



Submission form

Send your submission to reach us by **4:00 pm on Wednesday, 27 April 2016.**

Submission number
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Post: The Chief Executive Bay of Plenty Regional Council PO Box 364 Whakatāne 3158	or Fax: 0800 884 882	or email: rules@boprc.govt.nz
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Submitter name:

This is a submission on **Proposed Plan Change 10 (Lake Rotorua Nutrient Management) to the BOP Regional Water and Land Plan.**

- 1 The details of my submission are in the attached table.
- 2 I **wish** to be heard in support of my submission

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SUBMISSION POINTS:

Page no.	Reference (e.g. Policy, rule, method or objective number)	Support/oppose	Decision sought Say what changes to the plan you would like	Give reasons
Page 4	Map LR 1	Support with Amendment	Amend the area of rural land shown to exclude developed residential sites. Examples include residential areas adjoining Lynmore, the Vaughan Road subdivision and residential development located on Great West Road.	The map shows urban developed areas as being rural. These urban areas are not used for farming activity and should not be covered by PC10.
Page 6	LR P9	Support with Amendment	Alter to refer to "(commercial dairying, cropping or horticulture)" in LR R9(c) and "(commercial cropping or horticulture)" in LR P9(d).	Need to provide clarification about what intensive use is considered to be.
Page 7	LR P15 (b)	Support with Amendment	Add text to the end of (b) "in effective area"	Need to clarify the intent of the policy and ensure alignment with the rules.
Page 9	LR M5(a)	Support with Amendment	Expand Method 5(a) to clarify the intended use and availability of the Implementation Plan. It is suggested that the following or similar amendments be made: '(a) develop and maintain a Rule Implementation Plan <u>to ensure accurate and consistent interpretation and implementation of Plan Change 10 by Council and the public.</u> '	There is no direction on the intent and intended audience or use of the rule implementation plan. Concern has been raised by the community on the availability of this plan and what will be included. To resolve this it is intended to clarify that the implementation will be made available to the public. This will include matters raised both internally (Consents and Advice and Support) and those raised by the public to ensure consistent interpretation and implementation of the plan.

Page 11	Rule summary flowchart	Support with amendment	Add "commercial" in front of dairy farming in box 'under properties 5 hectares in area or less'.	Add text to ensure that there is consistency between the rules and the flowchart.
Page 13	LR R4	Support with Amendment	Remove second bullet point as unnecessary and consequential reformatting into one sentence: " <u>The use of land for farming activities on properties/farming enterprises</u> greater than five hectares in area and up to and including 10 hectares in effective area in the Lake Rotorua groundwater catchment is a permitted activity from 1 July 2017 subject to the following conditions:". Consequential updating of the flow chart on Page 11.	Second bullet point is unnecessary as segment is covered in first bullet point.
Page 14	LR R7	Support with Amendment	Amend rule title to read: "LR R7 Permitted – From 1 July 2017, the use of land for low intensity farming activities on properties/farming enterprises <u>that demonstrate low nitrogen loss</u> ". Amend first paragraph to read "The use of land for low intensity farming activities on properties/farming enterprises in ..."	The rule title includes the term "low intensity" which is unnecessary and potentially confusing as there is no associated definition and different terms are used throughout the plan.. This term also used in the first paragraph under the rules title. To gain consistency the term 'low nitrogen loss' should be used.

Page 14	LR R7	Support with Amendment	Change 68% to 71% where required.	<i>'The figure of 68% of nitrogen loss generated by the drystock reference file equated to the bottom of the drystock range (established as a result of the allocation approach). The reference file methodology needed to be reviewed due to the bug discovered as a result of the OVERSEER® 6.2.0/6.2.1 transition. The review has resulted in slight changes to the reference file and therefore the % becomes 71%. This is a mathematical relationship that simply describes the bottom of the drystock range. It does not have any impact on the targets/reductions required from the farming sector.'</i>
Page 14	LRR7	Support with Amendment	Need to clarify that low nutrient losses cover activities that comply with the permitted criteria (meet the stocking rate table and/or are not commercial). Currently there is no explanation of this.	Clarification is required on what low nitrogen losses are perceived to be.

