

APPENDIX 5

EXCERPT FROM PROPOSED LAND AND WATER REGIONAL PLAN

Farming

Note: All other rules in this Plan that control discharges, including of nutrients, from farming activities to water or onto or into land in circumstances where nutrients may enter water also have to be complied with. Examples of such rules are Rules 5.28 and 5.29 relating to offal pits.

5.39 Prior to 1 July 2017, the use of land for any farming activity existing at 11 August 2012 and outside of the Lake Zone shown on the Planning Maps, is a permitted activity if the following condition is met:

1. A record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEER™ nutrient model, is kept and is provided to the CRC upon request.

5.40 Prior to 1 July 2017, the use of land for a farming activity existing at 11 August 2012 and within the Lake Zone shown on the Planning Maps, is a permitted activity if the following conditions are met:

1. A record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEER™ nutrient model;
2. A Farm Environment Plan is prepared and implemented in accordance with Schedule 7;
3. The Farm Environment Plan is externally audited each year for the first three years by a Farm Environment Plan Auditor. Following three consecutive years of full compliance, the audit shall occur once every three years; and
4. A record of the audit compliance grading and the average annual loss of nitrogen for the property is provided to the CRC by 31 August of that year.

5.41 The use of land for a farming activity that does not comply with one or more of the conditions of Rules 5.39 or 5.40 is a restricted discretionary activity.

The CRC will restrict discretion to the following matters:

1. The proposed management practices to avoid or minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;
2. The potential effects of the land use on surface and groundwater quality, sources of drinking water;
3. The contribution of nutrients from the proposed activity to the nutrient allocation status of the management zone.
4. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan relating to nutrient management and water quality.

Notification

Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary where relevant, under section 95B(3) of the RMA.

5.42 Prior to 1 July 2017 the use of land for a change to an existing farming activity is a permitted activity if the following conditions are met:

1. The land holder has been granted a water permit, or holds shares in an irrigation company that has been granted a water permit, that authorises irrigation on the land and the land is subject to conditions that specify the maximum amount of nitrogen that may be leached;
2. The property is outside a Lake Zone as shown on the Planning Maps;
3. A record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEER™ nutrient model;
4. A Farm Environment Plan is prepared and implemented in accordance with Schedule 7;
5. The Farm Environment Plan is externally audited each year for the first three years by an Farm Environment Plan Auditor. Following three consecutive years of full compliance, the audit shall occur once every three years; and
6. A record of the audit compliance grading and the average annual loss of nitrogen for the property is provided to the CRC by 31 August of that year.

5.43 Prior to 1 July 2017, the use of land for a change to an existing farming activity that does not comply with Condition 1 in Rule 5.42 and is within an area coloured pale blue or green on the Planning Maps is a restricted discretionary activity.

The CRC will restrict the exercise of discretion to the following matters:

1. The proposed management practices to avoid or minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;
2. The potential effects of the land use on surface and groundwater quality, and sources of drinking water;
3. The contribution of nutrients from the proposed activity to the nutrient allocation status of the management zone.
4. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan relating to nutrient management and water quality.

5.44 Prior to 1 July 2017, the use of land for a change to an existing farm activity that does not comply with Condition 1 in Rule 5.42 and is within an area coloured orange on the Planning Maps is a discretionary activity.

5.45 Prior to 1 July 2017, the use of land for a change to an existing farm activity that does not comply with Condition 1 in Rule 5.42 and is within an area coloured red or within a Lake Zone shown on the Planning Maps is a non-complying activity.

5.46 From 1 July 2017, the use of land for any farming activity, is a permitted activity if the following conditions are met:

1. The land is outside a Lake Zone shown on the Planning Maps; and
2. The average annual loss of nitrogen does not exceed the rate for the relevant farming activity in Schedule 8; and
3. The annual average loss of nitrogen, averaged over three consecutive years is less than 20 kilograms per hectare a record of the annual amount of nitrogen loss from the land, for the period from 1 July in one year to 30 June in the following year, calculated using the OVERSEERTM nutrient model, is kept and is provided to the CRC upon request; or
4. If the annual average loss of nitrogen, averaged over three consecutive periods from 1 July in one year to 30 June in the following year, is 20 kilograms per hectare or more:
 - (a) a Farm Environment Plan is prepared and implemented in accordance with Schedule 7;
 - (b) the Farm Environment Plan is externally audited each year for the first three years by an Farm Environment Plan Auditor. Following three consecutive years of full compliance, the audit shall occur once every three years; and
 - (c) a record of the audit compliance grading and the average annual loss of nitrogen for the property is be provided to the CRC by 31 August of that year.

5.47 From 1 July 2017, the use of land for any a farming activity that does not meet Condition 2 in Rule 5.46 or where there is no rate for the relevant farming activity specified in Schedule 8 and where the property is within an area coloured pale blue or green on the Planning Maps is a restricted discretionary activity.

The CRC will restrict the exercise of discretion to the following matters:

1. The proposed management practices to avoid or minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;
2. The potential effects of the land use on surface and groundwater quality, and sources of drinking water;
3. The contribution of nutrients from the proposed activity to the nutrient allocation status of the management zone.
4. The extent to which the proposed activity will prevent or compromise the attainment of the environmental outcomes sought by, or is inconsistent with, the objectives and policies of this Plan relating to nutrient management and water quality.

- 5.48** From 1 July 2017, the use of land for any farming activity is a discretionary activity where either:
- a.** The activity does not meet Condition 2 in Rule 5.46 or there is no rate for the relevant farming activity specified in Schedule 8 and where the property is within an area coloured orange on the Planning Maps; or
 - b.** The activity complies with Condition 2 but not Condition 1 in Rule 5.46; or
 - c.** The activity does not meet Condition 3 or 4, whichever is relevant, in Rule 5.46.
- 5.49** From 1 July 2017, the use of land for any a farming activity that does not meet Condition 2 in Rule 5.46 or where there is no rate for the relevant farming activity specified in Schedule 8 and where the property is within an area coloured red or within a Lake Zone shown on the Planning Maps is a non-complying activity.
- 5.50** The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA is a permitted activity, provided the following condition is met:
- 1.** The land use activity associated with the discharge is authorised under Rules 5.39 to 5.49.
- 5.51** The discharge of nutrients onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene s15(1) of the RMA and does not meet the condition in Rule 5.50 is a discretionary activity.

Schedule 8 - Industry Derived Nitrogen Discharges

This Schedule is currently blank, but will be established, to articulate industry developed good-practice discharge allowances, and build upon Report No. R10/127 *Estimating nitrate-nitrogen leaching rates under rural land uses in Canterbury*.