

**BEFORE THE HEARING COMMISSIONERS
FOR THE WAIKATO DISTRICT COUNCIL**

Under the Resource Management Act

In the matter of Hearing 5: Definitions in the Proposed Waikato District Plan

Submission by **SYNLAIT MILK LIMITED**

LEGAL SUBMISSIONS ON BEHALF OF SYNLAIT MILK LIMITED

4 December 2019

Duncan Cotterill
Solicitor acting: Ewan Chapman
PO Box 5, Christchurch 8140

Phone +64 3 379 2430
Fax +64 3 379 7097
ewan.chapman@duncancotterill.com

BACKGROUND TO SUBMITTER

- 1 Synlait Milk Ltd (**Synlait**) is a leading New Zealand dairy processing and export company with supply farms, processing plant and other facilities located across the country. It is a listed New Zealand company, incorporated in 2005, to offer an alternative in the milk-processing industry.
- 2 Synlait produces a range of nutritional milk products to domestic and international markets. It exports to 53 countries and is a key provider of products in the infant nutrition and dairy ingredients supply chain.
- 3 Synlait has processing facilities at Dunsandel and Temuka in Canterbury, as well as a blending and packaging facility in Auckland and a research and development centre at Massey University in Palmerston North. However, relevantly for this plan review process, Synlait has recently commissioned a processing facility at Pokeno in Waikato.
- 4 There is still potential for further development on the Pokeno site. Therefore, Synlait's submissions are to address both the existing infrastructure on site, and to ensure that the District Plan framework provides for heavy industry appropriately on that site.
- 5 Synlait has developed an integrated supply chain from farm production through to processing, and this allows the company to provide a consistently high standard of product. Synlait has 257 supply farms, with 201 in Canterbury and 56 in Waikato and runs a certified best-practice dairy farming programme, Lead With Pride™ which supports its suppliers in achieving farming excellence.

SYNLAIT'S INVOLVEMENT IN THE WAIKATO DISTRICT PLAN REVIEW

- 6 As outlined above, Synlait has recently commissioned a processing facility at Pokeno. Therefore, Synlait is critically interested in those aspects of the District Plan Review that will impact on the use of that site for milk-processing purposes.
- 7 As well as the Definitions chapter, Synlait has submitted on:
 - 7.1 Chapter 4 (Urban Environment);
 - 7.2 Chapter 5 (Rural Environment);

- 7.3 Chapter 6 (Infrastructure and Energy – objectives and policies);
- 7.4 Chapter 10 (Hazardous Substances and Contaminated Land);
- 7.5 Chapter 14 (Infrastructure and Energy - rules);
- 7.6 Chapter 21 (Industrial Heavy Zone); and
- 7.7 Chapter 22 (Rural Zone).

SUMMARY OF LEGAL SUBMISSIONS

- 8 These legal submissions will address the following matters:
 - 8.1 The approach to the National Planning Standards outlined in the s42A Officers Report (**the Officer’s Report**).
 - 8.2 Definitions which Synlait supported in its submission;
 - 8.3 Definitions Synlait sought amendments to in its submission; and
 - 8.4 Definitions which Synlait submitted on that have been deferred to a different hearing.

NATIONAL PLANNING STANDARDS

- 9 Synlait supports the use of the National Planning Standard (**Planning Standard**) definitions. It considers this to be an efficient and cost-effective way to determine the definitions of most terms.
- 10 When Synlait lodged its submission, the Planning Standard was in draft form. Since then, the Planning Standard has been finalised following public consultation. This has resulted in some differences between the Planning Standard as operative, and the relief sought by Synlait in its submission.
- 11 Where the Planning Standards have resulted in a different definition to the specific relief sought by Synlait in its submission, Synlait is satisfied that the Planning Standards definition will provide relief as sought.

DEFINITIONS SUPPORTED

- 12 Synlait submitted in support of the following definitions:

- 12.1 Earthworks;
 - 12.2 Noise sensitive activity;
 - 12.3 Notional boundary;
 - 12.4 Sensitive land use;
 - 12.5 Significant Natural Areas;
 - 12.6 Use; and
 - 12.7 Vegetation clearance.
- 13 **Earthworks.** Synlait supports the replacement of the proposed definition with the definition from the Planning Standard, along with the associated definition of “cultivation”.
- 14 **Noise-sensitive activity.** Synlait supports the differentiation between a “noise-sensitive activity” and a “sensitive land use”. Synlait also requires resource consents for discharges to air of odour and dust, and so understands the difference between the two clearly.
- 15 Synlait considers that the amendment to the definition, to include places of assembly within the meaning of “noise-sensitive activity” is appropriate.
- 16 **Notional boundary.** Synlait sought that the definition of “notional boundary” be retained as notified. Since then, the Planning Standards have introduced a standard definition for “notional boundary”, which the Officer’s Report recommends adopting. Synlait agrees with this approach, and supports the change from the notified definition to the definition contained within the Planning Standards.
- 17 **Sensitive land use.** As outlined above in relation to “noise-sensitive activity” Synlait supports the distinguishing between these two terms. The changes proposed in the Officer’s Report are appropriate.

DEFINITIONS WHERE AMENDMENTS WERE SOUGHT

- 18 Synlait sought amendment to the definition of **industrial activity**. The submission sought alignment with the (then) draft National Planning Standards.
- 19 The Officer's Report supports the Planning Standard definition, which is slightly different to what was included in the draft version that Synlait relied upon. Synlait supports the use of the Planning Standard definition, and particularly supports the inclusion of ancillary activities as part of the definition.
- 20 Synlait also notes that this definition is contemplated in the Officer's Report for the Industrial Chapter. In particular, Synlait supports the minor rewording proposed in paragraph 664 of Report C to the Industrial Chapter. The inclusion of ancillary activities is appropriate, as often relevant parts of an industrial activity fit comfortably under the definition of "ancillary" where they wouldn't fit under "industrial".

DEFERRED MATTERS

- 21 Several of the definitions that Synlait submitted on have been deferred to other hearings. For completeness, Synlait supports the deferral of the following matters:
- 21.1 "Significant Natural Area" moved to Hearing 21(Natural Environment).
- 21.2 "Use" moved to Hearing 8 (Hazardous substances, contaminated land and genetically modified organisms).
- 21.3 "Vegetation clearance" moved to Hearing 19 (Rural zone).

Dated 4 December 2019



Ewan Chapman / Jamie Robinson
Solicitor for the Applicant