



Version 5.0
[January 2017]

PROPOSED Plan Change 10: Lake Rotorua Nutrient Management

STAFF RECOMMENDATIONS SUBMISSIONS AND FURTHER SUBMISSIONS

This report presents the changes to the Proposed Plan Change 10 as recommended by staff prior to the Hearing.

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STAFF RECOMMENDATIONS SUBMISSIONS AND FURTHER SUBMISSIONS

Sections by Page Number

Page	
1	Plan Change 10 Lake Rotorua Nutrient Management
40	Introduction
53	Table LR1 Annual loads and reductions
66	Table LR2 Pastoral reductions
73	Table LR3 Sector contributions
78	Map LR1 – Groundwater catchment
81	Policies
89	LR P1 Policy One
95	LR P2 Policy Two
98	LR P3 Policy Three
100	LR P3(a)
103	LR P3(b)
104	LR P(c)
106	LR P3(d)
107	LR P4 Policy Four
111	LR P4(i)
111	LR P4(ii)
112	LR P4(iii)
113	LR P4(iv)
114	LR P5 Policy Five
119	Table LR4 Allocated Loss Rates
120	LR P6 Policy Six
123	LR P7 Policy Seven
125	LR P8 Policy 8
130	LR P9 Policy 9
132	LR P9(a)
133	LR P9(b)
134	LR P9(c)
135	LR P9(d)
136	LR P9(e)
136	LR P9(f)
137	LR P9(g)
138	LR P9(h)
139	LR P10 Policy 10
141	LR P10(a)
142	LR P10(b)
143	LR P10(c)
143	LR P10 (d)
144	LR P11 Policy 11
146	LR P12 Policy 12

148	LR P13 Policy 13
151	LR P14 Policy 14
153	LR P14(b)
155	LR P14(c)
155	LR P15 Policy 15
156	LR P15(a)
157	LR P15(b)
157	P16 Policy 16
160	P17 Policy 17
163	Methods
165	LR M1 Method One
166	LR M2 Method Two
177	LR M2(a)
179	LR M2(b)
180	LR M2(c)
183	LR M2(c)(ii)
184	LR M2(c)(iii)
185	LR M2(d)
185	LR M2(e)
186	LR M3 Method Three
188	LR M4 Method Four
190	LR M5 Method Five
192	LR M5(a)
193	LR M5(b)
194	LR M5(c)
196	LR M5(d)
197	LR M5(e)
199	Rules
200	Advice Note 4
201	Advice Note 5
202	Rule Summary flowchart
203	Land use rules
219	LRR1 Up to 30/06/2017 farm activity in the catchment
221	LR R1(a)
221	LRR2 From 1/07/2017 plantation forestry or bush/scrub
224	LR R2(a)
225	LR R2(c)
226	Advice note 1
226	LRR3 From 1/07/2017 farming activity 5ha or less
227	LR R3(a)
228	LR R3(b)
229	LRR4 From 1/07/2017 farm activity 5ha – 10ha effective area
231	LR R4(a)
232	LR R4(b)
233	LR R4(c)
234	LR R4(d)
235	LRR5 From 1/07/2017 to 30/06/2022 farm activity 10ha to 40ha effective area or not permitted
235	LR R5(a)
237	LRR5(b)

238	LR R5(c)
238	LRR6 Farm activity not previously managed by Rule 11
239	LR R6(a)
239	LR R6(b)
241	LR R6(c)
242	LR R6(d)
242	LRR7 Low intensity farm activity
248	LR R7(a)
249	LR R7(a)1
251	LR R7(a)2
251	LR R7(b)
252	Advice note 1
253	LRR8 Farm activity under 40ha effective area or not previously managed by Rule 11
257	LR R8(a)
258	LR R8(b)
260	Assessment Criteria (ii)
261	Assessment Criteria (iii)
262	Assessment Criteria (iv)
262	Assessment Criteria (v)
263	Assessment Criteria (vi)
264	LRR9 From 1/07/2017 farm activity 40 hectares plus in effective area
266	LR R9(a)
267	LR R9(b)
271	Assessment Criteria (ii)
272	Assessment Criteria (iii)
273	Assessment Criteria (v)
273	Assessment Criteria (vi)
274	LRR10 From 1/07/2022 the transfer of nitrogen loss entitlements
278	LR R10(b)
278	LR R10(c)
281	Assessment Criteria (ii)
282	Assessment Criteria (iii)
283	Assessment Criteria (iv)
283	Assessment Criteria (v)
284	Assessment Criteria (vi)
285	Assessment Criteria (vii)
286	LRR11 Farm activity not readily modelled by OVERSEER®
288	LR R11(a)
289	LR R11(b)
291	Assessment Criteria (vii)
292	LRR12 Farm Activity with non-point nitrogen loss not permitted/controlled
294	LR R13 Incidental nutrient discharges
296	Definitions
300	Block
301	Bush/Scrub
302	Dairy
302	Dairy Support
303	Drystock
304	Effective Area
305	Farming Activity

306	Grazed Trees
306	House Block
307	Horticulture
308	Managed reduction
308	Managed reduction target
309	Managed Reduction Offset
310	Nitrogen
311	Nitrogen Budget
312	Nitrogen Discharge Allowance
313	Nitrogen Loss Entitlement
314	Nitrogen Management Plan
316	OVERSEER
317	OVERSEER File
318	Plantation Forestry
319	Permanently Retired
320	Property/farming enterprise
321	Reference files
323	Rural
323	Suitably qualified and experienced person
326	Schedule LR One – Methodologies
329	Start Points and Nitrogen Discharge Allowances
335	Table LR5
335	Table LR5 Row 2
336	Table LR5 Row 3
336	Table LR5 Row 3 Cell 1
336	Table LR5 Row 3 Cell 2
337	Table LR5 Row 3 Cell 3
337	Table LR5 Row 3 Cell 4
338	Table LR5 Row 3 Cell 5
339	Table LR5 Row 3 Cell 6
339	Table LR5 Row 4
340	Nitrogen Discharge Allocation Methodology
348	Table LR 6: Allocation Parameters and Figures
349	Table note (a)
349	Managed Reduction Targets
350	Table LR7(a): Reduction Targets
351	Table LR 7(b): Reduction Targets
351	Additional Matters
353	Schedule LR Two – Stocking rates
355	Horses
356	Dairy
357	Drystock
357	Sheep
358	Goats
358	Deer
359	Schedule LR Three – Information requirements
360	Schedule LR Three (b)
361	Schedule LR Three (d)
361	Schedule LR Three (f)
362	Schedule LR Three (g)

363	Schedule LR Five – Use of OVERSEER & Reference Files
372	Introduction
374	Use of Reference Files: Step 1
378	Use of Reference Files: Step 2
378	Use of Reference Files: Step 2A(5)
379	Use of Reference Files: Step 2A(6)
379	Use of Reference Files: Step 2B(7)
380	Table LR8 A hypothetical property with multiple land uses
381	Schedule LR Six – Nitrogen Management Plan requirements
388	Schedule LR Six 2B
388	Content 3
388	Content 5
389	Content 5(a)
390	Content 5(a)(iii)
391	Content 5(b)
392	Content 5(c)
393	Content 5(f)
393	Schedule LR seven – Transfer of NDA or Managed Reduction Offset
394	Transfer of Nitrogen Discharge allowance
395	Transfer of Managed Reduction Offset
396	Section 32 Report
423	Consequential Changes to the RWLP
424	Page 203 9.4 Discharges of Nitrogen or Phosphorus
424	Page 204 Table 36 – Rules in Rotorua Lakes

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Chapter: Plan Change 10 Lake Rotorua Nutrient Management

1206

Section: Plan Change 10 Lake Rotorua Nutrient Management

1206

Staff Recommendation

Add two new policies as below:

Implementation matters

LRP18 Acknowledge the 435tN/yr sustainable load for Lake Rotorua provides for nitrogen losses from all sectors located within the Lake Rotorua groundwater catchment and provide for the shift of losses between these sectors to reflect land use change resulting from urban growth.

LRP19 Acknowledge the increased demand on infrastructure located within the Lake Rotorua Groundwater Catchment resulting from future potential land use change.

Include the provision of information for resource consents as part of Method 1. Add (c) to Method 1 as follows:

(c) identifies the minimum nitrogen losses required to be allocated to each new lot with this providing for:

- Residual loss from land
- Losses from sewage disposal (either reticulated or onsite)
- Losses from general residential use.

Staff Reason

(2-1) As an alternative to PPC10, submitter 2 has requested additional work be completed to identify the major subterranean water flow patterns and for these flows to be diverted into a substantial containment scheme. It is considered that the level of research and investigation required to implement the suggested proposal would be significant, and may not result in the required reduction of 320tN being achieved. The impacts of such a scheme on the natural processes associated with Lake Rotorua have the potential to be significant along with the potential impact on the flora and fauna of the lake and streams. No changes are considered to be required.

(37-7, FS5-1) Altering the policy to reduce rather than manage phosphorus losses widens the scope of PPC10. Further information on the reasons for PPC10 not being altered to cover Phosphorus is provided in Section 5.3.3. No changes are considered to be required.

(4-1, 9-1) Research completed by GNS identifies that diffuse discharges enter the ground water system and reaches Lake Rotorua. Attenuation may reduce the level of losses reaching the Lake, however no research has confirmed a 100% reduction. Plan Change 10 has provided a process by which a nitrogen discharge allowance (NDA) is provided to each farming enterprise based on their benchmark under Rule 11, or derived benchmark if the property was not managed by Rule 11. This process may identify that current operations onsite comply with the NDA and that no change in operations are required. It is advised that the submitters contact the Regional Council Advice and Support team to identify what level of action, if any, is required to ensure compliance with the plan. No changes are considered to be required.

(7-1, 20-5, 45-1, 51-1, 57-2, 68-1, 69-1, 85-1, FS10-1, 86-1, FS9-1, 88-1, 75-24, 67-11, 61-15) The need to reduce nitrogen losses to Lake Rotorua has been signaled to the Rotorua community since the early 1990's. The TLI of 4.2 was included within the Regional Land and Water Plan notified in 2001, based on community direction that the acceptable lake water quality was that experienced in the 1960's. The sustainable load was then identified within the Lake Rotorua and Rotoiti Action Plan (2007) with the timeframe to achieve the load being set as 2017. The Operative Regional Policy Statement (RPS) acknowledges the water quality of Lake Rotorua as being of regional significance and set the requirement to achieve and maintain the sustainable load. This is to be achieved through the managed reduction of nutrient losses from rural production activities by 2032, extending the timeframe originally required under the Action Plan. As part of the RPS review the potential economic impacts from reducing nitrogen losses to Lake Rotorua was noted, resulting in changes to RPS policies WL 5B and 6B. The RPS and Oturoa Agreement resulted in the development of StAG and the Integrated Framework which split the reduction across the public and private sectors with the intent to reduce economic effects. A regulatory approach that involves the issuing of a Nitrogen Discharge Allowance, Managed Reduction Targets and Nitrogen Management Plan has since been developed as part of StAG which provides certainty to Council that the targets set within the RPS and Oturoa Agreement are able to be met whilst also protecting farm enterprises from new OVERSEER® versions. This framework is supported by significant levels of research and community engagement. It is considered that the approach taken with PPC10 upholds the intent of the RPS and Oturoa Agreement. No changes are considered to be required.

(10-1, 10-2, FS11-1, 10-3, 38-3, 55-2, 55-4, 38-3) The use of an Accord rather than a regulatory process will not provide the level of certainty and detail required to ensure the RPS is upheld. Policy WL6B of the RPS requires the regional plan to allocate and enforces the limit of Lake Rotorua across rural land uses within the Regional Plan to ensure the sustainable load of 435tN is achieved and maintained into the future. An Accord is not enforceable or able to be monitored under the RMA, and would not reflect the different levels of action required by each farming enterprise. Any Accord would be in addition to PPC10 and would only cover actions committed to at a high level such as a science review, level of engagement and consultation. No changes are considered to be required.

(44-8, 14-1, 23-1, 84-3) A number of submission points have raised concern over the need for action to be taken by all sectors to achieve the sustainable load. This direction from the RPS resulted in the development of StAG and the Integrated Framework which split the nitrogen reduction across the public and private sectors as shown in Table LR1. The urban area where land is not used for rural practices is not intended to be managed by the plan change, with this area being managed through other methods under the wider Te Arawa Lakes Programme. Including the urban sector goes beyond the requirements of the RPS which required the rules to achieve a managed reduction of nutrient losses from rural production land use activities. The Incentive Board, engineering initiatives, and gorse removal programmes are effectively the wider community's contribution in reducing the Nitrogen load to achieve the 435tN/yr. In addition conditions restricting discharge from the Wastewater Treatment Plant (WWTP) have been in place since the initial resource consent issued for the WWTP. At this time scientific opinion was that the lake water quality would be resolved through a reduction of sewerage input to 30tN/yr and 3tP/yr. As a result millions of dollars have been spent to achieve the target by the public sector. It is since been found that the benefits achieved from this have been negated by an increase in nitrogen losses from pastoral activity within the catchment. Therefore PPC10 relates to the farming sectors role in reducing losses to increase lakewater quality. Responses to other submission points has ensured that future economic growth

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

(including population growth) will be provided for without impacting the sustainable load.

The Integrated Framework also identifies actions required by both the public and private sectors to achieve the sustainable lake load. Removing the Integrated Framework as requested by submitters would undermine the engagement process and agreements made with a range of stakeholders across the catchment to date and increase economic impact on the farming sector. It is considered that the Integrated Framework provides a collaborative approach to maintaining lakewater quality based on equity and robust discussions with the community. Submissions have raised the impact of the allocation for dairy and drystock. The allocation to the dairy and drystock sectors reflects discussions with StAG which determined the minimum losses of kg/N/ha that would enable a dairy or drystock enterprise to operate. This approach reflected the different land use practices and needs of each activity. This allocation regime (Policy 3, TLR1, TLR2, TLR3 and TLR4) is based on the direction provided by the RPS, in particular Policy WL5B. It is noted that additional principles to those listed within RPS Policy WL 5B were proposed through the StAG process. These policies did not add any new elements and only enforced the existing principles of the Policy WL 5B. No changes are considered to be required.

(16-13) The process completed in setting a TLI for Lake Rotorua within the regional plan and identification of a nitrogen limit within the RPS aligns with the NPS-FM National Objectives Framework. These two processes considered ecosystem and human health for recreation, natural character, mahinga kai and economic development. In addition the RPS process took into account local and regional circumstances including matters such as the significance of Lake Rotorua (particularly to Te Arawa) the value of tourism, the value of farming, characteristics of the land and aquifers around Lake Rotorua. It is considered that the all relevant matters described in Objective CA1 and Policy CA2(a)-(f) of the NPS-FM have been taken into account by council even though the TLI and Nitrogen limit were set prior to the NPS becoming operative. The TLI, RPS nitrogen limit, and PPC10 uphold NPS-FM objectives AA1, AA2 and Policies AA1 to AA3. Plan Change 10, which upholds the limit set within the RPS, will provide for the safeguarding of the life supporting capacity of water, ecosystem processes and indigenous species, including associated ecosystems and the health of people and their communities, by managing the use and development of land in a manner that reduces discharges of contaminants into Lake Rotorua. As this approach will achieve an overall maintenance and improvement in freshwater within a specified timeframe it is considered that the plan change and the limit in the RPS support objective A2 of the NPS-FM. For these reasons Council staff does not agree with the stance of the submitter that Plan Change 10 and the 435t/N annual limit do not uphold the intent of the NPS. It should be noted that in 2022 it is anticipated that the remaining limits and values for Lake Rotorua will be set as part of a separate plan change ensuring the NPS is implemented in its entirety. No changes are considered to be required.

(17-1, 67-1) The proposed rule framework provides the opportunity for land use change where this generates lower levels of nitrogen losses. Subdivision is therefore not restricted by PPC10 as implied by the submitter; however the scale of redevelopment must continue to be within the Nitrogen Discharge Allowance (NDA) of the property. This recognises the residual loss of the land after land use change and the potential losses generated through the use of septic tanks, connections to sewerage reticulation and general residential activity such as cultivated gardens. Allocation of the parent NDA across new lots will need to occur as part of the subdivision process, with these being registered against new certificate of titles created under ss224(c) of the Act. No changes are considered to be required.

(27-10, FS7-10, FS8-11, FS12-1) It is noted by Council staff that the population of Rotorua has increased since the 1960's with this resulting in land use change including the felling of forest and vegetation within the catchment. Coinciding with this growth an increase in the use of fertiliser and stocking rates has contributed to the degradation of the Lake. Plan Change 10 does not intend to prevent farm practices from occurring within the catchment, but aims to ensure farm operations are completed in an environmentally sustainable manner to achieve a balance between environmental and economic impacts. Conversion into forestry is only one option available to farm enterprises who wish to sell their current nitrogen losses and convert into a land use with lower nitrogen losses; other options to achieve an allocated NDA include changes in farm operations, reduction of stock levels and type, or subdivision depending on the location and characteristics of the site. No changes are considered to be required.

(29-3, FS6-1, FS7-27) Council have initiated a low nitrogen land use fund that enables new research to be completed to identify alternative farming practices or activities that will help achieve and maintain the lake water quality. This is separate to Plan Change 10, but will be an important element in helping achieve the intent of enhancing and maintaining lake water quality through reduced Nitrogen losses. It is recommended that no changes are made in response to this submission point.

(70-5) Reference to particular versions of OVERSEER® is required depending on the intent of the policy, method, rule, or table. Reference to OVERSEER® version 6.2.0 in Tables LR1, LR2 and LR3 provides clarification on how the losses from each sector were calculated and inform the allocation methodology. These are required to be locked into one point in time providing certainty to the farming sector. No changes are considered to be required.

(76-1, 87-1, FS12-3) Whilst the proposed actions listed by the submitter will reduce contaminants these will not target and reduce nitrogen to the extent required to achieve the sustainable load of 435tN/yr. No changes are considered to be required.

(77-1) The submitter has raised the need to remove gorse within the catchment. Under the Integrated Framework a reduction of 30t/N is required to be removed from gorse by 2022. The submitter has also raised the need for the use of green belts. Whilst planting lake margins does help filter contaminants from surface run off this does not provide for the filtration of groundwater to the extent required to reduce nitrogen from farming activity in the wider catchment. No changes are considered to be required.

(66-19) The future Water Management Area plan changes to implement the NPS-FM will not involve the 435t/N limit unless new science supports the revision of this target in the RPS. This is due to the 435t/N/yr target having been identified and supported through a number of community engagement processes, both regulatory and non-regulatory and research completed for PPC10. The ability to complete reviews of the sustainable load is already provided for as part of Policy 4. No changes are considered to be required.

(79-7) The submitter raises concern with the inability to achieve the intended Lake Rotorua water quality levels due to the presence of catfish within Lake Rotoiti. To date no catfish have been found in Lake Rotorua. Regional Council is undertaking extensive work to control the spread of catfish within the Rotorua Lakes. At this stage this does not provide any grounds for actions to be delayed to reduce nitrogen losses to Lake Rotorua.

(81-5, 83-3, 82-1) The intent of PPC10 is to ensure our current actions do not impact the environment in the future. This is pursuant to Section 5 purpose of the Resource Management Act 1991 (the Act). In particular PPC10 directly upholds 5(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations and 5(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems of the Act. Therefore whilst many consider that the approaches penalises based on the

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

actions of previous generations, it is in fact an approach that looks forward and manages impacts of the current generation and ensure that our future generations enjoy the benefits and values associated with Lake Rotorua. No changes are considered to be required.

(58-1, 58-2, 58-3, 58-30) The options suggested have been considered and are noted by Council staff. These suggest using the current rule framework as an interim measure until 2037 with a new approach used from thereon, this extending beyond the current target of 2032 at which stage the level of nitrogen losses from farming activity is to be reduced by 320t/N. The use of the notified rules until at least 2032 is supported as this upholds with discussion held with StAG and the wider community. However it is not appropriate to commit to the content and direction of a future plan change. This would prevent new science to be considered, or the plan change to reflect what the issues are at that stage within the community. Therefore the Council support the continued use of the notified rules and notes that that future plan changes will take into account new methods available at that time. Any plan change would also require community involvement providing the opportunity for the concerns to small blocks owners to be raised.

The plan change relies on the rural zone as identified by the Rotorua District Plan, with this overlaid by the ground water boundary. Data collected on the type of activities carried out within this area is based on the information collected as part of Rule 11 and research completed through the development of Plan Change 10. It is acknowledged that there are locations within the catchment where pastoral activity is not the most sustainable use. However relocating this use to another location as suggested would not align with the intent of the RPS policies preventing any existing land use and investment to be recognised and would result in inequity across the catchment. The adverse economic, social and cultural effects of such an approach would be significant and greater than those generated by proposed plan change 10.

The submitter is correct that the sustainable load of 435tN/yr is a limit. No losses above this limit are provided for by the RPS beyond 2032. The RPS correctly refers to this as a limit not a target, which provides the perception of being changed and easily altered. Where applicable the term target has either been removed or replaced.

It is considered that extensive consultation has occurred in the development of plan change 10, this extending beyond StAG and including community open days, workshops, research completed and the release of draft version of the plan. These have provided numerous opportunities for the community, any affected land owners and small block owners to engage with the process. Placing the plan change on hold to commence discussion with a new group would not result in the timeframe specified within the RPS being met. No changes are considered to be required.

(84-4, 6-3) The subdivision of land is managed by the Rotorua District Plan and administered by the Rotorua Lakes Council. As part of the recent district plan review process additional subdivision rights have been provided for lots that reduce nitrogen losses, protect significant indigenous vegetation or involve the replanting of a gully. For further information on the consenting process associated with such subdivision it is recommended that the submitter contact the Rotorua Lakes Council.

(75-60) PPC10 forms part of the wider regional land and water plan which upholds the direction of the RPS. Duplicating the policies within the RWLP and RPS will not result in any additional benefits to what already exist. In the assessment of any non-complying activity any relevant objectives and policies of the RWLP and RPS need to be considered as part of the assessment, causing objectives and policies within the wider regional plan to be taken into account as part of the consent process. It is noted that the submitter has expressed concern with the layout of the plan change. It is considered that the current structure is in a logical order (flowing from policies through to methods, rules and appendices). Upon becoming operative PPC10 will form part of the regional plan and be subject to the same format and structure as the wider regional plan. No changes to the structure of the plan change as notified are considered to be required.

(72-7, FS12-47) The option to use green technology is available to farming enterprises as a method within an approved nitrogen management plans to reduce nitrogen losses. Such technology will need to be proven to achieve the proposed reduction levels. It is considered that no changes are required in response to this submission point.

(91-1) The point raised is in regard to the management of riparian margins, in this case exotic vegetation along the lake margin, rather than management of nitrogen losses from farming activity. The issue has been referred to the relevant Regional Council Land Management Officer to respond to and does not result in any change to Plan Change 10.

(84-5, 75-7, 26-40, 66-131, 78-15) The Incentive Board has been set up to reduce the level of action required across the pastoral sector. This intends to reduce the economic impact generated by required changes in land use practices. Broadening the scope of the incentive board to promote economic development where this may not achieve a reduction of nitrogen does not align with the intent of the Integrated Framework or discussions held as part of StAG. It should be noted that this plan change only relates to the methods to which the pastoral sector will achieve the required reduction of 140t and does not relate to the methods undertaken by the Incentive Board to achieve their 100t/N target causing this submission to be out of scope and not able to be considered by this plan change.

(52-1, FS16-1) It is unclear what relief is sought from submission point 52. The submitter has placed a further submission on this submission point to clarify the intent. The concerns raised relate to the economic impact of PPC10, the use of OVERSEER® and nitrogen allocation. The issues raised by the submitter are responded to in other sections of this report. Purchasing property to achieve the required reduction was considered an unviable option for Council due to high economic and social cost. The direction taken by PPC10 is shown to be the least economically and socially disruptive.

(27-3, FS7-14, FS8-16, 27-1, FS7-12, FS8-14) The Regional Council has a range of non-regulatory actions that are implemented to help make improvements to farm practices. These include biodiversity and riparian management plans, funding is also provided to parties who wish to undertake wetland or gully restoration to help reduce erosion and nutrient entering water bodies. All of these have the ability to help the farmer achieve compliance with PPC10. These options however do not remove the need for rules, with a rule framework provided a platform to ensure nutrient losses are managed and reduce and that the targeted reduction of 140t/N is achieved.

(84-6) The method to allocate a NDA to properties not previously managed by Rule 11 is outlined within Table LR5 within Schedule LR1. This takes into account the actual land use undertaken on site over a 36 month period (3 years) this is the same timeframe used to establish the benchmark under Rule 11. It is acknowledged that this years used will differ from those used within Rule 11 potentially causing different land activities to be recorded than those present between 2001 and 2004. However no information is available for non-Rule 11 properties from 2001 to 2004. Even if this information was available its use would take away the existing use rights of these land owners, compared to Rule 11 properties where the land uses are already restrained by Rule 11.

The method used under schedule LR1 attempts to align with the method used by Rule 11 benchmarking for consistency. Given that the starting point will be determined by land uses present prior to notification it is considered there is no ability to land owners/operators to alter land uses to gain an advantage.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

(48-30, FS7-35, FS8-40, 66-33) Plan Change 10 does not relate to the TLI of Lake Rotorua. It covers the 435tN nitrogen target and the pastoral sectors role in achieving this by 2032. Whilst this nitrogen limit intends to uphold the 4.2 TLI it only relates to the nitrogen portion, not phosphorus. Actions to reduce phosphorus will be completed through other initiatives. The required reduction to meet the sustainable load relates to the current level of losses generated by landuse within the catchment. Council acknowledge the presence of the internal lake load, however actions through a regulatory process are not able to deal with this – effectively the horse has bolted. In addition this internal load does not form part of the current load or sustainable load to the Lake. Future science reviews completed as part of Plan Change 10 and for other non-regulatory actions will help to identify methods to manage any effects the internal load may have on the Lake Water Quality.

(11-1, 11-2, 29-1, 30-1, 63-1, FS5-3, 82-19, 82-21, 14-11) Support Noted

(15-1, FS17-1, 49-1, FS8-47, FS14-4, 49-8, FS8-49, FS14-6, 49-9, FS14-7, FS8-50, 19-7) Refer to Section 5.3.7 Nitrogen Allocation
 (16-1, 16-6, 24-1, 24-13, 24-14, 34-1, 34-2, FS8-29, FS7-25, 53-10, 67-2, 72-1, FS12-42, 72-6, FS12-46, 66-17, 81-5, 16-16, 81-15) Refer to Section 5.3.4 The Use of Sub-Catchment plans
 (27-1, FS7-12, FS8-14, 72-5, FS12-45, 66-3, FS12-45 FS5-2, FS12-2, 79-3, 66-33, 81-3, FS13-2) Refer to Section 5.3.5 Lake Rotorua Nitrogen Loads and Science
 (13-1, 48-4, 61-14, FS13-1, 70-7, FS13-3, 72-3) Refer to Section 5.3.8 The Use of Nitrogen Management Plans
 (49-7, FS14-5, 55-2, 66-18, 84-1, 84-2, 15-7, FS17-6) Refer to Section 5.3.14 Consultation Completed for Plan Change 10
 (36-1, 70-7, 41-1, 48-31, 60-2, 1-9, 42-1, 50-2, 72-3, 72-4, FS12-44, 66-22) Refer to Section 5.3.2 The Need for a Regulatory Approach (Rules)
 (26-4, FS2-1, FS4-1, 26-15, FS2-3, FS4-3, 26-5, FS2-2, FS4-2, FS8-62, FS12-5, 26-6, 26-18, FS2-4, FS4-4, FS8-63, FS12-6, 26-36, 26-40) Refer to Section 5.3.12 Impacts on Population Growth and the operation of the Rotorua WWTP
 (66-3) Refer to Section 5.3.3 The Management of Phosphorus by Plan Change 10

Submissions

Submission Number: 1: 9 Submission Type: Oppose
 Submitter: Lindsay Hugh and Alison Lyndsay Moore
 Submission Summary: The plan change is ill conceived and inadequately researched. It is simplistic in ways that will generate unintended adverse consequences.
 Decision Sought: Amend to reflect concerns.

Staff Recommendations:	Reject
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Submission Number: 2: 1 Submission Type: Neutral
 Submitter: Cliff Lee
 Submission Summary: I suggest that an effort be made to locate the major subterranean water flow patterns from the high country into the lake so that these flows may be diverted into a substantial containment scheme that would allow the waters to collect near the lake edge in a large ditch. Grow trees or shrubs that are very good at turning such waters into foliage and wood constructing a fairly aesthetic tree line on the lake edge. It would provide a pleasant walkway while providing benefit from using or selling the trees for a profit.
 Decision Sought: Have Councils engineers consider the proposed scheme.

Staff Recommendations:	Reject
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Submission Number: 4: 1 Submission Type: Oppose
 Submitter: Max Winders
 Submission Summary: I have taken the trouble to see how I could pollute the lake from my farm and on scientific advice from me Agronomist assures me nothing will go through our Mamaku soils and that our undergrounds water is some of the purest in the world.
 How are we possibly polluting the Lake with all the water bores between my property and the Lake being drinkable.
 I can only conclude that I should be able to carry on farming this land the way I always have. I do not use nitrogen fertiliser.
 Decision Sought: Not specified.

Staff Recommendations:	Reject
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Submission Number: 6: 3 Submission Type: Oppose in Part
 Submitter: Robert Mackay
 Submission Summary: Properties of our size should be given the opportunity to subdivide into smaller sizes.
 Decision Sought: Properties of our size should be given the opportunity to subdivide into smaller sizes.

Staff Recommendations:	Reject
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 7: 1 Submission Type: Oppose
 Submitter: John de Jong
 Submission Summary: I do not agree with the proposed plan change to reduce nitrogen losses from rural land because I believe the implications outweigh the benefits.
 Decision Sought: I do not agree with the proposed plan change to reduce nitrogen losses from rural land because I believe the implications outweigh the benefits.

Staff Recommendations: Comment Noted

Submission Number: 9: 1 Submission Type: Oppose
 Submitter: Shobdon Trustee Limited Shifnal Trust
 Submission Summary: I have taken the trouble to see how I could pollute the lake from my farm and on scientific advice from me Agronomist assures me nothing will go through our Mamaku soils and that our undergrounds water is some of the purest in the world.
 How are we possibly polluting the Lake with all the water bores between my property and the Lake being drinkable.
 I can only conclude that I should be able to carry on farming this land the way I always have. I do not use nitrogen fertiliser.
 Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Submission Number: 10: 1 Submission Type: Oppose
 Submitter: Bryce Heard
 Submission Summary: The Objectives of improved lake water quality and continues profitable land use practices by land owners are supported. The target of a 320 tonne reduction in nitrogen discharges is based on unproven science, but it is the best estimate that we have. It will need to be kept under constant, formal review.
 Decision Sought: BoPRC withdraws from its course of rules and enforcement and embarks on a pathway of solution development with the land owners by way of an Accord to solve the lake water problem. Both long and short term focused.

Staff Recommendations: Reject

Submission Number: 10: 2 Submission Type: Oppose
 Submitter: Bryce Heard
 Submission Summary: The process used has been to engage scientists and consultants to seek advice and from this information to develop rules. This process without appropriate is the land owners did not was improved lake water quality. However land owners are supportive of the objectives. The correct process is to guide and drive the scientists and consultants behaviors. The proposed rule change is based on flimsy, unproven scientific knowledge and evidence.
 Decision Sought: BoPRC withdraws from its course of rules and enforcement and embarks on a pathway of solution development with the land owners by way of an Accord to solve the lake water problem. Both long and short term focused.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 11 - 1 Submission Type: Support
 Further Submitter: Deer Industry New Zealand
 Submission Summary: DINZ supports an 'Accord' approach. The process to arrive at the proposed Plan Change 10 has not been inclusive and collaborative despite the council's best efforts.
 Decision Sought: As above

Staff Recommendation: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Staff Recommendation:	Accept in Part
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Further Submission No:	4 - 2	Submission Type:	Oppose
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Further Submitter:	Ngati Uenukukopako Iwi Trust
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Submission Summary:	The Trust is opposed to the submission of Rotorua Lakes Council to the extent that it seeks amendments to the proposed planning framework (including objectives, policies and rules) that relate to the discharge from the Wastewater Treatment Plant to Lake Rotorua.
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The Trust is opposed to the proposal to discharge treated wastewater directly into Arikiroa Bay which forms part of Lake Rotorua.

Decision Sought:	Do not support RLC proposed planning framework amendments which provide for increased discharges from the Wastewater Treatment Plant.
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Staff Recommendation:	Accept in Part
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Further Submission No:	8 - 62	Submission Type:	Oppose
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Further Submitter:	Lake Rotorua Primary Producers Collective
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Submission Summary:	Oppose in part. Support the intent that PC 10 should provide an enabling framework for growth alongside safeguarding health of the lake. We do not support exemptions for particular sectors as this will place an even greater and impossible burden on remaining sectors – rather we seek an enabling framework for whole of community solutions.
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Decision Sought:	As above
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Staff Recommendation:	Accept in Part
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Further Submission No:	12 - 5	Submission Type:	Oppose
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Further Submitter:	Federated Farmers of New Zealand
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Submission Summary:	Oppose in part. Support the intent that PC10 should provide an enabling framework for growth alongside safeguarding health of the lake. We do not support exemptions for particular sectors - rather we seek an enabling framework for whole of community solutions.
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Decision Sought:	Include all sectors and contributors to both the problems and the solutions.
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Staff Recommendation:	Accept in Part
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Submission Number:	26: 6	Submission Type:	Support in Part
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Submitter:	Rotorua Lakes Council
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Submission Summary:	RLC supports Bay of Plenty Regional Council's ('BOPRC') use of a rules-based approach as a planning method in the Regional Plan to reduce discharges of nitrogen into land and then into the catchment. However, PC 10 must allow Rotorua communities to continue to provide for their social, cultural and economic well-being, which is not currently the case with PC 10.
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Decision Sought:	RLC seeks the inclusion in PC 10 to the Regional Plan of appropriate objective(s), policies and methods to address its submission.
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Staff Recommendations:	Accept in Part
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Submission Number:	26: 15	Submission Type:	Oppose
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Submitter:	Rotorua Lakes Council
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Submission Summary:	BERL Population projections predict a population increase. The size of the tourism sector is planned to double from 2015 to 2030. This will create additional load on the Rotorua Waste Water Treatment Plant ('WWTP'). There may be opportunities to reduce nitrogen from land use within the Lake Rotorua catchment e.g. land use change to lifestyle or residential, that would require a greater output from the WWTP. In addition RLC is receiving pressure to consider reticulation of Lake Tarawera. The current RPS and Regional Plan provisions do not explicitly allow for these increases to be accommodated and could result in a requirement for expensive technical solutions or offsets being purchased. RLC does not want to be forced to limit growth and/or enact expensive solutions prior to 2032 when it is not known whether the PC 10 targets or their timing are correct.
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: RLC seeks the inclusion of appropriate objective(s), policies and relevant methods in PC 10 to the Regional Plan to recognise and provide for urban growth in the Rotorua district, and for consequent increased loads to the WWTP that result in nitrogen entering Lake Rotorua.

Staff Recommendations: Accept in Part

Further Submission(s)

Further Submission No:	2 - 3	Submission Type:	Oppose
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Further Submitter: Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd

Submission Summary: It is appropriate to specifically exclude non rural areas.

Decision Sought: Continue specifically excluding non-rural areas from PC10. Discharges from urban areas should be addressed by way of a future plan change with appropriate S32 analysis.

Staff Recommendation: Accept in Part

Further Submission No:	4 - 3	Submission Type:	Oppose
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Further Submitter: Ngati Uenukukopako Iwi Trust

Submission Summary: The Trust is opposed to the submission of Rotorua Lakes Council to the extent that it seeks amendments to the proposed planning framework (including objectives, policies and rules) that relate to the discharge from the Wastewater Treatment Plant to Lake Rotorua.

The Trust is opposed to the proposal to discharge treated wastewater directly into Arikioa Bay which forms part of Lake Rotorua.

Decision Sought: Do not support RLC proposed planning framework amendments which provide for increased discharges from the Wastewater Treatment Plant.

Staff Recommendation: Accept in Part

Submission Number:	26: 18	Submission Type:	Oppose
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Submitter: Rotorua Lakes Council

Submission Summary: BERL Population projections predict a population increase, the size of the tourism sector is planned to double from 2015 to 2030. This will create additional load on the Rotorua Waste Water Treatment Plant ('WWTP'). There may be opportunities to reduce nitrogen from land use within the Lake Rotorua catchment e.g. land use change to lifestyle or residential, that would require a greater output from the WWTP. In addition RLC is receiving pressure to consider reticulation of Lake Tarawera. The current RPS and Regional Plan provisions do not explicitly allow for these increases to be accommodated and could result in a requirement for expensive technical solutions or offsets being purchased. RLC does not want to be forced to limit growth and/or enact expensive solutions prior to 2032 when it is not known whether the PC 10 targets or their timing are correct.

Decision Sought: RLC seeks the inclusion of appropriate objective(s), policies and relevant methods in PC 10 to the Regional Plan to recognise and provide for urban growth in the Rotorua district, and for consequent increased loads to the WWTP that result in nitrogen entering Lake Rotorua.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No:	2 - 4	Submission Type:	Oppose
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Further Submitter: Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd

Submission Summary: It is appropriate to specifically exclude non rural areas.

Decision Sought: Continue specifically excluding non-rural areas from PC10. Discharges from urban areas should be addressed by way of a future plan change with appropriate S32 analysis.

Staff Recommendation: Accept in Part

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission No: 4 - 4 Submission Type: Oppose

Further Submitter: Ngati Uenukukopako Iwi Trust

Submission Summary: The Trust is opposed to the submission of Rotorua Lakes Council to the extent that it seeks amendments to the proposed planning framework (including objectives, policies and rules) that relate to the discharge from the Wastewater Treatment Plant to Lake Rotorua.

The Trust is opposed to the proposal to discharge treated wastewater directly into Arikiroa Bay which forms part of Lake Rotorua.

Decision Sought: Do not support RLC proposed planning framework amendments which provide for increased discharges from the Wastewater Treatment Plant.

Staff Recommendation:	Accept in Part
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Further Submission No: 8 - 63 Submission Type: Oppose

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Oppose in part.
Support the intent that PC 10 should provide an enabling framework for growth alongside safeguarding health of the lake, both urban and rural and including underdeveloped Maori land; that consideration is given to inter-generational equity; that proposed restrictions – urban or rural – are subject to robust cost-benefit analysis; and that expensive solutions should not be mandated when it is not known if the PC10 targets and timings are correct. We do not support exemptions for particular sectors as this will place an even greater and impossible burden on remaining sectors – rather we seek an enabling framework for whole of community solutions.

Decision Sought: As above

Staff Recommendation:	Accept in Part
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Further Submission No: 12 - 6 Submission Type: Oppose

Further Submitter: Federated Farmers of New Zealand

Submission Summary: Oppose in part.
Support the intent that PC10 should provide an enabling framework for growth alongside safeguarding health of the lake; that proposed restrictions are subject to robust cost-benefit analysis and that expensive solutions should not be mandated when it is not known if the PC10 targets and timings are correct. We do not support exemptions for particular sectors - rather we seek an enabling framework for whole of community solutions.

Decision Sought: Include all sectors and contributors to both the problems and the solutions.

Staff Recommendation:	Accept in Part
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Submission Number: 26: 19 Submission Type: Oppose

Submitter: Rotorua Lakes Council

Submission Summary: PC 10 does not give effect to Policy WL 5B of the RPS for the following reasons:

- a. PC 10's proposed allocation of 435tN among land use activities, and in particular the implied allocation for the discharge from Rotorua's WWTP, does not:
 - i. Allow for intergenerational equity in that Rotorua's urban growth will be effectively capped.
 - ii. Consider the extent of the immediate impact given the discharge of treated wastewater accounts for less than 5% of the nitrogen load into Lake Rotorua;
 - iii. Provide for resource use efficiency due to the extremely high cost of removing nitrogen from future wastewater discharges;
 - iv. Have sufficient regard for the high public cost of constraining growth through restrictions placed on WWTP discharges.

Decision Sought: RLC seeks the inclusion of appropriate objective(s), policies and relevant methods in PC 10 to the Regional Plan to recognise and provide for urban growth in the Rotorua district, and for consequent increased loads to the WWTP that result in nitrogen entering Lake Rotorua.

Staff Recommendations:	Accept in Part
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission(s)

Further Submission No:	2 - 5	Submission Type:	Oppose
Further Submitter:	Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd		
Submission Summary:	It is appropriate to specifically exclude non rural areas.		
Decision Sought:	Continue specifically excluding non-rural areas from PC10. Discharges from urban areas should be addressed by way of a future plan change with appropriate S32 analysis.		
Staff Recommendation:	Accept in Part		
Further Submission No:	4 - 5	Submission Type:	Oppose
Further Submitter:	Ngati Uenukukopako Iwi Trust		
Submission Summary:	<p>The Trust is opposed to the submission of Rotorua Lakes Council to the extent that it seeks amendments to the proposed planning framework (including objectives, policies and rules) that relate to the discharge from the Wastewater Treatment Plant to Lake Rotorua.</p> <p>The Trust is opposed to the proposal to discharge treated wastewater directly into Arikiroa Bay which forms part of Lake Rotorua.</p>		
Decision Sought:	Do not support RLC proposed planning framework amendments which provide for increased discharges from the Wastewater Treatment Plant.		
Staff Recommendation:	Accept in Part		
Further Submission No:	8 - 61	Submission Type:	Oppose
Further Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	<p>Oppose in part.</p> <p>Support the intent that PC 10 should provide an enabling framework for growth alongside safeguarding health of the lake, that consideration is given to inter-generational equity; that proposed restrictions – urban or rural – are subject to robust cost-benefit analysis. We do not support exemptions for particular sectors as this will place an even greater and impossible burden on remaining sectors – rather we seek an enabling framework for whole of community solutions.</p>		
Decision Sought:	As above		
Staff Recommendation:	Accept in Part		
Further Submission No:	12 - 4	Submission Type:	Oppose
Further Submitter:	Federated Farmers of New Zealand		
Submission Summary:	<p>Oppose in part.</p> <p>Support the intent that PC10 should provide an enabling framework for growth alongside safeguarding health of the lake; consideration of intergenerational equity; that proposed restrictions are subject to robust cost-benefit analysis. We do not support exemptions for particular sectors - rather we seek an enabling framework for whole of community solutions.</p>		
Decision Sought:	Include all sectors and contributors to both the problems and the solutions.		
Staff Recommendation:	Accept in Part		

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 26: 36 Submission Type: Oppose in Part
 Submitter: Rotorua Lakes Council
 Submission Summary: The consequence for change to occur in how rural land is used in the Rotorua District as a result of the implementation of PC10 requires RLC as the administrator of the Rotorua District Plan to in turn consider indirect but related adverse effects of land use change including visual effects and amenity effects, both at the macro/whole of district amenity level and also amenity for individual land owners.
 Decision Sought: RLC seeks the inclusion in PC10 to the regional plan of appropriate objectives(s), policies and methods to address its submissions on the topic of rural land use.

Staff Recommendations: Reject

Submission Number: 26: 40 Submission Type: Oppose in Part
 Submitter: Rotorua Lakes Council
 Submission Summary: The Lake Rotorua Integrated Framework referenced in the introduction of PC10, includes an Incentives Scheme to remove 100tN which is not set up to minimise the economic impact while seeking the reduced nitrogen limit.
 Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Submission Number: 27: 1 Submission Type: Oppose
 Submitter: Gro2 Ltd
 Submission Summary: The proposed changes will mean it is no longer economic for us to continue farming.
 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.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 7 - 12 Submission Type: Support
 Further Submitter: Alistair and Sarah Coatsworth
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation: Accept in Part

Further Submission No: 8 - 14 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation: Accept in Part

Submission Number: 27: 3 Submission Type: Oppose
 Submitter: Gro2 Ltd
 Submission Summary: Nitrogen is a natural element not a pollutant, leaching is an act of nature triggered by the Autumn rains, it is not an act of Farming. Nitrogen leaches from all legumes being clover, lucerne, broom and gorse.
 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.

Staff Recommendations: Reject

Further Submission(s)

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission No: 7 - 14 Submission Type: Support
 Further Submitter: Alistair and Sarah Coatsworth
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 8 - 16 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 27: 10 Submission Type: Oppose
 Submitter: Gro2 Ltd
 Submission Summary: In haste to restore the lake to water quality of the 1960's they have forgotten that;
 -There are not 50,000 more people living in the catchment, Rotorua became a city of 20,000 people about 1962
 -There are now 3 million visitors to Rotorua per year.
 -The weir in the Ohau Channel is maintaining an artificially high lake level preventing the lake from flushing and causing silting in the inflowing streams. They need dredging as they used to be in the 1960's.
 -The introduction of trout proved fatal for much of the indigenous foods. Trout have eaten the native fish that are part of the lifecycle for the native Kakahi which filter nutrients from the waters.
 -Significant water takes from Rotorua City not operating in the 1960's are reducing the volume of clear clean water and increasing the volume of grey water.
 -There were more animals in the Rotorua county in the 1970's than there is today, 71,000 beef cattle, 66,000 dairy cattle, over 1 million sheep.
 -The work effort of our forebears who cleared the bush, and struggled with low fertility soils. No one should be encouraged to put now productive farmland back into trees.
 -Diversification of land use in the catchment was tried in the 80's. To my knowledge blueberries at Mamaku is the only business that has prospered. The rest have gone back to sheep, dairy, beef, radiata and gorse.
 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.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 7 - 10 Submission Type: Support
 Further Submitter: Alistair and Sarah Coatsworth
 Submission Summary: For the reasons given in the original submission. Council knows these statistics but has chosen to make farming the political scape goat as they are small in number.
 Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 8 - 11 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: For the reasons given in the original submission. Council knows these statistics but has chosen to continue on its original pathway as farming is an easy target. Rather than rules, work with land owners to make improvements, accept that controlling phosphorus by way of detention dams, together with riparian plantings will prevent erosion, eliminate flooding and stop sediment reaching the lake.
 Decision Sought: As above

Staff Recommendation: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission No: 12 - 1 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

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

Decision Sought: Amend Method LR M2 Science reviews to include consideration of:
the effects of the weir in Ohau Channel
- the effects of loss of kakahi consequent to introduction of trout.

Staff Recommendation: Reject

Submission Number: 29: 1 Submission Type: Support

Submitter: WB Shaw and SM Beadel

Submission Summary: We support the principle of the plan change. Landowners, such as ourselves, are going to continue to re-assess sustainable land use practices. There needs to be very good ongoing coordination between the Regional Council and Rotorua Lakes Council in terms of potentially related provisions in District and Regional Plans.

Decision Sought: Not specified.

Staff Recommendations: Accept

Submission Number: 29: 3 Submission Type: Support in Part

Submitter: WB Shaw and SM Beadel

Submission Summary: An overall vision of what will comprise sustainable long-term land use across the lakes catchments seems to be lacking.

Decision Sought: The Regional and District Councils, combined, need to continue to investigate options for sustainable land management, and to support a science-based approach to that.

Staff Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 6 - 1 Submission Type: Support

Further Submitter: CNI Iwi Land Management Ltd

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

Decision Sought: As above

Staff Recommendation: Accept in Part

Further Submission No: 7 - 27 Submission Type: Support

Further Submitter: Alistair and Sarah Coatsworth

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

Decision Sought: As above

Staff Recommendation: Accept in Part

Submission Number: 30: 1 Submission Type: Support

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

Submission Summary: The Eastern Fish and Game Council recognise that the Rotorua lakes require further management to reduce nutrient loads. Fish and Game support the land use allocation approach to nutrient limitation as detailed within the plan change.

Decision Sought: No changes specified.

Staff Recommendations: Accept

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 34: 1 Submission Type: Oppose

Submitter: Chris Sutton

Submission Summary: The Lake Taupo example saw landowners paid a fair price for changing land use. If you want dairying out of the catchment, then buy their farms.
This rule change seems unfair, punishing a generation, unfocussed and overly complicated.

Decision Sought: Break the lake catchment into stream catchments with individual stream catchment plans, combining to form the total Lake Rotorua Catchment Plan.

Staff Recommendations: Reject

Submission Number: 34: 2 Submission Type: Oppose

Submitter: Chris Sutton

Submission Summary: These rule changes will drive land use not to its most economic but that that is allowed, forestry. In Taupo no one asked the people if a catchment of pine trees was what they wanted? But that was what they now have. Are we about to repeat this in Rotorua?
Facts are now showing us that it is no longer N that should be the focus nutrient but P. By ruling forestry as the default land use, forestry will pulse P into the catchment far quicker.

Decision Sought: Break the lake catchment into stream catchments with individual stream catchment plans, combining to form the total Lake Rotorua Catchment Plan.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 7 - 25 Submission Type: Support

Further Submitter: Alistair and Sarah Coatsworth

Submission Summary: The Rotorua community stated very strongly when District Council did their eastern and western district consultations that they did not want to look out at a sea of pine trees located within the caldera. Regional Council have never asked the community what they would like to see in their caldera, but they are driving land use change to trees. Forestry will deliver huge quantities of P to the lake at harvest and up until canopy cover is established (5 years or more) that will significantly alter the N:P ratio and in fact encourage algae growth in the lake waters. You could end up having to dose the lake with Nitrogen.

Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 8 - 29 Submission Type: Support

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: The Rotorua community stated very strongly when District Council did their eastern and western district consultations that they did not want to look out at a sea of pine trees located within the caldera. Regional Council have never asked the community what they would like to see in their caldera, but they are driving land use change to trees. Forestry will deliver huge quantities of P to the lake at harvest and up until canopy cover is established (5 years or more) that will significantly alter the N:P ratio and in fact encourage algae growth in the lake waters.

Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 36: 1 Submission Type: Support

Submitter: Tracey Friend and Myles McNaught

Submission Summary: We support the ideal of a clean lake and environment.

Decision Sought: We would like to see some more science being done before such a huge change is made. The economic and social consequences will be much larger than anyone has thought through.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 37: 7 Submission Type: Oppose

Submitter: Ngati Whakaue Tribal Lands Incorporation

Submission Summary: PC10 is focused almost exclusively on N. It is our very strong recommendation that the recent advances in our knowledge compel an adaptive management approach.

Decision Sought: The scope of PC10 must be broadened to address nutrient reduction pathways for both N and P.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 5 - 1 Submission Type: Support

Further Submitter: Astrid Coker

Submission Summary: Control of both N and P within the catchment is necessary to improve water quality and reduce algal blooms caused by cyanobacteria in Lake Rotorua. Control of only nitrogen will lead to worsening water quality in the long term. Best management practices for P mitigation are more appropriate than use of OVERSEER® in farm plans for P mitigation.

Decision Sought: On farm nutrient reductions under PC 10 must address both N and P. OVERSEER® should not be used in farm plans for P mitigation.

Staff Recommendation: Reject

Submission Number: 38: 3 Submission Type: Oppose

Submitter: Donald Rosslove

Submission Summary: I recommend that rather than imposed rules an Accord is drafted- similar to the Forestry Accord. More consistent with a cooperative approach by all farming interests towards innovative and effective sustainable farming practices which do not compromise Lake Rotorua.

Decision Sought: I recommend that rather than imposed rules an Accord is drafted- similar to the Forestry Accord. More consistent with a cooperative approach by all farming interests towards innovative and effective sustainable farming practices which do not compromise Lake Rotorua.

Staff Recommendations: Reject

Submission Number: 41: 1 Submission Type: Oppose

Submitter: Craig Hurst

Submission Summary: We all want to see the water quality in the lake improve. It is great to see the progress we have made in this regard and the lake TL1 at the targeted 4.2. If adopted the proposed rules have the capacity to put rural land owners out of business through:

- Reduced Equity
- Reduced Cash Flow
- No Credit

There are 15,000 ha of dry stock land in the catchment. The N reduction target for my farm is 7t N from 157.2 ha, or 16% of the total dry stock target from 1% of the total land. This is unequitable. The proposed rules are unequitable, unfair & unrealistic.

Decision Sought: Farming in the catchment should remain a permitted activity. Land owners should be allowed to operate at or below their current benchmark figure and manage a staged reduction in nutrient loss based on best management practice.

Staff Recommendations: Reject

Submission Number: 42: 1 Submission Type: Oppose

Submitter: Damon Campbell

Submission Summary: The proposed rules using the best science available it not equitable and independent science reviews are necessary. The health of the lake is an intergenerational problem and needs an intergenerational solution.

Decision Sought: Not specified.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 44: 8 Submission Type: Oppose
 Submitter: Andrea Hammond
 Submission Summary: There is no information on how nitrogen discharge from properties within the town boundaries is to be measured or managed.
 Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 45: 1 Submission Type: Oppose
 Submitter: Wendy and John Roe
 Submission Summary: The rules are not fair or equitable. I do not support the policies, methods or rules of plan change 10.
 Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Submission Number: 48: 4 Submission Type: Oppose
 Submitter: Parekarangi Trust
 Submission Summary: Both Nitrogen and phosphorus are key nutrients in the TLI measurements.
 Decision Sought: Change name to nutrient management plan.

Staff Recommendations: Accept

Submission Number: 48: 30 Submission Type: Oppose
 Submitter: Parekarangi Trust
 Submission Summary: Plan change 10 has been developed on the premise that TLI for Lake Rotorua will continue to increase, based on modelling with the likes of ROTAN. Such models are poor predictors of Lake Rotorua water quality, with actual TLI confirming this, showing a steady decline since 2005. There remains no current evidence to support the modelling that has determined a sustainable nitrogen load for Lake Rotorua of 435 tonN/year, when the steady state is up to 755 tonN/year, and yet the TLI target is being achieved.
 Decision Sought: The TLI target of 4.2 for Lake Rotorua is supported. Proposed solutions are:
 i. By 2022 all dairy farmers are achieving best practice as defined by DairyNZ.
 ii. By 2022 if TLI for Lake Rotorua continues to achieve a 5 year average of 4.2, then no further N or P reductions are required on-farm.
 iii. If 5 year average TLI for Lake Rotorua exceeds 4.2, then new NDA's are set subject to advances in science and technology, that ensure farmers profitability and long term viability are not impacted.
 iv. If (iii) above is unable to be achieved, then farmers will be compensated for their loss in capital value.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 7 - 35 Submission Type: Not Applicable
 Further Submitter: Alistair and Sarah Coatsworth
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission No:	8 - 40	Submission Type:	Support
Further Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Submission Number:	48: 31	Submission Type:	Oppose
Submitter:	Parekarangi Trust		
Submission Summary:	<p>Plan change 10 has been developed on the premise that TLI for Lake Rotorua will continue to increase, based on modelling with the likes of ROTAN. Such models are poor predictors of Lake Rotorua water quality, with actual TLI confirming this, showing a steady decline since 2005.</p> <p>There remains no current evidence to support the modelling that has determined a sustainable nitrogen load for Lake Rotorua of 435tN/year, when the steady state is up to 755 tN/year, and yet the TLI target is being achieved.</p>		
Decision Sought:	<p>The TLI target of 4.2 for Lake Rotorua is supported. Proposed solutions are:</p> <ol style="list-style-type: none"> i. By 2022 all dairy farmers are achieving best practice as defined by DairyNZ. ii. By 2022 if TLI for Lake Rotorua continues to achieve a 5 year average of 4.2, then no further N or P reductions are required on-farm. iii. If 5 year average TLI for Lake Rotorua exceeds 4.2, then new NDA's are set subject to advances in science and technology, that ensure farmers profitability and long term viability are not impacted. iv. If (iii) above is unable to be achieved, then farmers will be compensated for their loss in capital value. 		

Staff Recommendations:	Reject
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Submission Number:	49: 1	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	<p>The present plan is based on grandparenting, despite being called an "integrated framework". Section 11.7 of the section 32 report identifies several alternative options that were discarded after very little consideration.</p> <p>Tax/charge was covered very sketchily. The only analysis being two reports, one from 1999, the other a 2011 OECD report.</p> <p>Unlike grandparenting, pollution charge/tax is property neutral. A pollution charge has all the focus on driving that cost down. Activities must internalise their costs of production, or the land use changes. Charging appears to have been dismissed, without investigating:</p> <ul style="list-style-type: none"> • what it might be set at. • how transitions in level of charge could drive behavior. • how to divorce it from political interference. • how it could be used to drive behavior in the right direction, and how to tune it to meet targets. <p>Comparing the level of effort to assess whether a charging regime could work, to the amount of time effort and funds that have gone into trying to make the grandparenting allocation/OVERSEER® regime work. CNI believes that other options for driving down N pollution were discarded without adequate consideration.</p> <p>The decision to choose grandparent allocation was made without carrying out any sensitivity analysis of such relevant things as:</p> <ul style="list-style-type: none"> • Internal Rate of Return (IRR, which was done at 8%, when present rates are closer to 3%), • Price variation for land use 		
Decision Sought:	<p>Revise the approach to allocation, replace it with one that uses the approach of matching land use to natural capital.</p> <p>Identify in the plan the route to making this transition from present use to natural capital.</p>		

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	8 - 47	Submission Type:	Oppose
Further Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	LUC or Natural Capital was found at StAG to be completely unsuitable to the particular circumstances pertaining to this region. The reality of these proposed methods in Rotorua		

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

would mean that all lifestyles and surrounding the lake and city should actually be dairy farms whilst most dairy farms in Rotorua would be forced to convert to sheep and beef, and many sheep and beef would be designated as appropriate for no more than forestry. It is untenable to support LUC once the reality of it in Rotorua is understood and if land in Rotorua were designated along these lines it would be a full-scale attack on existing land uses and property rights.

LUC is not appropriate for Rotorua as a method to reallocate land use but could be a way forward in the future for directing any future development of land in the catchment.

Decision Sought:

As above

Staff Recommendation:	Accept in Part
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Further Submission No:	14 - 4	Submission Type:	Support
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Further Submitter:	Hancock Forest Management (NZ) Ltd
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Submission Summary:	For the reasons given in the original submission. Supports a transition to a fairer approach based on natural capital.
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Decision Sought:	As above
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Staff Recommendation:	Reject
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Submission Number:	49: 7	Submission Type:	Oppose
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Submitter:	CNI Iwi Land Management Ltd
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Submission Summary:	The development of the rules was done by a collaborative stakeholder group. This group was well represented by those land uses creating the pollution, and not represented by those land uses creating the lowest amount of pollution, and representation on that group didn't correlate to the land area subject to the rules.
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Decision Sought:	In revising the fundamental approach to allocation, and in order to zero-base the discussion, ensure that all those parties with significant landholdings in the catchment have a place at the table for discussion on any allocation regime.
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Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	14 - 5	Submission Type:	Support
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Further Submitter:	Hancock Forest Management (NZ) Ltd
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Submission Summary:	For the reasons given in the original submission. The plan change approach reflects the makeup of the collaborative stakeholder group and while forestry is a significant land use in the catchment forestry was not represented in the final stages of the process.
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Decision Sought:	As above
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Staff Recommendation:	Reject
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Submission Number:	49: 8	Submission Type:	Oppose
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Submitter:	CNI Iwi Land Management Ltd
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Submission Summary:	The plan avoids confronting the fact that the level of N leaching from bovine dairying makes it an unsustainable land use in the Rotorua catchment. Instead of directly dealing with that problem it introduces an extremely complicated regime while heavily constraining all other land uses. The methodology used by the plan also creates a value for that pollution which will increase the value of the land on which this activity is carried out through nitrogen discharge entitlements of allowance.. It overrides the principles regarding polluter pays, fairness and equity, and sustainable management.
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Decision Sought:	Revise the approach to allocation set out in the policies and rules, so it uses the approach of matching land use to natural capital rather than the proposed regime, which is based on averaged sector contributions. Identify in the plan the route to making this transition from present use to natural capital.
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Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	8 - 49	Submission Type:	Oppose
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: LUC or Natural Capital was found at StAG to be completely unsuitable to the particular circumstances pertaining to this region. It is untenable to support LUC once the reality of it in Rotorua is understood and if land in Rotorua were designated along these lines it would be a full-scale attack on existing land uses and property rights. LUC is not appropriate for Rotorua as a method to reallocate land use but could be a way forward in the future for directing any future development of land in the catchment.

Decision Sought: As above

Staff Recommendation:	Accept in Part
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Further Submission No: 14 - 6 Submission Type: Support

Further Submitter: Hancock Forest Management (NZ) Ltd

Submission Summary: For the reasons given in the original submission. The plan change approach reflects the makeup of the collaborative stakeholder group and while forestry is a significant land use in the catchment forestry was not represented in the final stages of the process.

Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 49: 9 Submission Type: Oppose

Submitter: CNI Iwi Land Management Ltd

Submission Summary: A ‘Grandparenting’ approach limits the ability of other responsible landowners in the catchment, who have historically minimised their nitrogen emissions from using and developing their land in a manner that enables them to provide for their wellbeing. It is inequitable. It places the cost of future compliance on those responsible landowners that have historically mitigated the effects, whilst enabling those polluting to continue to pollute.

Decision Sought: Revise the approach to allocation set out in the policies and rules, so it uses the approach of matching land use to natural capital rather than the proposed regime, which is based on averaged sector contributions. Identify in the plan the route to making this transition from present use to natural capital.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 8 - 50 Submission Type: Oppose

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: LUC or Natural Capital was found at StAG to be completely unsuitable to the particular circumstances pertaining to this region. It is untenable to support LUC once the reality of it in Rotorua is understood and if land in Rotorua were designated along these lines it would be a full-scale attack on existing land uses and property rights. LUC is not appropriate for Rotorua as a method to reallocate land use but could be a way forward in the future for directing any future development of land in the catchment.

Decision Sought: As above

Staff Recommendation:	Accept in Part
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Further Submission No: 14 - 7 Submission Type: Support

Further Submitter: Hancock Forest Management (NZ) Ltd

Submission Summary: For the reasons given in the original submission. The plan change approach reflects the makeup of the collaborative stakeholder group and while forestry is a significant land use in the catchment forestry was not represented in the final stages of the process.

Decision Sought: As above

Staff Recommendation:	Reject
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 50: 2 Submission Type: Oppose
 Submitter: Oturoa Properties Ltd
 Submission Summary: Unless the science proves otherwise it is impossible to meet the 2032 target without impacting GMP and further impacting the future of my family.
 Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Submission Number: 51: 1 Submission Type: Oppose
 Submitter: Max Martin
 Submission Summary: I have farmed my property at 99 Dansey road for 49 years during that time significant areas have been retired from grazing and other areas planted in pines. This has had a serious effect on the viability of the farming operations.
 Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Submission Number: 52: 1 Submission Type: Neutral
 Submitter: Jim and Barbara Hitchcock
 Submission Summary: Points I would like to cover in my submission: Our story, our views, the economic impact, OVERSEER®, benchmarking and allocation and an alternative option.
 Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Further Submission(s)

Further Submission No: 16 - 1 Submission Type: Support
 Further Submitter: Jim and Barbara Hitchcock
 Submission Summary: Economic impact
 The nutrient reductions required will result in less profit and a consequential drop in farm value. A huge financial burden has been put on approximately 70 properties out of a catchment population of around 60,000 people who are the ultimate beneficiaries of a clean lake. Farms in the catchment have become unsalable. If the proposed rules come into effect the bank estimates a further 20% reduction in farm values. The farm supports 4 families. Farm modelling and financial analysis suggests additional mitigation measures will cost another \$30,000 per year or a loss of \$120,000 per year if converting a portion of the farm to forestry.
 Overseer: OVERSEER® is not calibrated to our rainfall and will take 4 years of field trial work to give accurate data to enable more accurate OVERSEER® results. Version changes have resulted in previous mitigation measures being deemed irrelevant e.g. standoff pad that wasn't lined went back up 2kgN/ha with a version change. We need a monitoring tool that is accurate.
 Benchmarking and allocation; Dairy farmers that refused to supply BOPRC benchmarking figures have been given a benchmark of 99.7kg N/ha and a target of 68.5kg N/ha. On our property we would be 1.6T N better off if we had not cooperated and been given a target of 60kg N/ha. The proposed allocation of N in the dairy sector has been skewed by one farmer who owns approximately 30% of the total benchmarked dairy land in the catchment.
 Alternative option
 An alternative option would be buying dairy farms and converting them to dry stock then selling them. Based on their calculations this would cost the Regional Council \$3 million to remove 14T of N. If this was done with 7 farms Regional Council could remove 98T of N for \$21 million. Adopting this approach would result in the remaining farms continuing to be viable, bankable operations with achievable benchmarked nutrient losses and remain an integral part of the local community.
 Decision Sought: Consider purchasing the affected properties at market value, convert them to lower N loss land uses then resell the properties.

Staff Recommendation: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 53: 10 Submission Type: Oppose

Submitter: Lachlan McKenzie

Submission Summary: National and international experience shows that the closer the decisions are made to the resource managers and communities of interest, the faster and more effective is adoption of new ideas and transformation of resource use. I see sub catchment groups working in collaboration as the best way to move past the barriers being put up by PC10 rules. Let's shift the focus from rules and compliance to fixing things, managing change, achieving our shared goals and values.

Decision Sought: That BOPRC facilitate the establishment of sub-catchment action groups to implement shared goals and would include farmers, lifestylers and urban communities alongside science expertise and land management support.

Staff Recommendations: Reject

Submission Number: 55: 2 Submission Type: Oppose

Submitter: NZ Deer Farmer's Association

Submission Summary: The Bay of Plenty Deer Farmers branch supports an accord in place of a rules based system. Working together to find on farm solutions and sharing knowledge through education and land environment plans developed with the support of industry and regional council would be a far more valuable approach.

Decision Sought: We request an independent review of the balance of 'representative' participants of the StAG group and independent assessment of StAG outcomes for bias relating to:

- a) sector representation
- b) land owner representation
- c) Assessment of vested interests in outcomes

Such a review will reveal that StAG has not adequately represented all landowners and that the negotiated outcomes has resulted in bias towards vested interests of StAG participants.

Staff Recommendations: Reject

Submission Number: 57: 2 Submission Type: Oppose

Submitter: Jeanette Watkins

Submission Summary: I am opposed to plan change 10. I believe there will be dire consequences if the proposed changes are implemented.

Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Submission Number: 58: 1 Submission Type: Oppose

Submitter: Max Douglas

Submission Summary: The 435 tonnes per annum is a limit, not a target:
 - farming should not be trying to hit 435 as a target assigning all of it to themselves
 - being as dirty as possible is not managing a resource
 Setting all conservation land to an NDA of zero above rainfall, immediately and until perpetuity, is unreasonable. It is unfair that one generation is now facing the music for decades of pollution. The proposed rules do not consider the changing demographic of the catchment. The proposed rules are slanted heavily in favor of trying to establish the status quo created by opting for a Rule 11 as a baseline for pollution allocation.

Decision Sought: First Choice: The idea is to have farming voluntary wind itself down in regard to the discharge of pollution, against the 2037 deadline.
 -Use the proposed rules, and current process, as a starting point for interim rules, active until 2037 (one full generation).
 -Develop a long term set of rules as a separate process to become active in 2037
 -Develop a set of concessions to support, and provide compensation for, the shutting down of intensive/commercial pastoral farming in the catchment.
 -Add a Heritage farming operation to the list of 2017 permitted activities where land owners incentivised into early adoption of a significantly reduced NDA,
 -Add an Indigenous farming operation to the list of 2017 permitted activities where land owners incentivised into adopting low intensity farming practices.
 -Where land owners work the land, allowances made to give them time to do land conversion. (Refer to Appendix of submission for outline of the proposed rule framework).

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number:	58: 2	Submission Type:	Oppose
Submitter:	Max Douglas		
Submission Summary:	<p>The 435 tonnes per annum is a limit, not a target: - farming should not be trying to hit 435 as a target assigning all of it to themselves - being as dirty as possible is not managing a resource Setting all conservation land to an NDA of zero above rainfall, immediately and until perpetuity, is unreasonable. It is unfair that one generation is now facing the music for decades of pollution. The proposed rules do not consider the changing demographic of the catchment. The proposed rules are slanted heavily in favor of trying to establish the status quo created by opting for a Rule 11 as a baseline for pollution allocation. The option(s) give a minimal recognition for 20 years, and leave it to 2037 rules to be developed where some of the NDA removed from pastoral is transferred to conservation allocation:</p>		
Decision Sought:	<p>Amend; Second Choice: Use the proposed rules and current process as a starting point for interim rules, active until 2037. Develop a long term allocation methodology with a split between two sectors of land use: pastoral and conservation, with: - easy trading of NDA an exchange - as temporary NDA expire, they are transferred to the conservation sector - Conservation land is allowed to consolidate their NDA for small scale non pastoral land use. - majority of conservation NDA on the trading exchange to generate a supply (Refer to Appendix of submission for outline of the proposed rule framework)</p>		

Staff Recommendations: Reject

Submission Number:	58: 3	Submission Type:	Not Applicable
Submitter:	Max Douglas		
Submission Summary:	<p>The proposed rules are focused on a commercial status quo that are not in line with the values of non-commercial and semi commercial rural land owners interested in conservation. The 435 tonnes per annum is a limit, not a target: - farming should not be trying to hit 435 as a target assigning all of it to themselves - being as dirty as possible is not managing a resource Setting all conservation land to an NDA of zero above rainfall, immediately and until perpetuity, is unreasonable. It is unfair that one generation is now facing the music for decades of pollution. The proposed rules do not consider the changing demographic of the catchment. The proposed rules are slanted heavily in favor of trying to establish the status quo created by opting for a Rule 11 as a baseline for pollution allocation.</p>		
Decision Sought:	<p>Third Option - A set of rules developed by people who aren't trying to defend their financial positions and more willing to try to clean up the lake. Classify the proposed rules as commercial rules for those that wish to remain under a commercially focused set of rules Allow the commercials to push forward, with those rules, most noncommercial is smaller blocks are a permitted activity at least until 2022</p> <p>Attempt to engage a group of land owners who are actively, or willing to actively, engage in conservation efforts to clean up the lake Land owners can opt into developing a lifestyle set of rules, where indicatively: - open to solutions that don't take a status quo approach - individuals could face bigger NDA reductions - can accept that the average NDA is lower, as commercial have already assigned themselves a higher average NDA Repeat the collaborative approach that was done with the commercial interests in the StAG, by engaging lifestyle land owners, and having them come up with preferred solutions</p>		

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 58: 30 Submission Type: Oppose in Part
 Submitter: Max Douglas
 Submission Summary: After the incentives schemes run out/meet their goals, pasture remaining on poor sites should be able to be gradually transferred to more suitable locations on land is classified as conservation.
 Decision Sought: Add a mechanism for pastoral land classification to be moved. Not a mechanism to increase total pasture, just relocate it to more suitable sites.