Page 14 and 15	LR R7 Part (a) and (a)2.	Support with Amendment	Amend wording in LR R7(a) to read "...demonstrating that the property/farming enterprise's <u>effective area</u> nitrogen loss is less...". The same amendment is needed in LR R7(a)2.	<i>There is inconsistency with the terminology used throughout the rule. Paragraph 1 refers to 'nitrogen loss from the effective area' whilst LRR7 (a) and (b) refers to nitrogen loss from a 'property/farming enterprise'. All need to refer to effective area. It is noted that there are other submissions relating to LRR7 in this submission, and that this inconsistency could be resolved through amendments made in response to these other submission points.</i>
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<p>Page 14 and 15</p>	<p>LR R7</p>	<p>Support with Amendment</p>	<p>Amend and restructure LR R7 as follows: "The use of land for low intensity farming activities on properties/farming enterprises in the Lake Rotorua groundwater catchment, where the nitrogen loss from: • the effective area (<u>excluding areas of grazed trees that existed in the 2001-04 period</u>) is less than 68-71% of the nitrogen loss rate generated by the drystock reference file prescribed in Schedule LR Five • the effective area of grazed trees that existed in the 2001-04 period <u>does not exceed the Benchmarked discharge rate or if not Benchmarked the average Benchmark discharge rate for grazed trees</u> is a permitted activity from 1 July 2017, subject to the following condition: (a) Landowners must submit an OVERSEER® file upon the commencement of use of land for low intensity farming activities <u>with low nitrogen loss</u> and every three years thereafter, prepared by a suitably qualified and experienced person, demonstrating that the property/farming enterprise's <u>effective area (excluding areas of grazed trees that existed in the 2001-04 period)</u> nitrogen loss is less than 68-71% of the nitrogen loss rate generated by the drystock reference file prescribed in Schedule LR Five <u>and the grazed trees effective area does not exceed the Benchmarked discharge rate or if not Benchmarked the average Benchmark discharge rate for grazed trees;</u> and: Either 1 Annual land use information records must be submitted on an annual basis by 31 October each year to confirm that the property/farming enterprise's stocking rates, nitrogen inputs and areas of land use (including fodder cropping, cultivated area and land clearance) remain the same or less than the OVERSEER® file from <u>as described in (a)</u> Or 2 Provide a new OVERSEER® file, prepared by a suitably qualified and experienced person, demonstrating that the property/farming enterprise's nitrogen loss rate generated by the permitted activity reference file prescribed in Schedule LR Five <u>meets the requirements described in (a).</u>"</p>	<p>Need to amend LR R7 to ensure that grazed trees allocations of nitrogen discharges remain at that level. Otherwise an unintended increase in nitrogen discharge could occur which is contrary to the policy intent. This leads to a restructure of the rule format. Implication of sub parts 1) and 2) can also occur this allowing the above submission points to also be resolved.</p>
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Page 15	LR R7 - Advice note	Support with Amendment	Amend wording to "1. Under OVERSEER® version 6.2.0 the permitted activity reference file <u>discharge</u> has a value of 18 kg N/ha/yr <u>which is equivalent to 71% of the drystock reference file. See Schedule LR Five</u> "	Correction required to better describe the Permitted Activity level in 6.2.0.
Page 15	LR R8	Support with Amendment	Amend the second bullet point under LR R8 to read: "The activity does not comply with permitted activity conditions in Part LR <u>for the use of land for farming activities</u> "	The second bullet point is missing any reference to permitted activity rules, this being inconsistent with LR R5 and LR R6.
Pages 15 to 18	LR R8, R9, R10 and R11	Support with Amendment	Include the following words in the matters that Council reserves control over for LR R8 to 10(v) and LR R11 (vii): "Circumstances that may require a review of a <u>Nitrogen Discharge Allowance or a Nitrogen Management Plan ...</u> ".	There is no trigger available to initiate the review of a approved consent and its associated NDA/NMP upon nutrients being sold to the Incentives Board or transferred.
Pages 15 to 18	LR R8, R9, R10 and R11 - Controlled Activity Assessment criteria	Support with Amendment	Add an additional matter of control under LRR8, LRR9, LRR10, LRR11 ' <u>The duration of the consent to reflect the nature, scale and robustness of any on farm mitigation options proposed.</u>	The assessment criteria do not link to Policy LR P16 by providing the ability to consider consent duration.

Page 17	LR R10	Support with Amendment	Substitute the test from point LR R9(iv) with the text in LR R10(iv): "(iv) 'The form of information and documentation to support the OVERSEER® file, this includes data inputs used for the OVERSEER file and the application of the Lake Rotorua Groundwater Catchment Nitrogen Protocols published by the Regional Council, including data inputs and protocols. '"	Council is retaining control over the data inputs and protocols for data entry. Earlier discussion proposed a document would be created and referenced but this was discounted. The wording in LR R10 should have been replaced with the wording in LR R9(iv) and LR R8(iv). LR R11(vi) also has similar wording except for the OVERSEER® reference.
Page 17	LR R10 - Advice notes	Support with Amendment	Insert new advice note as follows: " <u>3. The transfer of nitrogen between properties either as Managed Reduction Offsets (short term trading) or Nitrogen Discharge Allowances (long term trading) is implemented by the issuing of new resource consents and new Nitrogen Management Plans for the source and destination land.</u> "	Need to add an explanation as to how consents will be used implement trading.
Page 20	Definitions "Effective Area"	Support with Amendment	Amend definition of Effective Area as follows: "The part of the property/farming enterprise used for grazing, cultivation, cropping, horticulture, effluent disposal, <u>and includes areas of grazed trees</u> ".	Addition of further clarification to definition of "Effective Area" to include reference to Grazed Trees
Page 20	Definitions "Grazed Trees"	Support with amendment	Amend definition of Grazed Trees by deleting "under Rule 11" and inserting "during the 2001-04 Benchmarking period".	Correction to terminology used.

