

Memorandum

To: Ben Rhodes, Harrison Grierson

CC:

From: Jeremy Trevathan, Acoustic Engineering Services

File Reference: AC16218 – DW426 – 02 – R1

Date: Thursday, 23 February 2023

Project: Proposed Selwyn District Plan – Response to Ellesmere Rezoning Evidence

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Meeting

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Dear Ben,

A request has been made to amend the zoning of Lots 1 and 2 DP74807 and Lot 1 DP305456 from General Rural to Large Lot Residential as part of the Proposed Selwyn Plan process. I provided a peer review letter AC16218 – 09 – R2 dated 1 February 2023 which related to an acoustic report dated 3 August 2022 prepared by Altissimo Consulting, and a brief of evidence prepared by Michael Smith on behalf of PB and JC Nahkies also dated 3 August 2022 addressing the potential associated noise effects.

I have now been asked to provide comment on a further brief of evidence provided by Michael Smith dated 17 February 2023. The Smith evidence (and section 42A report) refers to an earlier version of our letter with a draft watermark which was dated 30 September 2022 and signed by James Boland, a former employee of AES. The finalised letter dated 1 February 2023 appears on the Selwyn District Council website and is the same as the draft in all matters of substance, and signed by myself.

My 1 February 2023 letter concluded “*The main area of concern is the possibility that the development could create a reverse sensitivity risk for the existing Ellesmere Transport activity and constrain that activity. We therefore support the addition of a buffer area to the east end of the development site (together with the proposed noise barriers) to help mitigate that risk.*” In his 17 February 2023 evidence, Mr Smith reiterates his view that just a barrier, and not a buffer, is appropriate.

One point Mr Smith makes is that the ‘shadow zone’ close to the barrier will actually be the location where residential development is most protected (paragraph 8). However, the figure 8 modelling in the 3 August 2022 Altissimo report demonstrates that noise flanking around the ends of the barrier dominates at several potential future residential lots, such that the ‘shadow zone’ is very narrow.

The more substantive issue is that the 3 August 2022 Altissimo report states (in relation to Ellesmere Transport) “*We are not aware of the details of specific noise limits for this site authorised through a resource consent. In the absence of this, the permitted activity standards shown in Table 3 would apply to Ellesmere Transport.*” and the figure 8 modelling then shows Ellesmere Transport would not comply with the limits which a new nearby Residential zoning would introduce (even with a barrier) – as the limits are 5 dB more stringent than those for Rural dwellings, and apply at the zone boundary, which is much closer than the

notional boundary of the closest existing Rural dwelling. In paragraph 7 of his 17 February 2023 evidence, Mr Smith sets out his view that this non-compliance is likely to go undetected and so have no effect, as the new residents are unlikely to complain, and therefore the council is unlikely to ever investigate.

That does not seem to be a satisfactory issue to 'build in to' a new District Plan, and my experience is that residents in the Selwyn District do sometimes complain about neighbouring industrial operators, even when there is other general road and rail noise in the area. As per our letter, there is uncertainty as to the actual noise emissions from Ellesmere Transport, and how conservative the Altissimo Consulting analysis is. I am also unsure if the Altissimo assertion that Ellesmere Transport would need to comply with the new noise limits is correct.

However, as it stands, the Altissimo Consulting modelling clearly shows a barrier plus buffer (where the Residential noise limits do not apply) will be required to ensure Ellesmere Transport are not put in a situation where they are operating in breach of the new restrictive noise limits at the new Residential zone boundary and would risk enforcement action or a legal process to demonstrate existing use rights and/or compliance with section 16. Regardless of the outcome, my understanding that that being drawn into those processes could be considered to be a 'reverse sensitivity effect' in action.

I therefore continue to support the suggestion in the s42A report that should the rezoning request be accepted, the ODP should be amended to identify a need to consider a buffer along the eastern boundary, in combination with the noise barrier.

Kind Regards,



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