



4 November 2016

Chairman
Hearing Commissioners
for Proposed Plan Change 10 to
the Bay of Plenty Regional Water
and Land Plan

169 London Street
P O Box 447, Waikato Mail Centre
New Zealand
Tel: (07) 838 2589
Fax: (07) 838 2960
Freephone: 0800 FARMING
(0800 327 646)
Web: www.fedfarm.org.nz

Attention: Nora Moore, Committee Advisor

Email: nora.moore@boprc.govt.nz

Dear Sir

APPLICATION BY LAKE ROTORUA PRIMARY PRODUCERS' COLLECTIVE TO DEFER COUNCIL HEARING

1. We refer to the Hearing Commissioners' Memorandum No. 2 dated 12 October 2016 and to the Lake Rotorua Primary Producers' Collective's application to defer the hearing. The purpose of this letter is to explain the reasons why Federated Farmers supports that application.
2. Our view is that the hearing ought to be deferred until the review of the Rotan model (which is currently happening) and the review of the science regarding Lake Rotorua water quality (scheduled for 2017) is complete. Our view is that these reviews should be prioritised for completion in the early part of 2017 and that the hearing should be scheduled as soon as practicable after that.
3. The Rotan model is important for estimating nitrogen losses from land. The model is premised on Overseer version 5.4, yet Proposed Plan Change 10 is premised on Overseer version 6.2. Serious issues were identified with the Rotan model including that nitrogen losses and attenuation were being underestimated. As a consequence, Council initiated a review of the Rotan model in 2016.
4. At first, a report on the review of the Rotan model was to be published in June 2016. This was deferred to October 2016 and our current understanding is that Council proposes to release its report in January 2017 as part of the section 42A report. We anticipate that the review of the Rotan model is not straightforward and there may not be a simple fix.

5. In respect of the science, the TLI target for Lake Rotorua of 4.2 appears to have been adopted in the 1980s. We have not seen any evidence that the target has been reviewed. The current evidence shows long term improvements in the TLI since 2001 and that the TLI target has been met. This suggests that the Regional Land and Water Plan ("RLWP") TLI target and/or the Regional Policy Statement ("RPS") nitrogen load reduction target required to achieve the TLI need to be reviewed.
6. Proposed Plan Change 10 is premised on both of these targets and Council's position is that these targets are out of scope for submission. Any changes in the science (and the evidence indicates that the science is very different from that which supported the RPS and RWLP targets) will have significant implications for Proposed Plan Change 10.
7. Council has signalled an intention to review the science in 2017. However, our current understanding is that Council intends to await the outcome of the March 2017 hearing before progressing that review.
8. Federated Farmers' strong view is that policies and rules need to be based on robust and sound evidence and science. Our fundamental concern with Proposed Plan Change 10 is that it is premised on science that we all know is out of date. Our concern with proceeding to hearing without providing an opportunity for the science to be reviewed is that this will be a waste of time and resources because the Plan Change will need to be revisited once the science review is complete.
9. From the submission and further submission process it is evident that there is strong opposition to Proposed Plan Change 10 from various sectors of the community. The consistent theme is the need to review and update the science. The strong feeling in the community is that things have moved on since the TLI and nitrogen targets were set. The strong view of the community is that it is imperative to get the science correct before introducing a management regime that will have drastic consequences for land use.
10. Our view is that deferring the hearing to allow the science review to be completed will help to resolve a lot of these issues. The science review is imminent. It will likely result in parties reaching agreed positions. This will narrow the focus of any hearing and help to facilitate community support of any proposed changes.
11. We understand Council's desire to create certainty for landowners and to ensure that the incentives fund (by which \$40 million is available as an incentive to remove up to 100 tonnes of nitrogen from the catchment) is not lost. However, our concern is that proceeding with the hearing in March 2017 will not achieve these outcomes.

12. Proceeding to hearing will likely result in numerous Environment Court appeals and the matter will drag on for several years. In the meantime, the science review will likely take a back seat and the incentives fund will likely remain in limbo. Further, if an outcome of the science review is that the RPS and RWLP targets need to be reviewed, any changes to these documents will necessitate a review of any decisions made on Proposed Plan Change 10.
13. In all of these circumstances, we consider that the merit lies with deferring the hearing for a short time while the science review is completed.

Yours faithfully



NIKKI EDWARDS
Senior Policy Advisor

Federated Farmers of New Zealand
Box 447, Hamilton, New Zealand

P 07 858 0815

F 07 838 2960

www.fedfarm.org.nz