

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under Clause 14(1) of Schedule 1 of the Act in respect of Variation 6 – Water Allocation to the proposed Waikato

BETWEEN

Department of Corrections

ENV-2009-AKL-000055

Appellants

AND

Newmont Waihi Gold Limited

ENV-2009-AKL-000092

AND

Mighty River Power Limited

ENV-2009-AKL-000107

ENV-2009-AKL-000118

AND

Solid Energy New Zealand Limited

ENV-2009-AKL-000119

AND

Hauraki District Council

ENV-2009-AKL-000120

AND

Wairakei Pastoral Limited

ENV-2009-AKL-000123

AND

Wairarapa Moana Incorporation –

Wairarapa Moana Farms

ENV-2009-AKL-000124

AND

Trustpower Limited

ENV-2009-AKL-000125

AND

Genesis Energy Limited

ENV-2009-AKL-000126



AND **Contact Energy Limited**
ENV-2009-AKL-000127

AND **Fonterra Co-Operative Group Limited**
ENV-2009-AKL-000128

AND **Federated Farmers**
ENV-2009-AKL-000129

AND **Meridian Energy Limited**
ENV-2009-AKL-000130

AND **King Country Energy Limited**
ENV-2009-AKL-000131

AND **Carter Holt Harvey Limited**
ENV-2009-AKL-000132

AND **Waihou Irrigators Inc and Upper
Waikato Irrigators Society Inc**
ENV-2009-AKL-000133

AND **Hamilton City Council**
ENV-2009-AKL-000134

AND **Waipa District Council**
ENV-2009-AKL-000137

AND **Waikato District Council**
ENV-2009-AKL-000137

AND **Watercare Services Limited**
ENV-2009-AKL-000138

AND **Horticulture New Zealand**
ENV-2009-AKL-000139



AND

Raukawa Trust Board

ENV-2009-AKL-000149

AND

Te Runanga o Ngati Tahu (Ngati Whaoa)

ENV-2009-AKL-000150

AND

Waikato Raupatu Trustees Company Limited

ENV-2009-AKL-000151

AND

Tuwharetoa Maori Trust Board

ENV-2009-AKL-000153

AND

Waikato Regional Council

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge R G Whiting sitting alone under s 279 of the Act

IN CHAMBERS at AUCKLAND

ERRATUM TO MINUTE OF THE COURT DATED 10 FEBRUARY 2012

[1] On 10 February 2012, the Court issued a minute confirming the amended version of Variation 6 to the Proposed Waikato Regional plan ('amended version of Variation 6'), attaching as appendix 'A' a sealed version of the amended Variation.

[2] Counsel for the respondent filed a memorandum, dated 16 February 2012, stating that the amended version of Variation 6, had in error, deleted the matter of control condition iii) to Rule 3.4.5.7 - Controlled Activity Rule – Use of Water for Crop and Pasture Irrigation.

[3] The Court directs that Rule 3.4.5.7 – Controlled Activity Rule – Use of Water for Crop and Pasture Irrigation, be read as per the wording contained in Appendix 'A' to this minute.



[4] The remainder of the amended version of Variation 6, attached as Appendix 'A' to the minute of the Court dated 10 February 2012, is unchanged.

DATED at AUCKLAND this 22nd day of February 2012



R G Whiting
Environment Judge



3.4.5.7 Controlled Activity Rule - Use of Water for Crop and Pasture Irrigation

(Implements Section 3.4.3 Policy 1)

1. Any use of water that cannot comply with **Rule 3.4.5.6**; and
2. The use of water, and any associated discharge of water onto or into land for irrigated crop and irrigated pasture purposes in the catchment of the Waikato River from the Karapiro Dam to the Lake Taupo Control gates or in the catchments of Lakes Taharoa, Maratoto, Serpentine (North South and East), Rotomanuka, Mangahia, Rotongaro, Okowhao, Whangape, Waikare, Kuratau, Mangakaware, Ohinewai, Waahi, and Rotokawau, and Whangamarino wetland, Kopuatai peat dome, wetlands listed in Section 3.7.7 of the Waikato Regional Plan, and the Opuatia wetland

is a **controlled activity** (requiring resource consent) subject to the following standards and terms:

- a) Seasonal and monthly irrigation water balances shall be used to demonstrate that the amount of irrigation water applied does not exceed the irrigation demand by more than 20%. The irrigation water balances must be used to manage water irrigation and must be made available to the Waikato Regional Council on request. The irrigation water balances shall specify:
 - i) Area of land irrigated
 - ii) Crop(s) type and crop rotation dates
 - iii) Volume of water irrigated
 - iv) Start and end date of irrigation season
 - v) Seasonal irrigation demand.

Waikato Regional Council reserves control over:

- i) The quality and contents of a seasonal and monthly irrigation water balances prepared under condition a) of this rule having regard to Chapter 3.4 Policies 1 and 2.
- ii) Measures to avoid, remedy, or mitigate the adverse effects on water quality having regard to Chapter 3.3 Policies 11 and 12 and Chapter 3.4 Policies 1 and 2.
- iii) Measures to avoid, remedy, or mitigate any adverse effects on other properties having regard to Chapter 3.3 Policies 11 and 12 and Chapter 3.4 Policies 1 and 2.
- iv) The method, rate, volume and timing of application of the water having regard to Chapter 3.3 Policies 11 and 12 and Chapter 3.4 Policies 1 and 2.
- v) Effects on any waahi tapu or other taonga from the activity.
- vi) Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- vii) Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.
- viii) Measures to avoid the contamination of land as a result of the use of water having regard to Chapter 3.4 Policies 1 and 2.

