

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR  
PLAN, CHANGE OR VARIATION**

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To** Timaru District Council

Name of submitter: Dairy Holdings Limited (*DHL*)

- 1 This is a submission on the proposed Timaru District Plan (the **Proposed Plan**):
- 2 DHL could not gain an advantage in trade competition through this submission.
- 3 DHL's submission relates to the whole proposal. The general and specific reasons for DHL's relief sought in **Annexure B** are set out in full in **Annexure A**.
- 4 DHL seeks the following decision from the local authority:
  - 4.1 Grant the relief as set out in **Annexure A and B**.
  - 4.2 Grant any other similar relief that would deal with DHL's concerns set out in this submission.
- 5 DHL **wishes to be heard** in support of the submission.
- 6 If others make a similar submission, DHL will consider presenting a joint case with them at a hearing.

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



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## ANNEXURE A

### Background to DHL and the submission

- 7 DHL is a New Zealand registered company with 100% of its farming assets in the South Island of New Zealand. It is the largest closely-held dairy farming business in the country. Its farming interests are all held through wholly owned subsidiary entities, for ease of reference these are simply referred to as 'DHL' in this submission.
- 8 DHL is currently operating 60 dairy farms and milking approximately 52,000 cows to produce over 16.5 million kilograms of milk solids (for the 2020/2021 season).
- 9 In addition, DHL owns or leases 19 self-contained support farms that provide around 14,700 in-calf heifer replacements each year and provide wintering support operations. A bull unit supplies around 1,500 service bulls to the dairy farms.
- 10 DHL's farms are principally located in the Canterbury, Springs Junction (West Coast), Waitaki and West Otago/Southland regions. DHL currently owns two farms in the Timaru District through subsidiaries:
- 10.1 the Tata Dairy Limited (*Tata*) property in the Rangitata Island area at 100 Wallace Road RD 26 Temuka; and
  - 10.2 the recently acquired Orton Grazing Limited (*Orton*) property located near the Rangitata Huts at 1085 Orton Rangitata Mouth Road RD 26 Temuka.
- 11 Both of these properties are existing milking platforms that have been intensively farmed and developed, and feature extensive lanes and tracks, irrigation infrastructure and water storage.

### Summary of DHL's submission on the Proposed Plan

- 12 DHL is generally supportive of the Proposed Plan and considers that it is appropriately enabling of day-to-day farming activities. In particular, and except as stated elsewhere in the submission, DHL supports the proposed General Rural Zone rules and seeks that these are retained as notified.
- 13 Both of DHL's properties in the District are subject to a number of proposed overlays, including:
- 13.1 Flood Assessment Area;
  - 13.2 Liquefaction Areas;
  - 13.3 Wai Taoka (SASM-23 Rakitata River (including south branch));
  - 13.4 Light Sensitive Area; and
  - 13.5 Drinking Water Protection Areas.
- 14 Given the previous development and existing use of these properties, DHL seeks that the proposed overlays:
- 14.1 are geographically limited to the areas supported by evidence; and
  - 14.2 enable the continuation of lawfully established activities on the properties, including intensive farming practices and earthworks, in ways that provide for

the health and safety of DHL staff and contractors, and the economic wellbeing of the farming operations.

**Conclusion**

- 15 DHL considers that the relief set out in this submission is the more appropriate way to achieve the purposes of the RMA.
- 16 Overall, DHL seeks:
  - 16.1 that objectives, policies and rules continue to enable existing farming activities in the Timaru District; and
  - 16.2 activities associated with farming (including existing intensively farmed stock) be permitted.
- 17 DHL seeks that the relief as set out in **Annexure B** is granted, or alternatively that the Panel grant any other similar relief that would deal with DHL's concerns set out in this submission.

## ANNEXURE B

The drafting suggested in this annexure reflects the key changes DHL seeks. Consequential amendment may also be necessary to other parts of the proposed provisions.

DHL proposes drafting below and seeks that this drafting, or drafting with materially similar effect, be adopted by the Council.

Suggested amendments and alternative drafting is shown in track change – DHL’s requested deletions are shown using ~~red strike through~~ and requested insertions shown using red underline.

