



Submission form

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

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

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

- 1 I **could not** gain an advantage in trade competition through this submission. *[Delete as required.]*
 - (a) I **am not** directly affected by an effect of the subject matter of the submission that adversely affects the environment, and
 - (b) My submission **does not** relate to trade competition or the effects of trade competition.
[Delete the entire paragraph if you could not gain an advantage in trade competition through this submission.]
- 2 The details of my submission are in the attached table.
- 3 I **wish** to be heard in support of my submission. *[Delete as required]*
- 4 If others make a similar submission, I will consider presenting a joint case with them at a hearing. *[Delete if you would not consider presenting a joint case.]*

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

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

27th April 2016
Date

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Introduction

The Fertiliser Association of New Zealand (“FANZ”) is a trade organisation representing its two member companies – Ballance Agri-Nutrients Ltd and Ravensdown Limited. Both these companies are farmer co-operatives with some 45,000 farmer shareholders. Between them these companies supply over 98% of all fertiliser used in New Zealand.

The Fertiliser Association, along with AgResearch and Ministry for Primary Industries is a one third owner of OVERSEER Nutrient Budgets Model. The Fertiliser Association also promotes industry good practices and published the Code of Practice for Nutrient Management as well as supporting and administering the Nutrient Management Adviser Certification Programme.

The industry supports systems that provide flexibility for land users to engage appropriate tools and practices, which manage farm system losses, while retaining the flexibility to responsibly apply appropriate levels of the farm system inputs that are required to meet commercially viable production. FANZ seeks national consistency wherever possible and seeks that regional council regulation and planning provisions relating to nutrient management are both necessary and appropriate to achieve the agreed outcomes.

Submission overview

This submission provides specific comments from FANZ on Proposed Plan Change 10 (Lake Rotorua Nutrient Management) to the Bay of Plenty Regional Water and Land Plan (Proposed Plan Change). While FANZ support aspects of the proposed plan change, they are generally opposed to Bay of Plenty Regional Council’s (Council’s) approach to nutrient management in the Proposed Plan Change.

General submission points

The following are general submission points that do not relate to any specific policy, rule, or method:

Section 32 Report:

FANZ notes that the Section 32 report does not provide an examination of the proposal in terms of its appropriateness in achieving the purpose of the RMA, and the policies and methods have not been

examined for their efficiency, effectiveness, and risk. This has made it difficult to understand Council's reasoning behind the wording of the policies, methods, and rules.

The potential and subsequent consequences of a large number of farms not being able to comply from the outset, with the proposed permitted activity or controlled activity conditions has not been considered.

Input Controls:

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. Further discussion on this in terms of the relevant policies and rules is provided below.

Overseer Versions:

The Proposed Plan Change references specific OVERSEER versions, in particular 6.2.0. This version has already been replaced with version 6.2.1. To avoid the need for plan changes every time an OVERSEER version is superseded, FANZ suggests that a generic reference to OVERSEER is used throughout the Proposed Plan Change. Any figures/data subject to change by version upgrades should be included in a reference document that sits outside of the Proposed Plan Change.

New Science:

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.

Nitrogen Management Plans:

FANZ suggest replacing the term 'Nitrogen Management Plans' with 'Nutrient Management Plans', and 'Nitrogen Budgets' with 'Nutrient Budgets'. Currently the Proposed Plan Change is inconsistent in its use of the terms and 'nutrient' would encompass the management of phosphorus, which is a matter addressed in Policy LR P2 and the Nitrogen Management Plan in Schedule LR Six.

Policy Wording

FANZ seeks consistency in the use of terms is sought. For example, using 'Low intensity land use activity' instead of 'low intensity farming activity' or 'no intensive land use', or 'low nitrogen loss'. In addition, it is suggested that writing policies as rules should be avoided, for example, as occurs with LR P9. This is discussed in more detail below.

Restricted Discretionary and Discretionary Activities

The controlled activity rules require nitrogen management pathways to show from the outset how the Managed Reduction targets and 2032 Nitrogen Discharge Allowance will be met, however the mitigations required to achieve these targets will require an adaptive management approach. 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.

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 as discussed below, which appears to remove the ability to 'not be contrary to' the policies.

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
p5	LR P1	Oppose in part	<p>Amend Policy LR P1 as follows:</p> <p>To reduce Reduce the nitrogen losses from land to Lake Rotorua to achieve the 2032 sustainable lake load as required by the Regional Policy Statement and to monitor this target through science and policy reviews, while providing for an adaptive management approach. Or similar.</p> <p>Amend the implicit definition for 'adaptive management' in the Introduction at paragraph 1, page 2 as follows;</p> <p><i>"Adaptive management is a core element of the implementation of nutrient management for the Lake Rotorua groundwater catchment. This includes regular reviews of the science and policy outcomes reviews and responding to the outcomes of these reviews"</i></p>	<p>LR P1 – LR 5: The current wording of the policies is unclear. Adaptive management is cited as a core element of the implementation of the plan change. However certainty for land users is also required, which is provided by consistent application of policies. It should be clear that review does not mean regular policy change (but rather monitoring and responding to science and policy outcomes) For clarity this requires an amendment to the reference to 'adaptive management' in the introduction.</p> <p>FANZ promotes the use of consistent terms nationwide. As discussed in the General Submission Points section above, the title of this proposed plan change is called Lake Rotorua Nutrient Management and it seeks to manage phosphorus and nitrogen. Use the of the term 'Nutrient Management Plans' is consistent with this goal and should be used as opposed to Nitrogen Management Plans.</p>
p5	LR P2	Oppose in part	<p>Amend Policy LR P2 as follows:</p> <p>To manage Manage phosphorus loss through the implementation of management practices that will be detailed in Nitrogen Nutrient Management Plans prepared for individual properties/farming enterprises. Or similar.</p>	<p>LR P2 FANZ notes that no rules in the Proposed Plan Change address the management of phosphorus. FANZ assumes that the Council is convinced that phosphorus loss can be appropriately managed by way of the Nitrogen Management Plan and implementation of industry best practice management.</p>
p5	LR P3	Oppose in part	<p>Amend Policy LR P3 as follows:</p> <p>To recognise the bBalance between certainty and the use of best available science and good environmental data in the management of nitrogen within the Lake Rotorua groundwater catchment by using:</p> <ol style="list-style-type: none"> the 435 tonne sustainable annual nitrogen load for Lake Rotorua from the operative Regional Policy Statement Policy WL 3B(c) <u>as a starting point but with provision to update with new science;</u> the 755 tonne load to Lake Rotorua estimated by the ROTAN model in 2011 as the <u>starting</u> 	<p>LR P3, LR P4 and LR P4 Tables: Ironically the RPS and the proposed LR P3 lock in earlier science assessments of the lake load, rather than provide for new science reviews and updated assessments. Without flexibility to update the science and management approach, this policy could be argued to be the antithesis to 'adaptive management'. These N load values should be recognised as starting points but not locked in as there is a need to provide for updated science. Consequential changes require</p>

