

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Section: Methods	1044
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Panel Recommendation

Refer to the body of our report for our recommendation on this section.

Submissions

Submission Number:	53: 44	Submission Type:	Support
Submitter:	Lachlan McKenzie		
Submission Summary:	Give effect to recommended alternate framework, consistent with TWLP Method 41.		
Decision Sought:	Add new method as outlined in the hardcopy submission or to similar effect.		

Panel Recommendations: Reject

Submission Number:	53: 91	Submission Type:	Oppose in Part
Submitter:	Lachlan McKenzie		
Submission Summary:	I request reasons as to why this method is not open for submission.		
Decision Sought:	Amend as follows: 'Liaise with Waikato Regional Council and South Waikato District Council to ensure: • Any landowners or territorial authorities in that part of the Rotorua Lake Catchment within the Waikato region are encouraged to participate in the development of the relevant sub-catchment action plan.'		

Panel Recommendations: Reject

Submission Number:	66: 82	Submission Type:	Support in Part
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Give effect to recommended alternative framework, consistent with TWLP Method 41.		
Decision Sought:	Add new method requiring the development and implementation of sub-catchment action plans, and setting out the process for developing the action plans (refer to submission for detailed wording). or to similar effect.		

Panel Recommendations: Reject

Further Submission(s)

Further Submission No:	6 - 36	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Panel Recommendations: Reject

Submission Number:	66: 83	Submission Type:	Oppose in Part
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	RPS method page 9: Cross boundary issues: We request reasons as to why this method is not open for submission when it has significant impact on members.		
Decision Sought:	Amend Regional Policy Statement Method 10 to read: Liaise with Waikato Regional Council and xx District Council to ensure: Any landowners or territorial authorities in that part of the Rotorua Lake Catchment within the Waikato region are encouraged to participate in the development of the relevant sub-catchment Action Plan.		

Panel Recommendations: Reject

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Submission Number: 12: 9 Submission Type: Support
Submitter: Astrid Coker
Submission Summary: Support better flow of information between Regional Council and Rotorua District Councils during the subdivision process so that appropriate mitigation measures can be put in place.
Decision Sought: Support. No changes requested.

Panel Recommendations: Accept

Submission Number: 49: 48 Submission Type: Support
Submitter: CNI Iwi Land Management Ltd
Submission Summary: Support.
Decision Sought: Retain.

Panel Recommendations: Accept

Submission Number: 53: 32 Submission Type: Support in Part
Submitter: Lachlan McKenzie
Submission Summary: The intent not clear.
Decision Sought: Delete.

Panel Recommendations: Reject

Submission Number: 66: 70 Submission Type: Oppose
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Oppose.
Decision Sought: Delete.

Panel Recommendations: Reject

Submission Number: 70: 46 Submission Type: Support
Submitter: The Fertiliser Association of New Zealand
Submission Summary: FANZ supports the intent of the method.
Decision Sought: Retain as notified.

Panel Recommendations: Accept

Submission Number: 75: 160 Submission Type: Oppose
Submitter: Federated Farmers of New Zealand
Submission Summary: We suggest this provision is ultra vires in that Council has no powers to determine what goes into a LIM.
Decision Sought: Delete.

Panel Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

1046

Section: LR M2 Method Two

Panel Recommendation

We concur with the Regional Council reporting officers' recommendations as contained in their s42A report and additional evidence presented during the hearing.

Submissions

Submission Number: 14: 15 Submission Type: Support in Part

Submitter: Warren Webber

Submission Summary: Provide for future work and research priorities
- Are sustainable load targets achievable with other combinations of N & P mitigation.
- Re-run of ROTAN with revised attenuation factors to confirm catchment targets
- Continuing focus on the improvement of Overseer
Improved understanding of the long term sustainable use of in-lake alum.

Decision Sought: Provide for future work and research priorities
- Are sustainable load targets achievable with other combinations of N & P mitigation.
- Re-run of ROTAN with revised attenuation factors to confirm catchment targets
- Continuing focus on the improvement of Overseer
- Improved understanding of the long term sustainable use of in-lake alum.

Panel Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 38 Submission Type: Support in Part

Further Submitter: CNI Iwi Land Management Ltd

Submission Summary: For the reasons given in the original submission CNILML supports adding specific provisions for future work and research priorities to the method.

Decision Sought: Include the following additional future work and research priorities in LR M2
- whether sustainable load targets are achievable with other combinations of N & P mitigation.
- modelling lake inputs with revised attenuation factors to confirm catchment targets.
- 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.
- improved understanding of the long term sustainable use of in-lake alum.

Panel Recommendation: Reject

Submission Number: 14: 2 Submission Type: Support

Submitter: Warren Webber

Submission Summary: LWQS supports robust, defensible, and reviewable science as the ongoing reference for future policy. Science review may yet determine that the sustainable loads to reach TLI 4.2 will vary. The critical requirement is that the sustainable load figures are backed by robust science.

Decision Sought: Support - No relief specified.

Panel Recommendations: Accept

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 16: 3 Submission Type: Oppose
 Submitter: Neil Heather
 Submission Summary: Council needs to acknowledge the significant shifts in science including the significance of internal bed nutrients.
 Decision Sought: Council needs to acknowledge the significant shifts in science including the significance of internal bed nutrients.

Panel Recommendations: Accept in Part

Submission Number: 16: 5 Submission Type: Support in Part
 Submitter: Neil Heather
 Submission Summary: That Council acknowledge the 2017 Science review is intended to review and update all the changes in the science and technical context; and that this may necessitate review of the RWLP TLI Objectives and/or the RPS load reduction target.
 Decision Sought: That Council acknowledge the 2017 Science review is intended to review and update all the changes in the science and technical context; and that this may necessitate review of the RWLP TLI Objectives and/or the RPS load reduction target.

Panel Recommendations: Accept in Part

Submission Number: 17: 5 Submission Type: Oppose
 Submitter: D & A Trust
 Submission Summary: A science review is due to be completed in 2017. It seems ludicrous to implement a bunch of rules that could get turned on their head with the science review is completed.
 Decision Sought: Bring the science review forward to 2016.

Panel Recommendations: Reject

Further Submission(s)

Further Submission No: 7 - 5 Submission Type: Support
 Further Submitter: Alistair and Sarah Coatsworth
 Submission Summary: The implementation of any rules must be suspended pending the findings of a comprehensive independent review of the water and land science for Lake Rotorua and catchment.
 Decision Sought: As above

Panel Recommendation: Reject

Further Submission No: 8 – 5 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: The implementation of any rules must be superseded pending the findings of a comprehensive review of the water and land science for Lake Rotorua and catchment.
 Decision Sought: As above

Panel Recommendation: Reject

Submission Number: 19: 8 Submission Type: Oppose
 Submitter: Dixon Reeves
 Submission Summary: We do not understand loads and possible options for managing discharges well enough to be able to restrict farming businesses to their current activities – the costs outweigh the benefits.
 Decision Sought: Consider the alternative combinations of phosphorus and nitrogen lake targets in combination with Alum-dosing.
 That the Council review the load calculation to focus on priorities for achieving water quality outcomes; Adopt best science, ongoing 5 years reviews starting in 2017; include a thorough investigation of all lake

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mitigation solutions including risks, social, cultural and economic impacts.
Another approach which might have a more favorable outcome could be to have sub-catchment groups with a joint target.

Panel Recommendations: Reject in part

Submission Number:	20: 2	Submission Type:	Oppose
Submitter:	Peter McLean and Michelle Rennie		
Submission Summary:	The rules are not fair or equitable. The NDA allowance would effectively halve our stocking rate. Our farm would be unsustainable.		
Decision Sought:	I request the recalculation of the nitrogen input from land use to the lake as part of a larger Science review to be started in 2017.		

Panel Recommendations: Reject

Submission Number:	24: 2	Submission Type:	Support
Submitter:	JT & SA Butterworth		
Submission Summary:	We strongly support the progression of the 2017 Science review which must recalculate the sustainable load to the lake and the load of all land use. Taking an evidence based approach leads to more effected and enduring decision making. There are still many unanswered science questions that need to be addressed. It must be robust science, good leadership and planning, not computer modelling that establishes the level of nitrogen and phosphorus to be removed from the lake.		
Decision Sought:	Support Science review - no changes specified.		

Panel Recommendations: Accept

Submission Number:	25: 3	Submission Type:	Support in Part
Submitter:	Paul Lyons		
Submission Summary:	All of the points (a) through (d) should be reviewed at each 5 year period rather than be subjectively considered. The science should be refined continually and mandated so. Item (e) could be regarded as "may" since recommendations may not always be an outcome of review		
Decision Sought:	Third line down, change the third word to "will" so the sentence reads "These reviews will include:"		

Panel Recommendations: Accept

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Submission Number: 41: 3 Submission Type: Oppose

Submitter: Craig Hurst

Submission Summary: If nutrients need to be reduced after the 2017 science review, the only democratic and economically viable option is for the community/council to buy out those who want to exit at a fair value.

Decision Sought: That the science review scheduled for 2017 includes an independent calculation of the sustainable load of nutrients to Lake Rotorua.

Panel Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 7 - 29 Submission Type: Support

Further Submitter: Alistair and Sarah Coatsworth

Submission Summary: That the science review for 2017 includes an independent calculation of the sustainable load of nutrients to Lake Rotorua.

Decision Sought: As above

Panel Recommendation: Accept in Part

Further Submission No: 8 - 32 Submission Type: Support

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: That the science review for 2017 includes an independent calculation of the sustainable load of nutrients to Lake Rotorua.

Decision Sought: As above

Panel Recommendation: Accept in Part

Submission Number: 45: 13 Submission Type: Oppose

Submitter: Wendy and John Roe

Submission Summary: I request the recalculation of the sustainable load target to Lake Rotorua and the recalculation of the nitrogen input from land use to the Lake as part of a larger Science review to be started in 2017.

Decision Sought: I request the recalculation of the sustainable load target to Lake Rotorua and the recalculation of the nitrogen input from land use to the Lake as part of a larger Science review to be started in 2017.

Panel Recommendations: Accept in Part

Submission Number: 48: 26 Submission Type: Support

Submitter: Parekarangi Trust

Submission Summary: Support the TLI index of 4.2 for Lake Rotorua.

Decision Sought: Support the TLI index of 4.2 for Lake Rotorua. Support review of science every 5 years. Add to this if TLI index is above or below 4.2 then NDA is relaxed for farmers.

Panel Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 7 - 32 Submission Type: Support

Further Submitter: Alistair and Sarah Coatsworth

Submission Summary: For the reasons given in the original submission.

Decision Sought: As above

Panel Recommendation: Accept in Part

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Further Submission No: 8 - 37 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Panel Recommendation: Accept in Part

Submission Number: 49: 49 Submission Type: Support
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: Support.
 Decision Sought: Retain.

Panel Recommendations: Accept

Further Submission(s)

Further Submission No: 14 - 20 Submission Type: Support
 Further Submitter: Hancock Forest Management (NZ) Ltd
 Submission Summary: Supports the approach.
 Decision Sought: As above

Panel Recommendation: Accept

Submission Number: 53: 1 Submission Type: Oppose
 Submitter: Lachlan McKenzie
 Submission Summary: It has been stated by Professor David Hamilton and other scientists that the Phosphorus concentration in the lake water is low because of Alum dosing but it has to be noted that the trend started in 2003 several years before Alum dosing was initiated. "The limiting nutrient is usually Phosphorus. (Smith 1983). Therefore, the first and most important step toward improving lake water quality and managing cyanobacterial blooms is elimination of external nutrient loading from the catchments up stream and controlling the internal phosphorus turnover.
 Decision Sought: That the 2017 science review be started. That the terms of reference be open for true consultation with affected stakeholders and consensus be reached by affected parties before appointing reviewers. The results of this review will direct Council in changes to the RWLP and RPS.

Panel Recommendations: Reject

Further Submission(s)

Further Submission No: 7 - 23 Submission Type: Support
 Further Submitter: Alistair and Sarah Coatsworth
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Panel Recommendation: Reject

Further Submission No: 8 - 24 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Panel Recommendation: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Further Submission No: 12 - 22 Submission Type: Support
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: A catchment landowners/stakeholder group should oversee the science review process. Decision Sought: As above

Panel Recommendation:	Reject
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Submission Number: 53: 33 Submission Type: Support in Part
 Submitter: Lachlan McKenzie
 Submission Summary: Improve for clarity and completeness. Footnote needs to provide a more specific reference.
 Decision Sought: Amend first sentence as follows: Regional Council will review and publish the science that determined the objectives and limits set in the RPS and the Regional Water and Land Plan for Lake Rotorua on a five yearly basis 'from 2017'.

Panel Recommendations:	Accept
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Submission Number: 53: 89 Submission Type: Oppose
 Submitter: Lachlan McKenzie
 Submission Summary: The mediated agreement reached in the RPS the target Nitrogen load was a 2032 aspirational target. It is of great concern that the target load of 435T Nitrogen has been "taken as read". The lake scientific data should address reductions of P as the lake is now phosphorus limited. Until very recently it has been stated that there is no attenuation of Nitrogen between the root zone and the lake. OVERSEER® version 6.2 has rightly proven this assumption to be wrong.
 Decision Sought: That the 2017 science review be started. That the terms of reference be open for true consultation with affected stakeholders and consensus be reached by affected parties before appointing reviewers. The results of this review will direct Council in changes to the RWLP and RPS. That a fully independent analysis to be done on feasibility and effectiveness of the range of oxygenation methods before any further land use rules are implemented.

Panel Recommendations:	Reject
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Submission Number: 58: 31 Submission Type: Oppose
 Submitter: Max Douglas
 Submission Summary: Farming has buried its head in the sand for decades saying we don't pollute. Clearly we do. Relying on our industry best practices, our own industry representatives, information from vendors selling us products, and listening to central government science "advisors" has not been good enough I support the BoPRC having more input, especially science giving guidance and answering questions land owners may have about how to best use their land.
 Decision Sought: Widen the scope of science to beyond just the lake, water, and water metrics. Undertake studies with an aim to tell farmers how to make best use of the land available, including, but not limited to:
 - our soils:
 - which pastoral areas around the lake have the highest leaching rates
 - which conservation areas show the lowest leaching rates
 - Are there stocking break points we could aim that avoid overloading the underlying biological systems
 - how are riparian zones performing and do they need to be improved

Panel Recommendations:	Accept in Part
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Further Submission(s)

Further Submission No: 6 - 39 Submission Type: Support
 Further Submitter: CNI Iwi Land Management Ltd
 Submission Summary: CNILML supports the addition of undertaking studies that support land use suitability so farmers and foresters can make best use of the land available.
 Decision Sought: As above

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Panel Recommendation:	Accept in Part
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Submission Number:	62: 1	Submission Type:	Support in Part
Submitter:	Sharon Morrell		
Submission Summary:	The lake has not behaved as predicted in early models. It is important to have the basis for these models robustly re-examined and the implications of any new information/understanding to carry through to policy and methods.		
Decision Sought:	Strengthen this section to state that analysis recommendations etc. WILL be done (not "may").		

Panel Recommendations:	Accept
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Further Submission(s)

Further Submission No:	12 - 19	Submission Type:	Support
Further Submitter:	Federated Farmers of New Zealand		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Panel Recommendation:	Accept
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Submission Number:	64: 1	Submission Type:	Support in Part
Submitter:	DairyNZ and Fonterra Co-operative Group Limited		
Submission Summary:	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.		
Decision Sought:	<ul style="list-style-type: none"> - 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. - Clarify in the Plan that each scientific review will assess all scientific and policy aspects listed in method LR M2 (a-e). - Clarify that the review will include peer review from independent scientists. 		

Panel Recommendations:	Accept
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Further Submission(s)

Further Submission No:	6 - 40	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Panel Recommendation:	Accept
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Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Further Submission No: 8 - 33 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Clarify in the Plan that each scientific review will assess all scientific and policy aspects listed in Method LR M2 (a-e). Clarify that the review will include peer review from independent scientists.
 Decision Sought: As above

Panel Recommendation:	Accept in Part
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Further Submission No: 12 - 20 Submission Type: Support
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Panel Recommendation:	Accept
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Further Submission No: 12 - 48 Submission Type: Support
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: For the reasons given in the original submission. Federated Farmers recommend PC10 maintain maximum flexibility to recalibrate the approach in response to science and policy reviews and that the plan needs to specify that a full science review will be undertaken in 2017 before consents become operative. Support for 2032 targets is contingent on the results of the science review as to whether these still represent the most cost-effective and efficient way of meeting desired outcomes for the lake. The load/allocation numbers referenced in PC10 cannot be relied on for the imposition of rules in advance of the 2016 ROTAN review and the 2017 Science Review.
 Decision Sought: As above

Panel Recommendation:	Accept in Part
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Submission Number: 66: 1 Submission Type: Oppose in Part
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: We are anxious to find the right environmental solutions for both water and community. But the solutions must be fair & equitable. The economic costs to farmers and the wider community and be based on sound & robust science that is regularly updated and reviewed. An evidence-based approach leads to more effective and enduring decision making. There are still many unanswered science questions that need to be addressed. It must be robust science, good leadership, & planning, not computer modelling that establishes the level of Nitrogen and phosphorus to be removed from the lake.
 Decision Sought: That the science review scheduled for 2017 includes a recalculation of the sustainable load to Lake Rotorua and that the nutrients generated from all current land uses are recalculated. Our real concern is that the target load has been 'taken as read' since its inception. That the terms of reference be open for consultation with all stakeholders and that consensus is reached with affected parties.

Panel Recommendations:	Accept in Part
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Further Submission(s)

Further Submission No: 12 - 23 Submission Type: Support
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: A catchment landowners/stakeholder group should oversee the science review process.
 Decision Sought: As above

Panel Recommendation:	Reject
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Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number:	66: 71	Submission Type:	Support in Part
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Improve clarity and completeness.		
Decision Sought:	Amend to '.....publish the 'scientific data' that determined the 'objectives' and limits set in the RPS and the Regional Water and Land Plan for Lake Rotorua on a five yearly basis' from 2017'.....'		

Panel Recommendations: Reject

Submission Number:	67: 3	Submission Type:	Oppose
Submitter:	Karl Weaver		
Submission Summary:	The sustainable load to Lake Rotorua has not been verified by actual scientific truth testing since then.		
Decision Sought:	I request the recalculation of the sustainable load target to Lake Rotorua as part of a larger Science Review to be started in 2017.		

Panel Recommendations: Accept in Part

Submission Number:	70: 6	Submission Type:	Support in Part
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	Provision is required within the Proposed Plan Change to provide for new science to inform adaptive management. Locking in nitrogen loss values and nitrogen load values for the Lake within the plan change does not allow for updated science which informs the adaptive management approach.		
Decision Sought:	Provision is required within the Proposed Plan Change to provide for new science to inform adaptive management.		

Panel Recommendations: Accept

Submission Number:	70: 47	Submission Type:	Support in Part
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	Under the principles of adaptive management, regular review of the science is supported, recognising that review of the RPS targets should also be dealt with in the RPS.		
Decision Sought:	Retain as notified.		

Panel Recommendations: Accept

Submission Number:	75: 161	Submission Type:	Support in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Improve clarity and completeness.		
Decision Sought:	Amend to read: 'LR M2 Regional Council will review and publish the science that determined the objectives and limits set in the RPS and the Regional Water and Land Plan for Lake Rotorua on a five yearly basis 'from 2017'. These reviews may include....'		

Panel Recommendations: Accept

Submission Number:	78: 1	Submission Type:	Oppose
Submitter:	Tony and Joanna Carr		
Submission Summary:	<p>Science, innovation and technology is evolving rapidly within the agricultural industry, partly in response to understanding the effects and impacts of nutrient discharge nationally. In this catchment, the lake with its complex biological system and its legacy load of nutrients of N and P makes quick uptake of knowledge more urgent.</p> <p>To saddle a community with these rules for life is in our opinion misguided and dangerous. It would be prudent for BOPRC to review their position on PC10 given the science review that is due in 2017, the fact that the lake has reached its target TLI for three years now and latest reports indicating that the lake is in fact P limited.</p>		

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Decision Sought: Park PC10 until the science review scheduled for 2017 is completed. This science review should include a new calculation of the sustainable load to Lake Rotorua and that the nutrients generated from all current land uses is newly calculated. Our real concern is that the target load has been 'taken as read' since its inception.

Panel Recommendations: Reject

Submission Number: 80: 10 Submission Type: Oppose in Part

Submitter: Te Paiaka Lands Trust

Submission Summary: We must ensure that we work with science and ensure there is capacity within regulation to move as science tells us new answers. We must not be fixed in the setting of targets and limits if the science and research is telling us differently.

Decision Sought: We must ensure adequate reviews.

Panel Recommendations: Accept

Submission Number: 81: 4 Submission Type: Support in Part

Submitter: Jamie and Chris Paterson

Submission Summary: We support a science review being undertaken in 2017. Council must quantify the claim to 'best science available', my understanding is this best science was done in 1986 and has not been recalculated since. The science review being undertaken in 2017 must be a recalculation and re-evaluation of all current thinking by a new and independent science team.

Decision Sought: That the science review scheduled for 2017 includes a new calculation of the sustainable load to Lake Rotorua and that the nutrients generated from all current land uses is newly calculated.

Panel Recommendations: Accept in Part

Submission Number: 82: 16 Submission Type: Oppose

Submitter: Stuart Morrison

Submission Summary: The most important part of PC10 for me is the commitment for reviews. The best current science advice is that sustainable loads of N and P are uncertain and need revision. The review provisions are not sufficiently explicit.

Decision Sought: State in LR M2 what will be reviewed.

