

# Further Submission on Lake Rotorua Nutrient Management - Proposed Plan Change 10

Clause 8 of Schedule 1, Resource Management Act 1991

Submission to be received by **4:00 pm, Monday, 1 August 2016.**

Further Submission Number

Office use only

**FS 06**

**TO:** The Chief Executive  
Bay of Plenty Regional Council  
PO Box 364  
Whakatāne 3158

**FAX:** 0800 884 882  
**EMAIL:** rules@boprc.govt.nz

**Name:** CNI Iwi Land Management Ltd

**This is a further submission in support of and opposition to submissions on Lake Rotorua Nutrient Management - Proposed Plan Change 10 to the BoPRC Regional Water and Land Plan.**

1. CNIILML **does** wish to be heard in support of our further submission.
2. If others made a similar submission CNIILML **would be** prepared to consider presenting a joint case with them at any hearing.
3. CNIILML has an interest in the proposal that is **greater than the interest the general public has.**

The CNI landholding comprises approximately 7% of the catchment. The proposed plan would place extraordinary constraints on the type of land use available to CNIILML, to the extent that plantation forestry would be the only possible land use.

**Signature.** *None - submission was made by electronic means*

**Address for Service:**

Alamoti Te Pou  
CNI Iwi Land Management Ltd  
PO Box 1592  
Rotorua 3040

**Telephone:**

**Daytime:** 021 641 102 **After Hours:** 021 641 102

**Email:**

alamoti@landmanagement.co.nz **Fax: NA**

**Contact person:**

Bridget Robson [bridget@eland.co.nz](mailto:bridget@eland.co.nz) ph 027 224 1574

## FURTHER SUBMISSION POINTS:

Sub #	Submitter name	Section ref	Sup/Op	Reasons for support or opposition
29-3	WB Shaw and SM Beadel	<b>Overarching comments</b>	support	For the reasons given in the original submission: An overall vision of what sustainable long-term land use across the lakes catchment looks like isn't evident. The Regional and District Councils combined need to continue to investigate options for sustainable land management, and to support a science-based approach to that.
70-16	The Fertiliser Association of NZ	<b>Introduction</b> 'adaptive management'	support	For the reasons given in the original submission. Even though Adaptive management is a core element to the functioning of this plan, its meaning is presently unclear. It should be made clear that "review" does not mean regular policy change, but rather, monitoring and responding to science and policy outcomes. Certainty for land users is required, by consistent application of the policies.
75-27	Federated Farmers of NZ	<b>Introduction</b>	Support	For the reasons given in the original submission: The Incentives Scheme is central to an integrated framework, central to RPS policies, central to PC10 rules. That detail on the operation and criteria for use of the 'Incentives Scheme' be added. That Council review the funding criteria for the Incentives Fund, to consider opportunities for a wide focus. CNIILML believe that this should be added as LR M6, a complete method, rather than in the introduction.
75-30	Federated Farmers of NZ	<b>Introduction</b>	Support	Add section to science review. Amend method LR M2 to include a review of the whole system understanding to support effective and efficient interventions and to include consideration of wider ecosystem health outcomes
26-11	Rotorua Lakes Council	<b>Table LR1</b> <b>Annual loads and reductions</b>	Support	For the reasons given in the original submission: Insufficient regard has been held to RPS Policy WL 5B(d) "Iwi land ownership and its status including any Crown obligation", and to RPS Policy IW 3B "Recognising the Treaty in the exercise of functions and powers under this Act". Include appropriate objective(s), policies and methods to address PC 10's proposed allocation of 435tN among land use activities. This is to redress the present disparate impact on Iwi, which occurs due to the very recent return to Iwi of Settlement Land, the nature of the multiple ownership of Maori freehold land and its effects on land values, ability to sell, reduction of lease income, and cultural limitations on viable alternatives for land use.
73-1	P F Olsen Ltd	<b>Table LR1</b> <b>Annual loads</b>	Support	For the reasons given in the original submission: Oppose the allocation decision process as the make-up of the collaborative group was not fully representative of the land use of the catchment. The allocation decisions were made in a collaborative process between the constituents of the <b>pastoral sector</b> ; not the <b>land based primary sector owners</b> . CNI had no voice at any

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		<b>and reductions</b>		stage of deciding upon this distribution, despite owning 7% of the land in the catchment.
73-8	P F Olsen Ltd	<b>Table LR1 Annual loads and reductions</b>	Support	<p>Re-evaluate the decision criteria, especially in respect of wider land use sector equity issues, and use more appropriate evaluation of the true significance of past committed capital.</p> <p>The set of criteria and integrated framework approach used by the STAG group used to reach its conclusions misinterprets the potential for windfall gains. The potential for windfall gains lies with those who have and continue to most heavily contribute to the pollution problem, not with those whose actions have created few externalities. "Existing land use" is not an appropriate criteria for future <b>sustainable</b> landuse.</p>
74-1	Deer Industry NZ	<b>Table LR1 Annual loads and reductions</b>	Support	<p>An independent review of representativeness of participants of the StAG group.</p> <p>An independent assessment of StAG outcomes for bias relating to:</p> <ul style="list-style-type: none"> <li>a) Sector representation</li> <li>b) Land owner representation</li> <li>c) Assessment of vested interests in outcomes.</li> </ul>
30-4	Fish & Game NZ (Eastern Region F&G Council)	<b>Table LR2 Pastoral reductions</b>	Oppose in part	<p>The submission notes that <i>"rules have been set by land use categories, to more heavily target sectors that leach greater amounts of nutrient"</i>. The land use categories that have been most heavily affected/"targeted" are those that leach least. Plantation forestry is locked at 2.5kgN/Ha, or less than 1/20<sup>th</sup> of dairying. Those presently with dairying land have considerable flexibility of what to do with their property, including use of the incentives scheme. Forestry has none.</p> <p>The submission also notes <i>"Major changes to farm management practises may be required but the time frame proposed gives a fair and equitable period to plan for and meet objectives"</i>. This submission ignores the unfair and inequitable effect of meeting those objectives, on those with land in forestry.</p>
48-1	Parekarangi Trust	<b>Table LR2 Pastoral reductions</b>	Support	For the reasons given in the original submission: A better predictive model than Rotan is required. As ROTAN relies on inputs from Overseer, it compounds any issues with the accuracy of Overseer, and its various versions. ROTAN has proved ineffective at determining Lake Rotorua Water Quality.
73-3	P F Olsen Ltd	<b>Table LR2 Pastoral reductions</b>	Support	For the reasons given in the original submission - oppose the grandparenting of landuse pollution "rights". Grandparenting - of which "sector averaging" is a variant - represents a subsidy in perpetuity for those whose land-based endeavours create the most pollution. It is inequitable, unreasonable and unfair.
74-9	Deer Industry NZ	<b>Table LR2</b>	Support	For the reasons given in the original submission which oppose the principle of grandparenting which rewards existing businesses