			<p>position from which nitrogen loss reductions will be determined <u>with provision for updated science</u>;</p> <p>c) <u>the most current version of OVERSEER@ 6.2.0</u> for nitrogen discharge allowance allocation purposes; and</p> <p>d) the pastoral sector reductions within the Integrated Framework approach.</p> <p>Or similar, and any consequential changes, e.g. context for Tables LR 1, LR2 and LR 3 in the introduction.</p> <p>Include the following advice note relevant to Policy LR P1(c):</p> <p><u>Overseer@ is updated from time to time and previous versions are no longer accessible. Schedule XX outlines the Bay of Plenty District Council's approach to managing Overseer@ version upgrades.</u></p>	<p>this same context to apply to the Introduction and Tables LR1- LR4</p> <p>Overseer@ versions are updated regularly. Overseer Version 6.2.1 was released Dec 2015. There should be mechanisms to amend figures/data without requiring a plan change. Please refer to comments made under General Submission Points above. Schedule LR Five and the application of reference files provides for new versions of Overseer to be applied.</p> <p>LR P4: Reference to reviews of the RPS in the proposed Plan Change adds a level of uncertainty for plan users if it requires regular plan changes, as opposed to a review of outcomes, the science, and implementation.</p> <p>LR P5: As noted above, to avoid locking in one version of OVERSEER Table LR 4 should sit outside the Plan, as a reference document.</p>
p5	LR P4	Oppose in part	<p>Amend LR P4 as follows:</p> <p>To i Implement adaptive management in the management of nitrogen within the Lake Rotorua groundwater catchment through:</p> <p>(i) Science reviews set out in Method LR M2 and subsequent consideration by Council of recommendations</p> <p>(ii) Regular reviews of the <u>outcomes of Regional Policy Statement and Regional Water and Land Plan policies, rules and methods under the Resource Management Act 1991...</u></p>	
p6	LR P5	Oppose	Table LR 4 should sit outside the Plan Change as a reference document.	
P6	LR P6	Support in part	<p>Retain , but amend as follows ;</p> <p>To d Determine individual Nutrient Discharge Allowances <u>that must be for the purpose of achieved by 2032 the sustainable lake nutrient load</u>, in accordance with Schedule LR One for all properties/farming enterprises that are not provided for as permitted activities by Rules LR R1 to LR R7.</p>	<p>Farm scale management of nutrient loss is required to achieve the objectives of the plan, but flexibility is also required for adaptive management principles to achieve the outcomes. It is the outcome of meeting sustainable lake loads which should be the focus. The current proposed N loss values may or may not be the correct values as science and experience is developed.</p> <p>LR P6 should be rephrased to place emphasis on the outcome being sought which is to achieve sustainable lake nutrient loads.</p>

P6	LR P7	Support in part	Retain as worded but note comments.	FANZ considers that the transfer of consents would appear to work in principal, and in the fullness of time will likely provide the efficiencies being sought. However, FANZ is concerned that there are still too many uncertainties in the N loss assessments, Overseer version changes, Lake N loads and mitigations options. These uncertainties would cause some obstacles to the N transfer process and some anxiety among farmers trading N values.
P6	LR P8	Oppose in part	Amend Policy LR P8 as follows: To require property/farming enterprise specific Nitrogen-Nutrient Management Plans and require the implementation of mitigation actions to achieve and maintain Managed Reduction Targets (five-yearly nitrogen loss reduction targets) and Nitrogen Discharge Allowances.	The term 'Managed Reduction Targets' is already defined in the definitions section. The definition does not need to be included within the policy. The use of Nutrient Management Plans is supported.
P6	All of LR P9	Oppose	To allow as a permitted activity: (a) All land uses until 30 June 2017 provided that the land uses do not increase their nitrogen loss. (b) The use of land for plantation forestry and bush/scrub. (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. (d) 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. (e) The use of land for farming activities on properties/farming enterprises between 10 and 40 hectares in effective area from 1 July 2017 to 31 June 2022 provided there is no increase in nitrogen loss and the information keeping and reporting conditions are met. (f) The use of land for farming activities on properties/farming enterprises in the Lake Rotorua groundwater catchment not previously managed by Rules 11 to 11F from 1 July 2017 to 31 June 2022 provided there is	The policy reads like a method as it refers to activity status and rules. Policies such as this effectively remove one of the 'gateway' tests under s104. If a policy is effectively worded the same as a rule, an activity that cannot meet a rule, is likely to be contrary to the policy. This means that the activity must meet the second gateway test: effects must be minor. As discussed above under the General Comments, FANZ is concerned that this would be difficult in terms of nutrient discharges. In FANZ's opinion, policies should be a statement of intent. For example: <i>Policy P65 (of the Proposed Wellington Natural Resources Plan): Minimising effects of nutrient discharges</i> 4 <i>The effects of nutrient discharges from agricultural activities that may enter water shall be minimised through the use of:</i> (a) <i>good management practices, and</i> (b) <i>information gathering, monitoring, assessment and reporting, and</i> (c) <i>integrated catchment management within the Wellington Regional Council and with the involvement of mana whenua, territorial authorities, water users, farmers, households, industry, environmental groups and technical experts, and</i> (d) <i>regulatory and non-regulatory methods, and</i>

			<p>no increase in nitrogen loss and information keeping and reporting conditions are met.</p> <p>(g) The use of land for farming activities on properties/farming enterprises that can demonstrate low nitrogen loss.</p> <p>(h) The discharge of nutrients onto or into land provided the land use associated with the discharge is authorised under Rule LR R1 to LR R11.</p> <p>Replace LR P9 with the following:</p> <p><u>Enable low intensity land use activities, plantation forestry, bush/scrub or activities that can demonstrate no increase in nitrogen loss.</u></p> <p><u>Advice note: it is intended that permitted activity would apply to the following property / farm enterprises:</u></p> <ul style="list-style-type: none"> - <u>< 10 ha effective area with 'low intensity farming activity'.</u> - <u>10 - 40 ha until 2022, and no increase in nitrogen loss.</u> - <u>in the Lake Rotorua groundwater catchment but not previously managed by Rules 11 to 11F.</u> - <u>with low nitrogen loss.</u> <p>Or similar.</p>	<p><i>(e) plan changes or variations resulting from catchment-specific recommendations from the whaitua committee process.</i></p> <p>The rules are the methods of achieving that intent.</p>
P6	LR P9 (c) & (d)& (g)	Oppose	<p>If Policy LR P9 is retained combine condition (g) with (c) and (d) to provide for all low intensity land use activities or</p> <p>Alternatively combine condition (c) and (d) and retain (g) as a separate matter to provide for intensive farms with low N loss by defining 'low N loss'.</p>	<p>Policy LR P9 is very confusing and provides mixed signals.</p> <p>It uses the terms 'no intensive land use' in (c) and (d) and 'low nitrogen loss' in (g). These terms do not appear to be defined in the Proposed Plan Change or in the Regional Water and Land Plan. For consistency it is suggested that the terms 'no intensive land use' and 'low nitrogen loss' are replaced with 'low intensity land use activity' and a definition of 'low intensity land use activity' is provided - if it is the intent of the Council that these terms mean the same thing.</p> <p>When LR P9 (c), (d) and (g) are considered in combination this policy is ambiguous and confusing. Because farms with 5 ha effective area must be at least 5 ha in area, the separation of (c) and (d) provides no meaningful purpose and (c) and (d) can be combined and applied to farms less than</p>