Staff Recommendations: Reject

Submission Number: 60: 2 Submission Type: Oppose
 Submitter: Lyn Brown
 Submission Summary: The resource consent process is timely and expensive and at the end of the day will likely require a significant reduction in animals.
 Decision Sought: Proper consideration for the social and economic effects of the farmers who are affected by this proposal.

Staff Recommendations: Reject

Submission Number: 61: 14 Submission Type: Oppose
 Submitter: Beef + Lamb New Zealand
 Submission Summary: Reference to Nitrogen Management Plans should be deleted throughout the plan change and be replaced by nutrient management plans.
 Decision Sought: Reference to Nitrogen Management Plans should be deleted throughout the plan change and be replaced by nutrient management plans.

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 13 - 1 Submission Type: Support
 Further Submitter: Christopher James Read Meban
 Submission Summary: For the reasons given in the original submission. I believe that P has a far greater impact on lake water quality and should be taken into account.
 Decision Sought:

Staff Recommendation: Accept

Submission Number: 61: 15 Submission Type: Oppose
 Submitter: Beef + Lamb New Zealand
 Submission Summary: The plan should provide for sufficient transition times from any initial allocation approach to one that provides for optimal land use over time while mitigating short term impacts on individuals or the local or regional economy.
 Decision Sought: The plan should provide for sufficient transition times from any initial allocation approach to one that provides for optimal land use over time while mitigating short term impacts on individuals or the local or regional economy.

Staff Recommendations: Reject

Submission Number: 63: 1 Submission Type: Support in Part
 Submitter: Bruce Thomasen
 Submission Summary: Clean safe water is essential for life, quality of life and livelihood. Waterways that meet or exceed the 'swimmable' standard must be protected and maintained at this level. Waterways that fail this standard must be improved to 'swimmable'. I am cognisant that some surrounding landowners / farmers are going to be significantly impacted economically.
 Decision Sought: More funding needs to be made available to assist / compensate these landowners to transition to compliance or to find alternative use so they can continue to live, work and enjoy living in our region.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Some of those impacted have been farming for multiple generations.

Staff Recommendations:	Comment Noted
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Further Submission(s)

Further Submission No:	5 - 3	Submission Type:	Support
Further Submitter:	Astrid Coker		
Submission Summary:	The long term effects of alum dosing are unknown. Aluminum is an established neurotoxin and has been implicated in human neurodegenerative diseases such as Alzheimer's.		
Decision Sought:	A thorough assessment of the health and safety risk of aluminum arising from alum practices for the public who will be using the lake for recreational purposes and for owners of shoreline properties.		

Staff Recommendation:	Reject
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Submission Number:	66: 3	Submission Type:	Oppose
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	The Collective is concerned that the public are being led to believe the option of continued alum dosing is not available, when there is no current science either in NZ or internationally that shows any ill effects from continued dosing.		
Decision Sought:	That nutrient reduction takes account of all the science knowledge, and a greater emphasis is placed on the total biodiversity of catchments. That both nitrogen and phosphorus and different loading levels are considered together within the integrated framework outline suggested in this submission. That science advice is sought on the effect to the lake of significant change in land use from pasture to plantation forestry having regard to understood N:P ratio's.		

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	5 - 2	Submission Type:	Oppose
Further Submitter:	Astrid Coker		
Submission Summary:	The long term effects of alum dosing in Lake Rotorua are unknown.		
Decision Sought:	A thorough assessment of the health and safety risk of aluminum arising from alum practices for the public who will be using the lake for recreational purposes and for owners of shoreline properties.		

Staff Recommendation:	Reject
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Further Submission No:	12 - 2	Submission Type:	Support
Further Submitter:	Federated Farmers of New Zealand		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	Greater emphasis is placed on biodiversity within the scope of the sub-catchment action plans recommended in the FFNZ primary submission.		

Staff Recommendation:	Reject
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Submission Number:	66: 17	Submission Type:	Oppose
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	The scope of PC10 has to be broader to have an enabling framework to include a wider portfolio of options.k.by Council to work on Community solutions. This method (number 41&47) is not new, it is already in the operative Regional Water and Land Plan. It has just never been implemented by Council.		
Decision Sought:	That Council facilitate the establishment of sub-catchment community groups which will complete action plans to identify possible nutrient loss solutions for their catchment. That these groups would include farmers, lifestylers, urban communities alongside science expertise and land management support.		

Staff Recommendations:	Reject
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 66: 18 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: It is important that the Principals of the Memorandum of Understanding on the Rotorua Lakes Restoration signed between the Crown & the members of the Rotorua Lakes Strategy Group are acknowledged and taken into account when considering the impacts of the proposed Rules.

Decision Sought: Collective re-confirm our commitment to the principles of the Oturoa Agreement. We request that Council work with us to solve the problems of our lake by adopting the new proposed integrated framework that will allow farming to remain a viable industry and not forced into land use change to satisfy a rules regime.

Staff Recommendations: Reject

Submission Number: 66: 19 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: The introduction of the National Policy Statement on Freshwater management has provided an ideal opportunity for Council to go back to the Communities of the Rotorua District and have a more informed discussion about the current science of Lake Rotorua, and the resulting cultural, economic, social and environmental impacts of various options, costs & achievability for improving the lake.

Decision Sought: We ask that Council confirm that the Lake Rotorua Catchment will be part of a Water management area subject to the provisions of the NPS- Freshwater in 2020.

Staff Recommendations: Accept in Part

Submission Number: 66: 22 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: No farms have been able to complete the farm plan process Council has dictated, thus none can obtain an understanding of the impacts of the rules on their properties. Land owners are not able to make informed submissions to this Plan Change as they do not understand the full effect of the consequences.

Decision Sought: Defer PC10 until landowners can fully understand the consequences of the rules and have the ability to make informed submissions to Council.

Staff Recommendations: Reject

Submission Number: 66: 33 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: The TLI parameters assumed no internal nutrient load. The legacy load within the lake contributes 360 tonnes of N that can be released up to 10 times a year. The unexpected turnaround in the lake TLI subsequent to alum treatments in two streams is significant in highlighting the ongoing importance of internal nutrients and phosphorus as a key driver of algal dynamics in Lake Rotorua.

Decision Sought: Council acknowledge that the internal loading of the lake does have effects on science data. Council work with Strategy partners to focus on mitigating the legacy internal lake loads. Council to acknowledge that the revision will necessitate review of RPS load numbers and load reduction targets.

Staff Recommendations: Reject

Submission Number: 66: 131 Submission Type: Oppose in Part

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: The Collective supports the establishment of the Incentive Fund and is concerned that the narrow terms of reference coupled with a tight budget are making it difficult to deliver an enduring solution to the lake.

Decision Sought: We support the proposed from Federated Farmers that discussions are initiated with the funding partners to explore widening the terms of reference to include community wide mitigation solutions.

Staff Recommendations: Reject

Submission Number: 67: 1 Submission Type: Oppose in Part

Submitter: Karl Weaver

**Plan Change 10 Lake Rotorua Nutrient Management
Staff Recommendations on Provisions with Submissions
and Further Submissions**

Submission Summary: 1. Nitrogen reduction from pastoral landowners will be offset by increased nitrogen production from growth in tourism as our sewage system won't cope.
2. Dairy grazing blocks of high natural capital value have not been recognised.
I support the right environmental solutions for Lake Rotorua but the solutions must be fair and equitable across the entire community.

Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Submission Number: 67: 2 Submission Type: Oppose in Part

Submitter: Karl Weaver

Submission Summary: Early discussion indicated the likelihood of customised solutions for individual landowners via a 'toolbox' of options.

Decision Sought: Capturing the 'low fruit' in each catchment should be the priority and driven by landowners within that catchment.

Staff Recommendations: Comment Noted

Submission Number: 67: 11 Submission Type: Oppose

Submitter: Karl Weaver

Submission Summary: I do not support the Policies, Method or Rules of Plan Change 10. I do not support nitrogen discharge allowance process and the requirement that landowners reduce nutrient loss by way of regulation.

Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Submission Number: 68: 1 Submission Type: Oppose

Submitter: Sharlene Willemsen

Submission Summary: Rule 10 will adversely affect the ability for our property to farm effectively. Rule 10 will adversely affect the value of our property.

Decision Sought: Cancel Rule.

Staff Recommendations: Reject

Submission Number: 69: 1 Submission Type: Oppose

Submitter: Ngati Uenukukopako Iwi Trust

Submission Summary: Rule 10 will adversely affect the ability for our property to farm effectively. Rule 10 will adversely affect the value of our property.

Decision Sought: Cancel Rule 10.

Staff Recommendations: Reject

Submission Number: 70: 5 Submission Type: Support in Part

Submitter: The Fertiliser Association of New Zealand

Submission Summary: 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.

Decision Sought: FANZ suggests that a generic reference to OVERSEER® is used throughout the Proposed Plan Change.

Staff Recommendations: Reject

Submission Number: 70: 7 Submission Type: Support in Part

Submitter: The Fertiliser Association of New Zealand

Submission Summary: 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.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: FANZ suggest replacing the term 'Nitrogen Management Plans' with 'Nutrient Management Plans', and 'Nitrogen Budgets' with 'Nutrient Budgets'.

Staff Recommendations: Accept

Further Submission(s)

Further Submission No:	13 - 3	Submission Type:	Support
Further Submitter:	Christopher James Read Meban		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation: Accept

Submission Number:	72: 1	Submission Type:	Oppose
Submitter:	Rotorua District Residents and Ratepayers		
Submission Summary:	Policy and practices should be informed by best current science and the TORs which need to have high legitimacy with stakeholders, a comprehensive evaluation of policy options and consequences is both wise and required, the development of S&LCMGs will deliver both remediation and capacity building.		
Decision Sought:	Suspend implementation of PC10 subject to (a) an independent science review, (b) commissioned economic, social, cultural and environmental impact assessment, including a Section 32 RMA impact assessment (c) empower Stream and Land Care Management Groups (S&LCMGs) with science about 'hot spots'.		

Staff Recommendations: Reject

Further Submission(s)

Further Submission No:	12 - 42	Submission Type:	Support
Further Submitter:	Federated Farmers of New Zealand		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation: Reject

Submission Number:	72: 3	Submission Type:	Oppose
Submitter:	Rotorua District Residents and Ratepayers		
Submission Summary:	PC10 will require a switch from high N discharges, high food production, and high outputs into low N, low earnings from silviculture.		
Decision Sought:	Alternative policy is developed with a far less disruptive effect on the district agribusiness' economy.		

Staff Recommendations: Reject

Submission Number:	72: 4	Submission Type:	Oppose
Submitter:	Rotorua District Residents and Ratepayers		
Submission Summary:	The loss of dairy capital values due to PC10 in our district has been estimated at \$162m. Corresponding rates revenue loss would have to be recovered from other sectors most particularly residential and business rates.		
Decision Sought:	Suspend implementation of PC10 until an alternative policy is developed with much more reasonable impact on Rotorua Districts' ratepayers, residents and businesses.		

Staff Recommendations: Reject

Further Submission(s)

Further Submission No:	12 - 44	Submission Type:	Support
Further Submitter:	Federated Farmers of New Zealand		

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

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

Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 72: 5 Submission Type: Oppose

Submitter: Rotorua District Residents and Ratepayers

Submission Summary: Professor David Hamilton has shown that controlling P levels is a more achievable approach to lowering the TLI.

Decision Sought: Suspend implementation of PC10 until an alternative policy is developed that shifts the focus from N to P levels and that uses a more holistic model of sustaining and improving water quality outcomes.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 12 - 45 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

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

Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 72: 6 Submission Type: Oppose

Submitter: Rotorua District Residents and Ratepayers

Submission Summary: The 435 target was based on the best available science of the day. Since then it has been shown that N discharges are higher from properties, that much more than previously thought is extracted from flow paths and that these extractions can be further enhanced by many mitigation methods.

Decision Sought: Suspend implementation of PC10 until an alternative policy is developed to customise N mitigation strategies stream by stream rather than by whole catchment. We recommend the development of Stream and Land Care Management Groups.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 12 - 46 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

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

Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 72: 7 Submission Type: Oppose

Submitter: Rotorua District Residents and Ratepayers

Submission Summary: The BoPRC Incentives programme model has struggled to gain the confidence of farmers.

Decision Sought: Suspend implementation of PC10. The focus of the programmes should move away from incentivising land use changes towards a focus on green technologies that will permanently change nutrient loadings on the lakes.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 12 - 47 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

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

Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 75: 7 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: The RPS is clear that achieving further reductions to address legacy issues and to meet community values and objectives and should be funded accordingly. We acknowledge the significant contributions being made by the Crown and Council to the Incentives Fund. The fund is now in its second year and is yet to do any deals.

Decision Sought: We suggest it is timely to relook at the funding criteria.

Staff Recommendations:	Reject
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Submission Number: 75: 24 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Important context for PC10 and material to relief sought.

Decision Sought: That PC10 be amended in its entirety to give better effect to the RWLP plan review process. The proposed changes are extensive – please refer to the full submission for further detail.

Staff Recommendations:	Reject
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Submission Number: 75: 60 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: The current layout of PC10 is a bit “messy” and confusing. Most of the narrative would preferably be located in the introductory section; and the maps would preferably be located at the back with the schedules.

Decision Sought: Give consideration to re-structuring the layout for a cleaner presentation of issues, values, objectives, policies, methods, rules etc.

Staff Recommendations:	Reject
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Submission Number: 76: 1 Submission Type: Oppose

Submitter: Peter Seymour

Submission Summary: This proposed new plan tells me that I will have to cut back my livestock numbers. This proposed plan will very effectively cut my income and the income of the local livestock transport company, the stock agent that sells the stock, the accountant, the freezing works and on and on I could go on. How can this be good for the district?

Decision Sought: I have listed some further projects for the council to consider. I believe that these would assist to clean up the lake much more effectively:

- this catchment has more people than farmed livestock when is the council planning on reducing the number of humans, their chemicals and effluent?
- when will the number of motor vehicles on the roads be reduced?
- remove all of the pine trees from the catchment. These produce large quantities of pollen.
- why doesn't the council do something about the enormous amount of plastic bags and rubbish that are washed from the city into the lake every time it rains?
- what about removing the rafts of plastic bottles that were created?

Staff Recommendations:	Reject
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Submission Number: 77: 1 Submission Type: Oppose

Submitter: Roger Wootton

Submission Summary: It's not all about dairy. Gorse should be removed and pine plantations as should all farmers have a green belt planted of nitrogen, absorbing trees, shrubs.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 78: 15 Submission Type: Oppose

Submitter: Tony and Joanna Carr

Submission Summary: We do not support the Incentives Fund. The narrow terms of references coupled with a tight budget are making it difficult to deliver a solution to the lake.

Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Submission Number: 79: 3 Submission Type: Oppose

Submitter: Paul Barton

Submission Summary: The science on Lake Rotorua and the Nitrogen and Phosphorus budgets and extrapolation of them is not sound and associated N and P loading to maintain water quality are therefore not sound.

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 79: 7 Submission Type: Oppose

Submitter: Paul Barton

Submission Summary: As catfish are now in Lake Rotorua the current water quality goals are not achievable and are not going to be influenced by farming practices.

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 81: 3 Submission Type: Oppose

Submitter: Jamie and Chris Paterson

Submission Summary: Attenuation has changed all the past understandings about the catchment. That now means that there are new options to mitigate nutrients between source and the lake.

Decision Sought: Council needs to stop and take stock of the new science before proceeding with any plan change.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 13 - 2 Submission Type: Support

Further Submitter: Christopher James Read Meban

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

Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 81: 5 Submission Type: Oppose

Submitter: Jamie and Chris Paterson

Submission Summary: Te Arawa Strategy partners must take responsibility for addressing the effect of the bottom sediments in Lake Rotorua. It is not fair nor equitable that we are given only 15 years to correct a problem that was a 100 years in the making. Why are the current landowners being held accountable for nutrients in groundwater from a previous generations use.

Decision Sought: Not specified.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 81: 15 Submission Type: Oppose

Submitter: Jamie and Chris Paterson

Submission Summary: That the implementation of the proposed rules be deferred until a review of all options to enhance catchment Nitrogen attenuation, what areas and sub-catchments are more responsive to such actions. Each sub catchment needs its own catchment action plan drawn up and managed by stakeholders within the catchment.

Decision Sought: That the implementation of the proposed rules be deferred until a review of all options to enhance catchment Nitrogen attenuation, what areas and sub-catchments are more responsive to such actions. Each sub catchment needs its own catchment action plan drawn up and managed by stakeholders within the catchment.

Staff Recommendations: Reject

Submission Number: 82: 1 Submission Type: Oppose

Submitter: Stuart Morrison

Submission Summary: The PC10 framework fails to take account of a changed context. The lake is meeting its TLI target, the science understanding has shifted significantly and the statutory framework has changed. PC10 carries forward a Rules and Incentives package focus on land use change as a primary driver for improving the lake.

Decision Sought: Review.

Staff Recommendations: Reject

Submission Number: 82: 19 Submission Type: Support

Submitter: Stuart Morrison

Submission Summary: I support Council's frequently expressed intent to avoid input based management in favor of a focus on outputs to measure progress.

Decision Sought: Not specified.

Staff Recommendations: Accept

Submission Number: 82: 21 Submission Type: Support

Submitter: Stuart Morrison

Submission Summary: I support the commitment to the health of the lake and to meeting my part of the 2022 MRT.

Decision Sought: I support the commitment to the health of the lake and to meeting my part of the 2022 MRT.

Staff Recommendations: Accept

Submission Number: 83: 3 Submission Type: Oppose

Submitter: Bushlands Estate Limited and Adolle Farms Limited

Submission Summary: The Plan Change 10 Rules as they currently stand are placing an untenable burden on our farming viability. This is highly inequitable when it is borne in mind that the legacy issue is being imposed entirely on my family's shoulders. It is equally inequitable when account is made of the efforts we have gone to, to try and improve the farm's nutrient discharge.

Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Submission Number: 84: 1 Submission Type: Oppose

Submitter: Protect Rotorua

Submission Summary: Consultation requires the Council to provide adequate information to affected parties on the Draft Rules and to review the responses offered by affected parties with an open mind. Protect Rotorua is concerned that the Council has predetermined the substance of the Rules such as it cannot review any further feedback requested with an open mind. Protect Rotorua is concerned that the extent of expenditure on

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

the Draft rules suggests that Council has predetermined the outcome.

Decision Sought: Not specified.

Staff Recommendations:	Comment Noted
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Submission Number:	84: 2	Submission Type:	Oppose
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Submitter: Protect Rotorua

Submission Summary: Regional Council has failed to undertake a lawful consultation process by its refusal and/or failure to provide all relevant information to affected parties. In particular many landowners were not provided the rate of nitrogen loss for their property to assess the impact of the Draft Rules on them.

Decision Sought: The data underlying Rules has materially changed since October 2014 such that those affected need to be consulted again.

Staff Recommendations:	Comment Noted
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Submission Number:	84: 3	Submission Type:	Oppose
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Submitter: Protect Rotorua

Submission Summary: The regional policy statement provides specific direction to the regional council (Policy WL 5B). Protect Rotorua's main concern is that the unlawful process adopted to date means the draft rules will fail to meet the criteria and especially the need to be fair and equitable in the nitrogen reduction required between affected land owners.

Decision Sought: Not specified.

Staff Recommendations:	Reject
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Submission Number:	84: 4	Submission Type:	Oppose
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Submitter: Protect Rotorua

Submission Summary: There is a need for proper communication between the Regional Council and the District Council. Under the Rules Protect Rotorua members are being told that they may have to change their land use. However, when they talk to local authority officials to get the consent to do that they are being told it is not possible.

Decision Sought: Not specified.

Staff Recommendations:	Comment Noted
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Submission Number:	84: 5	Submission Type:	Oppose
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Submitter: Protect Rotorua

Submission Summary: Protect Rotorua is concerned that the proposal involved in determine the structure and terms of reference for the incentives fund are the same people that will benefit from the fund.

Decision Sought: Protect Rotorua seeks confirmation from Council that the decisions made by the Incentives Board are not conflicted and are lawful.

Staff Recommendations:	Reject
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Submission Number:	84: 6	Submission Type:	Oppose
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Submitter: Protect Rotorua

Submission Summary: Protect Rotorua is concerned that certain landowners have been able to take advantage of the threshold under Rule 11 because properties under 40 hectares were not allocated a nitrogen benchmark. As such owners of several properties have been able to increase the output of nitrogen on their properties by shifting their intensive farming operations to these smaller properties. This has resulted in larger nitrogen discharge allocations.

Decision Sought: Investigate this urgently and report back to Protect Rotorua.

Staff Recommendations:	Reject
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 85: 1 Submission Type: Oppose
 Submitter: Waiteti Farms Ltd / Waiteti Whenua Trust
 Submission Summary: Serious disadvantages to the future of Waiteti, associated landowners and beneficiaries in many different ways, unnecessarily.
 Decision Sought: Not specified.

Staff Recommendations:	Comment Noted
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Further Submission(s)

Further Submission No: 10 - 1 Submission Type: Support
 Further Submitter: Whakapoungakau Aggregated Lands
 Submission Summary: Whakapoungakau is a cropping and dry stock farming unit operating within their benchmark requirements under the current RWLP. An optimisation project has been initiated and will likely take, at a minimum the next 5 years, to determine overall best uses into the future. As kaitiaki, the owners are unable to commit their 'uri' to alternatives until due diligence is completed and the owners are satisfied that their decisions will not disadvantage future generations.
 PC10 does not actively protect the interests of the future generations of Whakapoungakau, in that it will further diminish the already limited capacity of their environment under benchmarking, to provide beneficial outcomes to owners. Council seeks to impose further disadvantage by placing their costs of monitoring PC10 onto the owners who already pay rates individually and collectively, for an average of five properties per owner, annually.
 Culturally, whatever the use/s of the whenua, the aggregated lands are a whole environmental system. Under kaitiakitanga a pre-requisite of the optimisation project is that multiple uses must complement each other to ensure the sustainable management of the environment, lands and resources for the future generations. PC10 does not actively protect and provide for kaitiakitanga in that it seeks to separate the Whakapoungakau taonga without regard for the cultural, social and economic impacts upon the owners and the future generations.
 In terms of areas that are removed from farming for an alternative use that results in a lower nutrient footprint, Whakapoungakau will not receive replacement value or credit for their current and any further contribution toward improvement of the Lake Rotorua TLI.
 Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 86: 1 Submission Type: Oppose
 Submitter: Whakapoungakau Aggregated Lands
 Submission Summary: Serious disadvantages to the future of Whakapoungakau lands and beneficial owners, unnecessarily.
 Decision Sought: Not specified.

Staff Recommendations:	Comment Noted
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Further Submission(s)

Further Submission No: 9 - 1 Submission Type: Support
 Further Submitter: Waiteti Farms Ltd / Waiteti Whenua Trust
 Submission Summary: Waiteti has progressed from leasing their land to establishing a dairy unit whereby collaboration with neighboring lands and development of appropriate infrastructure has halved the nutrient export from the operations under the benchmark of the RWLP. To achieve this required extensive due diligence, rigorous planning and preparation including resource consents from Council to farm. Development is ongoing with a view to being the most efficient and effective operation that it can be. PC10 will seriously reduce the ability of Waiteti to achieve the required production for economic viability. Therefore PC10 does not actively protect the interests of the Waiteti owners and their 'uri' which is contrary to the principles of the Treaty of Waitangi.
 Under kaitiakitanga, PC10 does not actively protect Waiteti in the use of our lands and waters, in that corpus land (taonga) will be lost thereby alienating the owners. Therefore PC10 is not proposed in good faith.
 Council seeks to impose further disadvantage by placing their costs of monitoring PC10 onto the owners who already pay rates individually and collectively, for an average of five properties per owner, annually.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: PC10 proposed NDAs does not provide Waiteti replacement value for their current and any future contribution toward improvement of the Lake Rotorua TLI.
As above

Staff Recommendation:	Reject
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Submission Number: 87: 1 Submission Type: Oppose
Submitter: John Beuth
Submission Summary: I agree with the intent of the proposal to reduce the flow of nutrients into Lake Rotorua from but disagree with the methods within Proposed Plan Change 10. Farming with deforestation has been driven and approved by Central Governments and Environment Bay of Plenty for many years without consideration for the condition of the lake. Continued development of the lake edge for residential housing again has reduced the ability of the land to naturally filter the catchment through riparian plantings. With the increased settlement around the lake the birdlife has also increased. The birds excrete into the lake. This increases nutrients and sediment in the lake, increasing the growth of weed. Increased settlement has resulted in households having septic tanks with fluid and nutrient overflow. There is still a lack of Council funded sewer system connections. In storm or rain events the current sewer system is too small. Ngongotaha sewer system has numerous overflow events yearly.

Decision Sought: Prior to laying the blame on pastoral farming within the catchment area, there are a number of remedial methods available to the Council;

- Increased use of slag aggregate in roading surface preparation.
- Filters placed within the stormwater system again using slag and other filtering systems,
- Introduce the use of Rainstoppers on sewer manholes
- Nitrogen fixing pellets
- Fence and plant waterways with riparian plantings
- Replant the lake edge with riparian plants
- Increase the size and capability of the sewer system to cope with rain events by installing storage systems to allow for peak periods.
- Stop the increase of residential settlement and development in marginal zones.
- Increase the connections into the Council funded sewer reticulation higher up in the catchment
- Pond and filter rain event water utilizing overland flow paths
- Reduce the number of birds on the lake

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 12 - 3 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: It is important to consider a wide portfolio of methods for supporting the health of the lake.
Decision Sought: Make provision for sub-catchment action plans to consider a wide portfolio of methods as suggested by the submitter.

Staff Recommendation:	Reject
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Submission Number: 88: 1 Submission Type: Oppose
Submitter: Nigel Marshall
Submission Summary: I advise of my utmost disapproval of the plan. I intend to sell my commercial holdings in Rotorua and totally relocate to Whakatane due to the massive effect this scheme will have to the business community.
Decision Sought: Not specified.

Staff Recommendations:	Comment Noted
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Submission Number: 14: 1 Submission Type: Support
Submitter: Warren Webber
Submission Summary: Representatives from the Lakeswater Quality Society (LWQS) have actively participated in StAG which has made policy recommendations which are now incorporated in the proposed plan change 10. LWQS supports the proposed plan changes in their entirety, but suggests the addition of provisions of 'Exceptions to the Rules'.
Decision Sought: Support all proposed changes with the addition to extra provision for 'exceptions to the rules' e.g. Plant/tree nurseries, Equine Agistment.

**Plan Change 10 Lake Rotorua Nutrient Management
Staff Recommendations on Provisions with Submissions
and Further Submissions**

Staff Recommendations:	Accept in Part
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Submission Number: 14: 11 Submission Type: Support
Submitter: Warren Webber

Submission Summary: LWQS supports the currently proposed rules and incentives programme (including sector allocation with ranges) as the most pragmatic solution to Nitrogen allocation.

Decision Sought: No changes requested.

Staff Recommendations:	Accept
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Submission Number: 91: 1 Submission Type: Neutral

Submitter: Robert Dansey

Submission Summary: I live beside the Ngongotaha Stream, across from me are huge willow trees. I don't know what sort of pollution they cause but at the mouth it becomes a slimy mess that must add to the lakes deterioration.

Decision Sought: I would like someone to visit to see what I mean before leaves fall.

Staff Recommendations:	Comment Noted
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Chapter: Part 2 Lake Rotorua Nutrient Management

994

Section: Introduction

994

Staff Recommendation

Amend Introductory sentence (Page 1) to: 'These plan change provisions apply to the land containing rural production (pastoral activities) and forestry within the Lake Rotorua groundwater catchment, as shown in Map LR1, excluding land located within the Waikato region. Scope is restricted to the management of land use activities which contribute nitrogen to Lake Rotorua. This plan change gives effect to the following requirements in the Regional Policy Statement and provides for a staged implementation of these requirements.

Amend Paragraph 2, Sentence 3, to: 'This includes regular reviews of the science and policy and responding to the outcomes of these reviews.'
Add new policies to provide direction to urban development within the Lake Catchment in response to submission 26.

Amend Schedule LR4 to increase clarification on what land is impacted by PPC10.

Staff Reason

(47-2) There are parcels of land within the urban environment that are zoned rural, reserve or residential but are used for pastoral activities. These have been provided with a benchmark, and are subject to the provisions of PPC10. It is recommended that additional text outlining the activities managed by the plan change would provide the level of clarification requested by the submitter to resolve any confusion with implementation. Therefore it is recommended that the submission point on this matter be accepted in part to recognise that the text proposed by the submitter has not been used, however the text proposed aligns with the intent of the submission.

(53-13) The approach taken to develop the rules and integrated framework was completed through a collaborative process that included extensive community engagement commencing from 2012. The rules have been based on the most recent, up to date science and modelling available causing a small variation in the catchment load from that identified within RPS Policy WL6B. The catchment load specified within the RPS is an average of the load recorded by ROTAN between 2003 to 2009. PPC10 included estimated loads received since this time causing a slight change in the catchment load figure from 746t/ N to 755t/ N. This reflects the adaptive management approach enforced by PPC10. It should be noted that all modelling and science has elements of uncertainty and risk, this being the nature of science, however this does not reduce the need for action to be taken. The proposed text provided by the submitter does not accurately reflect the extensive work; research and collaboration undertaken as part of Plan Change 10 and undermines the collaborative process undertaken to date.

(70-16, FS6-2, FS15-32) As currently worded the introduction signals that PPC10 policies will be reviewed, However this intends to refer to the review of PPC10 in response to science and monitoring reviews completed under section 35 of the Act and/ or Method 2. Revised text has been proposed to accurately reflect this approach of adaptive management.

(75-16, 75-17) The blue text located in boxes throughout the notified version of PPC10 is for explanatory purposes and do not form part of PPC10. The blue text provided on Page 1 is an introductory paragraph to the plan change and highlights that the plan change will form part of the wider regional land and water plan upon PPC10 becoming operative. This blue text will not be included in the regional plan and therefore submissions relating to this text are not within scope of the plan change. It is considered that this is clear and that no changes are required to be made.

(75-33, 75-62) The Oturoa Agreement was established in response to concerns raised through the RPS Appeals process, and helped guide the final decision on policies that would inform the development of the rules within the Regional Plan. Plan Change 10 has been developed to uphold the direction of these policies and includes timeframes, methods such as science reviews and provision for trading as per the Oturoa Agreement. It is noted that submissions points have highlighted that the Oturoa Agreement, referred to the 2032 timeframe as 'aspirational'. This perceived intent is incorrect and was not included within the signed Oturoa Agreement with 2032 being a set timeframe. The appeal of Federated Farmers to the RPS requested this timeframe be extended to 2035. However the outcome of mediations resulted in the timeframe being set as 2032 with a 70% target achieved by 2022. This outcome was upheld by the Environment Court under s279(1)(b) of the Act and have been upheld by both the RPS and PPC10. Submissions have requested more science be completed to confirm the sustainable load of the Lake. The RPS became operative October 2014 along with the sustainable load. Since this time no new science has been made available that shows a potential changes in the sustainable load. Science has shown a slight difference in the current load than that identified within the RPS, causing this updated science to be reflected in the plan change. Due to this it is considered that a review of the RPS so soon after this becoming operative would result in no changes to the science used to inform PPC10.

(75-2) Currently the introduction is concise and identifies the methods used with PPC10 to achieve a reduction in nitrogen. Inclusion of the additional section providing an overview of the Oturoa Agreement as suggested will move away from this intent, and will increase the bulk of the plan change. In addition this text broadens the scope to include phosphorus, detracting from the intent of PPC10 and widening its scope. The Oturoa Agreement has already been referenced within the section 32 report and it is considered including reference as part of the introduction would not achieve any additional benefit. reasons for not broadening the scope of PPC10 to include phosphorus reduction at this point in time are provided in Section 5.3.3 of this report.

(58-32) The district plan is a separate process under the RMA and managed by a different local authority being the Rotorua Lakes Council. The Regional Council does not have the legal ability to directly alter the District Plan through submissions received on the regional plan. It is considered that the content of a regional plan should only over elements directly relevant to the resources it is attempting to manage through the enforcement of rules. Referring to external organisations, boards, or planning documents within the introduction would give the incorrect perception that the plan is able to influence these matters.

(19-9) It is considered that the proposed plan change upholds the intent of the RPS and Oturoa Agreement through the provision of regular science reviews. These are set to commence at 5 year intervals from 2017 and will inform any decisions made on the need for future policy reviews. A Memorandum of Understanding between Regional Council, Lake Rotorua Primary Producers Collective and Lakes Water Quality Society commits to these reviews and monitoring the economic, social and cultural impacts of Plan Change 10, this aligning with monitoring requirements under section 35 of the Act

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

(26-10, FS7-21, FS8-22) Short or long (permanent) term trading is an option available to all property/ farming enterprises under LRR10 and Schedule LRR7, commencing from 2022. The option of trading and development of an incentives board aligns with the proposal put forward by the Collective as part of StAG to help reduce the financial impact of the rules on the rural production sector.

(82-5) Plan Change 10 is based on the best science available at this point in time. As outlined in this report it is considered that this science supports the loads identified within the plan change. Reviews completed under Method 2 will enable any new science to be included as part of future plan reviews. Until new robust science is made available no changes to the loads are proposed.

(90-1, FS1-1) The use of poly-microbial fertilisers as suggested by the submitter along with any other alternative fertiliser, is available for use by farmers, and is able to be identified within their respective nitrogen management plans as a proposed method to achieving their required reduction. It is not the Regional Councils role to promote the use of one fertiliser over another and get involved in market competition. Rather the Regional Council can provide information to farmers along with land use advisors, and let farmers choose what management practices they would prefer to use to reach their Nitrogen Discharge Allowance by 2032. Whilst the point made by the submitter is acknowledged it is considered that this plan change process is not the correct method to gain support for its use.

(75-18, FS2-6) Submitter 75 has requested the addition of a new section to the introduction which clarifies the scope of Plan Change 10. It is considered that an element of this is able to be incorporated into the introduction to clarify the intent of the plan change and how this will be implemented. The intent of the submission point is supported, however, the text introduces management of phosphorus, source discharges, and other activities which are not supported for the reasons outlined in Section 5.3.3 of this report. Therefore only parts of the suggested text have been recommended to be included. It is noted that the submission seeks clarification on what land area PPC10 relates to, and has requested that PPC10 is clear that this does not relate to land located outside of the Bay of Plenty region. To further clarify this amendments have also been made to Schedule LR\$ to allow farm enterprises to determine if they are impact by rules within PPC10 or not.

(75-19, 53-11, 75-21) Submitters have requested the addition of a new section within the introduction that outlines the purpose of the plan change. Plan Change 10 forms part of the wider regional land and water plan which already has a section outlining the purpose of the Regional Plan. It is considered that sufficient clarification on the intent of the plan change is provided with this increased through amendments completed in response to other submission points. The suggested text will create confusion, and does not align with the overall intent. The NPS-FM process completed in the future will not involve the litigation of the 435 target unless new science supports the revision of the targets.

(75-20, 75-59) Submitter 75 has required new sections and text be including outlining the requirements of the RMA and NPS-FM 2014. Repeating sections of the RMA and NPS does not add any additional value to the regional plan, given that the regional plan is a RMA document and must already align with and uphold both the RMA and NPS. The additional sections requested by submitter 75 will increase the size of PPC10 and the regional plan, and will reduce the intent of the plan change to be stream-lined to reduce clutter and complexity.

(75-22) Submitter 75 has requested a new section that identifies the roles and responsibilities of the District Council in contributing to achieving the water quality targets as identified in the RPS. The manner in which these obligations are fulfilled and how the RPS is upheld is at the District Councils discretion. Having detail on external plans included within a statutory document can contribute to this becoming quickly dated due to changes to agreements and legalisation being outside the control of the Regional Council. (Note: the Rotorua District Plan no longer includes transferable development rights).

(75-26) A new section outlining the funding agreement between the Regional Council and Central Government is not considered to be required and is not appropriate for use within a Regional Plan. This funding agreement sets the scene for the wider Te Arawa Lakes Programme, of which the plan change is one component. Reference to the funding deed and background does not add any value to the implementation of the plan change, being to manage and reduce losses rural production activities. Such information is already referenced in the section 32 analysis completed for the plan change. Having such detail included within a statutory document can contribute to a plan becoming quickly outdated, due to changes to agreements and legalisation being outside the control of the Regional Land and Water Plan.

(75-27, FS6-3) Submitter 75 has requested a new section be included within the introduction outlining the role of the Incentives Board and how the board operates. It is considered that the text suggested by the submitter is not appropriate for use within a Regional Plan. The operation of the Incentives Board sits outside of the Regional Land and Water Plan and adds no value to the implementation of the plan change, being to manage and reduce losses from rural production activities. Such information is already referenced in the section 32 analysis completed for Plan Change 10.

(75-28) Submitter 75 has requested a new section be included within the introduction outlining the issues and risks associated with OVERSEER® Whilst OVERSEER® is central to the PPC10 framework the level of detail suggested on OVERSEER® adds complexity and confusion to the plan change and does not provide any additional value than the information already provided within the introduction and schedule 5. The section 32 report adequately covers the approach used by Plan Change 10 for OVERSEER® and such detail is not considered to be repeated.

(75-31, 75-29, 75-30, FS6-4, 75-32, 75-33, 53-12) Submitters have requested new sections to be included relating to the state and trends of Lake Rotorua, science reviews, timeframes and principles of integrated management. The Regional Land and Water Plan intends to implement the direction of the RPS through the use of regulatory tools, rather than repeat the issues and information already provided within the RPS, wider regional plan, section 32 reports and research completed for Plan Change 10. Submitter 75 has also requested a new section be included within the introduction outlining the impacts of phosphorus on Lake Rotorua. The manner in which the suggested text is written implies that the Lake is phosphorus limited, this detracting from the intent of PPC10 being to reduce nitrogen losses. As outlined in Section 5.3.3 of this report the management and reduction of phosphorus as part of Plan Change 10 is not supported.

(26-14, 43-20, FS15-19) Support Noted

(75-115, 75-116, FS13-4, 47-1, 75-15) Refer to Section 5.3.3 The Management of Phosphorus by Plan Change 10

(75-117, 75-229) Refer to Section 5.3.4 The Use of Sub-Catchment Plans

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submissions

Submission Number: 19: 9 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.
 I seek 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 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.

Staff Recommendations: Reject

Submission Number: 26: 4 Submission Type: Oppose
 Submitter: Rotorua Lakes Council
 Submission Summary: The objectives and policies do not preclude introducing similar allocations or reductions from urban loads. The 435tN sustainable limit and the allocation by dischargers within the integrated framework also implies that there will be no opportunity to increase the discharge from the Waste Water Treatment Plant.
 Decision Sought: RLC seeks the inclusion in PC 10 to the Regional Plan of appropriate objective(s), policies and methods to address its submission.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 2 – 1 Submission Type: Oppose
 Further Submitter: Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd
 Submission Summary: It is appropriate to specifically exclude non rural areas.
 Decision Sought: Continue specifically excluding non-rural areas from PC10. Discharges from urban areas should be addressed by way of a future plan change with appropriate S32 analysis.

Staff Recommendations: Accept in Part

Further Submission No: 4 - 1 Submission Type: Oppose
 Further Submitter: Ngati Uenukukopako Iwi Trust
 Submission Summary: The Trust is opposed to the submission of Rotorua Lakes Council to the extent that it seeks amendments to the proposed planning framework (including objectives, policies and rules) that relate to the discharge from the Wastewater Treatment Plant to Lake Rotorua. The Trust is opposed to the proposal to discharge treated wastewater directly into Arikiroa Bay which forms part of Lake Rotorua.
 Decision Sought: Do not support RLC proposed planning framework amendments which provide for increased discharges from the Wastewater Treatment Plant.

Staff Recommendation: Accept in Part

Submission Number: 26: 10 Submission Type: Oppose
 Submitter: Rotorua Lakes Council
 Submission Summary: RLC submits that PC 10 does not give effect to Policy WL 6B, or WL 5B of the RPS, as required under section 67 of the RMA, for the following reasons:
 - Rural production land use activities are in some cases being required to reduce more than is reasonably practicable using on-farm best management practices;
 -There is not an equitable balancing of public and private costs. This is impacted by a restriction on trading of nitrogen prior to 2022 and an Incentive Scheme is not required to minimise the economic impact of purchases of nitrogen.
 Decision Sought: RLC seeks the inclusion in PC 10 to the Regional Plan of appropriate objective(s), policies and methods to address its submission.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Staff Recommendations: Reject

Further Submission(s)

Further Submission No:	7 - 21	Submission Type:	Support
Further Submitter:	Alistair and Sarah Coatsworth		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation: Reject

Further Submission No:	8 - 22	Submission Type:	Support
Further Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation: Reject

Submission Number:	26: 14	Submission Type:	Support in Part
Submitter:	Rotorua Lakes Council		
Submission Summary:	Lake Rotorua has been identified as 755t of nitrogen entering the catchment per year when the science tells us that the sustainable load on the lake is 435tN. Reaching this limit by 2032, with 70% of the reduction occurring by 2022 is set out in the Regional Policy Statement. RLC supports the RPS policy in so long as the science is accurate and regularly reviewed.		
Decision Sought:	Support - No change requested.		

Staff Recommendations: Accept

Submission Number:	26: 19	Submission Type:	Oppose
Submitter:	Rotorua Lakes Council		
Submission Summary:	PC 10 does not give effect to Policy WL 5B of the RPS for the following reasons: <ol style="list-style-type: none"> a. PC 10's proposed allocation of 435tN among land use activities, and in particular the implied allocation for the discharge from Rotorua's WWTP, does not: <ol style="list-style-type: none"> i. Allow for intergenerational equity in that Rotorua's urban growth will be effectively capped. ii. Consider the extent of the immediate impact given the discharge of treated wastewater accounts for less than 5% of the nitrogen load into Lake Rotorua; iii. Provide for resource use efficiency due to the extremely high cost of removing nitrogen from future wastewater discharges; iv. Have sufficient regard for the high public cost of constraining growth through restrictions placed on WWTP discharges. 		
Decision Sought:	RLC seeks the inclusion of appropriate objective(s), policies and relevant methods in PC 10 to the Regional Plan to recognise and provide for urban growth in the Rotorua district, and for consequent increased loads to the WWTP that result in nitrogen entering Lake Rotorua.		

Staff Recommendations: Accept in Part
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Further Submission(s)

Further Submission No:	2 - 5	Submission Type:	Oppose
Further Submitter:	Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd		
Submission Summary:	It is appropriate to specifically exclude non rural areas.		
Decision Sought:	Continue specifically excluding non-rural areas from PC10. Discharges from urban areas should be addressed by way of a future plan change with appropriate S32 analysis.		

Staff Recommendation: Accept in Part

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission No: 4 - 5 Submission Type: Oppose

Further Submitter: Ngati Uenukukopako Iwi Trust

Submission Summary: The Trust is opposed to the submission of Rotorua Lakes Council to the extent that it seeks amendments to the proposed planning framework (including objectives, policies and rules) that relate to the discharge from the Wastewater Treatment Plant to Lake Rotorua.

The Trust is opposed to the proposal to discharge treated wastewater directly into Arikiroa Bay which forms part of Lake Rotorua.

Decision Sought: Do not support RLC proposed planning framework amendments which provide for increased discharges from the Wastewater Treatment Plant.

Staff Recommendation:	Accept in Part
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Further Submission No: 8 - 61 Submission Type: Oppose

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Oppose in part.
Support the intent that PC 10 should provide an enabling framework for growth alongside safeguarding health of the lake, that consideration is given to inter-generational equity; that proposed restrictions – urban or rural – are subject to robust cost-benefit analysis. We do not support exemptions for particular sectors as this will place an even greater and impossible burden on remaining sectors – rather we seek an enabling framework for whole of community solutions.

Decision Sought: As above

Staff Recommendation:	Accept in Part
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Further Submission No: 12 - 4 Submission Type: Oppose

Further Submitter: Federated Farmers of New Zealand

Submission Summary: Oppose in part.
Support the intent that PC10 should provide an enabling framework for growth alongside safeguarding health of the lake; consideration of intergenerational equity; that proposed restrictions are subject to robust cost-benefit analysis. We do not support exemptions for particular sectors - rather we seek an enabling framework for whole of community solutions.

Decision Sought: Include all sectors and contributors to both the problems and the solutions.

Staff Recommendation:	Accept in Part
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Submission Number: 43: 20 Submission Type: Support

Submitter: Ravensdown Limited

Submission Summary: The approach is considered appropriate and will assist to achieve the water quality outcomes sought by RPS.

Decision Sought: Ravensdown seeks for Council to retain the overall approach outlined in the introduction.

Staff Recommendations:	Accept in Part
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Further Submission(s)

Further Submission No: 15 - 19 Submission Type: Support

Further Submitter: Ballance Agri-Nutrients Limited

Submission Summary: Ballance supports the use of adaptive management approach to nutrient management. Regular science and policy reviews and adjustments to respond to the outcomes are an appropriate way to manage nutrients. The adaptive management approach is consistent with other regional planning documents in New Zealand.

Decision Sought: As above

Staff Recommendation:	Accept
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 47: 1 Submission Type: Support in Part

Submitter: Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd

Submission Summary: PC10 is titled Lake Rotorua Nutrient Management. Plan users would be better able to identify whether the provisions of PC10 are relevant to a particular activity if it was more accurately titled Nutrient Management - Lake Rotorua Groundwater Catchment (rural zones).

Decision Sought: Rename the plan change Nutrient Management - Lake Rotorua Groundwater Catchment (Rural zones) to better reflect the intended application of the provisions.
Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to these submissions as a result of the matters raised.

Staff Recommendations: Reject

Submission Number: 47: 2 Submission Type: Support in Part

Submitter: Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd

Submission Summary: In light of the intended application of these provisions to rural zones only, revisions to the introductory text would be appropriate.

Decision Sought: Amend to : These plan change provisions only apply to particular rural areas of the Lake Rotorua groundwater catchment, as shown in Map LR1. These provisions do not apply to the balance of the catchment.
Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to these submissions as a result of the matters raised.

Staff Recommendations: Accept in Part

Submission Number: 53: 11 Submission Type: Oppose in Part

Submitter: Lachlan McKenzie

Submission Summary: Give better clarity of intent and improve clarity.

Decision Sought: Amend to read: Lake Rotorua Integrated Nutrient Management
This plan change gives effect to the following 'provisions' in the Regional Policy Statement.
This plan change provides for a staged implementation of these 'policies'.
'A future plan changes for the Rotorua Lakes WMA including Lake Rotorua is scheduled to commence in 2020 to give effect to the values/objectives/limit-setting requirements of the NPS-FW 2014'.

Staff Recommendations: Reject

Submission Number: 53: 12 Submission Type: Oppose in Part

Submitter: Lachlan McKenzie

Submission Summary: Amend for clarity, accuracy and completeness.

Decision Sought: Amend preamble to: The aspirational target lake load of 435 tonnes of nitrogen per annum and 37 tonnes of phosphorous per annum is based on the best science available in 1986. These targets were proposed in order to meet a TLI of 4.2, thought to represent water quality conditions in the post-war period before problems with invasive lake weeds became evident in the 1960s. Lake Rotorua has achieved the target TLI.
Adaptive management is a core element of the implementation of nutrient management for the Lake Rotorua groundwater catchment. This includes regular science and policy reviews and responding to the outcomes of these reviews, including review of the targets.
Reviewing the lake load targets for nitrogen and phosphorous also forms part of the National Policy Statement for Freshwater Management (NPSFM 2014) implementation. Council may need to consider further changes to the Plan to address these and other NPSFM 2014 attributes of relevance consequent to the Science Review scheduled in 2017, or the Rotorua Lakes WMA values/objectives/limits process, currently scheduled to commence 2020.
The nutrient load to Lake Rotorua from current and historic activities will be reduced through an integrated/tiered/staged programme of source/transport/sink interventions, including rules, land use nutrient reductions, hard and soft engineering solutions, incentives and gorse conversion, and in lake management of nutrient release and nuisance algal growth.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number:	53: 13	Submission Type:	Oppose in Part
Submitter:	Lachlan McKenzie		
Submission Summary:	Amend preamble to Table LR 1 for reasons of improved accuracy and completeness.		
Decision Sought:	<p>One element of the package of interventions is the Nitrogen Management Framework, Nitrogen entering the lake is above the target set in the RPS to achieve the RWLP TLI objective 4.2. The aim is to minimise unwanted algal blooms.</p> <p>In 2011, the ROTAN model tested scenarios for reduction targets – recognising legacy loads - to achieve the target lake load by around 2080-2100:</p> <p>The author proposed that the reduction target be set at around 320t N/pa. The RPS adopted a reduction target of 311t N/pa while noting that cost-benefit analysis had been undertaken only at a conceptual level. The Science Review in 2017 and/or the Rotorua Lakes WMA may revisit the target N load reduction, supported by iterative analysis of options, costs and achievability as required by the NPS-FW. Amend to: The Framework summarised in Table LR 1 below was developed through a “streamlined” consultation process with the Lake Rotorua Stakeholder Advisory Group</p> <p>It was adopted by the Regional Council on 17 September 2013 as being the preferred approach to managing nitrogen losses from rural land use activities in the Lake Rotorua groundwater catchment at that time. The framework was developed prior to the OVERSEER® version change from 5.4 to 6.2; prior to the lake meeting the TLI target; prior to research indicating the main driver of lake algal dynamics is the internal nutrient load; prior to the results of alum dosing indicating the lake may now be P limited; prior to results indicating potential significance of flood flow particulate nutrients; and prior to results disaggregating legacy groundwater baseflow nutrients by sub-catchment.</p> <p>ROTAN re-estimates of catchment loads in OVERSEER® version 6.2 are expected mid-2016. These revised estimates may necessitate a variation to the RPS load which was estimated in OVERSEER® version 5.4.</p>		

Staff Recommendations:	Reject
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Submission Number:	58: 32	Submission Type:	Oppose in Part
Submitter:	Max Douglas		
Submission Summary:	The incentive schemes and proposed rules should be cohesive. In a set of rules where NDA allocations are temporary, holders of temporary NDA are not the owners that NDA. It is useful for the NDA to be released early.		
Decision Sought:	<ul style="list-style-type: none"> - Mention the Incentives Scheme and District Plan Subdivision Rights in a description of external considerations so a set of points can be submitted against. - Guide the incentives scheme in purchasing temporary (20 year) NDA allocations, versus purchasing normal NDA. 		

Staff Recommendations:	Reject
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Submission Number:	70: 16	Submission Type:	Oppose in Part
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	The current wording is unclear. Adaptive management is cited as a core element. 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).		
Decision Sought:	Amend the definition for ‘adaptive management’ in the Introduction at paragraph 1, page 2 as follows; “..... This includes regular reviews of the science and policy outcomes and responding to the outcomes of these reviews”.		

Staff Recommendations:	Accept
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Further Submission(s)

Further Submission No:	6 - 2	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Accept
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission No: 15 - 32 Submission Type: Support

Further Submitter: Ballance Agri-Nutrients Limited

Submission Summary: For the reasons given in the original submission. Ballance supports the use of the adaptive management approach with respect to nutrient management.

Decision Sought: As above

Staff Recommendation: Accept

Submission Number: 75: 2 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: The Otuoroa Agreement sets out a clear expectation that – alongside agreeing targets to assist in achieving a mediated solution on RPS appeals – those targets would be subject to ongoing review as part of regular plan changes. PC10 is a plan change. Notwithstanding this, Council propose that the RWLP objectives and RPS targets are “out of scope” for submissions.

Decision Sought: We do not seek changes to either the RWLP TLI objective or the RPS nitrogen reduction target at this time. Any changes would more properly be considered after the 2017 Science Review. It is however our strong submission that the objectives and targets must be in scope for submission.

Staff Recommendations: Reject

Submission Number: 75: 15 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Amend to give better effect to intent.

Decision Sought: Amend title to read: Plan Change 10: Lake Rotorua Integrated Nutrient Management.

Staff Recommendations: Reject

Submission Number: 75: 16 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Amend Preamble for improved clarity. It is important that the catchment community can refer to PC10 as the primary reference for relevant objectives, policies, methods and rules.

Decision Sought: Amend to read: 'The Lake Rotorua Integrated Nutrient Management.....Objectives, Policies and methods are contained in Part II.....'

Staff Recommendations: Reject

Submission Number: 75: 17 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Amend Preamble for improved clarity. It is important that the catchment community can refer to PC10 as the primary reference for relevant objectives, policies, methods and rules.

Decision Sought: Add text: Principal objectives, policies and methods are re-stated here to support Plan Change 10 (PC10) to stand alone as the primary reference for the Lake Rotorua catchment.

Staff Recommendations: Reject

Submission Number: 75: 18 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Amend: to give effect to the intent of an integrated framework.

Decision Sought: Add section titled 'Scope'. The proposed changes to the table are extensive – please refer to the full submission for further detail.

Staff Recommendations: Accept in Part

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission(s)

Further Submission No:	2 - 6	Submission Type:	Oppose
Further Submitter:	Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd		
Submission Summary:	It is not appropriate to expand the scope of PC10 to include urban land use activities.		
Decision Sought:	Continue specifically excluding non-rural areas from PC10. Discharges from urban areas should be addressed by way of a future plan change with appropriate S32 analysis.		
Staff Recommendation:	Accept in Part		

Submission Number:	75: 19	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	PC10 currently jumps in "cold turkey". It is important that all stakeholders are clear on the purpose, or at the least have the opportunity to debate it.		
Decision Sought:	Add section clarifying purpose. The proposed changes are extensive – please refer to the full submission for further detail.		

Staff Recommendations:	Reject
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Submission Number:	75: 20	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Giving effect to the National Policy Statement for Freshwater is critical statutory context for PC10, and material to relief sought in our submission.		
Decision Sought:	Add section clarifying national statutory context. The proposed changes are extensive – please refer to the full submission for further detail.		

Staff Recommendations:	Reject
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Submission Number:	75: 21	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	It is important to locate PC10 within the wider regional planning context; and critical to understand the regional programme for giving effect to the NPS-FW. Council have not as yet given effect to the NPS-FW for Lake Rotorua; and that PC10 does not give effect to the NPS-FW. The planned WMA for Rotorua Lakes is the step in which will give effect to the NPS-FW, and the primary focus of PC10 should be the period 2016-2022 or thereabouts.		
Decision Sought:	That the plan be amended to state that the planned Rotorua Lakes WMA and consequential RWLP plan change is intended to give effect to the NPS-FW 2014. The proposed changes are extensive – please refer to the full submission for further detail.		

Staff Recommendations:	Reject
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Submission Number:	75: 22	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Add section summarising Rotorua District Council statutory responsibilities, in particular as they relate to the development of flexibility mechanisms to enable landuse change to assist meeting nutrient reduction objectives.		
Decision Sought:	Add section summarising RDC responsibilities for controlling landuse relevant to water quality; and updating on the mediated outcomes on District Plan provisions relating to Transferable Development Rights. The proposed changes are extensive – please refer to the full submission for further detail.		

Staff Recommendations:	Reject
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Submission Number:	75: 26	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	The Deed Funding is central to the integrated framework.		

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: Add section 'Funding Deed'. The proposed changes are extensive – please refer to the full submission for further detail.

Staff Recommendations: Reject

Submission Number: 75: 27 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Te Incentives Scheme is central to an integrated framework, central to RPS policies, central to PC10 rules and material to relief sought later in our submission.

Decision Sought: That a section 'Incentives Scheme' be added and that Council review the funding criteria for the Incentives Fund to consider opportunities for a wide focus. The proposed changes are extensive – please refer to the full submission for further detail.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 3 Submission Type: Support

Further Submitter: CNI Iwi Land Management Ltd

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

Decision Sought: That detail on the operation and criteria for use of the 'Incentives Scheme' be added. That Council review the funding criteria for the Incentives Fund, to consider opportunities for a wide focus. This should be added as LR M6, a complete method rather than in the introduction.

Staff Recommendation: Reject

Submission Number: 75: 28 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: OVERSEER® is central to the PC10 framework.

Decision Sought:

- That a section 'Overseer' be added. The proposed changes are extensive – please refer to the full submission for further detail. -
- That use of OVERSEER® in monitoring progress toward managed reduction targets is assessed as five year rolling averages.
- That - pending the Rotan review and any consequential review of the RPS target - numerical NDAs are not included in PC10 rules.
- Add method making provision for a process to recognise management practices and innovations which are not currently recognised in OVERSEER®
- That a method be developed which supports prioritisation of interventions at sub-catchment scale.

Staff Recommendations: Reject

Submission Number: 75: 29 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Understanding state and trends in Lake Rotorua is central to development of an appropriate portfolio of methods and rules. It is not sufficient to rely on the issue description in the operative RWLP. Consideration of the NPS-FW National Objectives Framework is also material to consideration of PC10: clearly PC10 does not include NOF. Lake Rotorua is one of the priority catchments where we need to reduce the uncertainties to provide the necessary confidence in decisions.

Decision Sought:

- That the section 'Lake Rotorua: State, Trends, Targets' be added. The proposed changes are extensive – please refer to the full submission for further detail.
- That Council amend the plan to acknowledge significant shifts in the science, including in the significance of internal bed nutrients, flood-flow particulate nutrients, sub-catchment attenuation processes and pathways, and the potential shift to P-limitation in the lake.
- That the plan be amended to state that the planned Rotorua Lakes WMA and consequential plan change will give effect to the NPS-FW 2014, including the National Objectives Framework.
- That a method be included for developing improved understanding of requirements for safeguarding indigenous species, preliminary to the Rotorua lakes WMA scheduled in 2020.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 75: 30 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Important context and material to relief sought.
Decision Sought: Add section ' Science Review'. Amend the Method LR M2 to include review of whole system understanding to support effective and efficient interventions; and to include consideration of wider ecosystem health outcome
The proposed changes are extensive – please refer to the full submission for further detail.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 4 Submission Type: Support
Further Submitter: CNI Iwi Land Management Ltd
Submission Summary: Supports amending LR M2
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 75: 31 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Important context and material to relief sought later in the submission.
Decision Sought: Add section 'Statutory and Non-Statutory Reviews: Summary of Timelines 2016-2022'. The proposed changes are extensive – please refer to the full submission for further detail.

Staff Recommendations: Reject

Submission Number: 75: 32 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Important context and material to relief sought.
Decision Sought: That the section 'Integrated Nutrient Management: Principles and Approach' be added and council amend its plan in its entirety to give better effect to these principles and approaches. The proposed changes are extensive – please refer to the full submission for further detail.

Staff Recommendations: Reject

Submission Number: 75: 33 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: It is our submission that PC10 was initially crafted over five years ago and has stayed 'stuck in a groove', notwithstanding material shifts in the scientific, economic, statutory and social context. The section records some of the alternate solutions packages canvassed over the last five years, some of these options were dismissed too quickly in favor of the proceeding with the already determined path. PC10 presents the first formal, public opportunity to review the critical decisions made in the development of PC10.
Decision Sought: - That Council amend the plan in its entirety to give better effect to RMA s5.
- That Council provide analysis of the impacts of the proposed rules on individual properties against the RMA s85 tests.
- That Council amend the plan to remove regulation of farms to achieve the 2032 N target.
- That Council amend the plan to remove prescriptive controls of farm plans and inputs. That Council clarify if "align well" with the NPS-FW has the same meaning as "give effect to".
- That the section 'Development of Plan Change 10' be added. The proposed changes are extensive – please refer to the full submission for further detail.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 75: 59 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Amend for clarity.
 Decision Sought: Amend to read:
 This plan change gives effect to the following provisions in the Regional Policy Statement.
 This plan change provides for a staged implementation of these provisions.
 A future plan change for the Rotorua Lakes WMA including Lake Rotorua is scheduled to commence in 2020 to give effect to the values/objectives as required by the NPS –FM 2014.

Staff Recommendations: Reject

Submission Number: 75: 61 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: There are other RPS objectives and policies relevant to PC10 methods and rules.
 Decision Sought: That additional RPS provisions be added in full as follow:
 - Water Quality and Land Use
 - Objectives 26, 27, 28
 - Policies IR 3B, UG 18B, UG 23B & Explanation, WL 1B, WL 2B, WL 3B;Explanation, WL 4B & Explanation; Policy WL 5B Explanation, Explanation for Policy WL 6B
 That the RPS provisions be in scope for submissions to the extent they are relevant to the approach proposed in the methods and rules.

Staff Recommendations: Reject

Submission Number: 75: 62 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: This section (preamble) forgot to mention the Oturoa Agreement.
 Decision Sought: Amend for clarity, accuracy and completeness as outlined in the hardcopy submission.

Staff Recommendations: Reject

Submission Number: 75: 115 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Recent science shows that PC10 should include P as a key contributor to lake algal dynamics.
 Decision Sought: Add new section 'Phosphorous Management Framework', table LR 3B 'Table LR 3B: Lake Rotorua Phosphorous Management Framework – indicative annual loads and managed reduction targets' and supporting narrative as outlined in the hardcopy of the submission.

Staff Recommendations: Reject

Submission Number: 75: 116 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Recent science shows that PC10 should include P as a key contributor to lake algal dynamics.
 Decision Sought: Add new section, table 'Table LR 3C: Sub-Catchment Phosphorous Contributions and Indicative Targets' and supporting narrative as outlined in the hardcopy of the submission.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 13 - 4 Submission Type: Support
 Further Submitter: Christopher James Read Meban
 Submission Summary: For the reasons given in the original submission. I believe that phosphorus has a far greater impact on lake water quality and should be included in a incorporated Nutrient Budget.
 Decision Sought: As above

Staff Recommendation: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 75: 117 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: The shifts in the technical, science, economic, policy and regulatory space compel consideration of a different approach for Lake Rotorua. In parallel with the policy developments summarised above, significant science developments have been underway as also outlined above. Briefly summarising:
 - With the release of OVERSEER® version 6.2, it is now apparent that attenuation in the catchment has been under-estimated.
 - The first implication is that the portfolio of nitrogen reduction opportunities now includes both mitigation at source and attenuation along the transport pathways
 - The second implication is that experience in overseas jurisdictions and emerging experience in New Zealand highlights that targeting investments based just on OVERSEER® estimates of losses from the root zone may “miss the mark”- At the same time, the importance of internal nutrient loads has been receiving increased scientific attention
 - Nutrient release from bed sediments in single stratification events may be of a similar order of magnitude as annual catchment loads
 - The unexpected and dramatic results of alum dosing in tributary streams serve principally to highlight the critical role of internal load driving algal dynamics
 - Science is now signaling a potential shift to P-limitation in Lake Rotorua
 - Scientists are now urging that we “get to work” on reducing P.
 Decision Sought: Add new section PC10: Integrated Nutrient Management Framework to give better effect to intent for integrated framework. The proposed changes to the table are extensive – please refer to the full submission for further detail.

Staff Recommendations:	Reject
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Submission Number: 75: 229 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: That a method be included for the development of sub-catchment action plans to give better effect to the Lakes Action Plan.
 Decision Sought: Add section titled ' Lake Rotorua and Rotoiti Action Plan'. The proposed changes to the table are extensive – please refer to the full submission for further detail.

Staff Recommendations:	Reject
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Submission Number: 82: 5 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.

Staff Recommendations:	Reject
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Submission Number: 90: 1 Submission Type: Support
 Submitter: Christopher Hook
 Submission Summary: Given the reduction in chemical fertiliser applications required to support current crop yields when a poly-microbial fertilizer containing SumaGrow or equivalent is included the targeted reduction in nitrates of 320tonnes per annum is conservative. The target of 435 tonnes per annum, entering Lake Rotorua should be achievable whilst maintaining economic output and sustain higher capital values. The proposed reduction of 70% by 2022 can be achieved over a shorter period.
 Decision Sought: Investigate use of poly-microbial fertilisers.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 1 - 1 Submission Type: Support
 Further Submitter: Christopher Hook

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Summary:	Supports the nitrogen reduction proposal for Lake Rotorua and encourages the use of bio-fertiliser.
Decision Sought:	The use of all chemical fertilisers on pastoral land be prohibited 3 years after Plan Change 10 becomes operative. The use of NPK on applications other than pasture be restricted to 50% or less of current application rates. Consider financial incentives to pastoral farmers and growers who cease or reduce the use of NPK on their properties voluntarily. BOPRC to fund an independent research programme on conversion from NPK to bio-fertiliser in the catchment.

Staff Recommendation:	Reject
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Section: Table LR1 Annual loads and reductions	995
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Staff Recommendation

No changes are proposed in response to the below submission points.

Staff Reason

(75-83) Table LR1 reflects the integrated framework, as presented to StAG by the Collective in July 2013. The reductions specified in TLR1 are upheld by Tables LR2 and LR3 which outline in more detail the required reduction from each pastoral sector to achieve the 140t/ N reduction. These two tables set the scene for the plan change, and are locked into one version of OVERSEER® to ensure consistency in the reduction requirements for each sector going forward, this intending to provide certainty to the community. The amended advice note as suggested by the submitter adds an element of uncertainty to the reductions and reduces their credibility. This is not supported by Council staff, it is considered at this point in time sufficient research and scientific information is available to confirm the reduction required from the pastoral sector. The ability to revise the reduction to reflect new science is available through Method 2. It is considered that this is sufficient and that the suggested text does not add any value to the plan change.

(12-1) Table LR1 intends to represent the commitments made as part of StAG in response to the proposal put forward by the Collective in 2013 on how the required reduction of 270t/ N was to be achieved. At this time OVERSEER® version 5.4 was only available, with this calculating the level of losses generated by farming activity. ROTAN 2011 compared the losses with those seen at the lake to confirm the required level of reductions. The numbers identified at that time are locked in through the Integrated Framework and a decision has been made not to change this in response to new versions of OVERSEER® unless significant science is made available that impacts the loads specified within Table LR1. Locking in the numbers shown in Table LR1 intends to provide certainty on the level of reduction required. The table notes are intended to provide clarification on the manner in which these were calculated. The subsequent tables (TLR2 and 3) are also locked in to reflect agreements made at that time on the level of sector reductions required. These tables, whilst using a different OVERSEER® version continues to uphold the original agreed numbers and targets identified in TLR1 and provides certainty to farm enterprises going forward. .

(75-14, 66-38, 75-64, 75-63, 82-14) Amendments to Table LR1 have been suggested with these based on the RPS stating the steady state of Lake Rotorua to be 746t/ N/ yr. More recent science has shown this to be 755t/ N per year which has formed the basis for the plan change. It is noted that the 755t/ N as a catchment has been used consistently since 2013 and had a key role in the presentation provided to StAG from the Collective where the proposed reduction of 140t/ N from the pastoral sector was proposed along with the 70% reduction by 2022. This 70% reduction was to include engineering solutions, gorse and the incentives board.

The update in catchment load reflects adaptive management where best available science is taken into account that that point in time. Unfortunately there may be instances with this approach that may result in more effort being required, as has occurred with the change in steady state. Review of the suggested changes from the submitter has identified a fundamental error in the calculations where the total rainfall (30t/ N) has been deducted from both the catchment load and the reduction target. This should have only occurred with the catchment load. As a result the managed reduction targets suggested are incorrect. If the RPS figure was used the required reduction by 2022 would be 217.7t/ N, and the reduction require by dairy and drystock would be 26t/ N and 11t/ N respectively. The revisions suggested undermine the science available and the scale of work and collaboration undertaken as part of StAG and the wider community. Therefore it is recommended that this submission point is rejected. The catchment load of 755t/ N should remain as part of Table LR1 and the subsequent reductions within the table remain as notified.

(58-32) The Incentives Board is an external entity that has been established to buy nitrogen from those farmers if they are able and wish to reduce their nitrogen losses further than that required by their NDA. The Incentive Board operates as separate legal entity with the role of permanently removing 100t/ N from the Lake Rotorua Catchment to help achieve the sustainable load of 435t/ N. If this is not achieved the 100t reduction will need to be gained through other means, potentially the regional plan. Providing the opportunity for a temporary purchase would undermine this approach and potentially reduce the ability of the Incentive Board to achieve the 100t/ N target. The submitter has requested additional text outlining roles or actions required by organisations other than the regional council. Referring to external organisations, boards, or planning documents within the introduction would give the incorrect perception that the plan is able to influence these matters. The district plan is a separate process under the RMA and managed by a different local authority being the Rotorua Lakes Council. The Regional Council does not have the legal ability to directly alter the District Plan through submissions received on the regional plan. It is considered that the content of a regional plan should only over elements directly relevant to the resources it is attempting to manage through the enforcement of rules.

(58-20) The integrated framework resulted in a required reduction of 140t/ N from the pastoral sector. This was then split across the dairy and drystock sector as outlined within the table. Including these figures provides clarification to plan users as to the level of action required by each sector, and forms the basis for the Nitrogen Discharge Allowance methodology. It is considered that these numbers represent the discussions and agreements made as part of StAG and the Collective and effectively form part of the overarching integrated framework. It is considered that no changes are required in response to this submission point.

