

**CON501B: RULE ASSESSMENT FORM**

**PROPERTIES LOCATED WITHIN THE ORANGE NUTRIENT ALLOCATION ZONE**

**LAND AND WATER REGIONAL PLAN - RULE ASSESSMENT**

The Resource Management Act requires you to provide an assessment of your application against the relevant planning provisions of the Land and Water Regional Plan.

Please choose the relevant rule applicable to the farming land use application and demonstrate compliance.

Land Use Consent (s9 of the RMA 1991) in accordance with **Rule 5.53** of the Land & Water Regional Plan.

**Rule 5.53:** Within the Orange Nutrient Allocation Zone, the use of land for a farming activity on a property 10 hectares or less in area is a **permitted activity**.

Land Use Consent (s9 of the RMA 1991) in accordance with **Rule 5.54** of the Land & Water Regional Plan.

**Rule 5.54:** Within the Orange Nutrient Allocation Zone, the use of land for a farming activity on a property greater than 10 hectares in area is a **permitted activity** provided the following conditions are met:

Condition	Compliance	Comment
1. The property is registered in the Farm Portal by 1 July 2019 and information about the farming activity and the property is reviewed and updated by the property owner or their agent every 36 months thereafter, or whenever a material change in the land use associated with the farming activity occurs, or whenever any boundary of the property is changed; and	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.54A as a controlled activity.	
2. The area of the property irrigated with water is less than 50 hectares; and	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.54A as a controlled activity.	
3. The area of the property used for winter grazing is less than: a. 10 hectares, for any property less than 100 hectares in area; or b. 10% of the area of the property, for any property between 100 hectares and 1000 hectares in area; or c. 100 hectares, for any property greater than 1000 hectares in area; and	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.54A as a controlled activity.	
4. A Management Plan has been prepared in accordance with Schedule 7A and is implemented within 12 months of the rule being made operative and supplied to the Canterbury Regional Council on request.	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.54A as a controlled activity.	

Land Use Consent (s9 of the RMA 1991) in accordance with **Rule 5.54A** of the Land & Water Regional Plan.

**Rule 5.54A:** Within the Orange Nutrient Allocation Zone, the use of land for a farming activity on a property greater than 10 hectares in area that does not comply with one or more of the conditions of Rule 5.54 is a **controlled activity** provided the following conditions are met:

Condition	Compliance	Comment
1. A Farm Environment Plan has been prepared for the property in accordance with Part A of Schedule 7 and is submitted with the application for resource consent; and	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.56A as non-complying activity.	
2. Until 30 June 2020, the nitrogen loss calculation for the part of the property within the Orange Nutrient Allocation Zone does not exceed the nitrogen baseline, and from 1 July 2020 the Baseline GMP Loss Rate; and	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.55 as a restricted discretionary activity.	
3. The Farm Environment Plan and nutrient budget submitted with the application for resource consent has been prepared or reviewed by an Accredited Farm Consultant.	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.55 as a restricted discretionary activity.	

Land Use Consent (s9 of the RMA 1991) in accordance with **Rule 5.55** of the Land & Water Regional Plan.

**Rule 5.55:** Within the Orange Nutrient Allocation Zone, the use of land for a farming activity on a property greater than 10 hectares in area, that does not comply with condition 2 or 3 of Rule 5.54B, is a **restricted discretionary activity** provided the following conditions are met:

Condition	Compliance	Comment
1. A Farm Environment Plan has been prepared for the property in accordance with Part A of Schedule 7 and is submitted with the application for resource consent; and	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.56A as non-complying activity.	
2. Until 30 June 2020, the nitrogen loss calculation for the part of the property within the Orange Nutrient Allocation Zone does not exceed the nitrogen baseline, and from 1 July 2020 the Baseline GMP Loss Rate, unless the nitrogen baseline was lawfully exceeded prior to 13 February 2016, and the application for resource consent demonstrates that the exceedance was lawful.	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.56A as non-complying activity.	

Land Use Consent (s9 of the RMA 1991) in accordance with **Rule 5.56** of the Land & Water Regional Plan.

**Rule 5.56:** Within the Orange Nutrient Allocation Zone, the use of land for a farming activity as part of a farming enterprise is a **discretionary activity**, provided the following conditions are met:

Condition	Compliance	Comment
1. A Farm Environment Plan has been prepared for the farming enterprise in accordance with Part A of Schedule 7 and is submitted with the application for resource consent; and	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.56A as non-complying activity.	
2. Until 30 June 2020, the nitrogen loss calculation for the farming enterprise does not exceed the nitrogen baseline, and from 1 July 2020 the Baseline GMP Loss Rate; and baseline, and from 1 July 2020 the Baseline GMP Loss Rate, unless the nitrogen baseline was lawfully exceeded prior to 13 February 2016, and the application for resource consent demonstrates that the exceedance was lawful.	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.56A as non-complying activity.	
3. The properties comprising the farming enterprise are in the same surface water catchment and Nutrient Allocation Zone, as shown on the Planning Maps.	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.56A as non-complying activity.	

Land Use Consent (s9 of the RMA 1991) in accordance with **Rule 5.56A** of the Land & Water Regional Plan.

**Rule 5.56A:** Within the Orange Nutrient Allocation Zone, the use of land for a farming activity on a property greater than 10 hectares in area that does not comply with condition 1 of Rule 5.54A, or one or more of the conditions of Rule 5.55, or the use of land for a farming activity as part of a farming enterprise that does not comply with one or more of the conditions of Rule 5.56 is a **non-complying activity**.

Condition and Rule	Comment
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