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		<b>Pastoral reductions</b>		that have high nitrogen losses, and restricts activities of businesses that have lower losses. Do not support an allocation system that grossly favours one sector over another.
43-114	Ravensdown Limited	<b>Table LR3 Sector contributions</b>	Oppose in part	CNIILML support the consistent use of tools, but oppose the suggested mechanism of updating when the Overseer model changes. Overseer, due to the TM constraints imposed by its designers, is already a black box. It is a tool which at present has an indeterminate level of confidence and it is not at all clear how accurately it represents actual input: output relationship of N - as the variation between each iteration illustrates. Therefore seeking to mask one range of errors (between version differences) by introducing another range of errors by using “unanchored averaging” is opposed. Ravensdown’s submission of <i>providing for a mechanism for updating when OVERSEER changes without having to undertake a plan change (as per ECan Plan Change 3)</i> doesn’t address the fundamental problem. Overseer is being used as a determinative tool when it is not [yet] competent for that type of use. Rather than retaining a flawed tool and trying to reduce the visibility of those errors by seek to smooth or average them out, some other technique is needed to set allocative policy.
48-2	Parekarangi Trust	<b>Table LR3 Sector contributions</b>	Support	For the reasons given in the original submission: Enable science time to catch up and develop accurate models. Overseer has not been designed to be used with this level of accuracy. Every version can produce considerable variance in predicted N outputs. Version 6.2.0 shows large changes in output compared to previous versions. I.e. depending on what are the most current base assumptions in the model, the modelled outputs change.
73-4	P F Olsen Ltd	<b>Table LR3 Sector contributions</b>	Support	For the reasons given in the original submission: oppose the grandparenting of landuse pollution “rights”. Grandparenting - of which “sector averaging” is a variant - represents a subsidy in perpetuity for those whose land-based endeavours create the most pollution. It is inequitable, unreasonable and unfair.
75-114	Federated Farmers of NZ	<b>Table LR3 Sector contributions</b>	Support	For the reasons given in the original submission, new, quality, science material to PC10 has become available. This should be included by adding a new table 'Table LR 3A: Sub-catchment Nitrogen Loads and Indicative Targets' and supporting narrative.
43-41	Ravensdown Limited	<b>New Objective/Policy</b>	Support in part	Support the need to add a new policy that clearly identifies how benchmarking will be undertaken, and that takes a revised approach to benchmarking. Oppose benchmarking that applies only to farming enterprises or that uses the last 5 years actual nutrient losses, as this perpetuates not only grandparenting, but also introduces a capacity for gaming for those properties who took scant heed of the Rule 11 requirements. Agree that PC 10 lacks policy direction regarding benchmarking, and that the methodology outlined in Schedule LR One is confusing. CNIILML would like Council to take a revised approach to benchmarking rather than relying on an historical

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				benchmark, however the CNIILML proposal for benchmarking would be based on land use suitability and predicted externalities, not on actual use. This would support a transition to appropriate land use over time.
66-45	Lake Rotorua Primary Producers Collective	<b>New Objective</b>	Support	<p>Additional Objective LR xx: The productive potential of the Lake Rotorua catchment rural land resource is sustained and the growth and efficient operation of rural production activities are provided for. CNIILML support this concept as it would support the CNI intent to have a more diversified use of its landholding, which is presently all in plantation forest. CNIILML seeks to increase its resilience by having a broader range of rural production activities on its land.</p> <p>New Objective LR xy: recognise the multiple values of natural and physical resources by aligning interventions to achieve multiple environmental, social, cultural and economic objectives within a long-term strategic approach. CNIILML support this concept as it would support the CNI intent to increase its economic, and thus social, resilience by having a broader range of rural production activities on its land.</p>
75-158	Federated Farmers of NZ	<b>New Policy</b>	Support in part	<p>The submission sought that there be an additional policy that used use the Treasury Principles for Best Practice Regulation, their attributes and indicators. These attributes and indicators are set out on page 84, Table 8 of the 2015 report. The submission paraphrases these to a certain extent, which potentially changes their meaning. If the policy is to be included, it should use the Treasury wording as written, underline and strikethrough below show differences.</p> <p>Add new policy LR P18 When developing rules, the Council will <del>ensure they meet</del> <u>use</u> the following guiding principles<sup>1</sup>:</p> <p><b>Flexible, durable</b> - Entities have scope to adopt least-cost and innovative approaches. The underlying approach is principles or <del>performance effects</del> based. Non-regulatory measures including self-regulation are used wherever possible. <u>Feedback systems are in place to assess how the law is working in practice including well-developed performance measurement and clear reporting</u></p> <p><u>The regulatory regime is up to date with technological and market change, and evolving societal expectations</u></p> <p><b>Proportional</b> - The burden of rules and their enforcement is proportionate to benefits expected. <u>A risk-based, cost-benefit framework is in place for both rule-making and enforcement. There is an empirical foundation to regulatory judgements.</u> <del>proposed rules have been tested against a risk-based, cost-benefit framework. Changes proposed have been tested to assure the benefits outweigh the costs of disruption.</del></p> <p><b>Certain</b> - <u>Regulated entities have certainty as to their legal obligations, and the regulatory regime provides predictability over time. Decision-making criteria are clear and provide certainty of process.</u> <del>the regulatory system is predictable and provides certainty for plan users.</del></p> <p><b>Growth supporting-compatible</b> - economic objectives are given appropriate weighting <u>relative to other specified objectives.</u> <del>identifying and justifying trade-offs</del> <u>between economic and other objectives – for example, the pursuit of other dimensions of</u></p>