Panel Recommendations: Accept

Submission Number: 82: 18 Submission Type: Support

Submitter: Stuart Morrison

Submission Summary: I strongly support the commitment to ongoing reviews and adaptive management.

Decision Sought: No change requested.

Panel Recommendations: Accept

Submission Number: 83: 5 Submission Type: Oppose

Submitter: Bushlands Estate Limited and Adolle Farms Limited

Submission Summary: The sustainable load to Lake Rotorua was first estimated in the early 1980's & has not been verified by actual scientific truth testing since then.

Decision Sought: I request the recalculation of the sustainable load target and the recalculation of the nitrogen input from land use to the Lake as part of a larger Science Review to be started in 2017.

Panel Recommendations: Accept in Part

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1047

Section: LR M2(a)

Panel Recommendation

See Section on LR M2 above.

Submissions

Submission Number: 49: 50 Submission Type: Support
Submitter: CNI Iwi Land Management Ltd
Submission Summary: Support.
Decision Sought: Retain.

Panel Recommendations: Accept

Further Submission(s)

Further Submission No: 14 - 21 Submission Type: Support
Further Submitter: Hancock Forest Management (NZ) Ltd
Submission Summary: Supports the approach.
Decision Sought: As above

Panel Recommendation: Accept

Submission Number: 53: 34 Submission Type: Support in Part
Submitter: Lachlan McKenzie
Submission Summary: Improve for clarity and completeness. Footnote needs to provide a more specific reference.
Decision Sought: Amend to read: Review of trends in Lake water quality attributes including nitrogen, phosphorus, Chlorophyll a, algal blooms, clarity, trophic level index for in-lake, inflows, and outflow where relevant; review of the health of indigenous fauna and flora and review of interactions and impacts of introduced fauna and flora.'

Panel Recommendations: Reject

Submission Number: 66: 72 Submission Type: Support in Part
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Improve clarity and completeness.
Decision Sought: Add text as follows '.....where relevant; review of the health of indigenous fauna and flora and review of interactions and impacts of introduced fauna and flora.'

Panel Recommendations: Reject

Submission Number: 75: 162 Submission Type: Support in Part

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Submitter: Federated Farmers of New Zealand

Submission Summary: Improve clarity and completeness.

Decision Sought: Amend as follows:

Review of trends in Lake water quality attributes including nitrogen, phosphorus, Chlorophyll a, algal blooms, clarity, and trophic level index for in-lake, inflows, and outflow where relevant; review of the health of indigenous fauna and flora and review of interactions and impacts of introduced fauna and flora.

Panel Recommendations: Reject

Section: LR M2(b)

1048

Panel Recommendation

See Section on LR M2 above.

Submissions

Submission Number: 49: 51 Submission Type: Support

Submitter: CNI Iwi Land Management Ltd

Submission Summary: Support.

Decision Sought: Retain.

Panel Recommendations: Accept

Further Submission(s)

Further Submission No: 14 - 22 Submission Type: Support

Further Submitter: Hancock Forest Management (NZ) Ltd

Submission Summary: Supports the approach.

Decision Sought:

Panel Recommendation: Accept

Submission Number: 53: 35 Submission Type: Support in Part

Submitter: Lachlan McKenzie

Submission Summary: Improve for clarity and completeness. Footnote needs to provide a more specific reference.

Decision Sought: Amend to read: Review of progress towards achieving the RWLP TLI objective.

Panel Recommendations: Reject

Submission Number: 66: 73 Submission Type: Support in Part

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Improve clarity and completeness.

Decision Sought: Amend as follows: (b) Review of progress towards achieving the RWLP TLI objective.

Panel Recommendations: Reject

Submission Number: 75: 163 Submission Type: Support in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Improve clarity and completeness.

Decision Sought: Amend as follows: (b) Review of progress towards achieving the RWLP TLI objective.

Panel Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 82: 4 Submission Type: Oppose
 Submitter: Stuart Morrison
 Submission Summary: The claim made in first sentence p2 PC10 introduction that '435 tonnes ...is based on the best science available' is out of date.
 Decision Sought: Update the claim.

Panel Recommendations: Reject

Section: LR M2(c)

Panel Recommendation

See Section on LR M2 above.

Submissions

Submission Number: 17: 10 Submission Type: Oppose
 Submitter: D & A Trust
 Submission Summary: A TLI has been set at 4.2 but there appears to be little scientific evidence to support this level. As a result of Alum dosing this level has been reached. At a science presentation the researcher noted that the TLI of 4.2 had never been reached. We should not be endangering the entire economy on the basis of a TLI that is not scientifically valid.
 Decision Sought: A sound review of the 4.2 TLI is undertaken and a realistic and achievable target is set.

Panel Recommendations: Reject

Submission Number: 20: 4 Submission Type: Oppose
 Submitter: Peter McLean and Michelle Rennie
 Submission Summary: The sustainable load to Lake Rotorua was first estimated in the early 1980's and has not been verified by actual scientific testing since.
 Decision Sought: I request the recalculation of the sustainable load target to Lake Rotorua using robust, evidence based biodiverse system that encompasses both N and P.

Panel Recommendations: Reject

Submission Number: 23: 3 Submission Type: Oppose
 Submitter: Roger and Norreen Martin
 Submission Summary: The sustainable load to Lake Rotorua was first estimated in the early 1980's and has not been verified since.
 Decision Sought: I request the recalculation of the sustainable load target to Lake Rotorua and the recalculation of the nitrogen input from land use to the Lake as part of a larger Science review to be started in 2017.

Panel Recommendations: Reject

Submission Number: 23: 4 Submission Type: Oppose
 Submitter: Roger and Norreen Martin
 Submission Summary: The sustainable load to Lake Rotorua was first estimated in the early 1980's and has not been verified since.
 Decision Sought: I request the recalculation of the sustainable load target to Lake Rotorua and the recalculation of the nitrogen input from land use to the Lake as part of a larger Science review to be started in 2017.

Panel Recommendations: Reject

Submission Number: 24: 3 Submission Type: Oppose

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Further Submission No: 8 - 13 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Amend Method LR M2 science reviews to include consideration of the effects of the weir in Ohau Channel and the effects of loss of kakahi consequent to the introduction of trout.
 Decision Sought: As above

Panel Recommendation:	Reject
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Submission Number: 48: 25 Submission Type: Support
 Submitter: Parekarangi Trust
 Submission Summary: The target TLI is already being achieved. There is currently no reason to change on-farm practice where best practice is already being achieved.
 Decision Sought: Support the TLI index of 4.2 for Lake Rotorua. Support review of science every 5 years. Add to this if TLI index is above or below 4.2 then NDA is relaxed for farmers.

Panel Recommendations:	Accept in Part
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Submission Number: 49: 52 Submission Type: Support in Part
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: All of these models have assumptions that will affect their outputs. Sensitivity analysis assists in identifying weaknesses in the models, to enable targeting of data collection and on-ground verification of inputs, processes and constants.
 Decision Sought: Add (c)(iv) scenario runs of the lake model, ROTAN or OVERSEER®, for sensitivity analysis.

Panel Recommendations:	Accept
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Further Submission(s)

Further Submission No: 14 - 23 Submission Type: Support
 Further Submitter: Hancock Forest Management (NZ) Ltd
 Submission Summary: Supports the approach.
 Decision Sought: As above

Panel Recommendation:	Accept
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Submission Number: 66: 74 Submission Type: Support in Part
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Improve clarity and completeness.
 Decision Sought: Amend to '.....This will necessitate:'

Panel Recommendations:	Reject
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Section:	LR M2(c)(ii)
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1050

Panel Recommendation

See Section on LR M2 above.

Submissions

Submission Number: 53: 36 Submission Type: Support in Part
 Submitter: Lachlan McKenzie
 Submission Summary: Improve for clarity and completeness. Footnote needs to provide a more specific reference.

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Decision Sought: 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.

Panel Recommendations: Reject

Further Submission(s)

Further Submission No: 6 – 41 Submission Type: Support
 Further Submitter: CNI Iwi Land Management Ltd
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Panel Recommendation: Reject

Submission Number: 66: 75 Submission Type: Support in Part
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Improve clarity and completeness.
 Decision Sought: Amend to:'including nitrogen and phosphorous loss rates,....'

Panel Recommendations: Reject

Submission Number: 75: 164 Submission Type: Support in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Improve clarity and completeness.
 Decision Sought: Amend 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;

Panel Recommendations: Reject

Section: LR M2(c)(iii)

1051

Panel Recommendation

See Section on LR M2 above.

Submissions

Submission Number: 53: 37 Submission Type: Support in Part
 Submitter: Lachlan McKenzie
 Submission Summary: Improve for clarity and completeness. Footnote needs to provide a more specific reference.
 Decision Sought: Amend to read: (iii) an assessment of the efficiency and risks of alum dosing and an assessment of land-based or catchment-based phosphorus loss mitigation.

Panel Recommendations: Reject

Submission Number: 66: 76 Submission Type: Support in Part
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Improve clarity and completeness.
 Decision Sought: Amend to '.....assessment of land-based or catchment-based phosphorus loss....'

Panel Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 75: 165 Submission Type: Support in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Improve clarity and completeness.
 Decision Sought: Amend to read: (iii) an assessment of the efficacy and risks of alum dosing and an assessment of land-based or catchment-based phosphorus loss mitigation.

Panel Recommendations: Reject

Section: LR M2(d) 1052

Panel Recommendation
 See Section on LR M2 above.

Submissions

Submission Number: 37: 2 Submission Type: Support in Part
 Submitter: Ngati Whakaue Tribal Lands Incorporation
 Submission Summary: Support for LR M2 (d) conditional on the design and funding of new science (including trials) to answer questions not answered by the review of literature.
 Decision Sought: Support for LR M2 (d) conditional on the design and funding of new science (including trials) to answer questions not answered by the review of literature.

Panel Recommendations: Accept in Part

Submission Number: 49: 53 Submission Type: Support
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: Support.
 Decision Sought: Retain.

Panel Recommendations: Accept

Further Submission(s)

Further Submission No: 14 - 24 Submission Type: Support
 Further Submitter: Hancock Forest Management (NZ) Ltd
 Submission Summary: Supports the approach.
 Decision Sought: As above

Panel Recommendation: Accept

Section: LR M2(e) 1053

Panel Recommendation
 See Section on LR M2 above.

Submissions

Submission Number: 49: 54 Submission Type: Support
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: Support.
 Decision Sought: Retain.

Panel Recommendations: Accept

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Further Submission(s)

Further Submission No:	14 - 25	Submission Type:	Support
Further Submitter:	Hancock Forest Management (NZ) Ltd		
Submission Summary:	Supports the approach.		
Decision Sought:	As above		

Panel Recommendation:	Accept
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Submission Number:	53: 38	Submission Type:	Support in Part
Submitter:	Lachlan McKenzie		
Submission Summary:	Improve for clarity and completeness. Footnote needs to provide a more specific reference.		
Decision Sought:	Amend to read: Recommendations 'to Council including for any necessary amendments to the RPS and the RWLP if the science supporting the targets or loads materially alters.'		

Panel Recommendations:	Accept in Part
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Submission Number:	66: 77	Submission Type:	Support in Part
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Improve clarity and completeness.		
Decision Sought:	Amend to (e)Recommendations 'to Council including for any necessary amendments to the RPS and the RWLP if the targets or loads materially alters'.		

Panel Recommendations:	Accept in Part
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Submission Number:	75: 166	Submission Type:	Support in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Improve clarity and completeness.		
Decision Sought:	Amend to read: (e) Recommendations to Council including for any necessary amendments to the RPS and the RWLP if the science supporting the targets or loads materially alters.'		

Panel Recommendations:	Accept in Part
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Section: LR M3 Method Three

1054

Panel Recommendation

We concur with the Regional Council reporting officers' recommendations as contained in their s42A report and additional evidence presented during the hearing.

Submissions

Submission Number:	26: 38	Submission Type:	Support in Part
Submitter:	Rotorua Lakes Council		
Submission Summary:	RLC supports the use of adaptive management with a five yearly science reviews and regular reviews of the RPS and regional plan. 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.		
Decision Sought:	Amend LR M2 to replace "these reviews may include" with "these reviews will include"; and to state 2017 as the year the first review will be completed.		

Panel Recommendations:	Accept
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Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 49: 55 Submission Type: Support in Part
Submitter: CNI Iwi Land Management Ltd
Submission Summary: LR M3 needs to be clearly locked to the consents, and the consents need to have review conditions built into them to provide for this response.
Decision Sought: Amend to ...and a review of consent conditions 'to require that consents issued under LR R8, LR R9, LR R10, LR R11 and LR R12 are calibrated to the required water quality targets. or words to like effect'.

Panel Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 14 - 26 Submission Type: Support
Further Submitter: Hancock Forest Management (NZ) Ltd
Submission Summary: Supports the approach and amendment sought by CNI Iwi Management Ltd.
Decision Sought: As above

Panel Recommendation: Accept in Part

Submission Number: 53: 39 Submission Type: Support in Part
Submitter: Lachlan McKenzie
Submission Summary: Support - important for this to be a public process.
Decision Sought: Retain.

Panel Recommendations: Accept

Submission Number: 70: 48 Submission Type: Support
Submitter: The Fertiliser Association of New Zealand
Submission Summary: FANZ supports the intent of the method.
Decision Sought: Retain as notified.

Panel Recommendations: Accept

Submission Number: 75: 167 Submission Type: Support
Submitter: Federated Farmers of New Zealand
Submission Summary: Important for this to be a public process.
Decision Sought: Retain.

Panel Recommendations: Accept

Section: LR M4 Method Four

1055

Panel Recommendation

We concur with the Regional Council reporting officers' recommendations as contained in their s42A report and additional evidence presented during the hearing

Panel Reason

Submissions

Submission Number: 12: 10 Submission Type: Support
Submitter: Astrid Coker
Submission Summary: Support the monitoring of permitted activities and encourage industry good practices. The original problem emanated from the pumping of raw sewage into Lake Rotorua by the District Council and was

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

not created by farmers. For farmers under practical environmental mitigation measures on their property at their expense the use of consultants, compliance costs, OVERSEER® files and other bureaucracy should be met by the Regional Council.

Decision Sought: Small increases in rates to cover compliance costs. Regular and timely updates on scientific information. Regional Council involvement in research funding applications.

Panel Recommendations: Accept in Part

Submission Number: 26: 39 Submission Type: Support in Part
 Submitter: Rotorua Lakes Council
 Submission Summary: RLC supports the use of adaptive management with a five yearly science reviews and regular reviews of the RPS and regional plan. 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.
 Decision Sought: Amend LR M2 to replace “these reviews may include” with “these reviews will include”; and to state 2017 as the year the first review will be completed.

Panel Recommendations: Accept

Submission Number: 49: 56 Submission Type: Support in Part
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: Far too vague at present and does not identify course of likely action.
 Decision Sought: Revise to add: this may include initiation of a plan change and a review of thresholds for permitted activities.

Panel Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 14 - 27 Submission Type: Support
 Further Submitter: Hancock Forest Management (NZ) Ltd
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Panel Recommendation: Accept in Part

Submission Number: 53: 40 Submission Type: Support in Part
 Submitter: Lachlan McKenzie
 Submission Summary: Amend for consistency with integrated intent. The reference to developing technologies is not clear.
 Decision Sought: Amend to read: Regional Council will monitor permitted activities and any developing technologies to ensure that any related risks of nutrient loss to the catchment are understood and acted on if necessary.

Panel Recommendations: Accept

Further Submission(s)

Further Submission No: 6 - 42 Submission Type: Support
 Further Submitter: CNI Iwi Land Management Ltd
 Submission Summary: The amendments proposed by this submission would ensure that nutrient pollutants other than nitrogen are also considered.
 Decision Sought: As above

Panel Recommendation: Accept

Submission Number: 66: 78 Submission Type: Support in Part
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Improve clarity and completeness.

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Decision Sought: Amend to '.....risks of nutrient loss to the catchment....'

Panel Recommendations: Accept

Submission Number: 70: 49

Submission Type: Oppose in Part

Submitter: The Fertiliser Association of New Zealand

Submission Summary: The method should not direct action to amend permitted activity without following formal process.

Decision Sought: Amend LR M4 as follows: Regional Council will monitor permitted activities and any developing technologies to ensure that any related risks of nitrogen loss to the catchment are understood and to inform future plan changes as required.

Panel Recommendations: Accept in Part

Submission Number: 75: 168

Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Amend for consistency with integrated intent. The reference to developing technologies is not clear.

Decision Sought: Amend as follows, and clarify meaning of "developing technologies"
LR M4 Regional Council will monitor permitted activities and any developing technologies to ensure that any related risks of nutrient loss to the catchment are understood and acted on if necessary.

Panel Recommendations: Accept in Part

Section: LR M5 Method Five

1056

Panel Recommendation

Refer to the body of our report for our recommendations on this section.

Panel Reason

Submissions

Submission Number: 12: 11

Submission Type: Support

Submitter: Astrid Coker

Submission Summary: Support the monitoring of permitted activities and encourage industry good practices. The original problem emanated from the pumping of raw sewage into Lake Rotorua by the District Council and was not created by farmers. Whilst farmers under practical environmental mitigation measures on their property at their expense the use of consultants, compliance costs, OVERSEER® files and other bureaucracy should be met by the Regional Council.

Decision Sought: Small increases in rates to cover compliance costs. Regular and timely updates on scientific information. Regional Council involvement in research funding applications.

Panel Recommendations: Accept in Part

Submission Number: 25: 4

Submission Type: Support

Submitter: Paul Lyons

Submission Summary: It is vital that the Regional Council stays well engaged with implementation and reporting progress on nitrogen discharge to the community. The aim of a cleaner lake environment we can all be proud of may come at some considerable initial cost to members of our community. Regional Council needs to respect this community pain and see the process through in a transparent and supportive manner.

Decision Sought: Support - No changes requested.

Panel Recommendations: Accept

Submission Number: 49: 57

Submission Type: Support

Submitter: CNI Iwi Land Management Ltd

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Further Submission(s)

Further Submission No:	15 - 43	Submission Type: Support
Further Submitter:	Ballance Agri-Nutrients Limited	
Submission Summary:	The proposed new clause is in keeping with good resource management planning practice. Ballance is supportive of collaborative planning processes, which seek to involve all affected parties with the aim of reaching acceptable outcomes for all.	
Decision Sought:	As above	

Panel Recommendation: Accept in Part

Section: LR M5(a)

Panel Recommendation

See Section on LR M5 above.

Submissions

Submission Number:	43: 42	Submission Type: Support in Part
Submitter:	Ravensdown Limited	
Submission Summary:	While it supports the development of a rule implementation plan, it is considered timeframes are required for when that plan will be prepared, and when it will be reviewed. Ravensdown also considers it important that the primary industry is involved in the development of any implementation plan.	
Decision Sought:	Retain the intent to prepare a Rule Implementation Plan and include a date for completing the plan and a review period; In (a), add a footnote to say that the implementation plan will be development in collaboration with the primary sector representatives (and others, for example, iwi etc.).	

Panel Recommendations: Reject in part.
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Submission Number:	49: 58	Submission Type: Support
Submitter:	CNI Iwi Land Management Ltd	
Submission Summary:	Support.	
Decision Sought:	Retain.	

Panel Recommendations: Accept

Further Submission(s)

Further Submission No:	14 - 29	Submission Type: Support
Further Submitter:	Hancock Forest Management (NZ) Ltd	
Submission Summary:	Support.	
Decision Sought:	As above	

Panel Recommendation: Accept

Submission Number:	53: 41	Submission Type: Support in Part
Submitter:	Lachlan McKenzie	
Submission Summary:	Amend to be consistent with recommended alternate Integrated Nutrient Management Framework.	
Decision Sought:	Amend to read '(a) support the establishment and resourcing of sub-catchment committees to develop sub-catchment Action Plans for the reduction of nutrient loads to the lake.'	

Panel Recommendations: Accept in Part

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 56: 4 Submission Type: Support

Submitter: Bay of Plenty Regional Council

Submission Summary: There is no direction on the intent and intended audience or use of the rule implementation plan. Clarify that the implementation will be made available to the public.

Decision Sought: Expand Method 5(a). It is suggested that the following or similar amendments be made: '(a) develop and maintain a Rule Implementation Plan to ensure accurate and consistent interpretation and implementation of Plan Change 10 by Council and the public.'

Panel Recommendations: Accept

Further Submission(s)

Further Submission No: 8 - 45 Submission Type: Oppose

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: PC 10 rules must be clear on expectation so as not to have an inconsistent interpretation of them. A further implementation plan to clarify should not be necessary

Decision Sought: As above

Panel Recommendation: Reject

Further Submission No: 12 - 52 Submission Type: Oppose

Further Submitter: Federated Farmers of New Zealand

Submission Summary: Oppose the development of a Rule Implementation Plan. PC10 should be expressed with sufficient clarity to allow accurate and consistent interpretation without requiring further reference to another document.

Decision Sought: As above

Panel Recommendation: Reject

Submission Number: 66: 79 Submission Type: Support in Part

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Improve clarity and completeness.

Decision Sought: Amend to '(a) support the establishment and resourcing of sub-catchment committees to develop sub-catchment Action Plans for the reduction of nutrient loads to the lake.'

Panel Recommendations: Accept in Part

Submission Number: 75: 169 Submission Type: Support in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Amend to be consistent with recommended alternate Integrated Nutrient Management Framework.

Decision Sought: Amend as follows
(a) support the establishment and resourcing of sub-catchment committees to develop sub-catchment Action Plans for the reduction of nutrient loads to the lake.

Panel Recommendations: Reject

Section: LR M5(b)

1058

Panel Recommendation

See Section on LR M5 above.

Submissions

Submission Number: 49: 59 Submission Type: Support

Submitter: CNI Iwi Land Management Ltd

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Submission Summary: Support.

