

*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:* **Horticulture New Zealand**  
*Appellant*

*and:* **Southland Regional Council**  
*Respondent*

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

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Dated: 7 July 2018

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REFERENCE: Ben Williams (ben.williams@chapmantripp.com)

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**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 Horticulture New Zealand (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:
    - Policy 39A**
      - 5.1 DHL considers that Policy 39A – Integrated Management will be an appropriate consideration for resource consent applications in some instances. DHL is neutral to the relief sought for Policy 39A provided that the Freshwater Management Unit process continues to be recognised, including the provision for nutrient user groups.
    - Rule 25(b)**
      - 5.2 DHL supports the relief sought for Rule 25(b) – Cultivation on sloping ground.
    - Cultivation**
      - 5.3 DHL supports the relief sought to the definition of cultivation.
  - 6 Except where stated above that DHL is neutral towards the relief sought, DHL supports the relief sought because:

### ***Integrated management***

- 6.1 DHL has experience in 'integrated management' in the Canterbury region through the operation of 'nutrient user groups' (also referred to as 'farm enterprises' in, for example, Canterbury).
- 6.2 These nutrient user groups allow for the collective management of nutrient losses from separate properties that are owned and operated by a common entity, separate entities, or in the case of irrigation schemes, are supplied by a common scheme. These have been very effective at collectively monitoring and managing nitrogen losses.
- 6.3 Therefore, the changes to Policy 39A sought by the Appellant must continue to recognise the Freshwater Management Unit process, including facilitating collective management of nutrient losses through nutrient user groups.

### ***Cultivation***

- 6.4 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).
  - 6.5 The changes to Rule 25 and the definition of cultivation sought by the Appellant allow for cultivation within 3 metres provided it is undertaken in accordance with the 'Erosion and Sediment Control Guidelines for vegetable production (Horticulture NZ 2014).' DHL supports this change as it allows greater flexibility to reflect realistic on-farm practices.
- 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



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Ben Williams  
Partner  
7 June 2018

Address for service of person:

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*Advice*

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