<sup>1</sup> Treasury Principles for Best Practice Regulation <http://www.treasury.govt.nz/regulation/bpr/bpregpa-feb15.pdf>

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				<u>living standards</u> - is an explicit part of decision-making. [in the accompanying s32 reports] - The need for businesses to take long-term investment decisions is taken into account <u>in regulatory regimes where appropriate.</u> <del>including by providing for maximum consent durations for major investments</del>
26-37	Rotorua Lakes Council	<b>LR P4 Policy Four</b>	Support	<p>This submission appears to have been wrongly coded. It should be at LR M2, not LR P4.</p> <p>Support the increased certainty regarding reviews which was sought by this submission:</p> <p>Amend LR M2 to replace “these reviews <b>may</b> include” with “these reviews <b>will</b> include”; and to state 2017 as the year the first review will be completed.</p> <p>RLC supports the use of adaptive management with a five yearly science reviews and regular reviews of the RPS and regional plan.</p> <p>RLC would like to see this first review occur as soon as possible. RLC is also concerned that the word “may” implies that a full review will not necessarily be completed.</p>
1-5	Lindsay Hugh and Alison Lyndsay Moore	<b>LR P5 Policy Five</b>	Support	<p>For the reasons given in the original submission CNIILML supports the land use suitability approach advanced by this submission, and the proposal to give time to transition from present use to suitable use. The starting point in determining nitrogen use should be land classification by its characteristics and how permeable the soil profile is. Current land use is irrelevant to classification but may be relevant to permitted time within which to adjust to the standard for that class of land.</p>
75-136	Federated Farmers of NZ	<b>LR P5 Policy Five</b>	Support	<p>For the reasons given in the original submission CNIILML supports amending the title from ‘Nitrogen allocation’ to ‘Managed Reduction Targets’ and amending wording of Policy LR P5 to say: 'To support the achievement of the RWLP TLI objective managed reduction targets may be allocated'.</p> <p>Language is important and it is inappropriate to be suggesting that nitrogen discharge should be “allowed” when the purpose of the exercise is to reduce nitrogen discharges in a staged way.</p> <p>CNIILML also supports amending the policies to express higher intent, including to give better effect to RPS and RWLP objectives and policies, instead of reading like rules.</p> <p>CNIILML also supports making provision for developing managed reduction targets at a range of scales and across all contributing sectors (including urban and point source discharges) and sub catchments.</p>
75-140	Federated Farmers of NZ	<b>LR P7 Policy Seven</b>	Support in part	<p>Language is important and it is inappropriate to be suggesting that nitrogen discharge is in any way an “entitlement”. Support the change from “entitlement” to “increases”, as this more accurately describes the policy purpose.</p> <p>Support the intent to use transfer and trading mechanisms.</p> <p>Seek in addition that any landowner be able to participate, and this not be restricted to “properties/<b>farming</b> enterprises”, as this</p>

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				<p>would excludes landholders whose land is presently in forest.</p> <p>Amend as follows: LR P7 To enable the authorised transfer of nitrogen loss increases between properties/<del>farming rural</del> enterprises from 1 July 2022 through flexibility, transfer and trading mechanisms to encourage efficient outcomes, eg, transferable development rights, offset mechanisms, baseline-and-credit trading schemes; mechanisms for recognising management practices and innovations which are not in Overseer; and making provision for collective consents for multi-property nutrient reduction proposals.</p> <p>Support the submission's recommendation for a mechanism for recognising management practices and innovations which are not in Overseer.</p>
43-31	Ravensdown Limited	<b>LR P8 Policy 8</b>	Support in part	For the reasons given in the original submission CNIILML supports: re-naming the management plan to a "Nutrient Management Plan", as that properly reflects its purpose, and including a the requirement for property/farming enterprises to manage nutrient loses through GMP.
61-8	Beef + Lamb NZ	<b>LR P8 Policy 8</b>	Support in part	For the reasons given in the original submission CNIILML supports taking a whole farm approach to managing the potential impacts on water quality, not just limited to Nitrogen, and to take action at a sub catchment level, through coordinated, well supported and prioritised actions.
70 - 29	The Fertiliser Association of NZ	<b>LR P9 Policy 9</b>	Support	<p>For the reasons given in the original submission CNIILML supports the principle of ensuring that policies read like policies rather than methods, to avoid unintended consequences of introducing a further gateway test (s104), by replacing LR P9 with the following or similar:</p> <p>Enable low intensity land use activities, plantation forestry, bush/scrub or activities that can demonstrate no increase in nitrogen loss. <i>Advice note: it is intended that permitted activity would apply to the following property / farm enterprises: - &lt; 10 ha effective area with 'low intensity farming activity'. - 10 - 40 ha until 2022, and no increase in nitrogen loss. - in the Lake Rotorua groundwater catchment but not previously managed by Rules 11 to 11F. - with low nitrogen loss.</i></p> <p>As written it would be difficult to meet in terms of nutrient discharges.</p>
70 - 30	The Fertiliser Association of NZ	<b>LR P9 Policy 9</b>	Support	<p>For the reasons given in the original submission CNIILML supports FANZ alternative relief: If Policy LR P9 is retained combine condition (g) with (c) and (d) to provide for all low intensity land use activities, or combine condition (c) and (d) and retain (g) as a separate matter to provide for intensive farms with low N loss by defining 'low N loss'.</p> <p>Policy LR P9 provides mixed signals. It uses the terms 'no intensive land use' in (c) and (d) and 'low nitrogen loss' in (g). These terms do not appear to be defined is added. It is suggested that the terms 'no intensive land use' and 'low nitrogen loss' are replaced with 'low intensity land use activity' and a definition. When LR P9 (c), (d) and (g) are considered in combination this policy is ambiguous, making it confusing. In principle rural activities with low intensity should be a permitted activity.</p>