Decision Sought: Retain.

Panel Recommendations: Accept

Further Submission(s)

Further Submission No:	14 - 30	Submission Type:	Support
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Further Submitter:	Hancock Forest Management (NZ) Ltd
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Submission Summary:	Support.
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Decision Sought:	Not specified
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Panel Recommendation: Accept

Submission Number:	53: 42	Submission Type:	Support in Part
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Submitter:	Lachlan McKenzie
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Submission Summary:	Amend to be consistent with recommended alternate Integrated Nutrient Management Framework.
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Decision Sought:	Amend to read: '(b) report on the achievement of the sub-catchment Action Plans on a five-yearly basis through plan effectiveness reporting.'
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Panel Recommendations: Reject

Submission Number:	66: 80	Submission Type:	Support in Part
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Submitter:	Lake Rotorua Primary Producers Collective
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Submission Summary:	Improve clarity and completeness.
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Decision Sought:	Amend to '(b)report on the achievement of the sub-catchment Action Plans on a five-yearly basis through plan effectiveness reporting.'
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Panel Recommendations: Reject

Submission Number:	75: 170	Submission Type:	Support in Part
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Submitter:	Federated Farmers of New Zealand
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Submission Summary:	Amend to be consistent with recommended alternate Integrated Nutrient Management Framework.
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Decision Sought:	Amend as follows: (b) report on the achievement of the sub-catchment Action Plans on a five-yearly basis through plan effectiveness reporting;
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Panel Recommendations: Reject

Section: LR M5(c)	1207
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Panel Recommendation

See Section on LR M5 above.

Submissions

Submission Number:	43: 43	Submission Type:	Support in Part
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Submitter:	Ravensdown Limited
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Submission Summary:	In relation to the development and maintenance of a NDA register, Ravensdown is concerned there may be privacy issues regarding holding such a register, and protocols may be required to determine confirm the purpose of the register and who can access it. Ravensdown considers a benchmark register would also be a useful tool for Council.
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Decision Sought:	Develop a set of protocols for the development and maintenance of a NDA register to ensure its purpose is clear and access is limited to retain privacy;
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Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Consider developing a Benchmark Register with similar protocols.

Panel Recommendations: Reject

Submission Number:	49: 60	Submission Type:	Support in Part
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	A Nitrogen Discharge Allowance appears to be based on the output from OVERSEER® . Which means it is subject to the vagaries of the changes that various versions of OVERSEER® introduces. It would be better to have a register of the input data, because that raw data can be fed through any version of any model, and data is not modified by a range of assumptions in a way that model outputs are.		
Decision Sought:	Reword as: 'Develop and maintain a landuse input data register that will allow for monitoring of catchment wide...'		

Panel Recommendations: Reject

Further Submission(s)

Further Submission No:	8 - 56	Submission Type:	Oppose
Further Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Strongly oppose the recommendation to develop a land use input data register. To allow for ongoing adaptive management it must be 'outputs' that are monitored. To allow pastoral industries to make use of developing technologies and science for the good of the economy and the environment farmers must be allowed to adapt and farm to the conditions, which change on a daily, weekly or monthly basis.		
Decision Sought:	As above		

Panel Recommendation: Reject

Further Submission No:	12 – 17	Submission Type:	Support in Part
Further Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Support the recommendation that policy and methods need to acknowledge the imperfect precision and accuracy of OVERSEER® estimates. Oppose the recommendation to develop and maintain a land use input data register.		
Decision Sought:	As above		

Panel Recommendation: Reject

Further Submission No:	14 – 31	Submission Type:	Support
Further Submitter:	Hancock Forest Management (NZ) Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Panel Recommendation: Reject

Submission Number:	53: 43	Submission Type:	Support in Part
Submitter:	Lachlan McKenzie		
Submission Summary:	Amend to be consistent with recommended alternate Integrated Nutrient Management Framework.		
Decision Sought:	Amend to read: '(c) monitor catchment-wide progress towards meeting the RWLP TLI objective.'		

Panel Recommendations: Reject

Submission Number:	66: 81	Submission Type:	Support in Part
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Improve clarity and completeness.		

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Chapter: Part 3 LR: Lake Rotorua Nutrient Management

1059

Section: Rules

1059

Panel Recommendation

We concur with the Regional Council reporting officers' recommendations as contained in their s42A report and additional evidence presented during the hearing.

Submissions

Submission Number:	43: 46	Submission Type:	Oppose
Submitter:	Ravensdown Limited		
Submission Summary:	Ravensdown opposes the intention of the rules to control the input of nitrogen onto land. It opposes the intent to manage nitrogen inputs. The first sentence is not correct by referring to inputs as a 'nitrogen loss'. Nitrogen inputs can be managed through implementing good management practices for nutrient management, including compliance with the Code of Practice for fertiliser use. The rules should not intend to control these inputs.		
Decision Sought:	Amend the first sentence to read: "Rules LR R1 to LR R13 apply to the management of land use activities on properties/farming enterprises in the Lake Rotorua groundwater catchment for the purpose of managing nitrogen loss from land where it could enter Lake Rotorua."		

Panel Recommendations: Accept

Further Submission(s)

Further Submission No:	15 - 1	Submission Type:	Support
Further Submitter:	Ballance Agri-Nutrients Limited		
Submission Summary:	Ballance supports an output-based approach to nutrient management. There can be significant investment required to implement an input based approach, which restricts flexibility and can stifle farming practice innovation, without necessarily achieving the environmental outcomes sought. An input based approach regulates how farmers may farm. Output based approaches focus on the environmental bottom lines and thus enable flexibility and individualised responses. Ballance agrees that nitrogen inputs can be managed through implementing good management practice and this has been adopted in a number of areas throughout New Zealand.		
Decision Sought:	As above		

Panel Recommendation: Accept in Part

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 43: 47 Submission Type: Oppose
 Submitter: Ravensdown Limited
 Submission Summary: It is not appropriate for the definition of property/farming enterprise to be included at the beginning of the rules.
 Decision Sought: Delete the definition of property/farming enterprise from the introduction as it already included in the definitions.

Panel Recommendations: Accept

Submission Number: 70: 53 Submission Type: Support in Part
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: FANZ support output based management, which address the losses from land as it is the loss which gives rise to the adverse environmental effects.
 Decision Sought: Amend paragraph 1 in Part III Rules '.....nitrogen loss from land where it could enter Lake Rotorua'.

Panel Recommendations: Accept

Further Submission(s)

Further Submission No: 15 - 44 Submission Type: Support
 Further Submitter: Ballance Agri-Nutrients Limited
 Submission Summary: Ballance supports an output-based approach to nutrient management.
 Decision Sought: As above

Panel Recommendation: Accept

Submission Number: 75: 176 Submission Type: Oppose
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Definitions should be located in the definitions section.
 Decision Sought: Delete definition of Property/farming enterprise.

Panel Recommendations: Accept

Section: Advice Note 4 1060

Panel Recommendation

We concur with the Regional Council reporting officers' recommendations as contained in their s42A report and additional evidence presented during the hearing.

Submissions

Submission Number: 43: 48 Submission Type: Oppose in Part
 Submitter: Ravensdown Limited
 Submission Summary: There needs to be a clear statement that identifies which provisions takes precedence where the provisions of the operative Regional Plan Water & Land Plan and Part II LR and Part III LR of the

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proposed PC 10 address the same activity.

Decision Sought: There needs to be a clear statement that identifies which provisions takes precedence where the provisions of the operative Regional Plan Water & Land Plan and Part II LR and Part III LR of the proposed PC 10 address the same activity.

Panel Recommendations: Accept in Part

Submission Number: 70: 54 Submission Type: Support in Part

Submitter: The Fertiliser Association of New Zealand

Submission Summary: Conflict could arise if the operative Regional Water and Land Plan that manage land, water, discharges and land use activities still apply. It is suggested that Council provide guidance on how to manage this conflict.

Decision Sought: Clarify Note 4 as to how conflict might be managed and which rules take precedence if the operative Regional Water and Land Plan that manage land, water, discharges and land use activities still apply.

Panel Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 15 - 45 Submission Type: Support

Further Submitter: Ballance Agri-Nutrients Limited

Submission Summary: The advice note needs to be expanded to clarify which provisions take precedence with respect to the RWLP and activities managed under Part II LR and Part III LR.

Decision Sought: As above

Panel Recommendation: Accept in Part

Section: Advice Note 5

1061

Panel Recommendation

We concur with the Regional Council reporting officers' recommendations as contained in their s42A report and additional evidence presented during the hearing.

Submissions

Submission Number: 43: 49 Submission Type: Oppose

Submitter: Ravensdown Limited

Submission Summary: The advice note serves no purpose and is not necessary.

Decision Sought: Delete the General Advice Notes for rules: No. 5.

Panel Recommendations: Accept

Submission Number: 70: 55 Submission Type: Oppose

Submitter: The Fertiliser Association of New Zealand

Submission Summary: The advice note is confusing and unnecessary. The advice note does not clarify where ultimate responsibility lies and serves no useful purpose.

Decision Sought: Delete advice note.

Panel Recommendations: Accept

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1062

Section: Rule Summary flowchart

Panel Recommendation

We concur with the Regional Council reporting officers' recommendations as contained in their s42A report and additional evidence presented during the hearing.

Submissions

Submission Number: 43: 50 Submission Type: Oppose
 Submitter: Ravensdown Limited
 Submission Summary: The flowchart is unhelpful and serves no purpose. It has been condensed and is incomplete.
 Decision Sought: Delete the rule summary chart.

Panel Recommendations: Accept

Submission Number: 56: 5 Submission Type: Support
 Submitter: Bay of Plenty Regional Council
 Submission Summary: Add text to ensure that there is ensure there is consistency between the rules and the Rule summary flowchart.
 Decision Sought: Add "commercial" in front of dairy farming in box 'under properties 5 hectares in area or less' in the rule summary flowchart.

Panel Recommendations: Reject

Submission Number: 70: 56 Submission Type: Oppose in Part
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: The flow chart is incomplete and therefore confusing. It does not provide for all activity types.
 Decision Sought: Amend to clarify pathways, missing provisions and activity status where conditions are not met for properties not previously managed by Rule 11 and low intensity properties of any size.

Panel Recommendations: Reject

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1063

Section: Land use rules

Panel Recommendation

Refer to the body of our report for our recommendation on this section.

Submissions

Submission Number: 13: 5 Submission Type: Oppose
 Submitter: Alister Snodgrass
 Submission Summary: The level of bureaucracy, complexity and ongoing cost around resource consent, farm plans, and OVERSEER® data will contribute to uneconomic small farms.
 Decision Sought: Not specified

Panel Recommendations: Reject

Submission Number: 15: 3 Submission Type: Oppose
 Submitter: Murray and Robyn Pearce
 Submission Summary: The proposed rules talks about phosphate leaching however do not put in place land management practices that would contain phosphate from processes like harvesting plantation forests.
 Decision Sought: Not specified.

Panel Recommendations: Reject

Further Submission(s)

Further Submission No: 17 - 2 Submission Type: Support
 Further Submitter: Murray and Robyn Pearce
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Panel Recommendation: Reject

Submission Number: 15: 5 Submission Type: Oppose
 Submitter: Murray and Robyn Pearce
 Submission Summary: The rules will result in pockets of intense leaching. The issue of water sourcing from wells in these pockets is not considered at all in the proposed rule changes.
 Decision Sought: We propose that ground water monitoring from wells and seeps from different depths be monitored. The areas to be monitored are those downstream from known high leaching activities.

Panel Recommendations: Reject

Further Submission(s)

Further Submission No: 17 - 4 Submission Type: Support
 Further Submitter: Murray and Robyn Pearce
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Panel Recommendation: Reject

Submission Number: 15: 6 Submission Type: Oppose
 Submitter: Murray and Robyn Pearce

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Submission Summary: The rules do not consider the nature of the business of land users they are protecting and forcing others to subsidise. Plantation Forestry and Dairy are commodity industries when process are high these business must increase production to take advantage for the higher prices. Unless the fines are extremely high or enforcement effective these producers will increase production and environmental damage.

Decision Sought: We propose that the rules include a statement mechanism that will stop commodity producers increasing production that increases pollution.

Panel Recommendations: Reject

Further Submission(s)

Further Submission No:	17 - 5	Submission Type:	Support
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Further Submitter: Murray and Robyn Pearce

Submission Summary: For the reasons given in the original submission.

Decision Sought: As above

Panel Recommendation: Reject

Submission Number:	16: 2	Submission Type:	Support in Part
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Submitter: Neil Heather

Submission Summary: I support a rules framework for capping nutrient discharges and that these rules should include properties not previously included in Rule 11. This includes under 5 hectares.

Decision Sought: Not specified.

Panel Recommendations: Accept in Part

Submission Number:	17: 9	Submission Type:	Oppose in Part
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Submitter: D & A Trust

Submission Summary: Until very recently small blocks were not part of the process and prior to Rule 11 actively advised that this did not apply to them. Only recently have they become part of the process and are thus severely disadvantaged in knowledge and input.
It is our contention that this it impossible to enforce compliance on small blocks as the systems available cannot get to the level of detail. If compliance with a rule cannot be measures, it cannot be enforced and there is no point in having the rule.

Decision Sought: The threshold for small blocks should be lifted to 40 hectares to align with the information provided by Council when they were introducing Rule 11. Council have the ability to take up any additional N load that lifting the threshold to 40ha would create through its community initiatives and incentives.

Panel Recommendations: Reject

Further Submission(s)

Further Submission No:	7 - 6	Submission Type:	Oppose
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Further Submitter: Alistair and Sarah Coatsworth

Submission Summary: All land has the ability to contribute nutrients to the environment.

Decision Sought: As above

Panel Recommendation: Reject

Further Submission No:	8 - 6	Submission Type:	Oppose
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Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Lifting the threshold for involvement in the Rules to 40Ha would only compound issues as all land has the ability to contribute nutrients to the environment.

Decision Sought: As above

Panel Recommendation: Reject

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Submission Number: 17: 12 Submission Type: Oppose
 Submitter: D & A Trust
 Submission Summary: The rules as set out in PC 10 will require considerable growth in staff and support. All of which comes at a cost to ratepayers. Councils ability to ensure compliance using OVERSEER® is severely questionable as is the ability to monitor what is occurring in the landscape.
 Decision Sought: Not specified.

Panel Recommendations: The Panel does not consider this to be a submission point.

Submission Number: 19: 1 Submission Type: Oppose
 Submitter: Dixon Reeves
 Submission Summary: Farming should not be an activity which is Controlled and should not require Resource consent if the NDA has not been exceeded.
 Decision Sought: I strongly believe farming should not be an activity which is Controlled and should not require Resource consent if the NDA has not been exceeded.

Panel Recommendations: Reject

Submission Number: 27: 9 Submission Type: Oppose
 Submitter: Gro2 Ltd
 Submission Summary: For rules to work they need to be accurate, enforceable and accepted by the public. These rules will kneecap farming in the catchment, property valuations will drop 50%. The flow on will be into town where the service industries suffer, and rate rise as farms have lower values therefore lower rates.
 Decision Sought: Work with farmers to make improvements we can do now, detention dams arrest nutrient, prevent erosion, eliminate flooding and stop soil reaching the lake.

Panel Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 7 - 19 Submission Type: Support
 Further Submitter: Alistair and Sarah Coatsworth
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Panel Recommendation: Accept in Part

Further Submission No: 8 - 20 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Panel Recommendation: Accept in Part

Submission Number: 14: 3 Submission Type: Support in Part
 Submitter: Warren Webber
 Submission Summary: All complying land uses has a right of survival providing they adopt the very best practices. Other intensive uses are minor and not considered by the proposed rules e.g. nurseries, agistment.
 Decision Sought: Include an additional rule to deal with exceptions.

Panel Recommendations: Accept in Part

Submission Number: 14:10 Submission Type: Support

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Submitter: Warren Webber

Submission Summary: The rules programme anticipates that properties remaining in pastoral agriculture will share 22% of catchment N. Responsibility for the remaining 78% will remain with the wider community..

Decision Sought: No changes requested.

Panel Recommendations: The Panel considers that this is not a submission point.

Submission Number: 27: 11 Submission Type: Oppose

Submitter: Gro2 Ltd

Submission Summary: These rules will destroy farming for the possibility that the lake may improve in 80 years. This is a intergenerational problem that needs an intergenerational solution. What is need is more emphasis on Phosphate and a much less restrictive Nitrogen target.

Decision Sought: Work with farmers to make improvements we can do now, detention dams arrest nutrient, prevent erosion, eliminate flooding and stop soil reaching the lake.

Panel Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 7 - 20 Submission Type: Support

Further Submitter: Alistair and Sarah Coatsworth

Submission Summary: For the reasons given in the original submission.

Decision Sought: As above

Panel Recommendation: Accept in Part

Further Submission No: 8 - 21 Submission Type: Support

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: For the reasons given in the original submission.

Decision Sought: As above

Panel Recommendation: Accept in Part

Submission Number: 28: 2 Submission Type: Oppose

Submitter: Kevin Davenport

Submission Summary: I do not support having rules for land owners over 40 Hectares, another set of rules for landowners less than 40 Hectares and then no rules for the large group of landowners with 10 Hectares or less.

Decision Sought: I would like to see group discussions or farm workshop sessions on best farming practices held. I would like to see BOP Council working with landowners in smaller groups of the different catchment areas within the Rotorua Basin to help them understand the implications of their Farming practices on their specific area.

Panel Recommendations: Reject

Submission Number: 30: 2 Submission Type: Support

Submitter: Fish & Game New Zealand (Eastern Region Fish and Game Council)

Submission Summary: The rules have been set by land use categories to more heavily target sectors that leach greater amounts of nutrient. Major changes to farm management practices may be required but the time frame proposed gives a fair and equitable period to plan for and meet objectives.

Decision Sought: Not specified.

Panel Recommendations: Accept

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Submission Number: 53: 49 Submission Type: Oppose

Submitter: Lachlan McKenzie

Submission Summary: The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our integrated nutrient management framework.

Decision Sought: Delete and replace with:
'Rule 5 – Restricted Discretionary Activity
The use of land for farming activities/farming enterprises on properties which do not meet Rule 4 is a Restricted Discretionary Activity until 2022.
Matters of Discretion
a) Measures to offset adverse effects on water quality, including surface water and groundwater.
b) Measures to avoid, remedy or mitigate adverse effects on aquatic ecosystems in streams and rivers.
c) Aspects of the land use activity that cause an increase in the export of nitrogen or phosphorus from the activity.
d) Measures to fully offset the increase in the export of nitrogen or phosphorus from the activity within the same lake catchment.
e) Contractual arrangements with third parties where the offset measures are not applied on the property.
f) Where the offset is not applied on the property, the change to the nutrient benchmark limit for both properties. The nutrient benchmark for the property where the land use activity will take place will increase, and the property where offset measures will take place will decrease accordingly.
g) Information and monitoring requirements.'

Panel Recommendations:	Reject
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Submission Number: 53: 50 Submission Type: Oppose

Submitter: Lachlan McKenzie

Submission Summary: The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our integrated nutrient management framework.

Decision Sought: Delete and replace with: 'Rule 6 – Permitted Activity
The use of land for farming activities/farming enterprises on properties which are greater than 10 hectares in area or which do not meet the conditions of Rules 1 and 2 are permitted from 2022 provided the following conditions are met:
a) Either The TLI for Lake Rotorua is at or below 4.2; or the sub-catchment action groups have active nutrient reduction plans and
b) The farming activities/farming enterprises have and do not exceed a lawfully established nutrient benchmark for the property in accordance with Rules 3; or in accordance with Rules 4 or 5.'

Panel Recommendations:	Reject
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Submission Number: 53: 51 Submission Type: Oppose

Submitter: Lachlan McKenzie

Submission Summary: The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our integrated nutrient management framework.

Decision Sought: Delete and replace with:
'Rule 7 – Controlled Activity
The use of land for farming activities/farming enterprises on properties which do not meet the conditions (b) or (c) of Rules 6 are permitted from 2022 provided the following conditions are met:
a) The TLI for Lake Rotorua is at or below 4.2; or the sub-catchment groups have active nutrient reduction plans and
b) The increase in the export of nitrogen or phosphorous from the proposed farming activity/farming enterprise will be fully offset by the use of nutrient management measures on land within the same lake catchment; and
c) The nutrient management measures used to fully offset the effects of the proposed land use do not occur on land which is covered by indigenous forest cover or is on land located within an urban area or lakeside settlement area, at the time of making the application.
Matters of control
a) Measures to offset adverse effects on water quality, including surface water and groundwater.
b) Measures to avoid, remedy or mitigate adverse effects on aquatic ecosystems in streams and rivers.
c) Aspects of the land use activity that cause an increase in the export of nitrogen or phosphorus from the activity.
d) Measures to fully offset the increase in the export of nitrogen or phosphorus from the activity within the same lake catchment.
e) Contractual arrangements with third parties where the offset measures are not applied on the property.'

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- f) Where the offset is not applied on the property, the change to the nutrient benchmark limit for both properties. The nutrient benchmark for the property where the land use activity will take place will increase, and the property where offset measures will take place will decrease accordingly..
- g) Information and monitoring requirements.'