(58-35) The intent of PPC10 is to ensure our current actions do not impact the environment in the future. This upholds the purpose of the Resource Management Act 1991. In particular PPC10 directly upholds 5(a) sustaining the potential of natural and physical resources (excluding minerals) to meet

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

the reasonably foreseeable needs of future generations and 5(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems of the Act.

Whilst many consider that the approaches penalises based on the actions of previous generations, it is in fact an approach that is looks forward and manages impacts of the current generation to ensure that our future generations enjoy the benefits and values associated with Lake Rotorua.

(66-41) The requirements to reduce 320t/ N was gained through modelling a range of scenarios through ROTAN, this taking into account the most recent up to date science available at the time of PPC10 being developed. It is noted that the 281t/ N figure is based on calculations completed by Federated Farmers. Review of this submission has highlighted an error in the calculations completed, causing the use of the 281t/ N to not be supported.

(70-20, FS15-35) ROTAN provides the most accurate data on the level of nutrients entering the Lake. It is considered that review of the catchment and sustainable load is provided for by Method 2 and Policy LRP4 which allow for reviews of the RPS and Regional Plan to ensure adaptive management. No change to Table LR2 in response to this submission point is recommended.

(82-2) The 4.2 TLI has been achieved through the treatment of the existing load currently reaching the lakes through a range of actions including alum dosing. The resource consent for alum dosing was approved based on land management changes being implemented and that alum dosing would only be used as an interim action. Therefore there is a need to alter land practices to reduce nutrient losses to groundwater that will reach the lake in the future. This will ensure that the lake water quality is maintained upon such actions as alum dosing ceasing.

(73-8, FS-6-7, FS14-1) The framework was developed alongside a number of stakeholders through the StAG process and is an integral component to PPC10. Altering the framework as suggested would undermine the engagement process and agreements made with a range of stakeholders across the catchment to date. It is considered that the Integrated Framework provides a collaborative approach to maintaining lakewater quality based on equity and robust discussions with the community and its inclusion upholds the intent of RPS policy WL5B by showing the range of actions taken both privately and publicly to achieve the required reduction of 320t/ N.

(14-8, 14-9, 14-12, 43-5, FS12-49, 43-1) Support Noted

(19-9, 66-38, 75-14, 81-6) Refer to Section 5.3.3 The Management of Phosphorus by Plan Change 10

(61-1, FS11-2, 75-14, 78-8) Refer to Section 5.3.4 The Use of Sub-Catchment plans

(20-1, 23-2, 31-3, 67-5, 45-10, 33-2, 39-4, 79-1, 80-6, 81-8, 83-7, 80-6) Refer to Section 5.3.5 Lake Rotorua Nitrogen Loads and Science

(40-2, 40-4, 32-3, 33-5, 44-4, 49-18, FS14-10, 49-23, FS8-52, FS14-8, 49-28, FS14-9, 80-2, 80-9) Refer to Section 5.3.7 Nitrogen Allocation

(73-1, FS6-6, 74-1, FS6-8) Refer to Section 5.3.14 Consultation completed for Plan Change 10

(26-11, FS6-5) Refer to Section 5.3.10 Allocation for Forestry and Underutilised Maori Land

Submissions

Submission Number: 12: 1 Submission Type: Oppose

Submitter: Astrid Coker

Submission Summary: Oppose results being used from different versions of OVERSEER® It is not clear why some calculations in PC10 use OVERSEER® 5.4 and others 6.2. Need to use the best science estimates of nitrogen entering the Lake.

Decision Sought: All results to be calculated by the latest version of OVERSEER®

Staff Recommendations:	Reject
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Submission Number: 19: 9 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.
I seek 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 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.

Staff Recommendations:	Reject
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Submission Number: 20: 1 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.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Staff Recommendations: Reject

Submission Number:	23: 2	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.		

Staff Recommendations: Reject

Submission Number:	26: 4	Submission Type:	Oppose
Submitter:	Rotorua Lakes Council		
Submission Summary:	The objectives and policies do not preclude introducing similar allocations or reductions from urban loads. The 435tN sustainable limit and the allocation by dischargers within the integrated framework also implies that there will be no opportunity to increase the discharge from the Waste Water Treatment Plant.		
Decision Sought:	RLC seeks the inclusion in PC 10 to the Regional Plan of appropriate objective(s), policies and methods to address its submission.		

Staff Recommendations: Reject

Further Submission(s)

Further Submission No:	2 – 1	Submission Type:	Oppose
Further Submitter:	Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd		
Submission Summary:	It is appropriate to specifically exclude non rural areas.		
Decision Sought:	Continue specifically excluding non-rural areas from PC10. Discharges from urban areas should be addressed by way of a future plan change with appropriate S32 analysis.		

Staff Recommendations: Accept in Part

Further Submission No:	4 – 1	Submission Type:	Oppose
Further Submitter:	Ngati Uenukukopako Iwi Trust		
Submission Summary:	The Trust is opposed to the submission of Rotorua Lakes Council to the extent that it seeks amendments to the proposed planning framework (including objectives, policies and rules) that relate to the discharge from the Wastewater Treatment Plant to Lake Rotorua. The Trust is opposed to the proposal to discharge treated wastewater directly into Arikirua Bay which forms part of Lake Rotorua.		
Decision Sought:	Do not support RLC proposed planning framework amendments which provide for increased discharges from the Wastewater Treatment Plant.		

Staff Recommendations: Accept in Part

Submission Number:	26: 11	Submission Type:	Oppose
Submitter:	Rotorua Lakes Council		
Submission Summary:	PC 10's proposed allocation of 435tN among land use activities will cause a disparate impact on iwi due to the nature of the multiple ownership of Maori freehold land, impact land values, inability to sell, reduction of lease income, and cultural limitations on viable alternatives for land use. RLC believes that insufficient regard has been held to RPS Policy WL 5B(d) "Iwi land ownership and its status including any Crown obligation".		
Decision Sought:	RLC seeks the inclusion in PC 10 to the Regional Plan of appropriate objective(s), policies and methods to address its submission.		

Staff Recommendations: Accept in Part

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission(s)

Further Submission No: 6 - 5 Submission Type: Support
 Further Submitter: CNI Iwi Land Management Ltd
 Submission Summary: For the reasons given in the original submission and to acknowledge Policy IW 3B "Recognising the Treaty in the exercise of functions and powers under this Act".
 Decision Sought: As above

Staff Recommendation:	Accept in Part
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Submission Number: 26: 15 Submission Type: Oppose
 Submitter: Rotorua Lakes Council
 Submission Summary: BERL Population projections predict a population increase. The size of the tourism sector is planned to double from 2015 to 2030. This will create additional load on the Rotorua Waste Water Treatment Plant ('WWTP'). There may be opportunities to reduce nitrogen from land use within the Lake Rotorua catchment e.g. land use change to lifestyle or residential, that would require a greater output from the WWTP. In addition RLC is receiving pressure to consider reticulation of Lake Tarawera. The current RPS and Regional Plan provisions do not explicitly allow for this increases to be accommodated and could result in a requirement for expensive technical solutions or offsets being purchased. RLC does not want to be forced to limit growth and/or enact expensive solutions prior to 2032 when it is not known whether the PC 10 targets or their timing are correct.
 Decision Sought: RLC seeks the inclusion of appropriate objective(s), policies and relevant methods in PC 10 to the Regional Plan to recognise and provide for urban growth in the Rotorua district, and for consequent increased loads to the WWTP that result in nitrogen entering Lake Rotorua.

Staff Recommendations:	Accept in Part
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Further Submission(s)

Further Submission No: 2 - 3 Submission Type: Oppose
 Further Submitter: Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd
 Submission Summary: It is appropriate to specifically exclude non rural areas.
 Decision Sought: Continue specifically excluding non-rural areas from PC10. Discharges from urban areas should be addressed by way of a future plan change with appropriate S32 analysis.

Staff Recommendation:	Accept in Part
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Further Submission No: 4 - 3 Submission Type: Oppose
 Further Submitter: Ngati Uenukukopako Iwi Trust
 Submission Summary: The Trust is opposed to the submission of Rotorua Lakes Council to the extent that it seeks amendments to the proposed planning framework (including objectives, policies and rules) that relate to the discharge from the Wastewater Treatment Plant to Lake Rotorua.
 The Trust is opposed to the proposal to discharge treated wastewater directly into Arikiroa Bay which forms part of Lake Rotorua.
 Decision Sought: Do not support RLC proposed planning framework amendments which provide for increased discharges from the Wastewater Treatment Plant.

Staff Recommendation:	Accept in Part
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Submission Number: 31: 3 Submission Type: Oppose
 Submitter: Patricia Hosking
 Submission Summary: I oppose the current load limit for the catchment. I 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: Review the load calculation to focus on priorities for achieving water quality outcomes.

Staff Recommendations:	Reject
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 32: 3 Submission Type: Oppose

Submitter: Kaitao Rotohokahoka 2D Trust

Submission Summary: The Trust opposes the use of 2001–04 benchmark as the starting point for nutrient allocation. The current land use is significantly different from the benchmark years. place our Trust and its future owners in a position of considerable disadvantage. We support the overall concept but do not feel the process will lead to a fair and equitable outcome.

Decision Sought: Amend how the nitrogen discharge allowance is calculated and applied. Provide flexibility to allow for on-going development to fully establish an economic unit.
The Trust requests an alternative allocation methodology to be used, not based on their benchmark in order to remain economically and environmentally viable.
Review nitrogen allocations so that the baseline better reflects the ultimate potential of the farm not just the current situation.
Extend the years over which the calculation of nitrogen baselines are derived and work on the maximum discharge from any one of those years as the baseline.

Staff Recommendations: Reject

Submission Number: 33: 2 Submission Type: Oppose

Submitter: Utuhina Valley Farm

Submission Summary: I oppose the current load limit for the catchment.

Decision Sought: I seek that the Council review the load calculation to focus on priorities for achieving water quality outcomes. There should be a reassessment of targets after the 2017 Science review.

Staff Recommendations: Reject

Submission Number: 33: 5 Submission Type: Oppose

Submitter: Utuhina Valley Farm

Submission Summary: I oppose the allocation of nitrogen within the Lake Rotorua catchment.

Decision Sought: I seek that the Council review nitrogen allocation and flexibility to lower N discharge properties to better reflect their ultimate productive potential not limited by their current land use. If the proposed plan comes into force a 5 year rolling average to Nutrient losses should be applied to allow for adverse events.

Staff Recommendations: Reject

Submission Number: 39: 4 Submission Type: Oppose

Submitter: Eileen Campbell

Submission Summary: We are told 435t on N is a sustainable load for the TLI target of 4.2 but this target has been reached with the current N load.

Decision Sought: Independent peer reviewed science is needed and a recalculation of the sustainable load target.

Staff Recommendations: Reject

Submission Number: 14-8 Submission Type: Support

Submitter: Warren Webber

Submission Summary: Shared responsibility promoted and accepted..

Decision Sought: Support - No changes requested.

Staff Recommendations: Accept

Submission Number: 14-9 Submission Type: Support

Submitter: Warren Webber

Submission Summary: Land owner commitment to the Integrated Framework was critical to Central Government Funding. Any reduction in commitment could jeopardise government funding.

Decision Sought: No changes requested.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Staff Recommendations: Accept

Submission Number: 14-12 Submission Type: Support

Submitter: Warren Webber

Submission Summary: LWQS supports the currently proposed rules and incentives programme (including sector allocation with ranges) as the most pragmatic solution to Nitrogen allocation. Decision Sought: No changes requested.

Decision Sought: No changes requested.

Staff Recommendations: Accept in Part

Submission Number: 40: 2 Submission Type: Oppose

Submitter: Maraeroa Oturoa 2B Trust

Submission Summary: The Trust opposes the allocation method and nitrogen reductions as outlined in the Integrative Framework.

Decision Sought: Amend how the nitrogen discharge allowance is calculated and applied. Amend the timeframes to determine nitrogen loads and reductions required by landowners. Extend the years over which the calculation of nitrogen baselines are derived and work on the maximum discharge from any one of those years as the baseline.

Staff Recommendations: Reject

Submission Number: 40: 4 Submission Type: Oppose

Submitter: Maraeroa Oturoa 2B Trust

Submission Summary: The Trust opposes the allocation method and nitrogen reductions as outlined in the Integrative Framework.

Decision Sought: Amend how the nitrogen discharge allowance is calculated and applied. Amend the timeframes to determine nitrogen loads and reductions required by landowners. Extend the years over which the calculation of nitrogen baselines are derived and work on the maximum discharge from any one of those years as the baseline.

Staff Recommendations: Reject

Submission Number: 43: 1 Submission Type: Support

Submitter: Ravensdown Limited

Submission Summary: Ravensdown supports the intention to reduce the nitrogen load into Lake Rotorua from a variety of sources to achieve the 2032 sustainable lake load required by the RPS.

Decision Sought: Not specified.

Staff Recommendations: Accept

Submission Number: 43: 5 Submission Type: Support

Submitter: Ravensdown Limited

Submission Summary: Ravensdown supports the determination of individual Nutrient Discharge Allowances that must be achieved by 2032.

Decision Sought: Ravensdown supports the determination of individual Nutrient Discharge Allowances that must be achieved by 2032.

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 12 - 49 Submission Type: Oppose

Further Submitter: Federated Farmers of New Zealand

Submission Summary: Oppose the determination of an individual Nitrogen Discharge Allowance that must be achieved by 2032.

Decision Sought: As above

Staff Recommendation: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 44: 4 Submission Type: Oppose
 Submitter: Andrea Hammond
 Submission Summary: There is no scientific evidence that the allocation, or the levels of the allocation will have the effect claimed.
 Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 45: 10 Submission Type: Oppose
 Submitter: Wendy and John Roe
 Submission Summary: The sustainable load to Lake Rotorua was first estimated in the early 1980's and has not been verified by actual scientific truth since then.
 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.

Staff Recommendations: Reject

Submission Number: 49: 18 Submission Type: Oppose
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: Replace the approach labelled "Integrated Framework" with one that does not use any variant of grandparenting nor on an allocation of pollution "rights".
 Decision Sought: Replace the approach labelled "Integrated Framework" with one that does not use any variant of grandparenting nor on an allocation of pollution "rights".

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 14 - 10 Submission Type: Support
 Further Submitter: Hancock Forest Management (NZ) Ltd
 Submission Summary: For the reasons given in the original submission. The approach of the Plan Change is inconsistent with the effects based approach of the Resource Management Act.
 Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 49: 23 Submission Type: Oppose
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: It is not clear why the allocation regime is so heavily weighted on the four principles that the STAG added to policy WL 5B rather than the principles of the RPS policy itself. WL 5B did not say that this allocation process would be to allocate all the rights to just the farms. Nor did it suggest that the allocation would favor the highest polluting farms.
 Decision Sought: Delete the pastoral sector reductions using the Integrated Framework Approach. Replace with a system that is consistent with the effects-based philosophy of the RMA and meets the purpose of the RMA; the relevant policies of the RPS; policies 21 and 23 of the RWLP; Taking a zero-based approach to identifying land use value and efficiency, and not relying on the inherent inequity of the allocation approach.
 Replace at minimum with an allocation system based on natural capital principles. Preferably replace with a system that uses a hybrid of tradable emission units and fees.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 58: 20 Submission Type: Oppose

Submitter: Max Douglas

Submission Summary: The integrated framework does not have dual sectors targets. The splitting into two sectors appears to be a decision made later by the StAG. The two numbers (96 and 44 tN/yr) are not a part of the integrated framework. Presenting it as the Integrated Framework is misleading.

Decision Sought: Remove the split in the 140 tN/yr into one number for dairy and one number for drystock.

Staff Recommendations: Reject

Submission Number: 58: 32 Submission Type: Oppose in Part

Submitter: Max Douglas

Submission Summary: The incentive schemes and proposed rules should be cohesive. In a set of rules where NDA allocations are temporary, holders of temporary NDA are not the owners that NDA. It is useful for the NDA to be released early.

Decision Sought:

- Mention the Incentives Scheme and District Plan Subdivision Rights in a description of external considerations so a set of points can be submitted against.
- Guide the incentives scheme in purchasing temporary (20 year) NDA allocations, versus purchasing normal NDA.

Staff Recommendations: Reject

Submission Number: 58: 35 Submission Type: Oppose

Submitter: Max Douglas

Submission Summary: Table LR 1 needs consideration due to intergenerational equity and fairness.

Decision Sought:

In the cases of land:

- locked out of development or use due to imposed zoning and later unzone.
- taken for public works and later returned, e.g. land taken for roads and later returned
- gifted by Maori for public use/works
- under historic long term leases

When the land is eventually returned to the original owner(s) a mechanism or guideline should be in place for it to receive a non-zero NDA.

Staff Recommendations: Reject

Submission Number: 61: 1 Submission Type: Oppose

Submitter: Beef + Lamb New Zealand

Submission Summary: The current plan does not provide the right mix of regulatory and non-regulatory methods to achieve lake water quality objectives. Farmer led, farm specific and industry supported initiatives and actions are the most effective method to achieve practice change that results in long term sustainable management of natural resources.

Decision Sought: That Council immediately adopt an Integrated Nutrient Management Framework for Lake Rotorua working at a sub catchment level that aims to acknowledge existing and prioritise immediate on farm actions within current farm systems to meet the objectives of improved lake water quality.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 11 - 2 Submission Type: Support

Further Submitter: Deer Industry New Zealand

Submission Summary: For the reasons given in the original submission. The submitter implicitly recognises established good management practices, thereby acknowledging existing efforts by farmers. This is a better base from which to increase efforts to minimise off-farm environmental impacts. DINZ considers the submitters' requests are consistent with an over-arching Accord approach.

Decision Sought: As above

Staff Recommendation: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 66: 38 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: A new nutrient management framework is outlined with the Collective hardcopy submission addressing N & P rural and urban source, transport and sink. The framework is non-regulatory: the scale and complexity of the challenge demand generous engagement, not grudging compliance.

Decision Sought: Adopt the new proposed integrated framework that will allow farming to remain a viable industry and not forced into land use change to satisfy a rules regime.

Staff Recommendations: Reject

Submission Number: 66: 41 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.

Staff Recommendations: Reject

Submission Number: 67: 5 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.

Staff Recommendations: Reject

Submission Number: 70: 20 Submission Type: Oppose in Part

Submitter: The Fertiliser Association of New Zealand

Submission Summary: 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.

Decision Sought: Amend Policy LR P3 as follows or similar and any consequential changes, e.g. context for Tables LR 1, LR2 and LR 3 in the introduction:
Balance 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:
a) the 435 tonne sustainable annual nitrogen load for Lake Rotorua from the operative Regional Policy Statement Policy WL 3B(c) as a starting point but with provision to update with new science;
b) the 755 tonne load to Lake Rotorua estimated by the ROTAN model in 2011 as the starting position from which nitrogen loss reductions will be determined with provision for updated science;
(c) the most current version of OVERSEER® for nitrogen discharge allowance allocation purposes; and
d) the pastoral sector reductions within the Integrated Framework approach.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 15 - 35 Submission Type: Support

Further Submitter: Ballance Agri-Nutrients Limited

Submission Summary: In order to implement an adaptive management approach, there must be provision for change to occur in response to advancement in science and/or level of understanding. Locking in a particular version of OVERSEER® is inconsistent with an adaptive management approach of PPC 10. Ballance supports a mechanism for updating OVERSEER® without the need for a plan change to occur.

Decision Sought: As above

Staff Recommendation: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number:	73: 1	Submission Type:	Oppose
Submitter:	P F Olsen Ltd		
Submission Summary:	<p>PF Olsen Ltd have been involved in the lakes quality issues since the formation of the "Landuse Futures" group. With the dissolution of the Landuse futures group and reformation into the 'STAG", PF Olsen's formal involvement ceased.</p> <p>On more than one occasion PF Olsen, on behalf of the industry sought an invitation to have the details of the economic modelling presented to the industry. Finally, toward the end of the STAG process, the forestry sector was provided a choice to present our concerns. It seems decisions were largely made by that stage through the STAG process, a process that was effectively a collaborative process between the constituents of the pastoral sector, not the land based primary sector owners.</p>		
Decision Sought:	Not specified.		

Staff Recommendations:	Comment Noted
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Further Submission(s)

Further Submission No:	6 - 6	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	<p>For the reasons given in the original submission. And the make-up of the collaborative group was not fully representative of the land use of the catchment. CNI had no voice at any stage of deciding upon this distribution, despite owning 7% of the land in the catchment.</p>		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Submission Number:	73: 8	Submission Type:	Oppose
Submitter:	P F Olsen Ltd		
Submission Summary:	<p>It is noted that a set of criteria used by the STAG group in coming to the conclusions within its integrated framework approach. The only potential for windfall gains lies with those who have most heavily and continue to most heavily contribute to the pollution problem. Existing land is not an appropriate criteria for future sustainable landuse.</p>		
Decision Sought:	Reevaluate decision criteria, especially in respect of wider land use sector equity issues and more appropriate evaluation of the true significance of past committed capital.		

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	6 - 7	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	<p>The set of criteria and integrated framework approach used by the STAG group used to reach its conclusions misinterprets the potential for windfall gains.</p>		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Further Submission No:	14 - 1	Submission Type:	Support
Further Submitter:	Hancock Forest Management (NZ) Ltd		
Submission Summary:	<p>Existing land use is an inappropriate and inequitable basis for allocating future land use rights, which creates the perverse outcome of effectively rewarding those who created the problem by giving a greater property rights allocation.</p>		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 74: 1 Submission Type: Oppose

Submitter: Deer Industry New Zealand

Submission Summary: Rotorua catchment deer farmers have not been represented on the StAG and do not support some of the outcomes of this group particularly those pertaining to the proposed differential nutrient allocation system.

Decision Sought: We request an independent review of the balance of 'representative' participants of the StAG group and independent assessment of StAG outcomes for bias relating to:
a) Sector representation
b) Land owner representation
c) Assessment of vested interests in outcomes.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 8 Submission Type: Support

Further Submitter: CNI Iwi Land Management Ltd

Submission Summary: Supports a review of StAG representation and outcomes.

Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 75: 14 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: We propose a modified integrated framework. It includes nutrient reduction targets and management pathways for both N and P. The framework is both regulatory and non-regulatory. The focus is reducing nutrient losses from current landuse at source. Specifically, we propose the active resourcing of Sub-catchment Action Plans, to map hotspots significant at catchment scale and to prioritise nutrient reduction opportunities along the source-transport-sink pathway. These Sub-catchment Action Plans would help give effect to the higher-level Lakes Action Plan.

Decision Sought: The proposed changes are extensive – please refer to the full submission for further detail.

Staff Recommendations: Reject

Submission Number: 75: 63 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Amend preamble to Table LR 1 for improved accuracy and completeness. For clarity; Federated Farmers do not seek changes to the TLI objective, N reduction target or intermediate target at this time, that re-consideration will be better made after the 2017 Science Review.

Decision Sought: Amend preamble to Table LR 1 for improved accuracy and completeness. Add title and amend narrative as outlined in hardcopy of submission.

Staff Recommendations: Reject

Submission Number: 75: 64 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Amend for improved accuracy and readability. amendments include changes to reflect the following:
- The 755t load should be amended to be consistent with the RPS.
- The heading of Table LR1
- Rain
- Managed target reductions
- Internal nutrient loads
- Drystock and dairy reductions.

Decision Sought: The proposed changes are extensive – please refer to the full submission for further detail.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 75: 83 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Amend for improved accuracy and readability.

Decision Sought: Amend note to read:
Table notes:
(a) The values used are based on OVERSEER® 5.4 and reflect ROTAN 2011 estimates of nitrogen entering the lake; catchment loads and attenuation factors are currently being re-estimated in OVERSEER® 6.2.
(b) tN/yr is the load to the lake in "tonnes of nitrogen per year" assuming no attenuation.

Staff Recommendations: Reject

Submission Number: 78: 8 Submission Type: Oppose

Submitter: Tony and Joanna Carr

Submission Summary: We support the proposal that sub-catchment groups are established, driven by community & supported by Regional Council. This recognises that each sub-catchment has its own unique set of issues that can be focused on for the benefit of the lake.

Decision Sought: That both nitrogen and phosphorus loading levels are considered together within an integrated framework for nutrient reduction that takes account of all the science knowledge, and a greater emphasis is placed on the total bio-diversity of catchments.

Staff Recommendations: Reject

Submission Number: 79: 1 Submission Type: Oppose

Submitter: Paul Barton

Submission Summary: The science on Lake Rotorua and the Nitrogen and Phosphorus budgets and extrapolation of them is not sound. Associated N and P loading to maintain water quality are therefore not sound.

Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Submission Number: 80: 2 Submission Type: Oppose

Submitter: Te Paiaka Lands Trust

Submission Summary: We oppose the allocation of nitrogen within the Lake Rotorua catchment.

Decision Sought: Provide flexibility in the plan to allow for ongoing development and flexibility in farm management above the sector average. Only use OVERSEER® as a decision support tool to allow Council and farmers to understand compliance with discharge limits.

Staff Recommendations: Reject

Submission Number: 80: 6 Submission Type: Oppose

Submitter: Te Paiaka Lands Trust

Submission Summary: We oppose the current load limit for the catchment.

Decision Sought: Review the load calculation to focus on priorities for achieving water quality outcomes.

Staff Recommendations: Reject

Submission Number: 80: 9 Submission Type: Oppose

Submitter: Te Paiaka Lands Trust

Submission Summary: We oppose the allocation of nitrogen within the Lake Rotorua catchment.

Decision Sought: Provide flexibility in the plan to allow for ongoing development and flexibility in farm management above the sector average. Only use OVERSEER® as a decision support tool to allow Council and farmers to understand compliance with discharge limits.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 81: 6 Submission Type: Oppose
 Submitter: Jamie and Chris Paterson
 Submission Summary: That both nitrogen and phosphorus loading levels are considered together within the integrated framework.
 Decision Sought: That both nitrogen and phosphorus loading levels are considered together within the integrated framework.

Staff Recommendations: Reject

Submission Number: 81: 8 Submission Type: Oppose
 Submitter: Jamie and Chris Paterson
 Submission Summary: We do not support the integrated framework until such time as the catchment load and the sustainable load is recalculated by either Rotan or its replacement.
 Decision Sought: Recalculate the catchment load and the sustainable load by either Rotan or its replacement.

Staff Recommendations: Reject

Submission Number: 82: 2 Submission Type: Oppose
 Submitter: Stuart Morrison
 Submission Summary: The PC10 framework fails to take account of a changed context. The lake is meeting its TLI target, the science understanding has shifted significantly and the statutory framework has changed.
 Decision Sought: Review.

Staff Recommendations: Reject

Submission Number: 82: 14 Submission Type: Oppose
 Submitter: Stuart Morrison
 Submission Summary: The portion allocated to the pastoral sector falls outside the qualifying RPS requirement of being "reasonable, practical and affordable". Further, there is an element of maintaining this tough stance to make farming so difficult as to force uptake of N purchase by the incentive fund. This stance is unacceptable, unreasonably harsh.
 Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Submission Number: 83: 7 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.

Staff Recommendations: Reject

Section: Table LR2 Pastoral reductions

996

Staff Recommendation

No changes are proposed.

Staff Reason

(75-92) Table LR1 reflects the integrated framework, as presented to StAG by the Collective in July 2013. The reductions specified in TLR1 are upheld by Tables LR2 and LR3 which outlines in more detail the required reduction from each pastoral sector to achieve the 140t/ N reduction. These two

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

tables set the scene for the plan change, and are locked into one version of OVERSEER® to ensure consistency in the reduction requirements for each sector going forward. These intend to provide certainty to the community. The amended advice note as suggested by the submitter adds an element of uncertainty to the reductions and reduces their credibility. This is not supported by Council staff, it is considered at this point in time sufficient research and scientific information is available to confirm the reduction required from the pastoral sector. The ability to revise the reduction to reflect new science is available through Method 2. It is considered that this is sufficient and that the suggested text does not add any value to the plan change. No changes are recommended.

(12-2, 43-21, 43-22, FS15-2) Locking in the numbers shown in Table LR2 intends to provide certainty to plan users on the level of reduction required and enforced by the rules and to uphold Table LR1. The table notes are intended to provide clarification on the manner in which these were calculated. No changes are recommended.

(75-85, 75-92, 75-93) The alterations suggested to Table LR2 reduce the scope of the plan change to only enforce action out to 2022 and rely on Managed reduction targets rather than setting a final limit within a Nitrogen Discharge Allocation. This does not align with the intent of the RPS or the initial Oturoa Agreement. In addition a 5 year time frame does not provide land owners with certainty to continue operating in the long term. The approach taken by PPC10 gives each farmer the final target to be reached and enables this to be achieved in stages, whilst being aware of the final target in place. Amending this does not provide direction to the community as to where the catchment is going and to allow land owners to plan accordingly. The suggested changes do not reflect the needs of our future generations by putting the ability to achieve the target at risk.

(3-1) Rule LRR7 and LRR11 provide for land uses that do not easily fall within the definitions used within PPC10 or readily modelled by OVERSEER®. These rules intend to cover the matters raised by the submitter. No further changes are proposed.

(30-4, FS6-9) Support is noted for Table LR2 from submitter 30. Further submissions have raised concerns with forestry being capped at 2.5kg/ N/ ha, preventing any alternative land use from occurring onsite, or being locked into forestry. It should be noted that PPC10 does not explicitly restrict forestry to 2.5kgN/ ha/ yr, it only requires forestry to remain in forestry unless nitrogen is traded to enable land use change. The allocation system set up for PPC10 is based on the land uses present between 2001-04 and the related losses generated from that activity, for forestry this was recorded as 2.5kg/ N/ ha. This land use activity and the losses generated set the 755t/ N catchment load from which a reduction of 320tN has been allocated across sectors. If forestry was to be allocated a higher level of losses than that recorded in 2001-04 then increased reductions from another sector would be required to ensure the overall 320t/ N reduction and sustainable load of 435t/ N was achieved.

(36-3) The section 32 analysis completed for plan change identified the available policy options to achieve the reduction required by the RPS. This report identified the social, economic, cultural and environmental impacts of the preferred option, being the rule framework as notified. Science reviews are provided for as part of Plan Change 10 (Method 2) this helping to provide for adaptive management. Extensive research has been completed to date, causing PPC10 to be based on the best science and information available. Therefore placing PPC10 on hold to undertake more research to inform loads and actions required will not provide any additional value to what already has been completed. It is considered that the level of impacts have been sufficiently identified and actions have been implemented to reduce the level of adverse effects on the community, this helping to balance out the economic, environmental, cultural and social impacts.

(70-21, 48-1, FS6-10, FS7-34, FS8-39) ROTAN provides the most accurate data on the load and level of nitrogen entering the Lake. It is considered that review of the catchment and sustainable load is provided for by Method 2 and Policy LRP4 which also allow for reviews of the RPS and Regional Plan to ensure adaptive management. No change to Table LR2 in response to this submission point is recommended.

(70-21, 58-22) The integrated framework resulted in a required reduction of 140t/ N from the pastoral sector. This was then split across the dairy and drystock sector as outlined within the table. Including these figures provides clarification on the level of action required by each sector, and forms the basis for the NDA allocation methodology. It is considered that these numbers represent the discussions and agreements made as part of StAG uphold the overarching integrated framework. It is considered that no changes are required in response to this submission point.

(74-5) The requirements to reduce nitrogen and achieve a TLI of 4.2 through a series of actions including land use management and change has been identified for a number of years by the Regional Council through the regional plan (2008) and Lake Rotorua and Rotoiti Action Plan (2007). The RPS states that this shall be achieved through the managed reduction of nutrient losses from rural production activities. As part of this process the potential economic impacts of achieving the reduction in load to Lake Rotorua was noted, resulting in changes to RPS policy WL 5B and 6B. This direction resulted in the development of StAG and the Integrated Framework, which split the reduction across the public and private sectors. As part of this the Incentives Board was established to buy nutrients of those who need to alter land use practices. The rules have also been developed with the intent to ensure the level of action across and within dairy and drystock sectors is equal and takes into account the level of impact each sector has on water quality. No changes are required.

(75-84) Most dairy support is provided by drystock farmers leasing parts of their land. Although dairy support has higher nitrogen discharges associated with it than the average drystock discharge, it was included as a part of the drystock sector because:

- ROTAN includes dairy support as drystock when estimating nitrogen loss from land use
 - It is hard to identify where dairy support occurs in the catchment as it is not a permanent land use
 - A lot of dairy support occurs on properties <40ha. These properties have not been benchmarked so it would be difficult to determine who would be entitled to a dairy support allocation
 - Dairy support is a common practice on drystock farms across the country and analysis in other regions has dealt with them as a single sector.
- To ensure that dairy support was adequately covered by the drystock sector a minimum loss rate of 18kg/ N/ ha was allocated (an increase from 12kg/ ha) to provide the ability for dairy support activities to continue, whilst at a lower level of losses. This ensured that the total losses from the drystock and dairy support do not exceed 209.6kg/ N/ yr as required by Table LR2. The approach taken and the lower limit set for the drystock and dairy support will ensure that all activities are contributing to achieving the required reduction set within Table LR1. This approach was endorsed by StAG in October 2013 and subsequently supported by Council as the way forward for allocation within the catchment. For these reason it is considered inappropriate to remove reference to the dairy support sector as suggested by the submission or provide a new NDA for dairy support.

(14-3) Support Noted

(40-3, 73-3, FS6-11, FS14-2, 74-9, FS6-12, 81-9) Refer to Section 5.3.7 Nitrogen Allocation

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submissions

Submission Number: 3: 1 Submission Type: Oppose
 Submitter: Kaingaroa Timberlands Partnership
 Submission Summary: There needs to be recognition that there are land uses that do not fall within the majority classification of the sectors. This recognition will set the platform for provisions that have been proposed for such land uses.
 Decision Sought: Include a statement that some existing land uses do not fit into the identified sectors and or OVERSEER® has not been developed to provide certain nitrogen leaching rates from such land uses, or other words to the same effect.

Staff Recommendations: Reject

Submission Number: 12: 2 Submission Type: Oppose
 Submitter: Astrid Coker
 Submission Summary: Oppose results being used from different versions of OVERSEER® It is not clear why some calculations in PC10 use OVERSEER® 5.4 and others 6.2.
 Decision Sought: All results to be calculated by the latest version of OVERSEER®

Staff Recommendations: Reject

Submission Number: 30: 4 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: Support - No changes requested.

Staff Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 6 - 9 Submission Type: Oppose
 Further Submitter: CNI Iwi Land Management Ltd
 Submission Summary: Submitter has opposed in part. The land use categories that have been most heavily affected/"targeted" are those that leach least. Plantation forestry is locked at 2.5kgN/Ha, or less than 1/20th of dairying. Those presently with dairying land have considerable flexibility of what to do with their property, including use of the incentives scheme. Forestry has none. The submission ignores the unfair and inequitable effect of meeting those objectives, on those with land in forestry.
 Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 36: 3 Submission Type: Oppose
 Submitter: Tracey Friend and Myles McNaught
 Submission Summary: We have issues with the impact of the present majorly lowered nitrogen leaching levels being proposed.
 Decision Sought: We would like to see some more science being done before such a huge change is made. The economic and social consequences will be much larger than anyone has thought through.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 40: 3 Submission Type: Oppose

Submitter: Maraeroa Oturoa 2B Trust

Submission Summary: The Trust opposes the allocation method and nitrogen reductions as outlined in the Integrative Framework.

Decision Sought: Amend how the nitrogen discharge allowance is calculated and applied. Amend the timeframes to determine nitrogen loads and reductions required by landowners.
Extend the years over which the calculation of nitrogen baselines are derived and work on the maximum discharge from any one of those years as the baseline.

Staff Recommendations: Reject

Submission Number: 43: 21 Submission Type: Oppose in Part

Submitter: Ravensdown Limited

Submission Summary: Ravensdown is concerned that an old version of OVERSEER® has been used to determine these figures and the figures may be inaccurate. This is an important building block for the Integrated Framework developed in PC10, and the figures may be accurate for use as proposed. Ravensdown considers any reference to a particular version of OVERSEER® is inappropriate.

Decision Sought: - Update Table LR 2 using latest version of OVERSEER®;
- Include in the Note a need to update when OVERSEER® updated;
- Delete the reference to a particular version of OVERSEER® used.

Staff Recommendations: Reject

Submission Number: 43: 22 Submission Type: Oppose in Part

Submitter: Ravensdown Limited

Submission Summary: Ravensdown is concerned that OVERSEER® 5.4 has been used to determine the proportional reductions in Table LR 2, and OVERSEER® 6.2.0 has been used to determine the sector contributions in Table LR 3. Ravensdown considers consistency is required.
It is not appropriate to lock one version of OVERSEER® into the plan, and a mechanism should be included to address when OVERSEER® is updated in future without a plan change.

Decision Sought: - Be consistent in use of OVERSEER®;
- Delete reference to a particular version of OVERSEER® used;
- Provide for a mechanism for updating when OVERSEER® changes without having to undertake a plan change (as per ECan Plan Change 3).

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 15 - 2 Submission Type: Support

Further Submitter: Ballance Agri-Nutrients Limited

Submission Summary: It is essential that the Council use the most up to date version of OVERSEER®, rather than a version that has been superseded or rendered redundant. Not to do so creates questions as to the appropriateness of the loads and allowances that are prescribed.

Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 48: 1 Submission Type: Oppose

Submitter: Parekarangi Trust

Submission Summary: Lake Rotorua TLI has averaged 4.2 since 2014. It only increased last year to 4.4 after prolonged stratification.

Decision Sought: Look for a better predictive model than Rotan. This model has proved ineffective at determining Lake Rotorua Water Quality.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission(s)

Further Submission No: 6 - 10 Submission Type: Support
 Further Submitter: CNI Iwi Land Management Ltd
 Submission Summary: For the reasons given in the original submission and ROTAN relies on inputs from OVERSEER®, it compounds any issues with the accuracy of OVERSEER®, and its various versions.
 Decision Sought: As above

Staff Recommendation:	Reject
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Further Submission No: 7 - 34 Submission Type: Support
 Further Submitter: Alistair and Sarah Coatsworth
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation:	Reject
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Further Submission No: 8 - 39 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 58: 22 Submission Type: Oppose
 Submitter: Max Douglas
 Submission Summary: The integrated framework does not have dual sectors targets. The splitting into two sectors appears to be a decision made later by the StAG. The two numbers (96 and 44 tN/yr) are not a part of the integrated framework. Presenting it as the Integrated Framework is misleading.
 Decision Sought: Consolidate this into a single sector: pastoral.

Staff Recommendations:	Reject
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Submission Number: 70: 21 Submission Type: Oppose in Part
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: 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.
 Decision Sought: Amend Policy LR P3 r and any consequential changes, e.g. context for Tables LR 1, LR2 and LR 3 in the introduction.

Staff Recommendations:	Reject
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Submission Number: 14: 13 Submission Type: Support
 Submitter: Warren Webber
 Submission Summary: LWQS supports the currently proposed rules and incentives programme (including sector allocation with ranges) as the most pragmatic solution to Nitrogen allocation. A sincere effort was made to ensure that the StAG process was inclusive, collaborative, open and transparent; the greatest reductions were required from dairy properties; the greatest reductions were required from the highest leaching properties..
 Decision Sought: Support - No changes requested.

Staff Recommendations:	Accept in Part
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 73: 3 Submission Type: Oppose

Submitter: P F Olsen Ltd

Submission Summary: PF Olsen Ltd reiterates its opposition to the grandparenting of other landuses pollution rights. Grandparenting represents a subsidy in perpetuity for those parties whose land based endeavors are creating the most pollution. Permanent Grandparenting is at odds with the fourth report of the Land and Water Forum.

Decision Sought: Beyond 2032, N discharge totals from pastoral sources must be less than the targets set in the notified plan change with the surplus being allocated back to those currently under commercial forest cover. As a minimum, a further 2 Kg reduction across the pastoral sector would enable the existing plantation growing industry to achieve a discharge allocation of around 6 kg/ha/yr. With dairying and dairy support well above that level it would seem appropriate that they bear the greater share of that reallocation. The reallocation to forestry should be useable and or tradable. It is accepted that new forest planted should not receive an added allocation.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 11 Submission Type: Support

Further Submitter: CNI Iwi Land Management Ltd

Submission Summary: For the reasons given in the original submission. Grandparenting - of which "sector averaging" is a variant - represents a subsidy in perpetuity for those whose land-based endeavors create the most pollution. It is inequitable, unreasonable and unfair.

Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 14 - 2 Submission Type: Support

Further Submitter: Hancock Forest Management (NZ) Ltd

Submission Summary: For the reasons given in the original submission. Hancock Forest Management is steadfastly opposed to the use of grand parenting as a basis for solving water quality problems in New Zealand. Grand parenting effectively removes property rights in inverse proportion to contribution to the problem, which in our view is contrary to the purpose of the RMA, requiring those who create adverse effects on the environment to avoid, remedy or mitigate those effects. It creates a perverse incentive to pollute. Provisions should be logical, equitable and create the right incentives for the future.

Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 74: 5 Submission Type: Oppose

Submitter: Deer Industry New Zealand

Submission Summary: The new rules proposal suggests a 20% reduction for drystock and a 30% reduction for dairy. This differential between sectors does not reflect the actual economic difficulty faced by the different sectors to meet this target.

Decision Sought: We suggest a robust study of the economic impacts of any proposal so everyone fully understands how this will affect the whole Rotorua community.

Staff Recommendations: Reject

Submission Number: 74: 9 Submission Type: Oppose

Submitter: Deer Industry New Zealand

Submission Summary: DINZ opposes the principle of grandparenting which essentially rewards existing businesses that have high nitrogen losses and restricts activities of businesses that have lower losses. DINZ does not support an allocation system that grossly favors one sector over another.

Decision Sought: Not specified.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

1006

Section: Table LR3 Sector contributions

Staff Recommendation

No changes are proposed in response to the below submission points.

Staff Reason

(75-94, 75-108) The reductions specified in Table LR1 are upheld by Tables LR2 and LR3 which identifies in more detail the required reduction from each pastoral sector to achieve the 140t/ N reduction. These two tables set the scene for the plan change, and are locked into one version of OVERSEER® to ensure consistency in the reduction requirements for each sector. The amended advice note as suggested by the submitter adds an element of uncertainty to the reductions and reduces their credibility. This is not supported by Council staff, it is considered that sufficient research and scientific information is available to confirm the sustainable load and level of reductions required. The ability to revise the load and reduction levels to reflect new science is available through Method 2. It is considered that this is sufficient and that the suggested text does not add any value to the plan change.

(12-3, 43-114, FS6-13, FS15-3, 75-96) Locking in the numbers shown in Table LR3 intends to uphold Table LR1. The table notes are intended to provide clarification on the manner in which these were calculated.

(59-2) Plan Change 10 acknowledges that drystock is less intensive than dairy with this reflected in the different ranges provided for the drystock sector. The percentages of reduction required from the drystock sector (44t/ N or 17.2%) is also lower than Dairy (96t/ N or 35.3%) to reflect the different levels of impact from each sector.

(58-21, 58-23) The integrated framework resulted in a required reduction of 140t/ N from the pastoral sector. This was then split across the dairy and drystock sector as outlined within the table. Including these figures provides clarification to plan users as to the level of action required by each sector, and forms the basis for the NDA allocation methodology. It is considered that these numbers represent the discussions and agreements made as part of StAG and the Collective and effectively form part of the overarching integrated framework. It is considered that no changes are required in response to this submission point.

(74-6) Research completed has identified the potential scale of impacts of the rules at a farm level (refer to the report entitled "Update of the 2014 NDA Impact Analysis, prepared by Perrin Ag Consultants Ltd"). This identified that just over half of the modelled farm systems were able to achieve their provisional NDA targets and that a higher level of action would be required by dairy farms compared to dry stock farms. The plan change has been implemented since its notification in February 2016. Through this process a number of farms (both dairy and drystock) have approached Council to determine what their current state and NDA would be. The outcomes so far have aligned with this report. In addition it has been noted that many of the farms will not need to make significant reductions until 2027, by which time there will be a number of science reviews completed, potentially altering the impacts of the rules. It is considered that the research completed to date has met the section 85 requirements of the RMA.

(41-2) Most dairy support is provided by drystock farmers leasing parts of their land. Although dairy support has higher nitrogen discharges associated with it than the average drystock discharge, it was included as a part of the drystock sector because:

- ROTAN includes dairy support as drystock when estimating nitrogen loss from land use
- It is hard to identify where dairy support occurs in the catchment as it is not a permanent land use
- A lot of dairy support occurs on properties <40ha. These properties have not been benchmarked so it would be difficult to determine who would be entitled to a dairy support allocation
- Dairy support is a common practice on drystock farms across the country and analysis in other regions has dealt with them as a single sector.

To ensure that dairy support was adequately covered by the drystock sector a minimum loss rate of 18kg/ N/ ha was allocated (an increase from 12kg/ ha) to provide the ability for dairy support activities to continue, whilst at a lower level of losses. This ensured that the total losses from the drystock and dairy support do not exceed 209.6kg/ N/ yr as required by Table LR2. The approach taken and the lower limit set for the drystock and dairy support will ensure that all activities are contributing to achieving the required reduction set within Table LR1. This approach was endorsed by StAG in October 2013 and subsequently supported by Council as the way forward for allocation within the catchment. For these reasons it is considered inappropriate to remove reference to the dairy support sector as suggested by the submission or provide a new NDA for dairy support.

(30-5) Support Noted

(48-2, FS6-14) Refer to Section 5.3.6 The Use of OVERSEER® and Reference files

(75-113, 75-114, FS6-16) Refer to Section 5.3.4 The Use of Sub-Catchment Plans

(19-6, 36-4, 73-4, FS6-15, FS14-3) Refer to Section 5.3.7 Nitrogen Allocation

Submissions

Submission Number:	12: 3	Submission Type:	Oppose
Submitter:	Astrid Coker		
Submission Summary:	Oppose results being used from different versions of OVERSEER® It is not clear why some calculations in PC10 use OVERSEER® 5.4 and others 6.2. Need to use the best science estimates of nitrogen entering the Lake.		
Decision Sought:	All results to be calculated by the latest version of OVERSEER®		

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 19: 6 Submission Type: Oppose

Submitter: Dixon Reeves

Submission Summary: The current proposed plan change may restrict my ability to realise the long term land management plan for the property and to respond to markets.

Decision Sought: I seek that the Council provide flexibility in the plan to allow for ongoing development and flexibility in farm management above the sector average.

Staff Recommendations: Reject

Submission Number: 30: 5 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: Support - No changes requested.

Staff Recommendations: Accept

Submission Number: 36: 4 Submission Type: Oppose

Submitter: Tracey Friend and Myles McNaught

Submission Summary: We have issues with the impact of the present lowered nitrogen leaching levels being proposed. The proposed levels mean that we would have to drop our production/stock rates to a level that will make our farm uneconomic. The values of the properties will drop significantly and the lowered stock rates will affect the income causing most farmers into severe financial strain.

Decision Sought: We would like to see some more science being done before such a huge change is made. The economic and social consequences will be much larger than anyone has thought through.

Staff Recommendations: Reject

Submission Number: 41: 2 Submission Type: Oppose

Submitter: Craig Hurst

Submission Summary: My farm is a specialist dairy support unit. The council NDA sector allocation table makes no provision for specialist dairy support so my farm is included in the dry stock. To fall within the dry stock range my farm needs to reduce by 46%. This is unrealistic.

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 43: 114 Submission Type: Oppose in Part

Submitter: Ravensdown Limited

Submission Summary: Ravensdown is concerned that OVERSEER® 5.4 has been used to determine the proportional reductions in Table LR 2, and OVERSEER® 6.2.0 has been used to determine the sector contributions in Table LR 3. Ravensdown considers consistency is required. It is not appropriate to lock one version of OVERSEER® into the plan, and a mechanism should be included to address when OVERSEER® is updated in future without a plan change.

Decision Sought:

- Be consistent in use of OVERSEER;
- Delete reference to a particular version of OVERSEER® used and provide for a mechanism for updating when OVERSEER® changes without having to undertake a plan change (as per ECan Plan Change 3).

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 59: 2 Submission Type: Oppose
Submitter: Northdale Holdings Ltd
Submission Summary: Drystock areas is not as intensive as dairy and NDA of 13 11 loading 210 is unfair and is not achievable over 16 years.
Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 73: 4 Submission Type: Oppose
Submitter: P F Olsen Ltd
Submission Summary: PF Olsen Ltd reiterates its opposition to the grandparenting of other landuses pollution rights. Grandparenting represents a subsidy in perpetuity for those parties whose land based endeavors are creating the most pollution. If a sector is unable to operate permanently without a Nitrogen cross subsidy from other land based sectors then that sector is fundamentally unsustainable and unsuitable. Permanent Grandparenting is at odds with the fourth report of the Land and Water Forum.
Decision Sought: Beyond 2032, N discharge totals from pastoral sources must be less than the targets set in the notified plan change with the surplus being allocated back to those currently under commercial forest cover.

As a minimum, a further 2 Kg reduction across the pastoral sector would enable the existing plantation growing industry to achieve a discharge allocation of around 6 kg/ha/yr. With dairying and dairy support well above that level it would seem appropriate that they bear the greater share of that reallocation. The reallocation to forestry should be useable and or tradable. It is accepted that new forest planted should not receive an added allocation.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 15 Submission Type: Support
Further Submitter: CNI Iwi Land Management Ltd
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 14 - 3 Submission Type: Support
Further Submitter: Hancock Forest Management (NZ) Ltd
Submission Summary: For the reasons given in the original submission. Hancock Forest Management is steadfastly opposed to the use of grand parenting as a basis for solving water quality problems in New Zealand. Grand parenting effectively removes property rights in inverse proportion to contribution to the problem, which in our view is contrary to the purpose of the RMA, requiring those who create adverse effects on the environment to avoid, remedy or mitigate those effects. It creates a perverse incentive to pollute. Provisions should be logical, equitable and create the right incentives for the future.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 74: 6 Submission Type: Oppose
Submitter: Deer Industry New Zealand
Submission Summary: The new rules proposal suggests a 20% reduction for drystock and a 30% reduction for dairy. This differential between sectors does not reflect the actual economic difficulty faced by the different sectors to meet this target.
Decision Sought: We suggest a robust study of the economic impacts of any proposal so everyone fully understands how this will affect the whole Rotorua community.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

997

Section: Map LR1 - Groundwater Catchment

Staff Recommendation

Add new key – ‘Urban Land not subject to Lake Rotorua Nutrient Management Rules.’
Alter legend title to reflect rural land located within the Waikato Region and not subject to Lake Rotorua Nutrient Management Rules.
Amend rural layer to remove developed residential sections.

Staff Reason

(47-3, FS8-43, FS12-7, 56-1, FS8-44, FS12-8) Submissions have raised concerns on the manner in which Map LR1 is shown, highlighting that it is not clear how the urban areas of the catchment are to be treated under PPC10. The rural layer identified in Map LR1 is based on land uses present between 2001 and 2004 to ensure all rural pastoral activity that would have been assigned a benchmark or impacted by Rule 11 are captured. It is noted that there has been development within areas adjoining or within the urban environment since 2004. To ensure PPC10 accurately covers pastoral activity present between 2001 and 2004 further assessment of the rural layer has been completed. A number of sections have been removed from the rural layer due to the assessment due to:

- Residential or industrial activities present onsite between 2001 and 2004
- The site was in the process of being developed for urban use between 2001-2004 period, this indicating resource consent to subdivide had been issued from the Rotorua District and works had commenced onsite.

Residential development that has occurred after 2004 has been left in the rural layer, this reflecting that previous land uses onsite where pastoral in nature and have a nitrogen allocation under PPC10. Any residential development that is connected to a parent rural lot also remains within the rural layer, with ability for any residual nitrogen from the development to be transferred to the parent rural lot.

The urban area where land is not used for rural practices is not intended to be managed by the plan change, with this being managed under the wider Te Arawa Lakes Programme. It is recommended that the map is amended to add another layer identifying the urban area that is not subject to the Lake Rotorua Nitrogen Management Rules unless allocated with a benchmark under Rule 11.

(75-120) The submitter has requested additional text be included to clarify the meaning of “rural land not subject to Lake Rotorua Nutrient Management rules”. This text is in relation to land located outside of the Bay of Plenty region. Additional text has been included to clarify this for plan users.

(75-119) The new map as suggested by submitter 75 relates to urban areas and OSET boundaries. This information is outside of the scope of PPC10 and will be dealt with through the upcoming review of the Regional OSET plan.

(75-118, 75-119) Refer to Section 5.3.4 The Use of Sub-Catchment Plans

(1-6, 1-7, 50-4, 65-1, FS8-36, 66-34, FS12-9) Refer to Section 5.3.5 Lake Rotorua Nitrogen Loads and Science

Submissions

Submission Number:	1: 6	Submission Type:	Oppose
Submitter:	Lindsay Hugh and Alison Lyndsay Moore		
Submission Summary:	The pamphlets say nothing of the chosen model of assumptions of inflows into Lake Rotorua. We note that it has long been believed that west of the lake and at levels below its bases is an underground water resource. It seems unlikely that much or all of that water enters those aquifers directly rather than via the lake. Then there is the timing issue of drainage through the soil and subsoil. To what extent is its nitrogen content absorbed by plants, filtered out, or by chemical processes locked into subsoil's and deeper geological features.		
Decision Sought:	Amend to reflect concerns raised.		

Staff Recommendations:	Reject
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Submission Number:	1: 7	Submission Type:	Oppose
Submitter:	Lindsay Hugh and Alison Lyndsay Moore		
Submission Summary:	The plan treats catchment areas as homogenous which it is not. Water from some areas never enters Lake Rotorua. It is pointless to restrict land use in these areas.		
Decision Sought:	Amend to exclude areas where rainfall does not enter Lake Rotorua or does so only after 200 years or more.		

Staff Recommendations:	Reject
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 47: 3 Submission Type: Support in Part

Submitter: Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd

Submission Summary: As notified, Map LR1 is titled Lake Rotorua Nutrient Management – Groundwater Catchment Boundary and Rural Land. Small areas of rural land not subject to the rules are also delineated with the accompanying legend. No such overlay is provided for urban areas within the catchment. It is therefore not explicitly clear that the provisions do not apply to the areas within the Lake Rotorua Groundwater Catchment Boundary.

Decision Sought: That a new overlay be created titled 'Urban land not subject to Lake Rotorua Nutrient Management Rules'. Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to these submissions as a result of the matters raised.

Staff Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 8 - 43 Submission Type: Oppose

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: PC 10 must provide an integrated framework for whole of community solutions, i.e., urban, industrial, lifestylers and rural.

Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 12 - 7 Submission Type: Oppose

Further Submitter: Federated Farmers of New Zealand

Submission Summary: PC 10 must provide an integrated framework for whole of community solutions, i.e. urban, industrial lifestylers and rural.

Decision Sought: Sub-catchment action plans that include all catchment contributors.

Staff Recommendation: Reject

Submission Number: 50: 4 Submission Type: Oppose

Submitter: Oturoa Properties Ltd

Submission Summary: The whole process is underpinned by assumptions. Cannot readily understand how 95th % uncertainty in Ground water boundary was computed. The ground water validation is +/- 640 metres.

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 56: 1 Submission Type: Support

Submitter: Bay of Plenty Regional Council

Submission Summary: The map shows urban developed areas as being rural. These urban areas are not used for farming activity and should not be covered by PC10.

Decision Sought: Amend the area of rural land shown to exclude developed residential sites. Examples include residential areas adjoining Lynmore, the Vaughan Road subdivision.

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 8 – 44 Submission Type: Oppose

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: PC 10 must provide an integrated framework for whole of community solutions, i.e., urban, industrial, lifestylers and rural

Decision Sought: As above

Staff Recommendation: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission No: 12 - 8 Submission Type: Oppose
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: PC 10 must provide an integrated framework for whole of community solutions, i.e. urban, industrial lifestyles and rural.
 Decision Sought: Sub-catchment action plans that include all catchment contributors.

Staff Recommendation:	Reject
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Submission Number: 65: 1 Submission Type: Oppose
 Submitter: Peter Reed
 Submission Summary: Applying a boundary that is scientifically based is overly complicated, not practical, and will be open to legal/scientific challenge. The boundary is "best-estimate"
 The extent of the uncertainty is such that the minimum groundwater catchment boundary falls within the Rule 11, the Proposed Plan Change 10 boundary could easily be justified to match the existing Rule 11 boundary for.
 Decision Sought: Bring the Proposed Plan Change 10 catchment boundary in line with the existing Rule 11 boundary.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 8 - 36 Submission Type: Support in Part
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Bring the proposed PC 10 boundary in line with the existing Rule 11 boundary. There needs to be further discussion and exploration of the science supporting PC 10's boundaries.
 Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 66: 34 Submission Type: Oppose
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: BOPRC need to engage better with the land owners that have only recently been captured within the extended lake Rotorua ground water catchment. They must supply evidence as to the flow of their ground water given that their land is outside of the surface catchment for Lake Rotorua, with their surface water running to the Waikato. There has been no science work done to determine the new boundaries, no consultation with local residents about water movement.
 Decision Sought: Due diligence has not been done for these farmers. Council must commission a scientific way of proving the direction the ground water travels.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 12 - 9 Submission Type: Support
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: More reliable science is required for groundwater boundaries and movements in the Mamaku.
 Decision Sought: Add to Method LR M2 Science Reviews

Staff Recommendation:	Reject
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

catchment load, and subsequent reduction required. Altering this baseline could potentially result in a new level of reduction due to a different catchment load being potentially calculated. This would change the level of impacts PPC10 has on farm enterprises, and result in the need to re-notify to ensure all parties had the ability to review the revised approach and place submissions or further submissions on the matter. For these reason revising the benchmark approach is not supported, and a new objective outlining a revised benchmarking approach is not required.

New Objectives

(75-228, 66-45, FS6-18) The suggested objective does not align with the intent of any of the notified or suggested objectives and policies. In addition with no clear intent, and flow through the rule framework implementation of the objective is not achievable. No changes are recommended.

(75-122, 66-44) The intent of the suggested objective would result in conflicts with the implementation of Plan Change 10. Whilst Council has developed Plan Change 10 to result in the least economic impact on the farming industry it is also noted that the rules will impact production levels of some farm enterprises. Terms such as 'sustained' and 'growth' implies that Plan Change 10 provides for continued levels of farming operations and an increase in activity. This may not be the case for a number of farm enterprises, therefore such an objective would provide incorrect perceptions, and would not align with the rule framework as notified. It is noted that the submitter has suggested a new rule framework, after assessment of this approach council does not support the suggested revisions to the rules, due to this not providing the level of certainty required in implementation or to ensure the sustainable load of 435t/ N/yr is achieved.

(70-8) A number of submissions have requested a consistent term when describing low nitrogen loss activities. It is considered that the consistent use of the term 'low intensity farming' will uphold the intent of the policies and rules and align with responses made to other submission points. The proposed definition will align with this term, helping to provide consistency across the plan.

(70-3, FS8-46, FS12-10) Rule 11 relies on compliance with a benchmark - effectively a number. Compliance and enforcement with this number was hard to prove resulting in uncertainty for the land owner and the council. This was due to the inability to determine if the losses have increased through a change in land use activity on a particular site. PPC10 has overcome this by identifying the level of loss associated from particular activities based on inputs. For this reason and to increase usability and certainty the plan has been written in a manner that manages input, with the intent of influencing losses. Restricting inputs to ensure losses are reduced helps to provide certainty to plan users and increase usability and enforceability to the plan. No changes are considered to be required.

New Policy

(75-158, 53-31) The submission requested the addition of a new policy aligning with the NZ Treasury's principles for Best Practice Regulation. The level of research completed as part of the development of PPC10 and investigation into alternative options has identified that the approach taken is the most cost effective and least disruptive economically, socially and culturally, and therefore aligns with these principles. It should be noted that the guidelines referred to and to which the proposed policy is based on do not overrule the statutory requirements of the RMA and are only able to be considered alongside such statutory requirements. It is considered that the approach taken by PPC10 and the manner in which the policies have been written uphold the purpose of the Act as outlined within section 5 of the RMA 1991, and are written in a manner that ensure they are enforceable, easily interpreted and provide certainty to plan users. This is supported by the section 32 analysis which assesses the social, economic, cultural and environmental impacts of the plan change. It is considered that the revision of PPC10 to take into account the guideline provided by the Treasury will not add any additional value to the plan change and is not required.

(43-14, 26-35) Support Noted

(53-14, 53-90, 75-121) Refer to Section 5.3.1 The Regional Policy Statement and Operative Regional Plan

Submissions

Submission Number:	26: 5	Submission Type:	Oppose
Submitter:	Rotorua Lakes Council		
Submission Summary:	The objectives and policies do not preclude introducing similar allocations or reductions from urban loads. The 435tN sustainable limit and the allocation by dischargers within the integrated framework also implies that there will be no opportunity to increase the discharge from the Waste Water Treatment Plant.		
Decision Sought:	RLC seeks the inclusion in PC 10 to the Regional Plan of appropriate objective(s), policies and methods to address its submission.		

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	2 - 2	Submission Type:	Oppose
Further Submitter:	Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd		
Submission Summary:	It is appropriate to specifically exclude non rural areas		
Decision Sought:	Continue specifically excluding non-rural areas from PC10. Discharges from urban areas should be addressed by way of a future plan change with appropriate S32 analysis		

Staff Recommendations:	Accept in Part
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission No: 4 - 2 Submission Type: Oppose

Further Submitter: Ngati Uenukukopako Iwi Trust

Submission Summary: The Trust is opposed to the submission of Rotorua Lakes Council to the extent that it seeks amendments to the proposed planning framework (including objectives, policies and rules) that relate to the discharge from the Wastewater Treatment Plant to Lake Rotorua. The Trust is opposed to the proposal to discharge treated wastewater directly into Arikiroa Bay which forms part of Lake Rotorua.

Decision Sought: Do not support RLC proposed planning framework amendments which provide for increased discharges from the Wastewater Treatment Plant.

Staff Recommendation:	Accept in Part
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Further Submission No: 8 - 62 Submission Type: Oppose

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Oppose in part.
Support the intent that PC 10 should provide an enabling framework for growth alongside safeguarding health of the lake.
We do not support exemptions for particular sectors as this will place an even greater and impossible burden on remaining sectors – rather we seek an enabling framework for whole of community solutions.

Decision Sought: As above

Staff Recommendation:	Accept in Part
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Further Submission No: 12 - 5 Submission Type: Oppose

Further Submitter: Federated Farmers of New Zealand

Submission Summary: Oppose in part.
Support the intent that PC10 should provide an enabling framework for growth alongside safeguarding health of the lake.
We do not support exemptions for particular sectors - rather we seek an enabling framework for whole of community solutions.

Decision Sought: Include all sectors and contributors to both the problems and the solutions.

Staff Recommendation:	Accept in Part
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Submission Number: 26: 18 Submission Type: Oppose

Submitter: Rotorua Lakes Council

Submission Summary: BERL Population projections predict a population increase, the size of the tourism sector is planned to double from 2015 to 2030. This will create additional load on the Rotorua Waste Water Treatment Plant ('WWTP'). There may be opportunities to reduce nitrogen from land use within the Lake Rotorua catchment e.g. land use change to lifestyle or residential, that would require a greater output from the WWTP. In addition RLC is receiving pressure to consider reticulation of Lake Tarawera. The current RPS and Regional Plan provisions do not explicitly allow for this increases to be accommodated and could result in a requirement for expensive technical solutions or offsets being purchased. RLC does not want to be forced to limit growth and/or enact expensive solutions prior to 2032 when it is not known whether the PC 10 targets or their timing are correct.

Decision Sought: RLC seeks the inclusion of appropriate objective(s), policies and relevant methods in PC 10 to the Regional Plan to recognise and provide for urban growth in the Rotorua district, and for consequent increased loads to the WWTP that result in nitrogen entering Lake Rotorua.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 2 - 4 Submission Type: Oppose

Further Submitter: Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd

Submission Summary: It is appropriate to specifically exclude non rural areas.

Decision Sought: Continue specifically excluding non-rural areas from PC10. Discharges from urban areas should be addressed by way of a future plan change with appropriate S32 analysis.

Staff Recommendation:	Accept in Part
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission No: 4 - 4 Submission Type: Oppose

Further Submitter: Ngati Uenukukopako Iwi Trust

Submission Summary: The Trust is opposed to the submission of Rotorua Lakes Council to the extent that it seeks amendments to the proposed planning framework (including objectives, policies and rules) that relate to the discharge from the Wastewater Treatment Plant to Lake Rotorua.

The Trust is opposed to the proposal to discharge treated wastewater directly into Arikiroa Bay which forms part of Lake Rotorua.

Decision Sought: Do not support RLC proposed planning framework amendments which provide for increased discharges from the Wastewater Treatment Plant.

Staff Recommendation: Accept in Part

Further Submission No: 8 - 63 Submission Type: Oppose

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Oppose in part.
Support the intent that PC 10 should provide an enabling framework for growth alongside safeguarding health of the lake, both urban and rural and including underdeveloped Maori land; that consideration is given to inter-generational equity; that proposed restrictions – urban or rural – are subject to robust cost-benefit analysis; and that expensive solutions should not be mandated when it is not known if the PC10 targets and timings are correct. We do not support exemptions for particular sectors as this will place an even greater and impossible burden on remaining sectors – rather we seek an enabling framework for whole of community solutions.

Decision Sought: As above

Staff Recommendation: Accept in Part

Further Submission No: 12 - 6 Submission Type: Oppose

Further Submitter: Federated Farmers of New Zealand

Submission Summary: Oppose in part.
Support the intent that PC10 should provide an enabling framework for growth alongside safeguarding health of the lake; that proposed restrictions are subject to robust cost-benefit analysis and that expensive solutions should not be mandated when it is not known if the PC10 targets and timings are correct. We do not support exemptions for particular sectors - rather we seek an enabling framework for whole of community solutions.

Decision Sought: Include all sectors and contributors to both the problems and the solutions.

Staff Recommendation: Accept in Part

Submission Number: 26: 35 Submission Type: Support

Submitter: Rotorua Lakes Council

Submission Summary: RLC supports the existing freshwater objectives for Lake Rotorua, in particular Objective 28 of the Operative Bay of Plenty Regional Policy Statement and Objective 11 of the Regional Plan.

Decision Sought: Support - No changes requested.

Staff Recommendations: Accept

Submission Number: 43: 14 Submission Type: Support

Submitter: Ravensdown Limited

Submission Summary: Ravensdown supports the enabling nature of a number of the policies and rules, including a range of permitted activities and the use of controlled activities.

Decision Sought: Not specified.

Staff Recommendations: Accept

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 43: 41 Submission Type: Oppose in Part

Submitter: Ravensdown Limited

Submission Summary: PC 10 lacks any policy direction regarding benchmarking, and the methodology outlined in Schedule LR One is confusing. Ravensdown's preference is for Council to take a revised approach to benchmarking as opposed to reliance on an historical benchmark. This would allow for actual nutrient losses to be measured from a farm system meaning the benchmark can be determined from actual results and the percentage reduction required can be based on real not predicted values.

Decision Sought: Add a new policy that clearly identifies how benchmarking will be undertaken;
Take a revised approach to benchmarking for the next 5 years and benchmark property/farming enterprises on the actual nutrient losses over that period.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 17 Submission Type: Support in Part

Further Submitter: CNI Iwi Land Management Ltd

Submission Summary: Agrees PC 10 lacks policy direction regarding benchmarking but disagrees with the suggested revised approach to benchmarking.

Decision Sought: Take a revised approach to benchmarking based on land use suitability and predicted externalities, not on actual use.

Staff Recommendation: Reject

Submission Number: 53: 14 Submission Type: Oppose in Part

Submitter: Lachlan McKenzie

Submission Summary: Amend narrative after Objectives for completeness and accuracy.

Decision Sought: Shift the RPS objective back to the earlier RPS section; and amend as follows:
The following objectives from the Operative Regional Water and Land Plan establish the freshwater objectives for Lake Rotorua.
The objective requires that water quality be 'maintained or improved' to meet the TLI.
Lake Rotorua has met the TLI objective in recent years.
These objectives will be subject to review in the Rotorua Lakes WMA – currently scheduled 2020-2023 – which will review values, objectives, limits and methods, including for Lake Rotorua.

Staff Recommendations: Reject

Submission Number: 53: 31 Submission Type: Support in Part

Submitter: Lachlan McKenzie

Submission Summary: Give explicit effect to Treasury Principles for Best Practice Regulation. Our understanding is that all Councils are expected to have regard to these principles.

Decision Sought: Add new policy: To develop rules consistent with Treasury Principles for Best Practice Regulation.

Staff Recommendations: Reject

Submission Number: 53: 90 Submission Type: Not Applicable

Submitter: Lachlan McKenzie

Submission Summary: Delete RPS Objective 28.

Decision Sought: Delete RPS Objective 28.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 66: 44 Submission Type: Oppose in Part
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: The objectives from the Operative Regional Water and Land Plan establish the freshwater objectives for Lake Rotorua. The objective requires that water quality be 'maintained or improved' to meet the TLI. Lake Rotorua has met the TLI objective in recent years. These objectives will be subject to review in the Rotorua Lakes WMA – currently scheduled 2020-2023 – which will review values, objectives, limits and methods, including for Lake Rotorua.
 Decision Sought: Amend Page 5: Objectives for completeness and accuracy.