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70 - 31	The Fertiliser Association of NZ	<b>LR P9 Policy 9(h)</b>	Support	For the reasons given in the original submission CNIILML supports FANZ submission that if Policy LR P9 is retained, to delete LR P9(h). Farming activities, plantation forestry/ bush /scrub land use are provided for by LR P9 (a)–(g). FANZ notes that LR R8 – LR R11 are controlled activities and so cannot be permitted activities. If LR P 9(h) is intended to apply to land use other than farming activities, forestry/ bush/ scrub then it should be clear that is the case.
70 - 32	The Fertiliser Association of NZ	<b>LR P10 Policy 10</b>	Support	For the reasons given in the original submission CNIILML supports deleting and replacing LR P10 with: Nitrogen loss from land use activities within the Lake Rotorua Catchment shall be minimised through the use of both regulatory and non-regulatory methods following an adaptive management approach based on stepped time frames for the introduction of controls from 2017 and 2022 to achieve the sustainable lake nutrient load by 2032. These policies read like methods. Policies such as this effectively remove one of the ‘gateway’ tests under s104. Policies should be a statement of intent.
70 - 36	The Fertiliser Association of NZ	<b>LR P11 Policy 11</b>	Support in part	For the reasons given in the original submission CNIILML supports replacing policy LR P11 entirely, or amending as follows - with an additional amendment to replace the term Nitrogen Discharge Allowances NDA, with <u>Residual Nitrogen Discharge RND</u> : To manage farming activities on properties / farming enterprises greater than 40 ha, or from 2022 if less than 40 ha; where the farming activity is not low intensity land use activity, through the use of Nutrient Management Plans that demonstrate the achievement of Managed Reduction Targets and <del>Nitrogen Discharge Allowances</del> <u>Residual Nitrogen Discharge</u> for the purpose of meeting sustainable lake nutrient loads by 2032. Certainty can be provided through clear controlled consent conditions, where consent is required. The mitigations required to achieve the 2032 <del>NDA RND</del> may not be immediately known. Hence the policy should focus on the process and the outcomes. Policy LR P11 needs to be reworded to provide clarity for the reader, to focus on outcomes and to ensure consistency with LR P12.
70 - 37	The Fertiliser Association of NZ	<b>LR P12 Policy 12</b>	Support	For the reasons given in the original submission CNIILML supports replacing policy LR P12 entirely or amending as follows or similar: To provide for non-complying activity status for farming activities that require a land use consent application to be made and that do not submit a Nitrogen Management Plan, and provide for discretionary activity status where the Nitrogen Management Plan is not demonstrating the achievement of Managed Reduction Targets and Nitrogen Discharge Allowances, for the purpose of meeting sustainable lake nutrient loads by 2032. The policy should be reworded to be more directive and state what outcomes the Council requires to be achieved. Under the current policy provisions, any farming activities which cannot show how it can meet the significant N loss will immediately be non-complying. Flexibility to provide for adaptive management should be provided through Discretionary activity status.
17-6	D & A Trust	<b>LR P13 Policy 13</b>	Support	For the reasons given in the original submission CNIILML supports relegating the use of Overseer from being the tool to <b>determine</b> nitrogen loss, to being a <b>decision support</b> tool. This would mean deleting Policy LR P13.



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				Overseer is being used for applications far beyond what it is designed for or capable of. Overseer is a software tool. Until the software is informed by a considerably larger dataset it can only give generalised outcomes. There are significant variations in output from different versions of Overseer and this can be expected to continue, as assumptions are refined. Overseer, even used well, can have a variation on an individual farm of plus or minus 30%, which is far too much for a compliance tool and therefore should not be used for this purpose.
3-4	Kaingaroa Timberlands Partnership	<b>LR P14 Policy 14</b>	Support in part	To clarify the authorisation process identified in ... 'any alternative to OVERSEER for nitrogen budgeting purposes <b>must be authorised by the regional council</b> '; a clear path for that authorisation process needs to be specified. The criteria an alternative needs to meet should be set out in a schedule to this Plan Change, as should the authorisation process itself. CNIILML don't support this going through a resource consent process, as there may be an alternative that has much wider application than just a single property. Rule 10 reserves control to the Council to approve any alternative model and LRP14 should be clear as to how authorisation is to be achieved. The resource consent process allows for legal remedies if there is any dispute concerning alternative models.
70-39	The Fertiliser Association of NZ	<b>LR P14 Policy 14</b>	Support	For the reasons given in the original submission CNIILML supports amending LR P14: To consider alternative models for determining nitrogen loss if OVERSEER® cannot be readily used for a specific land use. Consideration of whether alternative models may be used will take into account ... (b) the acceptability of information inputs, for example a robust and verifiable process for estimating leaching rates; and (c) the potential of suitably qualified and experienced persons. Any alternative to OVERSEER® for nutrient budgeting purposes must be authorised by the Regional Council. FANZ considers the definition for 'nitrogen budget' in the Proposed Plan Change to be inadequate as it has no clear recognisable meaning. A generic nitrogen budget could be provided in many different ways without necessarily being robust. Part of the Policy LR P14 would therefore be better suited as a Schedule.
70-40	The Fertiliser Association of NZ	<b>LR P14 Policy 14(b)</b>	Support	For the reasons given in the original submission CNIILML supports amending LR P14: '(b) the acceptability of information inputs, for example a robust and verifiable process for estimating leaching rates; and'. It remains unclear why an alternative nutrient budget or alternative model is needed to estimate nutrient loss, if it relies on already having verifiable leaching rates. Rather it is a robust and verifiable process for estimating leaching loss which is required.
66-82	Lake Rotorua Primary Producers Collective	<b>New Method</b>	Support	For the reasons given in the original submission CNIILML supports adding a new method requiring the development and implementation of sub-catchment action plans, and setting out the process for developing the action plans. or to similar effect. Give effect to recommended alternative framework, consistent with RWLP Method 41.
75 -	Federated	<b>New Method</b>	Support	For the reasons given in the original submission CNIILML supports amending the plan to assess the efficiency and effectiveness of current methods, in accordance with the broader RWLP Plan Review process.