Panel Recommendations:	Reject
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Submission Number:	53: 52	Submission Type:	Oppose
Submitter:	Lachlan McKenzie		
Submission Summary:	The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our integrated nutrient management framework.		
Decision Sought:	Delete and replace with: 'Rule 8 – Restricted Discretionary Activity The use of land for farming activities/farming enterprises on properties which do not meet Rule 7 is a Restricted Discretionary Activity from 1 January 2022 provided the following condition is met. a) The TLI for Lake Rotorua is at or below 4.2; and Matters of Discretion a) Measures to offset adverse effects on water quality, including surface water and groundwater. b) Measures to avoid, remedy or mitigate adverse effects on aquatic ecosystems in streams and rivers. c) Aspects of the land use activity that cause an increase in the export of nitrogen or phosphorus from the activity. d) Measures to fully offset the increase in the export of nitrogen or phosphorus from the activity within the same lake catchment. e) Contractual arrangements with third parties where the offset measures are not applied on the property. f) Where the offset is not applied on the property, the change to the nutrient benchmark limit for both properties. The nutrient benchmark for the property where the land use activity will take place will increase, and the property where offset measures will take place will decrease accordingly. g) Information and monitoring requirements.'		

Panel Recommendations:	Reject
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Submission Number:	53: 53	Submission Type:	Oppose
Submitter:	Lachlan McKenzie		
Submission Summary:	The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our integrated nutrient management framework.		
Decision Sought:	Delete.		

Panel Recommendations:	Reject
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Submission Number:	53: 54	Submission Type:	Oppose
Submitter:	Lachlan McKenzie		
Submission Summary:	The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our integrated nutrient management framework.		
Decision Sought:	Delete.		

Panel Recommendations:	Reject
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Submission Number:	53: 55	Submission Type:	Oppose
Submitter:	Lachlan McKenzie		
Submission Summary:	The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our integrated nutrient management framework.		
Decision Sought:	Delete.		

Panel Recommendations:	Reject
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Submission Number:	53: 56	Submission Type:	Oppose
Submitter:	Lachlan McKenzie		
Submission Summary:	The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our integrated nutrient management framework.		

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Submission Summary: The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our alternate integrated nutrient management framework.

Decision Sought: Delete and replace with the following, and any consequential amendments.
Rule 3 – Permitted Activity
 The use of land for farming activities/farming enterprises on properties which are greater than 10 hectares in area or do not meet the conditions of Rules 1 and 2 are permitted provided the following conditions are met:
 a) The use of land for farming activities/farming enterprises on properties which are less than 40 hectares in area:
 • The farming activities/farming enterprises will establish and will not exceed a nutrient benchmark in accordance with Schedule AA and provide that information to Council by 2017
 b) The use of land for farming activities/farming enterprises on properties which are greater than 40 hectares in area:
 • The farming activities/farming enterprises have a lawfully established nutrient benchmark for the property and will not exceed it; or will establish a nutrient benchmark in accordance with Schedule AA and provide that information to Council by 2017, and will not exceed it
 • Dairy and dry stock farming activities/farming enterprises, excluding dairy support, will meet a managed reduction target agreed in accordance with Table LR 4 by 2022

Panel Recommendations: Reject

Submission Number: 66: 87 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our alternate integrated nutrient management framework.

Decision Sought: Delete and replace with the following, and any consequential amendments.
Rule 4 – Controlled Activity
 The use of land for farming activities/farming enterprises on properties which do not meet Rule 3 is a controlled activity until 2022 provided the following conditions are met:
 a) The increase in the export of nitrogen or phosphorous from the proposed farming activity/farming enterprise will be fully offset by the use of nutrient management measures on land within the same lake catchment; and
 b) The nutrient management measures used to fully offset the effects of the proposed land use do not occur on land which is covered by indigenous forest cover or is on land located within an urban area or lakeside settlement area
Matters of control
 a) Measures to offset adverse effects on water quality, including surface water and groundwater.
 b) Measures to avoid, remedy or mitigate adverse effects on aquatic ecosystems in streams and rivers.
 c) Aspects of the land use activity that cause an increase in the export of nitrogen or phosphorus from the activity.
 d) Measures to fully offset the increase in the export of nitrogen or phosphorus from the activity within the same lake catchment.
 e) Contractual arrangements with third parties where the offset measures are not applied on the property.
 f) Where the offset is not applied on the property, the change to the nutrient benchmark for both properties. The nutrient benchmark for the property where the land use activity will take place will increase, and the property where offset measures will take place will decrease accordingly.
 g) Information and monitoring requirements.

Panel Recommendations: Reject

Submission Number: 66: 88 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to

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our alternate integrated nutrient management framework.

Decision Sought: Delete and replace with the following, and any consequential amendments.
 Rule 5 – Restricted Discretionary Activity
 The use of land for farming activities/farming enterprises on properties which do not meet Rule 4 is a Restricted Discretionary Activity until 2022.
 Matters of Discretion
 a) Measures to offset adverse effects on water quality, including surface water and groundwater.
 b) Measures to avoid, remedy or mitigate adverse effects on aquatic ecosystems in streams and rivers.
 c) Aspects of the land use activity that cause an increase in the export of nitrogen or phosphorus from the activity.
 d) Measures to fully offset the increase in the export of nitrogen or phosphorus from the activity within the same lake catchment.
 e) Contractual arrangements with third parties where the offset measures are not applied on the property.
 f) Where the offset is not applied on the property, the change to the nutrient benchmark limit for both properties. The nutrient benchmark for the property where the land use activity will take place will increase, and the property where offset measures will take place will decrease accordingly.
 g) Information and monitoring requirements.

Panel Recommendations: Reject

Submission Number: 66: 89 Submission Type: Oppose
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our alternate integrated nutrient management framework.
 Decision Sought: Delete and replace with the following, and any consequential amendments.
 Rule 6 – Permitted Activity
 The use of land for farming activities/farming enterprises on properties which are greater than 10 hectares in area or which do not meet the conditions of Rules 1 and 2 are permitted from 2022 provided the following conditions are met:
 a) The TLI for Lake Rotorua is at or below 4.2; and
 b) The farming activities/farming enterprises have and do not exceed a lawfully established nutrient benchmark for the property in accordance with Rules 3; or in accordance with Rules 4 or 5.

Panel Recommendations: Reject

Submission Number: 66: 90 Submission Type: Oppose
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our alternate integrated nutrient management framework.
 Decision Sought: Delete and replace with the following, and any consequential amendments.
 Rule 7 – Controlled Activity
 The use of land for farming activities/farming enterprises on properties which do not meet the conditions (b) or (c) of Rule 6 are permitted from 2022 provided the following conditions are met:
 a) The TLI for Lake Rotorua is at or below 4.2; and
 b) The increase in the export of nitrogen or phosphorous from the proposed farming activity/farming enterprise will be fully offset by the use of nutrient management measures on land within the same lake catchment; and
 c) The nutrient management measures used to fully offset the effects of the proposed land use do not occur on land which is covered by indigenous forest cover or is on land located within an urban area or lakeside settlement area, at the time of making the application.
 Matters of control
 a) Measures to offset adverse effects on water quality, including surface water and groundwater.
 b) Measures to avoid, remedy or mitigate adverse effects on aquatic ecosystems in streams and rivers.
 c) Aspects of the land use activity that cause an increase in the export of nitrogen or phosphorus from the activity.
 d) Measures to fully offset the increase in the export of nitrogen or phosphorus from the activity within the same lake catchment.
 e) Contractual arrangements with third parties where the offset measures are not applied on the property.
 f) Where the offset is not applied on the property, the change to the nutrient benchmark limit for both properties. The nutrient benchmark for the property where the land use activity will take place will increase, and the property where offset measures will take place will decrease accordingly..
 g) Information and monitoring requirements.

Panel Recommendations: Reject

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Submission Number:	66: 91	Submission Type:	Oppose
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our alternate integrated nutrient management framework.		
Decision Sought:	Delete and replace with the following, and any consequential amendments. Rule 8 – Restricted Discretionary Activity The use of land for farming activities/farming enterprises on properties which do not meet Rule 7 is a Restricted Discretionary Activity from 1 January 2022 provided the following condition is met. a) The TLI for Lake Rotorua is at or below 4.2; and Matters of Discretion a) Measures to offset adverse effects on water quality, including surface water and groundwater. b) Measures to avoid, remedy or mitigate adverse effects on aquatic ecosystems in streams and rivers. c) Aspects of the land use activity that cause an increase in the export of nitrogen or phosphorus from the activity. d) Measures to fully offset the increase in the export of nitrogen or phosphorus from the activity within the same lake catchment. e) Contractual arrangements with third parties where the offset measures are not applied on the property. f) Where the offset is not applied on the property, the change to the nutrient benchmark limit for both properties. The nutrient benchmark for the property where the land use activity will take place will increase, and the property where offset measures will take place will decrease accordingly. g) Information and monitoring requirements.		

Panel Recommendations: Reject

Submission Number:	70: 2	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	FANZ oppose the use of 'input controls' in the rule framework. The policies do not promote an input control approach yet the rules do. An input control approach does not enable innovation and flexibility in farming options.		
Decision Sought:	Not specified.		

Panel Recommendations: Reject

Submission Number:	70: 18	Submission Type:	Oppose in Part
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	No rules in the Proposed Plan Change address the management of phosphorus. FANZ assumes Council is convinced that phosphorus loss can be appropriately managed by way of the Nitrogen Management Plan.		
Decision Sought:	Not specified.		

Panel Recommendations: Comment Noted

Submission Number:	70: 59	Submission Type:	Oppose in Part
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	If LR R2 conditions cannot be met, the activity becomes non-complying. There should be flexibility to provide for restricted discretionary activity or discretionary activity where these conditions cannot be met, for example, more than a two year interval between harvest and planting.		
Decision Sought:	Insert restricted discretionary or discretionary criteria relevant to not complying with LR R2 in the Proposed Plan Change.		

Panel Recommendations: Reject

Submission Number:	75: 175	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		

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Submission Summary: Amend for improved clarity and consistency with the RPS and RWLP. The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our recommended changes to LR proposed policies. Most importantly it is our submission that the primary focus for these rules is the period to 2022. From 2020-23, the Rotorua Lakes WMA is scheduled to give effect to the NPS-FW and a consequential plan change. This plan change can be expected to review and confirm targets and limits beyond 2022, alongside methods and rules for achieving them.

Decision Sought: Amend for improved clarity and consistency with the RPS and RWLP. The proposed changes to the table are extensive – please refer to the full submission for further detail.

Panel Recommendations: Reject

Submission Number: 75: 177 **Submission Type:** Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: The alternate rules recommended by the submitter give better effect to RPS and RWLP objectives and policies; and to our recommended changes to LR proposed policies. It is the submitter's submission that the primary focus for these rules is the period to 2022.

Decision Sought: Delete and replace with:
Rule 1 - Permitted Activity
The use of land for farming activities/farming enterprises on properties which are less than 5 hectares in area are permitted provided the following condition is met:
a) The farming activities/farming enterprises do not comprise of any of the following land use activities:
- Commercial cropping; or
- Commercial horticulture; or
- Dairy farming.

Panel Recommendations: Reject

Submission Number: 75: 178 **Submission Type:** Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: The alternate rules recommended by the submitter give better effect to RPS and RWLP objectives and policies; and to our recommended changes to LR proposed policies. It is the submitter's submission that the primary focus for these rules is the period to 2022.

Decision Sought: Delete and replace with:
Rule 2 - Permitted Activity
The use of land for farming activities/farming enterprises on properties which are greater than 5 ha in area but less than 10 hectares in area are permitted provided the following conditions are met:
a) The stocking rate on the property does not exceed the stocking rates specified in Schedule XX at any point in time; and
b) The farming activities/farming enterprises do not comprise of any of the following land use activities:
- Commercial cropping; or
- Commercial horticulture; or
- Dairy farming

Panel Recommendations: Reject

Submission Number: 75: 179 **Submission Type:** Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: The alternate rules recommended by the submitter give better effect to RPS and RWLP objectives and policies; and to our recommended changes to LR proposed policies. It is the submitter's submission that the primary focus for these rules is the period to 2022.

Decision Sought: Delete and replace with:
Rule 3 – Permitted Activity
The use of land for farming activities/farming enterprises on properties which are greater than 10 hectares in area, or do not meet the conditions of Rules 1 and 2, are permitted provided the following conditions are met:
a) The use of land for farming activities/farming enterprises on properties which are less than 40

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

hectares in area:

- The farming activities/farming enterprises will establish a nutrient benchmark in accordance with Schedule AA and provide that information to Council by 2017, and will not exceed it
- The use of land for farming activities/farming enterprises on properties which are greater than 40 hectares in area:

- The farming activities/farming enterprises have a lawfully established nutrient benchmark for the property and will not exceed it; or will establish a nutrient benchmark in accordance with Schedule AA and provide that information to Council by 2017, and will not exceed it

- For the purpose of Rule 3 nutrient benchmark means Council was provided with a register of the annual average export of nitrogen and phosphorus from the property for the agreed benchmarking period.

Panel Recommendations: Reject

Submission Number:	75: 180	Submission Type:	Oppose
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	The alternate rules recommended by the submitter give better effect to RPS and RWLP objectives and policies; and to our recommended changes to LR proposed policies. It is the submitter's submission that the primary focus for these rules is the period to 2022.		
Decision Sought:	Delete and replace with Rule 4 – Controlled Activity The use of land for farming activities/farming enterprises on properties which do not meet Rule 3 is a controlled activity the following conditions are met: a) The increase in the export of nitrogen or phosphorus from the proposed farming activity/farming enterprise will be fully offset by the use of nutrient management measures on land within the same lake catchment; and b) The nutrient management measures used to fully offset the effects of the proposed land use do not occur on land which is covered by indigenous forest cover or is on land located within an urban area or lakeside settlement area		

Panel Recommendations: Reject

Submission Number:	75: 181	Submission Type:	Oppose
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	The alternate rules recommended by the submitter give better effect to RPS and RWLP objectives and policies; and to our recommended changes to LR proposed policies. It is the submitter's submission that the primary focus for these rules is the period to 2022.		
Decision Sought:	Delete and replace with Rule 5 – Restricted Discretionary Activity The use of land for farming activities/farming enterprises on properties which do not meet Rule 4 is a Restricted Discretionary Activity: Matters of Discretion a) Measures to offset adverse effects on water quality, including surface water and groundwater, including consideration of measures which may not be recognised in OVERSEER® b) Measures to avoid, remedy or mitigate adverse effects on aquatic ecosystems in streams and rivers. c) Aspects of the land use activity that cause an increase in the export of nitrogen or phosphorus from the activity. d) Measures to fully offset the increase in the export of nitrogen or phosphorus from the activity within the same lake catchment. e) Contractual arrangements with third parties where the offset measures are not applied on the property. f) Where the offset is not applied on the property, the change to the nutrient benchmark limit for both properties. The nutrient benchmark for the property where the land use activity will take place will increase, and the property where offset measures will take place will decrease accordingly. g) Information and monitoring requirements.		

Panel Recommendations: Reject

Submission Number:	75: 182	Submission Type:	Oppose
Submitter:	Federated Farmers of New Zealand		

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Submission Summary: The alternate rules recommended by the submitter give better effect to RPS and RWLP objectives and policies; and to our recommended changes to LR proposed policies. It is the submitter's submission that the primary focus for these rules is the period to 2022.

Decision Sought: Delete.

Panel Recommendations: Reject

Submission Number: 75: 183 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: The alternate rules recommended by the submitter give better effect to RPS and RWLP objectives and policies; and to our recommended changes to LR proposed policies. It is the submitter's submission that the primary focus for these rules is the period to 2022.

Decision Sought: Delete.

Panel Recommendations: Reject

Submission Number: 75: 184 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: The alternate rules recommended by the submitter give better effect to RPS and RWLP objectives and policies; and to our recommended changes to LR proposed policies. It is the submitter's submission that the primary focus for these rules is the period to 2022.

Decision Sought: Delete.

Panel Recommendations: Reject

Submission Number: 75: 185 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: The alternate rules recommended by the submitter give better effect to RPS and RWLP objectives and policies; and to our recommended changes to LR proposed policies. It is the submitter's submission that the primary focus for these rules is the period to 2022.

Decision Sought: Delete.

Panel Recommendations: Reject

Submission Number: 75: 186 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: The alternate rules recommended by the submitter give better effect to RPS and RWLP objectives and policies; and to our recommended changes to LR proposed policies. It is the submitter's submission that the primary focus for these rules is the period to 2022.

Decision Sought: Delete.

Panel Recommendations: Reject

Submission Number: 75: 187 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: The alternate rules recommended by the submitter give better effect to RPS and RWLP objectives and policies; and to our recommended changes to LR proposed policies. It is the submitter's submission that the primary focus for these rules is the period to 2022.

Decision Sought: Delete.

Panel Recommendations: Reject

Submission Number: 75: 188 Submission Type: Oppose

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1065

Section: LR R1(a)

Panel Recommendation

We concur with the Regional Council reporting officers' recommendations as contained in their s42A report and additional evidence presented during the hearing.

Submissions

Submission Number:	43: 51	Submission Type:	Support in Part
Submitter:	Ravensdown Limited		
Submission Summary:	Ravensdown opposes the input controls included in the rule. Input control does not necessarily relate to the volume of nitrogen loss and is not 'effects' based. Addressing the farm system losses is effects based and encourages innovation and flexibility in farming operations. it is unclear what the default rule is if a property/farming enterprise cannot comply with condition (a), it seems to be Rule LR R12. Ravensdown opposes this. Ravensdown supports the permitted activity status of the rule.		
Decision Sought:	<ul style="list-style-type: none"> - Amend condition (a) to read: "there is no increase in effective area, nitrogen inputs or stocking rates or increase in nitrogen loss from the date of notification that may contribute to an increase in nitrogen loss onto, into or from land."; - Amend the plan to provide for an activity that does not comply with condition (a) as a restricted discretionary activity, with Council restricting its discretion to that matter than cannot be complied with. 		

Panel Recommendations: Accept in Part

Submission Number:	70: 57	Submission Type:	Oppose in Part
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	FANZ support output control. Input control does not necessarily relate to the volume of nitrogen loss and is not 'effects' based. Addressing the farm system losses provides for and encourages innovation and flexibility in farming operations.		
Decision Sought:	Amend LR R1(a): There is no increase in effective area, or increase in the nitrogen loss from land from (date of notification).		

Panel Recommendations: Accept in Part

1066

Section: LRR2 From 1/07/2017 plantation forestry or bush/scrub

Panel Recommendation

Refer to the body of our report for our recommendation on this section.

Submissions

Submission Number:	3: 6	Submission Type:	Oppose
Submitter:	Kaingaroa Timberlands Partnership		
Submission Summary:	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, often lwi to undertake any replanting. Land owners could be forced to apply for a non-complying resource consent. This is too onerous.		
Decision Sought:	Delete the reference to two year interval between harvesting and/or replanting.		

Panel Recommendations: Reject

Further Submission(s)

Further Submission No:	6 - 43	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Panel Recommendation:	Reject
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Submission Number:	64: 15	Submission Type:	Support in Part
Submitter:	DairyNZ and Fonterra Co-operative Group Limited		
Submission Summary:	DairyNZ/Fonterra suggests more prescriptive management of forestry harvest practices should be considered to ensure that pulses of sediment / P do not undermine the efforts of other land users.		
Decision Sought:	Reference the requirement to comply with sediment loss rules or if they are inadequate for the specific risk in this catchment add to the conditions in this rule.		

Panel Recommendations:	Reject
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Further Submission(s)

Further Submission No:	6 - 45	Submission Type:	Oppose
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	CNILML opposes the addition of further rules or conditions on sediment loss. 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 recognizable 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. The differential for dairy compared to forestry on Nitrogen allocation is a ratio approaching 50:1 and forestry sediment inputs over a rotation are commonly 1/3 that of pastoral agriculture.		
Decision Sought:	As above		

Panel Recommendation:	Accept
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Submission Number:	66: 129	Submission Type:	Oppose
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	The Collective does not agree with the 320tN recorded as the reduction target. The RPS records this figure as 281tN therefore all other figures are affected.		
Decision Sought:	The RPS records this figure as 281tN therefore all other figures are affected.		

Panel Recommendations:	Reject
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Section: LR R2(a)

Panel Recommendation

See Section on LR R2 above.

Submissions

Submission Number:	3: 6	Submission Type:	Oppose
Submitter:	Kaingaroa Timberlands Partnership		
Submission Summary:	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, often Iwi to undertake any replanting. Land owners could be forced to apply for a non-complying resource consent. This is too onerous.		
Decision Sought:	Delete the reference to two year interval between harvesting and/or replanting.		

Panel Recommendations:	Reject
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Further Submission(s)

Further Submission No:	6 - 43	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Further Submission(s)

Further Submission No:	6 - 47	Submission Type:	Oppose
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Oppose in part. CNILML 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.		
Decision Sought:	As above		
Panel Recommendation:	Reject		

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Section: Advice note 1	1069
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Panel Recommendation

See Section on LR R2 above.

Submissions

Submission Number:	64: 14	Submission Type:	Support in Part
Submitter:	DairyNZ and Fonterra Co-operative Group Limited		
Submission Summary:	Dairy NZ/Fonterra agree with the clarification in the advice note that trees / scrub can be considered as a block within a property.		
Decision Sought:	No changes requested.		

Panel Recommendations: Accept

Section: LRR3 From 1/07/2017 farming activity 5ha or less	1070
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Panel Recommendation

Refer to the body of our report for our recommendation on this section.

Submissions

Submission Number:	26: 28	Submission Type:	Support in Part
Submitter:	Rotorua Lakes Council		
Submission Summary:	RLC supports LR P9 and its accompanying rules (LRR1 - R7 and LRR13) in principle as far as they allow for reduced and more appropriate compliance costs for smaller land holders, PC 10 must allow the Rotorua communities to continue to provide for their social, cultural and economic well-being.		
Decision Sought:	Amend LR P9 and LR R1 to R7 and R13 to give effect to RLC's submissions.		

