

5.4 Land use

Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than a more general rule. Where a proposal includes a number of activities which trigger separate specific rules, all of the relevant rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the **whaitua** Chapters 7 – 11.

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

As noted in Section 2.1 provisions relevant to the coastal marine area are identified by this icon .

Under section 86B of the Resource Management Act 1991 all rules have immediate legal effect from 31 July 2015. The associated definitions, schedules and maps applicable to those rules also have immediate legal effect.

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

Rules – Land use	Page	P	C	RD	D	NC	Pr
Land use other methods	171						
Cultivation and break-feeding	171						
Rule R94: Cultivation of land	171	•					
Rule R95: Break-feeding	172	•					
Rule R96: Cultivation and break-feeding	173				•		
Livestock access	173						
Rule R97: Livestock access to a surface water body or the coastal marine area	174	•					
Rule R98 Livestock access to a surface water body or the coastal marine area (excluding any Category 1 surface water body)	176				•		
Rule 98A: Livestock access to any Category 1 surface water body	176					•	

Rules – Land use	Page	P	C	RD	D	NC	Pr
Earthworks and vegetation clearance	176						
Rule R99: Earthworks	176	•					
<u>Rule R99A: Construction of a new farm track</u>	177	•					
<u>Rule R99B: Construction of a new farm track</u>	178		•				
Rule R100: Vegetation clearance on erosion prone land	179	•					
<u>Rule R101: Vegetation clearance on erosion prone land in accordance with a Freshwater Farm Plan</u>	179	•					
<u>Rule R102: Earthworks and vegetation clearance for renewable energy generation</u>	179			•			
Rule R103: Earthworks and vegetation clearance	181				•		
<u>Land use change and irrigation</u>	<u>183</u>						
<u>Rule R94A: Use of rural land irrigated with new water</u>	<u>183</u>		•				
<u>Rule R94B: The use of land for pastoral land use, arable land use or horticultural land use irrigated with new water</u>	<u>185</u>				•		
<u>Rule R94C: Use of rural land in priority catchments</u>	<u>185</u>	•					
<u>Rule R94D: Use of rural land in priority catchments</u>	<u>185</u>		•				
<u>Rule R94E: Use of rural land in priority catchments</u>	<u>186</u>				•		

5.4.1 Land use other methods

The Wellington Regional Council will promote sustainable land and water management through Methods M1, M2, M7, M8, M9, M10, M11, M12, M14, M17, M19, M20, M25, M26, M27 and M28.

5.4.2 Cultivation and break-feeding

Rule R94: Cultivation of land – permitted activity

The use of land for **cultivation** and the associated discharge of a contaminant into water or onto land where a contaminant may enter water, is a permitted activity, provided the following conditions are met:

- (a) **cultivation** on land with slope of more than 3 degrees shall not occur within 5m of the bed of a **surface water body** or the coastal marine area, or
- (b) **cultivation** on land with slope of 3 degrees or less shall not occur within 2m of the bed of a **surface water body** or the coastal marine area, and
- (c) the land between the cultivated land and the bed of a **surface water body** or the coastal marine area shall be in pasture or other groundcover vegetation throughout the period of **cultivation**, and
- (d) **cultivation** is undertaken along the contour of the land, where reasonably practicable, and

- (e) a sediment control measure or measures shall be used where a preferential flow path connects with a **surface water body** or the coastal marine area, and

Note - Guidance on sediment control measures for cultivation is available in Section 4 of Horticulture NZ's *Erosion and Sediment Control Guidelines for Vegetable Production* (June 2014)

- (f) where cultivation is within 5-10m (land with slope of more than 3 degrees) or 3-10m (land with slope of 3 degrees or less) of a natural wetland (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, only if permitted by the Regulations, and

- (g) any discharge from land subject to **cultivation** shall not, outside the **zone of reasonable mixing** in a **surface water body** or the coastal marine area, result in any of the following effects in receiving waters:

- (i) a conspicuous change in colour or visual clarity,
- (ii) the rendering of fresh water unsuitable for consumption by animals,
- (iii) any significant adverse effect on aquatic life.