Provision	Position	Relief requested	Explanation
<b>Part 1: Introduction and General Provisions</b>			
<b>Interpretation</b>			
Ancillary rural earthworks	Support	Retain as notified.	DHL supports this definition and seeks that it be retained.
Intensive outdoor primary production	Opposed	<p>Amend the definition to clarify what activities captured and exclude dairy farming.</p> <p><i>means <u>primary production</u> activities involving the keeping or rearing of livestock that principally occurs outdoors, where the regular feed source for the livestock is substantially provided from off-site sources, <u>and includes ...</u> but excludes:</i></p> <ul style="list-style-type: none"> <li><i>a. calf-rearing for three months in any calendar year;</i></li> <li><i>b. pig production for domestic self-subsistence home use;</i></li> <li><i>c. <u>extensive pig farming</u>;</i></li> <li><i>d. <u>free range poultry farming</u>;</i></li> <li><i>e. <u>farming of dairy cattle</u>; and</i></li> </ul>	<p>The definition lists a number of activities that are excluded but is insufficiently certain about what would be included, including what amounts to ‘substantial’ in terms of externally sourced food source. DHL considers that dairy cattle should be excluded from this definition, for the avoidance of doubt.</p>

Provision	Position	Relief requested	Explanation
		<p>f. <i>the feeding of supplementary feed during adverse weather events such as drought or snow.</i></p>	
Intensively farmed stock		<p>Amend the definition to mean:</p> <ul style="list-style-type: none"> <li>a. cattle or deer grazed on irrigated <a href="#">land</a> or contained for break-feeding of winter feed crops; and</li> <li>b. dairy cattle, including cows, whether dry or milking, and whether on irrigated <a href="#">land</a> or not; and</li> <li>c. Pig farming (except pig farming for domestic self-subsistence home use);</li> <li>d. any stock that is associated with an <a href="#">intensive primary production</a></li> </ul> <p><del>that was not already occurring as at the date this plan was notified.</del></p>	<p>This definition is important for DHL as intensively farmed stock in the Wai Taoka overlay are proposed to be restricted discretionary activities. DHL considers that it is appropriate that this definition is restricted so that it does not include existing intensively farmed stock.</p>
Light sensitive area		<p>Amend the definition to restrict light sensitive areas to places that have sensitive receivers.</p> <p>Includes <a href="#">land</a> in the following areas outside of the Port Zone:</p> <ul style="list-style-type: none"> <li><del>a. Wāhi tapu, Wāhi taoka and Wai taoka Overlays</del></li> <li>b. <a href="#">Significant Natural Areas</a> Overlay</li> <li>c. Outstanding Natural Landscapes Overlay</li> <li>d. Visual Amenity Landscape Overlay</li> <li>e. the Rural Lifestyle Zone; and</li> <li>f. the Natural Open Space Zone.</li> </ul>	<p>DHL questions the efficacy of restricting lighting in areas where there are unlikely to be sensitive receivers. Lights are essential in rural areas for health and safety and should not be unnecessarily restricted where there is no or minimal benefit to others.</p>

Provision	Position	Relief requested	Explanation
<b>Part 2: District Wide Matters</b>			
<b>Strategic Directions</b>			
SD-09 Rural Areas	Support in part	<p>A range of primarily productive activities are enabled in the rural environment to enable the ongoing use of land for primary production for present and future generations, <del>while:</del></p> <ul style="list-style-type: none"> <li><del>i. protecting versatile soils for productive uses;</del></li> <li><del>ii. managing the adverse effects of intensive activities on sensitive activities;</del></li> <li><del>iii. managing the adverse effects of new sensitive activities on primary production;</del></li> <li><del>iv. avoiding activities that have no functional/operational need to locate in the rural area;</del></li> <li><del>v. identifying and maintaining the character, qualities and amenity values of rural areas;</del></li> <li>vi. ensuring Future Development Area overlay remains available for future urban or rural lifestyle development.</li> </ul>	DHL supports recognition of the importance of rural areas in a strategic objective as it is a significant resource management matter for the district. DHL considers the provisos are not necessary for a strategic direction, which should be suitably high-level.
<b>Hazards and Risks</b>			
NH-R1 Earthworks	Oppose in part	<p>Amend as follows:</p> <p><b>Earthworks, excluding land disturbance and for natural hazard mitigation works</b></p> <p>Activity status: Permitted</p>	DHL considers that ancillary rural earthworks should be excluded from this rule. The 2,000m <sup>2</sup> per year limit proposed in NH-S2 will severely limit DHL's ability to maintain and improve its Tata farm. For example, DHL's Tata property has 2.28 hectares of lanes (which translates to 22,800m <sup>2</sup> ). Under the proposed rule, it would take at