Staff Recommendations: Reject

Submission Number: 66: 45 Submission Type: Oppose
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Amend Page 5: Objectives for completeness and accuracy.
 Decision Sought: Amend as follows:
 New Objective LR xx: The productive potential of the Lake Rotorua catchment rural land resource is sustained and the growth and efficient operation of rural production activities are provided for.
 New Objective LR xy: recognise the multiple values of natural and physical resources by aligning interventions to achieve multiple environmental, social, cultural and economic objectives within a long-term strategic approach.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 18 Submission Type: Support
 Further Submitter: CNI Iwi Land Management Ltd
 Submission Summary: Supports the CNI intent to have a more diversified use of its landholding, which is presently all in plantation forest. CNIILML seeks to increase its resilience by having a broader range of rural production activities on its land.
 Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 70: 3 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.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 8 – 46 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission No:	12 - 10	Submission Type:	Support
Further Submitter:	Federated Farmers of New Zealand		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Submission Number:	70: 8	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	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'.		
Decision Sought:	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'.		

Staff Recommendations:	Accept
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Submission Number:	70: 9	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	It is suggested that writing policies as rules should be avoided, for example, as occurs with LR P9.		
Decision Sought:	It is suggested that writing policies as rules should be avoided, for example, as occurs with LR P9.		

Staff Recommendations:	Accept
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Submission Number:	75: 61	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	There are other RPS objectives and policies relevant to PC10 methods and rules.		
Decision Sought:	That additional RPS provisions be added in full as follow: - Water Quality and Land Use - Objectives 26, 27, 28 - Policies IR 3B, UG 18B, UG 23B & Explanation, WL 1B, WL 2B, WL 3B;Explanation, WL 4B & Explanation; Policy WL 5B Explanation, Explanation for Policy WL 6B That the RPS provisions be in scope for submissions to the extent they are relevant to the approach proposed in the methods and rules.		

Staff Recommendations:	Reject
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Submission Number:	75: 121	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Amend narrative after Objectives for completeness and accuracy. The RPS objective should be located with the earlier section including RPS provisions. The RWLP objective was proposed in 2002 and made operative in 2008. It is our understanding that perhaps eleven submissions were received at that time. Some commentators are now suggesting that wider objectives for the lake might be considered, rather than relying just on the TLI.		
Decision Sought:	Shift the RPS objective back to the earlier RPS section; and amend as follows: The following objectives from the and Operative Regional Water and Land Plan establish the freshwater		

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

objectives for Lake Rotorua.

The objective requires that water quality be ‘maintained or improved’ to meet the TLI.

Lake Rotorua has met the TLI objective in recent years.

These objectives will be subject to review in the Rotorua Lakes WMA – currently scheduled 2020-2023 – which will review values, objectives, limits and methods, including for Lake Rotorua.

Amend the note to read as follows: These Objectives are provided for informational purposes only and are part of the Plan Change. They are open for submission to the extent they are relevant to the approach proposed in the methods and rules.

Staff Recommendations:	Reject
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Submission Number:	75: 122	Submission Type:	Support in Part
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Submitter: Federated Farmers of New Zealand

Submission Summary: Add new objectives to give better effect to RPS objectives and policies.

Decision Sought: Add new objective as below:
New Objective LR xx: The productive potential of the Lake Rotorua catchment rural land resource is sustained and the growth and efficient operation of rural production activities are provided for.

Staff Recommendations:	Reject
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Submission Number:	75: 123	Submission Type:	Oppose in Part
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Submitter: Federated Farmers of New Zealand

Submission Summary: Amend narrative after Policies to be consistent with the inclusion of relevant RPS policies; and to support PC10 standing as the primary statutory reference for the catchment.

Decision Sought: Add RWLP policies 23, 24, 25, 28, 29, 32, 33.

Staff Recommendations:	Reject
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Submission Number:	75: 158	Submission Type:	Oppose in Part
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Submitter: Federated Farmers of New Zealand

Submission Summary: Add new policy to give better effect to Treasury Principles for Best Practice Regulation.

Decision Sought: Add new Policy as follows;
LR P18 When developing rules, the Council will ensure they meet the following guiding principles:

- Flexibility
- the underlying approach is principles or effects based
- entities have scope to adopt least-cost and innovative approaches
- non-regulatory measures including self-regulation are used wherever possible
- Proportionality
- proposed rules have been tested against a risk-based, cost-benefit framework
- the burden of rules and their enforcement is proportionate to benefits expected
- changes proposed have been tested to assure the benefits outweigh the costs of disruption
- Certainty
- the regulatory system is predictable and provides certainty for plan users
- Growth supporting
- economic objectives are given appropriate weighting
- identifying and justifying trade-offs is explicit in the accompanying s32 reports
- the need for businesses to take longterm investment decisions is taken into account, including by providing for maximum consent durations for major investments

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	6 - 19	Submission Type:	Support in Part
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Further Submitter: CNI Iwi Land Management Ltd

Submission Summary: The submission paraphrases to a certain extent, which potentially changes the meaning. If the policy is included, it should use the Treasury wording as written.

Decision Sought: If the policy is included, it should use the Treasury wording as written:
LR P18 When developing rules, the Council will use the following guiding principles:
Flexible, durable – Entities have scope to adopt least-cost and innovative approaches to

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

(40-8, FS12-41, 48-3, FS8-41, FS12-11, 59-1) The timeframe of 2032 was set by the RPS and was considered a suitable timeframe to alter farm practices, allow for staged reductions and investigate alteration options. This was informed by discussions held to resolve appeals on the RPS and agreed to as part of the Oturoa Agreement. It is noted that submissions points have highlighted that the Oturoa Agreement which helped to resolved concerns on the RPS, referred to the 2032 timeframe as 'aspirational'. This perceived intent was not included within the signed Oturoa Agreement with 2032 being a set timeframe, nor was this reflected within the RPS. It is considered that PPC10 upholds both the RPS and Oturoa Agreement, and no changes have been made in response to this submission point.

(26-1, 43-3, 49-15, 54-3, 73-5) Support Noted

(24-10) Refer to Section 5.3.4 The Use of Sub-Catchment Plans

(67-4, 39-2, 33-4, 33-3, 31-4, 59-1, 79-2, 79-6, 80-7, 81-2, 81-14, 83-6, 66-32) Refer to Section 5.3.5 Lake Rotorua Nitrogen Loads and Science

Submissions

Submission Number:	24: 10	Submission Type:	Oppose
Submitter:	JT & SA Butterworth		
Submission Summary:	We believe that the setting of the target for the sustainable nitrogen load to Lake Rotorua was done without the community having any understanding of the economic and social impacts.		
Decision Sought:	That council parks PC10 and works with the catchment farmers in prioritising sub-catchments, assist sub-catchment communities in developing sub-catchment action plans to prioritise critical source areas and cost effective interventions for reducing high nutrient base flow and flood flow loads to the lake; and that these interventions would appropriately being considered by the incentives fund.		

Staff Recommendations:	Reject
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Submission Number:	26: 1	Submission Type:	Support
Submitter:	Rotorua Lakes Council		
Submission Summary:	Lake Rotorua has been identified as 755t of nitrogen entering the catchment per year when the science tells us that the sustainable load on the lake is 435tN. Reaching this limit by 2032, with 70% of the reduction occurring by 2022 is set out in the Regional Policy Statement. RLC supports this policy in so long as the science is accurate and regularly reviewed.		
Decision Sought:	Support - no change requested.		

Staff Recommendations:	Accept
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Submission Number:	31: 4	Submission Type:	Oppose
Submitter:	Patricia Hosking		
Submission Summary:	I oppose the current load limit for the catchment. I 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:	Review the load calculation to focus on priorities for achieving water quality outcomes.		

Staff Recommendations:	Reject
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Submission Number:	33: 3	Submission Type:	Oppose
Submitter:	Utuhina Valley Farm		
Submission Summary:	I oppose the current load limit for the catchment.		
Decision Sought:	I seek that the Council review the load calculation to focus on priorities for achieving water quality outcomes. There should be a reassessment of targets after the 2017 Science review.		

Staff Recommendations:	Reject
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Submission Number:	33: 4	Submission Type:	Oppose
Submitter:	Utuhina Valley Farm		
Submission Summary:	I oppose the current load limit for the catchment.		

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: I seek that the Council review the load calculation to focus on priorities for achieving water quality outcomes. There should be a reassessment of targets after the 2017 Science review.

Staff Recommendations: Reject

Submission Number: 39: 2 Submission Type: Oppose

Submitter: Eileen Campbell

Submission Summary: We are told 435t on N is a sustainable load for the TLI target of 4.2 but this target has been reached with the current N load.

Decision Sought: Independent peer reviewed science is needed and a recalculation of the sustainable load target.

Staff Recommendations: Reject

Submission Number: 40: 8 Submission Type: Oppose

Submitter: Maraeroa Oturoa 2B Trust

Submission Summary: Extend the timeframe to set rules, meet nitrogen reduction targets and measure progress towards reductions.

Decision Sought: 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.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 12 - 41 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

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

Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 43: 3 Submission Type: Support

Submitter: Ravensdown Limited

Submission Summary: Ravensdown supports the intention to reduce the nitrogen load into Lake Rotorua from a variety of sources to achieve the 2032 sustainable lake load required by the RPS.

Decision Sought: Not specified.

Staff Recommendations: Accept

Submission Number: 43: 23 Submission Type: Oppose in Part

Submitter: Ravensdown Limited

Submission Summary: Policy LR P1 is written as an aspirational Objective rather than policy. The current wording does not provide action plan for implementing an objective or a timeframe. Support intent to reduce nitrogen losses from land and the monitoring on the 2032 target.

Decision Sought: Re-write Policy LR P1 to include an action plan for implementation and a timeframe; Retain the intent to reduce nitrogen losses from land and to monitor the ongoing target.

Staff Recommendations: Accept

Submission Number: 48: 3 Submission Type: Not Applicable

Submitter: Parekarangi Trust

Submission Summary: There remains considerable disagreement between scientists on whether Lake Rotorua is limited by TP or TN. There is considerable TP legacy in LR from sewerage that is recycled into water column during stratification.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: Extend the timeframe to achieve sustainable load to 2050 to allow more time for science and technology advances.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 8 - 41 Submission Type: Support

Further Submitter: Lake Rotorua Primary Producers Collective

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

Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 12 - 11 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

Submission Summary: Timeframes should be extended to allow time for science and technology.

Decision Sought: Explicit analysis is required on timeframes for change. These would most appropriately be considered in the Rotorua Lakes WMA process scheduled from 2020.

Staff Recommendation: Reject

Submission Number: 49: 15 Submission Type: Support

Submitter: CNI Iwi Land Management Ltd

Submission Summary: This overall intent of improving Lake Rotorua water quality by reducing nitrogen inputs to the lake is supported, as is the intent to monitor progress towards the sustainable lake level load.

Decision Sought: Retain.

Staff Recommendations: Accept

Submission Number: 50: 1 Submission Type: Oppose

Submitter: Oturoa Properties Ltd

Submission Summary: Unless the science proves otherwise it is impossible to meet the 2032 target without impacting GMP and further impacting the future of my family.

Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Submission Number: 53: 15 Submission Type: Oppose in Part

Submitter: Lachlan McKenzie

Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. The RPS and RWLP both set the expectation that landuses can be regulated to control increases in nutrient losses; or to require "best practicable option" or "reasonable, practicable and affordable" measures to reduce the effects of nutrient losses.
The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI and other objectives.
There are inconsistencies between OVERSEER® 6.2 values in the policies and version 5.4 values used to develop allocation methods and the rules. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values for consistency.

Most of the policies currently read like rules, but need amendment to express higher intent.

Decision Sought: Amend to read: 'To reduce nitrogen losses to Lake Rotorua to support achievement of the Lake TLI objective, and to monitor this target through science and policy reviews.'

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 54: 3 Submission Type: Support in Part
 Submitter: The Maori Trustee
 Submission Summary: The Maori Trustee supports and endorses the purpose of the Plan Change being to reduce nitrogen losses from rural land within the Lake Rotorua Catchment area to meet the nitrogen limit set by the Regional Policy Statement.
 Decision Sought: No changes requested.

Staff Recommendations: Accept

Submission Number: 59: 1 Submission Type: Oppose
 Submitter: Northdale Holdings Ltd
 Submission Summary: The regional policy statement has set the annual limit of 435 tonnes of nitrogen entering Lake Rotorua, this is too high or the timeframe too short.
 Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 66: 32 Submission Type: Oppose
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: The TLI parameters assumed no internal nutrient load. The legacy load within the lake contributes 360 tonnes of N that can be released up to 10 times a year. The unexpected turnaround in the lake TLI subsequent to alum treatments in two streams is significant in highlighting the ongoing importance of internal nutrients and phosphorus as a key driver of algal dynamics in Lake Rotorua.
 Decision Sought: Council acknowledge that the internal loading of the lake does have effects on science data. Council work with Strategy partners to focus on mitigating the legacy internal lake loads.

Staff Recommendations: Reject

Submission Number: 66: 46 Submission Type: Oppose in Part
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figures. Amend to give better effect to RPS and RWLP objectives and policies and for internal consistency.
 Decision Sought: Amend as follows: To reduce nitrogen losses to Lake Rotorua to support achievement of the Lake TLI objective and to monitor this target through science and policy reviews.

Staff Recommendations: Reject

Submission Number: 67: 4 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.

Staff Recommendations: Reject

Submission Number: 70: 15 Submission Type: Oppose in Part
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: The current wording of the policies is unclear. Adaptive management is cited as a core element. 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).
 Decision Sought: Amend Policy LR P1 as follows: Reduce the nitrogen losses from land to Lake Rotorua to achieve the 2032 sustainable lake load as required by the Regional Policy Statement while providing for an adaptive management approach. Or similar.

Staff Recommendations: Accept in Part

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 73: 5 Submission Type: Support
 Submitter: P F Olsen Ltd
 Submission Summary: It is accepted that a transitional period is justified. We believe 20 years is sufficient.
 Decision Sought: It is accepted that a transitional period is justified. We believe 20 years is sufficient.

Staff Recommendations: Accept

Submission Number: 75: 124 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Most of the policies currently read like rules, but need amendment to express higher intent, including to give better effect to RPS and RWLP objectives and policies and the overall purpose of the RMA. Amendments are proposed for internal consistency. Provision should be made for developing managed reduction targets at a range of scales and across all contributing sectors (including urban and point source discharges) and sub-catchments. The targets for the period to 2032 will properly be considered as part of the Rotorua Lakes WMA. The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI and other objectives, and PC10 policies should be amended to include stronger use of non-regulatory methods.
 Decision Sought: Amend to read: LR P1 To reduce nitrogen losses to Lake Rotorua to support achievement of the Lake TLI objective, and to monitor this target through science and policy reviews.

Staff Recommendations: Accept in Part

Submission Number: 79: 2 Submission Type: Oppose
 Submitter: Paul Barton
 Submission Summary: The science on Lake Rotorua and the Nitrogen and Phosphorus budgets and extrapolation of them is not sound and associated N and P loading to maintain water quality are therefore not sound.
 Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 79: 6 Submission Type: Oppose
 Submitter: Paul Barton
 Submission Summary: The conditions should be phosphorus limiting and soil management based not stocking or nitrogen based.
 Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 80: 7 Submission Type: Oppose
 Submitter: Te Paiaka Lands Trust
 Submission Summary: We oppose the current load limit for the catchment.
 Decision Sought: Review the load calculation to focus on priorities for achieving water quality outcomes.

Staff Recommendations: Reject

Submission Number: 81: 2 Submission Type: Oppose
 Submitter: Jamie and Chris Paterson
 Submission Summary: The lake has met the target set by the community for the last 5 years. It is phosphorus control that has enabled that to happen not the control of nitrogen.
 Decision Sought: Not specified.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 53: 16 Submission Type: Oppose in Part

Submitter: Lachlan McKenzie

Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. The RPS and RWLP both set the expectation that landuses can be regulated to control increases in nutrient losses; or to require "best practicable option" or "reasonable, practicable and affordable" measures to reduce the effects of nutrient losses.
The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI and other objectives.
Most of the policies currently read like rules, but need amendment to express higher intent.

Decision Sought: Amend to read: 'To reduce phosphorus loss to Lake Rotorua to support achievement of the Lake TLI objective and to monitor this target through science and policy reviews.'

Staff Recommendations: Reject

Submission Number: 66: 47 Submission Type: Oppose in Part

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figures.

Decision Sought: Amend as follows: To reduce phosphorus loss to Lake Rotorua to support achievement of the Lake TLI objective and to monitor this target through science and policy reviews.

Staff Recommendations: Reject

Submission Number: 70: 17 Submission Type: Oppose in Part

Submitter: The Fertiliser Association of New Zealand

Submission Summary: FANZ promotes the use of consistent terms nationwide. 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.

Decision Sought: Amend Policy LR P2 as follows: Manage phosphorus loss through the implementation of management practices that will be detailed in Nutrient Management Plans prepared for individual properties/farming enterprises. Or similar.

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 15 - 33 Submission Type: Support

Further Submitter: Ballance Agri-Nutrients Limited

Submission Summary: The term "Nutrient Management Plan" is consistent with the terminology being used in other regions around New Zealand and better reflects the intent of this Plan, which isn't limited to managing nitrogen as evidenced by Policy LR P2 and Schedule LR6 within PPC 10.

Decision Sought: As above

Staff Recommendation: Accept

Submission Number: 75: 125 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Most of the policies currently read like rules, but need amendment to express higher intent, including to give better effect to RPS and RWLP objectives and policies and the overall purpose of the RMA. Amendments are proposed for internal consistency. Provision should be made for developing managed reduction targets at a range of scales and across all contributing sectors (including urban and point source discharges) and sub-catchments.
The targets for the period to 2032 will properly be considered as part of the Rotorua Lakes WMA
The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI and other objectives, and PC10 policies should be amended to included stronger use of non-regulatory methods.

Decision Sought: Amend to read: LR P2 To reduce phosphorus loss to Lake Rotorua to support achievement of the Lake TLI objective and to monitor this target through science and policy reviews.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

b) the 755 tonne load to Lake Rotorua estimated by the ROTAN model in 2011 as the starting position from which nitrogen loss reductions will be determined with provision for updated science;

(c) the most current version of OVERSEER® for nitrogen discharge allowance allocation purposes; and
d) the pastoral sector reductions within the Integrated Framework approach.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	15 - 34	Submission Type:	Support
Further Submitter:	Ballance Agri-Nutrients Limited		
Submission Summary:	In order to implement an adaptive management approach, there must be provision for change to occur in response to advancement in science and/or level of understanding. Locking in a particular version of OVERSEER® is inconsistent with an adaptive management approach of PPC 10. Ballance supports a mechanism for updating OVERSEER® without the need for a plan change to occur.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Submission Number:	75: 126	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Most of the policies currently read like rules, but need amendment to express higher intent, including to give better effect to RPS and RWLP objectives and policies and the overall purpose of the RMA. Amendments are proposed for internal consistency. Provision should be made for developing managed reduction targets at a range of scales and across all contributing sectors (including urban and point source discharges) and sub-catchments. The targets for the period to 2032 will properly be considered as part of the Rotorua Lakes WMA. The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI and other objectives, and PC10 policies should be amended to include stronger use of non-regulatory methods.		
Decision Sought:	Amend to read: LR P3 To use the best science and good environmental data in the management of nutrients within the Lake Rotorua groundwater catchment by developing integrated catchment models which account for all contributing sources of both nitrogen and phosphorous including internal lake loads; and by improving the use of sub-catchment data to inform effective and efficient nutrient reduction strategies.		

Staff Recommendations:	Reject
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Submission Number:	79: 5	Submission Type:	Oppose
Submitter:	Paul Barton		
Submission Summary:	The conditions should be phosphorus limiting and soil management based not stocking or nitrogen based.		
Decision Sought:	Not specified.		

Staff Recommendations:	Reject
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Section: LR P3(a)

Staff Recommendation

No changes to Policy LR3(a) are proposed

Staff Reason

(75-127, 66-49) Policy LR3(a) refers to the sustainable nitrogen load and current catchment load of the lake. These two loads form the basis of PPC10 and provide more up to date information than that provided within the RPS. The removal of Policy LR3(a) as suggested by submissions to reflect uncertainty with science reduces the level of direction provided to the plan change and the ability to ensure accurate implementation. It is considered that Policy LR3(a) should remain.

(19-10, 81-11) Submissions have requested Policy LR3 be broadened to include phosphorus. Altering the policy to reduce rather than manage phosphorus losses widens the scope of PPC10. This approach would also result in the need for rules relating to phosphorus to be included, and further research into the methods completed to determine the ability to monitor and enforce phosphorus reductions at a farm enterprise level. The identification

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

of a phosphorus limit and addition of rules relating to its management and reduction will not alter the level of nitrogen reduction required, only increase actions required by the farming community. It should be noted that at this stage no phosphorus limit has been set by the RPS only nitrogen. It is noted that submissions have requested further focus to be had on the management of phosphorus loads to Lake Rotorua, to respond to this further clarification has been provided in Schedule LR[^] to identify best practice management of phosphorus. Further information on the approach to phosphorus management within PPC10 is provided within section 5.5.3 of this report.

(66-49) The use of OVERSEER[®] version 6.2.0 reflects the version available to Council at the time of developing to the nitrogen allocation methodology which was agreed to as part of StAG. This intends to provide certainty that the level of reductions will also be the same percentage of the dairy or drystock reference file upon new OVERSEER[®] versions being made available. The use of OVERSEER[®] version 6.2.0 rather than 5.4 reflects the timing of the discussions and the use of adaptive management by the plan change to ensure the use of the most accurate science. No changes are proposed.

(14-4, 49-19) Support Noted.

(82-3) Refer to Section 5.3.1 The Regional Policy Statement and Operative Regional Plan

(81-1, 19-10, 81-11, 83-8, 80-8) Refer to Section 5.3.5 Lake Rotorua Nitrogen Loads and Science

Submissions

Submission Number:	19: 10	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.		

Staff Recommendations:	Reject
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Submission Number:	49: 19	Submission Type:	Support
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Support.		
Decision Sought:	Retain.		

Staff Recommendations:	Accept
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Submission Number:	66: 49	Submission Type:	Oppose
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER [®] 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figures.		
Decision Sought:	Delete.		

Staff Recommendations:	Reject
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Submission Number:	75: 127	Submission Type:	Oppose
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Most of the policies currently read like rules, but need amendment to express higher intent, including to give better effect to RPS and RWLP objectives and policies and the overall purpose of the RMA. Amendments are proposed for internal consistency. Provision should be made for developing managed reduction targets at a range of scales and across all contributing sectors (including urban and point source discharges) and sub-catchments. The targets for the period to 2032 will properly be considered as part of the Rotorua Lakes WMA The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI and other objectives, and PC10 policies should be amended to included stronger use of non-regulatory methods.		
Decision Sought:	Delete.		

Staff Recommendations:	Reject
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 80: 8 Submission Type: Oppose
 Submitter: Te Paiaka Lands Trust
 Submission Summary: We oppose the current load limit for the catchment.
 Decision Sought: Review the load calculation to focus on priorities for achieving water quality outcomes.

Staff Recommendations: Reject

Submission Number: 81: 1 Submission Type: Oppose
 Submitter: Jamie and Chris Paterson
 Submission Summary: Rotan was first run in 1986 and has not been recalculated since to reflect current land use nor farming systems.
 Decision Sought: Both the sustainable load to the lake and the load from the land must be newly established before any rules are put in place.

Staff Recommendations: Reject

Submission Number: 81: 11 Submission Type: Oppose
 Submitter: Jamie and Chris Paterson
 Submission Summary: The target of TLI of 4.2 has been met for some years, and Council's own commissioned reports show that the long term trend is that the water quality is improving. It is the control of phosphorus that has improved clarity. The lake is still receiving 658t N annually and coping with it. The real issue is the intake loading.
 Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Submission Number: 82: 3 Submission Type: Oppose
 Submitter: Stuart Morrison
 Submission Summary: I acknowledge that PC10 gives effect to the RPS target of 435t N load and acknowledge the commitment to review.
 Decision Sought: I submit that the relevance of that target with respect to its influence on the form of the rules should be up for discussion.

Staff Recommendations: Reject

Submission Number: 83: 8 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.

Staff Recommendations: Reject

Submission Number: 14-4 Submission Type: Support
 Submitter: Warren Webber
 Submission Summary: The Waiora Agreement (June 2011) between LWQS and the Primary Sector Collective confirmed the 435tN and 6tP sustainable load targets.
 Decision Sought: Support- No changes requested.

Staff Recommendations: Accept

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

1010

Section: LR P3(b)

Staff Recommendation

No changes are proposed to Policy LR3(b) in response to the below submission points.

Staff Reason

(75-128, 66-50) Policy 3(b) refers to the sustainable nitrogen load and current catchment load of the lake. These two loads form the basis of PPC10 and provide more up to date information than that provided within the RPS. The removal of (b) as suggested by submissions to reflect uncertainty with science reduces the level of direction provided to the plan change and the ability to ensure accurate implementation. It is considered that Policy LR3 (b) should remain. The use of OVERSEER® version 6.2.0 reflects the version available to Council at the time of developing to the nitrogen allocation methodology which was agreed to as part of StAG. This intends to provide certainty that the level of reductions will also be the same percentage of the dairy or drystock reference file upon new OVERSEER® versions being made available. The use of OVERSEER® version 6.2.0 rather than 5.4 reflects the timing of the discussions and the use of adaptive management by the plan change to ensure the use of the most accurate science. No changes are proposed.

(49-21, FS12-14) ROTAN provides the most accurate data on the level of nutrients entering the Lake from land use activities. It is considered that review of the catchment and sustainable load is provided for by Policy LR4 provides for adaptive management and enable the loads to be reviewed through a schedule 1 process if required based on the outcomes of science reviews.

Submissions

Submission Number:	49: 21	Submission Type:	Oppose in Part
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	ROTAN is not able to accurately or precisely define the quantum of N flowing through the system and thus the quantum of N required to be removed. A policy and process that relies on using very tight accounting systems, when the error factor is large and unknown, is deeply flawed.		
Decision Sought:	Identify that a number generated by the ROTAN model gives an indication of the likely load to reduce but cannot be used as a definitive number.. Policy and methods need to be designed to acknowledge the imperfect precision and accuracy of the data.		

Staff Recommendations: Reject

Further Submission(s)

Further Submission No:	12 - 14	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.		
Decision Sought:	Support Noted		

Staff Recommendation: Reject

Submission Number:	66: 50	Submission Type:	Oppose
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figures.		
Decision Sought:	Delete.		

Staff Recommendations: Reject

Submission Number:	75: 128	Submission Type:	Oppose
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Most of the policies currently read like rules, but need amendment to express higher intent, including to give better effect to RPS and RWLP objectives and policies and the overall purpose of the RMA. Amendments are proposed for internal consistency. Provision should be made for developing managed reduction targets at a range of scales and across all contributing sectors (including urban and point source discharges) and sub-catchments. The targets for the period to 2032 will properly be considered as part of the Rotorua Lakes WMA The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI		

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

and other objectives, and PC10 policies should be amended to included stronger use of non-regulatory methods.

Decision Sought: Delete.

Staff Recommendations: Reject

Section: LR P3(c)

1007

Staff Recommendation

No changes to Policy LR3(c) in response to the below submissions are proposed.

Staff Reason

(70-23, FS12-13, FS15-36) The submitter has requested that an advice note be included to highlight that OVERSEER® is updated regularly and refers plan users to schedule 5 where an explanation on how BOPRC intends to manage these versions upgrades. It is considered that this is an implementation matter, and Council has taken the approach not to include advice notes to implementation matters within the policy framework.

(49-20, FS14-11, 58-6, 66-51, 75-129) It is considered that OVERSEER® should remain as the main tool used to support this plan change for the reasons outlined in Appendix 2 of this report, and that reference to this tool remains as part of Policy LR3 to ensure plan users are aware of how this will be used to implementation and enforce PPC10 and its role in adaptive management practices.

Submissions

Submission Number: 49: 20 Submission Type: Oppose

Submitter: CNI Iwi Land Management Ltd

Submission Summary: OVERSEER® is unsuitable for a very fine grained response to allocating nitrogen capacity that this policy proposes. Oppose the use of OVERSEER® as the sole measure of assessing N Stocks and flows and as the mechanisms to support an allocation process. Oppose the principle and process of allocating nitrogen discharge allowances. It is a useful monitoring device but totally unsuited to being used as a determinative tool in the way suggested. Owners will not allow outside parties to see its workings, explain its workings nor allow any uncertainty or sensitivity analysis to assess its weaknesses. It poorly represents the effects if mitigations and has not been adequately validated for the soil types it is being used on.

Decision Sought: Replace policy LR P3c with a policy that matches the attenuation of the soil to the land use i.e. a natural capital approach and require that OVERSEER® version 6.2.1 or later is used. Replace the whole approach to determining nitrogen attribution so that it does not rely on OVERSEER® for this exercise.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 14 - 11 Submission Type: Support

Further Submitter: Hancock Forest Management (NZ) Ltd

Submission Summary: For the reasons given in the original submission. Concern related to the use of OVERSEER® for a purpose well outside of its intended use, particularly in a situation such as this with very far reaching implications for landholders in the region.

Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 58: 6 Submission Type: Oppose

Submitter: Max Douglas

Submission Summary: This sentence doesn't mean anything in the balance between simplicity and the use of counting and basic arithmetic in the management of nitrogen within the Lake Rotorua groundwater catchment.

Decision Sought: Amend to read: '(c) stock numbers for allowance and allocation purposes; and'.

Staff Recommendations: Reject

Submission Number: 66: 51 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER®

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

1008

Section: LR P3(d)

Staff Recommendation

No changes to Policy LR3(d) are proposed.

Staff Reason

(66-52, 75-130, 49-96) Policy LR3(d) upholds the Integrated Framework as outlined in Table LR1. The framework was developed alongside a number of stakeholders through the StAG process and is an integral component to PPC10. Removing reference to the framework from Policy LR3 as suggested would undermine the engagement process and agreements made with a range of stakeholders across the catchment to date. It is considered that the Integrated Framework provides a collaborative approach to maintaining lakewater quality based on equity and robust discussions with the community and its inclusion upholds the intent of RPS Policy WL5B by showing the range of actions taken both privately and publicly to achieve the required reduction of 320t/N.

(58-25) Support Noted
(49-96, FS8-53, FS14-12) Refer to Section 5.3.7 Nitrogen Allocation

Submissions

Submission Number:	49: 96	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	It is not clear why the allocation regime is so heavily weighted on the four principles that STAG added to policy WL5B rather than the principles of the RPS policy itself. Such a system must avoid picking winners. The STAG concepts were supposed to be additional to the RPS direction, but it appears that they have actively displaced them.		
Decision Sought:	Delete 'the pastoral sector using the Integrated Framework Approach'. Replace with a system what is consistent with: <ul style="list-style-type: none">- The effects-based philosophy of the RMA and meets the purpose of the RMA.- The relevant policies of the RPS.- Is consistent with policies 21 and 23 of the RWLP- Taking zero-based approach to identifying land use value and efficiency, and not relying on the inherent inequity of the allocation approach.- Replace at minimum with an allocation system based on natural capital principles. Preferably replace with a system that uses a hybrid of tradable emission units and fees.		

Staff Recommendations: Reject

Further Submission(s)

Further Submission No:	8 - 53	Submission Type:	Oppose
Further Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	LUC or Natural Capital was found at StAG to be completely unsuitable to the particular circumstances pertaining to this region. It is untenable to support LUC once the reality of it in Rotorua is understood and if land in Rotorua were designated along these lines it would be a full-scale attack on existing land uses and property rights. LUC is not appropriate for Rotorua as a method to reallocate land use but could be a way forward in the future for directing any future development of land in the catchment.		
Decision Sought:	As above		

Staff Recommendation: Accept in Part

Further Submission No:	14 - 12	Submission Type:	Support
Further Submitter:	Hancock Forest Management (NZ) Ltd		
Submission Summary:	For the reasons given in the original submission. The approach of the Plan Change is inconsistent with the effects based approach of the Resource Management Act.		
Decision Sought:	As above		

Staff Recommendation: Reject**Submission Number:** 58: 25 **Submission Type:** Support

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Suggested changes also widen the scope of PPC10 to relate to nutrients rather than nitrogen. Broadening Policy LR4 to refer to the management of nutrients will reduce the focus on nitrogen as required under RPS Policy WL6B(c) and 3B(c) which this plan change intends to uphold. The reduction of Phosphorus as part of PPC10 by way of rules is not supported for the reasons outlined in Section 5.3.3 of this report. In relation to Lake Rotorua the only nutrient with a set limit within the RPS is nitrogen. The Water Management Area process completed in the future will not involve the re-litigation of the 435t/ N limit unless new science supports the revision of the targets. This is due to the 435tN/yr target and 4.2TLI having been identified and supported through a number of community engagement processes, both regulatory and non-regulatory.

(26-37, FS6-20, FS12-18) The science reviews provided for by Method 2 will cover at least the areas listed under Method 2(a) to (e). It is acknowledged that the use of the word 'may' can be perceived to reduce this intent and result in uncertainty witread: h the community. It is recommended that this is replaced with the word 'will'.

(25-1, 82-17) Support Noted

Submissions

Submission Number:	25: 1	Submission Type:	Support
Submitter:	Paul Lyons		
Submission Summary:	I support the notion of regular reviews of the science, policies, NMP's, and OVERSEER® in order to ensure the most up to date information is being used. An interactive management approach will ensure science changes and policy will remain in synch to best serve the overall aims of nitrogen reduction.		
Decision Sought:	Support - No changes requested.		

Staff Recommendations:	Accept
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Submission Number:	26: 37	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.		

Staff Recommendations:	Accept
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Further Submission(s)

Further Submission No:	6 - 20	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Supports the increase certainty regarding reviews which was sought by the submission.		
Decision Sought:	As above		

Staff Recommendation:	Accept
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Further Submission No:	12 - 18	Submission Type:	Support
Further Submitter:	Federated Farmers of New Zealand		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Accept
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Submission Number:	37: 1	Submission Type:	Support in Part
Submitter:	Ngati Whakaue Tribal Lands Incorporation		
Submission Summary:	Support conditional on relief sought.		
Decision Sought:	<ul style="list-style-type: none"> - Regular reviews of the Regional Policy Statement and Regional Water and Land Plan polices, rules and methods - Five-year individual on-farm Nitrogen Management Plan review. - Object to the full cost of the NMP reviews being borne by the landowner. - The use of OVERSEER® reference files and proportional requirements to reduce the variability for individual property nitrogen targets. 		

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Staff Recommendations: Accept

Submission Number:	43: 26	Submission Type:	Support in Part
Submitter:	Ravensdown Limited		
Submission Summary:	Ravensdown supports the adaptive management approach and the regular reviews proposed but considers the management plan proposed in (iii) should be called a nutrient management plan.		
Decision Sought:	Retain the intent of Policy LR P4 and in particular the adaptive management approach; Re-name the management plan to a Nutrient Management Plan; Move the use of reference files to outside the plan provisions (as per ECan Plan Change 3); Include the requirement for property/farming enterprises to manage nutrient losses through GMP; This policy should require the use of good management practices (GMP) to manage nutrient losses.		

Staff Recommendations: Accept in Part

Further Submission(s)

Further Submission No:	15 - 4	Submission Type:	Support
Further Submitter:	Ballance Agri-Nutrients Limited		
Submission Summary:	<p>Good management practices combine the practical experience of land users with scientific development, provide recommendations that can be adapted to suit local conditions, allow for changes to be made to the way some nutrient management activities are carried out, and provide the means for continuous (and innovative) improvement in nutrient management on a property.</p> <p>Nutrient Management Plans better reflect the intent of the Plan Change which regulates more than just nitrogen.</p> <p>Inclusion of the terms "Good Management Practice" and "Nutrient Management Plan" would be consistent with the terminology being adopted in a number of areas around New Zealand.</p>		
Decision Sought:	As above		

Staff Recommendation: Accept in Part

Submission Number:	53: 18	Submission Type:	Oppose in Part
Submitter:	Lachlan McKenzie		
Submission Summary:	<p>Give better effect to RPS and RWLP objectives and policies and for internal consistency. The RPS and RWLP both set the expectation that landuses can be regulated to control increases in nutrient losses; or to require "best practicable option" or "reasonable, practicable and affordable" measures to reduce the effects of nutrient losses.</p> <p>The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI and other objectives.</p> <p>There are inconsistencies between OVERSEER® 6.2 values in the policies and version 5.4 values used to develop allocation methods and the rules. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values for consistency.</p> <p>Most of the policies currently read like rules, but need amendment to express higher intent.</p>		
Decision Sought:	<p>Amend to read: 'To implement adaptive management in the management of nutrients within the Lake Rotorua groundwater catchment through:</p> <p>science reviews set out in Method LR M2 and subsequent consideration by Council of recommendations;</p> <p>(i) regular reviews of the Regional Policy Statement and Regional Water and Land Plan objectives, policies, rules and methods under the Resource Management Act 1991;</p> <p>(ii) Implementing the Rotorua Lakes WMA to give effect to the NPS-FW 2014.'</p>		

Staff Recommendations: Reject

Submission Number:	66: 53	Submission Type:	Oppose in Part
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figures.		
Decision Sought:	Amend as follows: '..... in the management of nutrients within.....'		

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Staff Recommendations:	Reject
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Submission Number:	66: 56	Submission Type: Oppose in Part
Submitter:	Lake Rotorua Primary Producers Collective	
Submission Summary:	Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figures.	
Decision Sought:	Add (v) Implementing the Rotorua Lakes WMA to give effect to the NPS-FW 2014.	

Staff Recommendations:	Reject
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Submission Number:	70: 24	Submission Type: Oppose in Part
Submitter:	The Fertiliser Association of New Zealand	
Submission Summary:	Reference to reviews of the RPS in the proposed Plan Change adds a level of uncertainty for plan users.	
Decision Sought:	Amend LR P4 as follows: Implement adaptive management of nitrogen within the Lake Rotorua groundwater catchment through: (i) Science reviews set out in Method LR M2 and subsequent consideration by Council of recommendations (ii) Regular reviews of the outcomes of Regional Policy Statement and Regional Water and Land Plan policies, rules and methods under the Resource Management Act 1991.	

Staff Recommendations:	Reject
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Submission Number:	75: 132	Submission Type: Oppose in Part
Submitter:	Federated Farmers of New Zealand	
Submission Summary:	Most of the policies currently read like rules, but need amendment to express higher intent, including to give better effect to RPS and RWLP objectives and policies and the overall purpose of the RMA. Amendments are proposed for internal consistency. We recommend a mechanism for recognising management practices and innovations which are not in OVERSEER®	
Decision Sought:	Amend to read: 'LR P4 To implement adaptive management in the management of nutrients within the Lake Rotorua groundwater catchment through.'	

Staff Recommendations:	Reject
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Submission Number:	75: 135	Submission Type: Oppose in Part
Submitter:	Federated Farmers of New Zealand	
Submission Summary:	Most of the policies currently read like rules, but need amendment to express higher intent, including to give better effect to RPS and RWLP objectives and policies and the overall purpose of the RMA. Amendments are proposed for internal consistency. We recommend a mechanism for recognising management practices and innovations which are not in OVERSEER®	
Decision Sought:	Add (v) as follows: (v)Implementing the Rotorua Lakes WMA to give effect to the NPS-FW 2014.	

Staff Recommendations:	Reject
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Submission Number:	82: 17	Submission Type: Support
Submitter:	Stuart Morrison	
Submission Summary:	I strongly support the commitment to ongoing reviews and adaptive management.	
Decision Sought:	Not specified.	

Staff Recommendations:	Accept
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Section: LR P4(i)

1012

Staff Recommendation

No changes to Policy LRP4(i) are proposed.

Staff Reason

(49-24, FS14-13) Support Noted

Submissions

Submission Number:	49: 24	Submission Type:	Support
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Support.		
Decision Sought:	Retain.		

Staff Recommendations: Accept

Further Submission(s)

Further Submission No:	14 - 13	Submission Type:	Support
Further Submitter:	Hancock Forest Management (NZ) Ltd		
Submission Summary:	Hancock Forest Management supports the retention of policies seeking to review policies, rules and procedures over time as further information comes available. The economic impacts on land users in the catchment are far reaching and inequitable, and it is imperative that the catchment transitions over time to a more effects based approach.		
Decision Sought:	As above		

Staff Recommendation: Accept in Part

Section: LR P4(ii)

1013

Staff Recommendation

No changes to Policy LRP4(ii) are proposed.

Staff Reason

(49-25, FS14-14) The purpose of the science reviews is to provide for adaptive management, allowing the plan to reflect the most recent science available which is already outlined within Policy LR4. Amending the policy to refer to adaptive management as suggested is already covered by referring to the science reviews provided for by Method 2. No further clarification is considered to be required.

(75-131) Objective 28 of the RPS is broad and refers to enhancing water quality of the lakes and other at risk catchments. It is expected that this objective will continue into the future and aligns with the national direction of maintaining or enhancing water quality. This objective is overarching and relates to land area located outside of the Lake Rotorua Catchment. The PPC10 policies describe the actions required to achieve this RPS objective and policies and are therefore a lot more detailed. The TLI set in the Regional Land and Water Plan under Objective 11 sets the acceptable state for Lake Rotorua. The reviews provided for as part of Method 2 which uphold Policy LR4 do not intend to review this community set TLI, only the relevant nitrogen loads to achieve it.

It is considered that including the RPS and Regional Land and Water Plan within Policy LR4(ii) and any subsequent review will not result in any additional advantage. It is recommended that no changes are made in response to this submission point.

Submissions

Submission Number:	49: 25	Submission Type:	Support in Part
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Identify purpose of direction of those reviews.		
Decision Sought:	Identify purpose of direction of those reviews.		

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission(s)

Further Submission No:	14 - 14	Submission Type:	Support
Further Submitter:	Hancock Forest Management (NZ) Ltd		
Submission Summary:	Hancock Forest Management supports the retention of policies seeking to review policies, rules and procedures over time as further information comes available. The economic impacts on land users in the catchment are far reaching and inequitable, and it is imperative that the catchment transitions over time to a more effects based approach.		
Decision Sought:	AS above		

Staff Recommendation:	Accept in Part
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Submission Number:	75: 131	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Most of the policies currently read like rules, but need amendment to express higher intent, including to give better effect to RPS and RWLP objectives and policies and the overall purpose of the RMA. Amendments are proposed for internal consistency. We recommend a mechanism for recognising management practices and innovations which are not in OVERSEER®.		
Decision Sought:	Amend to read: '(ii) regular reviews of the Regional Policy Statement and Regional Water and Land Plan objectives, policies, rules and methods under the Resource Management Act 1991.'		

Staff Recommendations:	Reject
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Section: LR P4(iii)	1014
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Staff Recommendation

No changes to Policy LRP4(ii) are proposed in response to the below submission points.

Staff Reason

(66-54, 75-133) Nitrogen management plans intend to provide for adaptive management in that they are reviewed every 5 years, this providing the opportunity to include new actions or alter the Managed Reduction Target and/ or Nitrogen Discharge Allocation based on new science available and OVERSEER® versions. The financial cost of these reviews will be based on the extent of change. It is not intended to require a variation to consent for each alteration. A condition of resource consent will refer to the most recently approved nitrogen management plan, helping to reduce costs for land owners. The use of a nitrogen management plan provides council with certainty that each target is able to be achieved and provides a platform for compliance. Removing these from Policy 4 will reduce the adaptive management approach taken with PPC10 and is not supported.

(49-26, FS14-15) Support Noted

Submissions

Submission Number:	49: 26	Submission Type:	Support
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Support.		
Decision Sought:	Retain.		

Staff Recommendations:	Accept
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Further Submission(s)

Further Submission No:	14 - 15	Submission Type:	Support
Further Submitter:	Hancock Forest Management (NZ) Ltd		
Submission Summary:	Hancock Forest Management supports the retention of policies seeking to review policies, rules and procedures over time as further information comes available. The economic impacts on land users in the catchment are far reaching and inequitable, and it is imperative that the catchment transitions over time to a more effects based approach.		
Decision Sought:	As above		

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Staff Recommendation:	Accept in Part
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Submission Number: 66: 54 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figures.

Decision Sought: Delete.

Staff Recommendations:	Reject
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Submission Number: 75: 133 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: Most of the policies currently read like rules, but need amendment to express higher intent, including to give better effect to RPS and RWLP objectives and policies and the overall purpose of the RMA. Amendments are proposed for internal consistency. We recommend a mechanism for recognising management practices and innovations which are not in OVERSEER®

Decision Sought: Delete.

Staff Recommendations:	Reject
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Section: LR P4(iv)	1015
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Staff Recommendation

No changes to Policy LRP4(iv) are proposed in response to the below submission points.

Staff Reason

(49-27, 66-55, 58-7, 75-134) Refer to Section 5.3.6 The Use of Overseer and Reference files. Reference to this tool should remain as part of policy LR3 to ensure plan users are aware of how this will be used for implementation its role in adaptive management practices.

Submissions

Submission Number: 49: 27 Submission Type: Oppose

Submitter: CNI Iwi Land Management Ltd

Submission Summary: False accuracy. Only use OVERSEER® as a guidance tool to inform and support direction and trend, it has not been properly calibrated for many of the Rotorua soils.

Decision Sought: Delete. Replace with a methodology that does not rely on false precision of a black box model that is as yet unvalidated for Rotorua soils.

Staff Recommendations:	Reject
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Submission Number: 58: 7 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: Amend to read 'the use of counting, addition and perhaps multiplication, for proportional reductions'.

Staff Recommendations:	Reject
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Submission Number: 66: 55 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figures.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 75: 134 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: Most of the policies currently read like rules, but need amendment to express higher intent, including to give better effect to RPS and RWLP objectives and policies and the overall purpose of the RMA. Amendments are proposed for internal consistency. We recommend a mechanism for recognising management practices and innovations which are not in OVERSEER®

Decision Sought: Delete.

Staff Recommendations: Reject

Section: LR P5 Policy Five

1016

Staff Recommendation

In response to the below submission delete comment below Table LR4 and relocate to Schedule LR1

Staff Reason

(43-27) The policies of PPC10 intend to provide direction and guidance on how the reduction in nitrogen losses from the pastoral sector will be achieved. The detail on how these policies will be implemented (NDA calculations and the use of OVERSEER®) is located within the rules and methods of the plan. Submitter 43 has raised concerns with the lack of connection between Policy LR5 and rules. Policy LR5 implemented through the requirement for an NDA to be issued for enterprises 10ha and above in accordance with Schedule LR1. It is recommended that no changes are made in response to this submission point. Table LR4 provides the nitrogen loss ranges and average nitrogen losses for each sector. Reference to OVERSEER® version 6.2.0 provides clarification on how these were calculated and locks these in to one point in time. Ensuring these do not move provides certainty to the farming community. Therefore it is considered appropriate that reference to OVERSEER® version 6.2.0 remains within Table LR4 and that Table LR4 remains part of Policy LRP5. It is recommended that no changes are made in response to this submission point.

(53-19, 66-57, 75-136, FS6-22) The RPS does not make reference to the TLI, and only sets a nitrogen load that intends to achieve a state deemed acceptable by the Rotorua community. This load will contribute to maintaining the TLI of 4.2 as outlined within Objective 11 of the RWLP. However nitrogen is only one component of the TLI with other indicators including phosphorus, chlorophyll, water clarity etc. Including the TLI within Policy LR5 will repeat a target already set by the RWLP and broaden the scope of PPC10 to relate to these other indicators. This approach would also result in the need for rules relating to phosphorus to be included, and further research into the methods completed to determine the ability to monitor and enforce phosphorus reductions at a farm enterprise level. The identification of a phosphorus limit and addition of rules relating to its management and reduction will not alter the level of nitrogen reduction required, only increase actions required by the farming community. In addition submission points have requested MRT's to be included within Policy LR5 aligning with the wider submission to remove reference to an NDA and replace with an MRT this reducing focus on the set timeframe to limit to be achieved by 2032.

(53-19, 66-57) The proposed revisions widen the scope of the plan change to relate to all sectors, rather than only the dairy and drystock sector. This goes beyond the requirements of the RPS which require the rules to achieve a managed reduction of nitrogen losses from rural production land use activities. Significant work and money has been spent to reduce discharges to the Lake from the WWTP through the maintenance and upgrade to urban infrastructure. The benefits of these actions have been undermined by an increase in loads from the catchment mainly the pastoral sector. In addition to this gorse removal, the Incentive Board and engineering initiatives underway outside of PPC10 are the public's contribution to increasing lake water quality. The revisions suggested by the submitter do not align with the intent of the RPS or notified plan change and it is recommended that this submission point is declined.

(53-19) A number of submission points have highlighted that the Oturoa Agreement referred to the 2032 timeframe as 'aspirational'. This perceived intent was not included within the signed Oturoa Agreement or RPS with 2032 being a set timeframe. The appeals lodged on the RPS did not request this to be deemed aspirational with the RPS appeals only requesting a set timeframe of 2035. The use of the term aspirational within Policy 5 would reduce the credibility set timeframe of 2032 and provide a strong signal that the NDA and MRT is and not required to be achieved by this date. It is recommended that no changes are made in response to this submission point.

(58-24) The integrated framework resulted in a required reduction of 140tN from the pastoral sector. This was then split across the dairy and drystock sector as outlined within Table LR5. Including these figures within Table LR4 provides clarification to plan users as to the level of action required by each sector, and forms the basis for the NDA allocation methodology. It is considered that these numbers represent the discussions and agreements made as part of StAG and the Collective and effectively form part of the overarching integrated framework. It is considered that no changes are required in response to this submission point.

(83-13) The need to reduce nitrogen losses to Lake Rotorua has been signaled to the Rotorua community since the early 1990's. The TLI of 4.2 was included within the regional plan which was notified in 2001, with this based on community direction that the acceptable lake water quality was that experienced in the 1960's. The sustainable load was then identified within the Lake Rotorua and Rotoiti Action Plan (2007) with the timeframe to achieve the load being set as 2017. The recently notified RPS acknowledged the water quality of Lake Rotorua as being of regional significance and set the requirement to achieve and maintain the sustainable load through the managed reduction of nitrogen losses from rural production activities by 2032. As part of this process the potential economic impacts of achieving the reduction in load to Lake Rotorua was noted, resulting in changes to RPS policy WL 5B and 6B. This direction from the RPS resulted in the development of StAG and the Integrated Framework which split the reduction

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

across the public and private sectors with the intent to reduce economic effects. A regulatory approach that involves the issuing of a NDA, MRT's and NMP has since been developed which provides certainty to Council that the targets set within the RPS are able to be met. As part of this significant research and community engagement has occurred, highlighting the potential effects of the rules at a farm, district and regional scale. It is considered that the targets and potential effects have been known for a number of years and made readily available to the community. The approach taken with PPC10 upholds the intent of the RPS policies and will ensure a level of action is undertaken that will maintain the current TLI of 4.2 out into the future achieving the sustainable load of 435t/ N/ yr. No changes are considered to be required in response to this submission point.

(75-138) The text under Table LR5 intends to provide certainty to the community that the lower threshold of the range for either dairy or drystock is the lowest level of reduction any farm enterprise will need to comply with. Removal of this sentence takes away this certainty. It is noted the text is written to be read as a rule, rather than policy. Rather than having this deleted it is considered that this could be relocated to Schedule LR1 to be considered as part of the nitrogen discharge allocation methodology.

(30-3) Support Noted

(31-5) Refer to Section 5.3.5 Lake Rotorua Nitrogen Loads and Science

(1-5, FS6-21, 12-4, FS7-1, FS8-1, 40-5, 49-97, FS14-16) Refer to Section 5.3.7 Nitrogen Allocation

Submissions

Submission Number:	1: 5	Submission Type:	Oppose
Submitter:	Lindsay Hugh and Alison Lyndsay Moore		
Submission Summary:	The starting point in determining nitrogen use controls should be land classification by its characteristics and how it drains. We submit that current land use is irrelevant to classification but may be relevant to permitted time within which to adjust to the standard for that class of land.		
Decision Sought:	Amend to reflect concerns raised.		

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	6 - 21	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Submission Number:	12: 4	Submission Type:	Oppose
Submitter:	Astrid Coker		
Submission Summary:	Oppose the allocation nitrogen loss range for drystock farms. The plan change limits flexibility in land use and stock class. The allocation is based on current land use and not the ability to manage effects or whether the land use is suitable for the productive capacity of the soil. The current plan change may restrict my flexibility and adaptability to response to changes market signals.		
Decision Sought:	All rural properties should have the same nitrogen discharge/ha/yr.		

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	7 - 1	Submission Type:	Oppose
Further Submitter:	Alistair and Sarah Coatsworth		
Submission Summary:	Oppose all rural properties having the same nitrogen discharge/ha/yr. Extensive analysis was undertaken by Council and affected parties to find an allocation system that would allow for the majority of land owners to continue their current farming practice. It was found that sector allocation was the only way for dairy farming to remain in some way in the catchment.		
Decision Sought:	As above		

Staff Recommendation:	Accept
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Further Submission No:	8 - 1	Submission Type:	Oppose
Further Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Extensive analysis was undertaken by Council and affected parties to find an allocation		

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

system that would allow for the majority of land owners to continue their current farming practice. It was found that sector allocation was the only method which gave dairy farming a chance of remaining viable in the catchment, to some extent or other. Furthermore, there was insufficient benefit to any other sector (other than a windfall gain to forestry) which would justify the decimation of the dairy industry by the use of the alternative allocation method proposed in the submission.

The Stakeholder Advisory Group considered nutrient allocation principles and guidelines and the Collective strongly supports these principles and the reasons for using them.

If the proposal to give all rural properties (including forestry) the same nitrogen discharge/ha/yr were to be adopted the allowance would fall so dry stock farmers would be no better off, dairy would not be viable and there would be windfall gains for forestry and lifestyle farmers from the proposed trading scheme.

If an alternative allocation method is to be looked at, at this stage, then it would require a full economic analysis to determine the true consequences of the system proposed.

Decision Sought: As above

Staff Recommendation:	Accept
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Submission Number: 30: 3 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.

Staff Recommendations: Accept

Submission Number: 31: 5 Submission Type: Oppose

Submitter: Patricia Hosking

Submission Summary: I oppose the current load limit for the catchment. I 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: Review the load calculation to focus on priorities for achieving water quality outcomes.

Staff Recommendations: Reject

Submission Number: 40: 5 Submission Type: Oppose

Submitter: Maraeroa Oturoa 2B Trust

Submission Summary: The Trust opposes the allocation method and nitrogen reductions as outlined in the Integrated Framework.

Decision Sought: Amend how the nitrogen discharge allowance is calculated and applied. Amend the timeframes to determine nitrogen loads and reductions required by landowners. Extend the years over which the calculation of nitrogen baselines are derived and work on the maximum discharge from any one of those years as the baseline.

Staff Recommendations: Reject

Submission Number: 43: 27 Submission Type: Support in Part

Submitter: Ravensdown Limited

Submission Summary: Ravensdown is concerned there is no reference to Schedules LR One or Seven in the policy and one particular version of OVERSEER® is locked in. Ravensdown is not clear where the intent of the policy is taken through into the rules. It seems the intention is to implement the policy by block and not by property as a nutrient budget provider. Ravensdown considers this to be difficult to implement.

Decision Sought:

- Retain the overall intent of Policy LR P5;
- Reference Schedule LR One to determine an NDA and Schedule LR Seven relating to a transfer of an NDA.
- Carry the intent of the policy into the rules;
- Implement the policy on a property basis;
- Delete reference to a particular version of OVERSEER® used;
- Provide for a mechanism for updating when OVERSEER® changes without having to undertake a plan change.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Staff Recommendations:	Reject
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Submission Number:	49: 97	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	The present allocation regime does not have any clear regard to the principles and considerations of RPS policy WL5B. There is no assessment of the policy approach against this policy.		
Decision Sought:	Delete. Replace with a regime that uses the WL5B criteria to determine the allocation, not one that gives pre-eminence to the StAG additional criteria.		

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	14 - 16	Submission Type:	Support
Further Submitter:	Hancock Forest Management (NZ) Ltd		
Submission Summary:	Creating an allocation whereby only those who are polluting get any meaningful ability to change land use in the future is inequitable and contrary to the effects based approach of the RMA.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Submission Number:	53: 19	Submission Type:	Oppose in Part
Submitter:	Lachlan McKenzie		
Submission Summary:	<p>Give better effect to RPS and RWLP objectives and policies and for internal consistency. The RPS and RWLP both set the expectation that landuses can be regulated to control increases in nutrient losses; or to require "best practicable option" or "reasonable, practicable and affordable" measures to reduce the effects of nutrient losses.</p> <p>The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI and other objectives.</p> <p>There are inconsistencies between OVERSEER® 6.2 values in the policies and version 5.4 values used to develop allocation methods and the rules. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values for consistency.</p> <p>Most of the policies currently read like rules, but need amendment to express higher intent.</p>		
Decision Sought:	Amend to read: 'Managed Reduction Targets. To support achievement of the RWLP TLI objective by allocating nitrogen discharge allowances aspirational managed reduction targets across all contributing sectors; including to dairy and drystock activities within the Lake Rotorua groundwater catchment in accordance with (Table LR 4) subject to further work on dairy support; and to recognise standard OVERSEER® 5.4 loss rates for plantation forestry, bush/scrub and house blocks. No property/farming enterprise will be required to reduce its nitrogen loss below the bottom of the relevant sector nitrogen loss range.'		

Staff Recommendations:	Reject
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Submission Number:	58: 24	Submission Type:	Oppose
Submitter:	Max Douglas		
Submission Summary:	The integrated framework does not have dual sectors targets. The splitting into two sectors appears to be a decision made later by the Stag. Presenting it as the Integrated Framework is misleading.		
Decision Sought:	<p>Consolidate dairy and drystock into a single sector: pastoral.</p> <p>Pastoral treated as a single sector with a single NDA, with a temporary (20 year) consideration given for high N leaching platforms. e.g. dairy farming.</p> <p>After 20 years, a shift to a more balanced split between pastoral and conservation.</p>		

Staff Recommendations:	Reject
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Submission Number:	66: 57	Submission Type:	Oppose in Part
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

1017

Section: Table LR4 Allocated Loss Rates

Staff Recommendation

No changes to Table LR4 are proposed

Staff Reason

(43-28, 66-58, 70-25, 75-137) Table LR4 provides the nitrogen loss ranges and average nitrogen loss for each sector. Reference to OVERSEER® version 6.2.0 provides clarification on how these were calculated and locks these in to one point in time. Ensuring these ranges do not move provides certainty that the required reduction of 320t/ N will be achieved across the dairy and drystock enterprises located within the catchment. Therefore it is considered appropriate that reference to OVERSEER® version 6.2.0 remains within Table LR4 and that this remains part of Policy LR5.

(12-5, 13-4, 15-2) Refer to Section 5.3.7 Nitrogen Allocation

Submissions

Submission Number: 12: 5 Submission Type: Oppose
 Submitter: Astrid Coker
 Submission Summary: PC10 discriminates against drystock farms which are already farmed sustainably. The plan change limits flexibility in land use and stock class. The allocation is based on current land use and not the ability to manage effects or whether the land use is suitable for the productive capacity of the soil. Anyone using best practical science in farm practice is being penalised. The current plan change may restrict my flexibility and adaptability to respond to changes in market signals.
 Decision Sought: All rural properties should have the same nitrogen discharge/ha/yr.

Staff Recommendations: Reject

Submission Number: 13: 4 Submission Type: Oppose
 Submitter: Alister Snodgrass
 Submission Summary: Farm targets should remain practical and affordable and an option to adoption of best science.
 Decision Sought: Not specified.

Staff Recommendations: Accept in Part

Submission Number: 15: 2 Submission Type: Oppose
 Submitter: Murray and Robyn Pearce
 Submission Summary: Table LR4 is sector based and not linking at all to the quality of land and its ability to hold or leach nutrients.
 Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 43: 28 Submission Type: Oppose
 Submitter: Ravensdown Limited
 Submission Summary: Table LR 4 should sit outside the plan to avoid locking in a version of OVERSEER® and the nitrogen losses determined by the older version.
 Decision Sought: Remove Table LR 4 from Policy LR P5.

Staff Recommendations: Reject

Submission Number: 66: 58 Submission Type: Oppose in Part
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: That Table LR 4 Allocated nitrogen loss rates to sectors be corrected to show OVERSEER® 5.4 values.
 Decision Sought: That Table LR 4 Allocated nitrogen loss rates to sectors be corrected to show OVERSEER® 5.4

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

values.

Staff Recommendations:	Reject
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Submission Number:	70: 25	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	Table LR 4 should sit outside the Plan Change as a reference document.		
Decision Sought:	Table LR 4 should sit outside the Plan Change as a reference document.		

Staff Recommendations:	Reject
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Submission Number:	75: 137	Submission Type:	Oppose
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	<p>Most of the policies currently read like rules, but need amendment to express higher intent, including to give better effect to RPS and RWLP objectives and policies. Amendments are proposed for internal consistency.</p> <p>Provision should be made for developing managed reduction targets at a range of scales and across all contributing sectors (including urban and point source discharges) and sub-catchments.</p>		
Decision Sought:	Delete.		

Staff Recommendations:	Reject
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Section: LR P6 Policy Six	1018
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Staff Recommendation

In response to the below submissions amend Policy LRP5 to read Ensure the sustainable load to Lake Rotorua is achieved by allocating nitrogen discharge allocations that align with the ranges for to dairy and drystock activities within the Lake Rotorua groundwater catchment (Table LR 4) and to recognise standardised OVERSEER[®] loss rates for plantation forestry, bush/scrub and house blocks.

Amend Policy LRP6 to read: Determine individual Nitrogen Discharge Allocations for the purpose of achieving by 2032 the sustainable lake load in accordance with Schedule LR One for all properties/ farming enterprises that are not provided for as permitted activities.

Staff Reason

(43-29, 70-26, FS15-37) Submissions have highlighted that Policy LR6 conflicts with the direction provided by Policy LR5. Upon review it is considered that the two policies are intended to clarify the approach taken by PPC10 on two different topics, one being the allocation of nitrogen loss ranges for each sector (LRP5) and the other to provide direction on when NDA's will be used by the plan. Amendments have been to Policies LR5 and LR6 to make it clear on the intent of each.

(53-20, 66-59, 75-139, 85-2, 86-2) Policy LR6 upholds the intent of nitrogen management plans to provide for adaptive management practices. Nitrogen management plans intend to provide for adaptive management in that they are reviewed every 5 years, this providing the opportunity to include new actions or alter the Managed Reduction Target and/ or Nitrogen Discharge Allocation based on new science available and OVERSEER[®] versions. The financial cost of these reviews will be based on the extent of change. It is not intended to require a variation to consent for each alteration. A condition of resource consent will refer to the most recently approved Nitrogen management plan, helping to reduce costs for land owners. The use of a nitrogen management plan provides council with certainty that each target is able to be achieved and provides a platform for compliance. Removal of Policy LR6 will reduce this approach and therefore submissions that have requested policy LR6 to be deleted are not supported.

(45-5) The need to reduce nitrogen losses to Lake Rotorua has been signaled to the Rotorua community since the early 1990's. The TLI of 4.2 was included within the regional plan which was notified in 2001, with this based on community direction that the acceptable lake water quality was that experienced in the 1960's. The sustainable load was then identified within the Lake Rotorua and Rotoiti Action Plan (2007) with the timeframe to achieve the load being set as 2017. The recently notified RPS acknowledged the water quality of Lake Rotorua as being of regional significance and set the requirement to achieve and maintain the sustainable load through the managed reduction of nutrient losses from rural production activities by 2032. As part of this process the potential economic impacts of achieving the reduction in load to Lake Rotorua was noted, resulting in changes to RPS Policies WL 5B and 6B. This direction from the RPS results in the development of StAG and the Integrated Framework which split the reduction across the public and private sectors with the intent to reduce economic effects. A regulatory approach that involves the issuing of a Nitrogen Discharge Allocation, Managed Reduction Targets and Nitrogen management plan has since been developed which provides certainty to Council that the targets set within the RPS are able to be met. As part of this significant research and community engagement has occurred, highlighting the potential effects of the rules at a farm, district and regional scale. It is considered that the targets and potential effects have been known for a number of years and made readily available to the community. It is considered that the approach taken with PPC10 upholds the intent of the RPS policies and will ensure a level of action is undertaken that will maintain the current TLI of 4.2 out into the future achieving the sustainable load of 435tN/yr. No changes are considered to be required in response to this submission point.

(48-16, FS8-42) Refer to Section 5.3.1 The Regional Policy Statement and Operative Regional Plan

(49-29) Refer to Section 5.3.6 The Use of OVERSEER[®] & Reference files

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submissions

Submission Number: 43: 29 Submission Type: Oppose
 Submitter: Ravensdown Limited
 Submission Summary: Ravensdown is unclear what the policy is addressing and what the implications are. It seems to only require a NDA to be determined for activities that are controlled or non-complying, which seems contrary to Policy LR P5.
 Decision Sought: Delete Policy LR P6; or if retained clarify its intent.

Staff Recommendations: Accept in Part

Submission Number: 45: 5 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.

Staff Recommendations: Reject

Submission Number: 48: 16 Submission Type: Oppose
 Submitter: Parekarangi Trust
 Submission Summary: The timeframe is too tight. This will result in farmers suffering considerable financial pressure.
 Decision Sought: This should be an aspirational target by 2032 not an NDA that must be achieved.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 8 - 42 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 49: 29 Submission Type: Oppose
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: False accuracy. Only use OVERSEER® as a guidance tool to inform and support direction and trend. To use OVERSEER® as the primary tool for allocation is deeply flawed.
 Decision Sought: Delete. Replace with a methodology that does not rely on false precision of a black box model that is as yet unvalidated for Rotorua soils.

Staff Recommendations: Reject

Submission Number: 53: 20 Submission Type: Oppose
 Submitter: Lachlan McKenzie
 Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. The RPS and RWLP both set the expectation that landuses can be regulated to control increases in nutrient losses; or to require "best practicable option" or "reasonable, practicable and affordable" measures to reduce the effects of nutrient losses.
 The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI and other objectives.
 There are inconsistencies between OVERSEER® 6.2 values in the policies and version 5.4 values used to develop allocation methods and the rules. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values for consistency.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Most of the policies currently read like rules, but need amendment to express higher intent.

Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 66: 59 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figure.

Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 70: 26 Submission Type: Support in Part

Submitter: The Fertiliser Association of New Zealand

Submission Summary: Farm scale management of nutrient loss is required to achieve the objectives of the plan, but flexibility is also required. It is the outcome of meeting sustainable lake loads which should be the focus.

Decision Sought: Retain, but amend as follows;
Determine individual Nutrient Discharge Allowances for the purpose of achieving by 2032 the sustainable lake nutrient load, 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.

Staff Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 15 - 37 Submission Type: Support

Further Submitter: Ballance Agri-Nutrients Limited

Submission Summary: Ballance supports redrafting the policy to clarify that the intent is to achieve sustainable lake nutrient loads.

Decision Sought:

Staff Recommendation: Accept in Part

Submission Number: 75: 139 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: The targets for the period to 2032 will properly be considered as part of the Rotorua Lakes WMA. Most of the policies currently read like rules, but need amendment to express higher intent, including to give better effect to RPS and RWLP objectives and policies and the overall purpose of the RMA. Amendments are proposed for internal consistency.

Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 85: 2 Submission Type: Oppose

Submitter: Waiteti Farms Ltd / Waiteti Whenua Trust

Submission Summary: LRP6 - Nutrient Discharge Allowances - This is too complex for the average owner to understand. We already have benchmarks and can demonstrate plans for nutrient reduction.

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 86: 2 Submission Type: Oppose

Submitter: Whakapoungakau Aggregated Lands

Submission Summary: LRP6 - Nutrient Discharge Allowances - this is too complex for the average owner to understand. We already have benchmarks and can demonstrate plans for nutrient reduction.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: Not specified.

Staff Recommendations: Reject

Section: LR P7 Policy Seven

1019

Staff Recommendation

In response to the below submissions amend Policy LRP7 to read: Manage the transfer of Nitrogen Discharge Allocations or Managed Reduction Offsets between properties/ farming enterprises from 1 July 2022 to encourage efficient outcomes by way of resource consent.

Staff Reason

(43-30) Policy LRP7 relates to trading and is implemented by Rule LRR10. It is noted that the word 'enable'; may provide the perception that trading is intended to be a permitted activity. Replacing the word 'enable' with 'manage' will align with the approach of requiring controlled activity consent. The submitter has requested that the policy includes reference to compliance with Schedule LR7, however it is considered that such reference is more appropriately located within the Rules, rather than policy with this being related to implementation. Therefore no changes are required. The submitter has requested clarification on the term 'authorised'. This term intends to refer to resource consents approved by Council under LRR10. It is noted that may not be clear to plan users, therefore this has been amended to refer to this process

(49-30, FS14-17) Policy LRP7 provides direction to the community that the transfer of Nitrogen Discharge Allocations is provided for from 2022, as enforced by Rule LRR10. It is noted that the term nitrogen loss entitlements may be perceived as a positive connotation to an action that results in an environmental impact as highlighted by the submitter. The Nitrogen Discharge Allocation or portion of a Nitrogen Discharge Allocation is what will be transferred, not an entitlement. The definition of Nitrogen Discharge Entitlement refers to either a Nitrogen Discharge Allocation or Managed Reduction Target which are also both defined. It is considered that this is an additional term that duplicates other terms and creates confusion. It is recommended that all reference to Nitrogen discharge entitlements are removed, and replaced with the terms Nitrogen Discharge Allocation or Managed Reduction Offsets.