Note:

Regulation 50 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 controls vegetation clearance, earthworks or land disturbance (which includes cultivation) outside, but within 10m of a natural wetland for the purpose of arable or horticultural land use. For the avoidance of doubt, cultivation for this purpose is subject to Regulation 50.

Rule R95: Break-feeding – permitted activity

The use of land for **break-feeding** and the associated discharge of a contaminant into water or onto land where a contaminant may enter water, is a permitted activity, provided the following conditions are met:

- (a) **break-feeding** on land with slope of more than 3 degrees shall not be within 5m of the bed of a **surface water body** or the coastal marine area, and
- (b) **break-feeding** on land with slope of 3 degrees or less shall not be within 2m of the bed of a **surface water body** or the coastal marine area, and
- (c) the land between the land used for **break-feeding** and the bed of a **surface water body** or the coastal marine area shall be in pasture or other groundcover vegetation, and not be grazed or cultivated throughout the period that the land adjacent is used for **break-feeding**, and

- (d) a sediment control measure or measures shall be used where a preferential flow path connects with a **surface water body** or the coastal marine area, and

Note

Guidance on sediment control measures for break-feeding is available from <http://www.gw.govt.nz/good-management-practice/>

- (e) any discharge to a **surface water body** from land used for **break-feeding** shall not, outside of the **zone of reasonable mixing** in a **surface water body** or the coastal marine area, result in any of the following effects in receiving waters:
- (i) a conspicuous change in colour or visual clarity,
 - (ii) the rendering of fresh water unsuitable for consumption by animals,
 - (iii) any significant adverse effect on aquatic life.

Note

The activity of break-feeding of winter forage crops and intensive winter grazing by livestock is also subject to:

- (i) the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, with regulations to take effect on 01 May 2021, and
- (ii) the Resource Management (Stock Exclusion) Regulations 2020, with regulations for break-feeding of cattle beef and deer to take effect on 03 September 2020 for new pastoral systems and 01 July 2023 for existing pastoral systems.

Rule R96: Cultivation and break-feeding – discretionary activity



The use of land for **cultivation** or **break-feeding** and the associated discharge of a contaminant into water or onto land where a contaminant may enter water, that is not permitted by Rule R94 or Rule R95 is a discretionary activity.

5.4.3 Livestock access

Note

Any restrictions in this Plan on **livestock** access to a **water race** do not limit the use of the **water race** for the purpose of providing drinking water for stock, provided **livestock** do not enter the **water race**.

Livestock access to, and exclusion from, a **surface water body** is also subject to:

- (i) the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, with regulations to take effect on 01 May 2021, and
- (ii) the Resource Management (Stock Exclusion) Regulations 2020, with regulations to take effect on 03 September 2020 for new pastoral systems and from 01 July 2023 and 01 July 2025 for existing pastoral systems.

Rule R97: Livestock access to a surface water body or the coastal marine area – permitted activity



Livestock access to a **surface water body** or the coastal marine area, and any associated discharge to water, is a permitted activity provided the following conditions are met:

- (a) From 31 July 2019, there shall be no **livestock** access to a **Category 1 surface water body**, except that sheep may have access to a significant **natural wetland** ~~listed in Schedule F3 (significant wetlands)~~ if authorised by a resource consent pursuant to Rule R106.
- (b) From 31 July 2022, access by:
 - (i) cattle, farmed deer or farmed pigs ~~livestock~~ to a **Category 2 surface water body**, (except for a Schedule F1 river that is less than 1m wide), and
 - (ii) **dairy cows** to a river that is not a **Category 1 or Category 2 surface water body** and has an **active bed** width of 1metre or wider at the location of the access,

may occur provided; the access is only at a **stock crossing point** and the cattle (including dairy cows), farmed deer or farmed pigs:

- (iii) are supervised and actively driven across the water body, and
- (iv) do not cross the same water body more than twice in any month.
 - ~~a. there is no surface water present at the time and location of the access; or~~
 - ~~b. if there is surface water present, the access is only at a **stock crossing point** that complies with condition (d).~~
- (c) From 1 July 2025, access by:
 - (i) cattle, farmed deer or farmed pigs to a **Category 2 surface water body**, which is a Schedule F1 river that is less than 1m wide), and

- (ii) cattle, farmed deer or farmed pigs to a **Category 2 surface water body** which is within that part of the Huangarua River catchment identified in Schedule I (trout spawning habitat), during the trout spawning season (31 May to 31 August),

may occur provided, the access is only at a **stock crossing point** and the cattle (including dairy cows), farmed deer or farmed pigs:

- (iii) are supervised and actively driven across the water body, and
- (iv) do not cross the same water body more than twice in any month.

(d) Access by livestock, excluding sheep, to all **surface water bodies** or the coastal marine area shall not result in:

- (i) a conspicuous change in colour or visual clarity of water,
 - a) in a site with significant **mana whenua** values identified in Schedule C (mana whenua), or
 - b) in a ~~natural wetland~~ lake, estuary or the coastal marine area, or
 - c) beyond the **zone of reasonable mixing** in a river, or

~~(ii) pugging or devegetation that exposes bare earth; or~~

~~(iii) cattle, farmed deer or farmed pigs being left unattended in, or not being actively moved through, a **natural wetland**, estuary or the coastal marine area.~~

~~(d) A **stock crossing point** on a river, drain, water race or lake shall:~~

~~(i) not be more than 20m wide, and~~

~~(ii) be perpendicular to the direction of water flow, except where this is impracticable owing to the natural contours of the bed or adjoining land, and~~

~~(iii) align with a constricted track or raceway on either side of the **stock crossing point**, and~~

~~(iv) not be used to allow cattle, farmed deer or farmed pigs to be left unattended in, or not actively moved through, the water body, and~~

~~(v) not be used more frequently than twice in any month.~~

(ii) more than minor damage in a **natural wetland** provided that:

- a) the natural wetland is 0.05 ha or more and is not identified as a **Category 1 surface water body**, or

- b) stock exclusion from the **natural wetland** is not required by the Resource Management (Stock Exclusion) Regulations 2020, and
- (iii) more than minor damage to the water body’s bed and banks, including through bank collapse, except at a **stock crossing point** where **livestock** are supervised and actively driven across the water body.
- (e) **In the coastal marine area:**
 - (i) access by beef cattle shall not result in more than minor damage, and
 - (ii) beef cattle shall be supervised in, or driven across, land below mean high water springs in a Schedule F5 (coastal habitats) or Schedule J (geological features) site or habitat, and
 - (iii) cattle (other than beef cattle), farmed deer or farmed pigs shall be supervised in, or driven across, land below mean high water springs, and
 - (iv) where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water-based recreational activities, or is restricting existing uses, **livestock** access to the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in the coastal environment must be expressly allowed for in a Freshwater Farm Plan certified under section 271G of the RMA.

Note

Fencing is one method of managing **livestock** access and fencing can be either permanent or temporary as long as it achieves the conditions of the rule.

Rule R98: Livestock access to a surface water body or the coastal marine area (excluding any Category 1 surface water body) – discretionary activity



The use and disturbance of the bed, including the banks, or other land in a **surface water body** or the coastal marine area, and any associated discharge to water, from **livestock** access that does not comply with condition (b), (c), (d) or (e) of Rule R97, is a discretionary activity.

Rule R98A: Livestock access to any **Category 1 surface water body** – non complying

The use and disturbance of the bed, including the banks, or other land in a **surface water body** or the coastal marine area, and any associated discharge to water, from **livestock** access that does not comply with condition (a) of Rule R97, is a non complying activity.