Provision	Position	Relief requested	Explanation
		<p>Where:</p> <p>PER-1</p> <p>If the site is subject to flooding in a 0.5% AEP rainfall event, NH-S2 is complies with; and</p> <p>PER-2</p> <p>If a Flood Risk Certificate for the site has been issued in accordance with NH-S1, and the certificate states that the activity is not located on land that is within an overland flow path.</p> <p><u>OR:</u></p> <p><u>PER-3</u></p> <p><u>The earthworks are ancillary rural earthworks.</u></p>	<p>least 11.4 years to maintain these lanes if the work was to be undertaken without requiring resource consent.</p> <p>DHL considers it appropriate to exclude ancillary rural earthworks undertaken in a flood assessment area from this rule.</p>
NH-R2 Fences	Support	Retain.	DHL considers it appropriate to provide for fences as a permitted activity within the Flood Assessment Area overlay, where at least 70% of the surface area of the fence is permeable above ground.
NH-S2 Volume of earthworks	Oppose in part	<p>Amend as follows:</p> <p><b>Volume of earthworks</b></p>	DHL considers that ancillary rural earthworks should be excluded from this standard. The 2,000m <sup>2</sup> per year limit proposed in NH-S2 will severely limit DHL's ability to maintain and improve its Tata and Orton properties. For example, DHL's Tata property has 2.28 hectares of lanes (which translates to 22,800m <sup>2</sup> ). Under the proposed limit, it

Provision	Position	Relief requested	Explanation
		<p><del>The e</del>Earthworks, excluding ancillary rural earthworks, do not exceed:</p> <ul style="list-style-type: none"> <li>• 2,000m<sup>2</sup> in area in any calendar year in a Rural Zone; and</li> <li>• 250m<sup>2</sup> in any calendar year in any other zone.</li> </ul>	<p>would take at least 11.4 years to maintain these lanes if the work was to be undertaken without requiring resource consent.</p> <p>DHL considers it appropriate to exclude ancillary rural earthworks undertaken in a flood assessment area from this rule.</p>
<b>Historical and Cultural Values</b>			
<p>SASM-R1.2</p> <p>Earthworks not including quarrying and mining</p>	<p>Oppose in part</p>	<p>Amend as follows:</p> <p><b>Earthworks not including quarrying and mining</b></p> <p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p> <p>The earthworks are for <u>ancillary rural earthworks or are for</u> the purpose of maintenance, repair, or replacement, of any of the following:</p> <ol style="list-style-type: none"> <li>1. existing fencing; or</li> <li>2. existing tracks or roads; or</li> <li>3. existing reticulated stock water systems including troughs; or</li> <li>4. existing natural hazard mitigation works; and</li> </ol>	<p>DHL understands the intent of this rule but considers that ancillary rural earthworks should be able to be undertaken as a permitted activity. Activities that require resource consent under the proposed rule include shallow ripping of wet areas to break up pans to enable water to dissipate into the topsoil layer, contouring to enable water flow (to avoid ponding), backfilling to eliminate 'low spots', installing culverts to enable flow and eliminate ponding, filtering buffer areas to discharge points. These are every-day-type maintenance farming activities that are required to maintain and improve DHL's properties.</p>



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		<p><b>PER-2</b></p> <p>The earthworks are only undertaken within the footprint or modified ground comprised by the existing item; and</p> <p><b>PER-3</b></p> <p>Any replacement item is of the same nature, character and scale of the item being replaced; and</p> <p><b>PER-4</b></p> <p>The Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.</p>	
SASM-R3  Indigenous vegetation clearance		Retain as notified.	DHL supports this provision.
SASM-R6  Intensively farmed stock	Oppose in part	<p>Amend as follows:</p> <p><b>Activity status: <del>Restricted discretionary</del> Permitted</b></p> <p><b><del>Matters of discretion are restricted to:</del></b></p> <p><del>1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or</del></p>	DHL anticipates it will have existing use rights to continue farming its Tata and Orton properties, but considers existing intensively farmed stock should be provided for as a permitted activity. It is important the right balance is struck between protecting cultural values and enabling the continuation of existing, established farming activities.