Panel Recommendations: Reject in part

Submission Number:	64: 16	Submission Type:	Support
Submitter:	DairyNZ and Fonterra Co-operative Group Limited		
Submission Summary:	DairyNZ / Fonterra support the approach of applying less prescriptive rules to properties where the property scale and the land use is less likely to result in contaminant loss to water.		
Decision Sought:	No changes requested.		

Panel Recommendations: Accept

Submission Number:	65: 3	Submission Type:	Support
Submitter:	Peter Reed		
Submission Summary:	Some lower limit to the size of property is required otherwise the proposed changes will become very impractical and require huge resources for both compliance and enforcement – with little if any reduction to the nutrient flow to Lake Rotorua. The 5 hectare limit is a good demarcation, between what are most likely un-intensive non-commercial properties. Any reduction to the limit will also demand new consideration of the practicality of many of the compliance requirements of these rules (for e.g. OVERSEER®).		
Decision Sought:	Support the intention to allow as a permitted activity “The use of land for farming activities on properties/farming enterprises 5 hectares or less in area from 1 July 2017 provided there is no intensive land use.”		

Panel Recommendations: Accept

Submission Number:	66: 130	Submission Type:	Oppose
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Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: The Collective does not agree with the 320tN recorded as the reduction target. The RPS records this figure as 281tN therefore all other figures are affected.

Decision Sought: The RPS records this figure as 281tN therefore all other figures are affected.

Panel Recommendations: Reject

Section: LR R3(a) 1071

Panel Recommendation

See Section LR R3 above.

Submissions

Submission Number: 21: 6 Submission Type: Support in Part

Submitter: Brown Owl Organics Incorporated

Submission Summary: Nowhere in the plan is “commercial” defined. Any operation in which money changes hand could be classed as commercial. We suggest placing a minimum land area on commercial activity before it becomes a controlled activity is a clear way in which to distinguish very small commercial operations from larger operations.

Decision Sought: We seek for this to be changed to: “No commercial cropping over 0.4 hectares in area, nor commercial horticulture over 0.4 hectares in area, nor commercial dairying occurs on the land;”

Panel Recommendations: Accept in Part

Submission Number: 49: 65 Submission Type: Oppose

Submitter: CNI Iwi Land Management Ltd

Submission Summary: The attempt here is to create a de minimus be referring to some activities, prefaced with ‘commercial’. The list of activities is incomplete and only partially related to the problem of leaching. E.g. if someone was to grow a cut and carry fodder crop, or fodder for dairy support, this rule would not trigger a response, even though both of these activities are high leaching.

Decision Sought: Reword LR R3(a) as “no land use that has a leaching profile of [say] >10kg/Ha N”. Add a table to Schedule Three that identifies the leaching profiles of horticulture, cropping, fodder crops, dairy support, drystock and dairying. Refer to the table created in schedule 3 in the rule.

Panel Recommendations: Accept in Part

Section: LR R3(b) 1072

Panel Recommendation

See Section LR R3 above.

Submissions

Submission Number: 43: 53 Submission Type: Support in Part

Submitter: Ravensdown Limited

Decision Sought: Delete condition (b); Provide for the transfer of nitrogen loss entitlement should be provided for as a discretionary activity until 2022.

Panel Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Section: LRR4 From 1/07/2017 farm activity 5ha - 10ha effective area 1073

Panel Recommendation

Refer to the body of our report for our recommendation on this section.

Submissions

Submission Number: 8: 1 Submission Type: Oppose
 Submitter: Grant Stewart

Submission Summary: This is unfair to all the land owners. There are many who have been assessed and given less than 5ha of effective land. EBOP have spent a considerable amount of money and resources over the last 16 months telling land owners/lifestyle property owners what their effective area of land is that they can graze on their property. We have been told this effective land area is what our nitrogen and stock allocation is based on.

Decision Sought: If the line in the sand for permitted activities not requiring resource consent is 5ha land size then it should be fair and much preferred option and be based on 5ha of effective land.

Panel Recommendations: Accept

Submission Number: 15: 4 Submission Type: Oppose
 Submitter: Murray and Robyn Pearce

Submission Summary: The rule targets small landholdings under 40 hectares. The rules will result in neighboring properties on the same LUC category being entitled to use their land in different ways. These rules are based on protecting present sector uses not possible future. The rules allow the catchment to be used as a feed pad using outside fodder sources, yet disallows the small in catchment blocks to provide in catchment fodder for in catchment feeding.

Decision Sought: We proposed the rules be amended to state that all fodder consumed in the catchment be produced in the catchment.

Panel Recommendations: Reject

Further Submission(s)

Further Submission No: 17 - 3 Submission Type: Support
 Further Submitter: Murray and Robyn Pearce

Submission Summary: For the reasons given in the original submission.

Decision Sought: As above

Panel Recommendation: Reject

Submission Number: 21: 2 Submission Type: Support in Part
 Submitter: Brown Owl Organics Incorporated

Submission Summary: Landowners on slightly larger blocks should still have the flexibility to start an organic market garden or orchard on a small effective area of 0.4ha.

Decision Sought: We seek for this to be changed to: "The use of land for farming activities on properties/farming enterprises greater than 5 hectares in area or between 5 hectares and 10 hectares or less in effective area from 1 July 2017 provided there is no intensive land use over 0.4 hectares in area."

Panel Recommendations: Accept in Part

Submission Number: 26: 30 Submission Type: Support in Part
 Submitter: Rotorua Lakes Council

Submission Summary: RLC supports LR P9 and its accompanying rules (LRR1 - R7 and LRR13) in principle as far as they allow for reduced and more appropriate compliance costs for smaller land holders, PC 10 must allow the Rotorua communities to continue to provide for their social, cultural and economic well-being.

Decision Sought: Amend LR P9 and LR R1 to R7 and R13 to give effect to RLC's submissions.

Panel Recommendations: Reject in part

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Submission Number: 43: 54 Submission Type: Oppose in Part
 Submitter: Ravensdown Limited
 Submission Summary: While it supports the intent, the submitter considers that the two bullet points say essentially the same thing and the first bullet point can be deleted.
 Decision Sought: Delete the first bullet point in the rule.

Panel Recommendations: Accept

Submission Number: 56: 6 Submission Type: Support
 Submitter: Bay of Plenty Regional Council
 Submission Summary: Second bullet point is unnecessary as segment is covered in first bullet point.
 Decision Sought: Remove second bullet point as unnecessary and consequential reformatting into one sentence: "The use of land for farming activities on properties/farming enterprises greater than five hectares in area and up to and including 10 hectares. Consequential updating of the flow chart on Page 11.

Panel Recommendations: Accept

Submission Number: 64: 17 Submission Type: Support
 Submitter: DairyNZ and Fonterra Co-operative Group Limited
 Submission Summary: DairyNZ / Fonterra support the approach of applying less prescriptive rules to properties where the land use activity is less likely to result in contaminant loss to water.
 Decision Sought: No changes requested.

Panel Recommendations: Accept

Submission Number: 70: 62 Submission Type: Support in Part
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: 'Five hectares in effective area' must be at least 'five hectares in area', therefore it is suggested that the bullet points be combined.
 Decision Sought: Combine first two bullet points; as follows: • Greater than five hectares in area and up to and including 10 hectares in effective area.

Panel Recommendations: Accept

Section: LR R4(a) 1074
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Panel Recommendation

See Section LR R4 above.

Submissions

Submission Number: 6: 1 Submission Type: Oppose
 Submitter: Robert Mackay
 Submission Summary: The stocking rates are too restrictive. A property of 5ha will be able and capable of carrying more stock than ourselves due to our size. No allowance is made for the fact that seldom is one able to replace stock immediately. It can often take several months to replace stock. There will be little or even no stock on the property for several weeks or months. It is very difficult to purchase exact numbers requires in a cattle market so one either ends up overstocked or ends up below the allowable limits leading to even lower economic returns.
 Decision Sought: More flexibility with stock numbers and an increase in stocking rates allowed without the need for resource consents.

Panel Recommendations: Reject

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to 0.4 hectares before resource consent. The condition needs to be re-written to allow this flexibility.

Panel Recommendations: Accept in Part

Submission Number: 43: 57 Submission Type: Oppose in Part
 Submitter: Ravensdown Limited
 Submission Summary: Ravensdown opposes an input control approach and seeks for condition (a) to be amended to delete the reference.
 Decision Sought: Amend condition (a) to read “there is no increase in effective area, nitrogen inputs or stocking rates or increase in nitrogen loss from the date of notification that may contribute to an increase in nitrogen loss onto, into or from land.”

Panel Recommendations: Reject

Submission Number: 70: 66 Submission Type: Support
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: It is recognised that record keeping is important and a clear schedule for records to be kept is supported.
 Decision Sought: Retain LR R5 (b) as record keeping is required to account for nutrient losses.

Panel Recommendations: Accept

Submission Number: 92: 3 Submission Type: Support in Part
 Submitter: Bay of Plenty Regional Council
 Submission Summary: The text '[date of notification]' needs to be updated to include actual date of notification.
 Decision Sought: Replace '[date of notification]' reference with 29 February 2016

Panel Recommendations: Accept

Further Submission(s)

Further Submission No: 6 – 73 Submission Type: Support
 Further Submitter: CNI Iwi Land Management Ltd
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Panel Recommendation: Accept

Section: LRR5(b)

Panel Recommendation

See Section LR R5 above.

Submissions

Submission Number: 49: 67 Submission Type: Support
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: Support.
 Decision Sought: Retain.

Panel Recommendations: Accept

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Submission Number: 70: 65 Submission Type: Oppose in Part
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: It is noted that if an outputs based system is to be based on modelling, the record required will be more extensive than is currently provided for in Schedule LR Three. It may be that the current Schedule LR Three should instead sit outside the plan, or be recognised as a bare minimum.
 Decision Sought: Amend LR R5(a): There is no increase in effective area, increase in the nitrogen loss from land from (date of notification).

Panel Recommendations: Reject

Further Submission(s)

Further Submission No: 15 - 46 Submission Type: Support
 Further Submitter: Ballance Agri-Nutrients Limited
 Submission Summary: Ballance supports the intent of Rule LR R5 and the recommended amendments by FANZ. Ballance opposes an input-based approach to nutrient management.
 Decision Sought: As above

Panel Recommendation: Reject

Section: LR R5(c)	1081
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Panel Recommendation

See Section LR R5 above.

Submissions

Submission Number: 43: 58 Submission Type: Oppose in Part
 Submitter: Ravensdown Limited
 Submission Summary: Condition (c) should be deleted and the transfer of nitrogen loss entitlement should be provided for as a discretionary activity until 2022.
 Decision Sought: Delete condition (c). Provide for transfers as a discretionary activity until 2022.

Panel Recommendations: Reject

Section: LRR6 Farm activity not previously managed by Rule 11	1082
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Panel Recommendation

We concur with the Regional Council reporting officers' recommendations as contained in their s42A report and additional evidence presented during the hearing.

Submissions

Submission Number: 26: 32 Submission Type: Support in Part
 Submitter: Rotorua Lakes Council
 Submission Summary: RLC supports LR P9 and its accompanying rules (LRR1 - R7 and LRR13) in principle as far as they allow for reduced and more appropriate compliance costs for smaller land holders, PC 10 must allow the Rotorua communities to continue to provide for their social, cultural and economic well-being.
 Decision Sought: Amend LR P9 and LR R1 to R7 and R13 to give effect to RLC's submissions.

Panel Recommendations: Reject in part

Submission Number: 43: 59 Submission Type: Oppose
 Submitter: Ravensdown Limited
 Submission Summary: It is not clear why a particular rule is required for those properties that were 'not previously managed'.

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This brings in a new level of complexity that does not seem warranted. The rule could include properties that were not 'actively' managed in accordance with these old rules.

Decision Sought: Delete Rule LR R6.

Panel Recommendations: Reject

Submission Number: 43: 62 Submission Type: Support in Part

Submitter: Ravensdown Limited

Submission Summary: The second bullet point states that this rule also provides for farming activities that were not otherwise permitted by Rules R2 to R5, however the title of the rule does not specify that. This may lead to confusion.

Decision Sought: If Council retains the rule amend the title (in bold) to provide for farming activities that are not otherwise permitted by rules R2, R3, R4, or R5.

Panel Recommendations: Reject

Submission Number: 64: 19 Submission Type: Support

Submitter: DairyNZ and Fonterra Co-operative Group Limited

Submission Summary: This rule allows more time for property owners who may not have realised that the Rotorua nutrient rules would impact their business, to work with the council before 2022.

Decision Sought: No changes requested.

Panel Recommendations: Accept

Submission Number: 65: 4 Submission Type: Oppose

Submitter: Peter Reed

Submission Summary: This rule could be read as meaning that after 30 June 2022, all activities are not permitted (on properties/farming enterprises not previously managed by Rules 11 to 11F). This is not what is intended. It may be that LR R8 is intended to clarify this – in which case the link between LR R6 and LR R8 needs to be clearer.

Decision Sought: Needs rewording to make clearer that after 30 June 2022, activities permitted under LR R3 (and others) will still be permitted.

Panel Recommendations: Accept in Part

Section: LR R6(a)

1083

Panel Recommendation

See Section LR R6 above.

Submissions

Submission Number: 70: 68 Submission Type: Support

Submitter: The Fertiliser Association of New Zealand

Submission Summary: Support LR R6 (a).

Decision Sought: Retain LR R6 (a).

Panel Recommendations: Accept

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1084

Section: LR R6(b)

Panel Recommendation

See Section LR R6 above.

Submissions

Submission Number:	21: 9	Submission Type:	Support in Part
Submitter:	Brown Owl Organics Incorporated		
Submission Summary:	This would not seem to allow the development of any commercial cropping or horticulture where it does not exist from the date of notification. We think landowners should be permitted to develop a small organic horticulture business on an area up to 0.4 hectares before resource consent. The condition needs to be re-written to allow this flexibility.		
Decision Sought:	We think landowners should be permitted to develop a small organic horticulture business on an area up to 0.4 hectares before resource consent. The condition needs to be re-written to allow this flexibility.		

Panel Recommendations: Accept in Part

Submission Number:	43: 60	Submission Type:	Support in Part
Submitter:	Ravensdown Limited		
Submission Summary:	If Council retains the rule Ravensdown opposes an input control approach and seeks for condition (b) to be amended to delete the reference.		
Decision Sought:	Amend condition (b) to read "there is no increase in effective area, nitrogen inputs or stocking rates or nitrogen loss from the date of notification that may contribute to an increase in nitrogen loss onto, into or from land."		

Panel Recommendations: Reject

Submission Number:	70: 67	Submission Type:	Oppose in Part
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	LR R6 provides a holding pattern until 2022 with the intention that no increase in nitrogen loss should occur. This approach is supported but rather than limit inputs it should be clear that it is the N loss that is being addressed.		
Decision Sought:	Amend LR R6(b): There is no increase in effective area, increase in the nitrogen loss from land from (date of notification).		

Panel Recommendations: Reject

Further Submission(s)

Further Submission No:	15 - 47	Submission Type:	Support
Further Submitter:	Ballance Agri-Nutrients Limited		
Submission Summary:	Ballance supports the intent of Rule LR R6 and the recommended amendments by FANZ. Ballance opposes an input-based approach to nutrient management		
Decision Sought:	As above		

Panel Recommendation: Reject

Submission Number:	92: 4	Submission Type:	Support in Part
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	The text '[date of notification]' needs to be updated to include actual date of notification.		
Decision Sought:	Replace '[date of notification]' references with 29 February 2016.		

Panel Recommendations: Accept

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Further Submission(s)

Further Submission No:	6 - 74	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Panel Recommendation:	Accept
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Section: LR R6(c)

1085

Panel Recommendation

See Section LR R6 above.

Submissions

Submission Number:	49: 68	Submission Type:	Support
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Support.		
Decision Sought:	Retain.		

Panel Recommendations:	Accept
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Submission Number:	70: 69	Submission Type:	Support
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	Support LR R6 (c).		
Decision Sought:	Retain LR R6 (c).		

Panel Recommendations:	Accept
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Section: LR R6(d)

1086

Panel Recommendation

See Section LR R6 above.

Submissions

Submission Number:	43: 61	Submission Type:	Support in Part
Submitter:	Ravensdown Limited		
Submission Summary:	If Council retains the rule condition (d) should be deleted and the transfer of nitrogen loss entitlement should be provided for as a discretionary activity until 2022.		
Decision Sought:	If Council retains the rule condition (d) should be deleted and the transfer of nitrogen loss entitlement should be provided for as a discretionary activity until 2022.		

Panel Recommendations:	Reject
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Submission Number:	49: 69	Submission Type:	Support
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Support.		
Decision Sought:	Retain.		

Panel Recommendations:	Accept
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Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

1087

Section: LRR7 Low intensity farm activity

Panel Recommendation

Refer to the body of our report for our recommendation on this section.

Submissions

Submission Number:	26: 33	Submission Type:	Support in Part
Submitter:	Rotorua Lakes Council		
Submission Summary:	RLC supports LR P9 and its accompanying rules (LRR1 - R7 and LRR13) in principle as far as they allow for reduced and more appropriate compliance costs for smaller land holders, PC 10 must allow the Rotorua communities to continue to provide for their social, cultural and economic well-being.		
Decision Sought:	Amend LR P9 and LR R1 to R7 and R13 to give effect to RLC's submissions.		

Panel Recommendations: Reject in part

Submission Number:	49: 70	Submission Type:	Support in Part
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Reword to read "the use of land for low intensity land use on properties.		
Decision Sought:	Reword to read "the use of land for low intensity land use on properties.		

Panel Recommendations: Reject

Further Submission(s)

Further Submission No:	14 - 35	Submission Type:	Other
Further Submitter:	Hancock Forest Management (NZ) Ltd		
Submission Summary:	How this rule applies to all properties in the catchment is currently unclear. If the intent is that all properties can operate under the rule then it is supported. If however the intent is that only land that is currently farmed can operate under this rule (as implied by clause g) then the rule is opposed on the basis of being not effects based and inequitable.		
Decision Sought:	As above		

Panel Recommendation: Reject

Submission Number:	56: 7	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	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.		
Decision Sought:	Amend rule title to read: "LR R7 Permitted – From 1 July 2017, the use of land for farming activities on properties/farming enterprises that demonstrate low nitrogen loss". Amend first paragraph to read "The use of land for farming activities on properties/farming enterprises in ..."		

Panel Recommendations: Reject

Submission Number:	56: 8	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	The figure of 68% of nitrogen loss generated by the drystock reference file equated to the bottom of the drystock range. The reference file needed to be reviewed due to the bug discovered as a result of the OVERSEER® 6.2.0/6.2.1. The review has resulted in slight changes to the reference file and therefore the % becomes 71%.		
Decision Sought:	Change 68% to 71% where required.		

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Further Submission(s)

Further Submission No:	8 - 27	Submission Type:	Oppose
Further Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	The Collective oppose the methodology of Reference files. You cannot hold a land owner to achieving a single NDA figure when you are manipulating figures to averages and bugs in new OVERSEER® versions require changes to percentage figures.		
Decision Sought:	As above		
Panel Recommendation:		Reject	

Submission Number:	58: 16	Submission Type:	Support
Submitter:	Max Douglas		
Submission Summary:	Support - creates a connection between land owners willing to run at a low intensity and BoPRC staff.		
Decision Sought:	No changes requested.		

Panel Recommendations: Accept

Submission Number:	64: 20	Submission Type:	Support
Submitter:	DairyNZ and Fonterra Co-operative Group Limited		
Submission Summary:	DairyNZ / 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. We support the recognition in this Rule that provision of an OVERSEER® file that may describe different actions from those in the 'commencement' file.		
Decision Sought:	No changes requested.		

Panel Recommendations: Accept

Further Submission(s)

Further Submission No:	6 - 49	Submission Type:	Support in Part
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission, CNILML also submits that the scope of activity that is regarded as a low intensity farm activity includes forestry, by changing the title of rule LRR7 to be "low intensity rural activities on properties/rural enterprises" and making consequential changes to that effect.		
Decision Sought:	Change the title of rule LRR7 to be "low intensity rural activities on properties/rural enterprises" and make consequential changes to that effect.		

Panel Recommendation: Reject

Submission Number:	65: 5	Submission Type:	Oppose
Submitter:	Peter Reed		
Submission Summary:	As it currently reads properties under 5 hectares with low intensity farming activities, must submit an OVERSEER® file. This is presumably unintended as it would be contrary to LR P9 (c).		
Decision Sought:	Should specifically state the rule does not apply to properties that are permitted under LR R3.		

Panel Recommendations: Reject

Submission Number:	70: 70	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	It is unclear whether the definition of 'low intensity land use [farming] activity' is defined in the preamble to mean '...less than 68% of the nitrogen loss rate...'. If that is the definition it should be removed from this rule and placed in the definitions section, as the term is referenced elsewhere.		
Decision Sought:	Define 'low intensity land use activity' in the definitions section and reword the preamble to the rule.		

Panel Recommendations: Accept in Part

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number:	92: 5	Submission Type:	Support in Part
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	This condition aligns with the conditions in other permitted activities in Plan Change 10 and should have been carried through to Rule LR R7. The intent of Rule LR R7 was to allow higher nitrogen loss land uses to move to lower nitrogen loss land uses without requiring consent. Without this condition, an unintended consequence could be low nitrogen loss land use activities would be allowed to increase their nitrogen loss rates. This would be inconsistent with the treatment of other permitted activities.		
Decision Sought:	Add condition (c) There is no increase in effective area or nitrogen inputs from 29 February 2016 that may contribute to an increase in nitrogen loss onto, into or from land.		