(53-21, 66-60, 75-140, FS6-23) The revisions as suggested by the submitter add a high level of complexity to the policy and do not link to a rule or method to allow this to be implemented. It is considered that the transfer of a Nitrogen Discharge Allocation or part of a Nitrogen Discharge Allocation will be the most efficient method and enables of monitoring and enforcement through the consent process and development of a Nitrogen Discharge Allocation register as outlined in Method 5. As notified the plan change does not restrict the reasons for a transfer and leaves the options on how nitrogen will be reduced below the Managed Reduction Target or Nitrogen Discharge Allocation to the enterprise owner/ operator. It is considered that this approach provides flexibility as requested by the submitter. No change to the policy in response to this submission point is considered to be required.

(70-27) Comments noted.. No changes are proposed in response to this submission point.

(26-21) Refer to Section 5.3.9 Trading of Nitrogen under Plan Change 10

Submissions

Submission Number: 26: 21 Submission Type: Oppose

Submitter: Rotorua Lakes Council

Submission Summary: Resource efficiency is not adequately maximised if trading of nitrogen is not provided for until 2022. PC 10's moratorium on nitrogen trading until 2022 does not facilitate the preservation of value from existing on-farm capital investment. Provision for earlier trading will enable more efficient resource allocation.

Decision Sought: Amend LR P7 and LR R10 to enable the commencement of authorised transfer of nitrogen loss entitlements from the date on which Rule LR R10 becomes operative.

Staff Recommendations: Reject

Submission Number: 43: 30 Submission Type: Support in Part

Submitter: Ravensdown Limited

Submission Summary: The policy is confusing and is not consistent with Policy LR P5. It is not clear what the policy is trying to address, and what the term 'authorised' means. It is also not clear how this policy is carried through into the rules. There is also no reference to Schedule LR Seven.

Decision Sought: Delete Policy LR P7; or if retained clarify its intent and its relationship with the rules; re-write it to be enabling and consistent with Policy LR P5; and reference Schedule LR Seven.

Staff Recommendations: Accept in Part

Submission Number: 49: 30 Submission Type: Oppose

Submitter: CNI Iwi Land Management Ltd

Submission Summary: This institutionalises incentives and windfall gains to the largest polluters which is directly contrary to the

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

stated objectives of the plan change. .The use of the term “Nitrogen loss entitlements” is a very strange choice, when the purpose should be to require land use enterprises to internalise their externalities. Not to send a message that the highest polluting are somehow entitled to be polluting, in such a way that other land uses are heavily constrained in their actions to benefit those few.

Decision Sought: Delete. Replace with “to provide for the authorised trading of “Nitrogen discharge liability units” between all properties, from July 2022, to encourage water resource use efficiency.

Staff Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 14 - 17 Submission Type: Support

Further Submitter: Hancock Forest Management (NZ) Ltd

Submission Summary: While we support the ability to transfer N entitlements between properties in principle (to enable some flexibility and thereby transition to a more optimal use of the catchment) when combined with a grand parenting approach this effectively further rewards polluters, by allocating them a right that they can then trade to other parties for a direct financial windfall gain. To incentive the right behaviors a trading regime must be underpinned by an allocation based on natural capital that is fair and equitable.

Decision Sought: As above

Staff Recommendation: Accept in Part

Submission Number: 53: 21 Submission Type: Oppose in Part
Submitter: Lachlan McKenzie

Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. The RPS and RWLP both set the expectation that landuses can be regulated to control increases in nutrient losses; or to require “best practicable option” or “reasonable, practicable and affordable” measures to reduce the effects of nutrient losses.
There are inconsistencies between OVERSEER® 6.2 values in the policies and version 5.4 values used to develop allocation methods and the rules. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values for consistency.

Most of the policies currently read like rules, but need amendment to express higher intent.

Decision Sought: Amend to read: To enable the development of flexibility mechanisms to encourage efficient outcomes, e.g., transferable development rights, offset mechanisms, baseline-and-credit trading schemes.

Staff Recommendations: Reject

Submission Number: 66: 60 Submission Type: Oppose in Part

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figure.

Decision Sought: Amend as follows: To enable the development of flexibility mechanisms to encourage efficient outcomes, e.g., transferable development rights, offset mechanisms, baseline-and-credit trading schemes.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 70: 27 Submission Type: Support
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: FANZ considers that the transfer of consents would appear to work in principal, and will likely provide the efficiencies being sought. However, FANZ is concerned that there are still too many uncertainties in the N loss assessments. These uncertainties would cause some obstacles to the N transfer process.
 Decision Sought: Retain as worded but note comments.

Staff Recommendations: Comment Noted

Submission Number: 75: 140 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: We acknowledge the role of the Incentives Fund in supporting land use change; and strongly support provision for flexibility mechanisms, e.g., offsets, transfer, trading, to enable development while maintaining or reducing nutrient losses. We recommend a mechanism for recognising management practices and innovations which are not in OVERSEER®
 Decision Sought: Amend as follows: LR P7 To enable the authorised transfer of nitrogen loss increases between properties/farming enterprises from 1 July 2022 through flexibility, transfer and trading mechanisms to encourage efficient outcomes, e.g., transferable development rights, offset mechanisms, baseline-and-credit trading schemes; mechanisms for recognising management practices and innovations which are not in Overseer; and making provision for collective consents for multi-property nutrient reduction proposals.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 23 Submission Type: Support in Part
 Further Submitter: CNI Iwi Land Management Ltd
 Submission Summary: Language is important and it is inappropriate to be suggesting that nitrogen discharges is in any way an "entitlement". Support the change from "entitlement" to "increases", as this more accurately describes the policy purpose. Support the intent to use transfer and trading mechanisms but seek an addition allowing any landowner to participate rather than restricting it to "properties/farming enterprises".
 Decision Sought: Amend as follows: LR P7 To enable the authorised transfer of nitrogen loss increases between properties/rural enterprises from 1 July 2022 through flexibility, transfer and trading mechanisms to encourage efficient outcomes, e.g. transferable development rights, offset mechanisms, baseline-and-credit trading schemes; mechanisms for recognising management practices and innovations which are not in OVERSEER®; and making provision for collective consents for multi-property nutrient reduction proposals.

Staff Recommendation: Reject

Section: LR P8 Policy 8

1020

Staff Recommendation

In response to the below submissions amend Policy LRP8 to read: Require property/ farming enterprise specific Nutrient Management Plans and require the implementation of mitigation actions to achieve and maintain Managed Reduction Targets and Nutrient Discharge Allocations.

Include clarification on good management practices within Schedule LR6(5)b (for Phosphorus) as follows:

To identify the environmental risks associated with phosphorus and sediment loss from the subject property, the significance of those risks and implementation of industry best good practice management measures to avoid or reduce the risks. This shall include the identification of appropriate mitigation actions within critical source areas, with these areas including:

- (i) overland flow paths and areas prone to flooding and ponding,
- (ii) erosion prone areas
- (iii) farm tracks and races and livestock crossing structures
- (iv) areas where effluent accumulates including yards, races and underpasses
- (v) fertiliser, silage, compost, or effluent storage facilities and feeding or stock holding areas

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Staff Reason

(48-20, 70-28, FS15-38, 43-31, FS6-24, FS15-5) Submissions have asked for a range of amendments to Policy LR8. Reference to best/ good management practices has been included within Schedule LRR6 in response to other submission points to help guide actions that are considered for inclusion with an NMP. The provision for best/ good management practices is already covered by Policy LR3; therefore this does not need to be repeated in Policy LR8 as requested by submissions. The text '5 yearly nitrogen loss reduction targets' is able to be relocated to sit as part of the definition of Managed Reduction target and does not need to be included as part of the policy.

(48-28, FS7-33, FS8-38) The 4.2 TLI has been achieved through the treatment of the existing load currently reaching the lakes through the a range of actions such as alum dosing. The resource consent for alum dosing was approved based on land management changes being implemented and the alum dosing would only be used as an interim action. Therefore there is a need to alter land practices to reduce nutrient losses to groundwater that will reach the lake in the future. This will ensure that the required TLI is maintained in the future upon such actions as alum dosing ceasing.

(43-11) Support Noted

(39-7, 45-7, 49-31, 83-10, 82-7) Refer to Section 5.3.8 The Use Nitrogen Management Plans

(53-22, 61-8, FS6-25, 66-61, 75-141) Refer to Section 5.3.4 The Use of Sub-Catchment Plans

(66-6) Refer to Section 5.3.2 The Need for a Regulatory Approach (Rules)

Submissions

Submission Number:	39: 7	Submission Type:	Oppose
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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.

Staff Recommendations:	Reject
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Submission Number:	43: 11	Submission Type:	Support
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Submitter: Ravensdown Limited

Submission Summary: Ravensdown supports the use of property/farming enterprise specific Management Plans and reliance on good management practices.

Decision Sought: Not specified.

Staff Recommendations:	Accept
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Submission Number:	43: 31	Submission Type:	Support in Part
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Submitter: Ravensdown Limited

Submission Summary: Ravensdown supports the intent of the policy. However the management plan should be called a Nutrient Management Plan to properly reflect its purpose. This policy should require the use of good management practices (GMP) to manage nutrient losses. The plan already defines Managed Reduction Targets and so it is not necessary to include the definition in the policy.

Decision Sought:

- Retain the intent of Policy LR P8;
- Re-name the management plan to a Nutrient Management Plan;
- Include the requirement for property/farming enterprises to manage nutrient loses through GMP;
- Delete "(five-yearly nitrogen loss reduction targets)".

Staff Recommendations:	Accept in Part
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission(s)

Further Submission No:	6 - 24	Submission Type:	Support in Part
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Accept in Part
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Further Submission No:	15 - 5	Submission Type:	Support
Further Submitter:	Ballance Agri-Nutrients Limited		
Submission Summary:	<p>For the reasons given in the original submission. The changes will provide clarity and make the provisions read more clearly.</p> <p>Good management practices combine the practical experience of land users with scientific development, provide recommendations that can be adapted to suit local conditions, allow for changes to be made to the way some nutrient management activities are carried out, and provide the means for continuous (and innovative) improvement in nutrient management on a property.</p> <p>Inclusion of the terms "Good Management Practice" and "Nutrient Management Plan" would be consistent with the terminology being adopted in a number of areas around New Zealand.</p> <p>PPC 10 provides a definition of "Managed Reduction Targets" within the definitions section of the Plan Change, it is not necessary to repeat the definition within Policy LR P8.</p>		
Decision Sought:	As above		

Staff Recommendation:	Accept in Part
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Submission Number:	45: 7	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.		

Staff Recommendations:	Reject
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Submission Number:	48: 20	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.		

Staff Recommendations:	Reject
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 48: 28 Submission Type: Oppose
 Submitter: Parekarangi Trust
 Submission Summary: No point in reducing NDA further is the Target TLI is being achieved or bettered.
 Decision Sought: Link this rule to TLI and only phase if further reduction if the 5 year rolling TLI is over 4.2.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 7 - 33 Submission Type: Support
 Further Submitter: Alistair and Sarah Coatsworth
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 8 - 38 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 49: 31 Submission Type: Support in Part
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: This policy seeks to manage phosphorus loss. To do so through a vehicle named a "nitrogen management plan is misleading and confusing. The purpose of the plan is to manage excess nutrients that are causing water pollution.
 Decision Sought: Subject to the change in title to reflect that the purpose is to manage a range of pollutants. Rename "nitrogen management plans" as "water pollution management plans".

Staff Recommendations: Accept in Part

Submission Number: 53: 22 Submission Type: Oppose in Part
 Submitter: Lachlan McKenzie
 Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. The RPS and RWLP both set the expectation that landuses can be regulated to control increases in nutrient losses; or to require "best practicable option" or "reasonable, practicable and affordable" measures to reduce the effects of nutrient losses.
 The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI and other objectives.
 Most of the policies currently read like rules, but need amendment to express higher intent.
 Decision Sought: Amend to read: To encourage whole-of-community engagement by enabling sub-specific Nutrient Action Plans and support the implementation of mitigation actions to achieve and maintain Managed Reduction Targets.

Staff Recommendations: Reject

Submission Number: 61: 8 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.
 Decision Sought: Acknowledgement needs to be given to a whole farm approach to managing the potential impacts on water quality, not just limited to Nitrogen.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission(s)

Further Submission No:	6 - 25	Submission Type:	Support in Part
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Submission Number:	66: 6	Submission Type:	Oppose
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	The Collective support the concept of Managed Reduction targets, but do not agree with the target numbers, which will be subject to changes from recommendations from the 2017 science review and ROTAN review. It is the mechanism of measurement & enforcement of the managed reduction targets that we wish Council to change.		
Decision Sought:	We request that they are not subject to conditional consent but are part of a permitted activity.		

Staff Recommendations:	Reject
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Submission Number:	66: 61	Submission Type:	Oppose in Part
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figure.		
Decision Sought:	Amend as follows: To encourage whole-of-community engagement by enabling sub-catchment specific Nutrient Action Plans and support the implementation of mitigation actions to achieve and maintain Managed Reduction Targets.		

Staff Recommendations:	Reject
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Submission Number:	70: 28	Submission Type:	Oppose in Part
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	The term 'Managed Reduction Targets' is already defined. The definition does not need to be included within the policy.		
Decision Sought:	Amend Policy LR P8 as follows: To require property/farming enterprise specific Nutrient Management Plans and require the implementation of mitigation actions to achieve and maintain Managed Reduction Targets and Nitrogen Discharge Allowances.		

Staff Recommendations:	Accept
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Further Submission(s)

Further Submission No:	15 - 38	Submission Type:	Support
Further Submitter:	Ballance Agri-Nutrients Limited		
Submission Summary:	For the reasons given in the original submission. The amendments proposed assist in making the provision clearer while providing greater assistance as to what is intended.		
Decision Sought:	As above		

Staff Recommendation:	Accept
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number:	75: 141	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Most of the policies currently read like rules, but need amendment to express higher intent, including to give better effect to RPS and RWLP objectives and policies. Amendments are proposed for internal consistency. Provision should be made for developing managed reduction targets at a range of scales and across all contributing sectors (including urban and point source discharges) and sub-catchments.		
Decision Sought:	Amend to LR P8 To support achievement of the RWLP TLI objective and encourage whole-of-community engagement by enabling sub-catchment Nutrient Action Plans which may include sub-catchment managed reduction targets will be prepared in conjunction with the sub-catchment community.		

Staff Recommendations: Reject

Submission Number:	82: 7	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. There 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.		

Staff Recommendations: Reject

Submission Number:	83: 10	Submission Type:	Oppose
Submitter:	Bushlands Estate Limited and Adolle Farms Limited		
Submission Summary:	I do not support the requirement for land owners to complete farm management plans that will be part of a compliance process. At StAG the framework was designed to avoid this, but following the end of StAG the rules have diverted into this pathway. It is impossible to develop a plan committing myself to actions up to 16 years in the future.		
Decision Sought:	Not specified.		

Staff Recommendations: Reject

Section: LR P9 Policy 9

1021

Staff Recommendation

In response to the below submissions points replace Policy LRP9 with the following: Enable the continued use of land for low intensity farming, bush/scrub and forestry within the Lake Rotorua groundwater catchment.

Add new definition for Low Intensity Farming as follows: 'Farming activities that generate less than 68% 71% (56-8) of the nitrogen loss rate generated by the drystock reference file as prescribed in Schedule LR5.'

Staff Reason

(26-26, 43-32, 58-27, 70-29, FS6-26, 70-30, FS6-27) It is considered that Policy LR9 does not provide any additional direction than that provided for by the rules. The policy has been rewritten in response to submission points to provide overarching direction and guidance on how the 140t/ N will be upheld by the plan by enabling low levels of nitrogen losses from land use activities within the catchment. Submissions have requested that Policy 9 includes references to the use of wetlands and bunds to management sediment run off. These relate to the management of phosphorus and other nutrients and are outside of the intent of PPC10 which only manages nitrogen losses from farming activities.

(56-2) LRR7 intends to provide for activities that may not comply with the permitted criteria or may not be covered specifically a definition or rule within PPC10 but still have low levels of nitrogen losses. Rule LRR7 describes what is intended to be low intensity farming within the introductory section to the rule and LRR7(a) and LRR7(a)2. It is considered that these descriptions are able to be removed from the rule and form a definition as requested. Therefore the changes requested are not required.

(49-35) A number of submissions have requested a consistent term when describing low nitrogen loss activities. It is considered that the consistent use of the term 'low intensity farming' will uphold the intent of the policies and rules and align with responses made to other submission points. The proposed definition will align with this term, helping to provide consistency across the plan.

Submissions

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 26: 26 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.

Staff Recommendations: Accept in Part

Submission Number: 43: 32 Submission Type: Oppose
 Submitter: Ravensdown Limited
 Submission Summary: The policy has no purpose as it simply mirrors the rules.
 Decision Sought: Policy LR P9 be deleted.

Staff Recommendations: Accept in Part

Submission Number: 49: 35 Submission Type: Support in Part
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: Without a definition of intensive land use LR 9 policy is meaningless.
 Decision Sought: Define "intensive land use".

Staff Recommendations: Accept in Part

Submission Number: 56: 2 Submission Type: Support
 Submitter: Bay of Plenty Regional Council
 Submission Summary: Need to provide clarification about what intensive use is considered to be.
 Decision Sought: Alter to refer to "(commercial dairying, cropping or horticulture)" in LR R9(c) and "(commercial cropping or horticulture)" in LR P9(d).

Staff Recommendations: Accept

Submission Number: 58: 27 Submission Type: Oppose
 Submitter: Max Douglas
 Submission Summary: Change the land area limits to only consider pastoral land. Seems like an oversight in the wording of the rules. Does anyone really want to categorise a block with 50 hectares of bush a 3 hectare house site into the 40+ pastoral category requiring resource consents, etc.
 Decision Sought: Amend policy for example: LR P9 (c) The use of land for farming activities on properties/farming enterprises with 5 hectares or less in area in pasture from 1 July 2017 provided there is no intensive land use.

Staff Recommendations: Reject

Submission Number: 70: 29 Submission Type: Oppose
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: 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. FANZ is concerned that this would be difficult in terms of nutrient discharges. Policies should be a statement of intent. The rules are the methods of achieving that intent.
 Decision Sought: Delete and Replace LR P9 with the following or similar:
 Enable low intensity land use activities, plantation forestry, bush/scrub or activities that can demonstrate no increase in nitrogen loss.
 Advice note: it is intended that permitted activity would apply to the following property / farm enterprises:

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

- < 10 ha effective area with 'low intensity farming activity'.
- 10 - 40 ha until 2022, and no increase in nitrogen loss.
- in the Lake Rotorua groundwater catchment but not previously managed by Rules 11 to 11F.
- with low nitrogen loss.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	6 - 26	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Submission Number:	70: 30	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	Policy LR P9 is very confusing and provides mixed signals. It uses the terms 'no intensive land use' in (c) and (d) and 'low nitrogen loss' in (g). These terms do not appear to be defined. It is suggested that the terms 'no intensive land use' and 'low nitrogen loss' are replaced with 'low intensity land use activity' and a definition. When LR P9 (c), (d) and (g) are considered in combination this policy is ambiguous and confusing. FANZ supports, in principle, that farms with low intensity farming activities should be a permitted activity.		
Decision Sought:	If Policy LR P9 is retained combine condition (g) with (c) and (d) to provide for all low intensity land use activities or 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'.		

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	6 - 27	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Section: LR P9(a)

1022

Staff Recommendation

In response to the below submissions replace Policy LR9 with the following: Enable the continued use of land for low intensity farming, bush/scrub and forestry within the Lake Rotorua groundwater catchment.

Staff Reason

(49-32) It is considered that Policy LR9 does not provide any additional direction than that provided for by the rules. The policy has been rewritten in response to submission points to provide overarching direction and guidance on how the 140t/ N will be upheld by the plan by enabling low levels of nitrogen losses from land use activities within the catchment. Submissions have requested that Policy LR9 includes references to the use of wetlands and bunds to management sediment run off. These relate to the management of phosphorus and other nutrients and are outside of the intent of PPC10 which only manages nitrogen losses from farming activities. The reasons for PPC10 not managing phosphorus are provided in section 5.3.3 of this report.

Submissions

Submission Number:	49: 32	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Unenforceable.		

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: Delete.

Staff Recommendations: Accept in Part

Section: LR P9(b)

1023

Staff Recommendation

No changes in response the below submissions are proposed.

Staff Reason

(49-33, FS14-18, 53-23, 66-62, 75-142) It is considered that Policy LR9 does not provide any additional direction than that provided for by the rules. The policy has been rewritten in response to submission points to provide overarching direction and guidance on how the 140t/ N will be upheld by the plan by enabling low levels of nitrogen losses from land use activities within the catchment. Submissions have requested that Policy LR9 includes references to the use of wetlands and bunds to management sediment run off. These relate to the management of phosphorus and other nutrients and are outside of the intent of PPC10 which only manages nitrogen losses from farming activities. Reasons for PPC10 not managing phosphorus are included in section 5.3.3 of this report.

Submissions

Submission Number:	49: 33	Submission Type:	Support
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Support.		
Decision Sought:	Retain.		

Staff Recommendations: Reject

Further Submission(s)

Further Submission No:	14 - 18	Submission Type:	Support
Further Submitter:	Hancock Forest Management (NZ) Ltd		
Submission Summary:	Support the policy to make plantation forestry a permitted activity, in recognition of the lesser effects of this land use on water quality.		
Decision Sought:	As above		

Staff Recommendation: Reject

Submission Number:	53: 23	Submission Type:	Oppose in Part
Submitter:	Lachlan McKenzie		
Submission Summary:	Give better effect to RPS and RWLP objectives and policies and for internal consistency. The RPS and RWLP both set the expectation that landuses can be regulated to control increases in nutrient losses; or to require "best practicable option" or "reasonable, practicable and affordable" measures to reduce the effects of nutrient losses.		
Decision Sought:	Amend to read: The use of land for plantation forestry and bush/scrub and constructed wetlands and sediment detainment bunds.		

Staff Recommendations: Reject

Submission Number:	66: 62	Submission Type:	Oppose in Part
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER@ 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figure.		
Decision Sought:	Amend as follows: '(b)The use of land for plantation forestry .and bush/scrub and constructed wetlands and sediment detainment bunds.'		

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 65: 2 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. 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 (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."

Staff Recommendations: Accept

Section: LR P9(d)

1025

Staff Recommendation

No changes in response the below submissions are proposed.

Staff Reason

(75-143) The RPS provides direction to manage the losses of rural production activities, this including pastoral practices. This has resulted in the use of the term 'effective' which reduces the area of a farming enterprise to focus on areas of land containing activities directly related to rural production and generate nitrogen losses. This upholds the intent of the RPS and no changes to this approach is recommended.

(12-7) In total there are 1,310 blocks under 10ha in size within the catchment making up a total of 1501ha. Of these 1,162 are under 5ha in size leaving only 148 blocks between 5-10ha. As outlined in the s32 report properties less than 10ha are considered to be lifestyle focused and unlikely to contain intensive commercial farming practices. Research completed has shown that the nitrogen losses within these blocks to be close to the permitted activity level of 18kg/ N/ ha. The stocking rate table has been developed to ensure the level of losses align with the permitted level of losses. It is considered that the level of nitrogen losses from these blocks compared to larger lots (10ha plus) would not justify the cost and resources associated with a consent and enforcement. The permitted criteria ensure activities do not discharge high levels of nitrogen through the establishment of commercial activity. Given the intended use of small land holdings to be mainly for lifestyle purposes, rather than generating a sole income, it is considered that PPC10 will have limited economic and social impact. It is recommended that no changes are made in response to this submission point.

Submissions

Submission Number: 12: 7 Submission Type: Oppose

Submitter: Astrid Coker

Submission Summary: Oppose as a permitted activity the use of land less than 5ha and 5-10ha without a nutrient discharge plan (nutrient management plan). More often blocks less than 10ha do undertake commercial activities. Owners of these properties more often are least experienced in farming practices.

Decision Sought: Include information keeping, reporting conditions and nutrient discharge plan for all land used for agriculture, horticulture etc.

Staff Recommendations: Reject

Submission Number: 75: 143 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Property sizes should be based on total area, not "effective" area; consistent with guidelines for the use of OVERSEER® as whole farm averages; and to respect existing investments in planting or setting aside areas for reducing nutrient losses and improving biodiversity and other outcomes.

Decision Sought: Delete word 'Effective'.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

1026

Section: LR P9(e)

Staff Recommendation

No changes in response the below submissions are proposed.

Staff Reason

(49-36) Refer to the Use of OVERSEER® and Reference files. It is considered that OVERSEER® should remain as the main tool used to support this plan change for the reasons outlined in this report.

(75-144) The RPS provides direction to manage the losses of rural production activities, this including pastoral practices. This has resulted in the use of the term 'effective' which reduces the area of a farming enterprise from which nitrogen losses are managed to be focused on areas of land containing activities directly related to rural production. This upholds the intent of the RPS and no changes to this approach is recommended.

Submissions

Submission Number: 49: 36 Submission Type: Oppose

Submitter: CNI Iwi Land Management Ltd

Submission Summary: False accuracy. Only use OVERSEER® as a guidance tool to inform and support direction and trend. To use OVERSEER® is deeply flawed because:
 1. it is so poorly calibrated to Rotorua soils,
 2. there are still a number of assumptions that need refining,
 3. changes to the algorithms in versions and subversions change not only the total quantity leached, but also the relativity between land uses.

Decision Sought: Replace with an input measure rather than relying on an OVERSEER® assessment of "no increase in nitrogen loss".

Staff Recommendations: Reject

Submission Number: 75: 144 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Property sizes should be based on total area, not "effective" area; consistent with guidelines for the use of OVERSEER® as whole farm averages; and to respect existing investments in planting or setting aside areas for reducing nutrient losses and improving biodiversity and other outcomes.

Decision Sought: Delete word 'effective'.

Staff Recommendations: Reject

1027

Section: LR P9(f)

Staff Recommendation

No changes in response the below submissions are proposed.

Staff Reason

(49-37, FS12-15) Refer to Section 5.3.6 The Use of OVERSEER® and Reference files.

Submissions

Submission Number: 49: 37 Submission Type: Oppose

Submitter: CNI Iwi Land Management Ltd

Submission Summary: False accuracy. Only use OVERSEER® as a guidance tool to inform and support direction and trend. To use OVERSEER® is deeply flawed because:
 1. it is so poorly calibrated to Rotorua soils,
 2. there are still a number of assumptions that need refining,
 3. changes to the algorithms in versions and subversions change not only the total quantity leached, but also the relativity between land uses.

Decision Sought: Replace with an input measure rather than relying on an OVERSEER® assessment of "no increase in nitrogen loss".

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission(s)

Further Submission No:	12 - 15	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 replace OVERSEER® estimates with input measures.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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1028

Section: LR P9(g)

Staff Recommendation

No changes in response the below submissions are proposed.

Staff Reason

(49-38, FS12-16) Refer to Section 5.3.6 The Use of OVERSEER® and Reference files. Reference to this tool remains as part of policy 3 to ensure plan users are aware of how this will be used to implementation and enforce PPC10 and its role in adaptive management practices.

(49-39, FS14-19) It is considered that Policy LR9 does not provide any additional direction than that provided for by the rules. The policy has been rewritten in response to submission points to provide overarching direction and guidance on how the 140t/ N will be upheld by the plan by enabling low levels of nitrogen losses from land use activities within the catchment. Submissions have requested that Policy LR9 includes references to the use of wetlands and bunds to management sediment run off. These relate to the management of phosphorus and other nutrients and are outside of the intent of PPC10 which only manages nitrogen losses from farming activities. Reasons for PPC10 not managing phosphorus are included in Section 5.3.3 of this report

Submissions

Submission Number:	49: 38	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	False accuracy. Only use OVERSEER® as a guidance tool to inform and support direction and trend. To use OVERSEER® is deeply flawed because: 1. it is so poorly calibrated to Rotorua soils, 2. there are still a number of assumptions that need refining, 3. changes to the algorithms in versions and subversions change not only the total quantity leached, but also the relativity between land uses.		
Decision Sought:	Replace with an input measure rather than relying on an OVERSEER® assessment of “no increase in nitrogen loss”.		

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	12 - 16	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 replace OVERSEER® estimates with input measures.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Further Submission(s)

Further Submission No:	6 - 28	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Section: LR P10 Policy 10

1030

Staff Recommendation

In response to the below submission points replace Policy LRP10 with the following: Provide for farming activity within property/farm enterprises that have an effective area of 10ha and above where these have identified Nitrogen Discharge Allocations, Managed Reduction Targets and appropriate methods to achieve the staged reduction of nitrogen losses by 2032

Staff Reason

(21-3, 43-33, 49-41, 58-28, 70-32, FS6-29, 53-34, 66-63) It is considered that Policy LRP10 does not provide any additional direction than that provided for by the rules. In response to submissions the policy has been rewritten to provide overarching direction and guidance on how losses from land uses will be managed by PPC10 through resource consents.

(53-24) Rule 11 relies on compliance with a benchmark - effectively a number. Compliance and enforcement with this number was hard to prove resulting in uncertainty for the land owner and the council. This was due to the inability to determine if the losses have increased through a change in land use activity on a particular site. PPC10 has overcome this by identifying the level of loss associated from particular activities based on inputs. For this reason and to increase usability and certainty the plan has been written in a manner that manages input, with the intent of influencing losses. Restricting inputs to ensure losses are reduced helps to provide certainty to plan users and increase usability and enforceability to the plan. No changes are considered to be required.

(66-63, 75-149) Submissions raise concerns on the use of a resource consent process to manage farm losses. There is a need to have a consent process for the management of nitrogen on larger enterprises (10ha and 40ha plus) to ensure adverse effects are adequately managed. The use of a permitted activity status implies Council is aware of all adverse effects and are able to manage these through permitted criteria. This is not the case for this type of activity with adverse effects differing from farm to farm. A consenting process is required to enable the identification of any adverse effects from farm operations and what actions are available within particular timeframes to ensure identified targets (MRT's) are met. The section 32 analysis identifies the available policy options to achieve the reduction required by the RPS. This report identified the social, economic, cultural and environmental impacts of the preferred option, being the rule framework as notified. Extensive research has been completed, causing PPC10 to be based on the best science available. Undertaking more research will not provide any additional value to what already has been completed. It is considered that the level of impacts have been sufficiently identified and actions have been implemented to reduce the level of adverse effects on the community, this helping to balance out the economic, environmental, cultural and social impacts.

(14-5) Support Noted

(53-24) Refer to Section 5.3.4 The Use of Sub-Catchment Plans

(48-19) Refer to Section 5.3.1 The Regional Policy Statement and Operative Regional Plan

Submissions

Submission Number:	21: 3	Submission Type:	Oppose
Submitter:	Brown Owl Organics Incorporated		
Submission Summary:	This appears to directly contradict rule LR R3 which allows properties of under 5 hectares to carry out any farming activities that are not commercial. It also contradicts the Rule Summary Flowchart.		
Decision Sought:	Not specified.		

Staff Recommendations:	Accept in Part
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Submission Number:	43: 33	Submission Type:	Oppose
Submitter:	Ravensdown Limited		
Submission Summary:	The policy has no purpose as it simply mirrors the rules.		
Decision Sought:	Policy LR P10 be deleted.		

Staff Recommendations:	Accept
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 48: 19 Submission Type: Oppose
 Submitter: Parekarangi Trust
 Submission Summary: This is a blunt approach that will cost every farm \$10-20k per annum to administer. 1st July 2017 is too tight a timeframe.
 Decision Sought: Remove requirement for resource consent for all properties.

Staff Recommendations: Reject

Submission Number: 49: 41 Submission Type: Support in Part
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: Merely requiring them to state "for the use of land of farming activities" with no direction as to what the intent of the use would be is insufficient.
 Decision Sought: Add to this policy what the matters the resource consents would consider.

Staff Recommendations: Reject

Submission Number: 53: 24 Submission Type: Oppose in Part
 Submitter: Lachlan McKenzie
 Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. The RPS and RWLP both set the expectation that landuses can be regulated to control increases in nutrient losses; or to require "best practicable option" or "reasonable, practicable and affordable" measures to reduce the effects of nutrient losses. The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI and other objectives.
 Decision Sought: Amend first sentence to read: To allow as a permitted activity provided properties do not exceed their 2001-2003 bench mark and farmers participate in sub-catchment nutrient action plans.

Staff Recommendations: Reject

Submission Number: 58: 28 Submission Type: Oppose
 Submitter: Max Douglas
 Submission Summary: Change the land area limits to only consider pastoral land. Seems like an oversight in the wording of the rules. Does anyone really want to categorise a block with 50 hectares of bush a 3 hectare house site into the 40+ pastoral category requiring resource consents, etc.
 Decision Sought: Amend policy for example 'The use of land for farming activities on properties/farming enterprises with 5 hectares or less in area in pasture from 1 July 2017 provided there is no intensive land use.'

Staff Recommendations: Reject

Submission Number: 66: 63 Submission Type: Oppose in Part
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER@ 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figure.
 Decision Sought: Amend first sentence to: To allow as a permitted activity provided managed reduction targets set in accordance with Table LR 4 are met.

Staff Recommendations: Reject

Submission Number: 70: 32 Submission Type: Oppose
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: These policies read like methods. Policies such as this effectively remove one of the 'gateway' tests under s104. Policies should be a statement of intent.
 Decision Sought: Delete LR P10 and replace with the following:
 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

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

on stepped time frames for the introduction of controls from 2017 and 2022 to achieve the sustainable lake nutrient load by 2032.

Staff Recommendations:	Accept in Part
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Further Submission(s)

Further Submission No:	6 - 29	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Accept in Part
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Submission Number:	75: 149	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	We recommend permitted activity status for all landuses which are not increasing nutrient losses; supported by appropriate monitoring.		
Decision Sought:	Add (e) The discharge of nutrients onto or into land provided the land use associated with the discharge is authorised under Rule LR xx to LRxy.		

Staff Recommendations:	Reject
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Submission Number:	14: 5	Submission Type:	Support
Submitter:	Warren Webber		
Submission Summary:	The Oturoa Agreement (Feb 2013) resolved RPS appeals by Fed Farmers and the Collective and agreed target dates to achieve sustainable catchment loads; 70% by 2022; 100% by 2032.		
Decision Sought:	Support- No changes requested..		

Staff Recommendations:	Accept
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Section: LR P10(a)	1031
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Staff Recommendation

No changes in response the below submissions are proposed.

Staff Reason

(70-33) Policy 10 has been deleted and replaced to reflect concerns raised in other submissions. Therefore the amendments requested now relate to a superseded version of the policy. For this reason the submission point has been declined.

(74-145) Submissions raise concerns on the use of a resource consent process to manage farm losses. There is a need to have a consent process for the management of nitrogen on larger enterprises (10ha and 40ha plus) to ensure adverse effects are adequately managed. The use of a permitted activity status implies Council is aware of all adverse effects and are able to manage these through permitted criteria. This is not the case for this type of activity with adverse effects differing from farm to farm. A consenting process is required to enable the identification of any adverse effects from farm operations and what actions are available within particular timeframes to ensure identified targets (MRT's) are met. The section 32 analysis identifies the available policy options to achieve the reduction required by the RPS. This report identified the social, economic, cultural and environmental impacts of the preferred option, being the rule framework as notified. Extensive research has been completed, causing PPC10 to be based on the best science available. Undertaking more research will not provide any additional value to what already has been completed. It is considered that the level of impacts have been sufficiently identified and actions have been implemented to reduce the level of adverse effects on the community, this helping to balance out the economic, environmental, cultural and social impacts.

Submissions

Submission Number:	70: 33	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	LR P9 (g) and LR P10 (a) are in direct conflict, unless Policy 10(a) provides for farms not permitted under LR R9 (g).		

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: If LR P10 is retained, amend as follows:
LR R10 (a) The use of land for farming activities on properties/farming enterprises over 40 hectares in effective area from 1 July 2017, where not addressed by Policy RP 9.

Staff Recommendations: Reject

Submission Number: 75: 145

Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: We recommend permitted activity status for all landuses which are not increasing nutrient losses; supported by appropriate monitoring.
Property sizes should be based on total area, not "effective" area; consistent with guidelines for the use of OVERSEER® as whole farm averages.

Decision Sought: Amend introduction to policy and (a) as follows;
LR P10 To allow as a permitted activity:
(a) The use of land for farming activities on properties/farming enterprises over 40 hectares in area from 1 July 2017 provided there is no increase in nitrogen loss and the information keeping and reporting conditions are met.

Staff Recommendations: Reject

Section: LR P10(b)

1032

Staff Recommendation

No changes in response the below submissions are proposed.

Staff Reason

(75-146) Submissions raise concerns on the use of a resource consent process to manage farm losses. There is a need to have a consent process for the management of nitrogen on larger enterprises (10ha and 40ha plus) to ensure adverse effects are adequately managed. The use of a permitted activity status implies Council is aware of all adverse effects and are able to manage these through permitted criteria. This is not the case for this type of activity with adverse effects differing from farm to farm. A consenting process is required to enable the identification of any adverse effects from farm operations and what actions are available within particular timeframes to ensure identified targets (MRT's) are met.
The section 32 analysis identifies the available policy options to achieve the reduction required by the RPS. This report identified the social, economic, cultural and environmental impacts of the preferred option, being the rule framework as notified. Extensive research has been completed, causing PPC10 to be based on the best science available. Undertaking more research will not provide any additional value to what already has been completed. It is considered that the level of impacts have been sufficiently identified and actions have been implemented to reduce the level of adverse effects on the community, this helping to balance out the economic, environmental, cultural and social impacts.

Submissions

Submission Number: 75: 146

Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: We recommend permitted activity status for all landuses which are not increasing nutrient losses; supported by appropriate monitoring.

Decision Sought: Amend as follows: (b) The use of land for farming activities on properties/farming enterprises between 10 and 40 hectares in area from 1 July 2022 provided there is no increase in nitrogen loss and the information keeping and reporting conditions are met.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

1033

Section: LR P10(c)

Staff Recommendation

No changes in response the below submissions are proposed.

Staff Reason

(75-147) Submissions raise concerns on the use of a resource consent process to manage farm losses. There is a need to have a consent process for the management of nitrogen on larger enterprises (10ha and 40ha plus) to ensure adverse effects are adequately managed. The use of a permitted activity status implies Council is aware of all adverse effects and are able to manage these through permitted criteria. This is not the case for this type of activity with adverse effects differing from farm to farm. A consenting process is required to enable the identification of any adverse effects from farm operations and what actions are available within particular timeframes to ensure identified targets (MRT's) are met.

The section 32 analysis identifies the available policy options to achieve the reduction required by the RPS. This report identified the social, economic, cultural and environmental impacts of the preferred option, being the rule framework as notified. Extensive research has been completed, causing PPC10 to be based on the best science available. Undertaking more research will not provide any additional value to what already has been completed. It is considered that the level of impacts have been sufficiently identified and actions have been implemented to reduce the level of adverse effects on the community, this helping to balance out the economic, environmental, cultural and social impacts.

(70-34) Policy 10 has been deleted and replaced to reflect concerns raised in other submissions. Therefore the amendments requested now relate to a superseded version of the policy. For this reason the submission point is recommended to be declined.

Submissions

Submission Number:	70: 34	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	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. This wording can be simplified to 'less than 10 ha in effective area'.		
Decision Sought:	If LR P10 is retained, amend as follows: 'LR R10 (c) The use of land for farming activities on properties/farming enterprises less than 10 hectares in effective area that are not low intensity land use activity from 1 July 2022'.		

Staff Recommendations:	Reject
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Submission Number:	75: 147	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	We recommend permitted activity status for all landuses which are not increasing nutrient losses; supported by appropriate monitoring. Property sizes should be based on total area, not "effective" area; consistent with guidelines for the use of OVERSEER® as whole farm averages; and to respect existing investments in planting or setting aside areas for reducing nutrient losses and improving biodiversity and other outcomes.		
Decision Sought:	Amend as follows: (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 area that are not low intensity land use from 1 July 2022 provided there is no increase in nitrogen loss and the information keeping and reporting conditions are met.		

Staff Recommendations:	Reject
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Section: LR P10(d)

1034

Staff Recommendation

No changes to Policy LR10 in response the below submissions are proposed.

Add a new definition for 'low intensity farming' as follows: Farming activities that generate less than 71% of the nitrogen loss rate generated by the drystock reference file as prescribed in Schedule LR5.

Staff Reason

(70-35) LRR7 intends to provide for activities that may not comply with the permitted criteria or may not be covered specifically a definition or rule within PPC10 but still have low levels of nitrogen losses. LRR7 describes what is intended to be low intensity farming within the introductory section to the rule and LRR7(a) and LRR7(a)2. It is considered that these descriptions are able to be removed from the rule and form the definition as requested by submitters.

A number of submissions have requested a consistent term when describing low nitrogen loss activities. It is considered that the consistent use of the term 'low intensity farming' will uphold the intent of the policies and rules and align with responses made to other submission points. The proposed definition will align with this term, helping to provide consistency across the plan.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

(75-148) The RPS provides direction to manage the losses of rural production activities, this including pastoral practices. This has resulted in the use of the term 'effective' which reduces the area of a farming enterprise from which nitrogen losses are managed to be focused on areas of land containing activities directly related to rural production. This upholds the intent of the RPS and no changes to this approach is recommended.

Submissions

Submission Number:	70: 35	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	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.		
Decision Sought:	It LR P10 is retained, amend as follows: 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 activity from 1 July 2022.		

Staff Recommendations: Accept in Part

Submission Number:	75: 148	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Property sizes should be based on total area, not "effective" area; consistent with guidelines for the use of OVERSEER® as whole farm averages; and to respect existing investments in planting or setting aside areas for reducing nutrient losses and improving biodiversity and other outcomes. We recommend permitted activity status for all landuses which are not increasing nutrient losses; supported by appropriate monitoring.		
Decision Sought:	Amend as follows: (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 from 1 July 2022 provided there is no increase in nitrogen loss and the information keeping and reporting conditions are met.		

Staff Recommendations: Reject

Section: LR P11 Policy 11

1035

Staff Recommendation

In response to the below submissions delete Policy LR11.

Staff Reason

(43-34, 53-25, 66-64, 70-36, FS6-30, 75-150, 83-11) It is considered that Policy LR11 does not provide any additional direction than that provided for by the rules and the revised Policy LRP10. In response to submissions the policy has been deleted.

(40-7, FS12-40) Refer to Section 5.3.1 The Regional Policy Statement and Operative Regional Plan

Submissions

Submission Number:	40: 7	Submission Type:	Oppose
Submitter:	Maraeroa Oturoa 2B Trust		
Submission Summary:	Extend the timeframe to set rules, meet nitrogen reduction targets and measure progress towards reductions.		
Decision Sought:	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.		

Staff Recommendations: Reject

Further Submission(s)

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Decision Sought: Same as the original submission with additional amendments to replace the term "Nitrogen Discharge Allowance" or NDA with "Residual Nitrogen Discharge"

Staff Recommendation: Accept in Part

Submission Number: 75: 150 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: The targets for the period to 2032 will properly be considered as part of the Rotorua Lakes WMA. Regulation cannot be used to require nutrient losses beyond the requirements of RPS Policy WL 6B, i.e., reducing losses as far as is reasonably practicable by implementing on-farm best management practices. Resource consents are not required to drive uptake of industry best practice to meet the 2022 pastoral managed reduction targets. The reduction required from the pastoral sector is relatively modest in this period and achievable without the controlled activity status.

Decision Sought: Delete.

Staff Recommendations: Accept in Part

Submission Number: 83: 11 Submission Type: Oppose

Submitter: Bushlands Estate Limited and Adolle Farms Limited

Submission Summary: I do not support the requirement for land owners to complete farm management plans that will be part of a compliance process. At StAG the framework was designed to avoid this, but following the end of StAG the rules have diverted into this pathway. It is impossible to develop a plan committing myself to actions up to 16 years in the future.

Decision Sought: Not specified.

Staff Recommendations: Accept in Part

Section: LR P12 Policy 12

1036

Staff Recommendation

In response to the below submission points replace Policy LRP12 with the following: Avoid the establishment or continued operation of farming activities within farming/property enterprises within the Lake Rotorua groundwater catchment that have no identified or agreed Nitrogen Discharge Allocations and Managed Reduction Targets or have not provided Council with a Nutrient Management Plan

Staff Reason

(70-37, FS6-31, 43-35, 53-26, 66-65, 75-151) It is considered that Policy LR12 does not provide any additional direction than that provide for by the rules. The policy has been rewritten to provide overarching direction to determine when activities will be restricted by the plan based on the level of losses and risk to achieving the 435t/ N/ yr and what will be considered in the assessment of the resource consent application. It is considered that activities that do not provide a Nitrogen Management Plan as part of a controlled consent process should become non-complying due to the inability to determine the potential scale of effects generated on the environment without such information. The lack of information and appropriate levels of action generated without Nitrogen Management Plan's will potentially result in the targeted sustainable load not being achieved by 2032. Therefore providing such a policy is considered appropriate.

Submissions have been received in opposition to the use of a non-complying activity status for land uses that do not comply with the controlled and permitted criteria of the plan. It is considered that a non-complying activity status as directed by Policy LRP12 is suitable given the issue of water quality in Lake Rotorua being a regionally significant issue. A non-complying activity status provides a more rigorous assessment than discretionary and signals that any approved consent is an exception, this not being gained through the use of a discretionary Rule. A discretionary activity signals such activities are generally more appropriate, which is not the case for Lake Rotorua which has a set cap of 435t/ N/ yr. Approval of a number of discretionary activities may result in a unforeseen cumulative effect and reduce ability to achieved the target. It is considered that PPC10 is already flexible through the use of permitted and controlled activity statuses, the provision for trading and activities with low nitrogen losses being permitted. Therefore the use of a non-complying activity status continues to be supported by Council.

Submissions

Submission Number: 43: 35 Submission Type: Oppose

Submitter: Ravensdown Limited

Submission Summary: The policy has no purpose as it simply mirrors the rules.

Decision Sought: Policy LR P12 be deleted.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 53: 26 Submission Type: Oppose in Part
 Submitter: Lachlan McKenzie
 Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. The RPS and RWLP both set the expectation that landuses can be regulated to control increases in nutrient losses; or to require "best practicable option" or "reasonable, practicable and affordable" measures to reduce the effects of nutrient losses.
 The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI and other objectives.
 Most of the policies currently read like rules, but need amendment to express higher intent.
 Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 66: 65 Submission Type: Oppose
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figure.
 Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 70: 37 Submission Type: Oppose
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: The policy should be reworded to be more directive and state what outcomes the Council requires to be achieved. Under the current policy provisions, any farming activities which cannot show how it can meet the significant N loss will immediately be non-complying. Flexibility to provide for adaptive management should be provided through Discretionary activity status.
 Decision Sought: Either replace policy LR P12 entirely or amend as follows or similar:
 To 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 the achievement of Managed Reduction Targets and Nitrogen Discharge Allowances for the purpose of meeting sustainable lake nutrient loads by 2032.

Staff Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 6 - 31 Submission Type: Support
 Further Submitter: CNI Iwi Land Management Ltd
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation: Accept in Part

Submission Number: 75: 151 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: It is our submission that resource consents are not required to drive uptake of industry best practice to meet the 2022 pastoral managed reduction targets. The required reduction from the pastoral sector is relatively modest in this period and achievable without the controlled activity status. We oppose a default rule making farming a non-complying activity.
 Decision Sought: Delete.

Staff Recommendations: Accept in Part

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

1037

Section: LR P13 Policy 13

Staff Recommendation

No changes are proposed in response to the below submission points.

Staff Reason

(17-6, FS6-32, 32-16, 40-11, 43-36, 48-21, 49-42, 53-27, 78-12, 70-38, FS15-39, 66-66, 58-8, 75-152) Refer to Section 5.3.6 the Use of Overseer and Reference Files. Submissions received on Policy LR13 relate to the use of OVERSEER® and the request to lock in the use of OVERSEER® version 5.4. As previously mentioned PPC10 intends to use the most recent version of OVERSEER® in the calculations of any Nitrogen Discharge Allowance to ensure the use of best science available. It is recommended that no changes are made in response to these submission points.

Submissions

Submission Number:	17: 6	Submission Type:	Oppose
Submitter:	D & A Trust		
Submission Summary:	<p>PC10 proposed to use OVERSEER® for applications far beyond what it is designed for or capable of. OVERSEER® is a software tool that is capable of making complex calculation very quickly. It cannot make allowances for changed circumstances. Until the software is informed by a considerably larger dataset it can only give generalised outcomes.</p> <p>We have seen significant variation from different models of OVERSEER® and this can be expected to continue. In general OVERSEER® can have a variation from the model to an individual farm of plus or minus 30%. This is far too much for a compliance tool and therefore should not be relied upon.</p>		
Decision Sought:	Not specified.		

Staff Recommendations: Reject

Further Submission(s)

Further Submission No:	6 - 32	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	<p>For the reasons given in the original submission. CNI supports relegating the use of OVERSEER® from being the tool to determine nitrogen loss, to being a decision support tool.</p>		
Decision Sought:	Delete Policy LR P13.		

Staff Recommendation: Reject

Submission Number:	32: 16	Submission Type:	Oppose
Submitter:	Kaitao Rotohokahoka 2D Trust		
Submission Summary:	<p>The Trust opposes the use of OVERSEER® 6.2.0 and subsequent versions. OVERSEER® is a decision support tool and should be used as such.</p>		
Decision Sought:	<p>The Trust requests that the Council provides an alternative process to determine nitrogen loss to the catchment, rather than OVERSEER® as the first point of call.</p>		

Staff Recommendations: Reject

Submission Number:	40: 11	Submission Type:	Oppose
Submitter:	Maraeroa Oturoa 2B Trust		
Submission Summary:	<p>The Trust opposes the use of OVERSEER® 6.2.0 and subsequent versions to determine the nitrogen loss from the land.</p>		
Decision Sought:	<p>OVERSEER® is a decision support tool and should be used as such. The Trust requests that the Council provides an alternative process to determine nitrogen loss to the catchment, rather than OVERSEER® as the first point of call.</p>		

Staff Recommendations: Reject

Submission Number:	43: 36	Submission Type:	Oppose
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**Plan Change 10 Lake Rotorua Nutrient Management
Staff Recommendations on Provisions with Submissions
and Further Submissions**

Submitter: Ravensdown Limited

Submission Summary: The policy has no purpose and locks in a version of OVERSEER® that has already been updated and will therefore not be available for use. Ravensdown considers a definition of OVERSEER® could be included in the plan, and a mechanism for updating OVERSEER® when there are changes without having to undertake a plan change.

Decision Sought: Policy LR P13 be deleted and for the plan to include for a mechanism for updating when OVERSEER® changes without having to undertake a plan change.

Staff Recommendations: Reject

Submission Number: 48: 21 Submission Type: Oppose

Submitter: Parekarangi Trust

Submission Summary: Each version of OVERSEER® released can result in major differences to output with the same input.

Decision Sought: Allow science more time to develop robust models that are capable of high degree of predictive ability.

Staff Recommendations: Reject

Submission Number: 49: 42 Submission Type: Oppose

Submitter: CNI Iwi Land Management Ltd

Submission Summary: False accuracy. OVERSEER® is not capable of being used to accurately determine the nitrogen loss from land. Only use OVERSEER® as a guidance tool to inform and support direction and trends.

Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 53: 27 Submission Type: Oppose in Part

Submitter: Lachlan McKenzie

Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. The RPS and RWLP both set the expectation that landuses can be regulated to control increases in nutrient losses; or to require "best practicable option" or "reasonable, practicable and affordable" measures to reduce the effects of nutrient losses. The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI and other objectives. Most of the policies currently read like rules, but need amendment to express higher intent.

Decision Sought: Amend to read: To use OVERSEER® version 5.4 consistent with the catchment load estimates to determine the nitrogen loss from land. Any future version changes will need to retain consistency between catchment and farm estimates; and may necessitate a variation to the RPS.

Staff Recommendations: Reject

Submission Number: 58: 8 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.

Staff Recommendations: Reject

Submission Number: 66: 66 Submission Type: Oppose in Part

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figure.

Decision Sought: Amend to: To use OVERSEER® version 5.4 consistent with the catchment load estimates to determine

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

the nitrogen loss from land. Any future version changes will need to retain consistency between catchment and farm estimates; and may necessitate a variation to the RPS.

Staff Recommendations:	Reject
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Submission Number:	70: 38	Submission Type:	Oppose in Part
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	FANZ is concerned with locking in one specific version of OVERSEER® in the Plan Change.		
Decision Sought:	Amend LR P13: To use the most current version of OVERSEER® to determine the nitrogen loss from land.		

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	15 - 39	Submission Type:	Support
Further Submitter:	Ballance Agri-Nutrients Limited		
Submission Summary:	The latest version of OVERSEER® should be used to determine nutrient loss from the land.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Submission Number:	75: 152	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Amendments are proposed for internal consistency. Most of the policies currently read like rules, but need amendment to express higher intent, including to give better effect to RPS and RWLP objectives and policies and the overall purpose of the RMA.		
Decision Sought:	Amend as follows: LR P13 To use OVERSEER® version 5.4 consistent with the catchment load estimates to determine the nitrogen loss from land. Any future version changes will need to retain consistency between catchment and farm estimates; and may necessitate a variation to the RPS.		

Staff Recommendations:	Reject
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Submission Number:	78: 12	Submission Type:	Oppose
Submitter:	Tony and Joanna Carr		
Submission Summary:	That the OVERSEER® model is the farm decision support tool in determining nutrients for both planning and compliance.		
Decision Sought:	That the OVERSEER® model is the farm decision support tool in determining nutrients for both planning and compliance.		

Staff Recommendations:	Reject
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

1038

Section: LR P14 Policy 14

Staff Recommendation

In response to the below submission points amend the start of Policy LR14 to read: Consider the use of alternative nutrient budgeting models to determine nitrogen losses if OVERSEER® cannot be used for a specific land use. Consideration of whether alternative nitrogen budgeting models may be used will take into account:

Amend (b) to read

(a) The acceptability of information inputs, for example, a robust and verifiable process for estimating leaching rates; and

Staff Reason

(30-7, 3-4, FS6-33, 43-37) Policy LR14 is implemented by Rule LRR11 which recognises that certain land uses such as nurseries are not easily modelled by OVERSEER® at this current time. This rule provides the ability for such enterprises to continue to operate by obtaining a Nitrogen Discharge Allocation and Nitrogen Management Plan and avoiding a non-complying consent process. It is considered appropriate that this policy remain as part of the plan due to these reasons. Alterations to the policy have been recommended in response to other submission points to increase clarification on the intent of the policy.

(17-7, 78-13, 58-9) It is considered that OVERSEER® should remain as the main tool used to support this plan change for the reasons outlined in this report, and that reference to this tool remains as part of policy 3 to ensure plan users are aware of how this will be used to implementation and enforce PPC10 and its role in adaptive management practices. Refer to Use of OVERSEER® and Reference Files.

(70-39, FS6-34, FS15-40) The term 'nitrogen budget' used within Policy LR14 intends to refer to the compilation of inputs and outputs of nitrogen from a activity, and will help to determine any set allocation. Its intent is to signal that an allocation will be set to those activities not modelled by OVERSEER®, effectively having the same intent as an NDA. It is agreed that this term may be confusing and duplicates the intent of a NDA, therefore the term nitrogen budget will be replaced by Nitrogen Discharge Allocation for consistency purposes. Other amendments in response to submissions have increase clarification of Policy LR14, have clarified what alternative methods and models are deemed acceptable for Council, and have reduced any potential discretion in the implementation of the policy. Where such benefits are not achieved no alterations have been made.

(25-2, 49-43) Support Noted

Submissions

Submission Number:	3: 4	Submission Type:	Support in Part
Submitter:	Kaingaroa Timberlands Partnership		
Submission Summary:	Rule 10 reserves control to the Council to approve any alternative model and LRP14 should be clear as to how authorisation is to be achieved. The resource consent process allows for legal remedies for KT if there is any dispute concerning alternative models.		
Decision Sought:	With regard to the proviso 'any alternative to OVERSEER® for nitrogen budgeting purposes must be authorised by the regional council'. Add 'by way of resource consent process.'		

Staff Recommendations: Accept in Part

Further Submission(s)

Further Submission No:	6 - 33	Submission Type:	Support in Part
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	CNILML supports the need to clarify the authorisation process for LR P14 but not through the resource consent process. The criteria an alternative needs to meet and the authorisation process should be set out in a schedule to this Plan Change.		
Decision Sought:	Include the criteria an alternative needs to meet and the authorisation process in a schedule to this Plan Change.		

Staff Recommendation: Accept in Part

Submission Number:	17: 7	Submission Type:	Oppose
Submitter:	D & A Trust		
Submission Summary:	PC10 proposed to use OVERSEER® for applications far beyond what it is designed for or capable of. OVERSEER® is a software tool that is capable of making complex calculation very quickly. It cannot make allowances for changed circumstances. Until the software is informed by a considerably larger dataset it can only give generalised outcomes. We have seen significant variation from different models of OVERSEER® and this can be expected to continue. In general OVERSEER® can have a variation from the model to an individual farm of plus or minus 30%. This is far too much for a compliance tool and therefore should not be relied upon.		
Decision Sought:	Not specified.		

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 25: 2 Submission Type: Support

Submitter: Paul Lyons

Submission Summary: The high level of work and support in developing OVERSEER® for the purpose of determining nitrogen discharge seems solid. There may be situations where other models will prove easier to apply and/or be more accurate. It is appropriate to have policy supporting alternative methodology.

Decision Sought: Support - No changes specified.

Staff Recommendations: Accept

Submission Number: 30: 7 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.

Staff Recommendations: Accept

Submission Number: 43: 37 Submission Type: Oppose

Submitter: Ravensdown Limited

Submission Summary: The policy has no purpose. The statement that specific land uses cannot be readily modelled in OVERSEER® is misleading and subjective, and it is unsure who has the final say as to whether OVERSEER® cannot be readily used.

Decision Sought: Policy LR P14 be deleted.

Staff Recommendations: Accept in Part

Submission Number: 49: 43 Submission Type: Support in Part

Submitter: CNI Iwi Land Management Ltd

Submission Summary: Making provision for an alternative methodology is wise otherwise the whole plan is at the mercy of one model and its techniques.

Decision Sought: Retain the concept of using alternative models.

Staff Recommendations: Accept

Submission Number: 58: 9 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: Amend to read: Allow commercial operations that want to optimise the use of their land by engaging more advanced tools, where they pass a science due diligence tests the prove they are fit for purpose.

Staff Recommendations: Reject

Submission Number: 70: 39 Submission Type: Oppose in Part

Submitter: The Fertiliser Association of New Zealand

Submission Summary: FANZ considers the definition for 'nitrogen budget' in the Proposed Plan Change to be inadequate and has no clear recognisable meaning. A generic nitrogen budget could be provided in many different ways without necessarily being robust. Part of the Policy LR P14 would be better suited as a Schedule.

Decision Sought: Amend LR P14: To consider alternative models for determining nitrogen loss if OVERSEER® cannot be readily used for a specific land use. Consideration of whether alternative models may be used will take into account ...
(b) the acceptability of information inputs, for example a robust and verifiable process for estimating leaching rates; and

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

(c) the potential of suitably qualified and experienced persons
Any alternative to OVERSEER® for nutrient budgeting purposes must be authorised by the Regional Council.

Staff Recommendations: Accept in Part

Further Submission(s)

Further Submission No:	6 – 34	Submission Type: Support
Further Submitter:	CNI Iwi Land Management Ltd	
Submission Summary:	For the reasons given in the original submission.	
Decision Sought:	As above	

Staff Recommendation: Accept in Part

Further Submission No:	15 - 40	Submission Type: Support in Part
Further Submitter:	Ballance Agri-Nutrients Limited	
Submission Summary:	Ballance supports alternative methods for determining nitrogen loss if OVERSEER® cannot be readily used for a specific land use. Ballance is unsure, however, who determines when it may be necessary to trial an alternative method, and notes that the policy as notified, does not provide clarity with respect to the same. Supports the use of "nutrient budget" rather than "nitrogen budget" as it is in keeping with the intent of the Plan Change and commonly used terminology.	
Decision Sought:	As above	

Staff Recommendation: Accept in Part

Submission Number:	78: 13	Submission Type: Oppose
Submitter:	Tony and Joanna Carr	
Submission Summary:	That the OVERSEER® model is the farm decision support tool in determining nutrients for both planning and compliance.	
Decision Sought:	That the OVERSEER® model is the farm decision support tool in determining nutrients for both planning and compliance.	

Staff Recommendations: Reject

Section: LR P14(b) 1039

Staff Recommendation

Amend to read: (b) The acceptability of information inputs, for example, a robust and verifiable process for estimating leaching rates; and

Staff Reason

(53-28, 75-153) Policy 14 is implemented by Rule LRR11 which provides the ability for farm enterprises to continue to operate by obtaining a NDA and NMP and avoiding a non-complying consent process. Assessment has shown the approach taken by the plan change to be the best practicable option" or "reasonable, practicable and affordable" measure to reduce the effects of nutrient losses. No changes in response to these submissions are proposed.

(70-40, FS6-35) Amendments in response this submission point have increase clarification of Policy LR14, have clarified what alternative methods and models and processes are deemed acceptable for Council, and have reduced any potential discretion in the implementation of the policy.

(66-67) Submissions received relate to the use of OVERSEER® and the request to lock in the use of OVERSEER® version 5.4. Refer to Section 5.3.6 Use of OVERSEER® and Reference Files.

(49-44) Support Noted

Submissions

Submission Number:	49: 44	Submission Type: Support
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Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submitter: CNI Iwi Land Management Ltd
 Submission Summary: The data quality is crucial. This means it can be used in more than one model, which could be cross-checked against each other for verification of accuracy, and used for trend analysis.

Decision Sought: Retain.

Staff Recommendations: Accept

Submission Number: 53: 28 Submission Type: Oppose

Submitter: Lachlan McKenzie

Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. The RPS and RWLP both set the expectation that landuses can be regulated to control increases in nutrient losses; or to require "best practicable option" or "reasonable, practicable and affordable" measures to reduce the effects of nutrient losses.
 The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI and other objectives.

Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 66: 67 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figure.

Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 70: 40 Submission Type: Oppose in Part

Submitter: The Fertiliser Association of New Zealand

Submission Summary: 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.

Decision Sought: Amend LR P14: '(b) the acceptability of information inputs, for example a robust and verifiable process for estimating leaching rates; and'.

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 6 - 35 Submission Type: Support

Further Submitter: CNI Iwi Land Management Ltd

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

Decision Sought: As above

Staff Recommendation: Accept

Submission Number: 75: 153 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: We recommend a mechanism for recognising management practices and innovations which are not in OVERSEER® Most of the policies currently read like rules, but need amendment to express higher intent, including to give better effect to RPS and RWLP objectives and policies and the overall purpose of the RMA.

Decision Sought: Delete.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Section: LR P14(c)

1040

Staff Recommendation

Amend to read: (c) The potential of suitably qualified and experienced persons to develop the nitrogen allocation budgets.

Staff Reason

(70-41) The submission points requests the word 'availability' is removed from Policy LR14(c). It is considered that this word does not add any value to the policy. Removal of this word also ensures any model is developed by a suitable qualified and experienced person.

Submissions

Submission Number: 70: 41 Submission Type: Oppose in Part
Submitter: The Fertiliser Association of New Zealand
Submission Summary: It is supported that any alternative model for nutrient budgets must be authorised by Regional Council.
Decision Sought: Amend to (c) the potential of suitably qualified and experienced persons.

Staff Recommendations: Accept in Part

Section: LR P15 Policy 15

1041

Staff Recommendation

Delete Policy 15.

Staff Reason

(43-38, 49-45, 58-29, 70-42) It is considered the content of Policy LR15 goes beyond the general intent of a policy to provide guidance to implementation and by specifying actions to implement the objective and policy. It is considered that the information requirements within this policy are best located within the rules themselves as either conditions of consent, or assessment criteria. It is considered upon these aspects being relocated this policy will not provide any further direction than that already provided within the rule framework. It is recommended that this policy is deleted.

(75-155) There is a need to have a consent process for the management of nutrients on larger sections (10ha and 40ha plus) due to the need for council to ensure adverse effects are adequately managed. Permitted activities imply that Council is aware of all potential adverse effects and are able to manage these through permitted criteria. This is not the case for this type of activity. A consenting process is required to enable the identification of any adverse effects general from farm operations greater than 10 or 40 hectares in size, and what actions are available within particular timeframes to ensure identified targets are met.

Submissions

Submission Number: 43: 38 Submission Type: Oppose
Submitter: Ravensdown Limited
Submission Summary: The policy has no purpose and the information requirements to be supplied as part of a consent application is usually included in the administration section of a district plan.
Decision Sought: Policy LR P15 be deleted and the information requirements be listed in the administrative section of the district plan.

Staff Recommendations: Accept

Submission Number: 49: 45 Submission Type: Support
Submitter: CNI Iwi Land Management Ltd
Submission Summary: This information is vital for any form of nutrient management process.
Decision Sought: Retain.

Staff Recommendations: Reject

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 58: 29 Submission Type: Oppose

Submitter: Max Douglas

Submission Summary: Change the land area limits to only consider pastoral land. Seems like an oversight in the wording of the rules. Does anyone really want to categorise a block with 50 hectares of bush a 3 hectare house site into the 40+ pastoral category requiring resource consents, etc.

Decision Sought: Amend policy for example: The use of land for farming activities on properties/farming enterprises with 5 hectares or less in area in pasture from 1 July 2017 provided there is no intensive land use.

Staff Recommendations: Reject

Submission Number: 70: 42 Submission Type: Oppose in Part

Submitter: The Fertiliser Association of New Zealand

Submission Summary: The words 'in effective area' have been added for consistency with the other policies.

Decision Sought: Amend LR P15 as follows: '... 10 and 40 hectares in 'effective area'; and...

Staff Recommendations: Reject

Submission Number: 75: 155 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: We recommend permitted activity status for all landuses which are not increasing nutrient losses; supported by appropriate monitoring. Resource consents are not required to drive uptake of industry best practice to meet the 2022 pastoral managed reduction targets. The reduction required from the pastoral sector is relatively modest in this period and achievable without requiring the additional transaction costs associated with controlled activity status.

Decision Sought: Add (d) All permitted farming activities on properties/farming enterprises over 40 hectares in area.

Staff Recommendations: Reject

Section: LR P15(a)

1041

Staff Recommendation

No changes are proposed in response to the below submission points.

Staff Reason

(12-8, 75-154) Lots under 5ha in size are exempt from these rules unless they contain commercial activities. This reflects that lots under 5ha consist of mainly residential activity and low levels of pastoral activity resulting in low nitrogen losses. To alter the rule to apply to 5ha of effective area would reduce certainty for these sized lots and result in additional enforcement, compliance and administration costs where little benefits are achieved. The permitted criteria ensures activities within these lots do not discharge high levels of nitrogen and uphold the allocation system set for the Lake Rotorua Catchment. In cases where small lots form part of a larger commercial enterprise the land will be included within an NMP covering the farm enterprise under Rule LRR8 or LRR9 ensuring the appropriate management of nitrogen losses.

Submissions

Submission Number: 12: 8 Submission Type: Oppose

Submitter: Astrid Coker

Submission Summary: Oppose as a permitted activity the use of land less than 5ha and 5-10ha without a nutrient discharge plan (nutrient management plan). More often blocks less than 10ha do undertake commercial activities. Owners of these properties more often are least experienced in farming practices.

Decision Sought: Include information keeping, reporting conditions and nutrient discharge plan for all land used for agriculture, horticulture etc.

Staff Recommendations: Decline

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number:	75:154	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Property sizes should be based on total area, not "effective" area; consistent with guidelines for the use of Overseer as whole farm averages; and to respect existing investments in planting or setting aside areas for reducing nutrient losses and improving biodiversity and other outcomes.		
Decision Sought:	Delete word 'effective'.		

Staff Recommendations: Reject

Section: LR P15(b) 1041

Staff Recommendation

No changes are proposed in response to the below submission point.

Staff Reason

(56-3) It is considered the content of Policy LR15 goes beyond the general intent of a policy to provide guidance to implementation and by specifying actions to implement the objective and policy. It is considered that the information requirements within this policy are best located within the rules themselves as either conditions of consent, or assessment criteria. It is considered upon these aspects being relocated this policy will not provide any further direction than that already provided within the rule framework. For these reasons this policy has been recommended to be deleted, therefore the changes requested by the submitter are not able to be implemented.

Submissions

Submission Number:	56: 3	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	Need to clarify the intent of the policy and ensure alignment with the rules.		
Decision Sought:	Add text to the end of (b) "in effective area"..		

Staff Recommendations: Decline

Section: P16 Policy 16 1042

Staff Recommendation

Amend Policy LR16 to read:

Grant controlled activity consents for a duration of twenty years and non-complying activity consents, where granted, for durations less than 20 years. The duration of consent will reflect the nature, scale and robustness of any on-farm mitigation options proposed and any associated risk of not achieving the property/ farming enterprise's 2032 Nitrogen Discharge Allocation.

Staff Reason

(32-10, 32-12, 40-6, 40-9, 43-39, 48-23, 70-43, 49-46, 43-39) Policy LRP16 sets a maximum timeframe of 20 years for resource consents which aligns with the intent to review applications shortly after the 2032 timeframe has been reached to determine if the targeted reduction has been met. There is a need to set a point in time that provides for consents to be reviewed to ensure that these align with any new policy direction, and any adverse effects from activities on the environment are mitigated. A 20 year time frame, rather than a 35 year time frame, being the maximum under the Act, provides for this to occur and is a standard approach used by the Council for consents relating to the use and discharge to water. It is recommended that no changes are made in response to this submission point.

(75-156) The submission removed the consent timeframes for non-complying applications and relies on the use of a benchmark rather than a nitrogen discharge allocation. Non complying activities under Plan Change 10 result from the enterprise not providing an approved NDA or NMP consistent with the methodologies within Schedules 1 and 6. The potential adverse effects of such activities on the ability to achieve the sustainable limit by 2032 as set by the RPS supports the approach of having reduced consent timeframes.