				<p>10 ha in effective area with low intensity land use activity. Furthermore as written (d) provides for the use of farming activities on properties 'greater than 5 hectares in area' from 1 July 2017, provided there is no intensive land use. This would suggest that the condition provides for any low intensity land use that is over 5 hectares in area. FANZ is not sure this is the intent of the Policy.</p> <p>Clause (g) provides for all farms with low nitrogen loss to be permitted with no time frame restrictions as occurs in (c) and (d). It is assumed there is no difference between a farm with 'no intensive land use' and a farm with 'low nitrogen losses'.</p> <p>If it is the intention that all farms with low intensity land use activities are permitted activities without restriction on area or timeframe, then LR P9 (c) and (d) become obsolete and can be deleted.</p> <p>However, if the Council considers that low intensity land use and low nitrogen loss are two distinct matters, then Conditions (c) and (d) should be combined but Clause (g) should remain separate. FANZ seeks that the Council should clarify whether low intensity land use differs from low nitrogen use and if so, how it would require 'low nitrogen loss' to be demonstrated. FANZ suggests a good example of an intensive farm system with low N loss, could be: a dairy herd home where all effluent and nutrient are captured and exported out of the catchment. This would be provided for under LR P9 (g) if there is a clear definition of 'low nitrogen loss'.</p> <p>FANZ supports, in principle, that farms with low intensity farming activities should be a permitted activity (noting there does not currently appear to be a definition in the Plan or Proposed Plan Change for 'low intensity farming activity').</p>
P6	LR P9 (h)	Oppose	If Policy LR P9 is retained delete LR P9(h)	<p>FANZ notes that LR R8 – LR R11 are controlled activities and so cannot be permitted activities. LR P9 (a) applies to all land use activities up until 2017, LR P9(b)–(g) applies to plantation forestry/ bush /scrub and farming activities. If LR P 9(h) is intended to apply to land use other than farming activities, forestry/ bush/ scrub then it should be clear that is the case. However, Rules LR R1 through to LR R13 are all referenced back to farming activities or forestry or bush/scrub.</p>

				FANZ therefore seeks that PR P9(h) should be deleted. Farming activities, plantation forestry/ bush /scrub land use are provided for by LR P9 (a)–(g).
P7	LR P10	Oppose	<p>Delete LR P10 and replace with the following:</p> <p><u>Nitrogen loss from land use activities within the Lake Rotorua Catchment shall be minimised through the use of both regulatory and non regulatory methods following an adaptive management approach based on stepped time frames for the introduction of controls from 2017 and 2022 to achieve the sustainable lake nutrient load by 2032.</u></p>	<p>LR P10 – LR 12:</p> <p>As mentioned above in relation to LR P 9, these policies read like methods. Policies such as this effectively remove one of the ‘gateway’ tests under s104. If a policy is effectively worded the same as a rule, an activity that cannot meet a rule, is likely to be contrary to the policy. This means that the activity must meet the second gateway test: effects must be minor. In our opinion, policies should be a statement of intent.</p>
P7	LR P10(a)	Oppose	<p>Either replace policy LR P 10 entirely or if LR P10 is retained, amend as follows:</p> <p>LR R10 (a) The use of land for farming activities on properties/farming enterprises over 40 hectares in effective area from 1 July 2017, <u>where not addressed by Policy RP 9</u></p> <p>‘LR R10 (c) The use of land for farming activities on properties/farming enterprises less than 5 hectares in area or that are between 5 hectares and less than 10 hectares in effective area that are not low intensity land use <u>activity</u> from 1 July 2022.</p> <p>LR R10 (d) The use of land for farming activities on properties/farming enterprises in the Lake Rotorua groundwater catchment not previously managed by Rules 11 to 11F that are not low intensity land use <u>activity</u> from 1 July 2022.</p> <p>Definition of ‘low intensity land use activity’ is required, and consistency in terms should be used where ever possible.</p>	<p>LR P9 (g) states that farms which demonstrate low nitrogen loss are intended to be permitted activities while LR P10 (a) requires consent for all farms over 40 ha from 1July 2017. These Policies are in direct conflict, unless Policy 10(a) provides for farms not permitted under LR R9 (g)</p> <p>LR P10 (c): applies to farming activities on properties less than 5 ha or that are 5 to 10 ha in effective area, not in low intensity land use. Because 5 ha effective area must be at least 5 ha, this wording can be simplified to ‘ less than 10 ha in effective area’.</p> <p>LR P9 (c) and (d) uses the term ‘no intensive land use’, and LR P10(c) uses the term ‘not low intensity land use’. Rule LR R7 uses the term ‘low intensity farming activity’. It would be helpful if the Plan uses consistent terms e.g. ‘low intensity land use activity’ and provide a definition for the term used.</p> <p>LR P11: Land users require certainty for their day to day business operations, business development and investment. Certainty can be provided through clear controlled consent conditions, where consent is required.</p>

P7	LR P11	Oppose	<p>Either replace policy LR P11 entirely or amend as follows:</p> <p>To classify land use consent applications for farming activities manage farming activities on properties / farming enterprises greater than 40 ha, or from 2022 if less than 40 ha: where the farming activity is not low intensity land use activity that submit a through the use of Nitrogen—Nutrient Management Plans that demonstrate demonstrating the achievement of Managed Reduction Targets and Nitrogen Discharge Allowances for the purpose of meeting sustainable lake nutrient loads by 2032. as controlled activities.</p> <p>Or similar</p>	<p>In addition, when applying the step-wise process of adaptive management the mitigations required to achieve the 2032 NDA may not be immediately known. The N loss targets may also alter with new science. Hence the policy should focus on the process and the outcomes.</p> <p>The Policy should focus on meeting the sustainable lake nutrient load rather than focusing on the nitrogen discharge value based on 2004 benchmarks. To put it another way the Policy should not focus in the proposed mechanism, but the desired outcome, with the mechanism being addressed under methods and rules.</p> <p>Policy LR P11 needs to be reworded to provide clarity for the reader, to focus on outcomes and to ensure consistency with LR P12.</p>
P7	LR P12	Oppose	<p>Either replace policy LR P12 entirely or amend as follows:</p> <p>To classify as provide for non-complying activity status for farming activities that require a land use consent application to be made and that do not submit a Nitrogen Management Plan and provide for discretionary activity status where the Nitrogen Management Plan is not demonstrating managed reduction the achievement of Managed Reduction Targets and Nitrogen Discharge Allowances for the purpose of meeting sustainable lake nutrient loads by 2032.</p> <p>Or similar.</p>	<p>LR P12: FANZ suggests that the policy should be reworded to be more directive and state what outcomes the Council requires to be achieved. FANZ is concerned that under the current policy provisions, any farming activities which cannot, from the outset, show how it can meet the significant N loss reduction deemed to be required to meet sustainable lake loads for 2032, will immediately be non-complying, despite the principles of step wise improvements under adaptive management. If non-complying from the outset and unable to show how effects will be minor then Council will have no flexibility to provide for stepwise reductions from farming activities between 2017 and 2032.</p> <p>Flexibility to provide for adaptive management should be provided through Discretionary activity status in combination with sound guidelines.</p>
P7	LR P13	Oppose in part	<p>Amend LR P13:</p> <p>To use <u>the most current version of OVERSEER® version 6.2.0 and subsequent versions</u> to determine the nitrogen loss from land.</p>	<p>As discussed previously, FANZ is concerned with locking in one specific version of OVERSEER in the Plan Change.</p>