N/A	Definitions	Support with Amendment	Insert definition(s) to increase interpretation of plan.	There is no definition of commercial dairying, horticulture or cropping. These are important to ensure correct implementation of Rule 3 and 4.
Page 22	Schedule LR One, introductory text	Support with Amendment	Add text to last sentence above Table LR 5 (page 22) as follows: " <u>For Benchmarked properties - the Benchmark, land use and effective area are defined by, and are what existed in, the 2001-04 period. For non-Benchmarked properties the Derived Benchmark is defined by the 2001-04 Benchmark averages, and the land use and effective area are what existed in the 2002/03 period. Any lawful change is taken into account. All Benchmark information is converted to OVERSEER® 6.2.0 for the purpose of calculating Nitrogen Discharge Allowances.</u> "	The transition of benchmark information through OVERSEER® and into % of reference files should be made more explicit. This is also covered within Schedule LR Five and will provide consistency.
Page 22	Schedule LR One, Table LR 5 "Benchmarked properties"	Support with Amendment	Amend "Actual Benchmark" to "Actual <u>Benchmark (from Benchmarked land use and effective area)</u> " where original phrase appears in Table LR 5.	Clarification is needed that the benchmarks relate to a timeframe, <u>a land use and effective area</u> . This is the basis for the allocation position agreed through the Lake Rotorua Stakeholders Advisory Group process. To ensure this is clear additional wording is required to specify the relationship to land use and effective area.

Page 22	Schedule LR One, Table LR 5 "Not Benchmarked properties"	Support with Amendment	Amend "Derived Benchmark Function of 2002/03 land use and 2001-04 sector average unless evidence of substantial change." to "Derived Benchmark (function of 2001-04 sector Benchmark average, and 2002-03 land use and effective area unless evidence of substantial change)" where original phrase appears in Table LR 5.	Clarification is needed that the process of deriving benchmarks relates to a timeframe, <u>land use and effective area</u> . This is the basis for the allocation position agreed through the Lake Rotorua Stakeholders Advisory Group process. To ensure this is clear additional wording is required to specify the relationship to land use and effective area.
Page 22	Schedule LR One, Table LR 5 "Non-Rule 11 properties" (last row of table)	Support with Amendment	Amend "Derived Benchmark This will be created through the application of OVERSEER® to the actual land use in place during the 36 month period ending on 01 January 2016." to "Derived Benchmark. This will be created through the application of OVERSEER® to the actual land use and effective area in place during the 36 month period ending on 01 January 2016.	Clarification is needed that the process of deriving benchmarks relates to a timeframe, <u>land use and effective area</u> . This is the basis for the allocation position agreed through the Lake Rotorua Stakeholders Advisory Group process. To ensure this is clear additional wording is required to specify the relationship to land use and effective area.

Page 23	Schedule LR One Table LR 6	Support with Amendment	Delete Table LR 6 Note a). Re-label note b) as note a). Insert new sentence between last two paragraphs of "Nitrogen discharge allowance methodology" (page 23) as follows: " <u>Nitrogen Discharge Allowances are calculated in kg/N/ha/yr using OVERSEER® 6.2.0 and are then expressed as a percentage of the relevant reference file.</u> "	The transition of benchmark information through OVERSEER® and into % of reference files should be made more explicit. It is covered within Schedule LR Five but can usefully be clarified.
Page 24	Schedule LR One - Additional matters"	Support with Amendment	Add sentence to 2nd bullet point under "Additional matters" as follows: " <u>Non-Benchmarked grazed trees will be allocated the Benchmark grazed trees average discharge rate.</u> "	For clarification the non-benchmarked grazed trees allocation should be added.
Page 27	Schedule LR Three	Support with Amendment	Amend text for (f) and (g) as follows: "(f) Type, area, and planting dates <u>and use of for</u> crops (i.e exported or on farm use)." and "(g) Type and quantity <u>and source</u> of supplementary feed."	In terms of the information being asked for in Schedule LR Three: (f) does not have destination of crop which can be exported. (g) supplementary feed is not necessarily imported. These are important considerations when assessing farming operations.

Page 31	Schedule LR Five	Support with Amendment	<p>Replace text with following: "OVERSEER® <u>block types descriptions</u> relate to definitions in the following ways: Drystock areas are OVERSEER® pastoral block types where the land use is not dairy, <u>and includes non-dairy fodder blocks</u>, cut and carry, crop and fruit crop. Dairy areas are OVERSEER® pastoral blocks or fodder blocks that are primarily used for dairy. Bush/Scrub areas are OVERSEER® native blocks <u>trees and scrub blocks with bush type "Native"</u>. Plantation Forestry areas are OVERSEER® forestry blocks <u>trees and scrub blocks with bush type "Pines"</u>." The Footnote remains unchanged.</p>	The OVERSEER® descriptions used in Schedule LR Five need to be amended for accuracy. There is no change to the implementation of the rules as a result of this amendment.
RWLP pg 53 para 7	RWLP pg 53 para 7	Support with amendment	Amend text from "so that individual properties Nitrogen Discharge Allowance (NDA) may ..." to "so that property/farming enterprise Nitrogen Discharge Allowances (NDA) may ..."	Correction to terminology