5.4.4 **Earthworks and vegetation clearance**

Notes

Vegetation clearance is also controlled by provisions in district plans and bylaws, and the Electricity (Hazards from Trees) Regulations 2003.

The rules in this section do not control any **earthworks**, soil disturbances, **vegetation clearance** or vegetation disturbances covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Earthworks and vegetation clearance outside, but within 10 metres of a natural wetland on land used for horticulture or arable land uses is also controlled by provisions in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

Rule R99: Earthworks – permitted activity

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **earthworks** up to a total area of 3,000m² per **property** per 12 month period is a permitted activity, provided the following conditions are met:

- (a) soil or debris from **earthworks** is not placed where it can enter a **surface water body** or the coastal marine area, and
- (b) **earthworks** will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the **property** where the **earthworks** occurs, and
- (c) any **earthworks** shall not, after the **zone of reasonable mixing**, result in any of the following effects in receiving waters:
 - (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in colour or visual clarity, or
 - (iii) any emission of objectionable odour, or
 - (iv) the rendering of fresh water unsuitable for consumption by animals, or
 - (v) any significant adverse effect on aquatic life, and
- (d) **earthworks** shall not occur within 5m of a **surface water body** except for **earthworks** undertaken in association with Rules R112, R114, R115, R116, R117, R118, R119 R120, R121, R122 and R124, and activities permitted by Rule R114 or Rule R115.
- (e) work areas are **stabilised** within six months after the completion of the **earthworks**.

Note

~~Rule R99 does not control any earthworks or soil disturbances covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.~~

Rule R99A: Construction of a new farm track – permitted activity

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from earthworks up to a total area of 10,000m² per property per 12 month period for the construction of a new farm track is a permitted activity, provided the following conditions are met:

- (a) the side cutting height measured vertically is less than 2m, or over 2m for continuous length of no more than 150m, and
- (b) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and
- (c) earthworks will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the property where the earthworks occurs, and
- (d) any earthworks shall not, after the zone of reasonable mixing, result in any of the following effects in receiving waters:
 - (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in colour or visual clarity, or
 - (iii) any emission of objectionable odour, or
 - (iv) the rendering of fresh water unsuitable for consumption by animals, or
 - (v) any significant adverse effect on aquatic life, and
- (e) earthworks shall not occur within 5m of a surface water body except for earthworks undertaken in association with Rules R112, R114, R115, R116, R117, R118, R119 R120, R121, R122 and R124, and
- (f) work areas must be stabilised as soon as reasonably practicable and until the work area is stabilised, erosion and sediment control measures shall be used where a preferential flow path connects with a surface water body or the coastal marine area.

Note

Guidance on erosion and sediment control measures is available from <http://www.gw.govt.nz/good-management-practice/>

Rule R99B: Construction of a new farm track – controlled activity

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **earthworks** for the construction of a new farm track that is not permitted by Rules R99 or R99A is a controlled activity, provided the following conditions are met:

- (a) **earthworks** shall not occur within 5m of a **surface water body** except for **earthworks** undertaken in association with Rules R112, R114, R115, R116, R117, R118, R119 R120, R121, R122 and R124, and
- (b) a maximum side cutting height measured vertically is no more than 3m for a continuous length of no more than 100m.

Matters of control

- 1. The location, duration and timing of the **earthworks**
- 2. The need for increased **surface water body** setbacks to manage erosion risk and sediment loss
- 3. The design, suitability, monitoring and maintenance of erosion and sediment control measures
- 4. Monitoring and reporting requirements
- 5. Effects on **aquatic ecosystem health** and **mahinga kai**
- 6. The effects, after the **zone of reasonable mixing**, in receiving waters including:
 - (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in colour or visual clarity, or
 - (iii) any emission of objectionable odour, or
 - (iv) the rendering of fresh water unsuitable for consumption by animals, or
 - (v) any significant adverse effect on aquatic life.

Rule R100: Vegetation clearance on erosion prone land – permitted activity

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **vegetation clearance** up to a total area of 2ha per **property** per 12 month period on **erosion prone land** is a permitted activity, provided the following conditions are met:

- (a) any soil or debris from the **vegetation clearance** is not placed where it can enter a **surface water body** or the coastal marine area, and
- (b) any soil disturbances associated with the **vegetation clearance** shall not after the **zone of reasonable mixing**, result in any of the following effects in receiving waters:
 - (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in colour or visual clarity, or
 - (iii) any emission of objectionable odour, or
 - (iv) the rendering of fresh water unsuitable for consumption by animals, or
 - (v) any significant effect on aquatic life, and
- (c) **vegetation clearance shall not occur within 5m of a surface water body except for vegetation clearance undertaken in association with by Rules R112, R114, R115, R116, R117, R118, R119, R120, R121, R122 and R124 activities permitted by Rule R114 or Rule R115.**

Rule R101: Vegetation clearance on erosion prone land in accordance with a Freshwater Farm Plan – permitted activity 

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **vegetation clearance on erosion prone land** is a permitted activity where it is expressly allowed for in a Freshwater Farm Plan certified under section 217G of the RMA.

Rule R102: Earthworks and vegetation clearance for renewable energy generation – restricted discretionary activity

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **earthworks** not permitted by Rule R99 or **vegetation clearance on erosion prone land** that is not permitted by Rule R100 associated with the use, development, operation, maintenance and upgrade of **renewable energy generation** is a restricted discretionary activity, provided the following conditions are met:

- (a) the **earthworks** or **vegetation clearance** and associated discharge are associated with the following construction activities:
 - (i) the formation of access tracks,
 - (ii) the formation of laydown areas and stockpile areas,
 - (iii) the formation of wind turbine platforms, including foundation formation,
 - (iv) foundations for any operations building or transmission line,

- (v) placement of any excess fill associated with any of the activities listed in (i) to (iv) above,
- (vi) ancillary works necessary to construct or maintain any erosion and sediment control measures associated with (i) to (v) above, and
- (b) the activity does not occur within the **coast marine area**, and
- (c) any soil or debris from the **vegetation clearance** is not placed where it can enter a **surface water body** or the **coastal marine area**, and
- (d) the **earthworks** or **vegetation clearance** will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the **property** where the **earthworks** or **vegetation clearance** occurs, and
- (e) work areas are **stabilised** within six months after the completion of the **earthworks**, and
- (f) any earthworks shall not, after the **zone of reasonable mixing**, result in any of the following effects in receiving waters:
 - (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in colour or visual clarity, or
 - (iii) any emission of objectionable odour, or
 - (iv) the rendering of fresh water unsuitable for consumption by animals, or
 - (v) any significant effect on aquatic life, and
- (g) the **earthworks** or **vegetation clearance** shall not, occur within 10m of a **surface water body** or coastal marine area.

Matters for discretion

1. The location, area, scale, volume, duration and timing of the works
2. The design and suitability of erosion and sediment control measures including consideration of hazard mitigation and the risk of accelerated soil erosion associated with
3. Staging of works and progressive **stabilisation**:
4. Adverse effects on:
 - (i) groundwater, **surface water bodies** and their margins, particularly **surface water bodies** within

sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (ecosystems and habitats with indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or Schedule I (important trout fishery rivers and spawning waters)

- (ii) group and **community drinking water supplies**
 - (iii) **mauri**, water quality (including water quality in the coastal marine area), **aquatic** and marine **ecosystem health**, aquatic and riparian habitat quality, indigenous biodiversity values, **mahinga kai** and critical life cycle periods for indigenous aquatic species
 - (iv) the natural character of lakes, rivers, **natural wetlands** and their margins and the coastal environment
 - (v) natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers
5. The placement and treatment of stockpiled materials on the site, including requirements to remove material if it is not to be reused on the site
6. The benefits to be derived from the use and development of **renewable energy generation**
7. Monitoring and reporting requirements.

Rule R103: Earthworks and vegetation clearance – discretionary activity



The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **earthworks** not permitted by Rule R99 or **vegetation clearance** on **erosion prone land** that is not permitted by Rules R99, R99A, R100 and R101, and not controlled by Rule R99B, or not restricted discretionary by Rule R102 is a discretionary activity.

Note

~~Rule R102 does not control any **earthworks** or **vegetation clearance** covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.~~

5.4.5 Land use change and irrigation

Note

In addition to the rules below, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 control the:

- (i) conversion of **plantation forestry** to pastoral land uses (Regulations 16, 17 and 24)
- (ii) conversion of land on a **farm** to dairy **farm** land (Regulations 18, 19 and 24)
- (iii) **irrigation** of dairy **farms** (Regulations 20, 21 and 24)
- (iv) use of land for dairy support (Regulations 22, 23 and 24)

Additionally, Regulation 36 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 also requires any person responsible for a **landholding that includes any dairy farm** land to provide annually to the Wellington Regional Council information on land use and synthetic nitrogen fertiliser as set out in Regulation 36.

Rule R94A: Use of rural land irrigated with new water – controlled activity

The use of land for **pastoral land use, arable land use, or horticultural land use**, and the associated discharge of contaminants into water or into or onto land where a contaminant may enter water that is **irrigated** with **new water** is a controlled activity where:

- (a) 20 ha or more of the **irrigated** land is for **arable land use, pastoral land use or low intensity horticultural use, or**
- (b) 5 ha or more of the **irrigated** land is for **horticultural land use** that is not a **low intensity horticultural use, or**

provided the following conditions are met:

- (a) a **farm environment plan** for the **farm** has been prepared for the land, and
- (b) a **farm environment plan certifier** certifies in writing that the **farm environment plan** lodged with the application has been prepared in accordance with, and meets the requirements of, Schedule AA, and
- (c) the land use is undertaken in accordance with the **farm environment plan** certified under condition (b), and
- (d) if the use of land receiving the **new water** is the farming of **dairy cattle or dairy support cattle**, the maximum area **irrigated** must not exceed the area **irrigated** before 2 September 2020, and
- (e) if the use of land receiving the **new water** is **commercial vegetable production**, that land must have been used for **commercial vegetation production** at some time in the five years prior to 2 September 2020, and

- (f) full electronic access to any software or assessment tool that models or records diffuse contaminant losses or loss risk for the activity authorised by this rule is granted to the Wellington Regional Council, and if requested, any analysis produced by an approved software or assessment tool is provided to the Wellington Regional Council, and
- (g) seasonal and monthly **irrigation** water balances prepared in accordance with Policy 118 and Schedule Q, shall be used to demonstrate that the amount of **irrigation** water applied does not exceed the **irrigation** demand by more than 20%. The **irrigation** water balances must be used to manage water **irrigation** and must be made available to the Wellington Regional Council on request. The **irrigation** water balances shall specify:
 - (i) area of land **irrigated**
 - (ii) farm type and rotation dates (if applicable)
 - (iii) volume of water **irrigated**
 - (iv) start and end date of **irrigation** season
 - (v) seasonal **irrigation** demand.

Matters of control

1. The assessed annual contaminant loss risk in the period preceding 2 September 2020 taking into account any need to adjust for any poor management practice
2. The content of the **farm environment plan**
3. The actions, management practices and mitigation measures necessary to ensure that discharge of nitrogen, phosphorus, sediment and *E.coli* will not increase beyond that which occurred from that land prior to the land being irrigated by **new water**
4. The method, rate, volume and timing of the application **irrigation** water
5. The contents of the seasonal and monthly **irrigation** water balances
6. In terms of condition (e), the determination of the area of land used for **commercial vegetable production** used at any time during the five years preceding 2 September 2020
7. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent (including auditing of information) to demonstrate and/or monitor compliance with the resource consent and **farm environment plan**
8. The time and circumstances under which the resource consent conditions may be reviewed
9. The timing, frequency and requirements for review, audit and amendment of the **farm environment plan**

Notification

In respect of Rule R94A, applications are precluded from public and limited notification (unless special circumstances exist).