P7	LR P14	Oppose in part	<p>Amend LR P14:</p> <p>To consider nitrogen budgets and alternative models for determining nitrogen loss if OVERSEER® cannot be readily used for a specific land use. Consideration of whether alternative nitrogen budgets models may be used will take into account ...</p> <p>(b) the acceptability of information inputs, for example <u>a robust and-verifiable process for estimating leaching rates</u>; and</p> <p>(c) the potential of suitably qualified and experienced persons to develop the nitrogen budgets.</p> <p>Any alternative to OVERSEER® for nutrientnitrogen budgeting purposes must be authorised by the Regional Council.</p>	<p>FANZ considers the definition for 'nitrogen budget' in the Proposed Plan Change to be inadequate and the term 'nitrogen budget' has no clear recognisable meaning for any particular robust and reproducible method of understanding nitrogen loss. A generic nitrogen budget could be provided in many different ways without necessarily being robust. The nitrogen budget is the result of the modelling or estimation process, and so it is the alternative process which should be referred to in the policy.</p> <p>In relation to the example LR P14 (b) listing "verifiable leaching rates", it remains unclear why an alternative nutrient budget or alternative model is needed to estimate nutrient loss, if it relies on already having verifiable leaching rates. Rather it is a robust and verifiable process for estimating leaching loss which is required.</p> <p>It is supported that any alternative model for nutrient budgets must be authorised by Regional Council.</p> <p>Part of the Policy LR P14 would be better suited as a Schedule.</p>
P7	LR P15	Oppose in part	<p>Amend LR P15 as follows:</p> <p>...(b) All permitted farming activities on properties/farming enterprises between 10 and 40 hectares <u>in effective area</u>; and...</p>	<p>The words '<u>in effective area</u>' have been added for consistency with the other policies.</p>
P8	LR P16	Oppose in part	<p>Amend LR P16 to specify time frames on Non-Complying activity consents, for example 15 to 20 years, to provide land users with better certainty.</p> <p>Retain provision for at least 20 years consent for controlled activity.</p>	<p>Farming operations need certainty. Retain the duration of 20 years for controlled consents, however, for non-complying activity "less than 20 years" does not provide any clear direction. For example, any consent for a duration of just 2 years is considered to be inappropriate. The policy needs to provide better direction, for example between 15 to 20 years.</p>
P8	LR P17	Oppose	<p>Provide more detail around why a consent would be declined based on the outcomes being sought, or delete Policy LR P17.</p> <p>Council could include the following:</p> <p>To decline the re-consenting of activities that have failed to achieve the required reductions in nitrogen loss <u>and are likely to contribute to the Lake Rotorua Water Quality objectives (RPS Objective 28, RWLP Objective 11) not being met</u>,</p>	<p>It is understood that Council needs to meet the overall RPS water quality objectives for the Lake. While this Policy provides clear direction on the need for land use activities to meet the target, it does not provide any flexibility. For example there may be justified reasons/circumstances that have prevented an activity in meeting the required reductions in nitrogen loss.</p> <p>Exceedence may only be mild. It may also be possible that Target TLI for the lake are still being met or overall nutrient loads are being met, despite some properties not being able to achieve the NDA deemed necessary. This Policy does not</p>

				provide for that consideration. Under these circumstances, LR P17 will unnecessarily require declining of consents where there are minor or even no adverse environmental effects. The policy should reflect the outcomes being sought.
P8	LR M1	Support	Retain as notified.	FANZ supports the intent of the Method.
P8	LR M2	Support in part	Retain as notified.	Under the principles of adaptive management, regular (at least five yearly) review of the science supporting the achievement of RPS objectives is supported, recognising that review of the RPS targets should also be dealt with in the RPS.
P8	LR M3	Support	Retain as notified.	FANZ supports the intent of the Method.
P9	LR M4	Oppose in part	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 acted on if necessary and <u>to inform future plan changes as required</u> .	The method should not direct action to amend permitted activity without following formal process and so the emphasis of the method should be to inform the formal process.
P9	LR M5	Oppose in part	Include definition of 'Rule Implementation Plan' in definitions section. Amend LR M5 as follows: ... (d) provide land advisory services and incentives to support land use management change and land use change management that reduces nitrogen and phosphorus loss in the catchment; and... Insert new: <u>(f) Work collaboratively with the farming community and industry experts to achieve the policies of the Plan and the objectives of the RPS and Regional Water and Land Plan.</u> Or similar.	FANZ advises that land use change is not necessarily required to reduce Nitrogen and Phosphorus loss in the catchment. It can be achieved by, for example changes in land management. Support is given to encouraging industry agreed good management practices and this should be retained as a method. In addition it is recommended to include a reference to working with the farming community.

P10	<i>Rules preamble</i>	Support in part	Amend paragraph 1 in Part III Rules as follows: 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 into or from land where it could enter Lake Rotorua.	FANZ support output based management, which address the losses from land as it is the loss which gives rise to the adverse environmental effects. Input based regulation is opposed as it reduces the flexibility for land users and reduces the opportunity for innovation.
P10	<i>Rules General Advice Note 4</i>	Support in part	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.	FANZ considers that 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 where both the provisions in the operative Regional Water and Land Plan that manage land, water, discharges and land use activities and Plan Change 10 provisions apply (e.g. use of offsets, or activity status).
P10	<i>Rules General Advice Note 5</i>	Oppose	Delete advice note.	The advice note is confusing and unnecessary. If a property/farming enterprise is required to obtain a resource consent under the rule framework it will need to include any grazing or leasing arrangement. The advice note does not clarify where ultimate responsibility lies and serves no useful purpose.
P11	<i>Rule Summary flow Chart</i>	Oppose in part	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 etc.	The flow chart is incomplete and therefore confusing to plan users. It does not provide for all activity types. For example : Some provisions are not listed. (e.g. requirements for no transfers, or property area) The flow diagram for properties not previously managed under Rule 11 (LR R6 and LR R8) and also low intensity properties (LR R7) do not clearly show the pathway when not complying with permitted activity conditions. There is no clear pathway shown for properties which do not meet conditions for controlled activities.
P12	<i>LR R1</i>	Oppose in part	Amend LR R1(a): (a) There is no increase in effective area, nitrogen inputs or stocking rates from (date of notification) that may contribute to an increase in the nitrogen loss into, into or from land from (date of notification).	As discussed in the General Submission Points section of this submission, 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 is effects based and provides for and encourages innovation and flexibility in farming operations, to provide greater efficiencies. The Section 32 analysis (section 11.7.1) recognises the problems with input controls and concludes ' <i>This option will not be effective in achieving the environmental target with certainty, and would not incentivise efficient resource use</i> '

