

under: the Resource Management Act 1991

in the matter of: an appeal under clause 14(1) of Schedule 1 to the Act

and: the Proposed Southland Water and Land Plan

between: **Federated Farmers of New Zealand (Southland Province)**
Appellant

and: **Southland Regional Council**
Respondent

Notice of Dairy Holdings Limited's wish to be party to proceedings

Dated: 7 June 2018

NOTICE OF DAIRY HOLDINGS LIMITED'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

- To** The Registrar
Environment Court
Christchurch
- 1 Dairy Holdings Limited (*DHL*) wishes to be a party to the following proceedings:
 - 1.1 the appeal by Federated Farmers of New Zealand (Southland Province) (the *Appellant*) to the Environment Court against the decisions of the Southland Regional Council on the Proposed Southland Water and Land Plan (the *Decisions*, the *Council* and the *Proposed Plan*).
 - 2 DHL made a submission and further submission on the Proposed Plan.
 - 3 DHL is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
 - 4 DHL is interested in all the proceedings.
 - 5 Without limiting the above, DHL is interested in the following particular issues:
 - Physiographic Zone Policies***
 - 5.1 The provision for dairy farming and intensive winter grazing in the decisions version of the Proposed Plan without unnecessary restriction from physiographic zone policies.
 - 5.2 DHL has a limited interest in these zones but supports the relief sought.
 - Policy 39***
 - 5.3 To the extent it still allows consideration of lawfully established activities.
 - Rule 13***
 - 5.4 DHL supports the relief sought for Rule 13 – Discharge from subsurface drainage systems.

Rule 20

- 5.5 The provision for intensive winter grazing in the decisions version of the Proposed Plan without unnecessary restriction in Rule 20 - Farming.

Rule 25

- 5.6 The provision for cultivation on sloping ground in the decisions version of the Proposed Plan without unnecessary restriction in Rule 25 – Cultivation on sloping ground.

Rule 35A

- 5.7 DHL supports the relief sought for Rule 35A – Feed pads/lots.

Rule 49

- 5.8 DHL supports the relief sought for Rule 49 – Abstraction, diversion and use of surface water.

- 6 DHL supports the relief sought because:

Physiographic zones

- 6.1 DHL owns a number of properties that span a number of physiographic zones (although they are generally not zones that are sensitive from a water quality perspective). It is important that dairy farming and intensive winter grazing are enabled within all of these zones.
- 6.2 The decisions version of the Proposed Plan’s physiographic zone policies are overly restrictive and the changes to the policies sought by the Appellant provide for more appropriate policies for dairy farming and intensive winter grazing in these zones.

Application of the permitted baseline

- 6.3 DHL opposed Policy 39 in its original submission. On the basis that the wording in the decisions version of the Proposed Plan does not preclude consideration being given to lawfully established activities (which might have relied on permitted rights to establish), DHL has no further issue with the policy – but that is currently unclear. It is however opposed to the further amendments proposed as a part of this appeal.

Discharge from subsurface drainage systems

- 6.4 DHL supports discharges from subsurface drainage systems as a permitted activity with appropriate conditions. Sub-surface drains are a common feature on DHL’s properties. While there is a record of the location of these, this is not always the case.

- 6.5 The changes to Rule 13 sought by the Appellant are appropriate as they provide greater flexibility to reflect realistic on-farm practices.

Intensive winter grazing

- 6.6 DHL utilises an efficient wintering system whereby (typically) 5-40ha of forage crops are planted on their dairy farms to allow cows to be brought off wintering blocks earlier in the season. This model means that intensive winter grazing affects not only DHL's wintering blocks, but also potentially its dairy farms.
- 6.7 The changes to Rule 20 sought by the Appellant are intended to provide for more appropriate conditions for intensive winter grazing as a permitted activity.

Cultivation

- 6.8 DHL has observed that on some of its properties, fences are within 3 metres of the outer edge of the bed of a waterbody (generally artificial watercourses) to ensure a straight fence line for practical and safe cultivation practices. It is therefore possible that on occasion, limited cultivation will occur within 3 metres from the outer edge of the bed of a watercourse, and this should be provided for in the plan (with the expectation that the average setback will remain 3 metres).
- 6.9 DHL is concerned that Rule 25(a)(iv) has the effect of preventing cultivation on land with a slope greater than 20 degrees, even when this is not in close proximity to streams and will have no impact from run-off. There are many examples of farmland in Southland with a slope greater than 20 degrees that are away from streams.
- 6.10 The changes to Rule 25 sought by the Appellant are appropriate as they provide greater flexibility to reflect realistic on-farm practices.

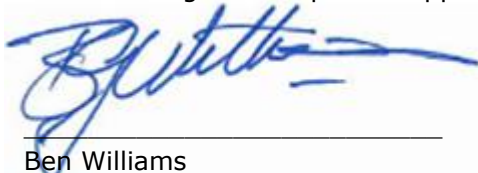
Feed pads/lots

- 6.11 DHL owns a number of properties which it uses as feed pads. Feed pads are an important part of the wintering process which should not be unnecessarily restricted in the Proposed Plan.
- 6.12 DHL considers the changes to Rule 35A sought by the Appellant are appropriate in that they provide greater flexibility to the use of feed pads as a permitted activity to reflect realistic on-farm practices.

Abstraction, diversion and use of surface water

- 6.13 The conditions for the abstraction, diversion and use of surface water as a permitted activity should not be unnecessarily restrictive. Such an activity forms an integral part of dairy farming.
- 6.14 Rule 49 of the decisions version of the Proposed Plan is restrictive and may lead to unnecessary cost and compliance burdens. The changes to Rule 49 sought by the Appellant provide for more appropriate conditions and compliance requirements concerning surface water.
- 7 DHL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Signed for and on behalf of Dairy Holdings Limited by its solicitors and authorised agents Chapman Tripp



Ben Williams
Partner
7 June 2018

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Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch