

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: **Waihopai Rūnaka, Hokonui Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Oraka Aparima, and Te Rūnanga o Ngāi Tahu (collectively Ngāi Tahu)**
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 Waihopai Rūnaka, Hokonui Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Oraka Aparima, and Te Rūnanga o Ngāi Tahu (collectively Ngāi Tahu) (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:
 - Objectives 13, 13A, and 13B**
 - 5.1 DHL is supportive of Objectives 13, 13A, and 13B of the decisions version of the Proposed Plan. Although it is neutral to the merging of these Objectives, it is opposed to the reinsertion of Objective 13(c) (or the insertion of a similar clause) of the notified version of the Proposed Plan (the *Notified Plan*).
 - Physiographic Zone Policies**
 - 5.2 The provision for dairy farming and intensive winter grazing in the decisions version of the Proposed Plan without unnecessary restriction from physiographic zone policies and rules.

Policy 16

- 5.3 The wording of Policy 16 (Farming activities that may affect water) in the decisions version of the Proposed Plan and whether it is adequate and reasonable.

Policy 39A

- 5.4 The wording of Policy 39A (Integrated management) in the decisions version of the Proposed Plan and whether it is adequate and reasonable.

Rules 15 and 26

- 5.5 The wording of Rules 15 (Discharge of stormwater) and 26 (Discharges from on-site wastewater systems) in the decisions version of the Proposed Plan and whether it is adequate and reasonable.

Rule 20

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

Rule 74

- 5.7 The wording of Rule 74 (Wetlands) in the decisions version of the Proposed Plan and whether it is adequate and reasonable.

Rule 78

- 5.8 The wording of Rule 78 (Weed and sediment removal for drainage maintenance) in the decisions version of the Proposed Plan and whether it is adequate and reasonable.

Appendix N

- 5.9 The provision for workable and practicable Farm Environmental Management Plans (*FEMPs*) in Appendix N – Farm Environment Management Plan Requirements.

Ephemeral and intermittent rivers

- 5.10 The wording of the decisions version of the Proposed Plan generally excluding ephemeral rivers and whether this is adequate and reasonable.

- 6 DHL opposes the relief sought (unless otherwise stated) because:

Objective 13

- 6.1 DHL supports the use and development of land and soils within appropriate limits. Objective 13(c) of the Notified Plan creates an internal conflict in the Objective. Objective 13 is primarily an enabling objective and therefore the overly broad and restrictive wording of Objective 13(c) (or any such similar clause) of the Notified Plan should not be reinserted.

Physiographic zones

- 6.2 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.
- 6.3 The Appellant seeks to reinstate physiographic zones into the rules relating to discharges and their effects on water quality from agriculture. Such a change would render the Proposed Plan burdensome and overly restrictive. Physiographic zones are already adequately recognised in the policies of the Proposed Plan.
- 6.4 Further, the words "*strongly discouraging*" are not appropriate for the physiographic zone policies. It is not clear what is meant by this phrase if there are to be circumstances where the establishment of new dairy farming or intensive winter grazing activities might be allowed.

Farming activities that affect water quality

- 6.5 DHL is supportive of Policy 16 (Farming activities that affect water quality) as it stands in the decisions version of the Proposed Plan.
- 6.6 The words "*strongly discouraging*" are not appropriate for Policy 16. It is not clear what is meant by this phrase if there are to be circumstances where the establishment of new dairy farming or intensive winter grazing activities might be allowed.
- 6.7 Consents for farming activities should be granted for a reasonable period of time to reflect realistic on-farm practices. Reasonable provision is already made in Policy 16 for the granting of such consents for an appropriate period of time.
- 6.8 The changes to Policy 16 sought by the Appellant are therefore burdensome and inappropriate.

Integrated management

- 6.9 DHL considers that the wording of Policy 39A of the decisions version of the Proposed Plan is appropriate as it stands.

Rules 15 and 26

- 6.10 The Appellant seeks to include reference to the Mātaitai and Taiapure reserve into Rules 15 and 26. DHL is neutral to the relief sought by the Appellant provided that the general effect of these Rules remain the same.

Intensive winter grazing

- 6.11 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.
- 6.12 DHL repeats its reasons at paragraphs 6.2-6.3 above.
- 6.13 The changes to Rule 20 sought by the Appellant impose inappropriate and burdensome conditions for intensive winter grazing as a permitted activity.

Wetlands

- 6.14 DHL supports the intent of the Appellants amendment to Rule 74 as it relates to high value wetlands. DHL is, however, concerned that the Rule could potentially make farming in wetter areas (or low value wetlands) unworkable.

Weed and sediment removal for drainage maintenance

- 6.15 DHL considers that the conditions in Rule 78 already impose reasonable restrictions on the removal of weed and sediment for drainage maintenance as a permitted activity.
- 6.16 The changes to Rule 78 sought by the Appellant are unnecessary.

Farm Environmental Management Plan

- 6.17 DHL considers that the requirements for FEMPs in Appendix N are workable and appropriate.
- 6.18 The changes to Appendix N sought by the Appellant are unnecessary and would provide a lack of certainty.

Ephemeral and intermittent rivers

- 6.19 Ephemeral and intermittent rivers are a common feature in Southland. DHL owns a number of properties which contain such rivers. The Appellant seeks the inclusion of ephemeral and intermittent rivers in a number of policies and rules in the Proposed Plan.
 - 6.20 DHL strongly opposes such a change as it would render a large majority of the rules overly burdensome and impossible to achieve.
- 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