The suggested approach of relying of a benchmark undermines the direction set by Plan Change 10 in that this does not require the reduction of nitrogen to achieve the sustainable load. Therefore this approach is not supported by council staff.

(43-39) It is considered that a non-complying activity status as directed by Policy LRP12 is suitable given the issue of water quality in Lake Rotorua being a regionally significant issue. A non-complying activity status provides a more rigorous assessment than discretionary and signals that any approved consent is an exception, this not being gained through the use of a discretionary Rule. A discretionary activity signals such activities are generally more appropriate, which is not the case for Lake Rotorua which has a set cap of 435t/ N/ yr. Approval of a number of discretionary activities may result in a unforeseen cumulative effect and reduce ability to achieved the target. It is considered that PPC10 is already flexible through the use of permitted and controlled activity statuses, the provision for trading and activities with low nitrogen losses being permitted. Therefore the use of a non-complying activity status continues to be supported by Council.

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 48: 23 Submission Type: Oppose
 Submitter: Parekarangi Trust
 Submission Summary: Allow farmers more time to evolve their business without being shut down by the Council.
 Decision Sought: Extend Controlled activity consent for 40 years.

Staff Recommendations: Reject

Submission Number: 49: 46 Submission Type: Oppose
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: Long term consents are only acceptable if they are required to mirror the direction of the remainder of the activities in the catchment in improving their effectiveness of managing their pollution.
 Decision Sought: Require review clauses be included, that require consent performance track the trend of water quality maintenance or improvement for the lake.

Staff Recommendations: Accept in Part

Submission Number: 53: 29 Submission Type: Oppose in Part
 Submitter: Lachlan McKenzie
 Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. The RPS and RWLP both set the expectation that landuses can be regulated to control increases in nutrient losses; or to require “best practicable option” or “reasonable, practicable and affordable” measures to reduce the effects of nutrient losses.
 Most of the policies currently read like rules, but need amendment to express higher intent.
 Decision Sought: Amend to read: To grant controlled activity consents for a duration of not less than twenty years. The duration of longer consents will reflect the nature, scale and robustness of any on-farm mitigation options proposed to achieve the property/farming enterprise’s 2032 Managed Reduction Target.

Staff Recommendations: Reject

Submission Number: 66: 68 Submission Type: Oppose in Part
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Give better effect to RPS and RWLP objectives and policies and for internal consistency. OVERSEER® 6.2 values should be deleted, and substituted with version 5.4 values to be consistent with the RPS quoted figure.
 Decision Sought: Amend to: To grant controlled activity consents for a duration of not less than twenty years. The duration of longer consents will reflect the nature, scale and robustness of any on-farm mitigation options proposed to achieve the property/farming enterprise’s 2032 Managed Reduction Target.

Staff Recommendations: Reject

Submission Number: 70: 43 Submission Type: Oppose in Part
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: For non-complying activity “less than 20 years” does not provide any clear direction.
 Decision Sought: Amend LR P16 to specify time frames on Non-Complying activity consents.

Staff Recommendations: Accept in Part

Submission Number: 70: 44 Submission Type: Oppose in Part
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: Retain the duration of 20 years for controlled consents.
 Decision Sought: Retain provision for at least 20 years consent for controlled activity.

Staff Recommendations: Accept in Part

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

Submission Number: 73: 6 Submission Type: Support
 Submitter: P F Olsen Ltd
 Submission Summary: It is accepted that a transitional period is justified. We believe 20 years is sufficient.
 Decision Sought: It is accepted that a transitional period is justified. We believe 20 years is sufficient.

Staff Recommendations: Accept

Submission Number: 73: 7 Submission Type: Support
 Submitter: P F Olsen Ltd
 Submission Summary: It is accepted that a transitional period is justified. We believe 20 years is sufficient.
 Decision Sought: It is accepted that a transitional period is justified. We believe 20 years is sufficient.

Staff Recommendations: Accept

Submission Number: 75: 156 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: It is also our strong submission that regulation cannot be used to require nutrient losses beyond the requirements of RPS Policy WL 6B, i.e., reducing losses as far as is reasonably practicable by implementing on-farm best management practices. The RPS and RWLP both provide extensive policy direction on non-regulatory methods for meeting TLI and other objectives, and PC10 policies should be amended to include stronger use of non-regulatory methods.
 Decision Sought: Amend to LR P16 To grant controlled activity consents for a duration of twenty years The duration of consents will reflect the nature, scale and robustness of any mitigation options proposed to offset any proposed increase in nutrient losses from the property/farming enterprise's benchmark.

Staff Recommendations: Reject

Section: P17 Policy 17

1043

Staff Recommendation

Replace Policy LRP17 with the following:

Ensure the 2032 sustainable load of 435tN/yr is met through only providing approval to non-complying farm/property enterprises where assessment has shown adverse effects to be minor and reflect the:

- i. need for all property/farming enterprises to contribute nitrogen reductions to achieve the annual sustainable load of 435tN.
- ii. risk imposed on achieving the farming/property nitrogen loss exceptions or set reduction targets set for other organisations/operations

Staff Reason

(43-40, FS15-21, 48-24, 49-47, 53-30, 66-69, 70-45, 75-157) Upon the expiry of a consent application the applicant has the ability to re-apply for consent whether this is controlled or non-complying. As a non-complying consent the Act only provides for such activities to be declined if the effects are not minor, or if the activity is deemed contrary to the objectives and policies. Either way an assessment of the application is required to determine the scale of effects rather than have the approach that such applications be automatically declined. There may be instances where non-compliance with a managed reduction target is minor and able to be mitigated through additional actions. It is considered that this policy is able to be rewritten to align with the requirements of the Act and in turn provide direction to what aspects will be considered in the assessment of any non-complying application.

Submissions

Submission Number: 43: 40 Submission Type: Oppose
 Submitter: Ravensdown Limited
 Submission Summary: The policy pre-empts a proper assessment of a resource consent and an assessment of the environmental effects as provided for in the Resource Management Act.
 Decision Sought: Policy LR P17 to be deleted.

Staff Recommendations: Reject

Further Submission(s)

Plan Change 10 Lake Rotorua Nutrient Management Staff Recommendations on Provisions with Submissions and Further Submissions

To decline the re-consenting of activities that have failed to achieve the required reductions in nitrogen loss and are likely to contribute to the Lake Rotorua Water Quality objectives (RPS Objective 28, RWLP Objective 11) not being met.

Staff Recommendations:	Accept in Part
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Submission Number: 75: 157

Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: Regulation cannot be used to require nutrient losses beyond the requirements of RPS Policy WL 6B, i.e., reducing losses as far as is reasonably practicable by implementing on-farm best management practices.

Decision Sought: Delete.

Staff Recommendations:	Reject
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Section: Methods**Staff Recommendation**

No changes in response to the below submission points are proposed.

Staff Reason

(75-159, FS6-37) Submitter 75 has requested a new method which aligns with method 41 already located the Regional Land and Water Plan. Repeating methods that already exist within the same plan will not result in any additional benefits. It is recommended that no changes are made in response to this submission point.

(75-173) It is considered that the use of best/ good management practice will help to ensure a sustainable farming sector in the long term. Other submission points received have also highlighted the need for the regional plan to support the use of these practices as part of Nitrogen Management Plans. Supporting the use of best/ good management practices aligns with the decisions made on the RPS whilst acknowledging that other actions may also be required to ensure that the NDA for each farm enterprise is achieved. It is not considered that the provision for best/ good management practices to able be included within nitrogen management plans and reference to this is best located within Schedule LR6.

(66-83, 75-174, 53-91) Refer to Section 5.3.1 The Regional Policy Statement and Operative Regional Plan

(53-44, 66-82, FS6-36, 75-172) Refer to Section 5.3.4 the Use of Sub-Catchment Plans

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.		

Staff Recommendations:	Reject
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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.'		

Staff Recommendations:	Reject
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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.		

Staff Recommendations:	Reject
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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		

Staff Recommendation:	Reject
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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.

Staff Recommendations:	Reject
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Submission Number: 75: 159 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Add new methods consistent with the approach for including relevant RPS and RWLP objectives and policies.
 It is of concern that these methods have apparently been disregarded in the development of PC10, and there is next to no explicit assessment of resources invested or progress made in the s32 report.
 Decision Sought: That Council amend the plan to assess the efficiency and effectiveness of current methods in accordance with the RWLP Plan Review process.
 That the methods 28, 31, 34, 35, 37, 40 from the Operative Regional Policy Statement be added
 That the methods 25, 26, 28, 30, 41, 43, 45, 47, 48, 51, 52, 62, 65, 71, 72 & explanation from the Operative Regional Water and Land Plan be added.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 6 - 37 Submission Type: Support
 Further Submitter: CNI Iwi Land Management Ltd
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 75: 172 Submission Type: Support in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Add new method to give effect to recommended alternate framework, consistent with RWLP Method 41.
 Decision Sought: Add new method (LR Method 41) as outlined within the hardcopy of the submission.

Staff Recommendations:	Reject
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Submission Number: 75: 173 Submission Type: Support in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Add new method to provide flexibility for emerging best practice.
 Decision Sought: Add method making provision for a process to recognise management practices and innovations which are not currently recognised in OVERSEER®.

Staff Recommendations:	Reject
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Submission Number: 75: 174 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Method 10 Cross boundary issues - We request reasons as to why this method is not open for submission?
 Decision Sought: Amend 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.

Staff Recommendations: Reject

Section: LR M1 Method One

1045

Staff Recommendation

No changes in response to the below submission points are proposed. Note: changes have been made to respond to other submission points received.

Staff Reason

(53-32, 66-70, 75-160) Method 1 ensures that information on Plan Change 10 is known and readily available to the community. The completion of a Land Information Memorandums (LIM) is one process that enables this to occur. It is acknowledged that the Regional Council has no control over the content of a LIM with this responsibility sitting with the territorial authority. However Regional Council notes that section 44A(2) of the Local Government Official Information and Meetings Act 1987 requires the District Council to include the following information in a LIM:

(f) information relating to the use to which that land may be put and conditions attached to that use:

(g) information which, in terms of any other Act, has been notified to the territorial authority by any statutory organisation having the power to classify land or buildings for any purpose:

Section 44A (3) requires that in addition to the information provided for under subsection (2), a territorial authority may provide in the memorandum such other information concerning the land as the authority considers, at its discretion, to be relevant. As PPC10 manages the use of rural land within the Lake Rotorua Catchment it is considered that information should be included within any LIM to ensure future and current land owners are aware of its implications. Therefore it is considered that Method 1 is not ultravires as suggested by submissions, that the intent is clear and that this method should remain part of the Plan Change.

(12-9, 49-48, 70-46) Support Noted

Submissions

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.

Staff Recommendations: Accept

Submission Number: 49: 48 Submission Type: Support

Submitter: CNI Iwi Land Management Ltd

Submission Summary: Support.

Decision Sought: Retain.

Staff Recommendations: Accept

Submission Number: 53: 32 Submission Type: Support in Part

Submitter: Lachlan McKenzie

Submission Summary: The intent not clear.

Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 66: 70 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Oppose.

Decision Sought: Delete.

Staff 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.		
Staff 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.		
Staff Recommendations:	Reject		

Section: LR M2 Method Two	1046
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Staff Recommendation

In response to the below listed points revise Method 2 to read as follows:
 LR M2 Regional Council will review and publish the science that determined the limits set in the RPS and the Regional Water and Land Plan for Lake Rotorua on a five yearly basis commencing from 2017. These reviews will include:

Staff Reason

(14-15, FS6-38) Submitter 14 has requested a number of research priorities to be included within Method 2. Method 2 already intends to cover each of the priorities listed whilst not in such detail as requested by the submitter. No changes are considered to be required in response to this submission point.

(16-3, 16-5, 20-2, 24-2, 26-20, 41-3, FS7-29, FS8-32, 45-13, 53-1, 53-33, 53-89, 64-1, 66-1, FS12-33, 67-3, 70-6, 80-10, 81-4, 83-5, 78-1) Method 2 (a) intends to provide for the review of loads in relation to both nitrogen and phosphorus. This science review will to commence from 2017 this aligning with the timeframe stated within the Memorandum of Understanding recently signed between Regional Council, the Lakes Primary Producers Collective and the Lake Water Quality Society. A minor amendment to Method 2(c) has been completed to clarify this timeframe. Any shifts in science will be acknowledged as part of this review. Based on the results a change to the RPS and/ or regional plan may be identified as being required. Whilst it is acknowledged that a science review will commence in 2017 it is considered that this does not provide enough justification to delay taking action to reduce losses to Lake Rotorua from current activities. It is recommended that no changes are made in response to these submission points.

(75-161, 17-5, FS7-5, FS8-5) Plan Change 10 is based on the best science available. Due to this a science review completed in 2016 as requested by submitters will not result in any change to the science available relating to Lake Rotorua, or the impact of nitrogen on lake water quality. Commencing the review in 2017 aligns with discussions previously had with the community during the development of the plan change and provides for adaptive management. No changes to Method 2 are proposed.

(25-3, 26-20, 62-1, FS12-19, 64-1, FS6-40, FS8-33, FS12-20, FS12-48, 82-16, 53-33) The science reviews will cover at least the areas listed under Method 2(a) to (e). It is acknowledged that the use of the word 'may' can be perceived to reduce this intent and result in uncertainty with the community. It is recommended that this is replaced with the word 'will'. LRM2 (a) to (e) outline what areas will be included in the science review. No further clarification is considered to be required.

(53-1, FS7-23, FS8-24, FS12-22, 66-1, 37-3, FS7-22, FS8-23, FS12-21) The science reviews are intended to be carried out in accordance with Method 2 and will be managed by the Regional Council. Establishing a board to oversee this review is not required, with this task able to be adequately completed by the Council internally. Any results will be made publicly available on Councils website. The MOU recently established provides for the views of the signatories of the MoU to be considered in the development of any 'Terms of Reference' or scope of the science reviews. It is considered that this level of input is sufficient to ensure that the science reviews adequately cover the requirements outlined under Method 2, and concerns of the community. The signatories to the MoU are considered to have sufficient representation of the community to ensure any terms of reference reflect concerns raised within the Lake Rotorua catchment. It is recommended that no changes are made in response to these submission points.

(66-71) It is considered that publication of data could result in the data being used and/ or analysed in a manner that is inappropriate and cause misguided and inaccurate conclusions to be made. In addition the publication of data could result in breaches on confidentiality or contracts where the Regional Council does not own the data. Any research will be peer reviewed by an independent expert helping to ensure that any conclusions reached in the review are sound. The release of any data that informs the report should be optional and decided on a case by case basis. It is recommended that no changes are made in response to this submission point.

(58-31, FS6-39) Plan Change 10 has been informed by a wide range of science and land management practices. This information has already helped determine the stocking rate table and sustainable and viable farming levels for drystock and dairy farms. Information on soil type and characteristics within the Lake Rotorua Catchment has also helped to identify leaching rates and have informed the NDA provided for each farm/ property enterprise. The proposed science reviews will ensure that this research is kept up to date. It is recommended that no changes are made in response to this submission point.

(48-26, FS7-32, FS8-37, 66-71) Submissions have requested LRM2(c) makes reference to achieving the TLI rather than the requirement placed on the Regional Land and Water Plan by the RPS to achieve the sustainable lake load of 435t/ N/ yr. The TLI is made up of a number of different attributes

including phosphorus. Therefore referencing the TLI broadens the scope of PPC10 to be wider than that intended. It is recommended that no changes are made in response to these submission points.

(14-2, 48-26, FS7-32, FS8-37, 49-49, FS14-20, 70-47, 82-18, 24-2) Support Noted
 (19-8) Refer to Section 5.3.5 Lake Rotorua Nitrogen Loads, Science and Section 5.3.4 Use of Sub-Catchment plans

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.		

Staff Recommendations:	Reject
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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.		

Staff Recommendation:	Reject
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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.		

Staff Recommendations:	Accept
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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.

Staff 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.

Staff 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.

Staff 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

Staff 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

Staff 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 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.		
Staff Recommendations:	Reject		
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.		
Staff 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.		
Staff 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:"		
Staff Recommendations:	Accept		

Submission Number: 26: 20 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.

Staff Recommendations:	Accept
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Submission Number: 37: 3 Submission Type: Support in Part
Submitter: Ngati Whakaue Tribal Lands Incorporation
Submission Summary: Support for LR M2 conditional on the establishment of a catchment landowner/stakeholder group to oversee the science review process and to have input into the development and implementation of recommendations.
Decision Sought: Support for LR M2 conditional on the establishment of a catchment landowner/stakeholder group to oversee the science review process and to have input into the development and implementation of recommendations.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 7 - 22 Submission Type: Support
Further Submitter: Alistair and Sarah Coatsworth
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation:	Reject
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Further Submission No: 8 - 23 Submission Type: Support
Further Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation:	Reject
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Further Submission No: 12 - 21 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation:	Reject
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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.

Staff 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

Staff 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

Staff 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.

Staff 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.

Staff 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

Staff Recommendation: Accept in Part

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

Staff Recommendation: Accept in Part

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

Staff 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

Staff 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.

Staff 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

Staff 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

Staff Recommendation: Reject

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

Staff Recommendation: Reject

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'.

Staff Recommendations: Accept

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.

Staff Recommendations: Reject

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

Staff Recommendations: Accept in Part

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

Staff Recommendation: Accept in Part

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").

Staff Recommendations: Accept

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

Staff Recommendation: Accept

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: - 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.

Staff Recommendations: Accept

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

Staff Recommendation: Accept

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

Staff 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

Staff 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

Staff 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.

Staff 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

Staff Recommendation:	Reject
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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'.....'		
Staff 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.		
Staff 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.		
Staff 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.		
Staff 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....'		
Staff Recommendations:	Accept		
Submission Number:	78: 1	Submission Type:	Oppose
Submitter:	Tony and Joanna Carr		
Submission Summary:	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. 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.		

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.

Staff 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.

Staff 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.

Staff 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.

Staff 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.

Staff 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.

Staff Recommendations: Accept in Part

Staff Recommendation

No Changes to LRM2(a) are proposed in response to the below submission points.

Staff Reason

(53-34, 66-72, 75-162) Submissions have requested the health of indigenous flora and fauna and the impact of introduced fauna and flora on the lake to be included as part of the review. These topics are outside of the scope of Plan Change 10 and cover additional indicators that will be included as part of the future plan change for the Rotorua water management area. A number of these aspects would already be covered with research completed under Method 2(a) with this relating to a number of lake water quality attributes. The term 'including' does not restrict the attributes reviewed to those listed. No further changes to the content of Method 2 are proposed in response to these submission points.

(49-50, FS14-21) Support Noted

Submissions

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

Staff Recommendations:	Accept
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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		

Staff Recommendation:	Accept
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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.'		

Staff Recommendations:	Reject
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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.'		

Staff Recommendations:	Reject
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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.

Staff Recommendations: Reject

Section: LR M2(b)

1048

Staff Recommendation

No changes to Methods LRM2(b) are proposed in response to the below submission points.

Staff Reason

(53-35, 66-73, 75-163) Submissions have requested Method 2(c) makes reference to achieving the TLI rather than the requirement placed on the Regional Land and Water Plan by the RPS to achieve the sustainable lake load of 435 tonnes. The TLI is made up of a number of different attributes including phosphorus. Therefore referencing the TLI broadens the scope of Plan Change 10 to be wider than that intended. It is recommended that no changes are made in response to these submission points.

(82-4) Plan Change 10 has been based on the best science available. Reviews completed under Method 2 will enable any new science to be included. It is considered that this science supports the lake loads identified within Plan Change 10. Until new robust science is made available no changes to the loads or allocation methodology are proposed.

(49-51, FS14-22) Support Noted

Submissions

Submission Number: 49: 51 Submission Type: Support

Submitter: CNI Iwi Land Management Ltd

Submission Summary: Support.

Decision Sought: Retain.

Staff 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:

Staff 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.

Staff 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.

Staff 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.

Staff Recommendations: Reject

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.

Staff Recommendations: Reject

Section: LR M2(c)

1049

Staff Recommendation

Include a new section to LMR(c) as follows (iv) Scenario runs of the Lake model, ROTAN or OVERSEER® for sensitivity analysis.

Staff Reason

(23-4) LRM2(a) intends to provide for the review of loads in relation to both nitrogen and phosphorus. This science review will commence from 2017 this aligning with the timeframe stated within the Memorandum of Understanding recently signed between Regional Council, the Lake Rotorua Primary Producers Collective and the Lake Water Quality Society. A minor amendment to Method 2(c) has been completed to clarify this timeframe. Any shifts in science will be acknowledged as part of this review. Based on the results a change to the RPS and/ or regional plan may be identified as being required. Whilst it is acknowledged that a science review will commence in 2017 it is considered that this does not provide enough justification to delay taking action to reduce losses to Lake Rotorua from current activities. It is recommended that no changes are made in response to these submission points.

(17-10, 66-74, 27-6, FS 7-16, FS8-13, 24-3, 48-25) The need to reduce nitrogen losses to Lake Rotorua has been signaled to the Rotorua community since the early 1990's. The TLI of 4.2 was included within the regional plan notified in 2001, based on community direction that the acceptable lake water quality was that experienced in the 1960's. The sustainable load was then identified within the Lake Rotorua and Rotoiti Action Plan (2007) with the timeframe to achieve the load being set as 2017. The recently notified RPS acknowledged the water quality of Lake Rotorua as being of regional significance and set the requirement to achieve and maintain the sustainable load through the managed reduction of nutrient losses from rural production activities by 2032, this extending the timeframe required under the Action Plan. As part of the RPS review the potential economic impacts from reducing nitrogen losses to Lake Rotorua was noted, resulting in changes to RPS Policies WL 5B and 6B. The RPS and Oturoa Agreement resulted in the development of StAG and the Integrated Framework which split the reduction across the public and private sectors with the intent to reduce economic effects. A regulatory approach that involves the issuing of a Nitrogen Discharge Allowance, Managed Reduction Targets and Nitrogen Management Plan has since been developed as part of StAG which provides certainty to Council that the targets set within the RPS and Oturoa Agreement are able to be met. This framework is supported by significant levels of research and community engagement. It is considered that the approach taken with PPC10 upholds the intent of the RPS and Oturoa Agreement. Point (c) of Method 2 provides for the review of the catchment load. The methods used to completed this review should be based on the level of information and science available at that time, this may result in some aspects listed under (c)(i) to (c)(iii) being required and others not. It is considered to be an inefficient use of resources to undertake reruns of models or a review of alum dosing, if it is known that no new information will be achieved or if it is known that alternative actions will provide a more robust assessment and conclusion. It is considered that the term 'may' should remain as part of Method 2(c).

(17-10, 20-4, 27-6, FS7-16, FS8-13) PPC10 has been based on the best science available. Reviews completed under Method 2 of PPC10 will enable any new science to be included. It is considered that this science supports the lake loads identified within PPC10. Until new science is made available no changes to the loads or allocation methodology are proposed.

(49-52, FS14-23) The research completed under LRM2(c) will require modelling of scenarios to help inform the conclusion. Referring to this in Method 2 (c) aligns with this and will provide clarification to plan users.

(24-11, FS7-7, FS8-9) Refer to Section 5.3.4 The Use of Sub-Catchment Plans

(23-3) Refer to Section 5.3.5 Lake Rotorua Nitrogen Loads, Science

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.		
Staff 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.		
Staff 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.		
Staff 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.		
Staff Recommendations:	Reject		
Submission Number:	24: 3	Submission Type:	Oppose
Submitter:	JT & SA Butterworth		
Submission Summary:	The lake has a TLI of 4.2 and has down for the past 3 years. It has consistently stayed at that because the farming community are more informed of the responsibilities of 'Best Farm Practice' principles. All sectors of the community should be expected to implement reasonable, practicable and affordable measures. The RPS is clear that is the lake requires further nutrient reductions then this carries public benefit and should be funded accordingly.		
Decision Sought:	All sectors of the community should be expected to implement reasonable, practicable and affordable measures.		
Staff Recommendations:	Accept in Part		
Submission Number:	24: 11	Submission Type:	Oppose
Submitter:	JT & SA Butterworth		
Submission Summary:	We believe that the setting of the target for the sustainable nitrogen load to Lake Rotorua was done without the community having any understanding of the economic and social impacts.		
Decision Sought:	That council parks PPC10 and works with the catchment farmers in prioritising sub-catchment		

delivering significant nutrient loads to the lake; assist sub-catchment communities in developing sub-catchment action plans to prioritise critical source areas significant at sub-catchment scale and cost effective interventions for reducing high nutrient base flow and flood flow loads to the lake; and that these interventions would appropriately be considered by the incentives fund.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 7: 7 Submission Type: Support
 Further Submitter: Alistair and Sarah Coatsworth
 Submission Summary: The general community did not and still does not have an understanding of the economic and social impacts of this proposal.
 Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 8 - 9 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: The general community did not and still does not have an understanding of the economic and social impacts of this proposal.
 Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 27: 6 Submission Type: Oppose
 Submitter: Gro2 Ltd
 Submission Summary: We have been told that the target to achieve a TLI of 4.2 is a sustainable load of 435t of N. The TLI has already been achieved with a load of 658 ton of N. The tolerance for nitrogen has been set low.
 Decision Sought: What is needed is independent, peer reviewed science.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 7 - 16 Submission Type: Support
 Further Submitter: Alistair and Sarah Coatsworth
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation: Reject

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

Staff Recommendation: Reject

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.

Staff Recommendations: Accept in Part

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.

Staff 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

Staff 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:'

Staff Recommendations:	Reject
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Section: LR M2(c)(ii)	1050
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Staff Recommendation

No changes are made in response to the below submission points.

Staff Reason

(53-36, FS6-41, 66-75, 75-164) Submissions have requested the monitoring of phosphorus loss rates and the review of losses by sub-catchment. The approach to manage losses by sub-catchment has previously been investigated and reviewed by Council with this option dismissed due to insufficient science, not aligning with RPS Policy WL5B and reducing the ability for trading across the catchment. Refer to the Use of Sub-catchment Plans for further information. Refer to the use of sub-catchment plans and the management of phosphorus for further information.

ROTAN is currently only modelled to monitor nitrogen losses, therefore the request to include monitoring phosphorus through the use of ROTAN as part of Method 2(c)(ii) is not supported. It is considered that the monitoring of phosphorus levels within Lake Rotorua (both natural anthropogenic) is already provided for under Method 2(a) and (c)(i) and (iii).

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.
 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.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 6 – 41 Submission Type: Support

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.

Staff Recommendations: Reject

Section: LR M2(d)

1052

Staff Recommendation

No changes are made in response to the below submission points.

Staff Reason

(37-2) The Regional Council have initiated a Low Nitrogen Land Use Fund that enables new research to be completed to identify alternative farming practices or activities that will help achieve and maintain the lake water quality. This is separate to Plan Change 10, but will be an important element in helping achieve the intent of enhancing and maintaining lake water quality through reduced Nitrogen losses. No changes to reflect the separate project are required.

(49-53, FS14-24) Support Noted

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.

Staff Recommendations: Accept in Part

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

Staff 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

Staff Recommendation: Accept

Section: LR M2(e)

1053

Staff Recommendation

Revise LRM2(e) as follows: (e) Recommendations to Council to consider whether any action is appropriate

Staff Reason

(53-38, 75-166, 66-77) Revisions suggested by submissions provide clarification on what the recommendations based on the science reviews are expected to cover. It is considered that this aligns with the intent of Method 2 and has been completed by Council staff.

(49-54,FS14-25) Support Noted

Submissions

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

Staff Recommendations: Accept

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

Staff Recommendation: Accept

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.'

Staff Recommendations: Accept in Part

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'.

Staff Recommendations: Accept in Part

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.'

Staff Recommendations: Accept in Part

Section: LR M3 Method Three

1054

Staff Recommendation

Add new section of Methods LRM2(f) as follows: (f) Any science review and recommendations completed under Method 2 will be peer reviewed by a suitable qualified independent expert.

Amend Methods LRM3 as follows: LR M3 Regional Council will respond to the recommendations that result from Method LR M2 science reviews through a formal and public decision making process. This may include initiation of a plan change and review of resource consent conditions to ensure consents are aligned to the required water quality targets.

Rewrite LRM2(c) to read: 'Regional Council will review and publish the science that determined the limits set in the RPS and the Regional Water and Land Plan for Lake Rotorua on a five yearly basis commencing from 2017. These reviews will include:'

Staff Reason

(49-55, FS14-26) The intent of Method 3 is to ensure that adaptive management is applied to the regional plan, RPS and resource consents, and both approved and future consent applications. Conditions of consent will provide for the review of the nitrogen management plan every 5 years, alternatively these can be reviewed at the request of the applicant. Upon these nitrogen management plans being reviewed there is the ability to review the Managed Reduction Targets or Nitrogen Discharge Allowance to reflect new science, lake targets or new versions of OVERSEER®. As the nitrogen management plans form part of the resource consent it is considered that the revisions suggested within the submissions is appropriate and provide clarification as to what changes may be completed in response to the outcomes of the research. However it is considered that this amendment is more aligned with the intent of Method 2. For this reason this is recommended to be included as Method 2(f).

(26-38) The science reviews will cover at least the areas listed under Method 2(a) to (e). It is acknowledged that the use of the word 'may' can be perceived to reduce this intent and result in uncertainty with the community. It is recommended that this is replaced with the word 'will'.

(53-39, 70-48, 75-167) Support Noted

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.

Staff Recommendations:	Accept
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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'.

Staff Recommendations:	Accept in Part
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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

Staff Recommendation:	Accept in Part
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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.

Staff Recommendations:	Accept
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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.

Staff Recommendations:	Accept
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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.

Staff Recommendations: Accept

Section: LR M4 Method Four	1055
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Staff Recommendation

Rewrite LRM2(c) to read: 'Regional Council will review and publish the science that determined the limits set in the RPS and the Regional Water and Land Plan for Lake Rotorua on a five yearly basis commencing from 2017. These reviews will include:'

Amend LRM4 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 to inform future plan changes and a review of permitted activity thresholds if required.

Staff Reason

(12-10) Whilst the historical discharge of sewage into the lake has contributed to lake water quality, significant land conversion from forest to pastoral land has also resulted in an increase in contaminants being discharged to the Lake, with these continuing today. Action is required to ensure all farming activities are undertaken in a sustainable manner including those activities deemed permitted by the plan. Rate increases are determined through the Long Term Plan process, and sit outside of this plan change. The regular updates on scientific information is provided for under Method 2 and the Low Nitrogen Land Use fund recently established by the Regional Council allows for research to be carried out into alternative practices and activities that may provide a economic return and reduce losses to Lake Rotorua. It is considered that the relief sought by the submitter is already provided for by the plan change, or underway through other processes. No changes to Method 4 in response to these submission points are required.

(26-39) The science reviews under LRM2 will cover at least the areas listed under (a) to (e). It is acknowledged that the use of the word 'may' can be perceived to reduce this intent and result in uncertainty with the community. It is recommended that this is replaced with the word 'will'. LRM2 (a) to (e) outlines what areas will be included in the science review.

(49-56, FS14-27, 70-49) Monitoring permitted activities is one aspect required by section 35 of the Act. This provides Council with information on how the intent of the plan is being achieved or not. It is considered that the amendments suggested will provide clarification on what method 4 is intending to achieve. It is recommended that submissions received on this are accepted in part this acknowledging that the recommended changes differ slightly from those suggested due to response made to other submission points received.

(53-40, FS6-42, 66-78, 75-168) Submissions have requested the word nitrogen is replaced with nutrients. This broadens the intent of PPC10 to relate to phosphorus. Refer to Section 5.3.3 The Management of Phosphorus for further information.

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 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.		

Staff 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.		

Staff 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.

Staff 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

Staff 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.

Staff 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

Staff Recommendation: Accept

Submission Number: 66: 78 Submission Type: Support in Part

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Improve clarity and completeness.

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

Staff 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.

Staff 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.

Staff Recommendations: Accept in Part

Section: LR M5 Method Five

1056

Staff Recommendation

Add new section to Method 5 as follows: (f) Work collaboratively with community and industry experts to facilitate local community efforts to improve the water quality of Lake Rotorua.

Staff Reason

(12-11) Whilst the historical discharge of sewage into the lake has contributed to lake water quality, significant land conversion from forest to pastoral land has also resulted in contaminants being discharged to the Lake, with these continuing today. Action is required to ensure all farming activities are undertaken in a sustainable manner including those activities deemed permitted by the plan. Rate increases are determined through the long term plan process, and sit outside of this plan change. The regular updates on scientific information is provided for under method 2 and the Low Nitrogen Land Use Fund recently established by the Regional Council allows for research to be carried out into alternative practices and activities that may provide a economic return and reduce losses to Lake Rotorua. It is considered that the relief sought by the submitter is already provided for by the plan change, or underway. No changes to Method 5 in response to this submission point is required.

(70-52, FS15-43, 62-6, FS7-30, FS8-34) It is acknowledged that actions from the community contribute to the quality of the environment and help to foster community spirit and ownership of the problem at hand. Council currently provides support to such groups through funding or supporting development of riparian or biodiversity management plans. It is considered that acknowledgement of this non regulatory approach is suitable to be included within Method 5. However reference to sub-catchment groups and the TLI is not considered appropriate with this deviating from the intent of PPC10.

(25-4, 49-57, FS14-28) Support Noted

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.		

Staff 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.		

Staff Recommendations: Accept

Submission Number:	49: 57	Submission Type:	Support
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Support.		
Decision Sought:	Retain.		

Staff Recommendations: Accept

Further Submission(s)

Further Submission No:	14 - 28	Submission Type:	Support
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Further Submitter: Hancock Forest Management (NZ) Ltd
Submission Summary: Support. Decision
Sought: As above

Staff Recommendation: Accept

Submission Number: 62: 6 Submission Type: Oppose
Submitter: Sharon Morrell
Submission Summary: Collaborative action to achieve outcomes strengthens community and lifts confidence in the processes and in the willingness of others to get involved in achieving the outcomes.
Decision Sought: Add a point: (f) Support sub-catchment land-care type groups (or similar) that include all land owners and those that either affect or are affected by lake health to facilitate local cross-sector/community collaborative efforts to improve the TLI of Lake Rotorua.

Staff Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 7 - 30 Submission Type: Support in Part
Further Submitter: Alistair and Sarah Coatsworth
Submission Summary: Agree with the support of sub-catchment land-care groups to facilitate local cross-sector / community collaborative efforts to improve the Lake but wish to do this outside of a Rules framework.
Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 8 - 34 Submission Type: Support in Part
Further Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Agree with the support of sub catchment land-care groups to facilitate local cross-sector / community collaborative efforts to improve the Lake but wish to explore sub catchment solutions outside of a Rules framework at this early stage of their development and they can work alongside rules if rules are found to be necessary.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 70: 52 Submission Type: Oppose in Part
Submitter: The Fertiliser Association of New Zealand
Submission Summary: It is recommended to include a reference to working with the farming community.
Decision Sought: Insert new: (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.
Or similar.

Staff Recommendations: Accept in Part

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		

Staff Recommendation:	Accept in Part
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Section: LR M5(a)

1057

Staff Recommendation

Amend Method 5(a) to read: 'develop and maintain a Rule Implementation Plan to ensure accurate and consistent interpretation and implementation by Council and the public.'

Staff Reason

(43-42, 56-4, FS12-52, FS8-45) Implementation of the plan will be completed through the assessment of resource consent applications and the enforcement of the rule framework. The rules implementation plan intends to provide further clarification on areas of the plan change where there may be confusion to ensure consistent implementation, for example how NDA's are to be allocated over paper roads owned by Council or how the airport designation may impact any future land use change on the eastern side of the catchment. This helps to avoid complex policies and rules, and streamline the plan. The rules implementation plan will be made available to public and is a living document, however it is considered that its development is able to be completed internally and informed by feedback received from the community. Involvement of the community in this process does not need to be set out within a regulatory document. Additional text has been included to further clarify the role of the Rule Implementation Plan.

(49-58, FS14-29) Support Noted

(75-169, 53-41,66-79) Refer to Section 5.3.4 The Use of Sub-Catchment Plans

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.).		

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

Staff Recommendations:	Accept
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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		

Staff Recommendation:	Accept
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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.'

Staff Recommendations:	Reject
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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.'

Staff Recommendations:	Accept
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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

Staff Recommendation:	Reject
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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

Staff Recommendation:	Reject
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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.'

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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Section: LR M5(b)	1058
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Staff Recommendation

No changes to Method 5(b) are proposed.

Staff Reason

(49-59, FS14-30) Support Noted

(53-42, 66-80, 75-170) Refer to Section 5.3.4 The Use of Sub-Catchment Plans

Submissions

Submission Number: 49: 59 Submission Type: Support
Submitter: CNI Iwi Land Management Ltd
Submission Summary: Support.
Decision Sought: Retain.

Staff Recommendations: Accept

Further Submission(s)

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

Staff Recommendation: Accept

Submission Number: 53: 42 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: '(b) report on the achievement of the sub-catchment Action Plans on a five-yearly basis through plan effectiveness reporting.'

Staff Recommendations: Reject

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

Staff Recommendations: Reject

Submission Number: 75: 170 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: (b) report on the achievement of the sub-catchment Action Plans on a five-yearly basis through plan effectiveness reporting;

Staff Recommendations: Reject

Section: LR M5(c)

1207

Staff Recommendation

It is recommended that no changes are made in response to the below submission points.

Staff Reason

(66-81) Method 2 already provides for the monitoring of phosphorus levels within Lake Rotorua. It is considered that this is sufficient to ensure the in lake ratios are monitored and action taken accordingly when and if required. the revised text proposed by submitter broaden the scope of the plan change to relate to phosphorus reduction, this not being the intent of PPC10. For further information in the reasons why Plan Change 10 does not require phosphorus reduction please refer to the management of phosphorus.

(75-171) Plan Change 10 does not refer to the 4.2 TLI, and upholds the RPS policy to achieve a sustainable load of 435t/ N. Whilst this nitrogen limit will uphold the 4.2 TLI it only relates to the nitrogen portion, not phosphorus. Actions to reduce phosphorus will be completed through other initiatives. The relief sought by the submitter does not align with the approach of Plan Change 10.

(43-43, 49-60, FS8-56, FS12-17, FS14-31) The intent of the NDA registrar is to track catchment wide progress toward the sustainable limit of 435t/ N. The registrar will be focused on the NDA's (outputs) approved across the catchment farm operations, rather than farm operations or raw data, whilst it is acknowledged that the use of OVERSEER® in determining an NDA may result in small changes with different version, this tool continues to be the most advanced and suitable tool for Plan Change 10. This approach ensures that any commercially sensitive information related to farm systems is not released to the public. The actual form of the registrar is yet to be determined by Council.

(53-43) Refer to Section 5.3.4 the Use of Sub-Catchment Plans

(70-18, 15-3, FS17-2, 66-3) Refer to Section 5.3.3 The Management of Phosphorus by Plan Change 10

Submissions

Submission Number:	43: 43	Submission Type:	Support in Part
Submitter:	Ravensdown Limited		
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.		
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; Consider developing a Benchmark Register with similar protocols.		

Staff Recommendations:	Reject
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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...'		

Staff Recommendations:	Reject
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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		

Staff Recommendation:	Reject
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Further Submission No:	12 – 17	Submission Type:	Support in Part
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Further Submitter:	Federated Farmers of New Zealand
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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

Staff Recommendation:	Reject
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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

Staff Recommendation:	Reject
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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.'

Staff Recommendations:	Reject
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Submission Number: 66: 81 Submission Type: Support in Part
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Improve clarity and completeness.
Decision Sought: Amend to: (c) monitor catchment-wide progress towards meeting the RPS Policy WL 3B(c) catchment nitrogen load; and the "nominal" phosphorous load.

Staff Recommendations:	Reject
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Submission Number: 75: 171 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 (c) monitor catchment-wide progress towards meeting the RWLP TLI objective.

Staff Recommendations:	Reject
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Section: LR M5(d)	1208
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Staff Recommendation

Amend Method 5(d) to read:

(d) provide land advisory services and incentives to support land use management practices and/or land use change that reduces nitrogen and phosphorus loss in the catchment; and

Staff Reason

(43-44, 70-51, FS15-42) Method 5(d) does not intend to endorse land use change, rather it intends to reflect Councils acknowledgment of potential economic impact that the rules may change on farm enterprises and provide support in these instances where the land owner decides to undertake land use change. To further clarify this approach amendments have been made to Method 5(d).

(49-61, FS14-32) Support Noted

Submissions

Submission Number: 43: 44 Submission Type: Support in Part
Submitter: Ravensdown Limited
Submission Summary: In relation to (d), land use change is not necessarily required to reduce nitrogen and phosphorus losses

in the catchment, and Ravensdown considers that council services and incentives should be focused on supporting and directing farming. properties to implement good management practices.

Decision Sought: In (d), delete 'change and land use change' and add 'practices'.

Staff Recommendations: Accept in Part

Submission Number: 49: 61 Submission Type: Support

Submitter: CNI Iwi Land Management Ltd

Submission Summary: Support.

Decision Sought: Retain.

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 14 - 32 Submission Type: Support

Further Submitter: Hancock Forest Management (NZ) Ltd

Submission Summary: Support.

Decision Sought: As above

Staff Recommendation: Accept

Submission Number: 70: 51 Submission Type: Oppose in Part

Submitter: The Fertiliser Association of New Zealand

Submission Summary: Land use change is not necessarily required to reduce Nitrogen and Phosphorus loss in the catchment. It can be achieved by changes in land management. Support is given to encouraging industry agreed good management practices.

Decision Sought: Amend LR M5 as follows:
... (d) provide land advisory services and incentives to support land use and land use management that reduces nitrogen and phosphorus loss in the catchment; and...

Staff Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 15 - 42 Submission Type: Support

Further Submitter: Ballance Agri-Nutrients Limited

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

Decision Sought: As above

Staff Recommendation: Accept in Part

Section: LR M5(e)

1209

Staff Recommendation

No changes are proposed in response to the below submission points.

Staff Reason

(43-45, FS15-6) Recommendations have been made in response to other submission points to include reference to good/ best management practices within Nitrogen Management Plans to uphold the direction of the RPS. The plan change does not relate or control land practices on properties 5ha or under due to the low levels of losses these properties generate. In addition properties under 10 ha do not require an NMP which would normally contain good management practices. It is considered that properties of these sizes are still able to implement good/ best management practices and contribute to the overall wellbeing and health of our waterways and soil. Therefore it is considered that method 5(e) should remain to enable Council to implement non-regulatory actions to educate and support properties not managed by this plan change. It is recommended that no changes are made in response to this submission point.

(49-62, FS14-33) Support Noted

Submissions

Submission Number: 43: 45 Submission Type: Support in Part
Submitter: Ravensdown Limited
Submission Summary: In relation to (e), while Ravensdown supports the intent, it considers this matter should be a policy. Ravensdown has requested Policy LR P2 be amended to include good management practices and therefore (e) can be deleted.
Decision Sought: Delete (c) on the basis it would be included in Policy LRP2.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 15 - 6 Submission Type: Support
Further Submitter: Ballance Agri-Nutrients Limited
Submission Summary: Good management practices combine the practical experience of land users with scientific development, provide recommendations that can be adapted to suit local conditions, allow for changes to be made to the way some nutrient management activities are carried out, and provide the means for continuous (and innovative) improvement in nutrient management on a property.
Good management practices to nutrient management are widely utilised and inclusion of GMP in PC10 is consistent with the approach being adopted in a number of areas around New Zealand.
Decision Sought: As above

Staff Recommendation: Accept in Part

Submission Number: 49: 62 Submission Type: Support
Submitter: CNI Iwi Land Management Ltd
Submission Summary: Support.
Decision Sought: Retain.

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 14 – 33 Submission Type: Support
Further Submitter: Hancock Forest Management (NZ) Ltd
Submission Summary: Support.
Decision Sought: As above

Staff Recommendation: Accept

Section: Rules

Staff Recommendation

Delete the definition of Property/ Farming enterprise from the Preamble.

Revise Preamble 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

Staff Reason

(43-46, FS15-1, 70-53, FS15-44) Plan Change 10 relies on the use of OVERSEER® to calculate the losses to land from an activity. This enables land uses to be managed to ensure these do not exceed the nitrogen discharge allowance for the property. Submissions have been received in opposition to the control of inputs rather than losses/ outputs. The effective management of losses is not able to be achieved without understanding how these were generated. This approach provides certainty to plan users and increase usability and enforceability to the plan. It is noted that the sentence identifies that the rules apply to the management of land use activities on property/ farming enterprises which is effectively implying that losses generated from such activities are managed. This being the intent of the use of the word 'onto'. For this reason it is considered that the use of the word 'onto' is not required, with the intent already covered in the preamble.

(43-47, 75-176) Repeating the definition of property/ farming enterprise is intended to assist with the implementation of the rules. It is noted that this has created confusion on the status of this definition and disrupts the flow of the plan change. This definition is already located within the definition section, to avoid repetition it is recommended that the definition of property/ farming enterprise is deleted from the rules preamble.

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."		

Staff 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		

Staff Recommendation: Accept in Part

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.

Staff 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'.

Staff 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

Staff 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.

Staff Recommendations: Accept

Section: Advice Note 4 1060

Staff Recommendation

Amend Advice Note 4 to read: 'Provisions in the operative Regional Water and Land Plan that manage land, water, discharges and land use activities still apply to activities managed under Part II LR and Part III LR. Where there is an overlap between other regional plan provisions the more restrictive activity status or more stringent conditions to permitted rules apply.'

Staff Reason

(43-48, 70-54, FS15-45)The purpose of this advice note is to provide connection with the Regional Water and Land Plan. Complying with the provisions of Plan Change 10 does not reduce the need to comply with other Regional Land and Water Plan provisions. Where there is an overlap between existing provisions and Plan Change 10 the tougher activity status or more stringent conditions to permitted rules apply. If multiple consents are required and this can be managed through a joint consent approach. Amendments have been proposed to Advice Note 4 to further clarify this intent.

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

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.

Staff 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.

Staff 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

Staff Recommendation: Accept in Part

Section: Advice Note 5

1061

Staff Recommendation

Delete Advice Note 5.

Staff Reason

(43-49, 70-55) Advice Note 5 intends to provide direction on what parties are responsible for compliance with any Nitrogen Discharge Allowance or approved Nitrogen Management Plan. It is noted that this will be determined on a case by case basis through any resource consent assessment and/ or enforcement actions by Council in discussion with the land owner or lease holder. As this is more of an implementation matter and will become redundant upon the plan change becoming operative it is considered that this advice note is able to be deleted.

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.

Staff 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.

Staff Recommendations: Accept

Section: Rule Summary flowchart
Staff Recommendation

Delete Rule Summary Flowchart.

Staff Reason

(43-50, 56-5, 70-56) The rule summary flowchart intends to help achieve accurate implementation of the plan. It is acknowledged that due to a number of rules being condensed to fit within a flow chart that this has resulted in inconsistencies between the chart and the rules. In addition a number of rules have not been included preventing a complete rule summary from being provided. It is recommended that the rule flowchart is deleted and included within the Rule Implementation Plan upon its development.

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.		

Staff Recommendations:	Accept
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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.		

Staff Recommendations:	Reject
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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.		

Staff Recommendations:	Reject
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Section: Land use rules

Staff Recommendation

Amend introductory 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

Staff Reason

(13-5) Submitter 13 has raised concerns with the financial impact of the Rules and their implementation. The cost of the first nitrogen management plan is intended to be covered by Council funds. Any resource consent application is only required once, and will have a maximum lifespan of 20 years. No consent review will be required for upon nitrogen management plans being amended this helping to reduce costs. The use of OVERSEER® and supply of information from the application/ consent holder is intended to align with record keeping completed for farming activities and is an attempt to reduce cost and resources. The allocation system consisting of sector averages, ranges and the use of historical information has shown to have the least economic impact. It is recommended that no changes are made in response to this submission point.

(14-3) The rule framework provides a range of permitted and controlled activity statuses to provide for farming activity. It is considered that this is a lenient approach that provides certainty to land owners that consent will be approved. Actions such as nurseries can have high levels of nitrogen losses due to application rates, methods of treatment and plant species. Making exemptions for such activities will reduce the effectiveness of actions undertaken by other farm enterprises and sectors within the catchment. To ensure that the targeted reduction of 140t/N is met and maintained into the future, there needs to be an effort from all parties within the catchment to be sustainable and efficient in the use and losses of nitrogen. It is recommended that no changes are made in response to this submission point.

(15-5, FS17-4) The ongoing monitoring of groundwater wells as suggested by the submitter results in a substantial cost to Council. The information provided by ROTAN is considered robust enough to identify any changes in nitrogen losses from the catchment. It is recommended that no changes are made in response to this submission point.

(15-6, FS17-5) Plan Change 10 involves the identification of a start point (benchmark) and the required reduction from that start point to determine the farm enterprise's Nitrogen Discharge Allowance (NDA), Managed Reduction Targets (MRT) are then calculated with these to be achieved by 2022, 2027, 2032. Upon the NDA or MRT being achieved the enterprise (being dairy or drystock) is not able to exceed these targets unless additional nitrogen has been brought under Rule LRR10. It is recommended that no changes are made in response to this submission point.

(16-2) Plan Change 10 intends to cover all rural production activities within the Lake Rotorua Catchment including those not previously covered by Rule 11. However, lots less than 5ha in size are exempt from these rules unless they contain commercial activities. This reflects that these consist of mainly residential activity and low levels of pastoral activity resulting in low nitrogen losses. To alter the rule to apply to 5ha of effective area would reduce certainty for these sized lots and result in additional enforcement, compliance and administration costs where little benefits are achieved. The permitted criteria ensures activities within these lots do not discharge high levels of nitrogen and uphold the allocation system set for the Lake Rotorua Catchment. In cases where small lots form part of a larger commercial enterprise the land will be included within an NMP covering the farm enterprise under Rule LRR8 or LRR9 ensuring the appropriate management of nitrogen losses. Therefore no changes are proposed to this 5 hectare threshold.

(17-9, FS7-6, FS8-6, 44-7) The catchment load to the lake is based on the calculated level of losses from activity located within the Lake Rotorua groundwater catchment. These losses include those from farm enterprises not impacted by Rule 11. In order to meet the required reduction of 140t/ N action is required from all farm enterprises where nitrogen losses to groundwater are generated. As the losses from these enterprises have not been managed by a regulatory plan prior to PPC10 it is acknowledged that additional time to adjust is required this being provided by Rules LRR6 and LRR8. Removing enterprises less than 40 hectares in size from the plan change as suggested by submitters would increase the level of reduction required by enterprises 40ha and above in order to achieve the 140t/ N reduction, this increasing the economic and social impact on these farms. This approach does not uphold RPS Policy WL5B in regard to the level of action required being fair and equitable.

(17-12) The availability of Council resources to monitor and enforce the plan change is outside of the scope of this process. The current level of staff in addition to the funding available to secure additional support from Land Use Advisors is sufficient to ensure implementation and enforcement of the plan change out to 2032. It is recommended that no changes are made in response to this submission point.

(28-2, 27-9, FS7-19, FS8-20, 27-11, FS7-20, FS8-21) Enforcing industry best/ good practice was considered during the policy development process along with non-regulatory options. Investigations into the ability of best/ good management practice to achieve the reductions required found that this will not achieve the level of reduction required in catchments that are significantly over-allocated, such as Lake Rotorua. Council promotes the use of best practices and the investigation of alternative methods of nutrient management, however it is unlikely that the use of good/ best management practices would achieve the required reduction of 140t/ N, this reducing the ability to achieve the sustainable load of 435t/ N/ yr by 2032.

(38-1) The RPS requires the reduction of nitrogen to achieve the sustainable load for Lake Rotorua, with 70% of this being achieved by 2022. The Regional Land and Water Plan is the regulatory mechanism to enforce the RPS and is required to set rules to enable this outcome to be achieved. The use of alternative fertilisers is able to be identified within nitrogen management plans as a proposed method to achieving the required reduction. It is not the Regional Councils role to promote the use of one fertiliser over another and be involved in market competition.

(70-59) Concerns have been raised on the need for a non-complying resource consent if there any non-compliance with the permitted criteria of Rule LRR2. The intent of Rule LRR2 is to ensure nitrogen loss from forestry blocks as recorded between 2001-2004 do not increase. To achieve this Rule 2 requires forestry to remain in forestry, this enforced through any planting be required to be completed within 2 years. Discussions held with the forestry sector during the development of the plan change identified that 2 years for replanting is sufficient. This timeframe also avoids the establishment and increased nitrogen loss from gorse which would undermine the effects made to reduce nitrogen losses from gorse within the catchment by 30t. Therefore maintaining the 2 year planting requirement upholds the intent of the wider Te Arawa Lakes Programme and the integrated framework. It is considered that a non-complying activity status as directed by Policy 12 is suitable given the issue of water quality in Lake Rotorua being a regionally significant issue. A non-complying activity status provides a more rigorous assessment than Discretionary and signals that any approved consent is an exception, this not being gained through the use of a Discretionary Rule. A Discretionary activity signals such activities are generally more appropriate, which is not the case for Lake Rotorua which has a set cap of 435t/ N/ yr. Approval of a number of Discretionary activities may result in a unforeseen cumulative effect and reduce ability to achieved the target. It is considered that PPC10 is already flexible through the use of permitted and controlled activity statuses, the provision for trading and activities with low nitrogen losses being

permitted. Therefore the use of a non-complying activity status continues to be supported by Council.

(19-1, 78-10,66-5, 48-18) There is a need to have a consent process for the management of nutrients on larger sections (10ha and 40ha plus) due to the need for council to ensure adverse effects are adequately managed. Permitted activities imply that Council is aware of all potential adverse effects and are able to manage these through permitted criteria. This is not the case for this type of activity. A consenting process is required to enable the identification of any adverse effects general from farm operations greater than 10 or 40 hectares in size, and what actions are available within particular timeframes to ensure identified targets (MRT's) are met.

(70-2) Plan Change 10 relies on the use of OVERSEER® to calculate the losses to land from an activity. This enables the land practices onsite to be managed to ensure these do not exceed the nitrogen discharge allowance. Submissions have been received in opposition to the control of inputs rather than losses/ outputs. The effective management of losses is not able to be achieved without understanding how these were generated. This approach provides certainty to plan users and increase usability and enforceability to the plan. The sentence already refers to the management of land use activities, this in turn managing inputs,. The revision of the last sentence to read 'managing nitrogen loss from land' will enforce that PPC10 has a focus on reducing nitrogen losses.

(83-4) The intent of Plan Change 10 is to ensure our current actions do not impact the environment in the future. This upholds the purpose of the Resource Management Act 1991. In particular PPC10 directly upholds 5(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations and 5(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems of the Act. Therefore whilst many consider that the approach penalises based on the actions of previous generations, it is in fact an approach that is looks forward and manages impacts of the current generation to ensure that our future generations enjoy the benefits and values associated with Lake Rotorua.

(14-10, 30-2) Support Noted

(53-53, 75-175) Refer to Section 5.3.4 The Use of Sub-Catchment Plans

(32-15) Refer to Section 5.3.1 Regional Policy Statement and Operative Regional Plan

(53-45, 53-46, 53-47, 53-48, 53-49, 53-50, 53-51, 53-52, 53-53, 53-54, 53-55, 53-56, 66-84, 66-85, 66-86, 66-87, 66-88, 66-89, 66-90, 66-91, 75-177, 75-175, 75-178, 75-179, 75-180, 75-181, 75-182, 75-183, 75-184, 75-185, 75-186, 75-187, 75-188) Refer to Section 5.3.11 Proposed New Rule Framework

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		

Staff Recommendations:	Reject
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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.		

Staff Recommendations:	Reject
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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		

Staff Recommendation:	Reject
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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.		

Staff Recommendations:	Reject
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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

Staff Recommendation:	Reject
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Submission Number: 15: 6 Submission Type: Oppose
 Submitter: Murray and Robyn Pearce
 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.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 17 - 5 Submission Type: Support
 Further Submitter: Murray and Robyn Pearce
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 16: 2 Submission Type: Support in Part
 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.

Staff Recommendations:	Accept in Part
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Submission Number: 17: 9 Submission Type: Oppose in Part
 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.

Staff Recommendations:	Reject
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Further Submission(s)

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

Submission Type:

Oppose

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

Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 8 - 6 Submission Type: Oppose

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

Staff Recommendation: Reject

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.

Staff Recommendations: Comment Noted

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.

Staff 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.

Staff 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

Staff 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

Staff 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.

Staff Recommendations: Accept in Part

Submission Number: 14:10 Submission Type: Support

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.

Staff Recommendations: Comment Noted

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.

Staff 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

Staff 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

Staff 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.

Staff 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.		
Staff Recommendations:	Accept		
Submission Number:	32: 15	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.		
Staff Recommendations:	Reject		
Submission Number:	38: 1	Submission Type:	Oppose
Submitter:	Donald Rosslove		
Submission Summary:	I am offended to need a resource consent to farm my own land.		
Decision Sought:	My recommendation is to limit/ban the use of artificial nitrogen fertilizers which kill soil bacteria which can otherwise utilise natural nitrogen/urine patches. Research and some commitment into bio-farming would reflect a positive commitment to the healthy future of (Lake) Rotorua and need not be at the expense of farm profitability.		
Staff Recommendations:	Reject		
Submission Number:	44: 7	Submission Type:	Oppose
Submitter:	Andrea Hammond		
Submission Summary:	Small block owners are being unfairly targeted in this process – the economic and social burden is increased significantly on those with blocks of less than 40 hectares.		
Decision Sought:	The threshold should be lifted to 40 hectares.		
Staff Recommendations:	Reject		
Submission Number:	48: 18	Submission Type:	Oppose
Submitter:	Parekarangi Trust		
Submission Summary:	This is a blunt approach that will cost every farm \$10-20k per annum to administer. 1st July 2017 is too tight a timeframe.		
Decision Sought:	Remove requirement for resource consent for all properties.		
Staff Recommendations:	Reject		
Submission Number:	53: 45	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 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.'

Staff Recommendations:	Reject
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Submission Number: 53: 46 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 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.'

Staff Recommendations:	Reject
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Submission Number: 53: 47 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 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
 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.'

Staff Recommendations:	Reject
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Submission Number: 53: 48 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 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.'

Staff Recommendations:	Reject
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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.'

Staff 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.'

Staff 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.
- 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.'

Staff Recommendations: Reject

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.'

Staff Recommendations: Reject

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.

Staff Recommendations: Reject

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.

Staff 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.

Staff 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.

Staff 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.

Staff Recommendations: Reject

Submission Number: 66: 5 Submission Type: Oppose
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Prescriptive regulations will reduce innovation and drive behavior not conducive to sound environmental practices. There are too many big questions around the Lake biology, nutrients & the current proposed program to require anyone to be locked into a conditional consent.
Decision Sought: That farming in the catchment should be maintained as a permitted activity. Land owners operate at or below their bench mark figure and work to reduce nutrient loss from their property.

Staff Recommendations: Reject

Submission Number: 66: 84 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 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.

Staff Recommendations: Reject

Submission Number: 66: 85 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 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 LR 2 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

Staff Recommendations: Reject

Submission Number: 66: 86 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 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

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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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

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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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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.

Staff 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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Comment Noted
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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.

Staff Recommendations:	Reject
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Submission Number: 75: 175 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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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

Staff Recommendations:	Reject
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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

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.

Staff Recommendations:	Reject
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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 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		

Staff Recommendations:	Reject
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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.		

Staff Recommendations:	Reject
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Submission Number:	75: 182	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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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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.

Staff Recommendations: Reject

Submission Number: 78: 10 Submission Type: Oppose

Submitter: Tony and Joanna Carr

Submission Summary: Land owners operate at or below their bench mark figure and plan to manage a staged nutrient loss reduction for their property.

Decision Sought: That all expectations of reductions post 2022 are part of further policy and science reviews. That farming in the catchment should be maintained as a permitted activity.

Staff Recommendations: Reject

Submission Number: 83: 4 Submission Type: Oppose

Submitter: Bushlands Estate Limited and Adolle Farms Limited

Submission Summary: The rules are unreasonable and inequitable when it is borne in mind that the nutrients from our farm do not reach the lake for approximately 80 years. It is clear that there are other solutions involving combinations of N and P that will achieve the same goal but in a much shorter time frame.

Decision Sought: Not specified.

Staff Recommendations: Reject

Section: LRR1 Up to 30/06/2017 farm activity in the catchment 1064

Staff Recommendation

No changes to Rule LRR1(a) are proposed in response to the below submissions.

Staff Reason

(12-12) The submitter has raised concerns with the disallowance for high nitrogen inputs by the plan change in the future. LRR1 applies until 2017, from here on compliance with the stocking rate table will be required for enterprises between 5ha and 10ha under LRR4. For enterprises over 10 ha in size an NDA and NMP will be required at different timeframes. This process does not restrict the ability to apply higher levels of fertiliser as long as the level of losses from the site complies with the NDA and MRT allocated to the farm enterprise. Nitrogen losses from farm enterprises is shown to impact groundwater and lake water quality causing the need for such losses to be managed. It is recommended that no changes are made in response to this submission point.

(21-5, 26-27) PPC10 does not intend to control horticultural uses where these are associated with household gardens (i.e. vegetable garden, fruit trees, herbs etc.). In response to other submission points definitions of household garden, and commercial horticulture have been included to clarify what scale of horticulture and the subsequent nitrogen losses are intended to be managed by the plan. LRR1 effectively freezes all farming activity and the level of losses from time of notification until July 2017. If an enterprise consisted of commercial horticultural activity at time of notification the activity is able to continue to operate under LRR1 as long as the scale of the activity or the level of losses do not increase prior to July 2017. Therefore LRR1 does not place any additional compliance cost on landowners as suggested by the submission. It is recommended that no changes are made in response to this submission point.

(49-63) LRR1 intends to ensure all farming activity continues as approved under Rule 11 benchmarks. Data collected through the Rule 11 benchmarks process has provided a baseline for properties over 40 hectares. Any increase to this benchmark already requires resource consent under the regional plan. For sections under 40ha and with no benchmark a start point will be allocated to the enterprise following the methodology outlined in Schedule LR1. Consent requirements have also been delayed to acknowledge those farms not previously managed by Rule 11. As with the majority of permitted activities within a regional or district plan non-compliance is identified through complaints from the community and general monitoring completed by Council. It is recommended that no changes are made in response to this submission point.

(64-13) Support noted

Submissions

Submission Number: 12: 12 Submission Type: Oppose
Submitter: Astrid Coker

Submission Summary: Oppose the disallowance of higher nitrogen inputs in the future. Where science is unable to provide a solution of the farmer is unable to remove stock from the property, the tactical use of nitrogen input may be required in order to mitigate the effect of pasture pests/diseases and climatic conditions.

Decision Sought: Allow tactical use of nitrogen input when required.

Staff Recommendations: Accept in Part

Submission Number: 21: 5 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.

Decision Sought: Rewrite. 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.

Staff Recommendations: Reject

Submission Number: 26: 27 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.

Staff Recommendations: Reject

Submission Number: 49: 63 Submission Type: Oppose

Submitter: CNI Iwi Land Management Ltd

Submission Summary: Unenforceable. There appears to be no data collection process associated with this rule that would enable council to undertake compliance with:

1. Effective area
2. Nitrogen inputs
3. Stocking rates.

Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 64: 13 Submission Type: Support

Submitter: DairyNZ and Fonterra Co-operative Group Limited

Submission Summary: All farming activities remaining PA with a 'hold the line' condition until 30 June 2017 is practical.

Decision Sought: No changes requested.

Staff Recommendations: Accept

Section: LR R1(a)**Staff Recommendation**

No changes to Rule LRR1(a) are proposed in response to the below submissions.

Staff Reason

(43-51, 70-57) Rule 11 relies on compliance with a benchmark - effectively a number. Compliance and enforcement with this number was hard to prove resulting in uncertainty for the land owner and the council. This was due to the inability to determine if the losses have increased through a change in land use activity on a particular site. PPC10 has overcome this by identifying the level of loss associated from particular activities based on inputs. For this reason and to increase usability and certainty the plan has been written in a manner that manages input, with the intent of influencing losses. Restricting inputs to ensure losses are reduced helps to provide certainty to plan users and increase usability and enforceability to the plan. Up to 2017 activities that do not comply with Rule 1 are able to be considered under either Rules LRR7 or LRR8 the latter being a controlled activity. Non compliance with LRR8 will result in a non complying consent being required. It is considered that activities that do not provide a NMP as part of a controlled consent process should become non-complying due to the inability to determine the potential scale of effects generated on the environment without an appropriate consent process. The lack of information and appropriate levels of action generated without NMP's will potentially result in the targeted sustainable load not being achieved by 2032.

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. 		

Staff Recommendations:	Reject
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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).		

Staff Recommendations:	Reject
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Section: LRR2 From 1/07/2017 plantation forestry or bush/scrub**Staff Recommendation**

No changes are proposed in response to the below submission points.

Staff Reason

(37-5, FS6-44, 49-64, FS14-34) Submissions have raised concerns with forestry being capped at 2.5kg/ N/ ha, preventing any alternative land use from occurring onsite, or being locked into forestry. The allocation system set up for PPC10 is based on the land uses present between 2001-04 and the related losses generated from that activity, for forestry this was recorded as 2.5kg/ N/ ha. This land use activity and the losses generated helped inform the 755t/ N catchment load from which reduction of 320tN has been calculated and then allocated across sectors. To reflect and uphold this allocation system LRR2 only requires forestry to remain in forestry, beyond this forestry is not controlled by Plan Change 10. Fertiliser application over plantation forestry is not restricted by the plan change due to limited information available showing a correlation between increased fertiliser use for plantation forestry and losses to water. Recent unpublished research has shown a high uptake of nitrogen and phosphorus from established pine plantations reducing the level of nutrients entering the soil column and groundwater systems. Providing for forestry conversion will alter the level of nitrogen losses from the dairy/ drystock sector, where research has shown there to be such a correlation between pastoral and nitrogen losses. LRR2 enables forestry to continue as a permitted activity out to 2032 and beyond subject to complying with permitted conditions. If the land operator/ owner wishes to undertake forestry conversion this could be completed by purchasing nitrogen under LRR10 to enable the increase in losses to reflect that of pastoral

farming. It is considered that the consenting process provided under PPC10 is lenient with resource consents being controlled activities, this reducing cost for the land owner/ operator. No changes are proposed in response to the concerns raised by submitter 37.

(26-29) The submitter supports the rule subject to allowing for reduced compliance costs for land owners and providing for their social, economic and cultural wellbeing. Rule LRR2 provides for the continued operation of forestry and does not require any additional compliance/ reporting requirements by the land owner than what may currently exist under the Regional Land and Water Plan. Impacts on the social, cultural and economic wellbeing of forestry owner/ operators will be less than minor and reflect the current situation under Rule 11. It is recommended that no changes are made in response to this submission point.

(64-15, FS6-45) The Regional Land and Water Plan manages forestry activities including harvesting under the operative rules 3 and 3A. These intend to ensure adequate sediment controls are in place during harvesting, afforestation and replanting. In addition the proposed NES for Plantation Forestry (NES-PF) will require appropriate sediment controls to be put in place, and that earthworks are undertaken in appropriate locations (suitable slopes etc.). Therefore including permitted criteria requiring best management practices to be implemented under Rule LRR2 of PPC10 as requested by submission 64 would repeat existing provisions of the Regional Plan and proposed NPS-PF. In addition the term 'best management practice' term is considered vague and open to interpretation, causing this to be unsuitable for a Rule.

(66-129) Identification of the 320t/ N reduction was gained through modelling completed by ROTAN that identified the current catchment load of 755t/ N and compared this to the sustainable load of 435t/ N. It is noted that the RPS refers to 746t/ N as the catchment load, however this is based on previous results generated by ROTAN. ROTAN Annual continues to uphold the catchment load of 755t/ N with modelling showing the 'most likely steady-state lake load to be 755 t y⁻¹, with 95% confidence limits of 660-860 t y⁻¹'. Therefore PPC10 continues to align with the most recent up to date science available at the time of PPC10 being developed. The submitter also refers to 281t/ N as being the required level of reduction to achieve the 435t/ N/ yr. This figure is based on inaccurate calculations based on a superseded catchment load. It is recommended that no changes are made in response to this submission point.

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.		

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	6 - 43	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Submission Number:	26: 29	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.		

Staff Recommendations:	Reject
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Submission Number:	37: 5	Submission Type:	Oppose
Submitter:	Ngati Whakaue Tribal Lands Incorporation		
Submission Summary:	Object to the restriction of forestry to 2.5kgN/ha/yr. The science is inconclusive on the N requirements for commercial forestry (including tree crops e.g. manuka).		
Decision Sought:	Recommend that commercial forestry be a range from 2.5 to 12.5kgN/ha/yr until leaching levels on soil types and rainfall bands within the catchment is confirmed through N leaching trials. Recommend that the transfer of N from other land use blocks within the property be permitted.		

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 44 Submission Type: Support
Further Submitter: CNI Iwi Land Management Ltd
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 49: 64 Submission Type: Oppose
Submitter: CNI Iwi Land Management Ltd
Submission Summary: This rule combined with the only other rule that appears to apply to land covered in production forestry (LRR12) means that land presently covered in production forestry is locked into production forestry with no possibility of changing to any other land use. This is independent of what the underlying land is capable of. This rule renders this versatile land incapable of reasonable use, and places an unfair and unreasonable burden on CNI, the persons having an interest in the land (s85).
Decision Sought: Revise to permit forestry to change to other land uses.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 14 - 34 Submission Type: Support
Further Submitter: Hancock Forest Management (NZ) Ltd
Submission Summary: Supports the approach of making plantation forestry a permitted activity, reflecting that forestry as a land use has not contributed to the nutrient issues in the lake. However Hancock Forest Management is concerned that the rules effectively lock in forestry, thereby removing property rights from forestry as a land use because of its lesser contribution to the problem. This is inequitable and inconsistent with the purpose and principles of the RMA.
Decision Sought: As above

Staff Recommendation: Reject

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.

