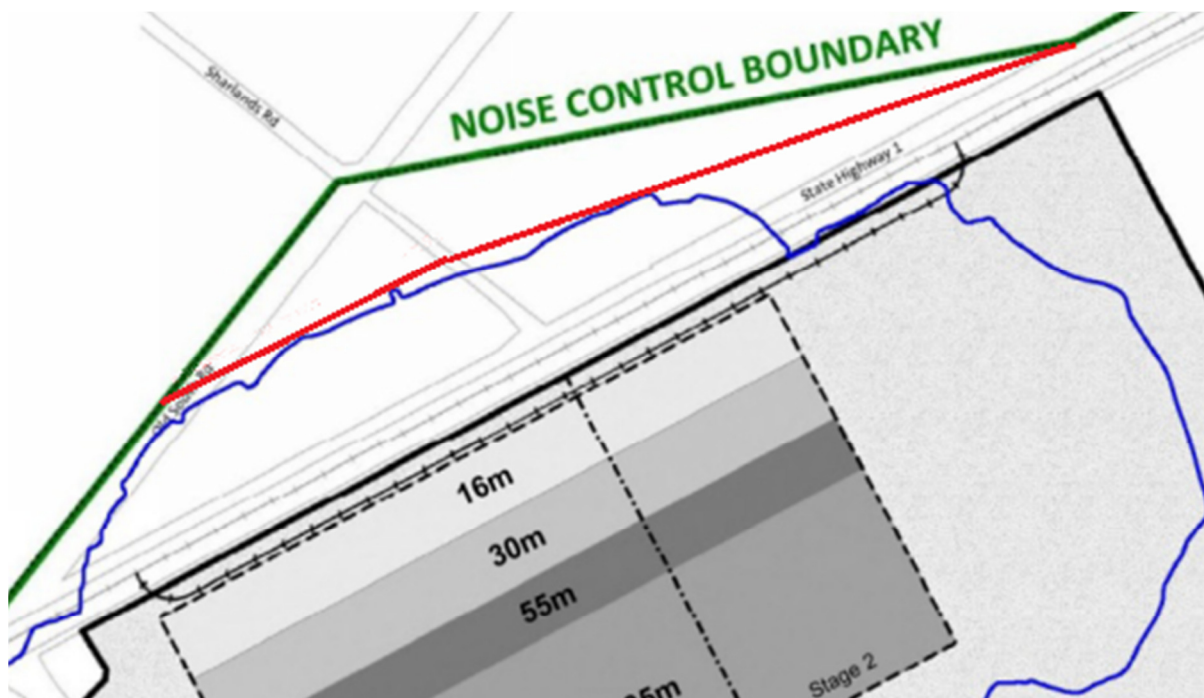
Noise limits for the Selwyn District Rural zone are established in the district plan and there have also been noise limits specified for the Synlait plant in existing consents. We do understand the desire for a business to be able to establish long term security in their operation's location. We are also mindful of the problems for a company and the council with reverse sensitivity effects, but note that there is no reverse sensitivity when an activity does not produce adverse effects on the neighbouring environment.

We do not think that the operation of the Synlait milk plant can be compared to an airport or similar noise generating operation which has obvious general public benefits. A noise control area or boundary established for an airport operation does increase the costs for a few people in establishing sensitive activities but allows benefit to thousands.

It should be noted that Synlait had given us advanced notification of their desire to have a noise control boundary established and that it was proposed to cover our entire property. They have been pragmatic in understanding that it may cause us increased cost and have offered some compensation to offset this.

We have also looked at detail implications in the event that the Selwyn District Council believes that a noise control boundary should be established.

We note that the predicted noise contour, as modelled by Marshall Day (and as shown in blue on the following plan), does not affect the whole of our property. The proposed Noise Control Boundary, rather than strictly following the predicted noise contour, has been drawn to follow the road (as shown in green on the following plan):



Consequently, the whole of our property is affected by the proposed Rural Rule – Buildings 3.13.6, even though it is not anticipated that the whole of our property will be adversely affected.

We understand that the Noise Control Boundary line was drawn to follow the road for convenience.

I (Philip Hindin) have had discussions with the principle of Marshall Day Christchurch Office, Mr. Stuart Camp, who was also the author of the noise report lodged with Selwyn Plan Change 43. He indicated that a noise boundary clear of the 45 dB contour (blue line on the diagram above) parallel to State Highway 1 would be an acceptable alternative. This alternative boundary is shown as a red line on the above diagram. (It should be noted that our discussion only related to the boundary crossing my property and the continuation of that line through the neighbouring property is based on my assumptions not discussions with Stuart Camp.)

We seek the following decision from the Council for the following reasons:

We request that the Council considers whether noise control is primarily the responsibility of the generator of that noise and if so that the noise generator should be responsible for ensuring that noise is reduced to acceptable limits at the boundary of the noise generator's property. If the Council agrees with this rationale then a Noise Control Boundary need not be established.

If the Council does believe that it is necessary to establish a Noise Control Boundary we request that the Council amend the proposed ODP so that the Noise Control Boundary more accurately reflects the predicted noise effects on my property. We request that the Council use the red line on the above plan as an approximation of my request.

We acknowledge that Council may also wish to specify the setback distance from my property boundary to the Noise Control Boundary for the purposes of monitoring – as has been shown for property on Heslerton Road on the proposed Outline Development Plan.

If the Council does believe a Noise Control Boundary is required then the proposed clause 3.13.1.6 (Plan Change 43 Appendix 1) should be written to specify the noise reduction performance required and the means of verification. Reference to ventilation is unnecessary as this is already required by the Building Code and notes intimating acceptable solutions may blind consideration of technologically innovative solutions.

The reasons for this request are:

- Existing consents already place controls on noise emitted by the Synlait operation and these have the effect of designating a noise boundary at the Synlait property perimeter.
- Our property is adjacent to State Highway 1 and the main trunk railway line which generates substantial noise which we are, and any future purchasers of this property must be completely aware of.
- If a Noise Control Boundary over our property is considered necessary by Council, the red line drawn on the diagram above is more accurate in respect of anticipated effects.
- The red line enables the construction of a dwelling on the property without having to meet additional noise requirements. The north east corner of the property is the logical position for a dwelling away from State Highway 1, the main trunk railway and the Synlait plant.
- Moving the line does not impose any new or greater restrictions on Synlait as the red line remains outside the modelled noise contour.

Signed: Philip John Hindin, Yuying Wan

Dated this 30th day of July, 2014.