



Submission form

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

Submission number
Office use only

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

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

- 1 I **could not** gain an advantage in trade competition through this submission.
- 2 The details of my submission are in the attached table.
- 3 I **do not wish** to be heard in support of my submission.
- 4 If others make a similar submission, I will consider presenting a joint case with them at a hearing.

P.W. Reed

27 April 2016

[Signature of person making submission or person authorised to sign on behalf of person making submission.]

Date

*[NOTE: A signature is **not** required if you make your submission by electronic means.]*

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Contact person: <i>[Name and designation if applicable]</i>	Peter Reed	

SUBMISSION POINTS:

Page no.	Reference (e.g. Policy, rule, method or objective number)	Support/oppose	Decision sought Say what changes to the plan you would like	Give reasons
4 & numerous others	<p>The Catchment Boundary</p> <p>Map LR1 and numerous other references</p>	Oppose	Bring the Proposed Plan Change 10 catchment boundary in line with the existing Rule 11 boundary, particularly in the Maraeroa Rd area.	<p>In short by applying a boundary that is purely scientifically based (with inherent scientific uncertainty), the Proposed Plan Change 10 is overly complicated, not practical, and will be open to legal/scientific challenge. It would be a triumph of common sense if the boundary for Proposed Plan Change 10 was identical to that used for Rule 11.</p> <p>In detail:</p> <p>1/ Document “CR2014 CR 2014-111 Lake Rotorua catchment boundary” clearly states the boundary is “best-estimate”. In other words it is not precise and may not always be accurate. The boundary will be open to legal/scientific challenge.</p> <p>2/ Document “CR2014 CR 2014-111 Lake Rotorua catchment boundary” explains the boundary is essentially a complex mathematical construct (albeit based on good science). In other words it is subject to change depending on the preferred method used, and future developments in the mathematical methods. It is not definite and is highly likely to change with time. The boundary will be open to legal/scientific challenge.</p> <p>3/ Even if the boundary is taken as given, the “best-estimate” has uncertainty (technically 95% confidence intervals, aka margins of error), as illustrated in Figure 3.8 of “CR2014 CR 2014-111 Lake Rotorua catchment boundary”. This uncertainty is at its greatest in the area North of the Mamaku township stretching almost to SH5 (more or less along the length of Maraeroa Rd), where the uncertainty is apparently approx. 1,000 metres on either side of the boundary (figure 3.8)</p> <p>4/ The extent of the uncertainty (approx. plus or minus 1,000 metres) in the Maraeroa Rd area is such that the minimum groundwater catchment boundary falls within the Rule 11 boundary (which for the most part runs along the Eastern side of Maraeroa Rd). In other words the Proposed Plan Change 10 boundary could easily be justified to match the existing Rule 11 boundary for most if not all of Maraeroa Rd.</p> <p>5/ The Rule 11 boundary in the Maraeroa Rd area matches well with existing property boundaries, and coincides with the Regional</p>

				<p>council boundary. Conversely the Proposed Plan Change 10 boundary, does not coincide with property boundaries (see schedule LR4) and extends into the Waikato regional council area.</p> <p>6/ For the sake of keeping to the “best-estimate”, mathematical-construct groundwater catchment boundary The Proposed Plan Change 10 document is significantly complicated by making repeated specific provision for properties that are “not previously managed by rule 11”. For the sake of relatively few properties, which may contribute relatively little (and possibly nothing) to the nutrient flow into Lake Rotorua, this over complication seems to lack practicality and/or common sense.</p> <p>7/ Properties that are within the Waikato regional council area, are being brought within rules of the BOP regional council. For the sake of relatively few properties, which may contribute relatively little (and possibly nothing) to the nutrient flow into Lake Rotorua, this over complication seems to lack practicality and/or common sense.</p> <p>8/ Because the groundwater boundary does not coincide with property boundaries, many properties at the boundary will have the rather ludicrous situation of having to abide by some rules for part of their property (based on an irregular line on map), but not on other parts. For the sake of relatively few properties, which may contribute relatively little (and possibly nothing) to the nutrient flow into Lake Rotorua, this over complication seems to lack practicality and/or common sense.</p>
<p>6 and 12</p>	<p>LR P9 (c) and corresponding LR R3</p>	<p>Support</p>	<p>Support the intention to allow as a permitted activity [LR P9 (c)] “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.” As implemented under LR R3 (primarily) and other rules (in part)</p>	<p>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, I think, between what are most likely un-intensive non-commercial properties (eg, residential only, small lifestyle block, community owned) and properties above that size that are more likely commercial farming (at least in part). In my experience non-commercial lifestyle properties don’t apply the large amounts of fertiliser used by commercial operations, and are not inclined to maximise livestock intensity. Any reduction in this cut-off is more likely to have the unintended consequence of including non-commercial properties with zero or minimal contribution to nutrient run-off. Any reduction to the limit will also demand new consideration of the practicality of many of the compliance requirements of these rules (for eg Overseer).</p>

14	LR R6	Oppose – as written	Needs rewording to make clearer that <u>after</u> 30 June 2022, activities permitted under LR R3 (and others) will still be permitted.	As it stands this rule could be read as meaning that <u>after</u> 30 June 2022, <u>all</u> activities are not permitted (on properties/farming enterprises not previously managed by Rules 11 to 11F). This is not what is intended, so it needs to be clearer what is/is not permitted after 30 June 2022, or that this rule has no standing on activities after 30 June 2022. 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 and/or LR R8 specifically referred to in LR R6.
14	LR R7	Oppose – as written	Should specifically state the rule does not apply to properties that are permitted under LR R3.	As it currently reads properties under 5 hectares with low intensity farming activities, which will include even the average residential property (without pasture), must submit an Overseer file. This is presumably unintended as it would be contrary to LR P9 (c). In any case it is unreasonable to demand a low intensity landowner of under 5 Hectares to undertake Overseer assessment.
15	LR R8	Oppose – as written	Should specifically state the rule does not apply to properties that are permitted under LR R3.	As it currently reads “The activity does not comply with permitted activity conditions in Part LR,” does not specifically state LR R3. This could be read as meaning that permission under LR R3, does not exempt from LR R8, which is probably unintended as it would be contrary to LR P9 (c).
18	LR R11	Oppose – as written	Should specifically state the rule does not apply to properties that are permitted under LR R3.	As it currently reads this rule applies even to properties under 5 hectares, which will include even the average residential property (without pasture), that cannot be readily modelled by Overseer. This is presumably unintended as it would be contrary to LR P9 (c). But in any case it is unreasonable to demand Nitrogen management plans and such like, for properties under 5 hectares.