Staff Recommendations: Reject

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

Staff Recommendation: Accept

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.

Staff Recommendations: Reject

Section: LR R2(a)

1067

Staff Recommendation

No changes are proposed.

Staff Reason

(3-6, FS6-43, 3-7, FS6-46) The intent of Rule LRR2 is to ensure nitrogen loss from forestry blocks as recorded between 2001-2004 do not increase. To achieve this Rule 2 requires forestry to remain in forestry, this enforced through any planting be required to be completed within 2 years. Discussions held with the forestry sector during the development of the plan change identified that 2 years for replanting is sufficient. This timeframe also avoids the establishment and increased nitrogen loss from gorse which would undermine the effects made to reduce nitrogen losses from gorse within the catchment by 30t. Therefore maintaining the 2 year planting requirement upholds the intent of the wider Te Arawa Lakes Programme and the integrated framework

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.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 43 Submission Type: Support
Further Submitter: CNI Iwi Land Management Ltd
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 3: 7 Submission Type: Oppose
Submitter: Kaingaroa Timberlands Partnership
Submission Summary: Within forestry there are areas of bush and scrub that do not fall within OVERSEER® scope of a bush/scrub block. At the time of replant some areas of forests are not replanted for reasons such as regulatory requirements for setbacks from water, powerlines, and public roads. Furthermore there non-planted areas are not legally secured as required by the definition of permanently retired. Within this catchment some areas for mountain bike tracks and associated areas are not replanted. It would be too onerous for a landowner to have to apply for a non-complying activity for non-replanted areas.
Decision Sought: Delete the reference to two year interval between harvesting and/or replanting.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No:	6 - 46	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Section: LR R2(c)

1068

Staff Recommendation

No changes to Rule LRR2(c) are proposed in response to the below submissions.

Staff Reason

(70-58, FS6-47) Submitter 70 has raised concerns with Rule 2 restricting trading from forestry blocks to other blocks within the same property/ farming enterprise. It is noted that farm enterprise can contain a block of Forestry. The intent of LRR2(c) is to restrict transfer of nitrogen to other property enterprises, not between blocks of an enterprise. Considered alongside the definition of Property/ Farming enterprise, this intent is clear. No changes are considered to be required.

(43-52) Refer to Section 5.3.9 Trading of Nitrogen under Plan Change 10

Submissions

Submission Number:	43: 52	Submission Type:	Support in Part
Submitter:	Ravensdown Limited		
Submission Summary:	While Ravensdown supports the intent of the rule, it considers that condition (c) should be deleted and the transfer of nitrogen loss entitlement should be provided for as a discretionary activity until 2022. As currently drafted a non-complying consent is required and such an approach is not effects based and not directed by RPS provisions.		
Decision Sought:	Delete condition (c); Provide for the transfer of nitrogen loss entitlement should be provided for as a discretionary activity until 2022.		

Staff Recommendations:	Reject
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Submission Number:	70: 58	Submission Type:	Oppose in Part
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	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.		
Decision Sought:	Amend LR R2 (c) as follows: There is no transfer of nitrogen loss entitlement either to or from the plantation forestry or bush /scrub area.		

Staff Recommendations:	Reject
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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		

Staff Recommendation:	Reject
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Section: Advice note 1**Staff Recommendation**

No changes to advice note 1 are proposed in response to the below submissions.

Staff Reason

(64-14) Support Noted

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.		

Staff Recommendations: Accept

Section: LRR3 From 1/07/2017 farming activity 5ha or less**Staff Recommendation**

No changes to LRR3 are proposed in response to the below submissions.

Staff Reason

(26-28) Submitter 26 has raised concerns on the economic and social impact of the rules within PPC10. LRR3 enables small land owners (under 5 ha) to continue to operate without the need for resource consent. The permitted criteria ensures activities within these lots do not discharge levels of nitrogen higher than the permitted loss level and are not commercial in nature, upholding the allocation system set for the Lake Rotorua Catchment. It is noted that small lots may be used to form part of a larger commercial enterprise. In these cases the land area will be included within an NMP approved for the while farm enterprise under LRR8 or LRR9 ensuring appropriate management of nitrogen losses. Consent will not be required under LRR3 in these circumstances. Rule LRR3 only intends to control commercial within lots less than 5ha not part of a larger enterprises. Providing a permitted activity status for farming on these sized lots reflect that these consist of mainly rural-residential activity with low levels of pastoral activity and nitrogen losses.

(53-47) Rule 11 relies on compliance with a benchmark - effectively a number. Compliance and enforcement with this number was hard to prove resulting in uncertainty for the land owner and the council. This was due to the inability to determine if the losses have increased through a change in land use activity on a particular site. PPC10 has overcome this by identifying the level of loss associated from particular activities based on inputs. For this reason and to increase usability and certainty the plan has been written in a manner than manages input, with the intent of influencing losses. Restricting inputs to ensure losses are reduced helps to provided certainty to plan users and increase usability and enforceability to the plan. No changes are considered to be required.

(66-130) Identification of the 320t/ N reduction was gained through modelling completed by ROTAN that identified the current catchment load of 755t/ N and compared this to the sustainable load of 435t/ N. It is noted that the RPS refers to 746t/ N as the catchment load, however this is based on previous results generated by ROTAN. ROTAN Annual continues to uphold the catchment load of 755t/ N with modelling showing the 'most likely steady-state lake load to be 755 t y⁻¹, with 95% confidence limits of 660-860 t y⁻¹'. Therefore PPC10 continues to align with the most recent up to date science available at the time of PPC10 being developed. The submitter also refers to 281t/ N as being the required level of reduction to achieve the 435t/ N/ yr. This figure is based on inaccurate calculations based on a superseded catchment load. It is recommended that no changes are made in response to this submission point.

(64-16, 65-3) Support Noted

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.		

Staff Recommendations: Reject

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.

Staff 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.”

Staff Recommendations: Accept

Submission Number: 66: 130 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.

Staff Recommendations: Reject

Section: LR R3(a)

1071

Staff Recommendation

No changes to LRR3(a) are proposed in response to the below submissions.

Add new definitions as follow:

Commercial cropping: The intensive cultivation of forage crops, fodder crops, maize for the intent of sale to the general public.

Commercial dairying: An intensive dairy farming system characterised by high inputs of capital, labour and technology relative to land area. Intensive production will result in losses per hectare that exceed the permitted level of nitrogen losses.

Commercial Horticulture – The intensive production of vegetable, fruit or nut crops for the purpose of resale to the general public or wholesale business. These are characterised by high inputs of capital, labour and technology (including machinery) relative to land area. Commercial Horticulture does not include any vegetable, fruit or nut crops that form an integral part of a household garden.

Household garden: An area containing contains a high diversity of plants including vegetables, fruits, plantation crops, spices, herbs, ornamental and medicinal plants. Household gardens are located within close proximity to the household or within walking distance and generally have low labor requirements with the main source of labor being from occupants of the house. Any production is supplemental rather than a main source of family consumption and income.

Staff Reason

(21-6, 49-65) Concern has been raised by submitters on what the term 'commercial' covers, this influencing if consent is required or not. Commercial activities that are managed by the plan area listed within each permitted rule, however the point at which these become commercial rather than normal household practice is not outlined within the plan change.

The majority of rural lots that contain commercial practices (such as dairy) usually form part of a larger farm enterprise and require consent under rule LRR8 or LRR9. In these instances commercial activity will be included within approved nitrogen management plans for the relevant property/ farming enterprise. If these blocks are less than 10 hectares in area resource consent under Rule LRR3 or LRR4 will not be required. However in cases where activities on sections under 10ha are not included within an NMP it is acknowledged that a definition is required to determine the scale of commercial activities to be managed by the plan and provide plan users to have certainty on if they comply with permitted criteria or not. Produce from household gardens, hobbies or small scale dairy production are not intended to be controlled by the plan change, with these generally having low levels of nitrogen loss and being directly associated with rural-residential activity practice. Any definition of commercial activity will need to reflect the scale of activity intended to be permitted. The trigger of being GST registered is not considered suitable, giving that income generated over

\$60,000 can be considered a FTE position and may result in high levels of production with high levels of nitrogen losses in comparison to the small scale commercial activity that the plan intends to provide for. Identifying land area (such as 4000m²) is also problematic with the level of nitrogen loss associated the activity needing to be determined, to ensure that the ability to achieve the 140t/ N reduction is not undermined. Such an approach would require more research and identification of permitted cultivation / horticultural practices and plant species. These factors would result in a complex definition or rule and cause resource consent to be a more suitable approach which does not align with the intent of the plan change. Therefore a range of definitions are suggested which relate more to the scale, location and intent of the activity. Definitions for a household garden, commercial horticulture, dairying and cropping are proposed. It is considered that these provide sufficient direction to plan users as to what definition the activity will fall within and what, if any, resource consent is required.

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;”		

Staff Recommendations:	Accept in Part
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Submission Number:	49: 65	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	The attempt here is to create a de minimus by 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.		

Staff Recommendations:	Accept in Part
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Section: LR R3(b)

1072

Staff Recommendation

No changes to LRR3(b) are proposed in response to the below submission points.

Staff Reason

(43-53) Refer to Section 5.3.9 Trading of Nitrogen under Plan Change 10

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.		

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

Staff Recommendation

Amend the first paragraph of Rule 4 to read:

The use of land for farming activities on properties/ farming enterprises in the Lake Rotorua groundwater catchment greater than 5 hectares in area and up to and including 10 ha in effective area is a permitted activity from 1 July 2017 subject to the following conditions:

Include new definitions as follow:

Commercial cropping: The intensive cultivation of forage crops, fodder crops, maize for the intent of sale to the general public.

Commercial dairying: An intensive dairy farming system characterised by high inputs of capital, labour and technology relative to land area. Intensive production will result in losses per hectare that exceed the permitted level of nitrogen losses.

Commercial Horticulture – The intensive production of vegetable, fruit or nut crops for the purpose of resale to the general public or wholesale business. These are characterised by high inputs of capital, labour and technology (including machinery) relative to land area. Commercial Horticulture does not include any vegetable, fruit or nut crops that form an integral part of a household garden.

Household garden: An area containing contains a high diversity of plants including vegetables, fruits, plantation crops, spices, herbs, ornamental and medicinal plants. Household gardens are located within close proximity to the household or within walking distance and generally have low labor requirements with the main source of labor being from occupants of the house. Any production is supplemental rather than a main source of family consumption and income.

Staff Reason

(8-1) LRR4 upholds LRR3 and by relating to enterprises with an effective area between 5ha in area to 10ha of effective area. Research has shown that lots 5ha and under consist mainly of rural residential activity and limited pastoral activity with this generating small levels of nitrogen losses. To alter the rule to apply to 5ha of effective area rather than lot size (as notified) would reduce certainty and result in additional enforcement, compliance and administration costs where little benefit in relation to nitrogen losses is achieved. In addition it is considered that this would not capture lots under 5 ha in size due to the effective area not including such things as house sites, landscaped areas and ancillary buildings reducing the effective area to be below 5ha. Therefore this alteration would not result in any additional compliance for these sized lots, but will result in additional administration work for Council. It is recommended that no changes are made in response to this submission point.

(15-4, FS17-3) LRR4 only requires compliance with the stocking rate table and restricts the establishment of commercial activity. For enterprises over 10 ha in size an NDA and NMP will be required at different timeframes. This process does not restrict the manner in which fodder is sourced or produced as the level of losses from the site complies with the NDA and MRT allocated to the farm enterprise. It is recommended that no changes are made in response to this submission point.

(21-2) Concern has been raised by submitters on what the term 'commercial' covers, this influencing if consent is required or not. Commercial activities that are managed by the plan are listed within each permitted rule, however the point at which these become commercial rather than normal household practice is not outlined within the plan change.

The majority of rural lots that contain commercial practices (such as dairy) usually form part of a larger farm enterprise and require consent under rule LRR8 or LRR9. In these instances commercial activity will be included within approved nitrogen management plans for the relevant property/ farming enterprise. If these blocks are under 10 hectares in area resource consent under Rule LRR3 or LRR4 will not be required. However in cases where activities on sections under 10ha are not included within an NMP it is acknowledged that a definition is required to determine the scale of commercial activities to be managed by the plan and provide plan users to have certainty on if they comply with permitted criteria or not.

Produce from household gardens, hobbies or small scale dairy production are not intended to be controlled by the plan change, with these generally having low levels of Nitrogen loss and being directly associated with rural-residential activity practice. Any definition of commercial activity will need to reflect the scale of activity intended to be permitted. The trigger of being GST registered is not considered suitable, giving that income generated over

\$60,000 can be considered a FTE position and may result in high levels of production with high levels of nitrogen losses in comparison to the small scale commercial activity that the plan intends to provide for. Identifying land area (such as 4000m²) is also problematic with the level of nitrogen loss associated the activity needing to be determined, to ensure that the ability to achieve the 140t/ N reduction is not undermined. Such an approach would require more research and identification of permitted cultivation / horticultural practices and plant species.

These factors would result in a complex definition or rule and cause resource consent to be a more suitable approach which does not align with the intent of the plan change.

Therefore a range of definitions are suggested which relate more to the scale, location and intent of the activity. Definitions for a household garden, commercial horticulture, dairying and cropping are proposed. It is considered that these provide sufficient direction to plan users as to what definition the activity will fall within and what, if any, resource consent is required.

(26-30) Rule LRR4 enables small land owners with 5 - 10ha of effective area to continue to operate with limited regulatory restrictions, with these relating to commercial activities and compliance with the stocking rate table. The permitted criteria ensure activities do not discharge high levels of nitrogen. In instances where compliance with permitted criteria is not able to be gained the applicant has a number of pathways to gain approval these include permitted rules LRR5, LRR7, and from 2022 a controlled activity process (Rule LRR8). These options enable the economic impact of the rules to be reduced by giving sufficient time for the applicant to either alter practices to gain compliance with permitted criteria to decide to take a resource consent route. It is recommended that no changes are made in response to this submission point.

(43-54, 56-6, 70-62) It is noted that the two bullet points under Rule LRR4 repeat each other. It is recommended that these are merged together as suggested by submission points.

(64-17) Support Noted

Submissions

Submission Number: 8: 1
 Submitter: Grant Stewart

Submission Type: Oppose

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 out nitrogen and stock allocation is based one.

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.

Staff Recommendations: Reject

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.

Staff 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

Staff 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."

Staff 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.

Staff Recommendations: Reject

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.

Staff 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.

Staff 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.

Staff 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.

Staff Recommendations: Accept

Section: LR R4(a)

1074

Staff Recommendation

No changes to Rule LRR4(a) are proposed in response to the below submissions.

Staff Reason

(6-1) The submitter has raised that risk of there being short term levels of non-compliance with Rule LRR4(a) due to the process associated with stocking and destocking an enterprise. It is acknowledged that the purchase of stock and removal of stock from a property may not occur in a manner that ensures continuous compliance with the stocking rate table. Any non-compliance with the stocking rate table will be considered on a case by case basis. Any enforcement will be determined based on the scale and length of non-compliance, and the level of effects, rather than the approach of instant action. It is considered the effects such short term unders and overs with the stocking rate table will balance and will not impact the ability to achieve the final target of 435tN/yr.

(70-60) Support Noted

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.

Staff Recommendations: Reject

Submission Number: 70: 60 Submission Type: Support

Submitter: The Fertiliser Association of New Zealand

Submission Summary: Support LR R4 (a) and (b).

Decision Sought: Retain LR R4 (a) and (b).

Staff Recommendations: Accept

Section: LR R4(b)

1075

Staff Recommendation

No changes to Rule LRR4(b) are proposed in response to the below submissions.

As new definitions as follow:

Commercial cropping: The intensive cultivation of forage crops, fodder crops, maize for the intent of sale to the general public.

Commercial dairying: An intensive dairy farming system characterised by high inputs of capital, labour and technology relative to land area. Intensive production will result in losses per hectare that exceed the permitted level of nitrogen losses.

Commercial Horticulture – The intensive production of vegetable, fruit or nut crops for the purpose of resale to the general public or wholesale business. These are characterised by high inputs of capital, labour and technology (including machinery) relative to land area. Commercial Horticulture does not include any vegetable, fruit or nut crops that form an integral part of a household garden.

Household garden: An area containing contains a high diversity of plants including vegetables, fruits, plantation crops, spices, herbs, ornamental and medicinal plants. Household gardens are located within close proximity to the household or within walking distance and generally have low labor requirements with the main source of labor being from occupants of the house. Any production is supplemental rather than a main source of family consumption and income.

Staff Reason

(21-7, 49-66) Concern has been raised by submitters on what the term 'commercial' covers, this influencing if consent is required or not. Commercial activities that are managed by the plan area listed within each permitted rule, however the point at which these become commercial rather than normal household practice is not outlined within the plan change.

The majority of rural lots that contain commercial practices (such as dairy) usually form part of a larger farm enterprise and require consent under rule LRR8 or LRR9. In these instances commercial activity will be included within approved nitrogen management plans for the relevant property/ farming enterprise. If these blocks are under 10 hectares in area resource consent under Rule LRR3 or LRR4 will not be required. However in cases where activities on sections under 10ha are not included within an NMP it is acknowledged that a definition is required to determine the scale of commercial activities to be managed by the plan and provide plan users to have certainty on if they comply with permitted criteria or not.

Produce from household gardens, hobbies or small scale dairy production are not intended to be controlled by the plan change, with these generally having low levels of Nitrogen loss and being directly associated with rural-residential activity practice. Any definition of commercial activity will need to reflect the scale of activity intended to be permitted. The trigger of being GST registered is not considered suitable, giving that income generated over \$60,000 can be considered a FTE position and may result in high levels of production with high levels of nitrogen losses in comparison to the small scale commercial activity that the plan intends to provide for. Identifying land area (such as 4000m²) is also problematic with the level of nitrogen loss associated the activity needing to be determined, to ensure that the ability to achieve the 140t/ N reduction is not undermined. Such an approach would require more research and identification of permitted cultivation / horticultural practices and plant species. These factors would result in a complex definition or rule and cause resource consent to be a more suitable approach which does not align with the intent of the plan change. Therefore a range of definitions are suggested which relate more to the scale, location and intent of the activity. Definitions for a household garden, commercial horticulture, dairying and cropping are proposed. It is considered that these provide sufficient direction to plan users as to what definition the activity will fall within and what, if any, resource consent is required.

(70-61) Support Noted

Submissions

Submission Number: 21: 7 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 occurs on the land.

Staff Recommendations: Accept in Part

Submission Number: 49: 66 Submission Type: Oppose

Submitter: CNI Iwi Land Management Ltd

Submission Summary: The attempt here is to create a de minimus by 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 R4b 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.

Staff Recommendations: Accept in Part

Submission Number: 70: 61 Submission Type: Support

Submitter: The Fertiliser Association of New Zealand

Submission Summary: Support LR R4 (a) and (b).

Decision Sought: Retain LR R4 (a) and (b).

Staff Recommendations: Accept

Section: LR R4(c)

1076

Staff Recommendation

Amend introductory paragraph of Schedule LR2 as follows:

The following stocking rates show how many animals are allowed per hectare of effective area at any point in time to comply with the permitted activity Rule LRR4. For mixes of stock classes, the total hectares required must sum to less than or equal to the property's effective area (in hectares). The below stocking rates comply with the permitted losses provided and definition of low intensity farming activity

Amend LRR4(c) to read: (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; and

Staff Reason

(70-63, 43-55) The stocking rate table has been developed to ensure the level of losses do not exceed the permitted level of nitrogen losses and remain as low intensity farming activities. It is noted that this is not clear and additional text has been inserted into Schedule LR2 to clarify this outcome to provide a link to the proposed new definition.

Revising Rule LRR4(c) as suggested results in the need to enforce a number, this being the same approach as Rule 11. Compliance and enforcement with this number was hard to prove resulting in uncertainty for the land owner and the council. This was due to the inability to determine if the losses increased through a change in land use activity on a particular site. PPC10 has overcome this by identifying the level of loss associated from particular activities based on inputs. For this reason and to increase usability and certainty the plan has been written in a manner that manages input, with the intent of influencing losses. Restricting inputs to ensure losses are reduced helps to provide certainty to plan users and increase usability and enforceability to the plan. No changes are considered to be required.

(92-2, FS6-72) The submitter has requested that the date of notification be inserted. This was the original intent of the rule, however this was not completed prior to notification. This oversight is able to be corrected through this process.

Submissions

Submission Number: 43: 55 Submission Type: Support in Part

Submitter: Ravensdown Limited

Submission Summary: Ravensdown opposes an input control approach and seeks for condition (c) to be amended to delete the reference.

Decision Sought: Amend condition (c) 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."

Staff Recommendations: Reject

Submission Number: 70: 63 Submission Type: Oppose in Part
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: 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. There may be a place for a simple look up table as a default for low intensity farming. This default should support an output based approach not replace it. 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. This value can be included in the Advice note for LR R4 and in Schedule LR Two itself.
 Decision Sought: Amend LR R4(c): There is no increase in effective area, or increase in the nitrogen loss beyond the level of nitrogen loss presented in Schedule LR Two, 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 from land from (date of notification).

Staff Recommendations:	Accept in Part
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Submission Number: 92: 2 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

Staff Recommendations:	Accept
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Further Submission(s)

Further Submission No: 6 - 72 Submission Type: Support
 Further Submitter: CNI Iwi Land Management Ltd
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation:	Accept
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Section: LR R4(d)	1077
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Staff Recommendation

No changes to LRR4(d) are proposed in response to the below submission points.

Staff Reason

(43-56, 70-64) Refer to Section 5.3.9 Trading of Nitrogen under Plan Change 10

Submissions

Submission Number: 43: 56 Submission Type: Oppose in Part
 Submitter: Ravensdown Limited
 Submission Summary: Condition (d) should be deleted and the transfer of nitrogen loss entitlement should be provided for as a discretionary activity until 2022.
 Decision Sought: Delete condition (d). Provide for transfers as a discretionary activity until 2022.

Staff Recommendations:	Reject
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Submission Number: 70: 64 Submission Type: Oppose in Part
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: 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. Transfer of nitrogen loss entitlement for increased efficiency should, in principle, be provided for. The prevention of transfer of nitrogen loss is only acceptable if the land is too small for administrative efficiency, or under a consenting process. If these reasons do not apply, then transfer of

nitrogen loss entitlement should be provided for as a permitted activity.

Decision Sought: If the transfer of nitrogen loss entitlements is not constrained by administrative efficiency the need for a consenting process, it should be provided for as a permitted activity after 2022.

Staff Recommendations: Reject

Section: LRR5 From 1/07/2017 to 30/06/2022 farm activity 10ha to 40ha effective area or not permitted

1078

Staff Recommendation

No changes in response to the below submissions points are proposed.

Staff Reason

(26-31) LRR5 enables farming activities to continue to operate out to 2022 if they are unable to meet the permitted criteria of rules LRR3 and LRR4. This provides land owners with more time to implement changes in farm practices to ensure compliance as a permitted activity under rules LRR3 and LRR4 or to alter practices to meet managed reduction targets that will be required under LRR8. This delay in consenting requirements provides the opportunity to reduce and mitigate the potential economic and social effects whilst ensuring the Lake Water Quality target continues to be met within the RPS timeframe. It is recommended that no changes are made in response to this submission point.

(64-18) Support noted

Submissions

Submission Number: 26: 31 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.

Staff Recommendations: Reject

Submission Number: 64: 18 Submission Type: Support
Submitter: DairyNZ and Fonterra Co-operative Group Limited
Submission Summary: DairyNZ / Fonterra recognise the practical implementation issues that the council will have to manage and therefore support the lesser reporting requirements for these properties that apply until 2022, at which time they become fully aligned with the requirements applying to the larger properties.
Decision Sought: No changes requested.

Staff Recommendations: Accept

Section: LR R5(a)

1079

Staff Recommendation

Amend LRR5(a) as follows:

(a) There is no increase in effective area, nitrogen inputs or stocking rates from 29 February 2016 that may contribute to an increase in nitrogen loss onto, into or from land; and

Add new definitions as follow:

Commercial cropping: The intensive cultivation of forage crops, fodder crops, maize for the intent of sale to the general public.

Commercial dairying: An intensive dairy farming system characterised by high inputs of capital, labour and technology relative to land area. Intensive production will result in losses per hectare that exceed the permitted level of nitrogen losses.

Commercial Horticulture – The intensive production of vegetable, fruit or nut crops for the purpose of resale to the general public or wholesale business. These are characterised by high inputs of capital, labour and technology (including machinery) relative to land area. Commercial Horticulture does not include any vegetable, fruit or nut crops that form an integral part of a household garden.

Household garden: An area containing contains a high diversity of plants including vegetables, fruits, plantation crops, spices, herbs, ornamental and medicinal plants. Household gardens are located within close proximity to the household or within walking distance and generally have low labor requirements with the main source of labor being from occupants of the house. Any production is supplemental rather than a main source of family consumption and income.

Staff Reason

(21-8) Concern has been raised by submitters on what the term 'commercial' covers, this influencing if consent is required or not. Commercial activities that are managed by the plan area listed within each permitted rule, however the point at which these become commercial rather than normal household practice is not outlined within the plan change.

The majority of rural lots that contain commercial practices (such as dairy) usually form part of a larger farm enterprise and require consent under rule LRR8 or LRR9. In these instances commercial activity will be included within approved nitrogen management plans for the relevant property/ farming enterprise. If these blocks are under 10 hectares in area resource consent under Rule LRR3 or LRR4 will not be required. However in cases where activities on sections under 10ha are not included within an NMP it is acknowledged that a definition is required to determine the scale of commercial activities to be managed by the plan and provide plan users to have certainty on if they comply with permitted criteria or not.

Produce from household gardens, hobbies or small scale dairy production are not intended to be controlled by the plan change, with these generally having low levels of Nitrogen loss and being directly associated with rural-residential activity practice. Any definition of commercial activity will need to reflect the scale of activity intended to be permitted. The trigger of being GST registered is not considered suitable, giving that income generated over

\$60,000 can be considered a FTE position and may result in high levels of production with high levels of nitrogen losses in comparison to the small scale commercial activity that the plan intends to provide for. Identifying land area (such as 4000m²) is also problematic with the level of nitrogen loss associated the activity needing to be determined, to ensure that the ability to achieve the 140t/ N reduction is not undermined. Such an approach would require more research and identification of permitted cultivation / horticultural practices and plant species. These factors would result in a complex definition or rule and cause resource consent to be a more suitable approach which does not align with the intent of the plan change. Therefore a range of definitions are suggested which relate more to the scale, location and intent of the activity. Definitions for a household garden, commercial horticulture, dairying and cropping are proposed. It is considered that these provide sufficient direction to plan users as to what definition the activity will fall within and what, if any, resource consent is required.

(43-57) Rule 11 relies on compliance with a benchmark - effectively a number. Compliance and enforcement with this number was hard to prove resulting in uncertainty for the land owner and the council. This was due to the inability to determine if the losses increased through a change in land use activity on a particular site. PPC10 has overcome this by identifying the level of loss associated from particular activities based on inputs. For this reason and to increase usability and certainty the plan has been written in a manner than manages input, with the intent of influencing losses. Restricting inputs to ensure losses are reduced helps to provided certainty to plan users and increase usability and enforceability to the plan. No changes are considered to be required.

(92-3, FS6-73) The submitter has requested that the date of notification be inserted. This was the original intent of the rule, however this was not completed prior to notification. This oversight is able to be corrected through this process.

(70-66) Support Noted

Submissions

Submission Number:	21: 8	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.		

Staff Recommendations:	Accept in Part
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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."		

Staff Recommendations:	Reject
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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.		

Staff Recommendations:	Accept
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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

Staff 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

Staff Recommendation: Accept

Section: LRR5(b)

1080

Staff Recommendation

No changes to LRR5(b) are proposed.

Add text to Schedule LR3 to identify that additional information may be required if alterations to farm activities have occurred as follows: In cases where the land use has changed, but losses are considered to remain the same, additional information may be required

Staff Reason

(70-65, FS15-46) Rule 11 relies on compliance with a benchmark - effectively a number. Compliance and enforcement with this number was hard to prove resulting in uncertainty for the land owner and the council. This was due to the inability to determine if the losses increased through a change in land use activity on a particular site. PPC10 has overcome this by identifying the level of loss associated from particular activities based on inputs. For this reason and to increase usability and certainty the plan has been written in a manner that manages input, with the intent of influencing losses. Restricting inputs to ensure losses are reduced helps to provided certainty to plan users and increase usability and enforceability to the plan. Relocating Schedule LR3 to sit outside of the plan will reduce the level of direction provided to ascertain how compliance with the permitted rules can be achieved by the plan. No modelling is required by Rule LRR5 with compliance being gained through maintaining and monitoring activity undertaken onsite. It is noted that in cases where land use change or farm practices may change there is a need to allow these to continue to be permitted under LRR5 if the nitrogen losses do not increase. Text is recommended to be included within Schedule LR3 to clarify this and ensure accurate implementation.

(49-67) Support Noted

Submissions

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

Staff Recommendations: Accept

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).

Staff 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

Staff Recommendation:	Reject
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Section: LR R5(c)	1081
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Staff Recommendation

No changes are proposed.

Staff Reason

43-58)Refer to Section 5.3.9 The Trading of Nitrogen under Plan Change 10

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.		

Staff Recommendations:	Reject
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Section: LRR6 Farm activity not previously managed by Rule 11	1082
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Staff Recommendation

Amend Advice Note 2 to read: 'From 2022 if properties/ farming enterprises in the Lake Rotorua groundwater catchment not previously managed by Rules 11 to 11F do not meet the permitted conditions of Rules LR R3, LR R4, LR R6 or LR R7 they will be managed by Rule LR R8.

Staff Reason

(26-32, 43-59, 43-62) Rule LRR6 enables the operation of farming activities previously not impacted by Rule 11 to continue operating out to 2022. Submitter seeks clarification that rule LRR6 intends to capture farm enterprises that do not comply with permitted criteria as outlined under bullet point 2. As highlighted by Advice Note 1 this rule only applies to enterprises not located within the surface water catchment, but within the groundwater catchment. Enterprises previously managed by Rule 11 (surface water catchment) are able to have such non-compliance considered under Rule LRR5 or LRR8.

This provides additional time for these land owners/ operators to obtain a derived benchmark and identify the level of action required to be taken and associated impacts. This delay also gives time to adjust to operating within a regulatory regime involving a Nitrogen Allocation and benchmark/ start point. The delay in impact provides the opportunity to reduce economic and social impacts whilst ensuring the LWQ targets are met. It is recommended that no changes are made in response to this submission point.

(65-4) Submitter 65 has raised concern that Rule LRR6 implies from 2022 all farm enterprises not previously managed by Rule 11 of the regional plan will require consent, and that the permitted rules of PPC10 will not apply. Advice note 2 attempts to highlight that the permitted rules LRR2 to LRR4 will continue to be applicable from 2022. Revisions have been suggested to further clarify the intent of Advice Note 2.

(64-19) Support Noted

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.		

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

Staff 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.

Staff 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.

Staff Recommendations: Reject

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.

Staff Recommendations: Accept in Part

Section: LR R6(a)

1083

Staff Recommendation

No changes to LRR6(a) are proposed in response to the below submissions.

Staff Reason

(70-68) Support Noted

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).

Staff Recommendations: Accept

Section: LR R6(b)

1084

Staff Recommendation

Amend LRR6(b) as follows: (b)There is no increase in effective area, nitrogen inputs or stocking rates from 29 February 2016 that may contribute to an

increase in nitrogen loss onto, into or from land; and

Staff Reason

(21-9) Concern has been raised by submitters on what the term 'commercial' covers, this influencing if consent is required or not. Commercial activities that are managed by the plan area listed within each permitted rule, however the point at which these become commercial rather than normal household practice is not outlined within the plan change.

The majority of rural lots that contain commercial practices (such as dairy) usually form part of a larger farm enterprise and require consent under rule LRR8 or LRR9. In these instances commercial activity will be included within approved nitrogen management plans for the relevant property/ farming enterprise. If these blocks are under 10 hectares in area resource consent under Rule LRR3 or LRR4 will not be required. However in cases where activities on sections under 10ha are not included within an NMP it is acknowledged that a definition is required to determine the scale of commercial activities to be managed by the plan and provide plan users to have certainty on if they comply with permitted criteria or not.

Produce from household gardens, hobbies or small scale dairy production are not intended to be controlled by the plan change, with these generally having low levels of Nitrogen loss and being directly associated with rural-residential activity practice. Any definition of commercial activity will need to reflect the scale of activity intended to be permitted. The trigger of being GST registered is not considered suitable, giving that income generated over \$60,000 can be considered a FTE position and may result in high levels of production with high levels of nitrogen losses in comparison to the small scale commercial activity that the plan intends to provide for. Identifying land area (such as 4000m²) is also problematic with the level of nitrogen loss associated the activity needing to be determined, to ensure that the ability to achieve the 140t/ N reduction is not undermined. Such an approach would require more research and identification of permitted cultivation / horticultural practices and plant species. These factors would result in a complex definition or rule and cause resource consent to be a more suitable approach which does not align with the intent of the plan change. Therefore a range of definitions are suggested which relate more to the scale, location and intent of the activity. Definitions for a household garden, commercial horticulture, dairying and cropping are proposed. It is considered that these provide sufficient direction to plan users as to what definition the activity will fall within and what, if any, resource consent is required.

43-60 , 70-67, FS15-47) Rule 11 relies on compliance with a benchmark - effectively a number. Compliance and enforcement with this number was hard to prove resulting in uncertainty for the land owner and the council. This was due to the inability to determine if the losses have increased through a change in land use activity on a particular site. PPC10 has overcome this by identifying the level of loss associated from particular activities based on inputs. For this reason and to increase usability and certainty the plan has been written in a manner than manages input, with the intent of influencing losses. Restricting inputs to ensure losses are reduced helps to provided certainty to plan users and increase usability and enforceability to the plan. No changes are considered to be required.

(92-4, FS6-74) The submitter has requested that the date of notification be inserted. This was the original intent of the rule, however this was not completed prior to notification. This oversight is able to be corrected through this process.

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.		

Staff Recommendations:	Accept in Part
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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."		

Staff Recommendations:	Reject
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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).		

Staff 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

Staff 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.

Staff Recommendations: Accept

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

Staff Recommendation: Accept

Section: LR R6(c)

1085

Staff Recommendation

No changes to LRR6(c) are proposed in response to the below submissions.

Staff Reason

(49-68, 70-69) Support noted

Submissions

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

Staff Recommendations: Accept

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).

Staff Recommendations: Accept

Section: LR R6(d)**Staff Recommendation**

No changes to LRR6(d) are proposed.

Staff Reason

(49-69) Support Noted
(43-61) Refer to Section 5.3.9 Trading of Nitrogen under Plan Change 10

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.		

Staff 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.		

Staff Recommendations:	Accept
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Section: LRR7 Low intensity farm activity**Staff Recommendation**

Amend LRR7 to read:

The use of land for low intensity farming activities on properties/farming enterprises in the Lake Rotorua groundwater catchment, is a permitted activity from 1 July 2017, where the nitrogen loss from :

- the effective area is less than 71% of the nitrogen loss rate generated by the drystock reference file prescribed in Schedule LR Five (excluding areas of grazed trees that existed in the 2001-04 period)
- the effective area of grazed trees that existed in the 2001-04 period does not exceed the Benchmarked discharge rate or if not Benchmarked the average Benchmark discharge rate for grazed trees

Subject to the following conditions:

(a) Landowners must submit an OVERSEER® and every three years thereafter, prepared by a suitably qualified and experienced person, demonstrating that the effective area (excluding areas of grazed trees that existed in the 2001-04 period) complies with the definition of low intensity farming) and: the grazed trees effective area does not exceed the Benchmarked discharge rate or if not Benchmarked the average Benchmark discharge rate for grazed trees; and

Either

Land use information records must be submitted on an annual basis, by 31 October each year to confirm that the nitrogen loss from the effective area of the property/farming enterprise from stocking rates, nitrogen inputs and areas of land use (including fodder cropping, cultivated area and land clearance) remain the same or less than the OVERSEER® file from (a)

Or

- (a) Provide a new OVERSEER® file, prepared by a suitably qualified and experienced person, demonstrating that the property/farming enterprise's nitrogen loss from the effective area meets the requirements described in (a).
- (b) There is no transfer of Nitrogen Discharge Allocations or Managed Reduction either to or from the property/farming enterprise.
- (c) There is no increase in effective area or nitrogen inputs from 29 February 2016 that contributes to an increase in nitrogen loss onto, into or from land.

Add New Advice note as follows: There is no increase in effective area or nitrogen inputs from 29 February 2016 that contributes to an

increase in nitrogen loss onto, into or from land.

Add the following definition for Low intensity farming:

Low Intensity Farming: Farming activities that generate less than 71% of the nitrogen loss rate generated by the drystock reference file as prescribed in Schedule LR5.

Staff Reason

(26-33) Rule LRR7 provides an avenue for sites that cannot comply with the criteria of permitted rules or if land owners have identified an alternative farming activity with low levels of nitrogen losses (18kg/ ha or under). This avoids the need for resource consent under LRR8 or LRR9 and helps to reduce the economic impacts of the PPC10 whilst continuing to ensure the sustainable load of 435t/ N is achieved. It is recommended that no changes are made in response to this submission point.

(92-5, FS18-1, FS6-76, FS19-1, FS20-1, 49-70, FS14-35, 56-7, 56-9, FS6-48, 70-70) PPC10 only relates to pastoral activities and the required 140t/ N reduction from this sector. The intent of Rule LR R7 was to allow higher nitrogen loss farming activity to move to lower nitrogen loss land uses without requiring consent. It is not the intent to allow for existing low intensity activity to increase their nitrogen loss rates. This would be inconsistent with the treatment of other permitted activities.. Revising the words as suggested by submission 49 to relate to land use activities broadens the range of activities the rule relates to enabling increases nitrogen loss from pastoral activity through forestry conversion. It is considered the effect of such a change on the intent of PPC10 is significant and that such a change would detract from achieving the final outcomes of 435t/ N.

A number of submissions have requested a consistent term when describing low nitrogen loss activities. It is considered that the consistent use of the term 'low intensity farming' will uphold the intent of the policies and rules. The proposed definition will align with this term, helping to provide consistency across the plan. LRR7 intends to provide for activities that may not comply with the permitted criteria or may not be covered specifically a definition or rule within PPC10 but still have low levels of nitrogen losses. LRR7 describes what is intended to be low intensity farming within the introductory section to the rule and LRR7(a) and LRR7(a)2. It is considered that these descriptions are able to be removed from the rule and form a definition as requested by submitters.

(56-8, FS8-26) A minor error was found as a result of the change from OVERSEER® version 6.2.1 to 6.2.2 and has resulted in the need to amend the reference file causing the lower range of the drystock reference file to be increased slightly to 71%. This has not impacted the ability to achieve the targeted reduction of 140t/ N from the pastoral sector. Note: This section of the rule will be relocated to form part of the proposed definition for low intensity farming.

(56-12, FS8-27) Submissions have requested amendments to LRR7 to ensure the rule correctly reflects the reference file and that the effective area does not increase from that recorded between 2001-2004, this being the land use layer that the allocation system is based on. Any increase to the effective area from this time will result in additional losses to Lake Rotorua, reducing the ability to achieve the required reduction of 140t/ N and the sustainable load. It is recommended that these submissions points are accepted.

(58-16, 64-20, FS6-49) Support Noted

(66-5) Refer to Section 5.3.2 The Need for a Regulatory Approach (Rules)

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.		
Staff Recommendations:	Reject		

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.		
Staff 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		

Staff Recommendation:	Reject
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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 ..."

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Accept in Part
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Further Submission(s)

Further Submission No: 8 - 26 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

Staff Recommendation:	Reject
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Submission Number: 56: 9 Submission Type: Support
Submitter: Bay of Plenty Regional Council
Submission Summary: Clarification is required on what low nitrogen losses are perceived to be.
Decision Sought: Clarify that low nutrient losses cover activities that comply with the permitted criteria.

Staff Recommendations:	Accept
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Further Submission(s)

Further Submission No: 6 - 48 Submission Type: Support
Further Submitter: CNI Iwi Land Management Ltd
Submission Summary: For the reasons given in the original submission.
Decision Sought: Clarify what low nitrogen loss activities are by way of a definition.

Staff Recommendation:	Accept
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Submission Number: 56: 12 Submission Type: Support
Submitter: Bay of Plenty Regional Council
Submission Summary: Amend LR R7 to ensure that grazed trees allocations of nitrogen discharges remain at that level.
Decision Sought: Amend and restructure LR R7 as follows:
"The use of land for farming activities on properties/farming enterprises in the Lake Rotorua groundwater catchment, where the nitrogen loss from:

- the effective area (excluding areas of grazed trees that existed in the 2001-04 period) is less than 71% of the nitrogen loss rate generated by the drystock reference file prescribed in Schedule LR Five
- the effective area of grazed trees that existed in the 2001-04 period does not exceed the Benchmarked discharge rate or if not Benchmarked the average Benchmark discharge rate for grazed trees is a permitted activity from 1 July 2017, subject to the following condition:
 - (a) Landowners must submit an OVERSEER® file upon the commencement of use of land for farming activities with low nitrogen loss and every three years thereafter, prepared by a suitably qualified and experienced person, demonstrating that the effective area (excluding areas of grazed trees that existed in the 2001-04 period) nitrogen loss is less than 71% of the nitrogen loss rate generated by the drystock reference file prescribed in Schedule LR Five and the grazed trees effective area does not exceed the Benchmarked discharge rate or if not Benchmarked the average Benchmark discharge rate for grazed trees; and:

Either

 - 1 Land use information records must be submitted on an annual basis by 31 October each year to confirm 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 the as described in (a)
 - Or
 - 2 Provide a new OVERSEER® file, prepared by a suitably qualified and experienced person, demonstrating that the property/farming enterprise's nitrogen loss rate meets the requirements described in (a)."

Staff Recommendations: Accept in Part

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

Staff 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.

Staff 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.

Staff 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.

Staff 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.		
Staff 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.		
Staff Recommendations:	Accept in Part		

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.		
Staff Recommendations:	Accept		

Further Submission(s)

Further Submission No:	6 - 76	Submission Type:	Oppose
Further Submitter:	CNI lwi Land Management Ltd		
Submission Summary:	CNIILML opposes Council using inconsistency as being more important than unfair, unreasonable and inequitable. The effect of adding condition (c) to rule LR R7 - to reduce inconsistency between rules - is to increase the unfair, unreasonable and inequitable treatment of those to whom that rule applies. CNIILML opposes the premises by which the Council has determined that high leaching land uses continue to be able to leach large amounts, and very low leaching land uses are denied any flexibility in their use of land. CNIILML believes that process by which this allocation arrangement was arrived at (of which rule LR R7 is part) has many procedural deficiencies, as well as producing an unfair and inequitable result. Rule LR R7 is one of a suite of rules that grandparent land use to its existing use. The		

changes sought to rule LR R7 by this submission further constrain low leaching land use, making it impossible for CNIILML to use the land for anything other than p. radiata plantation forestry. There are no other land uses that can meet the 2.5kgN/yr limit that has been imposed on the CNIILML forest. Not even returning some land to native vegetation. This degree of constraint, while other land users have a start point of 102kgN/Ha/yr, and an ability to trade, is extraordinarily inequitable.

As the situation has arisen because CNIILML had no place at the table for allocation discussions, and because previous rules also ignored any Iwi land issues (Rule 11), this result also has the unfortunate look of also being inequitable from the point of view of honouring the Treaty. Adding condition (c) to Rule LR R7 exacerbates all the inequities of the allocation regime as expressed in the rules. As raised in CNIILML's main submission and in further submissions, the allocation regime is not consistent with:

- Natural Justice. This is because the group deciding on how to require responses to the need to reduce nitrogen inputs to the lake had no representation by CNIILML at any stage, despite CNIILML being a significant landowner in the catchment (7%). This has resulted in a disparate impact on Iwi, due to the very recent return to Iwi of Settlement Land. The allocation decision process was by a collaborative group that was not fully representative of the land use of the catchment and has (unsurprisingly) resulted in an allocation regime skewed to the needs and values of those on the group. The allocation decisions were made in a collaborative process between the constituents of the pastoral sector; not the land based primary sector owners.

This allocation group (StAG) chose to allocate by sector averaging grand parenting. This approach rewards the polluters and penalises those who have had positive effects in the past through having very low leaching activities or having undertaken previous mitigation measures. High leachers have a wide range of options, low leachers' options are severely constrained. Those presently with dairying land have considerable flexibility of what to do with their property, including use of the incentives scheme. Forestry has none. One factor used for allocation is past committed capital, however this is seen only in the context of pastoral farming committed capital, not forestry.

The allocation systems used, and thus expressed through the rules, penalises owners of Maori land for their historically low contribution. It unfairly favours landowners that have had the advantage of developing and utilising their land to its full economic potential and has locked out any opportunity for Maori owners to change land use or intensify current land use.

It will impede/negate future use and development of underutilised Maori land within the catchment, contrary to Government policy being introduced.

- Policies of the RPS e.g. RPS Policy WL 5B(d) "Iwi land ownership and its status including any Crown obligation", and to RPS Policy IW 3B "Recognising the Treaty in the exercise of functions and powers under this Act".
- The most efficient use of land.

Decision Sought: As above

Staff Recommendation:	Reject
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Further Submission No: 18 - 1 Submission Type: Other

Further Submitter: Tapuika Iwi Authority

Submission Summary: Concern over additional nutrient loading from Lake Rotorua on the health of the Kaituna River.

Decision Sought: As above

Staff Recommendation:	Accept
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Further Submission No: 19 - 1 Submission Type: Support in Part

Further Submitter: Ravensdown Limited

Submission Summary: While Ravensdown supports the intent of the rule, Ravensdown opposes an input control approach and seeks for condition (c) be amended to delete the reference.

Decision Sought: Amend condition (c) to read "There is no increase in effective area, or increase in nitrogen loss from the date of notification"

Staff Recommendation:	Reject
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Further Submission No:	20 - 1	Submission Type:	Oppose
Further Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	<p>FANZ oppose the submitter's wording of LR R7 (c):</p> <ul style="list-style-type: none"> - 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. - 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. 		
Decision Sought:	<p>Amend to: "There is no increase in effective area or an increase in nitrogen loss from land from 29 February 2016"</p>		
Staff Recommendation:	Accept in Part		

1088

Section: LR R7(a)

Staff Recommendation

No changes area proposed in response to the below submission points.

Staff Reason

(43-64, 43-65) LRR7(a) repeats text located within the introductory section of the rule which outlines when an activities will be considered to have low levels of nitrogen losses. It is considered that this text is able to be removed as requested by submitter 43 and relocated to form part of a new definition for low nitrogen loss. It has also been noted by submitters that the advice note of LRR7 refers to the permitted reference file, this providing another definition of when a activity will be considered to have low nitrogen losses and be permitted under Rule LRR7. No permitted reference file exists only a permitted level of losses being the lower range of the drystock reference file. It is considered that the advice note is able to be deleted from Rule LRR7. The request to require an OVERSEER® file every three years is already provided for by Rule LRR7 upon the initial baseline being established. It is considered that removing this text and having a definition will resolve this error and avoid confusion in the future. LRR7(a)(2) provides the applicant with a different method to show compliance it is considered that deleting LRR7(a)(2) as suggested will reduce the level of options and therefore is not supported.

(56-11) Ensuring that losses monitored are those generated from the effective area aligns with the intent of Plan Change 10. Changes have been made to ensure consistency in implementation in response to other submission points raised from the submitter..

(58-17) Submitter 58 has requested the provision of Regional Council staff and resources to help with the implementation and cost of PPC10. This is occurring with staff and funds available from Regional Council to provide advice and support to land owners affected by PPC10, to develop Nitrogen Management Plans and determine the level of losses currently emitted from the activities along with any required reductions. This advice will help applicants to determine if Rule LRR7 applies to the activity or not. This submission point does not result in any change to PPC10 and relates to processes undertaken outside of this plan change process. No changes are proposed.

(58-10) Refer to Section 5.3.6 the Use of OVERSEER® and Reference files

Submissions

Submission Number:	43: 64	Submission Type:	Support in Part
Submitter:	Ravensdown Limited		
Submission Summary:	<p>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.</p>		
Decision Sought:	<p>Amend condition (a) to include the requirement to provide annual information in accordance with Schedule LR Three for monitoring purposes and a Nutrient Budget to be submitted every three years.</p>		

Staff Recommendations: Accept in Part

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.

Staff Recommendations:	Accept in Part
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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.

Staff Recommendations:	Accept in Part
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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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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Section: LR R7(a)1	1089
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Staff Recommendation

Amend LRR7(a)1 to read:
 Land use information records must be submitted on an annual basis, by 31 October each year to confirm that the nitrogen loss from the effective area of the property/ farming enterprise from stocking rates, nitrogen inputs and areas of land use (including fodder cropping, cultivated area and land clearance) remain the same or less than the OVERSEER® file from (a)

Amend LRR7(a)2 to read:
 Provide a new OVERSEER® file, prepared by a suitably qualified and experienced person, demonstrating that the property/farming enterprise's nitrogen loss from the effective area.....

Staff Reason

(70-71, FS12-24) As LRR7 is a permitted activity there is no requirement for a Nitrogen Management Plan. The intent of LRR7(a)(1) is to monitor the farm system and its losses against the original OVERSEER® file (a baseline) to ensure continued compliance and the continued ability to operate as a low intensity farming activity. The requirements for annual reporting is intended to reflect existing farm record keeping, this intending to reduce compliance costs for the applicant whilst provide sufficient information for Council to ascertain if the activity has altered from its initial state.

(56-10) Submissions have requested amendments to LRR7 to ensure the rule correctly reflects the reference file and that the effective area does not increase from that recorded between 2001-2004, this being the land use layer that the allocation system is based on. Any increase to the effective area

from this time will result in additional losses to Lake Rotorua, reducing the ability to achieve the required reduction of 140t/ N and the sustainable load. Amendments have been made in response to other submission points, these have effectively resolved the decision sought by the submission point.

(58-18)The heritage and indigenous farming concepts proposed by the submitter relates to the reduction of stock to a level representing that contained within a small lifestyle block. The concept is based on achieving low intensity farming, with incentives for any change in stocking rates or land use change being provided. Rule LRR7 already provides a permitted avenue for farm enterprises to reduce stock levels and become a low intensity farm, this avoiding the need for a nitrogen management plan and resource consent process. The Incentives Board is a separate avenue that provides financial incentive to farm enterprises who make reductions in nitrogen losses below their NDA. From 2022 this is also achieved through trading under Rule LRR10. It is considered that the plan change already provides for the concepts suggested by the submitter and no changes are required to be made.

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.		

Staff Recommendations:	Accept in Part
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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.		

Staff Recommendations:	Reject
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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.		

Staff Recommendations:	Reject
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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		

Staff Recommendation:	Reject
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Section: LR R7(a)2**Staff Recommendation**

No changes area proposed in response to the below submission points

Staff Reason

(43-66) LRR7(a) repeats text located within the introductory section of the rule which outlines when an activity will be considered to have low levels of nitrogen losses. It is considered that this text is able to be removed as requested by submitter 43 and relocated to form part of a new definition for low nitrogen loss.

(58-19) The heritage and indigenous farming concepts proposed by the submitter relates to the reduction of stock to a level representing that contained within a small lifestyle block. The concept is based on achieving low intensity farming, with incentives for any change in stocking rates or land use change being provided. Rule LRR7 already provides a permitted avenue for farm enterprises to reduce stock levels and become a low intensity farm, this avoiding the need for a nitrogen management plan and resource consent process. The Incentives Board is a separate avenue that provides financial incentive to farm enterprises who make reductions in nitrogen losses below their NDA. From 2022 this is also achieved through trading under Rule LRR10. It is considered that PPC10 already provides for the concepts suggested by the submitter and no changes are required to be made.

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).		

Staff Recommendations:	Reject
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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.		

Staff Recommendations:	Reject
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Section: LR R7(b)**Staff Recommendation**

No changes are proposed in response to the below submission points.

Staff Reason

(49-71) LRR7(b) is a condition that has been consistently including across the permitted and controlled activities of PPC10, with the exception of Rule LRR10. This condition does not restrict low intensity activities from trading nitrogen, but does ensure that this only occurs from 2022 under Rule LRR10, or as a non-complying activity.

(43-67, 70-73) Refer to Section 5.3.9 Trading of Nitrogen under Plan Change 10

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).		

Staff Recommendations:	Decline
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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.

Staff Recommendations:	Decline
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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.
 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.

Staff Recommendations:	Decline
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Section: Advice note 1 1091

Staff Recommendation

Delete Advice Note 1.

Staff Reason

(70-72) It has been noted by submitters that the advice note of LRR7 refers to the permitted reference file, this providing another definition of when a activity will be considered to have low nitrogen losses and be permitted under LRR7. It is considered that the advice note is also able to be relocated to form part of the definition proposed for low nitrogen loss and be deleted from rule LRR7.

(56-13, FS8-28) In response to submission point 70-72 has resulted in Advice Note 1 being deleted. The words suggested by submitter 56-13 are able to be included within the proposed definition for Low Intensity Farming.

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.

Staff Recommendations:	Accept in Part
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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

Staff Recommendation:	Reject
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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.

Staff Recommendations: Accept

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

1092

Staff Recommendation

Amend bullet points to read:

- The property/ farming enterprise is less than 40 hectares in effective area or
- The property/ farming enterprise was not previously managed by Rule 11 to 11F or; and
- The activity does not comply with permitted activity conditions for the use of land for farming activities. is a controlled activity subject to the following

Add a new assessment criterion as follows: (viii) The duration of the consent to reflect the nature, scale and robustness of any on farm mitigation options proposed.

Alter assessment criterion to read: (v) Circumstances that may require a review of a Nitrogen Discharge Allocation, Nutrient Management Plan or consent conditions including a change to property size, the sale or disposal of land, permanent removal of Nitrogen Discharge Allocation from the catchment, changes in lease arrangements, significant farm system changes and subdivision, or changes to the Regional Policy Statement or Regional Plan resulting from Method 2 and Method 3.

Complete consequential amendments to other assessment criteria to ensure consistency.

Staff Reason

(7-2) Submitter 7 has raised concerns with the need for properties between 10ha and 40ha in effective area to comply with the stocking rate table. This perception is inaccurate with the plan change only requiring enterprises between 5ha and 10ha in effective area, to comply with the table. For enterprises above 10ha this is one option of many available to gain compliance with a Managed Reduction Target or Nitrogen Discharge Allowance specified within a Nitrogen Management Plan. It is advised that the submitter approach the Regional Council Advice and Support team.

(43-69, FS15-23) Submitter 43 has identified that the way in which Rule LRR8 is written may result in consent being required for a number of permitted activities from 2022. The submitter has requested that the title of LRR8 be amended to make it clear that from 2022 onwards the permitted rules LRR3, LRR4 and LRR7 continue to apply. To provide this clarification the title and bullet point 2 have been revised.

(43-75, FS15-26) The submission has requested that a 3 yearly nutrient budgets be required as part of a nitrogen management plan rather than a 5 year budget to show compliance with each MRT. Submission of a 3year budget would not align with the key three milestones set by the plan being 2022, 2027 and 2032 and is not supported.

(49-72) Submitter 49 has highlighted the need to review a resource consent to take into account any changes in science that may affect actions taken within approved resource consents. PPC10 provides the ability to review of the regional plan or RPS to reflect any outcomes from science reviews. Any review of the Regional Land and Water Plan may NDA's and MRT's issued for enterprises. This may result in the need to review consent conditions to ensure that intent of the regional plan and RPS is upheld. This was intended to be provided for by assessment criteria (v), however it is acknowledged that this can be made more clear. Additional text has been included to further clarify the intent.

(64-2, FS12-51) Submitter 64 has requested a new permitted activity rule to be included provided for farming enterprises 40ha and above to be permitted until 2022, with this based on a Nitrogen Discharge Allowance and Nitrogen Management Plan being completed along with permitted criteria for monitoring and enforcement purposes. The proposed Rule is effectively the same rule as LRR8 within Plan Change 10. This rule also only requires compliance with the 2022 managed reduction Target on the basis that the science supporting the loads is not certain and may change. Method 2 requires science review to be completed every 5 years to ensure that the best science available informs the Plan Change. Aligning with this from 2017 Nitrogen Management plans are also required to be reviewed allowing any new science on the lake loads to be included. It is considered that long term view is required to allow a farm enterprise to plan ahead to achieve managed reduction targets and for council to be assured that the 2032 limit is able to be achieved. The proposed approach does not provide this level of certainty. The suggested rule is subject to a range of actions by both Council and the applicant to determine if they meet the permitted conditions or not. One of these relates to compliance with an external document which identifies actions to be completed by the applicant and is to be enforced by Council. It is considered that this is not a standard approach for permitted activities within a regulatory plan and provides an element of discretion causing uncertainty and inconsistent implementation. Such an approach is more suitable to be Controlled, Restricted Discretionary or Discretionary. PPC10 has chosen to take the most lenient approach with a controlled activity status. No changes have been made in response to this request.

(56-14, 65-6) The submission point relates to an error that was not corrected prior to notification. To ensure accurate implementation this submission point has been accepted.

(56-19) To ensure consents approved align with the intent of Policy LRP16 of the plan change additional assessment criteria relating to the term of the consent should be included to aid implementation of the plan. This intends to resolve concerns raised by submissions.

(43-68, FS15-22) Support Noted.

(61-9, FS11-4, FS12-25, 78-4) Refer to Section 5.3.8 The Use of Nitrogen Management Plans
(33-7) Refer to Section 5.3.2 The Need for a Regulatory Approach (Rules)

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.

Staff Recommendations: Reject

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.

Staff 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.

Staff 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

Staff 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".

Staff 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.

Staff 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.

Staff Recommendations: Reject

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

Staff Recommendation: Reject

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

Staff Recommendations: Accept in Part

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".

Staff Recommendations: Accept

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.

Staff Recommendations: Accept

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.

Staff Recommendations: Reject

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.
 Decision Sought: As above

Staff Recommendation:	Reject
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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

Staff Recommendation:	Reject
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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.

Staff Recommendations:	Reject
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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

Staff Recommendation: Reject

Submission Number: 65: 6 Submission Type: Oppose
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.

Staff 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.

Staff Recommendations: Reject

Section: LR R8(a)

1093

Staff Recommendation

No changes to LRR8(a) are proposed in response to the below submission points.

Staff Reason

(70-10) Nitrogen management plans only intend include the series of actions to be undertaken as agreed with the farmer to reach each managed reduction target. The actions for the first MRT are set and require compliance, unless revised at the requested of the holder. It is acknowledged that actions to achieve later MRT's are more fluid and are subject to change. Any actions listed are able to be reviewed every 5 years this aligning with each managed reduction target. Therefore the process does not 'fix' a farmer into actions 15 years from now. This upholds the intent of the NMP's being a living document and enables changes to be made without going through a resource consent process, this reducing cost and regulatory restrictions on land owners.

(45-3) Refer to Section 9.3.2 the Need for a Regulatory Approach (Rules)

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.

Staff 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.

Staff Recommendations: Reject

Section: LR R8(b)**Staff Recommendation**

Amend to refer to Nutrient Management Plans rather than Nitrogen Management Plans.

Staff Reason

(48-17) Submissions have requested that best/ good management practices be provided for by PPC10. Recent decisions on the RPS highlighted the use of on-farm best management practices to help achieve the required reduction. It is considered that the use of 'best/ good management practice' aligns with the intent of the RPS, however it is considered that this is best place within Schedule LR6 rather than a rule due to the vague nature of term providing discretion on what best management encompasses, this impacting if an application meets the rule criteria or not. Its location within Schedule LR6 provides the ability for discussions to be held between Council and the applicant and agreements reached what on actions should be included within a NMP or not.

(16-8, 20-7, 23-9, 24-5, 39-5, 43-70, FS15-8, 45-9, 70-76, 67-7, 66-12, FS12-26, 82-8) Refer to Section 5.3.8 the Use of Nitrogen Management Plans

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.		
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.		

Staff Recommendations:	Reject
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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.		

Staff Recommendations:	Reject
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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		

Staff Recommendations:	Reject
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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.		

Staff Recommendations:	Reject
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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.

Staff 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).

Staff 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 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

Staff 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.

Staff 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.

Staff 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.

Staff 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

Staff 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.

Staff Recommendations: Reject

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.

Staff Recommendations: Reject

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.

Staff Recommendations: Reject

Section: Assessment Criteria (ii)

1095

Staff Recommendation

Amend assessment criteria (ii) to read: Setting of the appropriate frequency for the submission of an OVERSEER® file, prepared by a suitably qualified and experienced person, demonstrating implementation of the Nutrient Management Plan.

Consequential amendments will be required within Rules LRR9 to LRR10 to ensure consistency within the plan.

Staff Reason

(43-73, FS15-24, 70-74) Assessment criteria (ii) provides council with the ability to include conditions of consent that require the submission of an OVERSEER® file to monitor progress to each MRT and the NDA. It should be at Councils discretion through the consent process if this file is required

annually or bi-annually, this reflecting the level actions required within each NMP. It is recommended to remove the word 'annual' from the assessment criteria and amend the criteria to ensure the frequency of a OVERSEER® file will be determined on a case by case basis. Additional guidance on when OVERSEER® files are required in the implementation plan.

(58-11) Refer to the use of OVERSEER® and Reference Files

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.		

Staff Recommendations:	Accept in Part
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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.		

Staff Recommendation:	Accept in Part
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Submission Number:	58: 11	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.		

Staff Recommendations:	Reject
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Submission Number:	70: 74	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:	Amend Rule LR8(ii) as follows: The submission of an OVERSEER® file, prepared by a suitably qualified and experienced person which is consistent with the Nutrient Management Plan.		

Staff Recommendations:	Reject
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Section: Assessment Criteria (iii)

1096

Staff Recommendation

No changes to assessment criteria (iii) are proposed.

Staff Reason

(43-74, FS15-25, 70-75) As the NMP will cover farming enterprises there may be instances where mitigation measures relate to changes in land use located on leased land i.e. subdivision or building construction (herd homes etc.). In these instances Council will need approval from the landowner prior to the NMP being approved by way of consent, to provide certainty actions proposed are available to reduce losses.

Submissions

Submission Number: 43: 74 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).

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 15 - 25 Submission Type: Support
Further Submitter: Ballance Agri-Nutrients Limited
Submission Summary: Ballance considers that it is inappropriate to require the written approval of a third party within a rule and questions the relevance of the clause.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 70: 75 Submission Type: Oppose
Submitter: The Fertiliser Association of New Zealand
Submission Summary: It is not understood why bullet (iii) is necessary.
Decision Sought: Delete.

Staff Recommendations: Reject

Section: Assessment Criteria (iv)

1097

Staff Recommendation

No changes to assessment criteria (iv) are proposed.

Staff Reason

(58-12) Refer to Section 5.3.6 the Use of OVERSEER® and Reference files

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.

Staff Recommendations: Reject

Section: Assessment Criteria (v)

1098

Staff Recommendation

Amend Assessment criteria (v) to read: 'Circumstances that may require a review of a Nitrogen Discharge Allocation, Nutrient Management Plan or consent conditions including a change to property size, the sale or disposal of land, permanent removal of Nitrogen Discharge Allocation from the catchment, changes in lease arrangements, significant farm system changes and subdivision, or changes to the Regional Policy Statement or Regional Plan resulting from Method 2 and Method 3.

Staff Reason

(56-15) Submitter 49 has highlighted the need to review a resource consent to take into account any changes in science that may affect actions taken within approved resource consents. PPC10 provides the ability to review of the regional plan or RPS to reflect any outcomes from science reviews. Any review of the Regional Plan may impact targets and loads effecting NDA's and MRT's issues for enterprises. This will result in the need to review consent conditions to ensure that intent of the regional plan and RPS is upheld. This was intended to be provided for by assessment criteria (v), however it is acknowledged that this can be made more clear. Additional text has been included to further clarify the intent.

(43-71, FS15-9) Refer to Section 5.3.8 the Use of Nitrogen Management Plans

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).

Staff 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

Staff 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 ...".

Staff Recommendations: Accept

Section: Assessment Criteria (vi)

Staff Recommendation

Amend Assessment Criteria (vi) to read: Implementation of the Nutrient Management Plan, including the mitigations and methodology to be used to meet the Managed Reduction Targets and Nitrogen Discharge Allocation.

Staff Reason

(43-72, FS15-10) Refer to Section 5.3.8 the Use of Nitrogen Management Plans

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).

Staff 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		
Staff Recommendation:	Accept		

1100

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

Staff Recommendation

Amend Assessment Criteria (v) to read 'Circumstances that may require a review of a Nitrogen Discharge Allocation, Nutrient Management Plan or consent conditions including a change to property size, the sale or disposal of land, permanent removal of Nitrogen Discharge Allocation from the catchment, changes in lease arrangements, significant farm system changes and subdivision, or changes to the Regional Policy Statement or Regional Plan resulting from Method 2 and Method 3.

Add new Assessment Criteria as follows: 'The duration of the consent to reflect the nature, scale and robustness of any on farm mitigation options proposed.'

Staff Reason

(48-27) The 4.2 TLI has been achieved through the treatment of the existing load currently reaching the lakes through a range of actions including such tools as alum dosing. The resource consent for alum dosing was approved based on land management changes being implemented and the alum dosing would only be used as an interim action. Therefore there is a need to alter land practices to reduce nutrient losses to groundwater that will reach the lake in the future. This will ensure that lake water quality is maintained upon such actions as alum dosing ceasing.

(49-73, 49-72) Submitter 49 has highlighted the need to review a resource consent to take into account any changes in science that may affect actions taken within approved resource consents. PPC10 provides the ability to review of the regional plan or RPS to reflect any outcomes from science reviews. Any review of the Regional Plan may impact targets and loads effecting Nitrogen Discharge Allowance and Managed Reduction Targets issues for enterprises. This will result in the need to review consent conditions to ensure that intent of the Regional Land and Water Plan and RPS is upheld. This was intended to be provided for by assessment criteria (v), however it is acknowledged that this can be made more clear. Additional text has been included to further clarify the intent.

(56-20) To ensure consents approved align with the intent of Policy LRP16 of the plan change additional assessment criteria relating to the term of the consent should be included to aid implementation of the plan. This intends to resolve concerns raised by submissions, no changes are considered to be required.

64-3) Submitter 64 has requested a new controlled activity rule to provide for farming activities beyond 2022 that do not comply with permitted criteria and only requires actions to be implemented out to the 2027 target on the basis of limit knowledge on lake loads. Rule LRR8 already provides a controlled activity status for farming activities that do not meet permitted criteria. Implementation of the Approved Nitrogen management Plan only required staged implementation to achieve each Managed Reduction Target, this already upholding the approach requested by the submitter.. Method 2 requires science review to be completed every 5 years to ensure that the best science available informs the Plan Change. Aligning with this from 2017 Nitrogen Management plans are also required to be reviewed allowing any new science on the lake loads to be included. It is considered that long term view is required to allow a farm enterprise to plan ahead to achieve managed reduction targets and for council to be assured that the 2032 limit is able to be achieved. The proposed approach does not provide this level of certainty.

(82-15) Refer to Section 5.3.2 the Need for a Regulatory Approach (Rules)

(32-13, 33-8) Refer to Section 5.3.1 The Regional Policy Statement and Operative Regional Plan

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.

Staff 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.

Staff 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.

Staff Recommendations: Reject

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

Staff 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.

Staff 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: A new Controlled Activity as follows:
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)

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

- The activity does not comply with permitted activity conditions in Part LR, is a controlled activity 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.

Bay of Plenty Regional Council reserves control over the following:

- (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.
- (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.
- (iv) The form of information and documentation to support the OVERSEER® file including data inputs and protocols.
- (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.
- (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.
- (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.

Staff Recommendations:	Reject
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Submission Number:	82: 15	Submission Type:	Oppose
Submitter:	Stuart Morrison		
Submission Summary:	I oppose controlled activity status at least until 2022 and seek relief to that effect.		
Decision Sought:	I oppose controlled activity status at least until 2022 and seek relief to that effect.		

Staff Recommendations:	Reject
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Section: LR R9(a)	1101
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Staff Recommendation

No changes to LRR9(a) are proposed in response to the below submissions.

Staff Reason

(45-4, 70-12) Refer to Section 5.3.9 Use of Nitrogen Management Plans.

Submissions

Submission Number:	45: 4	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.		

Staff Recommendations:	Reject
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Submission Number:	70: 12	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.		

Staff Recommendations: Reject

1102

Section: LR R9(b)

Staff Recommendation

No changes are made in response to the below submission points.

Staff Reason

(43-82, FS15-30) The submission has requested that a 3 yearly nutrient budgets be required as part of a nitrogen management plan rather than a 5 year budget to show compliance with each MRT. Submission of a 3year budget would not align with the key three milestones set by the plan being 2022, 2027 and 2032 and is not supported.

(70-77) Nitrogen management plans only intend include the series of actions to be undertaken as agreed with the farmer to reach each managed reduction target. The actions for the first MRT are set and require compliance, unless revised at the requested of the holder. It is acknowledged that actions to achieve later MRT's are more fluid and are subject to change. Any actions listed are able to be reviewed every 5 years this aligning with each managed reduction target. Therefore the process does not 'fix' a farmer into actions 15 years from now. This upholds the intent of the NMP's being a living document and enables changes to be made without going through a resource consent process, this reducing cost and regulatory restrictions on land owners.