				The current wording of the rule will give rise to uncertainty for plan users, especially in regard to the use of the word 'may' as this cannot be measured.
P12	LR R2	Oppose in part	<p>Amend LR R2 (c) as follows:</p> <p>There is no transfer of nitrogen loss entitlement either to or from the property/farming enterprise <u>plantation forestry or bush /scrub area.</u></p> <p>Insert restricted discretionary or discretionary criteria relevant to not complying with LR R2 in the Proposed Plan Change.</p>	<p>Amend LR R2 (c), because under the current wording any transfer of nitrogen from any part of the property would result in a forestry block not being a permitted activity. This would be a disincentive for transfer to or from non-forestry/bush/scrub areas of a farm/ farming enterprise.</p> <p>The way the rule framework is currently written means that if LR R2 conditions cannot be met, the activity becomes non-complying. FANZ is concerned that 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.</p>
P12	LR R3	Support in part	Provide a definition for commercial cropping, commercial horticulture and commercial dairying	There may need to be definitions for commercial cropping, commercial horticulture and commercial dairying (if different to cropping, horticulture or dairying).
P12-13	LR R4	Oppose in part	<p>Retain LR R4 (a) and (b)</p> <p>Amend LR R4 as follows::</p> <p>Combine first two bullet points; as follows:</p> <ul style="list-style-type: none"> • Greater than five hectares in area and up to and including 10 ha in effective area; or • From five hectares in effective area and up to and including 10 hectares in effective area, <p>Amend LR R4(c):</p> <p>(c) There is no increase in effective area, nitrogen inputs or stocking rates from (date of notification) that may contribute to an increase in the nitrogen loss beyond the level of nitrogen loss presented in Schedule LR Two. <u>or as an alternative, no increase at any point in time of the stocking rates presented in Schedule LR Two which represent this level of nitrogen loss onto, into or from land from (date of notification).</u></p>	<p>'Five hectares in effective area' must be at least 'five hectares in area', therefore it is suggested that the bullet points be combined.</p> <p>LR R4 (a) Limits on stocking rates are an input control and not directly effects based. Increasing stocking rates should be permitted where nitrogen loss is known to be within acceptable limits. However, it is recognised there may be a place for a simple look up table as a default for low intensity farming, for the administrative efficiency it provides and to avoid tying up Certified Nutrient Management Advisers unnecessarily for small properties. However this default should support an output based approach not replace it. To this end, it should be clear what N loss value is represented by the look up table and allowance made for permitted activities based on meeting these nitrogen loss values even where stocking rates may exceed the table rates in Schedule LR Two. This value can be included in the Advice note for LR R4 and in Schedule LR Two itself.</p> <p>It might be presumed there is a relationship between this nitrogen loss value and that presented as suitable for permitted activities on 'low intensity farming activities' in LR R7, but if so this is not clear.</p>

			LR R4 (d) If the transfer of nitrogen loss entitlements is not constrained by administrative efficiency for small parcels of land or the need for a consenting process, it should be provided for as a permitted activity after 2022.	It is noted there is no time frame to LR R4 so under (d) properties up to 10 ha are not permitted to transfer N loss entitlement after 2022. LR R4 (d) Transfer of nitrogen loss entitlement for increased efficiency in overall catchment nitrogen load management should, in principle, be provided for. The prevention of transfer of nitrogen loss entitlement is only acceptable if the land of less than 10 hectares in area is too small for administrative efficiency, or the transfer must be conducted under a consenting process, rather than some other mechanism. If these reasons do not apply, then transfer of nitrogen loss entitlement should be provided for as a permitted activity.
P13	LR R5	Oppose in part	Amend LR R5(a): There is no increase in effective area, nitrogen inputs or stocking rates from (date of notification) that may contribute to an increase in the nitrogen loss onto, into or from land from (date of notification). Retain LR R5 (b) as record keeping is required to account for nutrient losses.	It is recognised that record keeping is important to provide for accountability based on an outputs (nitrogen loss) approach, and a clear schedule for records to be kept is supported. However 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. Providing for improvements in record keeping and changes to guidance, it may be that the current Schedule LR Three should instead sit outside the plan, or be recognised as a bare minimum.
P14	LR R6	Oppose in part	Retain LR R6 (a) and (c) Amend LR R6(b): There is no increase in effective area, nitrogen inputs or stocking rates from (date of notification) that may contribute to an increase in the nitrogen loss onto, into or from land from (date of notification).	LR R6 applies to properties not previously managed under Rule 11 and provides a holding pattern until 2022 with the intention that no increase in nitrogen loss should occur (from the date of notification). This approach is supported but rather than limit inputs it should be clear that it is the N loss that is being addressed.
P14	LR R7	Oppose	Define 'low intensity land use activity' in the definitions section and reword the preamble to the rule. Amend LR R7 (a)(1) (a) 1., land use information <u>Nutrient management plans records must be submitted reviewed</u> on an annual basis, by 31 October each year, with records kept to confirm that there <u>has been no significant farm system change</u>	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. LR R7(a)(1): 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

			<p>and that the property/farming enterprise's stocking rates, nitrogen inputs and areas of land use (including fodder cropping, cultivated area and land clearance) remain the same or less than OVERSEER® file from (a) remains representative of the farm system.</p> <p>Delete the Advice Note for LR R7.</p>	<p>flexibility to manage according to the season and so require flexibility regarding combinations of supplementary feed, stocking rates and fertiliser inputs etc. 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, and no increase in the long term annual average nutrient losses. Therefore (a)(1) requires amending accordingly. The OVERSEER File represents a long term annual average nitrogen loss and should be valid for at least three years unless there is a significant farm system change.</p> <p>LR R7(b) as for LR R4, if the transfer of nitrogen loss entitlements is not constrained by administrative efficiency for small parcels of land or the need for a consenting process, it should be provided for as a permitted activity after 2022.</p> <p>LR R7 Advice note: 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. For Example Version 6.2.0 is no longer available as Version 6.2.1 was released in Dec 2015.</p>
P15	LR R8	Oppose	<p>Amend Rule LR8 as follows:</p> <p>LR R8 Controlled – The use of land for farming activities on properties/farming enterprises less than 40 hectares in effective area or that were not previously managed by Rule 11 to 11F that do not meet permitted activity conditions</p> <p>The use of land for farming activities on properties/farming enterprises in the Lake Rotorua groundwater catchment where:</p> <ul style="list-style-type: none"> • The property/farming enterprise is less than 40 hectares in effective area or was not previously managed by Rule 11 to 11F; and • The activity does not comply with permitted activity conditions in Part LR?, <p>is a controlled activity from 1 July 2022 subject to the following conditions:</p> <p>(a) A 2032 Nitrogen Discharge Allowance and relevant Managed Reduction Targets have been determined</p>	<p>LR R8 – LR R10:</p> <p>LR R8(b), LR R9(b) and LR R10 (c) each require consent as a controlled activity provided the activity is in accordance with Schedule LR Six. Many farms may find it difficult to meet the conditions for controlled activities because Schedule LR Six (5)(a)(ii) requires: “A pathway, including a schedule of mitigation actions, that demonstrates managed reduction to achieve the Managed Reduction Targets and the 2032 Nitrogen Discharge Allowance in accordance with LR P8”</p> <p>While on the face of it, and in principle, this appears consistent with the aims of the Proposed Plan Change and Objectives of the RPS, presenting ‘from the outset’ a pathway for achieving 2032 DNA’s is contrary to the principles of adaptive management which is a core element of nutrient management for the Lake Rotorua groundwater catchment. In reality 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</p>

