

**BEFORE THE SELWYN DISTRICT COUNCIL**

***Under:*** the Resource Management Act 1991  
***In the matter of:*** an application to change the Selwyn  
District Plan (PC50) by Fonterra Limited

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**STATEMENT OF EVIDENCE OF NICOLA JOANNE RYKERS**

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## INTRODUCTION

- 1 My name is Nicola Joanne Rykers.
- 2 I am a Director of Locality Ltd, a company I established in 2016 to provide planning consultancy services. Prior to that I have held the positions of Director of Urban Design and Engagement at the Central City Development Unit of the Canterbury Earthquake Recovery Authority (CERA), and was previously a Partner of Boffa Miskell Limited, a planning, design and ecology consultancy.
- 3 I have a Bachelor of Regional Planning (Honours) degree and I am a full member of the New Zealand Planning Institute.
- 4 I have practiced in the planning profession for nearly 30 years, working on a broad range of projects that have included district plan policy analysis and preparation, the development of rules, the scoping and preparation of environmental assessments and resource consents, and processing of resource consents and plan changes. I have provided planning advice and services to Synlait since 2010 (excluding my time at CERA), which has included preparing resource consents as well as Plan Change 43 (PC43) which established the Dairy Processing Management Area (DPMA).
- 5 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court's Practice Note 2014. This evidence has been prepared in accordance with this Note and I agree to comply with it.
- 6 I have been engaged by Synlait Milk Ltd (Synlait) to provide planning evidence in support of its submission to Plan Change 50 (PC50). Synlait supports PC50 as notified. Its submission states:  
  
*The introduction of a DPMA over the Fonterra site is appropriate as the processing plant is already established and operational, is located within the rural zone and effects associated with the activity are already well understood and can be managed through the proposed provisions. The introduction of a DPMA will assist with efficient use of the existing resources.*
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- 8 My evidence will provide a brief overview of the purpose of the DPMA and the effectiveness of its provisions in relation to Synlait's site since PC43 became operative.
- 9 In preparing my evidence I have reviewed the s42A report prepared by Ms Foote and the evidence of Mr Chrystal. I note that I also attended the joint conferencing session attended by the planning and air quality experts.

## BACKGROUND

- 10 The primary reasons that led Synlait to apply for PC43 which established the DPMA included:
- The rapid growth in dairying within the Selwyn District and the Canterbury Region resulting in the need for infrastructure to support production being in “catch-up” mode. In other regions across New Zealand where dairying is a long-established land use there are numerous examples of dairy plants with their own zones and planning rules.
  - From its establishment in 2006, Synlait had relied on a rolling sequence of resource consents, of which there had been approximately 18 by 2013. Relying on resource consent processes is not ideal from an administrative perspective and can complicate monitoring, as well as imposing uncertainties (for Synlait, Council and the community), and incurring costs and delays.
  - The provisions of the Operative District Plan prior to PC43 were focused on controlling the built form of much smaller rural accessory buildings and dwellings. Once the Plan had reached Rural Zone site coverage limits, it became necessary to seek consents for even very minor building works. However, when assessing new plant at the Synlait site, the policies, rules and assessment matters provided no guidance on what is appropriate or acceptable development in respect of a dairy plant. The DPMA provides a method to assess or determine measurable or meaningful effects on the surrounding environment beyond the immediate Plant.
  - Dairy processing activities require surrounding rural land to support the ancillary discharges from plant operation, such as the condensate water, which is evaporated off during the drying process. The dual use of plant water for irrigation, meets the efficiency provisions under the RMA but would be inconsistent with an industrial or business zoning where the high land value anticipates more intensive land use to be established on adjoining land.
  - Given the level of investment in the Synlait site it was uneconomic and unrealistic to expect that dairy processing activities would move to an industrial zone or alternative sites. Typically dairy plants need to be convenient and accessible to the supply catchments they serve and are stand-alone, large facilities located in rural areas.
- 11 The provisions of the DPMA were carefully prepared. Looking into the future, the exact range of dairy product being processed and the scale of development cannot be certain, however the DPMA provisions were informed by the height and scale of existing plant expanded over the site, existing traffic patterns and the content of conditions imposed on resource consents previously granted. Experience from the 18 resource consents that had already been approved also demonstrated it was only

where developments or activities increased processing or storage capacity on the site that was there any meaningful or measureable change in landscape, traffic or noise effects generated. Small scale changes had minor or no effects relative to the existing environment.

- 12 The demand for dairy products can be expected to fluctuate over time and other factors relating to innovation or diversification in the industry, operational requirements and the size of the catchment served by the Plant will all influence its final scale. In my opinion, the planning approach to the DPMA provisions has managed to effectively balance enabling of the on-going operation of the dairy plant with some degree of certainty or setting of its maximum built outcome.
- 13 At the time that the application for PC43 was lodged, it was acknowledged that existing consents for discharges to air or ground would potentially need to be varied or new consents obtained as the plant developed or changed over time. These consents typically require detailed design of the particular systems involved in order to demonstrate compliance with the relevant Plans. In addition, it can be expected that over time improved technologies and practices would become available and be incorporated into those designs. Accordingly, it was accepted that it was impractical to try and guess the nature of these future processes and there was no discussion of these matters at the hearing for PC43.

## **SUBMISSION**

- 14 How the DPMA provisions are structured within the Operative Plan is a matter of importance. The Operative policies are applicable to both Synlait and Fonterra, with “generic” rules contained in the main body of Appendix 26 and site specific rules located on the respective Outline Development Plans (ODPs). Synlait supports PC50 as notified and would be concerned if there were to be any significant or fundamental changes made to the generic set of rules (i.e., those not contained in the ODPs) through the PC50 process. Such changes would potentially impact on Synlait’s site and may not be appropriate to its operational environment. Additionally, Synlait would be concerned if the Operative policies were to be subject to any amendments.
- 15 Since PC43 was made operative Synlait has been able to test the effectiveness of the DPMA provisions through plans for a new wet-mix facility. This project involves the construction of a new (small) facility to process higher end products from existing manufacturing processes. Prior to PC43 this would have required a resource consent but a compliance check against the performance standards determined that it was able to proceed without this step.
- 16 Less successfully, the District Council has recently approved a new dwelling (on land not owned by Synlait) within the Noise Control Boundary limits. It appears that Council’s

attention was not drawn to Rule E26.1.18 which would have required specific internal acoustic design for this dwelling. This reflects the absence of any notation on the planning map which would direct someone to look at Appendix 26A. On this basis Synlait is supportive of the suggestion by Mr Chrystal to add a notation or reference on the planning map to ensure that in the future Council officers capture this requirement. In my opinion, this could be treated as a minor amendment for the purpose of clarification and note that it would make no change to the actual rule.

- 17 Mr Chrystal has also suggested a minor amendment to the heading for Access Design and corrected a number of minor typographical errors. I would similarly consider these to be minor amendments which clarify the intent or administration of the Plan and make no substantive changes to the generic rules as they apply to the Synlait site.

## **CONCLUSION**

- 18 Having regard to the matters discussed throughout this evidence, I support the submission of Synlait Milk Ltd that PC50 is an efficient and effective mechanism for the management of dairy processing activities within the Selwyn District rural zone and that PC50 be recommended for approval with only those minor amendments as proposed by Mr Chrystal.