Panel Recommendations: Accept

Further Submission(s)

Further Submission No:	6 - 76	Submission Type:	Oppose
Further Submitter:	CNI Iwi Land Management Ltd		

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 43: 65 Submission Type: Support in Part

Submitter: Ravensdown Limited

Submission Summary: The words in (a) “demonstrating that the...in Schedule LR Five” are not needed as they repeat the requirement that is already stated in the rule above. Ravensdown supports the requirement of condition (a)(1) but the focus should just be for monitoring purposes and not that the inputs are controlled to see if they stay the same. An OVERSEER® nutrient budget should only be submitted every three years to ensure that the nitrogen losses are less than 68% of the reference file.

Decision Sought: - Amend condition (a) to read; “prepared by a suitable qualified and experienced person, demonstrating that the property/farming enterprise’s nitrogen loss is less than 68% of the nitrogen loss rate generated by the drystock reference file prescribed in Schedule LR Five.

Panel Recommendations: Accept in Part

Submission Number: 56: 11 Submission Type: Support

Submitter: Bay of Plenty Regional Council

Submission Summary: All need to refer to effective area.

Decision Sought: Amend wording in LR R7(a) to read "...demonstrating that the property/farming enterprise’s effective area nitrogen loss is less...". The same amendment is needed in LR R7(a)2.

Panel Recommendations: Accept in Part

Submission Number: 58: 10 Submission Type: Oppose

Submitter: Max Douglas

Submission Summary: Oppose the Use of OVERSEER® for Compliance. The purpose is to reduce N pollution. Requiring us to use OVERSEER® does not do that. Forcing the use of OVERSEER® does increase compliance costs and erode the rural lifestyle with paperwork and consultants.

Decision Sought: Change this to a default policy of using a stocking allocation and a stocking table that is calibrated by BoPRC inspectors.
Retain the existing text as an option land owners may choose to engage.

Panel Recommendations: Reject

Submission Number: 58: 17 Submission Type: Oppose

Submitter: Max Douglas

Submission Summary: At the intensity given, there is a net gain for the lake with NDA not being used. It could be sold or traded, but it is not.

Decision Sought: As a compensation, if OVERSEER® /NMP’s is forced upon these operations, have BoPRC agents run OVERSEER® and work through the NMP’s with the land owners.

Panel Recommendations: Reject

Section: LR R7(a)1	1089
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Panel Recommendation
See Section LR R7 above.

Submissions

Submission Number: 56: 10 Submission Type: Support

Submitter: Bay of Plenty Regional Council

Submission Summary: There is inconsistency with the terminology used throughout the rule.

Decision Sought: Amend wording in LR R7(a) to read "...demonstrating that the property/farming enterprise’s effective area nitrogen loss is less...". The same amendment is needed in LR R7(a)2.

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Panel Recommendations: Accept in Part

Submission Number:	58: 18	Submission Type:	Oppose in Part
Submitter:	Max Douglas		
Submission Summary:	Insert a heritage farming operation to the list of 2017 permitted activities where land owners adopt significantly reduced NDA.		
Decision Sought:	Insert a heritage farming operation to the list of 2017 permitted activities where land owners adopt significantly reduced NDA.		

Panel Recommendations: Reject

Submission Number:	70: 71	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	The OVERSEER® File requested in LR R7(a) will take into account nitrogen inputs and outputs. OVERSEER® provides estimates of long term, annual average farm system inputs and outputs. Economically viable farm systems require flexibility. It is entirely inappropriate to require annual estimates using annual data locking in farm inputs. It is appropriate to review the farm system annually to ensure there has been no significant farm system change. Therefore (a)(1) requires amending accordingly.		
Decision Sought:	Amend LR R7 (a)(1)....Nutrient management plans must be reviewed on an annual basis, by 31 October each year, with records kept to confirm that there has been no significant farm system change and that OVERSEER® file from (a) remains representative of the farm system.		

Panel Recommendations: Accept in Part

Further Submission(s)

Further Submission No:	12 - 24	Submission Type:	Support
Further Submitter:	Federated Farmers of New Zealand		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Panel Recommendation: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

1090

Section: LR R7(a)2

Panel Recommendation

See Section LR R7 above.

Submissions

Submission Number: 43: 66 Submission Type: Oppose
 Submitter: Ravensdown Limited
 Submission Summary: Condition (a)(2) makes no sense. Under the definition if a farm is above 68% of the reference drystock file then that activity is not a low intensity and would be considered under another rule.
 Decision Sought: Delete Condition (a) (2).

Panel Recommendations: Reject

Submission Number: 58: 19 Submission Type: Oppose in Part
 Submitter: Max Douglas
 Submission Summary: Insertion of a heritage farming operation to the list of 2017 permitted activities where land owners adopt significantly reduced NDA.
 Decision Sought: Insertion of a heritage farming operation to the list of 2017 permitted activities where land owners adopt significantly reduced NDA.

Panel Recommendations: Reject

1088

Section: LR R7(b)

Panel Recommendation

See Section LR R7 above.

Submissions

Submission Number: 43: 67 Submission Type: Oppose
 Submitter: Ravensdown Limited
 Submission Summary: Condition (b) should be deleted and the transfer of nitrogen loss entitlement should be provided for as a discretionary activity until 2022.
 Decision Sought: Delete condition (b).

Panel Recommendations: Reject

Submission Number: 49: 71 Submission Type: Oppose
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: It is not clear why this land use should be excluded from purchasing any nitrogen loss “entitlement”, which has been allocated to a different land holder. The redistribution of nitrogen loss entitlements should allow for the most efficient exchange among all land.
 Decision Sought: Delete.

Panel Recommendations: Reject

Submission Number: 70: 73 Submission Type: Oppose
 Submitter: Ravensdown Limited
 Submission Summary: LR R7(b) if the transfer of nitrogen loss entitlements is not constrained by administrative efficiency it should be provided for as a permitted activity after 2022.

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Decision Sought: LR R7(b) if the transfer of nitrogen loss entitlements is not constrained by administrative efficiency it should be provided for as a permitted activity after 2022.

Panel Recommendations: Reject

Section: Advice note 1 1091

Panel Recommendation

See Section LR R7 above.

Submissions

Submission Number: 56: 13 Submission Type: Support
 Submitter: Bay of Plenty Regional Council
 Submission Summary: Correction required to better describe the Permitted Activity level in 6.2.0.
 Decision Sought: Amend wording to "1. Under OVERSEER® version 6.2.0 the permitted activity discharge has a value of 18 kg N/ha/yr which is equivalent to 71% of the drystock reference file.

Panel Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 8 - 28 Submission Type: Oppose
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: The Collective oppose the methodology of Reference files. You cannot hold a land owner to achieving a single NDA figure when you are manipulating figures to averages and bugs in new OVERSEER® versions require changes to percentage figures.
 Decision Sought: As above

Panel Recommendation: Reject

Submission Number: 70: 72 Submission Type: Oppose
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: The advice note is unnecessary and can be deleted. It is also noted that specifying an OVERSEER® version number in the Plan renders it obsolete as previous versions of OVERSEER® will not be available.
 Decision Sought: Delete the Advice Note for LR R7.

Panel Recommendations: Accept

Section: LRR8 Farm activity under 40ha effective area or not previously managed by Rule 11 1092

Panel Recommendation

Refer to the body of our report for our recommendation on this section.

Submissions

Submission Number: 7: 2 Submission Type: Oppose
 Submitter: John de Jong
 Submission Summary: I am a small land owner of 13ha and lease a further 4 properties. I understand that myself and the land owners of these blocks will require consents after 2022 under LRR8. To be profitable I need to run 2.5 yearling bulls per hectare. The proposed changes to restrict the amount of livestock on these properties would make it uneconomical to farm.
 Decision Sought: Not specified.

Panel Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 33: 7 Submission Type: Oppose

Submitter: Utuhina Valley Farm

Submission Summary: Dry Stock farming is extremely cost sensitive, thus any compliance costs with negligible benefits would place an additional burden on our already low cost farming system.

Decision Sought: Farming should be a permitted activity not controlled.

Panel Recommendations: Reject

Submission Number: 43: 68 Submission Type: Support in Part

Submitter: Ravensdown Limited

Submission Summary: Support the controlled activity status of the rule, and the intention to consider any consent application on a non-notified basis.

Decision Sought: Retain the controlled activity status of the rule, and the intention to consider any consent application on a non-notified basis.

Panel Recommendations: Accept

Further Submission(s)

Further Submission No: 15 - 22 Submission Type: Support

Further Submitter: Ballance Agri-Nutrients Limited

Submission Summary: The activity status provides some certainty for those with smaller properties, who wish to undertake farming activities and comply with the conditions of LRR8.

Decision Sought: As above

Panel Recommendation: Accept

Submission Number: 43: 69 Submission Type: Support in Part

Submitter: Ravensdown Limited

Submission Summary: The title of Rule LR R8 is confusing and needs to be amended to apply to either less than 40 hectares or areas not previously managed by Rule 11-11F, where either do not meet the permitted activity conditions.

Decision Sought: Amend the title of the rule to read (or similar): "The use of land for farming activities either on properties/farming enterprises less than 40 hectares in effective area, or that were not previously managed by Rule 11 to 11F, that where neither do not meet permitted activity conditions".

Panel Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 15 - 23 Submission Type: Support in Part

Further Submitter: Ballance Agri-Nutrients Limited

Submission Summary: As notified the title is unnecessarily lengthy. However Ballance considers the title of the rule, as proposed by Ravensdown, could be further improved to provide greater clarity.

Decision Sought: Not specified.

Panel Recommendation: Accept in Part

Submission Number: 43: 75 Submission Type: Support in Part

Submitter: Ravensdown Limited

Submission Summary: As part of requiring a Nutrient Management Plan, Council should require a Nutrient Budget be prepared that is valid for 3 years, unless there is a significant farm change.

Decision Sought: Council should require a Nutrient Budget be prepared that is valid for 3 years, unless there is a significant farm change.

Panel Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Further Submission(s)

Further Submission No:	15 - 26	Submission Type:	Support
Further Submitter:	Ballance Agri-Nutrients Limited		
Submission Summary:	Preparation of a nutrient budget is in keeping with the Nutrient Management Plan approach.		
Decision Sought:	As above		

Panel Recommendation:	Reject
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Submission Number:	49: 72	Submission Type:	Support in Part
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	There is no clear link for requiring a review clause or a review of the consent that is associated with output effects. This is necessary in case the type and level of response that the consent allows becomes seriously out of kilter with the requirements for meeting the lake water quality limits.		
Decision Sought:	Add to matters that control is reserved over (v) changes to lake water quality limits or words to like effect		

Panel Recommendations:	Accept in Part
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Submission Number:	56: 14	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	The second bullet point is missing any reference to permitted activity rules.		
Decision Sought:	Amend the second bullet point to read: "The activity does not comply with permitted activity conditions for the use of land for farming activities".		

Panel Recommendations:	Accept
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Submission Number:	56: 19	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	The assessment criteria do not link to Policy LR P16 by providing the ability to consider consent duration.		
Decision Sought:	Add an additional matter of control under LRR8, LRR9, LRR10, LRR11 ' The duration of the consent to reflect the nature, scale and robustness of any on farm mitigation options proposed.		

Panel Recommendations:	Accept
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Submission Number:	61: 9	Submission Type:	Oppose
Submitter:	Beef + Lamb New Zealand		
Submission Summary:	Council's current approach to on farm management through potentially prescriptive farm plans is counterintuitive to achieving action at a sub catchment level, through coordinated, well supported and prioritised actions. Acknowledgement needs to be given to a whole farm approach to managing the potential impacts on water quality, not just limited to Nitrogen.		
Decision Sought:	Delete any reference to prescriptive input-based management; and accordingly, remove all references in the rules to prescriptive management of farm plans. They should not be used as a method by which councils aim to prescribe and or manage farm activities.		

Panel Recommendations:	Reject
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Further Submission(s)

Further Submission No:	11 - 4	Submission Type:	Support
Further Submitter:	Deer Industry New Zealand		
Submission Summary:	Supports the removal of any input-based prescriptive management from the rules and all references in the rules to prescriptive management of farm plans until at least the completion of the science review. DINZ considers the submitters' requests are consistent with an over-arching Accord approach.		

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Decision Sought: As above

Panel Recommendation: Reject

Further Submission No: 12 - 25 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

Submission Summary: For the reasons given in the original submission.

Decision Sought: As above

Panel Recommendation: Reject

Submission Number: 64: 2 Submission Type: Support in Part

Submitter: DairyNZ and Fonterra Co-operative Group Limited

Submission Summary: DairyNZ and Fonterra support the proposal that all dairy farms in the Rotorua Lake surface water catchment should be required to meet their 2022 Nitrogen Discharge Allowance. However, due to the uncertainty around what the long-term sustainable nitrogen and phosphorus loads to the lake to achieve and maintain a TLI target of 4.2 should be we recommend that the PC 10 should be modified to include new Permitted Rules.

Decision Sought:

- The Plan should provide for a Permitted Activity rule as follows: Permitted – from 1 July 2017 until 30 June 2022,
- The use of land for farming activities on properties/farming enterprises that are 40 hectares or more in effective area

The use of land for farming activities on properties/farming enterprises in the Lake Rotorua groundwater catchment where:

- The property/farming enterprise is 40 hectares or more in effective area is a permitted activity until 30 June 2022 subject to the following conditions:
 - (a) A 2032 Nitrogen Discharge Allowance and relevant Managed Reduction Targets have been determined for the land in accordance with Schedule LR One and Policy LR P8; and
 - (b) A Nitrogen Management Plan has been prepared for the property/farming enterprise by a suitably qualified and experienced person and that person has certified that the Nitrogen Management Plan has been prepared in accordance with Schedule LR Six.
 - (c) Regional Council approval of the 2032 Nitrogen Discharge Allowance and Managed Reduction Targets for the land set in accordance with Schedule LR One and Policy LR P8.
 - (d) The submission of an annual OVERSEER® file prepared by a suitably qualified and experienced person, demonstrating that on a 3 year rolling output average basis the property is on a trajectory consistent with meeting the 2022 MRT.
 - (e) Provision of information and documentation to support the OVERSEER® file, including data inputs and protocols.
 - (f) Implementation of the Nitrogen Management Plan, or actions that will have an equivalent or greater N loss benefit as calculated / modelled through OVERSEER® being used as set out in condition (b) above, so as to meet the Managed Reduction Target
 - (g) Self-monitoring, record keeping, information provision and site access requirements to demonstrate on-going compliance with the 2022 Managed Reduction trajectory and targets.

Panel Recommendations: Reject

Further Submission(s)

Further Submission No: 12 - 51 Submission Type: Support in Part

Further Submitter: Federated Farmers of New Zealand

Submission Summary: Support that provision be made for permitted activity status for properties >40ha through to 2022.
Oppose the 2032 Nitrogen Discharge Allowance and the proposal that all dairy farms in the Rotorua Lake Surface water catchment should be required to meet their 2022 Nitrogen Discharge Allowance and on that basis we oppose the new permitted rules as drafted by Dairy NZ and Fonterra.

Decision Sought: As above

Panel Recommendation: Reject

Submission Number: 65: 6 Submission Type: Oppose

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Submitter: Peter Reed

Submission Summary: As it currently reads “The activity does not comply with permitted activity conditions in Part LR,” does not specifically state LR R3.

Decision Sought: Should specifically state the rule does not apply to properties that are permitted under LR R3.

Panel Recommendations: Accept in Part

Submission Number: 78: 4 Submission Type: Oppose

Submitter: Tony and Joanna Carr

Submission Summary: We support that all farmers should engage in this process, but with their industry representative body. To have them attached to Consents takes away all possible innovation that adaptive farm management allows.

Decision Sought: Farm Nutrient Plans must sit outside the regulatory process.

Panel Recommendations: Reject

Section: LR R8(a) 1093

Panel Recommendation

See Section LR R8 above.

Submissions

Submission Number: 45: 3 Submission Type: Oppose

Submitter: Wendy and John Roe

Submission Summary: I do not support the nitrogen discharge allowance process and the requirement that land owners reduce nitrogen loss by way of regulation.

Decision Sought: Not specified.

Panel Recommendations: Reject

Submission Number: 70: 10 Submission Type: Oppose

Submitter: The Fertiliser Association of New Zealand

Submission Summary: It should be recognised that economically viable mitigations to achieve 2032 Nitrogen Discharge Allowance are unlikely to be available from the outset. It is not clear under the current wording of the Proposed Plan Change how Council will be able to provide any flexibility for any viable farming activity through step wise adaptive management, if the pathway to achieve the 2032 NDA from the outset is required as a condition of controlled resource consent.

Decision Sought: Not specified.

Panel Recommendations: Reject

Section: LR R8(b) 1094

Panel Recommendation

See Section LR R8 above.

Submissions

Submission Number: 16: 8 Submission Type: Oppose

Submitter: Neil Heather

Submission Summary: That Council confirm its rejection of prescriptive input-based management and remove all references in the rules to prescriptive management of farm plans.

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Decision Sought: That Council confirm its rejection of prescriptive input-based management and remove all references in the rules to prescriptive management of farm plans.

Panel Recommendations: Reject

Submission Number: 20: 7 Submission Type: Oppose

Submitter: Peter McLean and Michelle Rennie

Submission Summary: I do not support the requirement for land owners to complete farm management plans that will be part of a compliance process.

Decision Sought: Not specified.

Panel Recommendations: Reject

Submission Number: 23: 9 Submission Type: Oppose

Submitter: Roger and Norreen Martin

Submission Summary: I do not support the requirement for land owners to completed farm management plans. It was never intended that farm plans would become part of the consent process.

Decision Sought: Not specified

Panel Recommendations: Reject

Submission Number: 24: 5 Submission Type: Oppose

Submitter: JT & SA Butterworth

Submission Summary: We are in favour of farm management plans but they should only be a tool to help a farmer plan and measure different mitigation solutions. They must not be part of any regulatory process nor the compliance regime. A farm management plan needs to be a living document that is visited regulatory with our advisors. All that is required for assessment of the output of nutrients from a property is the OVERSEER® nutrient budget which we complete on an annual basis with our Ballance fertiliser representative.

Decision Sought: Farm management plans must not be part of any regulatory process nor the compliance regime.

Panel Recommendations: Reject

Submission Number: 39: 5 Submission Type: Support

Submitter: Eileen Campbell

Submission Summary: I do not support the requirement of land owners to complete farm management plans that will be part of a compliance process. It is impossible to develop a plan committing one's self to actions up to 15 years in the future.

Decision Sought: Not specified.

Panel Recommendations: Reject

Submission Number: 43: 70 Submission Type: Support in Part

Submitter: Ravensdown Limited

Submission Summary: Condition (b) should be amended refer to a Nutrient Management Plan.

Decision Sought: Refer to a Nutrient Management Plan in condition (b).

Panel Recommendations: Accept

Further Submission(s)

Further Submission No: 15 - 8 Submission Type: Support

Further Submitter: Ballance Agri-Nutrients Limited

Submission Summary: Ballance considers that the use of the term "Nutrient Management Plan" is consistent with terminology being used in other regions around New Zealand, including but not limited to

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Canterbury, Waikato and Southland.

The use of “Nutrient Management Plan” rather than “Nitrogen Management Plan” better reflects the intent of the Plan, which isn’t limited to managing nitrogen as evidenced by Schedule LR6 within PPC 10.

Decision Sought: As above

Panel Recommendation: Accept

Submission Number: 45: 9 Submission Type: Oppose
Submitter: Wendy and John Roe

Submission Summary: I do not support the requirement for land owners to complete farm management plans that will be part of a compliance process. It is impossible to develop a plan committing ourselves to actions up to 15 years in the future.

Decision Sought: Not specified.

Panel Recommendations: Reject

Submission Number: 48: 17 Submission Type: Oppose

Submitter: Parekarangi Trust

Submission Summary: Amend this rule to require NDA plans to achieve best farming practice for each 5 year target.

Decision Sought: Amend this rule to require NDA plans to achieve best farming practice for each 5 year target.

Panel Recommendations: Reject

Submission Number: 66: 12 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Farm management plans should be a tool to help a farmer plan and measure different mitigation solutions. They must not be part of any regulatory process nor the compliance regime. A farm management plan needs to be a living document that is visited regularly with our advisors. All that is required for assessment of the output of nutrients from a property is the OVERSEER® nutrient budget most farmers complete with their preferred fertiliser company or farm advisor.

Decision Sought: That farm plans sit outside all regulatory measures and are used as a living planning tool.

Panel Recommendations: Reject

Further Submission(s)

Further Submission No: 12 - 26 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

Submission Summary: For the reasons given in the original submission.

Decision Sought: As above

Panel Recommendation: Reject

Submission Number: 67: 7 Submission Type: Oppose

Submitter: Karl Weaver

Submission Summary: I do not support the requirement for landowners to complete farm management plans that will be part of a compliance process. It is impossible to develop a plan committing oneself to actions up to 15 years in the future.

Decision Sought: Not specified.

Panel Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 70: 76 Submission Type: Oppose

Submitter: The Fertiliser Association of New Zealand

Submission Summary: Many farms may find it difficult to meet the conditions for controlled activities because Schedule LR Six (5)(a)(ii). The discharge of nutrients from many farms is at risk of requiring consent as a non-complying activity because the pathway and mitigations to achieve the Managed Reductions and 2032 Nitrogen Discharge Allowance are not likely to be available from the outset.

It is not clear how the Proposed Plan Change will provide for adaptive management principles and for gradual land use change if during the first stage reduction period, non-complying activity status applies from the outset.

Whilst Managed Reduction Targets and Nitrogen Discharge Allowances will need to be reviewed every 5 years, this should not necessarily require consents with a 5 year duration. It could be achieved by way of reviewing the relevant conditions of a 20 year consent.

Decision Sought: Not specified.

