

## CON501A: RULE ASSESSMENT FORM

### PROPERTIES LOCATED WITHIN THE RED 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 5.43** of the Land & Water Regional Plan.

**Rule 5.43:** Within the Red 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 5.44** of the Land & Water Regional Plan.

**Rule 5.44:** Within the Red 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 5.44A 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 5.44A as a controlled activity.	
3. For any property where, as at 13 February 2016, the area of the property authorised to be irrigated with water is less than 50 hectares, any increase in the area of the property that is irrigated is limited to 10 hectares above that which was irrigated at 13 February 2016; and	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.44A as a controlled activity.	
4. The area of the property used for winter grazing is less than: <ul style="list-style-type: none"> <li>a. 10 hectares, for any property less than 100 hectares in area; or</li> <li>b. 10% of the area of the property, for any property between 100 hectares and 1000 hectares in area; or</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.44A as a controlled activity.	

c. 100 hectares, for any property greater than 1000 hectares in area; and		
5. 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 5.44A as a controlled activity.	

Land Use Consent (s9 of the RMA 1991) in accordance with **Rule 5.44A** of the Land & Water Regional Plan.

**Rule 5.44A:** Within the Red 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 5.44 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 5.47 as non-complying activity.	
2. Until 30 June 2020, the nitrogen loss calculation for the part of the property within the Red 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 5.45 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 5.45 as a restricted discretionary activity.	

Land Use Consent (s9 of the RMA 1991) in accordance with **Rule 5.45** of the Land & Water Regional Plan.

**Rule 5.45:** Within the Red 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 5.44A 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 5.47 as non-complying activity.	
2. Until 30 June 2020, the nitrogen loss calculation for the part of the property within the Red Nutrient Allocation Zone does not exceed the nitrogen baseline, and from	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<p>1 July 2020 does not exceed 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.</p>	<p>If no, please refer to rule 5.48 as prohibited activity.</p>	
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Land Use Consent (s9 of the RMA 1991) in accordance with **Rule 5.46** of the Land & Water Regional Plan.

**Rule 5.46:** Within the Red 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
<p>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</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.47 as non-complying activity.</p>	
<p>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</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.48 as prohibited activity.</p>	
<p>3. The properties comprising the farming enterprise are in the same surface water catchment and Nutrient Allocation Zone, as shown on the Planning Maps.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No If no, please refer to rule 5.47 as non-complying activity.</p>	

Land Use Consent (s9 of the RMA 1991) in accordance with **Rule 5.47** of the Land & Water Regional Plan.

**Rule 5.47:** Within the Red 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 5.44A, or condition 1 of Rule 5.45, or the use of land for a farming activity as part of a farming enterprise that does not comply with conditions 1 or 3 of Rule 5.46, is a **non-complying activity**.

Condition and Rule	Comment
<p>Condition of Rule</p>	
<p>Condition of Rule</p>	
<p>Condition of Rule</p>	

Land Use Consent (s9 of the RMA 1991) in accordance with **Rule 5.48** of the Land & Water Regional Plan.

**Rule 5.48:** Within the Red 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 of Rule 5.45, or the use of land for a farming activity as part of a farming enterprise that does not comply with condition 2 of Rule 5.46 is a **prohibited activity**.

Condition and Rule		Comment
Condition	of Rule	
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