		<p>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 implementation of the Nitrogen Management Plan, implementation of the which is consistent with the Nitrogen Nutrient Management Plan.</p> <p>(iii) The requirement for written landowner approval of any proposed nitrogen loss mitigations to be undertaken on their land.</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, including the mitigations and methodology to be used to meet the Managed Reduction Targets and Nitrogen Discharge Allowance.</p> <p>(vii) Self-monitoring, record keeping, information provision and site access requirements to demonstrate on-going compliance with the Nitrogen Management Plan.</p> <p>Applications for controlled activities under this rule do not require the written approval of affected persons and shall not be publicly notified except where the Regional</p>	<p>very challenging Managed Reductions and 2032 Nitrogen Discharge Allowance are not likely to be available from the outset.</p> <p>Numerous economic reviews have indicated that for dairy farms where mitigation options are probably greater than for drystock: “ reducing leaching by 0-20% resulted in a neutral impact on profit of 0 to +2%, whereas above a 20% reduction the impact on farm profit becomes increasingly negative”.</p> <p><i>Ref: Howarth, S., Journeaux, P., 2016. Review of Nitrogen Mitigation Strategies for Dairy Farms - is the method of analysis and results consistent across studies? In: Integrated nutrient and water management for sustainable farming. (Eds L.D. Currie and R.Singh). http://flrc.massey.ac.nz/publications.html. Occasional Report No. 29. Fertilizer and Lime Research Centre, Massey University, Palmerston North, New Zealand</i></p> <p>The Section 32 analysis addresses likely economic impacts on-farm, and concludes (page 88) that: “<i>For most farmers there will be relatively low cost management actions available in the first reduction period (2017 to 2022).</i>” and</p> <p><i>“For all farmers per hectare income is likely to increase. The biggest increases are for forestry and dairy support, mostly as a result of pastoral farmers shifting to these sectors and selling existing saleable assets such as Fonterra shares and livestock “ and</i></p> <p><i>“The increased profitability per hectare for dairy and sheep and beef is relatively small” and</i></p> <p><i>“Land use changes will occur in the longer term. By 2032, the existing dairy area may reduce by 43 percent, dairy support remains the same, sheep and beef increases by seven percent, sheep and dairy reduces by 64 percent (Figure 26).”</i></p> <p>It is also noted that, in the Methodology for creating NDA’s (page 8) it is acknowledged that there are a number of limitations in the development of the Reference files within the allocation framework, for example: a number of components which give rise to greatest variance in N loss estimates, have been left out, (e.g. forage cropping or irrigation). It is also noted the reference files represent an “average”.</p>
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P16	LR R9	Oppose	<p>Amend LR Rule R9 as follows:</p> <p>LR R9 Controlled – From 1 July 2017, the use of land for farming activities on properties/farming enterprises that are 40 hectares or more in effective area</p> <p>The use of land for farming activities on properties/farming enterprises in the Lake Rotorua groundwater catchment where:</p> <ul style="list-style-type: none"> • The property/farming enterprise is 40 hectares or more in effective area, and • The activity does not comply with the permitted activity conditions in Rule LR R7, <p>is a controlled activity from 1 July 2017, 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, implementation of the which is consistent with the Nitrogen Nutrient Management Plan.</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>FANZ remains concerned that few farms are likely to be able to demonstrate the pathway for the significant reductions required by 2032, as required by Schedule LR Six, and therefore required by Rules LR R8(b) LR R9(b) and LR R 10(c).</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> <p>LR R8(ii), LR R9(ii) and LR R10(ii): 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.</p> <p>It is not known how submitting an electronic record [OVERSEER File] can demonstrate “implementation” of management [i.e. actions on the ground]. Implementation of the nitrogen management plan, including mitigations is covered under bullet (vi).</p> <p>Under Bullet (ii) the OVERSEER Nutrient Budget file should be consistent with the Nutrient Management Plan.</p> <p>LR R8(iii), LR R9(iii) and LR R10(iii): It is not understood why bullet (iii) is necessary. It is not good practice to have such a requirement in a rule.</p>

			<p>(iii) The requirement for written landowner approval of any proposed nitrogen loss mitigations to be undertaken on their land.</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, including the mitigations and methodology to be used to meet the Managed Reduction Targets and Nitrogen Discharge Allowance.</p> <p>(vii) Self-monitoring, record keeping, information provision and site access requirements to demonstrate on-going compliance with the Nitrogen Management Plan.</p> <p>Applications for controlled activities under this rule do not require the written approval of affected persons and shall not be publicly notified except where the Regional Council considers special circumstances exist in accordance with Section 94C of the Resource Management Act.</p>	<p>LR R8(v), LR R9(v) and LR R10(v): Significant farm system change' is referred to in each of the above bullets and requires an explanation to provide clarity for the farm user. Without a definition 'Significant farm system change' could mean different things to different people.</p> <p>LR R10(iv): The document 'Lake Rotorua Groundwater Catchment Nitrogen Protocols' has not been referenced anywhere else in the Proposed Plan Change. FANZ suggests including a specific reference to this document or an explanation as an advice note.</p>
<p>P17</p>	<p>LR R10</p>	<p>Support in part</p>	<p>Amend Rule LR10 as follows:</p> <p>LR R10 Controlled – From 1 July 2022, the transfer of nitrogen loss entitlements between properties/farming enterprises</p> <p>The transfer of nitrogen loss entitlements (Nitrogen Discharge Allowance or Managed Reduction Offset) between properties/farming enterprises in the Lake Rotorua groundwater catchment that occurs after 1 July 2022 is a controlled activity subject to the following conditions:</p> <p>(a) Any transfer of a nitrogen loss entitlement (Nitrogen Discharge Allowance or Managed Reduction Offset) complies with Schedule LR Seven;</p> <p>(b) A new 2032 Nitrogen Discharge Allowance and new Managed Reduction Targets have been determined for both the source and destination land in</p>	

			<p>accordance with Schedule LR One and Policy LR P8; and</p> <p>(c) A Nitrogen Management Plan has been prepared for both the source and destination land by a suitably qualified and experienced person and that person has certified that each 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, implementation of the <u>which is consistent with the Nitrogen Nutrient Management Plan.</u></p> <p>(iii) The requirement for written landowner approval of any proposed nitrogen loss mitigations to be undertaken on their land.</p> <p>(iv) The form of information and documentation to support the OVERSEER® file. This includes data inputs used for the OVERSEER® file and the application of the Lake Rotorua Groundwater Catchment Nitrogen Protocols published by the Regional Council (<u>available from the Council offices</u>).</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, changes in lease arrangements, significant farm system changes and subdivision.</p> <p>(vi) Implementation of the Nitrogen Management Plan, including the mitigations and methodology to be used to meet the Managed Reduction Targets and Nitrogen Discharge Allowance.</p> <p>(vii) Self-monitoring, record keeping, information provision and site access requirements to demonstrate on-going compliance with the Nitrogen Management Plan.</p> <p>Applications for controlled activities under this rule do not require the written approval of affected persons and shall not be publicly notified except where the Regional Council considers special circumstances exist in accordance with Section 94C of the Act.</p>	
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			<p>Advice Note:</p> <p>1 Transfer does not include the permanent removal of Nitrogen Discharge Allowances from the catchment by the Lake Rotorua Incentives Board or other organisation.</p> <p>2 Managed Reduction Offsets can be used to meet 2022 and 2027 Managed Reduction Targets.</p>	
P18	LR R11	Support in part	<p>The application of rule 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.</p> <p>Recognising an alternative to OVERSEER must be authorised by Regional Council there would appear to be no reason why the process provided by Schedule LR One should not still apply.</p>	<p>Rule LR R11 still 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.</p> <p>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.</p>
P19	LR R12	Oppose in part	<p>Amend Rule LR R12 to provide for Discretionary or Restricted Discretionary consent during the transition period 2017 to 2032, as many farms are unlikely to be able to demonstrate a viable pathway to meeting the 2032 NDAs from the outset as required by Schedule LR Six (5)(a)(ii) and so are unlikely to meet controlled consent conditions.</p>	<p>FANZ is very concerned that land use activities which cannot comply with conditions for permitted or controlled activities trip directly to non complying status. This is particularly important with regard to interpretation of Schedule LR Six (5) (a) (ii) which must be complied with to meet the controlled activity conditions of Rules LR R8, LR R9, LR R10 and LR R11.</p> <p>If a significant number of farms/farming enterprises cannot meet the Schedule LR Six (5) (a) (ii) conditions from the outset, 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 because it assumes that:</p> <p><i>"For most farmers there will be relatively low cost management actions available in the first reduction period (2017 to 2022)".</i></p> <p>This may be true, but if they cannot at the same time show a viable pathway to achieve the 2032 DNA the requirements of Schedule LR Six (5)(a)(ii) are not met.</p>
P19	LR R13	Support	<p>Retain subject to consideration of intent as discussed under LR P9(h).</p>	<p>Rule LR R13 reflects the provisions of the RMA, and is supported subject to consideration of intent as discussed under LR P9(h).</p>