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159	Farmers of NZ			
14 - 15	Warren Webber	<b>LR M2 Method Two</b>	Support in part	<p>For the reasons given in the original submission CNIILML supports adding specific provision for future work and research priorities to the method, including on:</p> <ul style="list-style-type: none"> <li>- whether sustainable load targets are achievable with other combinations of N &amp; P mitigation.</li> <li>- modelling lake inputs with revised attenuation factors to confirm catchment targets</li> <li>- improving the accuracy of Overseer, particularly by improving the accuracy with which Overseer reflects the Lake Rotorua soil conditions and reactions. I.e. relevant local monitoring to support the modelling.</li> <li>- Improved understanding of the long term sustainable use of in-lake alum.</li> </ul>
58-31	Max Douglas	<b>LR M2 Method Two</b>	Support	<p>adding specific provision for widening the scope of science beyond the lake, water, and water metrics. CNIILML supports the addition of undertaking studies that support land use suitability so farmers and foresters can make best use of the land available, including, but not limited to: soil leaching rates, appropriate stocking rates to avoid overloading the underlying biological systems, how are riparian zones function and do they need to be improved.</p> <p>Relying on industry best practices, industry representatives, information from vendors selling products, and listening to central government science “advisors” has not provided adequate or accurate information. Science giving guidance and answering questions land owners may have about how to best use their land would be useful.</p>
64-1	DairyNZ and Fonterra Co-operative Group Limited	<b>LR M2 Method Two</b>	Support	<p>For the reasons given in the original submission CNIILML supports the review process to provide certainty in the Plan that the first major review of the lake and catchment water quality science will be carried out in 2017, and that the results of this review will form the basis for an adaptive management approach if the findings suggest that the NDA targets and associated rules framework are unlikely to meet the 2032 lake targets.</p> <ul style="list-style-type: none"> <li>- Clarify in the Plan that each scientific review will assess all scientific and policy aspects listed in method LR M2 (a-e).</li> <li>- Clarify that the review will include peer review from independent scientists.</li> </ul> <p>We value the intent to regularly review and publish the science used to derive the limits set out on the RPS and Regional Water and Land Plan every five years and respond to any recommendations made through subsequent community consultation and adaptive management.</p>
53 - 36	Lachlan McKenzie	<b>LR M2 Method 2(c)(ii)</b>	Support	<p>The additions proposed by this submission would assist in targeting any adaptive management.</p> <p>Review to read: (ii) a review and rerun of ROTAN (or any successor model), including nitrogen and phosphorous loss rates, groundwater trends and attenuation rates by sub-catchment, including OVERSEER® or similar estimates.</p> <p>Improve for clarity and completeness. Footnote needs to provide a more specific reference.</p>
53 -	Lachlan McKenzie	<b>LR M4 Method</b>	Support	<p>The amendments proposed by this submission would ensure that nutrient pollutants other than nitrogen are also considered</p> <p>Amend to read: Regional Council will monitor permitted activities and any developing technologies to ensure that any related</p>

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40		<b>Four</b>		risks of nutrient loss to the catchment are understood and acted on if necessary. Amend for consistency with integrated intent. The reference to developing technologies is not clear.
3-6	Kaingaroa Timberlands Partnership	<b>LRR2 From 1/07/2017 plantation forestry or bush/scrub</b>	Support	For the reasons given in the original submission CNIILML supports deleting the reference to two year interval between harvesting and/or replanting. While it is usual for forests to be replanted in 2 years there may be times when this does not occur, especially if there is a different owner of the land and the trees. At time of handback of land for a tree owner to the landowner it may take time for the landowner, to undertake any replanting. Land owners could be forced to apply for a non-complying resource consent. This is too onerous.
37-5	Ngati Whakaue Tribal Lands Incorporation	<b>LRR2 From 1/07/2017 plantation forestry or bush/scrub</b>	Support	For the reasons given in the original submission CNIILML supports commercial forestry being a range from 2.5 to 12.5kgN/ha/yr until leaching levels on soil types and rainfall bands within the catchment are confirmed through N leaching trials. Recommend that the transfer of N from other land use blocks within the property be permitted. Object to the restriction of forestry to 2.5kgN/ha/yr. The science is inconclusive on the N requirements for commercial forestry (including tree crops e.g. manuka).
64-15	DairyNZ and Fonterra Co-operative Group Limited	<b>LRR2 From 1/07/2017 plantation forestry or bush/scrub</b>	oppose	CNIILML opposes the addition of further rules on sediment loss or, if they are inadequate for the specific risk in this catchment, add to the conditions in this rule. The focus of this plan change is predominantly on Nitrogen, and if rules were to be included on sediment they need to apply to all land uses. While forestry can have a recognisable pulse of sediment at harvest, paired catchment studies have shown that overall the sediment input from forestry is still considerably lower than that of pastoral activity. CNIILML opposes a more prescriptive management of forestry harvest practices “to ensure that pulses of sediment / P do not undermine the efforts of other land users”. The differential for dairy compared to forestry on Nitrogen allocation is a ratio approaching 50:1 (102 vs 2.5 kgN/Ha/yr). Forestry sediment inputs over a rotation are commonly 1/3 that of pastoral agriculture. Forestry does not apply P, so unless P is residual from previous agricultural ventures it will not be a discernible output. In this submission point Dairy NZ/Fonterra seeks greater controls on the already very low inputs from forestry. In submission point 64-20 Dairy NZ / Fonterra “support the idea of applying less prescriptive rules to properties where the land use activity is less likely to result in contaminant loss to water”. Some consistency of approach by this submitter would be useful.
3-7	Kaingaroa Timberlands Partnership	<b>LR R2 Rule 2(a)</b>	Support	Delete the reference to two year interval between harvesting and/or replanting. Within forestry there are areas of bush and scrub that do not fall within Overseer scope of a bush/scrub block. At the time of replant some areas of forests are not replanted for reasons such as regulatory requirements for setbacks from water, powerlines, and public roads. Furthermore there non-planted areas are not legally secured as required by the definition of permanently retired. Within this catchment some areas for mountain bike tracks and associated areas are not replanted. It would be too onerous for a landowner to have to apply for a non-complying activity for non-replanted areas.