Panel Recommendations: Reject in part

Submission Number: 82: 8 Submission Type: Oppose

Submitter: Stuart Morrison

Submission Summary: I strongly oppose the use of Nitrogen Management Plans as a compliance tool. Targeting compliance to inputs is against all discussions and agreements made at stakeholder meetings. Plans by their nature are living documents. Their use should be as supporting evidence of intentions for continuing to meet and farm within the set environmental constraints. Outputs, that is nutrient discharges such as determined by OVERSEER®, should be the measure assessed to check compliance.

Decision Sought: Change the relevant policies and rules including LR P8, LR P11, LR R9 and Schedule 6.

Panel Recommendations: Reject

Section: Matter of Control (ii) 1095

Panel Recommendation

See Section LR R8 above

Submissions

Submission Number: 43: 73 Submission Type: Oppose in Part

Submitter: Ravensdown Limited

Submission Summary: Matters of control (ii) should be deleted, or if retained be limited to the requirement of a nutrient budget which shows that the agreed targets are being met.

Decision Sought: Delete matters of control (ii), or if retained, be limited to the requirement of a nutrient budget which shows that the agreed targets are being met.

Panel Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 15 - 24 Submission Type: Support

Further Submitter: Ballance Agri-Nutrients Limited

Submission Summary: Ballance considers the annual submission of such files to be costly and unnecessarily restrictive.

Decision Sought: Delete clause or amend to allow for the submission of an OVERSEER® file every three years.

Panel Recommendation: Accept in Part

Submission Number: 58: 11 Submission Type: Oppose

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

See Section LR R8 above.

Submissions

Submission Number:	58: 12	Submission Type:	Oppose
Submitter:	Max Douglas		
Submission Summary:	Oppose the Use of OVERSEER® for Compliance. The purpose is to reduce N pollution. Requiring us to use OVERSEER® does not do that. Forcing the use of OVERSEER® does increase compliance costs and erode the rural lifestyle with paperwork and consultants.		
Decision Sought:	Delete.		

Panel Recommendations: Reject

Section: Matter of Control (v)

1098

Panel Recommendation

See Section LR R8 above.

Submissions

Submission Number:	43: 71	Submission Type:	Support in Part
Submitter:	Ravensdown Limited		
Submission Summary:	Matters of control (v) should be amended refer to a Nutrient Management Plan.		
Decision Sought:	Refer to a Nutrient Management Plan in matters of control (v).		

Panel Recommendations: Accept

Further Submission(s)

Further Submission No:	15 - 9	Submission Type:	Support
Further Submitter:	Ballance Agri-Nutrients Limited		
Submission Summary:	Ballance considers that the use of the term "Nutrient Management Plan" is consistent with terminology being used in other regions around New Zealand, including but not limited to Canterbury, Waikato and Southland. The use of "Nutrient Management Plan" rather than "Nitrogen Management Plan" better reflects the intent of the Plan, which isn't limited to managing nitrogen as evidenced by Schedule LR6 within PPC 10.		
Decision Sought:	As above		

Panel Recommendation: Accept

Submission Number:	56: 15	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	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.		
Decision Sought:	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 Nitrogen Discharge Allowance or a Nitrogen Management Plan ...".		

Panel Recommendations: Accept

Section: Matter of Control (vi)

1099

Panel Recommendation

See Section on LR R8 above.

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submissions

Submission Number:	43: 72	Submission Type:	Support in Part
Submitter:	Ravensdown Limited		
Submission Summary:	Matters of control (vi) should be amended refer to a Nutrient Management Plan.		
Decision Sought:	Refer to a Nutrient Management Plan in matters of control (vi).		

Panel Recommendations: Accept

Further Submission(s)

Further Submission No:	15 - 10	Submission Type:	Support
Further Submitter:	Ballance Agri-Nutrients Limited		
Submission Summary:	Ballance considers that the use of the term "Nutrient Management Plan" is consistent with terminology being used in other regions around New Zealand, including but not limited to Canterbury, Waikato and Southland. The use of "Nutrient Management Plan" rather than "Nitrogen Management Plan" better reflects the intent of the Plan, which isn't limited to managing nitrogen as evidenced by Schedule LR6 within PPC 10.		
Decision Sought:	As above		

Panel Recommendation: Accept

Section: LRR9 From 1/07/2017 farm activity 40 hectares plus in effective area	1100
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Panel Recommendation

Refer to the body of our report for our recommendation on this section.

Submissions

Submission Number:	32: 13	Submission Type:	Oppose
Submitter:	Kaitao Rotohokahoka 2D Trust		
Submission Summary:	The Trust requests a longer timeframe for Regional Council to invest in better science, research, modelling before setting the allocation methodology, rules, timeframes to meet targets and resource consents in concrete.		
Decision Sought:	Extend the timeframe to set rules, meet nitrogen reduction targets and measure progress towards reductions.		

Panel Recommendations: Reject

Submission Number:	33: 8	Submission Type:	Oppose
Submitter:	Utuhina Valley Farm		
Submission Summary:	Drystock farming is extremely cost sensitive, thus any compliance costs with negligible benefits would place an additional burden on our already low cost farming system.		
Decision Sought:	Farming should be a permitted activity not controlled.		

Panel Recommendations: Reject

Submission Number:	48: 27	Submission Type:	Oppose
Submitter:	Parekarangi Trust		
Submission Summary:	There is no point to reducing NDA targets below 2017 if TLI for LR continues to average 4.2.		
Decision Sought:	This rule is linked to TLI. If TLI continues to average 4.2 or less then targets are removed.		

Panel Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number:	49: 73	Submission Type:	Support in Part
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	There is no clear link for requiring a review clause or a review of the consent that is associated with output effects. This is necessary in case the type and level of response that the consent allows becomes seriously out of kilter with the requirements for meeting the lake water quality limits.		
Decision Sought:	Add to matters that control is reserved over (v) changes to lake water quality limits or words to like effect		
Panel Recommendations:	Accept in Part		

Submission Number:	56: 20	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	The assessment criteria do not link to Policy LR P16 by providing the ability to consider consent duration.		
Decision Sought:	Add an additional matter of control under LRR8, LRR9, LRR10, LRR11 ' The duration of the consent to reflect the nature, scale and robustness of any on farm mitigation options proposed.		
Panel Recommendations:	Accept		

Submission Number:	64: 3	Submission Type:	Support in Part
Submitter:	DairyNZ and Fonterra Co-operative Group Limited		
Submission Summary:	DairyNZ and Fonterra support the proposal that all dairy farms in the Rotorua Lake surface water catchment should be required to meet their 2022 Nitrogen Discharge Allowance. However, due to the uncertainty around what the long-term sustainable nitrogen and phosphorus loads to the lake to achieve and maintain a TLI target of 4.2 should be we recommend that the PC 10 should be modified to include new Permitted and Controlled Activity Rules.		
Decision Sought:	<p>A new Controlled Activity as follows:</p> <p>Controlled – The use of land for farming activities on properties/farming enterprises that do not meet permitted activity conditions, (including all farming properties beyond July 2022 not allowed for in Rules LR R2, LR R3, LR R4 and LR R7)</p> <p>The use of land for farming activities on properties/farming enterprises in the Lake Rotorua groundwater catchment where:</p> <p>- The activity does not comply with permitted activity conditions in Part LR, is a controlled activity subject to the following conditions:</p> <p>(a) A 2032 Nitrogen Discharge Allowance and relevant Managed Reduction Targets have been determined for the land in accordance with Schedule LR One and Policy LR P8; and</p> <p>(b) A Nitrogen Management Plan has been prepared for the property/farming enterprise by a suitably qualified and experienced person and that person has certified that the Nitrogen Management Plan has been prepared in accordance with Schedule LR Six.</p> <p>Bay of Plenty Regional Council reserves control over the following:</p> <p>(i) The approval of the 2032 Nitrogen Discharge Allowance and Managed Reduction Targets for the land subject to the application, set in accordance with Schedule LR One and Policy LR P8.</p> <p>(ii) The submission of an annual OVERSEER® file, prepared by a suitably qualified and experienced person, demonstrating that on a 3 year rolling output average basis the property is on a trajectory consistent with meeting the 2027 MRT.</p> <p>(iv) The form of information and documentation to support the OVERSEER® file including data inputs and protocols.</p> <p>(v) Circumstances that may require a review of a Nitrogen Management Plan or consent conditions including a change to property size, the sale or disposal of land, permanent removal of Nitrogen Discharge Allowance from the catchment, changes in lease arrangements, significant farm system changes and subdivision.</p> <p>(vi) Implementation of the Nitrogen Management Plan, or actions that will have an equivalent or greater N loss benefit as calculated / modelled through OVERSEER® being used as set out in clause (ii) above, so as to meet the Managed Reduction Targets.</p> <p>(vii) Self-monitoring, record keeping, information provision and site access requirements to demonstrate on-going compliance with the trajectory toward the MRT on a rolling output average basis as calculated from the annual OVERSEER® file monitoring requirement.</p>		
Panel Recommendations:	Reject		

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Further Submission(s)

Further Submission No:	15 - 11	Submission Type:	Support
Further Submitter:	Ballance Agri-Nutrients Limited		
Submission Summary:	Ballance considers that the use of the term “Nutrient Management Plan” is consistent with terminology being used in other regions around New Zealand, including but not limited to Canterbury, Waikato and Southland. The use of “Nutrient Management Plan” rather than “Nitrogen Management Plan” better reflects the intent of the Plan, which isn’t limited to managing nitrogen as evidenced by Schedule LR6 within PPC 10.		
Decision Sought:	As above		

Panel Recommendation:	Accept
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Submission Number:	43: 82	Submission Type:	Support in Part
Submitter:	Ravensdown Limited		
Submission Summary:	As part of requiring a Nutrient Management Plan, Council should require a Nutrient Budget be prepared that is valid for 3 years, unless there is a significant farm change.		
Decision Sought:	Council should require a nutrient budget be prepared that is valid for 3 years, unless there is a significant farm change.		

Panel Recommendations:	Reject
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Further Submission(s)

Further Submission No:	15 - 30	Submission Type:	Support
Further Submitter:	Ballance Agri-Nutrients Limited		
Submission Summary:	Requiring a nutrient budget every 3 years is in keeping with the requirements set out in a number of Nutrient Management Plan templates.		
Decision Sought:	As above		

Panel Recommendation:	Reject
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Submission Number:	45: 8	Submission Type:	Oppose
Submitter:	Wendy and John Roe		
Submission Summary:	I do not support the requirement for land owners to complete farm management plans that will be part of a compliance process. It is impossible to develop a plan committing ourselves to actions up to 15 years in the future.		
Decision Sought:	Not specified.		

Panel Recommendations:	Reject
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Submission Number:	61: 10	Submission Type:	Oppose
Submitter:	Beef + Lamb New Zealand		
Submission Summary:	Council’s current approach to on farm management through potentially prescriptive farm plans is counterintuitive to achieving action at a sub catchment level, through coordinated, well supported and prioritised actions. Acknowledgement needs to be given to a whole farm approach to managing the potential impacts on water quality, not just limited to Nitrogen.		
Decision Sought:	Delete any reference to prescriptive input-based management; and accordingly, remove all references in the rules to prescriptive management of farm plans. They should not be used as a method by which councils aim to prescribe and or manage farm activities.		

Panel Recommendations:	Reject
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Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Further Submission(s)

Further Submission No:	11 - 5	Submission Type:	Support
Further Submitter:	Deer Industry New Zealand		
Submission Summary:	Supports the removal of any input-based prescriptive management from the rules and all references in the rules to prescriptive management of farm plans until at least the completion of the science review. DINZ considers the submitters' requests are consistent with an over-arching Accord approach.		
Decision Sought:	As above		

Panel Recommendation:	Reject
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Submission Number:	66: 10	Submission Type:	Oppose
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	The Collective is supportive of measures to improve environmental performance within a holistic farm planning framework. Farm management plans should be a tool to help a farmer plan and measure different mitigation solutions. They must not be part of any regulatory process nor the compliance regime. A farm management plan needs to be a living document that is visited regularly with our advisors. All that is required for assessment of the output of nutrients from a property is the OVERSEER® nutrient budget most farmers complete with their preferred fertiliser company or farm advisor.		
Decision Sought:	That farm plans sit outside all regulatory measures and are used as a living planning tool.		

Panel Recommendations:	Reject
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Submission Number:	67: 8	Submission Type:	Oppose
Submitter:	Karl Weaver		
Submission Summary:	I do not support the requirement for landowners to complete farm management plans that will be part of a compliance process. It is impossible to develop a plan committing oneself to actions up to 15 years in the future.		
Decision Sought:	Not specified.		

Panel Recommendations:	Reject
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Submission Number:	70: 77	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	<p>Many farms may find it difficult to meet the conditions for controlled activities because Schedule LR Six (5)(a)(ii). The discharge of nutrients from many farms is at risk of requiring consent as a non-complying activity because the pathway and mitigations to achieve the Managed Reductions and 2032 Nitrogen Discharge Allowance are not likely to be available from the outset.</p> <p>It is not clear how the Proposed Plan Change will provide for adaptive management principles and for gradual land use change if during the first stage reduction period, non-complying activity status applies from the outset.</p> <p>Whilst Managed Reduction Targets and Nitrogen Discharge Allowances will need to be reviewed every 5 years, this should not necessarily require consents with a 5 year duration. It could be achieved by way of reviewing the relevant conditions of a 20 year consent.</p>		
Decision Sought:	Not specified.		

Panel Recommendations:	Reject in part
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Submission Number:	78: 5	Submission Type:	Oppose
Submitter:	Tony and Joanna Carr		
Submission Summary:	We support that all farmers should engage in this process, but with their industry representative body. To have them attached to consents takes away all possible innovation that adaptive farm management allows.		
Decision Sought:	Farm Nutrient Plans must sit outside the regulatory process.		

Panel Recommendations:	Reject
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Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 82: 9 Submission Type: Oppose
 Submitter: Stuart Morrison
 Submission Summary: I strongly oppose the use of Nitrogen Management Plans as a compliance tool. Targeting compliance to inputs is against all discussions and agreements made at stakeholder meetings. Plans by their nature are living documents. Their use should be as supporting evidence of intentions for continuing to meet and farm within the set environmental constraints. Outputs, that is nutrient discharges such as determined by OVERSEER®, should be the measure assessed to check compliance.
 Decision Sought: Change the relevant policies and rules including LR P8, LR P11, LR R9 and Schedule 6.

Panel Recommendations: Reject

Section: Matter of Control (ii) 1103

Panel Recommendation

See Section on LR R9 above.

Submissions

Submission Number: 43: 80 Submission Type: Oppose in Part
 Submitter: Ravensdown Limited
 Submission Summary: Matters of control (ii) should be deleted, or if retained be limited to the requirement of a nutrient budget which shows that the agreed targets are being met.
 Decision Sought: Delete matters of control (ii), or if retained, be limited to the requirement of a nutrient budget which shows that the agreed targets are being met.

Panel Recommendations: Reject

Further Submission(s)

Further Submission No: 15 - 28 Submission Type: Support
 Further Submitter: Ballance Agri-Nutrients Limited
 Submission Summary: Ballance considers the annual submission of such files to be costly and unnecessarily restrictive.
 Decision Sought: Delete clause or amend to allow for the submission of an OVERSEER® file every three years.

Panel Recommendation: Reject

Submission Number: 58: 13 Submission Type: Oppose
 Submitter: Max Douglas
 Submission Summary: Oppose the Use of OVERSEER® for Compliance. The purpose is to reduce N pollution. Requiring us to use OVERSEER® does not do that. Forcing the use of OVERSEER® does increase compliance costs and erode the rural lifestyle with paperwork and consultants.
 Decision Sought: Change: provide a low intensity farming option that runs off stocking tables with minimal compliance costs and paperwork with no OVERSEER®.

Panel Recommendations: Accept in part

Submission Number: 70: 82 Submission Type: Oppose
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: Submission of an Annual OVERSEER® file is opposed as the model is a long term annual average model and so the OVERSEER® nutrient budget should be valid for at least 3 years unless there is a significant farm system change. Under Bullet (ii) the OVERSEER® Nutrient Budget file should be consistent with the Nutrient Management Plan.

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submitter: Utuhina Valley Farm

Submission Summary: We oppose nutrient trading as this is contrary to the objective of reducing the total nutrient losses into the catchment.

Decision Sought: Not specified.

Panel Recommendations: Reject

Submission Number: 40: 12

Submission Type: Support

Submitter: Maraeroa Oturoa 2B Trust

Submission Summary: The Trust supports this concept to allow for economic growth within the Lake Rotorua catchment while meeting environmental objectives.

Decision Sought: Support - No changes requested.

Panel Recommendations: Accept

Submission Number: 43: 7

Submission Type: Support

Submitter: Ravensdown Limited

Submission Summary: Ravensdown supports the allowance of authorised transfer of nitrogen loss entitlements between properties/farming enterprises from 1 July 2022.

Decision Sought: Not specified.

Panel Recommendations: Accept

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Section: LR R10(b)	1108
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Panel Recommendation

See Section on LR R10 above.

Submissions

Submission Number:	70: 13	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	It is not clear under the current wording of the Proposed Plan Change how Council will be able to provide any flexibility for any viable farming activity through step wise adaptive management, if the pathway to achieve the 2032 NDA from the outset is required as a condition of controlled resource consent.		
Decision Sought:	It should be recognised that economically viable mitigations to achieve 2032 Nitrogen Discharge Allowance are unlikely to be available from the outset.		

Panel Recommendations: Reject

Section: LR R10(c)	1109
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Panel Recommendation

See Section on LR R10 above.

Submissions

Submission Number:	16: 11	Submission Type:	Oppose
Submitter:	Neil Heather		
Submission Summary:	That Council confirm its rejection of prescriptive input-based management and remove all references in the rules to prescriptive management of farm plans.		
Decision Sought:	That Council confirm its rejection of prescriptive input-based management and remove all references in the rules to prescriptive management of farm plans.		

Panel Recommendations: Reject

Submission Number:	20: 9	Submission Type:	Oppose
Submitter:	Peter McLean and Michelle Rennie		
Submission Summary:	I do not support the requirement for land owners to complete farm management plans that will be part of a compliance process.		
Decision Sought:	Not specified.		

Panel Recommendations: Reject

Submission Number:	23: 11	Submission Type:	Oppose
Submitter:	Roger and Norreen Martin		
Submission Summary:	I do not support the requirement for land owners to completed farm management plans. It was never intended that farm plans would become part of the consent process.		
Decision Sought:	Not specified		

Panel Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 43: 89 Submission Type: Support in Part
 Submitter: Ravensdown Limited
 Submission Summary: As part of requiring a Nutrient Management Plan, Council should require a Nutrient Budget be prepared that is valid for 3 years, unless there is a significant farm change.
 Decision Sought: Require a Nutrient Budget be prepared that is valid for 3 years, unless there is a significant farm change.

Panel Recommendations: Reject

Submission Number: 61: 11 Submission Type: Oppose
 Submitter: Beef + Lamb New Zealand
 Submission Summary: Council's current approach to on farm management through potentially prescriptive farm plans is counterintuitive to achieving action at a sub catchment level, through coordinated, well supported and prioritised actions. Acknowledgement needs to be given to a whole farm approach to managing the potential impacts on water quality, not just limited to Nitrogen.
 Decision Sought: Delete any reference to prescriptive input-based management; and accordingly, remove all references in the rules to prescriptive management of farm plans. They should not be used as a method by which councils aim to prescribe and or manage farm activities.

Panel Recommendations: Reject

Further Submission(s)

Further Submission No: 11 - 6 Submission Type: Support
 Further Submitter: Deer Industry New Zealand
 Submission Summary: Supports the removal of any input-based prescriptive management from the rules and all references in the rules to prescriptive management of farm plans until at least the completion of the science review. DINZ considers the submitters' requests are consistent with an over-arching Accord approach.
 Decision Sought: As above

Panel Recommendation: Reject

Submission Number: 66: 13 Submission Type: Oppose
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: The Collective is supportive of measures to improve environmental performance within a holistic farm planning framework. Farm management plans should be a tool to help a farmer plan and measure different mitigation solutions. They must not be part of any regulatory process nor the compliance regime. A farm management plan needs to be a living document that is visited regularly with our advisors. All that is required for assessment of the output of nutrients from a property is the OVERSEER® nutrient budget most farmers complete with their preferred fertiliser company or farm advisor.
 Decision Sought: That farm plans sit outside all regulatory measures and are used as a living planning tool.

Panel Recommendations: Reject

Submission Number: 67: 9 Submission Type: Oppose
 Submitter: Karl Weaver
 Submission Summary: I do not support the requirement for landowners to complete farm management plans that will be part of a compliance process. It is impossible to develop a plan committing oneself to actions up to 15 years in the future.
 Decision Sought: Not specified.

Panel Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 70: 78 Submission Type: Oppose

Submitter: The Fertiliser Association of New Zealand

Submission Summary: Many farms may find it difficult to meet the conditions for controlled activities because Schedule LR Six (5)(a)(ii). Presenting 'from the outset' a pathway for achieving 2032 DNA's is contrary to the principles of adaptive management. The discharge of nutrients from many farms is at risk of requiring consent as a non-complying activity because the pathway and mitigations to achieve the Managed Reductions and 2032 Nitrogen Discharge Allowance are not likely to be available from the outset.

It is not clear how the Proposed Plan Change will provide for adaptive management principles and for gradual land use change if during the first stage reduction period, non-complying activity status applies from the outset.

Whilst Managed Reduction Targets and Nitrogen Discharge Allowances will need to be reviewed every 5 years, this should not necessarily require consents with a 5 year duration. It could be achieved by way of reviewing the relevant conditions of a 20 year consent.

Decision Sought: Not specified.