P20	<i>Definitions New required</i> <i>Definitions</i>	Support	<p>Include definitions for the following terms: Low intensity land use activity Significant Farm System Change.</p> <p>Include the following definition: Start Points: <u>The nitrogen loss benchmark for a property as a sum of all block nitrogen loss benchmarks developed in accordance with Schedule LR One.</u></p>	FANZ considers that clarification is required of a number of terms used throughout the Proposed Plan Change.
P20	<i>Definition - Block</i>	Oppose in part	<p>Replace with the following definition:</p> <p><u>The sum of areas of the property/farming enterprise that are managed the same (e.g., irrigated, cropped, effluent applied) and have the same bio-physical attributes (e.g. soil type, topography).</u></p>	FANZ support consistency of terminology around the country where possible and therefore seek that 'Block' be defined as per the 'Technical Description of Overseer for Regional Councils'.
P20	<i>Definition – Managed Reduction Target</i>	Oppose in part	<p>Amend definition to be consistent with the definition given in Schedule LR One:</p> <p><u>Managed Reduction Targets are the nitrogen reductions required in each five-year timeframe which in total equal the difference between the Start Point and Nitrogen Discharge Allowance. They are calculated as a percentage of the total reduction required and will be expressed as percentages in relation to the relevant reference files.</u></p>	FANZ seeks consistency of terms and definitions for clarity.
P 20	<i>Definition – Nitrogen Budget</i>	Oppose	<p>For consistency with Schedule LR Six, amend as follows:</p> <p>An estimate of the total nitrogen balance for a particular property/farming enterprise, taking into account all the nitrogen inputs and all the outputs. <u>Nitrogen budgets must be prepared using the OVERSEER® Nutrient Budget model (or an alternative model authorised by the Regional Council)</u></p>	<p>FANZ seeks that the definition is amended to clarify that a Nitrogen Budget is typically produced by OVERSEER Nutrient Budgets and or alternatively approved by Regional Council, as specified in Schedule LR Six.</p> <p>FANZ considers that the current definition is very vague and could be met, for example, by a rudimentary estimate of crop nutrient removal and fertiliser inputs alone, assessed by many different means.</p>
P21	<i>Nitrogen Discharge Allowance</i>	Oppose	<p>Delete and replace with definition in Schedule LR One:</p> <p><u>A property/farming enterprise's Nitrogen Discharge Allowance equals the sum of the allowable nitrogen losses, post 2032 for all of the blocks within the property/farming enterprise (drystock, dairy, bush/scrub, plantation forestry and house block).</u></p>	<p>FANZ seeks consistency of terms and definitions for clarity.</p> <p>The proposed definition could be interpreted as saying two different things:</p> <ul style="list-style-type: none"> - NDA is a max annual nitrogen loss per farm or; - That NDA is max nitrogen loss per block.

P21	<i>Overseer File</i>	Oppose	<p>Replace definition with the following:</p> <p><u>An Overseer File represents the record of farm system data which is used to execute the OVERSEER Nutrient Budgets model for a single analysis of the farm and its management system</u></p>	<p>The current definition is the same as 'Nitrogen Budget'.</p> <p>In the current wording of the definition, 'total nitrogen balance' would be calculated using 'nitrogen inputs and outputs' so it seems superfluous to mention the latter term.</p> <p>The suggested definition is adapted from the <i>Overseer Quick Start Guide August 2014</i>.</p>
P21	<i>Reference Files</i>	Oppose in part	<p>Replace definition with the following:</p> <p><u>Reference files are Overseer files that have been created for hypothetical dairy and drystock properties that have geophysical characteristics that are representative of the catchment (soil, slope, and rainfall), and which are used to represent the permitted activity nitrogen loss for the sector for the average properties at 2032.</u></p>	<p>As previously discussed, FANZ supports consistency of terminology around the country where possible. The suggested definition is adapted from that found on the Rotorua Lakes website and description in Schedule LR R5 (use of reference files), and footnote 2 in "Methodology for creation of NDA reference files and stocking rate table".</p>
P 21	<i>Definitions : Suitably qualified and experience person</i>	Oppose in part	<p>Replace the first bullet point with the following:</p> <p><u>Certified Nutrient Management Adviser, certified under the Nutrient Management Adviser Certification Programme ltd and...</u></p> <p>Delete reference to intermediate and advanced Sustainable Nutrient Management Course in bullet point two.</p> <p>(In the event Certification by CNMA Programme is not accepted, the Advanced Sustainable Nutrient Management Course qualification and at least 5 years related work experience remains an absolute bare minimum.)</p>	<p>FANZ seeks that the first bullet point is deleted as procedures should be specified in the rules and methods (procedural protocols do not make a person qualified and suitably experienced).</p> <p>FANZ seeks that reference to intermediate and advanced sustainable Nutrient Management Course is deleted. Even though they are a necessary prerequisite, they are a component of Certification under the CNMA programme.</p>
P22	<i>Table LR 5</i>	Oppose in part	<p>Insert brackets as shown below:</p> <p>Derived Benchmark. (Function of 2002-03 land use and 2001-04 sector average unless evidence of substantial change).</p> <p>Provide guidance on what constitutes 'substantial change'.</p>	<p>FANZ suggests inserting brackets before 'Function' and after 'change' to indicate that the phrase is a definition/explanation of Derived Benchmark.</p>