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70-58	The Fertiliser Association of NZ	<b>LR R2 Rule 2(a)</b>	Oppose in part	CNIILML understands the submitters desire to craft a cogent condition for this rule, and CNIILML supports that intent, however CNIILML does not support the intent of Rule 2 in its entirety, due to its purpose of preventing any forestry block participating in any trades of nutrient discharge units, or changing land use.
56 - 9	Bay of Plenty Regional Council	<b>LRR7 Low intensity farm activity</b>	support	For the reasons given in the original submission CNIILML supports the need to clarify what low nitrogen loss activities are and thus which comply with the permitted criteria. This should be via a definition.
64-20	DairyNZ and Fonterra Co-operative Group Limited	<b>LRR7 Low intensity farm activity</b>	Support in part	For the reasons given in the original submission CNIILML support the idea of applying less prescriptive rules to properties where the land use activity is less likely to result in contaminant loss to water. And support the recognition in this Rule that provision of an Overseer file that may describe different actions from those in the 'commencement' file. CNIILML further submits that the scope of activity that is regarded as a low intensity farm activity includes forestry, by changing the title of rule LR R& to be "low intensity <u>rural</u> activities on properties/ <u>rural</u> enterprises" and making consequential changes to give that effect.
78-14	Tony and Joanna Carr	<b>LRR10 From 1/07/2022 the transfer of nitrogen loss entitlements</b>	Support in part	For the reasons given in the original submission CNIILML supports leasing of nutrient discharge units rather than their permanent allocation. Trading could be a useful a tool to allow land owners to meet the staged reduction target. Leasing of nutrient discharge units is likely to increase flexibility and market efficiency, as well as reduce the compliance burden for BOPRC by enabling short-term fluctuations to be resolved with short-term nutrient trading. It will also reduce the likelihood that nutrient discharge units become capitalised into the value of land.
43-91	Ravensdown Limited	<b>LRR12 Farm activity with non-point nitrogen loss not permitted/controlled</b>	support	For the reasons given in the original submission CNIILML supports amending Rule LR R12 to be a Discretionary Activity. It is not necessary or appropriate for an activity unable to meet the permitted or controlled activity conditions to default to a non-complying activity. Discretionary activity status still allows for Council to decline consent, but does not require a resource user who may have minor adverse effects to go through the additional two gate-way test required. The plan requires some flexibility which a non-complying activity does not allow.
70-89	The Fertiliser Association of NZ	<b>New Definition</b>	support	Include definitions for low intensity land use activity. Clarification is required of a number of terms used throughout the Proposed Plan Change.

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75-197	Federated Farmers of NZ	<b>Farming Activity</b>	oppose	CNIILML opposes the change to seek to average the effect of farm activity over the whole property where it includes low leaching components such as forestry, rather than apply to the “effective area”. This is because it would serve to mask the high emitting activities which are the purpose and focus of the plan change.
66-107	Lake Rotorua Primary Producers Collective	<b>Managed Reduction Offset</b>	Support in part	Support in part, by supporting the clarification. But seek a further change, that being to the range of activities to which this applies, to include land presently in plantation forest. Consequent definition change also required, being that for property/ <del>farming rural</del> enterprise, to make it clear that such a rural enterprise can include a plantation forest. Amend to read: 'Nitrogen loss capacity that is transferred from a source property/ <del>farming rural</del> enterprise for addition to the managed reduction pathway of a destination property/ <del>farming rural</del> enterprise to enable land use change and meet a Managed Reduction Target.' Amend for improved clarity and practical application.
3-3	Kaingaroa Timberlands Partnership	<b>Plantation Forestry</b>	support	For the reasons given in the original submission CNIILML supports including all those aspects of forestry such as earthworks, tracks and non-planted areas rather than restricting the definition to planted areas only. Forestry is not just areas of planted trees, there are large areas of roading, skid sites and non-planted areas. The rules are also about the discharge of phosphorous. Therefore forestry earthworks should be part of the definition. Non planted areas may revert to indigenous vegetation but they will not necessarily be areas that are legally reserves. Non-planted areas and management of such areas are important for cultural areas and for the biodiversity of a forest and also an importance part of international third party certification processes.
3-2	Kaingaroa Timberlands Partnership	<b>Permanently Retired</b>	support	For the reasons given in the original submission CNIILML supports deleting the reference to 'that is legally secured'. Add 'that it is not grazed'. In forestry there will be areas that are not replanted but such areas are not legally secured. They may be areas that are part of the management of a forest, that is they may be pulled across at time of harvest, used for sediment control devices, new tracks, permanent skid sites, and infrastructure areas. So they form part of the normal management practices but are not legally reserved retired areas.
43-98	Ravensdown Limited	<b>Reference files</b>	support	CNIILML supports this definition of reference files, as being a more accurate description. Replace the definition with the following: “Reference files are Overseer files that have been created for hypothetical dairy and drystock properties that: • Have geophysical characteristics that are representative of the catchment (soil, slope and rainfall) which are used to represent the permitted activity nitrogen loss for the sector for the average property at 2032.”
75-212	Federated Farmers of NZ	<b>Suitably qualified and</b>	oppose	CNIILML opposes the submission’s proposed changes to the SQEP, as they would reduce the consistency with which Rotorua assessments would be done.