Rule R94B: The use of land for pastoral land use, arable land use or horticultural land use irrigated with new water – discretionary activity

The use of land for **pastoral land use, arable land use, or horticultural land use** and the associated discharge of contaminants into water or into or onto land where contaminants may enter water which is **irrigated** with **new water** is not otherwise permitted or controlled by Rule R94A, is a discretionary activity.

Rule R94C: Use of rural land in priority catchments – permitted activity

Until 31 December 2028, in the **priority catchments** listed in Schedule Z the use of:

- (a) 20 ha or more of land for **arable land use, pastoral land use or low intensity horticultural use, or**
- (b) 5 ha or more of land for **horticultural land use** that is not a **low intensity horticultural use,**

is a permitted activity provided the following conditions are met:

- (a) no later than the applicable date specified in Table 1 a **farm environment plan** in respect of the land and associated land use is supplied to Wellington Regional Council, and
- (b) a **farm environment plan certifier** certifies in writing that the **farm environment plan** supplied to the Wellington Regional Council has been prepared in accordance with, and meets the requirements of, Schedule AA, and
- (c) the land use is undertaken in accordance with the **farm environment plan** certified under condition (b).

Table 1 – Phase-in of priority catchments listed in Schedule Z

<u>Location</u>	<u>Due Date</u>
<u>Land in the Waitawa and Parkvale catchments</u>	<u>30 Dec 2023</u>
<u>Land in the Otukura, Mangatarere, Waipoua catchments</u>	<u>30 Sep 2024</u>
<u>Land in the Kōpuaranga, Makakaha and Taueru catchments</u>	<u>30 June 2025</u>

Rule R94D: Use of rural land in priority catchments – controlled activity

In the **priority catchments** listed in Schedule Z the use of:

- (a) 20 ha or more of land for **arable land use, pastoral land use or low intensity horticultural use, or**
- (b) 5 ha or more of land for **horticultural land use** that is not a **low intensity horticultural use,**

and the associated discharge of contaminants into water or into or onto land where contaminants may enter water after 31 December 2028, or that does not meet condition (a) of Rule R94C, is a controlled activity provided that the following conditions are met:

- (a) A **farm environment plan** for the farm has been prepared for the land, and
- (b) A **farm environment plan certifier** certifies in writing that the **farm environment plan** lodged with the application has been prepared in accordance with, and meets the requirements of, Schedule AA, and
- (c) The land use is undertaken in accordance with the **farm environment plan** certified under condition (b), and
- (d) Full electronic access to any software or assessment tool that models or records diffuse contaminant losses or loss risk for the activity authorised by this rule is granted to the Wellington Regional Council, and if requested, any analysis produced by an approved software or assessment tool is provided to the Wellington Regional Council.

Matters of control

1. The content of the **farm environment plan** including the actions, management practices and mitigation measures necessary to ensure that the discharge of nitrogen, phosphorus, sediment and *E.coli* is minimised and accords with **good management practice**.
2. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent (including auditing of information) to demonstrate and/or monitor compliance with the resource consent and **farm environment plan**
3. The time and circumstances under which the resource consent conditions may be reviewed
4. The timing, frequency and requirements for review, audit and amendment of the **farm environment plan**

Notification

In respect of Rule R94D, applications are precluded from public and limited notification (unless special circumstances exist).

Rule R94E: Use of rural land in priority catchments – discretionary activity

From the applicable date in Table 1 of Rule R94C, the use of land for **pastoral land use, arable land use, or horticultural land use** within a catchment listed in Schedule Z and the associated discharge of contaminants into water or into or onto land where contaminants may enter water that does not meet condition (b) or (c) of Rule R94C or is not controlled by Rule R94D, is a discretionary activity.