<p>P22</p>	<p>Schedule LR One</p>	<p>Support in part</p>	<p>Include a clear process for arriving at Derived Benchmarks.</p> <p>The Rule 11 Benchmark should be recalculated, using the Rule 11 benchmark land use and the current version of OVERSEER in order to generate the Nitrogen Discharge Allowance and Managed Reduction Targets in Schedule LR One.</p>	<p>FANZ seeks that the process for arriving at ‘Derived Benchmarks’ should be more clearly represented.</p> <p>For properties not benchmarked under Rule 11, Table LR 5 provides annual average nitrogen loss benchmarks. Therefore it is assumed properties outside Rule 11 may not have annual average nitrogen loss benchmark values. Any nitrogen loss limit developed at the time of notification should be based on annual average nitrogen loss. The process for developing 2017 Nitrogen Management Starting Point, Managed Nitrogen Reduction Targets and Nitrogen Discharge Allowances is provided for in Schedule LR One, as a ‘Derived Benchmark’.</p> <p>However it still remains unclear how the ‘Derived Benchmark’ is generated as Table LR 5 simply says, “<i>Function of 2002-03 land use and 2001-04 sector average unless there is evidence of substantial change</i>”. The process for estimating and then combining the 2002-03 land use and 2001-04 sector average should be referenced and explained as should the process for arriving at a ‘Derived Benchmark’ if there has been evidence of substantial change.</p> <p>Calculating the Start Point: (Actual Benchmark) The rules and provisions in the Proposed Plan Change are not clear that the Rule 11 Benchmark should be recalculated, using the Rule 11 benchmark land use and the current version of OVERSEER in order to generate the Nitrogen Discharge Allowance and Managed Reduction Targets in Schedule LR One. This should be made clear in the rules and/or in Schedule LR One.</p> <p>If this is not a requirement then significant questions must be raised about the approach where targets are set based on the benchmarked farm system modelled with one very different version of OVERSEER and compliance set with another much later version of OVERSEER.</p> <p>At present its meaning is inferred only (in Schedule LR One and Schedule LR Five), that it is the benchmark nitrogen loss for the farm system based on Rule 11 Benchmark land use, recalibrated using the current version of OVERSEER, to provide an 2017 N loss Start Point.</p>
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P 25	<i>Schedule LR Two</i>	Support in part	<p>Amend Schedule LR Two to provide the nitrogen loss value which provides for permitted activity land use under Rule LR R4, and make it clear the Stocking Rate limits are default representations of the nitrogen loss value for permitted activity on farms/ farming enterprises between 5 and 10 hectares in effective area.</p> <p>Make it clear they are introduced for efficiencies in administration and capability to manage small properties, where detailed modelling of farm system losses is not warranted.</p> <p>Amend the title of Schedule LR Two to make it clear the stocking rates are a Default nitrogen loss representation.</p>	<p>FANZ is opposed to input limits based on stocking rates, but recognises the benefits of using a simple look up- table as a surrogate for N loss outputs for application of permitted activity for low intensity properties of less than 10 Ha, as a pragmatic solution to free up resources and technical capability to address more intensive farm system output assessments. The stocking rate should be a default option for the specified nitrogen loss value for low intensity land use activities.</p>
P 26	<i>Schedule LR R Three</i>	Support	<p>Retain a clear format for information requirements to be collected to manage nutrient losses effectively.</p>	<p>Although FANZ is opposed to using the information and records proposed in Schedule 3 to impose input limits, it is recognised that good information is also needed to provide for effective output based nutrient management plans and for the generation of OVERSEER files.</p>
P 29	<i>Schedule LR Five</i>	Oppose in part	<p>Remove reference to specific OVERSEER versions.</p> <p>Delete the requirement for “annual” OVERSEER nutrient budget files to be submitted as part of a consent or permitted activity conditions. Nutrient Budgets should be valid for three years at least, unless there is a significant farm system change.</p>	<p>As discussed in General Submission Points Section, OVERSEER version 6.2.0 has already been superseded by version 6.2.1 yet 6.2.0 is specifically referenced by the Plan Change. It would seem beneficial for OVERSEER calculations to sit outside the Plan, within a reference document.</p> <p>The use of annual nutrient budgets from OVERSEER is opposed. As a long term annual average model, nutrient budgets should last for three years at least, unless there is a significant farm system change.</p>
P 32-33	<i>Schedule LR Six</i>	Oppose in part	<p>Reword the first paragraphs of Schedule LR Six as per below:</p> <p>“A Nutrient <u>Nitrogen</u> Management Plan shall be prepared in accordance with A or B below by a suitably qualified and experienced person.</p> <p>The Nitrogen <u>Nutrient</u> Management Plan shall take into account all sources of nitrogen associated with the farming activity and identify all relevant nitrogen management practices and mitigation measures.”</p>	<p>As per General Submission Points, FANZ supports the use of the term, ‘Nutrient Management Plan’ rather than ‘Nitrogen Management Plan’. Nationwide consistency of terms is promoted by FANZ.</p> <p>FANZ seeks a number of amendments to Schedule LR6 as follows:</p> <ul style="list-style-type: none"> • Include a definition of ‘Significant farm system change’ to aid understanding of the requirements and implications of Schedule LR6.

			<p>The <u>Nutrient Management Plan</u> requirements will apply to:</p> <ol style="list-style-type: none"> 1. A <u>Nutrient Management Plan</u> prepared for an individual property or farm enterprise; or 2. A <u>Nutrient Management Plan</u> prepared for an individual property which is part of a farming enterprise or a collective of pastoral properties. <p>A. Nitrogen <u>Nutrient Management Plans</u> prepared for an individual property or a farming enterprise as part of an industry environment management programme approved by the Bay of Plenty Regional Council.</p> <p>B. Nutrient Management Plans prepared for an individual property or a farming enterprise that are not derived from an industry environment management programme.</p> <p>Nitrogen <u>Nutrient Management Plans</u> will contain as a minimum: ...</p> <p>5 (a) (ii) A pathway, including a schedule of mitigation actions, that demonstrates managed reduction to achieve the <u>next nitrogen loss target of the Managed Reduction Targets</u> and <u>or</u> the 2032 Nitrogen Discharge Allowance in accordance with LR P8</p> <p>Amend Schedule LR Six (7) to provide a definition or guidance for 'Significant farm system change'.</p>	<ul style="list-style-type: none"> • Make it clear that the pathway to achieving nitrogen loss targets should be presented sequentially i.e. during each stage. • Rules RLR8 – LR R10 and Schedule LR Six (5)(a)(ii) require, from the outset, a pathway to meet the Managed Reduction Targets and 2032 Nitrogen Discharge Allowances. <p>If farms cannot provide this pathway from the outset, they will not be able to meet the controlled activity conditions and become non-complying. FANZ is concerned that few farms will be able to provide from the outset an economically viable pathway for mitigations to meet all the Managed Reduction Targets and 2032 Nitrogen Reduction Targets, and so is concerned that most farms will immediately be non-complying. This could have serious economic and social implications.</p> <p>Provision should be made for step wise progress towards these targets, under the principles of adaptive management.</p>
P 33	<i>Schedule LR Seven</i>	Oppose in part	<p>Include an explanation of the phrase 'Evidence will be required of the legal basis' [for Nitrogen Discharge Allowance Transfer].</p> <p>Make provision for permanent offsetting to support meeting the Nitrogen Discharge Allowance.</p>	<p>Explanation of the phrase 'Evidence will be required of the legal basis of managed Nitrogen Discharge Allowance transfer' is required. It is not clear what this means and how such information shall be provided.</p> <p>Under 'Transfer of Managed Reduction Offsets' the transfer of Managed Reduction Offsets can be used to meet a Managed Reduction Target, but are limited to 5 years and therefore cannot be used to meet the Nitrogen Discharge Allowance.</p>

				If the offsets are appropriate for the Managed Reduction Targets, provision for permanent offset should be made to support meeting the Nitrogen Discharge Allowance.
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