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		<b>experienced person</b>		
40-1	Maraeroa Oturoa 2B Trust	<b>Schedule LR One - Methodologies</b>	support	<p>For the reasons given in the original submission CNIILML supports changing the approach to benchmarking, using an alternative allocation methodology that supports long-term landowners in the catchment and does not put them in a position that disadvantages them. Review nitrogen allocations so that the baseline better reflects the ultimate potential of the property, not just the current situation. Provide flexibility to allow for on-going development to fully establish an economic unit whilst fully establishing appropriate mitigation policies / practices.</p> <p>CNIILML supports the Trust in opposing the use of 2001-04 benchmark as the starting point for nutrient allocation in this process. The current land use is significantly different from the benchmark years. To use the benchmark figure as a starting point for nitrogen allocation is unfair and puts these landowners at a disadvantage. The ability to intensify in earlier years was not possible.</p>
43-102	Ravensdown Limited	<b>Start Points and Nitrogen Discharge Allowances</b>	Oppose in part	<p>For the reasons given in the original submission CNIILML supports changing the approach to benchmarking - The present benchmarking approach is confusing, unhelpful and unfair to CNIILML. It is not clear how a benchmark under the previous Rule 11 was developed and therefore the relevance as a starting point questionable. Council should take a revised approach to benchmarking.</p> <p>Because that approach is likely to attract unintended consequences CNIILML does not support revising the approach to benchmarking option (i) suggested by Ravensdown, of:</p> <ul style="list-style-type: none"> <li>• Measuring the actual nutrient losses from a farm system for the next 5 years;</li> <li>• Determining a benchmark and the percentage reduction required from those actual results.</li> </ul> <p>Nor does CNIILML support (ii) suggested by Ravensdown.</p>
61-6	Beef + Lamb NZ	<b>NDA - Alternative method</b>	Support	<p>For the reasons given in the original submission CNIILML supports an allocation system that takes account of the land resource, and requires a proportional response to diffuse discharges and their externalities, rather than one being determined by current use. I.e. Oppose the methodology proposed in Schedule 1. The parameters in this submission better fit those Any Nutrient Allocation framework or NDA applied at a property level adopted by council or included within this plan change should be consistent with the B+L NZ principles of nutrient allocation. B+LNZ has developed a set of 14 principles for the allocation of nutrients. The plan should not be inconsistent with these principles:</p> <ol style="list-style-type: none"> <li>1 - Like land should be treated the same</li> <li>2- Those undertaking activities that have caused water quality problems should be required to improve their management to meet water quality limits.</li> <li>3 - Flexibility of land use must be maintained</li> <li>4- The allocation system should be technically feasible, simple to operate and understandable</li> <li>5- The natural capital of soils should be the primary consideration when establishing an allocation mechanism for nutrient loss</li> </ol>

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				<p>6 - Allocation approaches should provide for adaptive management and new information</p> <p>7 - Appropriate timeframes must be set to allow for transition from current state to one where allocation of nutrients applies</p> <p>8 - Long term investment certainty is a critical feature of a viable nutrient management system</p> <p>9 - Improvement in water quality must remain the primary objective of adopting any nutrient allocation regime</p> <p>10 - In under-allocated catchments, where property based nutrient allocation has not been adopted in setting water quality limits, the system for allocating nutrients must be determined well before the limit is reached, be clear and easy to understand, and designed to avoid over-allocation</p> <p>11 - In designing the allocation system the benefits of a nutrient transfer system within the catchment or water management unit should be considered</p> <p>12 - Regulation, monitoring, auditing and reporting of nutrients within an allocation regime needs to relate to the degree of environmental impact and pressure</p> <p>13 - As a minimum expectation, in all catchments, all land users should be at or moving towards (industry defined) Good Management Practice (GMP), recognising that GMP is constantly evolving and continuous improvement is inherent in GMP</p> <p>14 - Nutrient allocation must be informed by sound science</p>
22-1	Nick Adams	<b>Nitrogen Discharge Allocation Methodology</b>	support	For the reasons given in the original submission CNIILML opposes the use of grand parenting, including by sector averaging. CNIILML thus opposes the methodology proposed in schedule 1. Benchmarking as proposed in schedule 1 rewards the polluters and undervalues the positive effects of those that have undertaken previous mitigation measures. Those farms not previously benchmarked will automatically get an NDA almost twice of what high performing farms would get. Benchmarking clearly contradicts point (a) of Policy WL5B which says equity and fairness must be considered. It also encourages gaming and discourages good practice.
61-4	Beef + Lamb NZ	<b>Nitrogen Discharge Allocation Methodology</b>	support	For the reasons given in the original submission CNIILML supports an allocation system that takes account of the land resource, rather than one being determined by current use. I.e. Oppose the methodology proposed in Schedule 1. A sector averaging approach has all of the worst aspects of grandparenting with none of its more positive features.
73-2	P F Olsen Ltd	<b>Nitrogen Discharge Allocation Methodology</b>	Support	<p>Beyond 2032, N discharge totals from pastoral sources must be less than the targets set in the notified plan change with the surplus being allocated back to those currently under commercial forest cover.</p> <p>As a minimum, a further 2 Kg reduction across the pastoral sector would enable the existing plantation growing industry to achieve a discharge allocation of around 6 kg/ha/yr.</p> <p>CNIILML shares PF Olsen Ltd's opposition to the grandparenting [of which sector averaging is a variant] of other landuses pollution rights, which is what the Nitrogen Discharge Allocation methodology sets out. i.e. CNIILML opposes the schedule 1 methodology. Grandparenting is a subsidy in perpetuity for those parties whose land based endeavours are creating the most pollution. It represents a direct tax on current forest growers because their land values will decline. If a sector is unable to</p>