Panel Recommendations: Reject

Further Submission(s)

Further Submission No: 12 - 27 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

Submission Summary: For the reasons given in the original submission.

Decision Sought: As above

Panel Recommendation: Reject

Submission Number: 82: 10 Submission Type: Oppose

Submitter: Stuart Morrison

Submission Summary: I strongly oppose the use of Nitrogen Management Plans as a compliance tool. Targeting compliance to inputs is against all discussions and agreements made at stakeholder meetings. Plans by their nature are living documents. Their use should be as supporting evidence of intentions for continuing to meet and farm within the set environmental constraints. Outputs, that is nutrient discharges such as determined by OVERSEER®, should be the measure assessed to check compliance.

Decision Sought: Change the relevant policies and rules including LR P8, LR P11, LR R9 and Schedule 6.

Panel Recommendations: Reject

Section: Matter of Control (ii)

1110

Panel Recommendation

See Section on LR R10 above.

Submissions

Submission Number: 43: 87 Submission Type: Oppose in Part

Submitter: Ravensdown Limited

Submission Summary: Matters of control (ii) should be deleted, or be limited to the requirement of a nutrient budget which shows that the agreed targets are being met.

Decision Sought: Delete matters of control (ii), or if retained, be limited to the requirement of a nutrient budget which shows that the agreed targets are being met.

Panel Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number:	64: 21	Submission Type:	Support in Part
Submitter:	DairyNZ and Fonterra Co-operative Group Limited		
Submission Summary:	The focus should be on showing compliance with the nitrogen loss trajectory to achieve the MRT and toward the NDA rather than effectively an input control approach through implementing specific actions in the Farm Plan.		
Decision Sought:	Amend to: (ii) The submission of an annual OVERSEER® file, prepared by a suitably qualified and experienced person, demonstrating on-going compliance with the trajectory toward the MRT and NDA on a rolling output average basis as calculated from the annual OVERSEER® file monitoring requirement.		

Panel Recommendations: Reject

Submission Number:	70: 83	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	Submission of an Annual OVERSEER® file is opposed as the model is a long term annual average model and so the OVERSEER® nutrient budget should be valid for at least 3 years unless there is a significant farm system change. Under Bullet (ii) the OVERSEER® Nutrient Budget file should be consistent with the Nutrient Management Plan.		
Decision Sought:	(ii) The submission of an OVERSEER® file, prepared by a suitably qualified and experienced person, which is consistent with the Nutrient Management Plan.		

Panel Recommendations: Reject

Section: Matter of Control (iii)	1111
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Panel Recommendation

See Section on LR R10 above.

Submissions

Submission Number:	43: 88	Submission Type:	Oppose in Part
Submitter:	Ravensdown Limited		
Submission Summary:	Matters of control (iii) does not seem to be necessary.		
Decision Sought:	Delete matters of control (iii).		

Panel Recommendations: Accept in part

Submission Number:	70: 81	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	It is not understood why bullet (iii) is necessary.		
Decision Sought:	Delete.		

Panel Recommendations: Accept in part

Section: Matter of Control (iv)	1113
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Panel Recommendation

See Section on LR R10 above.

Submissions

Submission Number:	56: 23	Submission Type:	Support
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Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submitter: Bay of Plenty Regional Council

Submission Summary: Council is retaining control over the data inputs and protocols for data entry. 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.

Decision Sought: Substitute the test from point LR R9(iv) with the text in LR R10(iv).

Panel Recommendations: Accept

Submission Number: 70: 84 Submission Type: Oppose

Submitter: The Fertiliser Association of New Zealand

Submission Summary: The document 'Lake Rotorua Groundwater Catchment Nitrogen Protocols' has not been referenced anywhere else. FANZ suggests including a specific reference to this document or an explanation as an advice note.

Decision Sought: (iv)'..... Regional Council (available from the Council offices).'

Panel Recommendations: Accept in part

Section: Matter of Control (v) 1114

Panel Recommendation

See Section on LR R10 above.

Submissions

Submission Number: 43: 85 Submission Type: Support in Part

Submitter: Ravensdown Limited

Submission Summary: Matters of control (v) should be amended refer to a Nutrient Management Plan.

Decision Sought: Refer to a Nutrient Management Plan in matters of control (v).

Panel Recommendations: Accept

Further Submission(s)

Further Submission No: 15 - 15 Submission Type: Support

Further Submitter: Ballance Agri-Nutrients Limited

Submission Summary: Ballance considers that the use of the term "Nutrient Management Plan" is consistent with terminology being used in other regions around New Zealand, including but not limited to Canterbury, Waikato and Southland. The use of "Nutrient Management Plan" rather than "Nitrogen Management Plan" better reflects the intent of the Plan, which isn't limited to managing nitrogen as evidenced by Schedule LR6 within PPC 10.

Decision Sought: As above

Panel Recommendation: Accept

Submission Number: 56: 17 Submission Type: Support

Submitter: Bay of Plenty Regional Council

Submission Summary: 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.

Decision Sought: 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 Nitrogen Discharge Allowance or a Nitrogen Management Plan ...".

Panel Recommendations: Accept

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Section: Matter of Control (vi)	1115
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Panel Recommendation

See Section on LR R10 above.

Submissions

Submission Number:	43: 86	Submission Type:	Support in Part
Submitter:	Ravensdown Limited		
Submission Summary:	Matters of control (vi) should be amended refer to a Nutrient Management Plan.		
Decision Sought:	Refer to a Nutrient Management Plan in matters of control (vi).		

Panel Recommendations: Accept

Further Submission(s)

Further Submission No:	15 - 16	Submission Type:	Support
Further Submitter:	Ballance Agri-Nutrients Limited		
Submission Summary:	Ballance considers that the use of the term "Nutrient Management Plan" is consistent with terminology being used in other regions around New Zealand, including but not limited to Canterbury, Waikato and Southland. The use of "Nutrient Management Plan" rather than "Nitrogen Management Plan" better reflects the intent of the Plan, which isn't limited to managing nitrogen as evidenced by Schedule LR6 within PPC 10.		
Decision Sought:	As above		

Panel Recommendation: Accept

Submission Number:	64: 22	Submission Type:	Support in Part
Submitter:	DairyNZ and Fonterra Co-operative Group Limited		
Submission Summary:	The focus should be on showing compliance with the nitrogen loss trajectory to achieve the MRT and toward the NDA rather than effectively an input control approach through implementing specific actions in the Farm Plan.		
Decision Sought:	Delete.		

Panel Recommendations: Reject

Submission Number:	64: 23	Submission Type:	Support in Part
Submitter:	DairyNZ and Fonterra Co-operative Group Limited		
Submission Summary:	The focus should be on showing compliance with the nitrogen loss trajectory to achieve the MRT and toward the NDA rather than effectively an input control approach through implementing specific actions in the Farm Plan.		
Decision Sought:	Amend to: (vi) Implementation of the Nitrogen Management Plan, or actions that will have an equivalent or greater N loss benefit as calculated / modelled through OVERSEER® being used as set out in (ii) above, so as to meet the Managed Reduction Targets and Nitrogen Discharge Allowance.		

Panel Recommendations: Reject

Section: Matter of Control (vii)	1116
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Panel Recommendation

See Section on LR R10 above.

Submissions

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 64: 24 Submission Type: Support in Part
 Submitter: DairyNZ and Fonterra Co-operative Group Limited
 Submission Summary: Amend to:'.....on-going compliance with the trajectory toward the MRT on a rolling output average basis as calculated from the annual OVERSEER® file monitoring requirement.'
 Decision Sought: Amend to:'.....on-going compliance with the trajectory toward the MRT on a rolling output average basis as calculated from the annual OVERSEER® file monitoring requirement.'

Panel Recommendations: Reject

Section: LRR11 Farm activity not readily modelled by OVERSEER® 1117

Panel Recommendation

Refer to our report for our recommendations on this section.

Submissions

Submission Number: 3: 5 Submission Type: Support
 Submitter: Kaingaroa Timberlands Partnership
 Submission Summary: Unique land uses must be provided for especially as the growing of seedlings to supply afforestation and replanting of forests in the catchment and the region is vital in helping to achieve the policies for nitrogen reduction.
 Decision Sought: Unique land uses must be provided for.

Panel Recommendations: Accept

Submission Number: 21: 10 Submission Type: Oppose
 Submitter: Brown Owl Organics Incorporated
 Submission Summary: We oppose this rule because the coding of OVERSEER® is not open source, and also because of the variability we have observed. Non-conventional methods of farming and horticulture do not appear to be well covered by OVERSEER® . If the Council deemed small-scale organic land uses to fall into this "controlled" category, a nitrogen management plan would have to be prepared.
 Decision Sought: Not specified.

Panel Recommendations: Reject in part

Submission Number: 30: 8 Submission Type: Support in Part
 Submitter: Fish & Game New Zealand (Eastern Region Fish and Game Council)
 Submission Summary: For land use operations that do not fit into the prescribed categories a fair and equitable range of nitrogen limitations must be allocated. Professional assessment and advice must be provided.
 Decision Sought: For land use operations that do not fit into the prescribed categories a fair and equitable range of nitrogen limitations must be allocated. Professional assessment and advice must be provided.

Panel Recommendations: Accept

Submission Number: 32: 11 Submission Type: Oppose
 Submitter: Kaitao Rotohokahoka 2D Trust
 Submission Summary: The Trust requests a longer timeframe for Regional Council to invest in better science, research, modelling before setting the allocation methodology, rules, timeframes to meet targets and resource consents in concrete.
 Decision Sought: Extend the timeframe to set rules, meet nitrogen reduction targets and measure progress towards reductions.

Panel Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 43: 90 Submission Type: Oppose

Submitter: Ravensdown Limited

Submission Summary: This rule is it not required and can be deleted. Schedule LR Six has provision for an alternative model for farms that cannot be modelled with OVERSEER®. The farming activity can be assessed under another relevant rule, as long as there is a provision in that rule for a Nutrient Management Plan to be undertaken (Rules LR R8-10).

Decision Sought: Delete Rule LR R11.

Panel Recommendations: Reject

Submission Number: 49: 75 Submission Type: Support in Part

Submitter: CNI Iwi Land Management Ltd

Submission Summary: This rule is aimed at those properties within the groundwater but not surface water catchment, but its principles could equally be used for other activities than the traditional farming ones that OVERSEER® has been designed to model, and to avoid total capture by a trademarked box for this whole nutrient assessment process.

Decision Sought: Reword as: 'The use of land on properties in the Lake Rotorua groundwater catchment...'

Panel Recommendations: Reject

Submission Number: 53: 55 Submission Type: Oppose

Submitter: Lachlan McKenzie

Submission Summary: The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our integrated nutrient management framework.

Decision Sought: Delete.

Panel Recommendations: Reject

Submission Number: 56: 22 Submission Type: Support

Submitter: Bay of Plenty Regional Council

Submission Summary: The assessment criteria do not link to Policy LR P16 by providing the ability to consider consent duration.

Decision Sought: Add an additional matter of control under LRR8, LRR9, LRR10, LRR11 'The duration of the consent to reflect the nature, scale and robustness of any on farm mitigation options proposed.

Panel Recommendations: Accept

Submission Number: 64: 25 Submission Type: Support in Part

Submitter: DairyNZ and Fonterra Co-operative Group Limited

Submission Summary: DairyNZ and Fonterra support this rule council should clarify the intended meaning of the subjective "readily". If one sector or enterprise type identifies that OVERSEER® does not "readily" model an activity type there is scope for inequitable outcomes.

Decision Sought: Limit the application of this rule to enterprises / activities that are not recognised in OVERSEER® or are exceptional in complexity.

Panel Recommendations: Accept in Part

Submission Number: 65: 7 Submission Type: Oppose

Submitter: Peter Reed

Submission Summary: As it currently reads this rule applies even to properties under 5 hectares, residential property. This is presumably unintended as it would be contrary to LR P9 (c).

Decision Sought: Should specifically state the rule does not apply to properties that are permitted under LR R3.

Panel Recommendations: Accept in Part

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 70: 86 Submission Type: Support in Part
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: Given alternative models to OVERSEER® can be 'authorised by Regional Council' it is not clear why the process in Schedule LR One does not still apply.
 Decision Sought: LR R11 would benefit from guidance on how the Managed Reduction Targets and Nitrogen Discharge Allowances should be derived, if not following the principles in Schedule LR One.

Panel Recommendations: Reject

Submission Number: 75: 187 Submission Type: Oppose
 Submitter: Federated Farmers of New Zealand
 Submission Summary: The alternate rules recommended by the submitter give better effect to RPS and RWLP objectives and policies; and to our recommended changes to LR proposed policies. It is the submitter's submission that the primary focus for these rules is the period to 2022.
 Decision Sought: Delete.

Panel Recommendations: Reject

Section: LR R11(a)	1118
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Panel Recommendation

Refer to Section on LR R11 above.

Submissions

Submission Number: 70: 85 Submission Type: Support in Part
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: LR R11 requires Nitrogen Management Plan, Managed Reduction Targets and Nitrogen Discharge Allowances, under LR P 8, however it remains unclear how these are to be determined if not by OVERSEER® or an alternative model authorised by Regional Council.
 Decision Sought: LR R11 would benefit from guidance on how the Managed Reduction Targets and Nitrogen Discharge Allowances should be derived, if not following the principles in Schedule LR One.

Panel Recommendations: Reject

Section: LR R11(b)	1119
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Panel Recommendation

Refer to Section on LR R11 above.

Submissions

Submission Number: 3: 5 Submission Type: Support
 Submitter: Kaingaroa Timberlands Partnership
 Submission Summary: Unique land uses must be provided for especially as the growing of seedlings to supply afforestation and replanting of forests in the catchment and the region is vital in helping to achieve the policies for nitrogen reduction.
 Decision Sought: Unique land uses must be provided for.

Panel Recommendations: Accept

Submission Number: 16: 12 Submission Type: Oppose

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Panel Recommendation: Reject

Submission Number: 66: 11 Submission Type: Oppose
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: The Collective is supportive of measures to improve environmental performance within a holistic farm planning framework. Farm management plans should be a tool to help a farmer plan and measure different mitigation solutions. They must not be part of any regulatory process nor the compliance regime. A farm management plan needs to be a living document that is visited regularly with our advisors. All that is required for assessment of the output of nutrients from a property is the OVERSEER® nutrient budget most farmers complete with their preferred fertiliser company or farm advisor.
Decision Sought: That farm plans sit outside all regulatory measures and are used as a living planning tool.

Panel Recommendations: Reject

Submission Number: 67: 10 Submission Type: Oppose
Submitter: Karl Weaver
Submission Summary: I do not support the requirement for landowners to complete farm management plans that will be part of a compliance process. It is impossible to develop a plan committing oneself to actions up to 15 years in the future.
Decision Sought: Not specified.

Panel Recommendations: Reject

Submission Number: 70: 14 Submission Type: Oppose
Submitter: The Fertiliser Association of New Zealand
Submission Summary: It should be recognised that economically viable mitigations to achieve 2032 Nitrogen Discharge Allowance are unlikely to be available from the outset. It is not clear under the current wording of the Proposed Plan Change how Council will be able to provide any flexibility for any viable farming activity through step wise adaptive management, if the pathway to achieve the 2032 NDA from the outset is required as a condition of controlled resource consent.
Decision Sought: It should be recognised that economically viable mitigations to achieve 2032 Nitrogen Discharge Allowance are unlikely to be available from the outset.

Panel Recommendations: Reject

Submission Number: 78: 7 Submission Type: Oppose
Submitter: Tony and Joanna Carr
Submission Summary: We support that all farmers should engage in this process, but with their industry representative body. To have them attached to consents takes away all possible innovation that adaptive farm management allows.
Decision Sought: Farm Nutrient Plans must sit outside the regulatory process.

Panel Recommendations: Reject

Submission Number: 82: 11 Submission Type: Oppose
Submitter: Stuart Morrison
Submission Summary: I strongly oppose the use of Nitrogen Management Plans as a compliance tool. Targeting compliance to inputs is against all discussions and agreements made at stakeholder meetings. Plans by their nature are living documents. Their use should be as supporting evidence of intentions for continuing to meet and farm within the set environmental constraints. Outputs, that is nutrient discharges such as determined by OVERSEER®, should be the measure assessed to check compliance.
Decision Sought: Change the relevant policies and rules including LR P8, LR P11, LR R9 and Schedule 6.

Panel Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Section: Matter of control (vii)

1120

Panel Recommendation

Refer to Section on LR R11 above.

Submissions

Submission Number:	56: 18	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	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.		
Decision Sought:	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 Nitrogen Discharge Allowance or a Nitrogen Management Plan ...".		

Panel Recommendations: Accept

Section: LRR12 Farm activity with non-point nitrogen loss not permitted/controlled

1121

Panel Recommendation

Refer to our report for our recommendations on this section.

Submissions

Submission Number:	43: 91	Submission Type:	Oppose
Submitter:	Ravensdown Limited		
Submission Summary:	Ravensdown does not consider it is necessary or appropriate for an activity unable to meet the permitted or controlled activity conditions should 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.		
Decision Sought:	Amend Rule LR R12 to be a Discretionary Activity.		

Panel Recommendations: Reject

Further Submission(s)

Further Submission No:	6 - 51	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Panel Recommendation: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number:	49: 76	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	As non-complying activity test is an extremely high bar, and is included to signal that the consent application is extremely unlikely to be granted. This means that should CNI want to develop any of the land it owns that is presently in production forestry, this will be nigh impossible. CNI has been completely overlooked.		
Decision Sought:	Reword so that plantation forestry is not permanently locked into plantation forestry, with no consideration of the underlying land capability, or create a restricted discretionary rule to allow for land use according to land use capability for land presently in plantation forest.		

Panel Recommendations: Reject

Submission Number:	53: 56	Submission Type:	Oppose
Submitter:	Lachlan McKenzie		
Submission Summary:	The alternate rules recommended give better effect to RPS and RWLP objectives and policies; and to our integrated nutrient management framework.		
Decision Sought:	Delete.		

Panel Recommendations: Reject

Submission Number:	70: 11	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	FANZ is concerned that under the current science estimates, to achieve the Lake TLI, the property Nitrogen Discharge Allowance (NDA) must be met (as that properties proportion of the total load.) Providing a pathway to meet this NDA is one of the conditions for controlled consent. If a farm cannot meet the controlled activity conditions, the discharge of nutrients becomes a non-complying activity. How does a farm demonstrate only 'minor' adverse effects in terms of nutrient loss levels i.e. how do activities pass one of the 'gateway tests' for non-complying activities. This is compounded by the wording of the policies.		
Decision Sought:	Amend Rule LR R12 to provide for Discretionary or Restricted Discretionary consent during the transition period 2017 to 2032.		

Panel Recommendations: Reject

Submission Number:	70: 87	Submission Type:	Oppose in Part
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	FANZ is very concerned that land use activities which cannot comply with conditions for permitted or controlled activities trip directly to non complying status. The consequence of non-complying activity status could have very significant economic and social implications. These have not been considered by the Section 32 report		
Decision Sought:	Amend Rule LR R12 to provide for Discretionary or Restricted Discretionary consent during the transition period 2017 to 2032.		

Panel Recommendations: Reject

Further Submission(s)

Further Submission No:	15 - 48	Submission Type:	Support
Further Submitter:	Ballance Agri-Nutrients Limited		
Submission Summary:	Ballance supports the proposed amendments as the current rule could result in a significant number of farms/farming enterprises becoming non-complying activities. Ballance considers a non-complying activity status to be overly restrictive. A discretionary activity status would be more appropriate and Council could still decline applications for unacceptable activities.		
Decision Sought:	As above		

Panel Recommendation: Reject

Plan Change 10 Lake Rotorua Nutrient Management Panel Recommendations on Provisions with Submissions and Further Submissions – Part 2

Submission Number: 75: 188 Submission Type: Oppose
Submitter: Federated Farmers of New Zealand
Submission Summary: The alternate rules recommended by the submitter give better effect to RPS and RWLP objectives and policies; and to our recommended changes to LR proposed policies. It is the submitter's submission that the primary focus for these rules is the period to 2022.
Decision Sought: Delete.

Panel Recommendations: Reject

Section: LR R13 Incidental nutrient discharges

1122

Panel Recommendation

We concur with the Regional Council reporting officers' recommendations as contained in their s42A report and additional evidence presented during the hearing.

Submissions

Submission Number: 26: 34 Submission Type: Support in Part
Submitter: Rotorua Lakes Council
Submission Summary: RLC supports LR P9 and its accompanying rules (LRR1 - R7 and LRR13) in principle as far as they allow for reduced and more appropriate compliance costs for smaller land holders, PC 10 must allow the Rotorua communities to continue to provide for their social, cultural and economic well-being.
Decision Sought: Amend LR P9 and LR R1 to R7 and R13 to give effect to RLC's submissions.

Panel Recommendations: Reject in part

Submission Number: 53: 57 Submission Type: Support
Submitter: Lachlan McKenzie
Submission Summary: Support for clarity.
Decision Sought: Retain.

Panel Recommendations: Accept

Submission Number: 66: 92 Submission Type: Support
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Support.
Decision Sought: Retain for clarity.

Panel Recommendations: Accept

Submission Number: 70: 88 Submission Type: Support
Submitter: The Fertiliser Association of New Zealand
Submission Summary: Rule LR R13 reflects the provisions of the RMA, and is supported subject to consideration of intent as discussed under LR P9(h).
Decision Sought: Retain subject to consideration of intent as discussed under LR P9(h).

Panel Recommendations: Accept

Submission Number: 75: 189 Submission Type: Support
Submitter: Federated Farmers of New Zealand
Submission Summary: Support for clarity.
Decision Sought: Retain.

Panel Recommendations: Accept