

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

I TE KŌTI MATUA O AOTEAROA
ŌTAUTAHI ROHE

CIV-2017-409-000490
CIV-2017-409-000491
CIV-2017-409-000493
CIV-2017-409-000500

BETWEEN	BARRHILL CHERTSEY IRRIGATION LIMITED Appellant
AND	IRRIGATION NEW ZEALAND LIMITED Appellant
AND	DAIRY HOLDINGS LIMITED Appellant
AND	RANGITATA DIVERSION RACE MANAGEMENT LIMITED Appellant
AND	CANTERBURY REGIONAL COUNCIL Respondent
AND	COMBINED CANTERBURY PROVINCES, FEDERATED FARMERS OF NEW ZEALAND INCORPORATED First Interested Party
AND	ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED Second Interested Party
AND	TE RŪNANGA O NGĀI TAHU Third Interested Party
AND	NEIL BARTON Fourth Interested Party

I, **Shona Southwick**, Deputy Registrar of the High Court of New Zealand at Christchurch **DO HEREBY CERTIFY** that upon the filing of a joint memorandum of counsel recording settlement of the appeals on 9 July 2018, that was dealt with on the papers before the Honourable Justice Dunningham on the 2nd day of August 2018 **ON FOUR APPEALS** against the decision of the Canterbury Regional Council on Plan Change 5 to the Canterbury Land and Water Regional Plan

IT WAS ADJUDGED

THAT the Respondent is to amend Plan Change 5 to the Canterbury Land and Water Regional Plan as set out in Appendix A.

DATED at Christchurch this 2nd day of **August 2018**



DEPUTY REGISTRAR

S. Southwick

To:

B G Williams, Counsel for Barrhill Chertsey Irrigation Limited and Dairy Holdings Limited (Appellants)

J R King, Counsel for Irrigation New Zealand Limited (Appellant)

V J Hamm, Counsel for Rangitata Diversion Race Management Limited (Appellant)

P A C Maw, Counsel for Canterbury Regional Council (Respondent)

P R Gardner, Counsel for Combined Canterbury Provinces, Federated Farmers of New Zealand Incorporated (Interested Party)

P D Anderson, Counsel for Royal Forest and Bird Protection Society of New Zealand Incorporated (Interested Party)

J G A Winchester and C J McCallum, Counsel for Te Rūnanga o Ngāi Tahu (Interested Party)

N Barton (Interested Party)

Appendix A

PROPOSED AMENDMENTS TO PLAN CHANGE 5 TO RESOLVE APPEALS

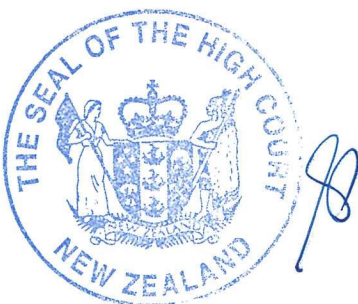
The amendments sought by the parties to the provisions of Plan Change 5 to the Canterbury Land and Water Regional Plan are shown below. The amendments are shown with insertions in underline and deletions in ~~strikethrough~~.

Policies

4.41C Maintain water quality in Orange, Green and Light Blue Nutrient Allocation Zones, and improve water quality in Red Nutrient Allocation Zones and Lake Zones by requiring:

- (a) any resource consent application for the discharge of nutrients submitted by an irrigation scheme or principal water supplier to describe the methods that will be used to implement the Good Management Practices on any land that will be supplied with water from the scheme or principal water supplier; and
- (ab) any resource consent application for the discharge of nutrients submitted by an irrigation scheme or principal water supplier to describe whether the irrigation scheme or principal water supplier intends to manage nutrient losses within their command area on an aggregated basis or on a 'property by property basis'; and⁵⁹
- (b) discharge permits granted to irrigation schemes or principal water suppliers to be subject to conditions that restrict the total nitrogen loss to a limit not exceeding:
 - (i) the Baseline GMP Loss Rate (or Equivalent Baseline GMP Loss rate where any one of the criteria in clauses (a) to (c) of Rule 5.42B is met), for any land within the Red, Lake or Orange Nutrient Allocation Zones; and
 - (ii) a total of 5kg/ha/yr above the Baseline GMP Loss Rate (or Equivalent Baseline GMP Loss Rate where any one of the criteria in clauses (a) to (c) of Rule 5.42B is met) for any land within the Green or Light Blue Allocation Zone

except that where the nitrogen loss from the land is authorised by a condition on an existing water permit or discharge permit granted to an irrigation scheme or principal water supplier and intensification on that land or change of land use occurred prior to 13 February 2016, the new



discharge permit is to include a condition that limits the nitrogen loss to a rate that is not greater than the aggregated Good Management Practice Loss Rate (or Equivalent Good Management Practice Loss Rate where any one of the criteria in clauses (a) to (c) of Rule 5.42B is met) for the land.

Schedules

Schedule 28 Good Management Practice Modelling Rules

Method s28.4 Methodology for the application of irrigation water by spray irrigation systems under Good Management Practice

Irrigation water applied in accordance with the values set out below:

Irrigation System	Trigger Point for Irrigation	Target Refill Point	Application Depth
Linear and Centre Pivot systems	50% PAW ₆₀	90% PAW ₆₀	Minimum – 10mm Maximum – 40mm
Micro-irrigation or solid set irrigation systems	50% PAW ₆₀	90% PAW ₆₀	Minimum – 10mm Maximum – 65mm
Travelling irrigation systems	50% PAW ₆₀	90% PAW ₆₀	Where PAW ₆₀ is <80 <u>40</u> mm: <ul style="list-style-type: none"> Minimum application is 10mm (application rate unachievable with travelling irrigation system) change system to Linear or Centre Pivot. <u>Where the PAW₆₀ is ≥ 40 mm and <80mm:</u> <ul style="list-style-type: none"> Application depth is 40mm Where the PAW ₆₀ is ≥ 80 mm: <ul style="list-style-type: none"> Maximum application is 40mm
Sprayline irrigation systems	50% PAW ₆₀	90% PAW ₆₀	Where the PAW ₆₀ is ≤ 80 <u>40</u> mm: <ul style="list-style-type: none"> Minimum application is 10mm (application rate unachievable with travelling irrigation system) change system to Linear or Centre Pivot. <u>Where the PAW₆₀ is ≥ 40 mm and <80mm:</u> <ul style="list-style-type: none"> Application depth is 35mm Where the PAW is ≥ 80 mm: <ul style="list-style-type: none"> Maximum application is 65mm