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				operate permanently without a Nitrogen cross subsidy from other land based sectors then that sector is fundamentally unsustainable and unsuitable. Permanent Grandparenting is at odds with the Fourth report of the Land and Water Forum.
71-6	Warren Parker	<b>Additional matters</b>	Support	For the reasons given in the original submission CNIILML supports plantation forestry being allocated a higher NDA - up to 5kg N/ha/year to enable the replacement of lost nutrients and boost forest productivity. In common with Scion, CNIILML still opposes the fundamental principles of the plan of grandparenting of allowances, a higher discharge land use enterprise, together with the potential to monetise NDAs at some future point in time as being a wealth transfer to those who cause the problem.
17-8	D & A Trust	<b>Schedule LR Five - Use of OVERSEER &amp; Reference Files</b>	support	For the reasons given in the original submission CNIILML supports only using Overseer as a <b>decision support</b> tool, not as the total <b>determinant</b> for nitrogen loss. Overseer is a software tool. Until the software is informed by a considerably larger dataset it can only give generalised outcomes. The significant variation from different models of Overseer can be expected to continue. In general Overseer can have a variation from the model to an individual farm of plus or minus 30%. This is far too much for a compliance tool and therefore should not be relied upon. PC10 proposed to use Overseer for applications far beyond what it is designed for or capable of.
71-8	Warren Parker	<b>Schedule LR Five - Use of OVERSEER &amp; Reference Files</b>	support	For the reasons given in the original submission CNIILML supports OVERSEER's development using information in Scion's plantation forestry nutrient balance model to ensure OVERSEER's treatment of plantation forestry incorporates the latest science of nutrient cycles and flows. It is essential that the latest science on nutrient cycles, stocks and flows is integrated into OVERSEER calculations. OVERSEER's evolution has been from pastoral farming and it will not be well-tuned to forestry.
54-2	The Maori Trustee	<b>Impacts on Maori Owned Land</b>	Support	For the reasons given in the original submission CNIILML supports that the matters below should be factored into the Plan Change, to ensure that it does not impede or negate future use and development of underutilised Maori Freehold land within the catchment, consistent with Government policy as being introduced by Te Ture Whenua Maori Bill reforms currently before Parliament for considerations; and Seeks either: (i) an exemption to the Plan Change rules for owners of underutilised Maori Freehold land (for example, by way of voluntary participation); and/or (ii) the establishment of a specific fund to assist owners of underutilised Maori Freehold land to purchase nitrogen discharge allowance credits to enable land intensification and development for underutilised Maori Freehold land in the future. The Provisional Report includes a useful analytical tool for analysing the impacts of the Rules. The Maori Trustee has considered the Provisional Report and is disappointed that the findings indicate that the Plan Change will: -effectively penalise owners of Maori land for their historically low contribution -unfairly favour landowners that have had the advantage of developing and utilising their land to its full economic potential; -be prohibitive to Maori owners to change land use or intensify current land use. -impede/negate future use and development of underutilised Maori land within the catchment, contrary to Government policy



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				<p>as being introduced</p> <p>-will necessarily force Maori land currently under lease to continue to be leased. The Maori Trustee is concerned that the Plan Change will encourage Maori landowners to convert land to land use that is less than its highest and best use on the basis of the fiscal impacts the Plan Change will have on conversion rates.</p>
53-9	Lachlan McKenzie	<b>Other Matters</b>	Support	<p>For the reasons given in the original submission CNIILML supports looking at a range of other options. There has been limited open and constructive dialogue about other nutrient reduction options. Ideas that need to be looked at constructively include; Nutrient harvesting, to oxygenate bottom lake waters, Siphon to take water outflow from lake water below thermocline during summer, Detention bunds and Enhanced wetlands. These suggestions reduce both N and P loads in the lake and are likely more efficient and effective than land use change.</p> <p>That a full list of catchment mitigation options with a cost and efficiency analyses be published.</p> <p>That an independent review be undertaken of the effectiveness and efficiency of all mitigation options along the source-transport-sink pathway. These reports be fully disclosed to affected stakeholders to empower them to make the right decisions at each sub catchment level.</p>
17-4	D & A Trust	<b>Section 32 Report</b>	Support	<p>For the reasons given in the original submission CNIILML supports enhancing the s32 report. In particular a genuine look at alternatives to allocation.</p> <p>The section 32 analysis provided lacks informed analysis of the impact on capital value. It is also flawed in its analysis of the benefits offered to forestry. It also appears to have a pre-determined outcome and thus fails the objectivity test. The s32 analysis has not been completed to the standard required to determine whether rules or other measures are the best means to achieve the targets set for the lake. In particular the cost to individual land owners has not been adequately modelled. The s32 also is reliant on a number of assumptions with no evidence to support where these assumptions have come from e.g. Page 70.</p>
54-1	The Maori Trustee	<b>Section 32 Report</b>	Support	<p>For the reasons given in the original submission CNIILML supports the new information that should be factored into the Plan Change.</p> <p>Ensure that it does not impede or negate future use and development of underutilised Maori Freehold land within the catchment, consistent with Government policy as being introduced by Te Ture Whenua Maori Bill reforms currently before Parliament for considerations; and seeks either:</p> <p>(i) an exemption to the Plan Change rules for owners of underutilised Maori Freehold land (for example, by way of voluntary participation); and/or</p> <p>(ii) the establishment of a specific fund to assist owners of underutilised Maori Freehold land to purchase nitrogen discharge allowance credits to enable land intensification and development for underutilised Maori Freehold land in the future.</p> <p>The Maori Trustee have had an opportunity to work with the Regional Council and representatives of the Te Arawa Primary Sector group in respect of commissioning a report on the impacts of the Plan Change on underutilised Maori Freehold land. The findings of this report were not available to the drafters of the Plan Change.</p>