

**Council Officers' revised recommendations for Rules 15.5.2 to 15.5.5 (inclusive)**

Dated: 4 November 2015

Amendments recommended in the s42A report are shown as ~~strikethrough~~ or underlining in red text.

Amendments to the recommendations in the s42A report are shown as ~~strikethrough~~ or underlining in green text.

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**15.5.2 The use of land for a farming activity, within the Waihao-Wainono Area and/or Northern Streams Area<sup>1</sup>, except any land that is part of a Nutrient User Group or Farming Enterprise, or a property that is supplied with water by an irrigation scheme, is a permitted activity provided the following conditions are met:**

1. The nitrogen loss calculation does not exceed the greater of either the nitrogen baseline or the flexibility cap for the respective area as set out in:
  - (a) column A of Table 15(m) for any land within the Waihao-Wainono Plains; or
  - (b) column B or C of Table 15(m) for any land within the Waihao-Wainono Plains; or columns E or F of Table 15(m) for any land within the Northern Streams Plains; or
  - (c) column D of Table 15(m) for any land within the Waihao-Wainono Hill, or column G of Table 15(m) for any part of the property within the Northern Streams Hill; and
2. ~~The nitrogen loss calculation for any part of the property within the Morven-Sinclairs Area does not exceed the nitrogen baseline; and~~<sup>2</sup>
3. ~~In the Northern Streams Area and Waihao-Wainono Area~~<sup>3</sup> the use of land is for an existing farming activity and the maximum cap for the relevant soil type, as set out in Table 15(n) is not exceeded; or
4. ~~In the Northern Streams Area and Waihao-Wainono Area~~<sup>4</sup> the use of land is for a new farming activity and the maximum cap as set out in Table 15(n) for the relevant soil type is not exceeded; and

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<sup>1</sup> Dairy NZ V3pLWRP-224 and Fonterra V3pLWRP-629

<sup>2</sup> Dairy NZ V3pLWRP-224 and Fonterra V3pLWRP-629

<sup>3</sup> Dairy NZ V3pLWRP-224 and Fonterra V3pLWRP-629



5. The farming activity is operating at good management practice as set out in Schedule 24b. The good management practices in Schedule 24b are being implemented and the information required is recorded in accordance with Schedule 24b, and supplied to Canterbury Regional Council on request.<sup>5</sup>

15.5.2A The use of land for a farming activity within the Morven-Sinclairs Area, except any land that is part of a Nutrient User Group or Farming Enterprise, or a property that is supplied with water by an irrigation scheme, is a permitted activity provided the following conditions are met:<sup>6</sup>

1. The nitrogen loss calculation for any part of the property within the Morven-Sinclairs Area does not exceed the nitrogen baseline; and

2. The good management practices in Schedule 24b are being implemented and the information required is recorded in accordance with Schedule 24b, and supplied to Canterbury Regional Council on request.<sup>7</sup>

**15.5.3 The use of land for a farming activity, except any land that is part of a Nutrient User Group or Farming Enterprise, or land that is within the command area of an irrigation Scheme where the nutrient loss from the farming activity is being managed by the scheme that does not meet any of Conditions 1(b), 32 or 54<sup>8</sup> of Rule 15.5.2 or Condition 2 of Rule 15.5.2A ~~any of the conditions of Rule 15.4.2 excluding conditions 1(a), 1(c) or 4 of Rule 15.5.2<sup>9</sup>~~, is a restricted discretionary activity provided the following condition is met:**

1. A Farm Environment Plan has been prepared in accordance with Schedule 7 Part A, and is submitted with the application for resource consent.

***The exercise of discretion is restricted to the following matters:***

1. Whether the nitrogen loss from the farming activity will result in the total catchment load limits as per Table 15(p) or the flexibility caps in Table 15(m) being exceeded; and

1A. The nitrogen loss rates to be applied to the property and rate at which they should reduce to achieve the maximum cap loss rate<sup>10</sup>; and

2. The quality of, compliance with and auditing of the Farm Environment Plan; and

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<sup>4</sup> Dairy NZ V3pLWRP-224 and Fonterra V3pLWRP-629

<sup>5</sup> Fish and Game V3pLWRP-378

<sup>6</sup> Dairy NZ V3pLWRP-224

<sup>7</sup> Fish and Game V3pLWRP-378

<sup>8</sup> Note that the number four has been deleted.

<sup>9</sup> Consequential amendment

<sup>10</sup> Fonterra V3pLWRP- 990



3. The proposed management practices to avoid or minimise the discharge of nitrogen, phosphorous, sediment and microbiological contaminants to water from the use of land; and
  4. The potential effects of the land use on surface and groundwater quality and sources of drinking-water; and
  5. The appropriateness of the actions and time frames described in the Farm Environment Plan in achieving the nitrogen baseline, flexibility caps in Table 15(m)<sup>11</sup> or maximum cap loss rates in Table 15(n); and
  6. The soil type having regard to the<sup>12</sup> quality and appropriateness of any soil mapping carried out for the property; and
  7. The potential adverse effects of the activity on Ngāi Tahu cultural values; and
- 7A. The matters set out in Policy 15.4.5<sup>13</sup>

15.5.34<sup>14</sup>A The use of land for a farming activity, except any land that is part of a Nutrient User Group or Farming Enterprise, or land that is within the command area of an irrigation scheme where the nutrient loss from the farming activity is being managed by the scheme, that does not meet either condition 1(a) or 1(c) of Rule 15.5.2 or condition 1 of Rule 15.5.2A is a discretionary activity provided the following conditions are met:

1. The use of land is for an existing farming activity and the nitrogen loss calculation for the property does not exceed the greater of the either the nitrogen baseline or flexibility cap for the respective area as set out in Table 15(m) unless the nitrogen baseline or flexibility cap was lawfully exceeded prior to 24 April 2015; and
2. The application for resource consent demonstrates that the exceedance was lawful; and
3. ~~The Farm Environment Plan and nutrient budget submitted with the application for resource consent has been prepared or reviewed by an accredited Farm Environment Plan Auditor~~ A Farm Environment Plan has been prepared in accordance with Schedule 7 Part A, and is submitted with the application for resource consent.<sup>15</sup>

#### **15.5.4 The use of land for a farming activity, except any land that is part of a Nutrient User Group or Farming Enterprise, or land that is within the command area of an Irrigation**

<sup>11</sup> Ravensdown V3pLWRP-840

<sup>12</sup> Fonterra V3pLWRP-990

<sup>13</sup> Fonterra V3pLWRP-990

<sup>14</sup> Note that the number four has been deleted

<sup>15</sup> Dairy NZ V3pLWRP-271



Scheme where the nutrient loss from the farming activity is being managed by the scheme, that does not meet condition 1 of [Rule](#)<sup>16</sup> 15.5.3 [or condition 3 of Rule 15.5.3A](#) is a non-complying activity.

15.5.5 The use of land for a farming activity, except any land that is part of a Nutrient User Group or Farming Enterprise, or land that is within the command area of an Irrigation Scheme where the nutrient loss from the farming activity is being managed by the scheme, that does not meet [condition 4 of Rule 15.5.2 or condition 1 or 2 of Rule 15.5.34](#)<sup>17</sup> ~~A or one or more of conditions 1(a), 1(c) or 4 of Rule 15.5.2 or condition 1 of 15.5.2A~~<sup>18</sup>, is a prohibited activity.

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<sup>16</sup> Minor amendment (Clause 16, Schedule 1 RMA)

<sup>17</sup> Note that the number four has been deleted

<sup>18</sup> Consequential amendments