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		<p><del>incorporates the outcomes of that consultation; and</del></p> <p><del>2.—whether a cultural impact assessment has been undertaken and the proposal’s consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</del></p> <p><del>3.—the potential adverse effects of the activity on the values associated with the Site, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and</del></p> <p><del>4.—whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</del></p> <p style="padding-left: 40px;"><del>a.—affirm the connection between mana whenua and place; or</del></p> <p style="padding-left: 40px;"><del>b.—enhance the cultural values of the site/area; or</del></p> <p style="padding-left: 40px;"><del>c.—provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and</del></p> <p><del>5. any effects on the ability of Kāti Huirapa to access and use the Site or Area of Significance.</del></p>	

Provision	Position	Relief requested	Explanation
<b>General district-wide matters</b>			
EW-01	Support	Retain as notified.	DHL considers this objective appropriate and seeks that it be retained.
EW-S1.1	Support	Retain as notified.	DHL considers it appropriate for there to be no limit to the area of earthworks for any primary production activity and for ancillary rural earthworks and seeks that this be retained.
LIGHT-R3  Outdoor artificial lighting within Light Sensitive Areas	Oppose in part	<p>Amend as follows:</p> <p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p> <p>LIGHT-S1 and LIGHT-S2 are complied with; and</p> <p><b>PER-2</b></p> <p>The outdoor artificial lighting must:</p> <ol style="list-style-type: none"> <li>1. be fully shielded (see Figure 18 – Lighting Fixtures); and</li> <li>2. have a colour corrected temperature of no greater than 3000K (warm white); and</li> </ol>	<p>The proposed Light Sensitive Areas include a large number of existing dairy farms where lights are necessary:</p> <ul style="list-style-type: none"> <li>• on some types of irrigators that operate through the night; and</li> <li>• at milking sheds from early hours in the morning.</li> </ul> <p>This lighting is an established and critical aspect of these farming activities to enable the safety and wellbeing of people and animals.</p>

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		3. be installed in a manner that precludes operation between 10pm and 7am the following day; <u>or</u> 4. <u>be necessary for health and safety.</u>	
<b>Part 3: Area specific matters</b>			
<b>Zones</b>			
<b>Rural zones</b>			
GRUZ-O1	Support	Retain as notified.	DHL supports this objective.
GRUZ-O2	Support	Retain as notified.	DHL supports this objective.
GRUZ-P1	Support	Retain as notified.	DHL supports this policy.
GRUZ-P2	Support	Retain as notified.	DHL supports this policy.
GRUZ-P5	Support	Retain as notified.	DHL supports this policy.
GRUZ-R1	Support	Retain as notified.	DHL supports this rule.
GRUZ-R20	Support	Retain as notified.	DHL supports this rule.
GRUZ-S5	Oppose	Delete the standard. <del>GRUZ-S5</del>	DHL considers that the proposed standard is inappropriate and the matters it seeks to control are more appropriately managed by the regional council.

Provision	Position	Relief requested	Explanation
		<p><del>Intensive primary production activities and new farm effluent disposal areas</del></p> <p><del>General Rural Zone</del></p> <p><del>1. Prior to the establishment of:</del></p> <p><del>a new intensive primary production activity; or</del></p> <p><del>the expansion of an existing intensive primary production activity; or</del></p> <p><del>a new farm effluent disposal area;</del></p> <p><del>a plan showing the location of all paddocks, hard stand areas, structures, buildings used to house stock, and treatment systems associated with the intensive primary production activity shall be provided to Council's District Planning Unit; and</del></p> <p><del>2. No new:</del></p> <p><del>intensive primary production (including expansion of an existing intensive primary production), except calf rearing for less than three months in any calendar year; or</del></p> <p><del>farm effluent disposal area (including expansion of an existing farm effluent area);</del></p> <p><del>may be established within:</del></p> <p><del>500m of the notional boundary of an existing sensitive activity on a separate site under different ownership; or</del></p>	

Provision	Position	Relief requested	Explanation
		<p><del>100m of the boundary with a separate lot under different ownership; or</del></p> <p><del>1000m of the boundary with any of the Residential zones, Rural Lifestyle zone, Rural Settlement zone, Māori Purpose zone or Open Space and recreation zones.</del></p>	