(43-76, FS15-27) Support Noted

(16-9, 20-8, 23-10, 24-6, 39-6, 43-77, FS15-11, 45-8, 61-10, FS11-15, 70-77, 78-5, 67-8, 66-10, 82-9) Refer to the Use of Nitrogen Management Plans.

Submissions

Submission Number: 16: 9 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.

Staff Recommendations: Reject

Submission Number: 20: 8 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.

Staff Recommendations: Reject

Submission Number: 23: 10 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

Staff Recommendations: Reject

Submission Number: 24: 6 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 fertilizer representative.

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

Staff Recommendations: Reject

Submission Number: 39: 6 Submission Type: Oppose

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.

Staff Recommendations: Reject

Submission Number: 43: 76 Submission Type: Support in Part

Submitter: Ravensdown Limited

Submission Summary: Ravensdown supports the controlled activity status of the rule, and the intent of the rule to adopt a non-notified approach.

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

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 15 - 27 Submission Type: Support

Further Submitter: Ballance Agri-Nutrients Limited

Submission Summary: Supports the activity status.

Decision Sought: As above

Staff Recommendation: Accept

Submission Number: 43: 77 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).

Staff Recommendations: Accept

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

Staff Recommendation: Accept

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.

Staff Recommendations: Reject

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

Staff Recommendation: Reject

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.

Staff Recommendations: Reject

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.

Staff Recommendations: Reject

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

Staff Recommendation: Reject

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.

Staff Recommendations: Reject

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.

Staff Recommendations:	Reject
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Submission Number: 70: 77 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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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Section: Assessment Criteria (ii)
Staff Recommendation

Amend assessment criteria (ii) to read: Setting of the appropriate frequency for the submission of an OVERSEER® file, prepared by a suitably qualified and experienced person, demonstrating implementation of the Nutrient Management Plan. Consequential amendments will be required within Rules LRR9 to LRR10 to ensure consistency within the plan.

Staff Reason

(70-82, 43-80, FS15-28) Assessment criteria (ii) provides council with the ability to include conditions of consent requiring submission of an OVERSEER® file to monitor progress to each MRT and the NDA. It should be at Councils discretion through the consent process if this file is required annually or bi- annually, this reflecting the level actions required within each NMP. It is recommended to remove the word 'annual' from the assessment criteria and amend the criteria to ensure the frequency of a OVERSEER® file will be determined on a case by case basis. Additional guidance on when OVERSEER® files are required in the implementation plan.

(58-13) Refer to Section 5.3.6 the Use of OVERSEER® and Reference Files

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.		

Staff Recommendations:	Reject
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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.		

Staff Recommendation:	Reject
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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®.		

Staff Recommendations:	Reject
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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.		
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.		

Staff Recommendations:	Accept in Part
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Section: Assessment Criteria (iii)
Staff Recommendation

No changes are proposed in response to the below submissions.

Staff Reason

(43-81,FS15-29, 70-80) As the NMP will cover farming enterprises there may be instances where mitigation measures relate to changes in land use located on leased land i.e. subdivision or building construction (herd homes etc.). In these instances Council will need approval from the landowner prior to the NMP being approved by way of consent, to provide certainty actions proposed are available to reduce losses. No changes to this requirement is proposed.

Submissions

Submission Number: 43: 81 Submission Type: Oppose in Part
 Submitter: Ravensdown Limited
 Submission Summary: Matters of control (iii) does not seem to be necessary and should be deleted.
 Decision Sought: Delete matters of control (iii).

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 15 - 29 Submission Type: Support
 Further Submitter: Ballance Agri-Nutrients Limited
 Submission Summary: Ballance considers that it is inappropriate to require the written approval of a third party within a rule and questions the relevance of the clause.
 Decision Sought:

Staff Recommendation: Reject

Submission Number: 70: 80 Submission Type: Oppose
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: It is not understood why bullet (iii) is necessary.
 Decision Sought: Delete.

Staff Recommendations: Reject

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.
 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.

Staff Recommendations: Accept in Part

Section: Assessment Criteria (v)

1105

Staff Recommendation

Amend Assessment Criteria (v) to read: Circumstances that may require a review of a Nitrogen Discharge Allocation, Nutrient Management Plan or consent conditions including a change to property size, the sale or disposal of land, permanent removal of Nitrogen Discharge Allocation from the catchment, changes in lease arrangements, significant farm system changes and subdivision, or changes to the Regional Policy Statement or Regional Plan resulting from Method 2 and Method 3.

Staff Reason

(56-16) Plan Change 10 provides the ability to review the regional plan or RPS to reflect any outcomes from science reviews. Any review of the Regional Plan may impact targets and loads effecting NDA's and MRT's issues for enterprises. This will result in the need to review consent conditions to ensure that intent of the regional plan and RPS is upheld. This was intended to be provided for by assessment criteria (v), however it is acknowledged that this can be made more clear. Additional text has been included to further clarify the intent.

(43-78, FS15-12) Refer to the Use of Nitrogen Management Plans

Submissions

Submission Number: 43: 78 Submission Type: Oppose 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).

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 15 - 12 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

Staff Recommendation: Accept

Submission Number: 56: 16 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 ...".

Staff Recommendations: Accept

Section: Assessment Criteria (vi)

1106

Staff Recommendation

Amend Assessment Criteria (vi) to read: 'Implementation of the Nutrient Management Plan, including the mitigations and methodology to be used to meet the Managed Reduction Targets and Nitrogen Discharge Allocation.'

Staff Reason

(43-79, FS15-13) Refer to the Use of Nitrogen Management Plans

Submissions

Submission Number: 43: 79 Submission Type: Oppose 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).

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 15 - 13 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

Staff Recommendation: Accept

Section: LRR10 From 1/07/2022 the transfer of nitrogen loss entitlements

1107

Staff Recommendation

Remove the word 'farming activity' from the definition of Nitrogen Management Plan and replace with land uses.

Add new Assessment Criteria as follows: 'The duration of the consent to reflect the nature, scale and robustness of any on farm mitigation options proposed.'

Add new Advice Note as follows: The transfer of nitrogen between properties either as Managed Reduction Offsets (short term trading) or Nitrogen Discharge Allocations (long term trading) is implemented by the issuing of new resource consents and new Nutrient Management Plans for the source and destination land.

Staff Reason

(49-74, FS14-36) The submission point implies that lower leaching activities are not able to participate in trading under LRR10. This is not the case, forestry enterprises fall under the definition of property/ farming enterprise as long as they are in the Rotorua catchment and within the rural layer. Rule LRR10 provides for trading between property/ farming enterprises and does not restrict land uses onsite. Participating in trade will result in a NMP and NDA being allocated or revised from each participating enterprise, again this process will not exclude forestry enterprises from LRR10. Review of each definition within PPC10 which relates to LRR10 has highlighted that nitrogen management plans are restricted to farming activity, removal of the word 'farming' from this definition will enable a NMP to be relevant to all activities that participate in trade. This will not impact the implementation of other rules within the plan change.

(56-21) To ensure consents approved align with the intent of Policy LRP16 of the plan change additional assessment criteria relating to the term of the consent should be included to aid implementation of the plan. This intends to resolve concerns raised by submissions, no changes are considered to be required.

(56-24) A new advice note as suggested by submitter 56 provides clarification on the consent process required to undertake both short and long term and trading. This increases clarification to plan users and helps assist implementation of the plan and has been accepted.

(32-18, 40-12, 43-7, 43-83) Support Noted

(78-6) Refer to Section 5.3.8 The Use of Nitrogen Management Plans

(13-3, 26-22, 78-14, FS6-50, 66-25, 33-9) Refer to Section 5.3.9 Trading of Nitrogen under Plan Change 10

(53-54) Refer to Section 5.3.11 Proposed New Rule Framework

Submissions

Submission Number: 13: 3 Submission Type: Oppose
Submitter: Alister Snodgrass
Submission Summary: Trading of nutrient entitlements should be available to all land holders.
Decision Sought: Trading of nutrient entitlements should be available to all land holders.

Staff Recommendations: Reject

Submission Number: 26: 22 Submission Type: Oppose
Submitter: Rotorua Lakes Council
Submission Summary: Resource efficiency is not adequately maximised if trading of nitrogen is not provided for until 2022. PC 10's moratorium on nitrogen trading until 2022 does not facilitate the preservation of value from existing on-farm capital investment. Provision for earlier trading will enable more efficient resource allocation.
Decision Sought: Amend LR P7 and LR R10 to enable the commencement of authorised transfer of nitrogen loss entitlements from the date on which Rule LR R10 becomes operative.

Staff Recommendations: Reject

Submission Number: 32: 18 Submission Type: Support
Submitter: Kaitao Rotohokahoka 2D Trust
Submission Summary: The Trust supports the transfer of nitrogen loss entitlements between properties / farming enterprises.
Decision Sought: No changes requested.

Staff Recommendations: Accept

Submission Number: 33: 9 Submission Type: Oppose
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.

Staff 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.

Staff 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.

Staff Recommendations: Accept

Submission Number: 43: 83 Submission Type: Support in Part
 Submitter: Ravensdown Limited
 Submission Summary: Ravensdown supports the controlled activity status of the rule, and the intention to allow for the transfer of nitrogen loss entitlement and consider any consent application on a non-notified basis.
 Decision Sought: Retain the controlled activity status of the rule, and the intention to allow for the transfer of nitrogen loss entitlement and consider any consent application on a non-notified basis.

Staff Recommendations: Accept

Submission Number: 49: 74 Submission Type: Oppose in Part
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: The structure of the rules at present makes it a permitted activity for the higher leaching land uses to trade among themselves, but it excludes the lowest leaching activities from any such trade. This is inefficient in terms of potential economic outcomes, inequitable, unfair and unreasonable.
 Decision Sought: Reword this rule and make consequential changes to other rules, to ensure that there is no limitation on the type of initial land use that may purchase nitrogen loss entitlements.

Staff Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 14 - 36 Submission Type: Support
 Further Submitter: Hancock Forest Management (NZ) Ltd
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation: Accept in Part

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.

Staff Recommendations: Reject

Submission Number: 56: 21 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.

Staff Recommendations: Accept

Submission Number: 56: 24 Submission Type: Support
 Submitter: Bay of Plenty Regional Council
 Submission Summary: Need to add an explanation as to how consents will be used implement trading.
 Decision Sought: Insert new advice note as follows: "3. The transfer of nitrogen between properties either as Managed Reduction Offsets (short term trading) or Nitrogen Discharge Allowances (long term trading) is implemented by the issuing of new resource consents and new Nitrogen Management Plans for the source and destination land."

Staff Recommendations: Accept

Submission Number: 66: 25 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: PC 10 should provide an enabling framework for a wider portfolio of nutrient reduction strategies to include community wide mitigation solutions. In addition to trading of long-term allowances, we would like to see provision for the leasing of nutrient allowances.

Decision Sought: The Collective supports the establishment of trading as a tool to allow land owners to meet the staged reduction target. Trading should not be restricted to after 2022.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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Submission Number: 78: 6 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.

Staff Recommendations:	Reject
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Submission Number: 78: 14 Submission Type: Support in Part

Submitter: Tony and Joanna Carr

Submission Summary: We support the establishment of trading as a tool to allow land owners to meet the staged reduction target. In addition to trading of long-term allowances, we would like to see provision for the leasing of nutrient allowances. This is likely to increase flexibility and market efficiency, as well as reduce the compliance burden for BOPRC by enabling short-term fluctuations to be resolved with short-term nutrient trading.

Decision Sought: Trading should not be restricted to after 2022. In addition to trading of long-term allowances, we would like to see provision for the leasing of nutrient allowances.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 6 - 50 Submission Type: Support in Part

Further Submitter: CNI Iwi Land Management Ltd

Submission Summary: For the reasons given in the original submission. CNILML supports leasing of nutrient discharge units rather than their permanent allocation. Leasing will reduce the likelihood that nutrient discharge units become capitalised into the value of land.

Decision Sought: As above

Staff Recommendation:	Reject
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Section: LR R10(b)**Staff Recommendation**

No changes are proposed in response to the below submission points.

Staff Reason

(70-13) Nitrogen management plans only intend include the series of actions to be undertaken as agreed with the farmer to reach each managed reduction target. The actions for the first MRT are set and require compliance, unless revised at the request of the holder. It is acknowledged that actions to achieve later MRT's are more fluid and are subject to change, this will not result in a non complying activity status. Any actions listed are able to be reviewed every 5 years this aligning with each managed reduction target. Therefore the process does not 'fix' a farmer into actions 15 years from now. This upholds the intent of the NMP's being a living document and enables changes to be made without going through a resource consent process, this reducing cost and regulatory restrictions on land owners.

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.		

Staff Recommendations: Reject

Section: LR R10(c)**Staff Recommendation**

Amend to refer to Nutrient Management Plan rather than Nitrogen Management Plan.

Staff Reason

(43-89) The submission has requested that a 3 yearly nutrient budgets be required as part of a nitrogen management plan rather than a 5 year budget to show compliance with each MRT. Submission of a 3year budget would not align with the key three milestones set by the plan being 2022, 2027 and 2032 and is not supported.

(70-78, FS12-27) Nitrogen management plans only intend include the series of actions to be undertaken as agreed with the farmer to reach each managed reduction target. The actions for the first MRT are set and require compliance, unless revised at the request of the holder. It is acknowledged that actions to achieve later MRT's are more fluid and are subject to change, this will not result in a non complying activity status. Any actions listed are able to be reviewed every 5 years this aligning with each managed reduction target, the review of each NMP will not trigger the review of the resource consent. Therefore the process does not 'fix' a farmer into actions 15 years from now or require resource consents with a 5 year timeframe. This upholds the intent of the NMP's being a living document and enables changes to be made without going through a resource consent process, this reducing cost and regulatory restrictions on land owners.

(16-11, 20-9, 23-11, 24-7, 43-84, FS15-14, 61-11, FS11-6, 67-9, 66-13, 82-10) Refer to Section 5.3.8 the Use of Nitrogen Management Plans

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.		

Staff 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.

Staff Recommendations:	Reject
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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

Staff Recommendations:	Reject
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Submission Number: 24: 7 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.

Staff Recommendations:	Reject
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Submission Number: 43: 84 Submission Type: Support in Part
 Submitter: Ravensdown Limited
 Submission Summary: Condition (c) should be amended refer to a Nutrient Management Plan.
 Decision Sought: Refer to a Nutrient Management Plan in condition (c).

Staff Recommendations:	Accept
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Further Submission(s)

Further Submission No: 15 - 14 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

Staff Recommendation:	Accept
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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.

Staff 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.

Staff 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

Staff 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.

Staff 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.

Staff Recommendations: Reject

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.

Staff 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

Staff 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.

Staff Recommendations: Reject

Section: Assessment Criteria (ii)

1110

Staff Recommendation

Amend as follows: (ii) Setting of the appropriate frequency for the submission of an OVERSEER® file, prepared by a suitably qualified and experienced person, demonstrating implementation of the Nutrient Management Plan.

Staff Reason

(70-83) Assessment criteria (ii) provides council with the ability to include conditions of consent requiring submission of an OVERSEER® file to monitor progress to each MRT and the NDA. It should be at Councils discretion through the consent process if this file is required annually or bi-annually, this reflecting the level actions required within each NMP. It is recommended to remove the word 'annual' from the assessment criteria and amend the criteria to ensure the frequency of a OVERSEER® file will be determined on a case by case basis. Additional guidance on when OVERSEER® files are required in the implementation plan.

(43-87) The assessment criteria intends to ensure continued compliance with the Nitrogen Management Plan (consisting of a target) through the use of a OVERSEER® file, this effectively a nutrient budget. No changes are proposed.

(64-21) As currently worded the assessment criteria requires the OVERSEER® files to show compliance with the NMP. The NMP includes the final NDA target, managed reduction targets and any actions required to be implemented to achieve those targets. The annual OVERSEER® files are intended to track progress toward the NMP targets and ensure losses are compliant, this achieving the intent suggested by the submitter. The actions listed within the NMP to achieve each target relate to the level of losses required to be reduced, and provide more certainty and direction to the consent holder and Council on how compliance is able to be achieved.

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.

Staff Recommendations: Reject

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.

Staff 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.

Staff Recommendations: Reject

Section: Assessment Criteria (iii) 1111

Staff Recommendation

No changes are proposed in response to the below submissions.

Staff Reason

(43-88, 70-81) As the NMP will cover farming enterprises there may be instances where mitigation measures relate to changes in land use located on leased land i.e. subdivision or building construction (herd homes etc.). In these instances Council will need approval from the landowner prior to the NMP being approved by way of consent to provide certainty actions proposed are available to reduce losses.

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).

Staff Recommendations: Reject

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.

Staff Recommendations: Reject

Section: Assessment Criteria (iv)

1113

Staff Recommendation

Replace assessment criteria (iv) with: (iv) The form of information and documentation to support the OVERSEER® file, including data inputs and protocols.

Staff Reason

(56-23, 70-84) The wording of assessment criteria (iv) for Rule LRR10 is inconsistent with the criteria listed for other rules within the plan change. This is in error and was not found prior to notification. To ensure consistent implementation of the plan change, this criteria has been deleted and replaced as suggested by Submission point 56-23.

Submissions

Submission Number: 56: 23 Submission Type: Support

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 text from point LR R9(iv) with the text in LR R10(iv).

Staff 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).'

Staff Recommendations: Reject

Section: Assessment Criteria (v)

1114

Staff Recommendation

Revise Assessment Criteria (v) to read: Circumstances that may require a review of a Nitrogen Discharge Allocation, Nutrient 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, or changes to the Regional Policy Statement or Regional Land and Water Plan resulting from Method 2 and Method 3

Staff Reason

(56-17) PPC10 provides the ability to review the regional plan or RPS to reflect any outcomes from science reviews. Any review of the Regional Plan may impact targets and loads effecting NDA's and MRT's issues for enterprises. This may result in the need to review consent conditions to ensure that intent of the Regional Land and Water Plan and RPS is upheld. This was intended to be provided for by assessment criteria (v), however it is acknowledged that this can be made more clear. Additional text has been included to further clarify the intent.

(43-85, FS15-15) Refer to the Use of Nitrogen Management Plans

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).

Staff 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

Staff 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 ...".

Staff Recommendations: Accept

Section: Assessment Criteria (vi)

1115

Staff Recommendation

Revise Assessment criteria (vi) to read: 'Implementation of the Nutrient Management Plan, including the mitigations and methodology to be used to meet the Managed Reduction Targets and Nitrogen Discharge Allocation.'

Staff Reason

(64-22, 64-23) As currently worded the assessment criteria requires the OVERSEER® files to show compliance with the NMP. The NMP includes the final NDA target, managed reduction targets and any actions required to be implemented to achieve those targets. The annual OVERSEER® files are intended to track progress toward the NMP targets and ensure losses are compliant, this achieving the intent suggested by the submitter. It is recommended that no changes are made in response to these submission points.

(43-86, FS15-16) Refer to Section 5.3.8 The Use of Nitrogen Management Plans

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).

Staff 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

Staff Recommendation:	Accept
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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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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Section: Assessment Criteria (vii)

1116

Staff Recommendation

No changes are proposed in response to the below submission point.

Staff Reason

(64-24) As currently worded the assessment criteria requires the OVERSEER® files to show compliance with the NMP. The NMP includes the final NDA target, managed reduction targets and any actions required to be implemented to achieve those targets. The annual OVERSEER® files are intended to track progress toward the NMP targets and ensure losses are compliant, this achieving the intent suggested by the submitter. It is recommended that no changes are made in response to these submission points.

Submissions

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.'

Staff Recommendations:	Reject
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Section: LRR11 Farm activity not readily modelled by OVERSEER®
Staff Recommendation

Delete term 'readily' from the Rule title.

Add new assessment criteria as follows: The duration of the consent to reflect the nature, scale and robustness of any on farm mitigation options proposed.

Amend Bullet Point two to read: From 1 July 2022, that are less than 40 hectares in effective area unless otherwise permitted by Rules LRR3 to LRR7

Staff Reason

(21-10) The submitter has raised concerns with the use of OVERSEER® and its inability to model a range of activities such as nurseries. The intent of Rule 11 is to provide for alternative models other than OVERSEER® to help determine the nitrogen losses of such activities. This effectively resolves the concerns raised by the submitters relating to OVERSEER®. The intent of the plan change is to manage activity that generate losses of nitrogen per hectare greater than the permitted level of losses. In response to other submission points a range of definitions have been proposed to help clarify what commercial activities are intended to be managed and what aren't. In addition the proposed definitions of low intensity farming also provides a permitted pathway for farming activities that generate low levels of losses. Both of these options avoid the need for a nitrogen management plan. It is considered that the concerns raised by the submitter have already been addressed by PPC10.

(30-8) LRR11(v) requires the budget or OVERSEER® file to be prepared by a suitably qualified person as defined in PPC10. To ensure consistency in implementation and accuracy in data supplied it is considered that this approach is suitable. Advice note 1 also required the nitrogen reduction to be similar to other land uses and sectors, this ensuring any allocation is fair and equitable.

(43-90) Submitter 43 raises concerns with Rule LRR11 have the same intent as Rules LRR8 and LRR9. LRR11 differs in that this acknowledges the restrictions with the use of OVERSEER® and provides for alternative methods to be used to calculate nitrogen budgets. Whilst this could be merged with LRR8 and LRR9, providing a separate rule provides clarity to readers and increases the usability of the plan. This also avoids the creation of rules that are overly complex and technical. It is recommended that no changes are made in response to this submission point.

(49-75) PPC10 is intended to cover specifically farming activity, this excluding forestry and non-farming activity. Revising the text as suggested will enable this rule to be applied to a wider range of land uses rather than just farming, this not aligning with the intent of PPC10. The rule does not need to refer to the Lake Rotorua Catchment with this clarification provided within the rules itself, and within the preamble to the rules.

(64-25) Submitters have requested that the term 'readily' is clarified by Council. It is considered that the word 'readily' is vague and open to interpretation and has been removed in response to the submission. It is recommended that this word is deleted. This will not reduce or alter the intent of Rule 11.

(70-86) The submitter has questioned how the NDA and MRT for activities not readily modelled by OVERSEER® will be calculated. Advice note 1 provides for the comparison of the activity with a similar land use/ sector, this helping to ensure any allocations are equal and fair. Schedule 1 has a strong focus on the use of OVERSEER® and relies on the use of ranges for the dairy and drystock sector to determine an NDA. Depending on the model and type of activity, this process may not be relevant. Any NDA set will be through a collaborative process with the applicant with direction gained from both schedule LR1 and comparable land uses as outlined in Advice Note 1.

(56-22) To ensure consents approved align with the intent of Policy LRP16 of the plan change additional assessment criteria relating to the term of the consent should be included to aid implementation of the plan. This intends to resolve concerns raised by submissions.

(65-7) Submitter 65 has identified that the way in which the rule is written may result in consent being required for a number of permitted activities. The submitter has requested that rule be amended to make it clear the permitted rules LRR3, 4 and 7 continue to apply to property enterprises. Minor amendments have been proposed to clarify the intent of the rule.

(3-5) Support Noted

(32-11) Refer to Section 5.3.1 The Regional Policy Statement and Operative Regional Plan

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.		
Staff 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.		

Staff Recommendations: Reject

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.

Staff 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.

Staff Recommendations: Reject

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.

Staff 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...'

Staff 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.

Staff 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.

Staff 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.

Staff 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.

Staff Recommendations: Accept in Part

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.

Staff 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.

Staff Recommendations: Reject

Section: LR R11(a) 1118

Staff Recommendation

No changes are proposed in response to the below submission.

Staff Reason

(70-85) The submitter has questioned how the NDA and MRT for activities not readily modelled by OVERSEER® will be calculated. Advice note 1 provides for the comparison of the activity with a similar land use/ sector, this helping to ensure any allocations are equal and fair. Schedule 1 has a strong focus on the use of OVERSEER® and relies on the use of ranges for the dairy and drystock sector to determine an NDA. Depending on the model and type of activity, this process may not be relevant. Any NDA set will be through a collaborative process with the applicant with direction gained from both schedule LR1 and comparable land uses as outlined in Advice Note 1.

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.

Staff Recommendations: Reject

Section: LR R11(b)

1119

Staff Recommendation

No changes are proposed in response to the below submissions.

Staff Reason

(70-14) Nitrogen management plans only intend include the series of actions to be undertaken as agreed with the farmer to reach each managed reduction target. The actions for the first MRT are set and require compliance, unless revised at the requested of the consent holder. It is acknowledged that actions to achieve later MRT's are more fluid and are subject to change. Any actions listed are able to be reviewed every 5 years this aligning with each managed reduction target. Therefore the process does not 'fix' a farmer into actions 15 years from now. This upholds the intent of the NMP's being a living document and enables changes to be made without going through a resource consent process, this reducing cost and regulatory restrictions on land owners.

(16-12, 20-10, 23-12, 24-8, 61-12, FS11-7, 78-7, 67-10, 66-11, 82-11) Refer to Section 5.3.8 The Use of Nitrogen Management Plans

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.

Staff Recommendations: Accept

Submission Number: 16: 12 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.

Staff Recommendations: Reject

Submission Number: 20: 10 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.

Staff Recommendations: Reject

Submission Number: 23: 12 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

Staff Recommendations: Reject

Submission Number: 24: 8 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 regularly 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.

Staff Recommendations:	Reject
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Submission Number: 61: 12 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 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.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 11 - 7 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

Staff Recommendation:	Reject
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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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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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.

Staff Recommendations:	Reject
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Section: Assessment Criteria (vii)	1120
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Staff Recommendation

Amend assessment criteria to read: (vii) Circumstances that may require a review of a Nitrogen Discharge Allocation, Nutrient 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, or changes to the regional policy statement or regional plan resulting from Method 2 and Method 3.

Staff Reason

(56-18) PPC10 provides the ability to review the regional plan or RPS to reflect any outcomes from science reviews. Any review of the Regional Plan may impact targets and loads effecting NDA's and MRT's issues for enterprises. This may result in the need to review consent conditions to ensure that intent of the regional plan and RPS is upheld. This was intended to be provided for by assessment criteria (v), however it is acknowledged that this can be made more clear. Additional text has been included to further clarify the intent.

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 ...".

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

Staff Recommendation

No changes are proposed in response to the below submission points.

Staff Reason

(70-11, 70-87, FS15-48, 43-91, FS6-51, 70-11, 70-87, FS15-48) PPC10 has been written in a way that uses the most lenient regulatory approach available under the Act. In the instance where a permitted condition is not complied with the activity will become either controlled under LRR5 until 2022 or remain permitted under LRR7. Non-compliance with LRR8 to LRR11 only occurs upon a NDA or NMP not being provided as part of a resource consent application. It is considered that a non-complying activity status as directed by Policy 12 is suitable given the issue of water quality in Lake Rotorua being a regionally significant issue. A non-complying activity status provides a more rigorous assessment than Discretionary and signals that any approved consent is an exception, this not being gained through the use of a Discretionary Rule. A Discretionary activity signals such activities are generally more appropriate, which is not the case for Lake Rotorua which has a set cap of 435t/ N/ yr. Approval of a number of Discretionary activities may result in a unforeseen cumulative effect and reduce ability to achieved the target. It is considered that PPC10 is already flexible through the use of permitted and controlled activity statuses, the provision for trading and activities with low nitrogen losses being permitted. Therefore the use of a non-complying activity status continues to be supported by Council.

(49-76) Submissions have raised concerns with forestry being capped at 2.5kg/ N/ ha, preventing any alternative land use from occurring onsite, or being locked into forestry. The allocation system set up for PPC10 is based on the land uses present between 2001-04 and the related losses generated from that activity, for forestry this was recorded as 2.5kg/ N/ ha. This land use activity and the losses generated helped inform the 755t/ N catchment load from which reduction of 320tN has been calculated and then allocated across sectors. To reflect and uphold this allocation system LRR2 only requires forestry to remain in forestry, beyond this forestry is not controlled by Plan Change 10. Fertiliser application over plantation forestry is not restricted by the plan change due to limited information available showing a correlation between increased fertiliser use for plantation forestry and losses to water. Recent unpublished research has shown a high uptake of nitrogen and phosphorus from established pine plantations reducing the level of nutrients entering the soil column and groundwater systems. Providing for forestry conversion will alter the level of nitrogen losses from the dairy/ drystock sector, where research has shown there to be such a correlation between pastoral and nitrogen losses. LRR2 enables forestry to continue as a permitted activity out to 2032 and beyond subject to complying with permitted conditions. If the land operator/ owner wishes to undertake forestry conversion this could be completed by purchasing nitrogen under LRR10 to enable the increase in losses to reflect that of pastoral farming. It is considered that the consenting process provided under PPC10 is lenient with resource consents being controlled activities, this reducing cost for the land owner/ operator. No changes are proposed.

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.		

Staff Recommendations:	Reject
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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		

Staff Recommendation:	Reject
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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.

Staff 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.

Staff 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.

Staff 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.

Staff 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

Staff Recommendation: Reject

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.

Staff Recommendations: Reject

Section: LR R13 Incidental nutrient discharges

1122

Staff Recommendation

No changes are proposed.

Staff Reason

(26-34)The activity is permitted and provides for incidental discharges associated with the activities provided for by PPC10. General support has been provided for LRR13 due to this provided clarification to plan users. No changes are considered to be required.

(53-57, 70-88, 66-92, 75-189) Support Noted

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.

Staff Recommendations: Reject

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

Staff Recommendations: Accept

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

Staff 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).

Staff Recommendations:	Accept
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Submission Number: 75: 189 Submission Type: Support

Submitter: Federated Farmers of New Zealand

Submission Summary: Support for clarity.

Decision Sought: Retain.

Staff Recommendations:	Accept
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Staff Recommendation

Add new definitions as follow:

Commercial cropping: The intensive cultivation of forage crops, fodder crops, maize for the intent of sale to the general public.

Commercial dairying: An intensive dairy farming system characterised by high inputs of capital, labour and technology relative to land area. Intensive production will result in losses per hectare that exceed the permitted level of nitrogen losses.

Commercial Horticulture – The intensive production of vegetable, fruit or nut crops for the purpose of resale to the general public or wholesale business. These are characterised by high inputs of capital, labour and technology (including machinery) relative to land area. Commercial Horticulture does not include any vegetable, fruit or nut crops that form an integral part of a household garden.

Household garden: An area containing contains a high diversity of plants including vegetables, fruits, plantation crops, spices, herbs, ornamental and medicinal plants. Household gardens are located within close proximity to the household or within walking distance and generally have low labor requirements with the main source of labor being from occupants of the house. Any production is supplemental rather than a main source of family consumption and income.

Rule Implementation Plan: A non-statutory document that provides advice on how the Lake Rotorua Nutrient Management rules are intended to be implemented and enforced. Such documents are usually developed where a regulatory plan has technical components and background information that is not able to be included within a regulatory document.

Significant Farm System Change: A change in farm practice that alters the inputs, methods or areas being used in the management of the property/farming enterprise where the scale of change means that the Nutrient Management Plan is no longer a realistic representation of the farm system or the predicted discharge exceeds that in the Nutrient Management Plan.

Start Points: The nitrogen loss benchmark or derived benchmark for a property/farming enterprise as a sum of all block nitrogen loss benchmarks/derived benchmarks developed in accordance with Schedule LR One.

Low Intensity Farming: Farming activities that generate less than 71% of the nitrogen loss rate generated by the drystock reference file as prescribed in Schedule LR5.

Staff Reason

(21-11, 56-27) Concern has been raised by submitters on what the term 'commercial' covers this influencing if consent is required or not. Commercial activities that are managed by the plan area listed within each permitted rule, however the point at which these become commercial rather than normal household practice is not outlined within the plan change.

The majority of rural lots that contain commercial practices (such as dairy) usually form part of a larger farm enterprise and require consent under rule LRR8 or LRR9. In these instances commercial activity will be included within approved nitrogen management plans for the relevant property/ farming enterprise. If these blocks are less than 10 hectares in area resource consent under Rule LRR3 or LRR4 will not be required. However in cases where activities on sections under 10ha are not included within an NMP it is acknowledged that a definition is required to determine the scale of commercial activities to be managed by the plan and provide plan users to have certainty on if they comply with permitted criteria or not. Produce from household gardens, hobbies or small scale dairy production are not intended to be controlled by the plan change, with these generally having low levels of Nitrogen loss and being directly associated with rural-residential activity practice. Any definition of commercial activity will need to reflect the scale of activity intended to be permitted. The trigger of being GST registered is not considered suitable, giving that income generated over \$60,000 can be considered a FTE position and may result in high levels of production with high levels of nitrogen losses in comparison to the small scale commercial activity that the plan intends to provide for. Identifying land area (such as 4000m²) is also problematic with the level of nitrogen loss associated the activity needing to be determined, to ensure that the ability to achieve the 140t/ N reduction is not undermined. Such an approach would require more research and identification of permitted cultivation / horticultural practices and plant species. These factors would result in a complex definition or rule and cause resource consent to be a more suitable approach which does not align with the intent of the plan change. Therefore a range of definitions are suggested which relate more to the scale, location and intent of the activity. Definitions for a household garden, commercial horticulture, dairying and cropping are proposed. It is considered that these provide sufficient direction to plan users as to what definition the activity will fall within and what, if any, resource consent is required.

(43-63, 43-92, FS15-31, 49-34, 70-89, FS6-52) A number of submissions have requested a consistent term when describing low nitrogen loss activities. It is considered that the consistent use of the term 'low intensity farming' will uphold the intent of the policies and rules and align with responses made to other submission points. The proposed definition will align with this term, helping to provide consistency across the plan.

(43-101, 70-91) It is noted that the calculation of a NDA is based on a 'Start point' being determined in accordance with Table LR5. Whilst it is considered that Table LR5 adequately describes how a start point is determined, it is considered that the definition suggested will help to provide clarification on what the start point and associated benchmark actually consists of. This will also help plan users understand how start points and benchmarks relate to each other and inform the NDA. The proposed definition differs slightly from that suggested by submissions with reference to derived benchmarks also being included to ensure the definition is relevant all properties within the groundwater catchment.

(53-60, 66-96, 75-191) Under Plan Change 10 each property has a nitrogen discharge allowance, this includes losses from all activities onsite including house blocks. Future activities cannot exceed this allocation and each block is effectively capped at the losses generated by its land use. Out of this allocation PPC10 requires the management of nitrogen losses emitted from farming activities. This aligns with the RPS which provides direction to manage the losses of rural production activities. To identify these activities PPC10 has a definition of farming activities, and the term effective area which defines where such farming are activities are located. The suggested approach to enforce PPC10 by 'area' would not achieve this and would broaden the scope to manage losses from all activities such as forestry and house blocks. This upholds the intent of the RPS and no changes to this approach is recommended.

(70-50, FS15-41, 70-90) Submitter 70 has requested definitions be provided for 'rule implementation plan' and 'significant farm system change' to clarify their intent. In response definition of what a 'rule implementation plan' is along with its legal status and intent is proposed to be included as part of Plan Change 10. A definition of what significant farm system changes is also proposed with these definitions helping to assist with interpretation and implementation of the plan.

(66-94) Submitter 66 has requested a new definition of farming to be included within PPC10. A definition for farming activity is already included with this providing a concise description on what activities are considered to result in an act of farming. For example it is considered that a farming activity would involve the presence and management of livestock within a rural property rather than a rural dwelling surrounded by landscaped gardens, which would be considered as a rural residential activity. The submitters suggested definition of farming activities will broaden the scope of farming activity to include a wide range of non-farming related activities (such as rural-residential dwellings) which do not generate the level of nitrogen losses to justify any form of management under the plan. Management of such activity goes beyond the requirements of the RPS which requires the plan to focus on reducing nitrogen lost from the pastoral sector.

(66-95) The approach of Plan Change 10 is to acknowledge that farm/ property enterprises are generally made up by a number of blocks, lots, titles and land areas located across the Lake Rotorua Catchment. In the majority of cases these are not contiguous areas of land and are usually managed by one trust, farmer or organisation which may not be the actual land owner. The approach of Plan Change 10 is to have one Nitrogen Discharge Allowance one set of Managed Reduction Target's and one Nitrogen Management Plan across these blocks, lots, titles or land areas where they are shown to act as one farming enterprise. The approach suggested by the submitter will result in a number of Nitrogen Management Plans, Managed Reduction Targets and Nitrogen Discharge Allowances being calculated for any area of a farm enterprise that is not continuous with other sections of the same farm enterprise. This is an inefficient use of resources, will create confusion with farm operations, increase monitoring and compliance costs, and prevent the enterprise to act as one coherent farming unit.

(66-115) Submitter 66 has requested that a new definition of phosphorus to replace the one notified within PPC10 with this being similar to the notified definition for nitrogen. The plan change does not focus on the reduction of phosphorus. The definition provided for nitrogen only goes so far to describe the manner in which nitrogen is referred to within the plan change and the form of Nitrogen managed by PPC10. It is considered that altering the definition for phosphorus would not add any value to the implementation of the plan.

Submissions

Submission Number:	21: 11	Submission Type:	Support in Part
Submitter:	Brown Owl Organics Incorporated		
Submission Summary:	There is no definition for the word "commercial" in these rules. The word is only used in relation to horticulture, cropping and dairying. There are different levels of "commercial". There needs to be a way for small producers to be able to operate commercially below defined limits or below a certain defined amount of turnover.		
Decision Sought:	There needs to be a definition of the word "commercial" itself, or of commercial horticulture. We would like to suggest that the definition be as follows: 'Commercial Horticulture: A profit-making venture with a combined effective area of greater than 4000m2 of nurseries, orchards, vineyards or vegetables grown for human consumption.'		

Staff Recommendations:	Accept in Part
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Submission Number:	43: 63	Submission Type:	Support in Part
Submitter:	Ravensdown Limited		
Submission Summary:	There is a need to provide a definition of "low intensity farming activities.'		
Decision Sought:	Provide a definition of "low intensity farming activities - words that reflect LRR7 would be appropriate.'		

Staff Recommendations:	Accept
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Submission Number:	43: 92	Submission Type:	Support in Part
Submitter:	Ravensdown Limited		
Submission Summary:	There is a need to provide a definition of 'low intensity farming activities' as this term is used in the rules.'		
Decision Sought:	Add a new definition of 'low intensity farming'		

Staff Recommendations:	Accept
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Further Submission(s)

Further Submission No: 15 - 31 Submission Type: Support
Further Submitter: Ballance Agri-Nutrients Limited
Submission Summary: A definition will allow the rule to be correctly interpreted/implemented.
Decision Sought: As above

Staff Recommendation: Accept

Submission Number: 43: 101 Submission Type: Support in Part
Submitter: Ravensdown Limited
Submission Summary: There is confusion over a property's Rule 11 status. Schedule LR One does not adequately or accurately define how the 2032 Nitrogen Discharge Allowance start point is determined. There may be issues over blocks sold and bought which would have implications on the benchmark figure.
Decision Sought: If Council retains the approach to the old Rule 11 benchmark provide a definition that defines how the 2032 Nitrogen Discharge Allowance start point is determined.

Staff Recommendations: Accept

Submission Number: 49: 34 Submission Type: Support in Part
Submitter: CNI Iwi Land Management Ltd
Submission Summary: Without a definition of intensive land use LR 9 policy is meaningless.
Decision Sought: Define "intensive land use".

Staff Recommendations: Accept

Submission Number: 53: 60 Submission Type: Support
Submitter: Lachlan McKenzie
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Add new definition: Area: the property on which the farming activity/farming enterprise occurs and includes but is not limited to any land used for grazing, cultivation, cropping, horticulture, effluent disposal, plantation forestry or bush/scrub.

Staff Recommendations: Reject

Submission Number: 56: 27 Submission Type: Support
Submitter: Bay of Plenty Regional Council
Submission Summary: There is no definition of commercial dairying, horticulture or cropping. These are important to ensure correct implementation of Rule 3 and 4.
Decision Sought: Insert definition(s) to increase interpretation of plan.

Staff Recommendations: Accept

Submission Number: 66: 94 Submission Type: Support in Part
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Add new definition.
Decision Sought: Farming activities – includes all activities on any land located within the rural zone.

Staff Recommendations: Reject

Submission Number: 66: 95 Submission Type: Support in Part
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Add new definition.
Decision Sought: Property - Property means any contiguous area of land, including land separated by a road or river, held in single or multiple ownership (whether or not held in common ownership), that is utilised as a single operating unit, and may include one or more certificates of title.

Staff Recommendations: Reject

Submission Number: 66: 96 Submission Type: Support in Part
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Add new definition.
Decision Sought: Area: the property on which the farming activity/farming enterprise occurs and includes but is not limited to any land used for grazing, cultivation, cropping, horticulture, effluent disposal, plantation forestry or bush/scrub.

Staff Recommendations: Reject

Submission Number: 66: 115 Submission Type: Oppose in Part
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Add definition: Phosphorous: refers to elemental phosphorus in dissolved, particulate and organic forms.

Staff Recommendations: Reject

Submission Number: 70: 50 Submission Type: Oppose in Part
Submitter: The Fertiliser Association of New Zealand
Submission Summary: Include definition of 'Rule Implementation Plan' in definitions section.
Decision Sought: Include definition of 'Rule Implementation Plan' in definitions section.

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 15 - 41 Submission Type: Support
Further Submitter: Ballance Agri-Nutrients Limited
Submission Summary: A definition will assist in providing further clarity within method LR M5.
Decision Sought: As above

Staff Recommendation: Accept

Submission Number: 70: 89 Submission Type: Support
Submitter: The Fertiliser Association of New Zealand
Submission Summary: FANZ considers that clarification is required of a number of terms used throughout the Proposed Plan Change.
Decision Sought: Include definitions for low intensity land use activity.

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 6 - 52 Submission Type: Support
Further Submitter: CNI Iwi Land Management Ltd
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Accept

Submission Number: 70: 90 Submission Type: Support
Submitter: The Fertiliser Association of New Zealand
Submission Summary: FANZ considers that clarification is required of a number of terms used throughout the Proposed Plan Change.
Decision Sought: Include definitions for Significant Farm System Change.

Staff Recommendations: Accept

Submission Number: 70: 91 Submission Type: Support
Submitter: The Fertiliser Association of New Zealand
Submission Summary: FANZ considers that clarification is required of a number of terms used throughout the Proposed Plan Change.
Decision Sought: Include the following definition: Start Points: The nitrogen loss benchmark for a property as a sum of all block nitrogen loss benchmarks developed in accordance with Schedule LR One.

Staff Recommendations: Accept

Submission Number: 75: 191 Submission Type: Support
Submitter: Federated Farmers of New Zealand
Submission Summary: We seek that farm area is total farm area, not 'effective' area.
Decision Sought: Add definition 'Area: the property on which the farming activity/farming enterprise occurs and includes but is not limited to any land used for grazing, cultivation, cropping, horticulture, effluent disposal, plantation forestry or bush/scrub.'

Staff Recommendations: Reject

Section: Block

1124

Staff Recommendation

No changes are proposed.

Staff Reason

(70-92, FS12-28) Submitter 70 has suggested a new definition to replace the notified definition of 'block'. It is considered that the definition of block as notified has the same intent as that suggested by the submitter and provides more direction to plan users. No changes are considered to be required.

Submissions

Submission Number: 70: 92 Submission Type: Oppose in Part
Submitter: The Fertiliser Association of New Zealand
Submission Summary: FANZ support consistency of terminology around the country and seek that 'Block' be defined as per the 'Technical Description of OVERSEER® for Regional Councils'.
Decision Sought: Replace with the following definition: 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).

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 12 - 28 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Section: Bush/Scrub

1125

Staff Recommendation

No changes are proposed.

Staff Reason

(53-61, 66-97, 75-192) Plantation Forestry, Bush and scrub blocks are identified within OVERSEER® as having a lower level of Nitrogen loss compared to other activities such as hay paddocks or fodder crops. Altering the definition to remove the restriction on the grazing of stock within forest blocks etc. where grazing was not previously recorded will increase the losses from these blocks, undermine the allocation system set for PPC10 and reduce the ability to achieve the 435t/N/yr target. No changes are considered to be required.

Submissions

Submission Number: 53: 61 Submission Type: Support in Part
Submitter: Lachlan McKenzie
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Delete "which are not grazed by stock."

Staff Recommendations: Reject

Submission Number: 66: 97 Submission Type: Oppose in Part
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Delete words 'which are not grazed by stock.'

Staff Recommendations: Reject

Submission Number: 75: 192 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: We seek clarification of the inclusion of gorse with bush.
Decision Sought: Delete words 'which are not grazed by stock.'

Staff Recommendations: Reject

Section: Dairy**Staff Recommendation**

No changes are proposed.

Staff Reason

(53-62, 66-98, 75-193) Under Plan Change 10 each property has a nitrogen discharge allowance, this includes losses from all activities onsite including house blocks. Future activities cannot exceed this allocation and each block is effectively capped at the losses generated by its land use. Out of this allocation PPC10 requires the management of nitrogen losses emitted from farming activities. This aligns with the RPS which provides direction to manage the losses of rural production activities. To identify these activities PPC10 has a definition of farming activities, and the term effective area which defines where such farming activities are located. The suggested approach to enforce PPC10 by 'area' would not achieve this and would broaden the scope to manage losses from all activities such as forestry and house blocks. This upholds the intent of the RPS and no changes to this approach is recommended.

The suggested amendments would result in Plantation Forestry, Bush and Scrub Blocks being included as part of the effective area for dairy. These areas have separate definitions and have been allocated a lower level of nitrogen loss within OVERSEER® based on no grazing being present within these blocks from 2001-2004. Altering the definition as suggested would provide for the grazing of stock within forest blocks etc. and will undermine the allocation system set for PPC10 by allowing for additional losses and reduce the ability to achieve the 435t/ N/ yr target.

Submissions

Submission Number:	53: 62	Submission Type:	Support in Part
Submitter:	Lachlan McKenzie		
Submission Summary:	Amend for improved clarity and practical application.		
Decision Sought:	Delete word 'effective' and 'plantation forestry and bush/scrub'.		

Staff Recommendations:	Reject
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Submission Number:	66: 98	Submission Type:	Oppose in Part
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Amend for improved clarity and practical application.		
Decision Sought:	Amend to read: Dairy: The area on which milking cows are grazed during the milking season and includes the animal effluent disposal area and fodder crop areas but excludes land used as dairy support.		

Staff Recommendations:	Reject
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Submission Number:	75: 193	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	We seek that farm area is total farm area, not 'effective' area.		
Decision Sought:	Delete word 'effective' and 'plantation forestry and bush/scrub.'		

Staff Recommendations:	Reject
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Section: Dairy Support**Staff Recommendation**

No changes are proposed.

Staff Reason

(49-77, 53-63, 66-99, 75-194) Most dairy support is provided by drystock farmers leasing parts of their land. Although dairy support has higher nitrogen discharges associated with it than the average drystock discharge, it was included as a part of the drystock sector because:

- ROTAN includes dairy support as drystock when estimating nitrogen loss from land use.
 - It is hard to identify where dairy support occurs in the catchment as it is not a permanent land use.
 - a lot of dairy support occurs on properties <40ha. These properties have not been benchmarked so it would be difficult to determine who would be entitled to a dairy support allocation.
 - Dairy support is a common practice on drystock farms across the country and analysis in other regions has dealt with them as a single sector.
- To ensure that dairy support was adequately covered by the drystock sector a minimum loss rate of 18kg/ N/ ha was allocated (an increase from

12kg/ ha) to provide the ability for dairy support activities to continue, whilst at a lower level of losses. This also ensured that the total losses from the drystock and dairy support do not exceed 209.6kg/ N/ yr as required by Table LR2 of the plan change. The approach taken and the lower limit set for the drystock and dairy support will ensure that all activities are contributing to achieving the required reduction set within Table LR1. This approach was endorsed by StAG in October 2013 and subsequently supported by Council as the way forward for allocation within the catchment. For these reason it is considered inappropriate to separate the Dairy Support sector from the drystock sector and provide a new NDA or range for dairy support.

Submissions

Submission Number:	49: 77	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Dairy support's NDA is included within the drystock allocation range. But this disguises a massive N leaching range possible with various ways of using dairy support land i.e. fodder crops.		
Decision Sought:	Revise to narrow down what can be regarded as dairy support.		

Staff Recommendations:	Reject
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Submission Number:	53: 63	Submission Type:	Support in Part
Submitter:	Lachlan McKenzie		
Submission Summary:	Amend for improved clarity and practical application.		
Decision Sought:	Delete 'nitrogen loss allowance is included within the drystock allocation range.'		

Staff Recommendations:	Reject
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Submission Number:	66: 99	Submission Type:	Oppose in Part
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Amend for improved clarity and practical application.		
Decision Sought:	Delete text 'nitrogen loss allowance is included within the dry stock allocation range.'		

Staff Recommendations:	Reject
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Submission Number:	75: 194	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Consistent with reasons and relief sought in previous sections. We oppose the use of Reference Files. Decision Sought:		
Decision Sought:	Delete 'nitrogen loss allowance is included within the drystock allocation range.'		

Staff Recommendations:	Reject
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Section: Drystock

1128

Staff Recommendation

No changes are proposed.

Staff Reason

(75-195, 66-100, 53-64) Under Plan Change 10 each property has a nitrogen discharge allowance, this includes losses from all activities onsite including house blocks. Future activities cannot exceed this allocation and each block is effectively capped at the losses generated by its land use. Out of this allocation PPC10 requires the management of nitrogen losses emitted from farming activities. This aligns with the RPS which provides direction to manage the losses of rural production activities. To identify these activities PPC10 has a definition of farming activities, and the term effective area which defines where such farming are activities are located. The suggested approach to enforce PPC10 by 'area' would not achieve this and would broaden the scope to manage losses from all activities such as forestry and house blocks. This upholds the intent of the RPS and no changes to this approach is recommended.

The suggested amendments would result in Plantation Forestry, Bush and Scrub Blocks being included as part of the effective area for drystock. These areas have separate definitions and have been allocated a lower level of nitrogen loss within OVERSEER® based on no grazing being present from 2001-2004. Altering the definition as suggested would provide for the grazing of stock within forest blocks etc. and will undermine the allocation system set for PPC10 by allowing for additional losses and reduce the ability to achieve the 435t/ N/ yr target.

Submissions

Submission Number: 53: 64 Submission Type: Support in Part
Submitter: Lachlan McKenzie
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Delete words ' Effective' and 'but excluding plantation forestry and bush/scrub'.

Staff Recommendations: Reject

Submission Number: 66: 100 Submission Type: Oppose in Part
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Amend to read: Dry stock: The area used for non-dairy activity, including grazing of sheep, beef cattle, goats, horses, deer, cropping and dairy support.

Staff Recommendations: Reject

Submission Number: 75: 195 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: We seek that farm area is total farm area, not 'effective' area. Consistent with reasons and relief sought in previous sections.
Decision Sought: Delete word 'effective' and 'plantation forestry and bush/scrub.'

Staff Recommendations: Reject

Section: Effective Area

1129

Staff Recommendation

Amend definition of effective area to read: The part of the property/ farming enterprise that is used for grazing, cultivation, cropping, horticulture, and effluent disposal and includes areas of grazed trees.

Staff Reason

(56-25) There are instances where trees are grazed, causing these blocks to emit higher levels of losses than standard bush/ scrub blocks which are not included as part of an effective area. In order to accurately reflect this it is recommended that the submission point 56-25 is accepted.

(53-65, 85-3, 86-3, 66-101, 75-196) Under Plan Change 10 each property has a nitrogen discharge allowance, this includes losses from all activities onsite including house blocks. Future activities cannot exceed this allocation and each block is effectively capped at the losses generated by its land use. Out of this allocation PPC10 requires the management of nitrogen losses emitted from farming activities. This aligns with the RPS which provides direction to manage the losses of rural production activities. To identify these activities PPC10 has a definition of farming activities, and the term effective area which defines where such farming are activities are located. The suggested approach to enforce PPC10 by 'area' would not achieve this and would broaden the scope to manage losses from all activities such as forestry and house blocks. This upholds the intent of the RPS and no changes to this approach is recommended.

Submissions

Submission Number: 53: 65 Submission Type: Support in Part
Submitter: Lachlan McKenzie
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 56: 25 Submission Type: Support
Submitter: Bay of Plenty Regional Council
Submission Summary: Addition of further clarification to definition of "Effective Area" to include reference to Grazed Trees.

Decision Sought: Amend definition of Effective Area as follows: "The part of the property/farming enterprise used for grazing, cultivation, cropping, horticulture, effluent disposal, and includes areas of grazed trees".

Staff Recommendations: Accept

Submission Number: 66: 101 Submission Type: Oppose
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 75: 196 Submission Type: Oppose
Submitter: Federated Farmers of New Zealand
Submission Summary: We seek that farm area is total farm area, not 'effective' area.
Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 85: 3 Submission Type: Oppose
Submitter: Waiteti Farms Ltd / Waiteti Whenua Trust
Submission Summary: Effective Area - The plan is proposed to regulate only effective areas however the lands are whole systems where farming is one part that is required to meet more than just an economic outcome.
Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 86: 3 Submission Type: Oppose
Submitter: Whakapoungakau Aggregated Lands
Submission Summary: Effective Area - The plan is proposed to regulate only effective areas however the lands are a whole system. Farming is one part of the system that is required to provide more than just an economic outcome i.e. cultural, environmental, and social.
Decision Sought: Not specified.

Staff Recommendations: Reject

Section: Farming Activity

1130

Staff Recommendation

No changes are proposed.

Staff Reason

(66-102, 75-197, FS6-53) Submitters 66 and 75 have requested the definition of farming activity be broadened to include forestry and bush and scrub. PPC10 manages plantation forestry and bush/ scrub under LRR2 which acknowledges the low levels of nitrogen losses generated and ensures that these land uses do not change resulting in an increase of Nitrogen loss to the catchment. Plantation forestry or bush/ scrub can only change to an activity with higher nitrogen losses if the level of nitrogen is transferred to the property under LRR10 or the increase is offset by other actions. Including forestry and scrub within the farming definition would result in a number of rules becoming applicable to forestry enterprises causing the ability for land use change and increased losses without suitable mitigation measures put in place. No changes are considered to be required

Submissions

Submission Number: 66: 102 Submission Type: Oppose in Part
Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Amend for improved clarity and practical application.

Decision Sought: Amend to read '.....cropping and horticulture, including plantation forestry or bush/scrub within the farm area'.

Staff Recommendations: Reject

Submission Number: 75: 197 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: We seek that farm area is total farm area, not 'effective' area, and for consistency with reasons and relief sought in previous sections.

Decision Sought: Delete words 'but not' and add 'within the farm area' at the end of definition.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 53 Submission Type: Oppose

Further Submitter: CNI Iwi Land Management Ltd

Submission Summary: CNILML opposes the change to seek to average the effect of farm activity over the whole property where it includes low leaching components such as forestry, rather than apply to the "effective area". It would mask the high emitting activities which are the purpose and focus of the plan change.

Decision Sought: As above

Staff Recommendation: Accept

Section: Grazed Trees 1131

Staff Recommendation

Amend definition to read: Grazed trees: Areas of trees, scrub or wetlands that were grazed by stock during the 2001-04 benchmarking period. These areas typically have low nitrogen discharges.

Staff Reason

(56-26) Upon Plan Change 10 becoming operative Rule 11 will no longer be applicable to the Lake Rotorua Catchment. For this reason it is recommended that the words 'Rule 11' are deleted and reference to the 2001-04 benchmarking period is included as suggested by the submitter.

Submissions

Submission Number: 56: 26 Submission Type: Support

Submitter: Bay of Plenty Regional Council

Submission Summary: Correction to terminology used.

Decision Sought: Amend definition of Grazed Trees by deleting "under Rule 11" and inserting "during the 2001-04 Benchmarking period".

Staff Recommendations: Accept

Section: House Block 1132

Staff Recommendation

No changes are proposed.

Staff Reason

(53-66, 66-103) The definition of 'house block' intends to clarify to plan users on what activity falls within the scope of a house block and what doesn't. It is important to distinguish this type of block from others used for grazing or cropping which these rules focus on for nitrogen reduction. For this reason it is recommended that the definition of house block remains within the plan, rather than be deleted as requested by submitters 53 and 66.

Submissions

Submission Number: 53: 66 Submission Type: Support in Part
Submitter: Lachlan McKenzie
Submission Summary: Amend for improved clarity and practical application
Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 66: 103 Submission Type: Oppose
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Delete.

Staff Recommendations: Reject

Section: Horticulture

1133

Staff Recommendation

No changes are proposed.

Staff Reason

(75-198, 66-104, 53-67) Under Plan Change 10 each property has a nitrogen discharge allowance, this includes losses from all activities onsite including house blocks. Future activities cannot exceed this allocation and each block is effectively capped at the losses generated by its land use. Out of this allocation PPC10 requires the management of nitrogen losses emitted from farming activities. This aligns with the RPS which provides direction to manage the losses of rural production activities. To identify these activities PPC10 has a definition of farming activities, and the term effective area which defines where such farming are activities are located. The suggested approach to enforce PPC10 by 'area' would not achieve this and would broaden the scope to manage losses from all activities such as forestry and house blocks. This upholds the intent of the RPS and no changes to this approach is recommended.

Submissions

Submission Number: 53: 67 Submission Type: Support in Part
Submitter: Lachlan McKenzie
Submission Summary: Amend for improved clarity and practical application
Decision Sought: Delete word "effective".

Staff Recommendations: Reject

Submission Number: 66: 104 Submission Type: Oppose in Part
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Delete word 'effective'.

Staff Recommendations: Reject

Submission Number: 75: 198 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: We seek that farm area is total farm area, not 'effective' area.
Decision Sought: Delete word 'effective'

Staff Recommendations: Reject

Section: Managed reduction**Staff Recommendation**

No changes are proposed.

Staff Reason

(53-68, 66-105, 75-199) The changes requested broaden the scope of the definition to refer to the reduction of nutrients rather than just nitrogen. This approach aligns with the position of the submitters to broaden the scope of the plan change to relate to phosphorus as well as nitrogen. The managed reduction of Phosphorus by PPC10 is not supported for the reasons outlined in Section 5.5.3 of this report.

Submissions

Submission Number:	53: 68	Submission Type:	Support in Part
Submitter:	Lachlan McKenzie		
Submission Summary:	Amend for improved clarity and practical application.		
Decision Sought:	Amend to read: Managed Reduction: The planned progressive reduction of nutrient losses.		

Staff Recommendations:	Reject
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Submission Number:	66: 105	Submission Type:	Oppose in Part
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Amend for improved clarity and practical application.		
Decision Sought:	Amend to read: Managed Reduction: The planned progressive reduction of nutrient losses Managed Reduction Target.		

Staff Recommendations:	Reject
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Submission Number:	75: 199	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Consistent with reasons and relief sought in previous sections.		
Decision Sought:	Amend to read: Managed Reduction: The planned progressive reduction of nutrient to reach a Managed Reduction Target		

Staff Recommendations:	Reject
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Section: Managed reduction target**Staff Recommendation**

Amend to read Managed Reduction Target: Managed Reduction Targets describe the nitrogen reductions required in each five-year timeframe which in total equal the difference between the Start Point and Nitrogen Discharge Allocation. They are the maximum amount of nitrogen loss allowed to occur from a property/ farming enterprise at a target date (1 July 2022 and 1 July 2027). They are calculated as a percentage of the total reduction required and will be expressed as percentages in relation to the relevant reference files.

Staff Reason

(53-69, 66-106, 75-200) The managed reduction target upholds the intent of the RPS and the reduction of 70% by 2022. This also aligns with the terminology used within RPS Policy WL6B. Removal of this definition as requested by submitters will reduce the level of clarification provided to the community on the intent of the plan change and reduce alignment with the overarching RPS. No changes are considered to be required.

(70-93, FS15-49) Submitter 70 has requested changes to the definition to achieve consistency across the plan and add further clarification. It is considered that the information included within the notified definition is still required, with this providing the dates for each managed reduction target. Therefore a definition that combines the suggested changes by the submitter and the notified definition are proposed.

Submissions

Submission Number: 53: 69 Submission Type: Oppose
Submitter: Lachlan McKenzie
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 66: 106 Submission Type: Oppose
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 70: 93 Submission Type: Oppose in Part
Submitter: The Fertiliser Association of New Zealand
Submission Summary: FANZ seeks consistency of terms and definitions for clarity.
Decision Sought: Amend definition to be consistent with the definition given in Schedule LR One: 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.

Staff Recommendations: Accept in Part

Further Submission(s)

Further Submission No: 15 - 49 Submission Type: Support
Further Submitter: Ballance Agri-Nutrients Limited
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Accept

Submission Number: 75: 200 Submission Type: Oppose
Submitter: Federated Farmers of New Zealand
Submission Summary: Consistent with reasons and relief sought in previous sections.
Decision Sought: Delete.

Staff Recommendations: Reject

Section: Managed Reduction Offset 1136

Staff Recommendation

No changes are proposed.

Staff Reason

(53-70, 66-107, FS6-54, 75-201) A managed reduction offset is able to apply to any land use activity (including land use change) or change in farm practices. The only criterion is that the offset is sufficient to cover any additional losses from the activity to ensure the MRT is met within the set timeframe. The suggested amendments reduce the scope of the offset to only apply to land use change. Flexibility needs to be retained to provide land owners/ farm operators with options on how they will meet each MRT and ultimately the NDA. No changes are considered to be required.

Submissions

Submission Number: 53: 70 Submission Type: Support in Part
Submitter: Lachlan McKenzie
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Amend to read '.....property/farming enterprise to enable landuse change and meet a Managed Reduction Target.'

Staff Recommendations: Reject

Submission Number: 66: 107 Submission Type: Oppose in Part
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Amend to read: 'Nitrogen loss capacity that is transferred from a source property/farming enterprise for addition to the managed reduction pathway of a destination property/enterprise to enable land use change and meet a Managed Reduction Target.'

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 54 Submission Type: Support in Part
Further Submitter: CNI Iwi Land Management Ltd
Submission Summary: Support clarification but seeks further changes to include land presently in forestry and a definition change to include plantation forest within the definition of rural enterprise.
Decision Sought: Amend to read:
'Nitrogen loss capacity that is transferred from a source property/rural enterprise for addition to the managed reduction pathway of a destination property/rural enterprise to enable land use change and meet a Managed Reduction Target.'
Include plantation forest within a definition of rural enterprise.

Staff Recommendation: Reject

Submission Number: 75: 201 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Amend as follows '.....property/farming enterprise to 'enable landuse change' and meet a Managed Reduction Target.'
Decision Sought: Amend as follows '.....property/farming enterprise to 'enable landuse change' and meet a Managed Reduction Target.'

Staff Recommendations: Reject

Section: Nitrogen

Staff Recommendation

No changes are proposed.

Staff Reason

(53-71, 66-108, 75-202) The notified definition of nitrogen describes the manner in which nitrogen is referred to within the plan change. Therefore having a similar definition for phosphorus and nitrogen as requested will not reflect the context each element is used by the plan change and reduce interpretation of plan users. Therefore it is recommended that no changes in response to these submission points are proposed.

Submissions

Submission Number: 53: 71 Submission Type: Support in Part

Submitter: Lachlan McKenzie
 Submission Summary: Amend for improved clarity and practical application.
 Decision Sought: Amend to read: Nitrogen: refers to elemental nitrogen in dissolved, particulate or organic forms.

Staff Recommendations:	Reject
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Submission Number: 66: 108 Submission Type: Oppose in Part
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Amend for improved clarity and practical application.
 Decision Sought: Amend to read: Nitrogen: refers to elemental nitrogen in dissolved, particulate or organic forms.

Staff Recommendations:	Reject
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Submission Number: 75: 202 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Consistent with reasons and relief sought in previous sections.
 Decision Sought: Amend as follows: Nitrogen: refers to elemental nitrogen in dissolved, particulate or organic forms.

Staff Recommendations:	Reject
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Section: Nitrogen Budget	1138
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Staff Recommendation

Delete Definition and replace term nitrogen budget with 'alternative nutrient budgeting' throughout PPC10.

Staff Reason

(43-93, 70-94, FS15-50) Responses to other submission points have resulted in this definition being deleted. The intent of a budget was to identify a pathway to reach a set allocation. It is noted that the way this was written caused this to have the same intent as a Nitrogen Discharge Allowance. It is considered that this term may be confusing, therefore the term nitrogen budget will be replaced by alternative nutrient budgeting throughout the plan to ensure accurate interpretation and implementation.

Submissions

Submission Number: 43: 93 Submission Type: Support in Part
 Submitter: Ravensdown Limited
 Submission Summary: The definitions should specify that a Nitrogen Budget is typically produced by an OVERSEER® or an alternative approved by the Regional Council, as specified in Schedule LR Six. The proposed definition is vague and could be met, for example, by a rudimentary estimate of crop nutrient removal and fertiliser inputs alone, assessed by many different means.
 Decision Sought: Amend by adding the following to the definition: "... outputs. Nitrogen Budgets must be prepared using the OVERSEER® Nutrient Budget model (or an alternative model authorised by the Regional council) and must be prepared by a suitably qualified person certified under the Certified Nutrient Management Advisor Programme."

Staff Recommendations:	Reject
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Submission Number: 70: 94 Submission Type: Oppose
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: 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. The current definition is very vague and could be met by a rudimentary estimate of crop nutrient removal and fertiliser inputs alone.
 Decision Sought: Amend as follows: '.....and all the outputs. Nitrogen budgets must be prepared using the OVERSEER® Nutrient Budget model (or an alternative model authorised by the Regional Council)'

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 15 - 50 Submission Type: Support
Further Submitter: Ballance Agri-Nutrients Limited
Submission Summary: Supports the definition amendment proposed as it would promote greater consistency and clarity.
Decision Sought: As above

Staff Recommendation: Reject

Section: Nitrogen Discharge Allowance 1139

Staff Recommendation

Amend definition to read:

Nitrogen Discharge Allocation: The maximum annual amount of nitrogen loss that is allowed to occur from a property/ farming enterprise post 1 July 2032. A property/ farming enterprise's Nitrogen Discharge Allowance equals the sum of the allowable nitrogen losses, for all of the blocks within the property/ farming enterprise (drystock, dairy, bush/ scrub, plantation forestry and house blocks). They are expressed as a percentage of the relevant reference files.

Consequential amendments will need to be completed throughout the plan change to ensure consistency.

Staff Reason

(43-96, 70-95, FS15-51) Submitters 43 and 70 have raised concerns that the definition as notified will create confusion. Amendments have been suggested to provide consistency throughout the plan, and also increase clarification to plan users. These amendments are supported however it is considered that a portion of the notified definition is still required, this being the first sentence which states that the NDA is the annual loss allowed to occur from the property from 2032. This upholds the intent of PPC10 which is to ensure the NDA is met by 2032 and not exceeded from thereon.

(49-78) The word Allowance provides a positive connotation. It is considered that this should be amended to be Allocation rather than units as suggested by the submitter or allowance as notified. This change does not impact the intent of the plan to allocate nitrogen losses across the catchment.

53-72, 66-109, 75-203) The nitrogen discharge allowance is an essential component of the plan change and represents the final limit for Nitrogen loss from each enterprise from 2032 for each enterprise. Having this removed and replaced by a managed reduction target as suggested undermines the intent to reduce the level of losses by a set amount of 140t/ N by providing the perception that the current 'final limit' may be altered or incorrect, this reducing compliance. The approach suggested by submitters is not supported.

Submissions

Submission Number: 43: 96 Submission Type: Oppose
Submitter: Ravensdown Limited
Submission Summary: There needs to be consistency in the use of terms and definitions for clarity. The current definition could be interpreted as saying two different things: Nitrogen Discharge Allowance is a maximum annual nitrogen loss per farm; or That the Nitrogen Discharge Allowance is a maximum nitrogen loss per block.
Decision Sought: Delete the definition and replace it with the definition in Schedule LR One: "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)."

Staff Recommendations: Accept in Part

Submission Number: 49: 78 Submission Type: Oppose
Submitter: CNI Iwi Land Management Ltd
Submission Summary: Calling an externality that should not be happening an "allowance" sends the wrong signals. Pollution is not allowed, including be section 15 and 17 of the RMA.
Decision Sought: Rename as Nitrogen discharge units.

Staff Recommendations: Accept in Part

Submission Number: 53: 72 Submission Type: Oppose

Submitter: Lachlan McKenzie
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Delete.

Staff Recommendations	Reject
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Submission Number: 66: 109 Submission Type: Oppose
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Delete.

Staff Recommendations:	Reject
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Submission Number: 70: 95 Submission Type: Oppose
Submitter: The Fertiliser Association of New Zealand
Submission Summary: FANZ seeks consistency of terms and definitions for clarity. The proposed definition could be interpreted as saying two different things:
- NDA is a max annual nitrogen loss per farm or;
- That NDA is max nitrogen loss per block.
Decision Sought: Delete and replace with '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).'

Staff Recommendations:	Accept in Part
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Further Submission(s)

Further Submission No: 15 - 51 Submission Type: Support
Further Submitter: Ballance Agri-Nutrients Limited
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation:	Accept in Part
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Submission Number: 75: 203 Submission Type: Oppose
Submitter: Federated Farmers of New Zealand
Submission Summary: Consistent with reasons and relief sought in previous sections.
Decision Sought: Delete.

Staff Recommendations:	Reject
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Section: Nitrogen Loss Entitlement	1140
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Staff Recommendation

Delete definition.

Staff Reason

(49-79, 53-73) It is noted that the term nitrogen loss entitlements may be perceived as a positive connotation to an action that results in an environmental impact. The intent of the term Nitrogen loss entitlement was to provide one term that covered both Nitrogen Discharge Allowances, and Managed Reduction Targets to allow for concise rules. It is noted this is additional term that duplicates others and creates confusion. It is recommended that all reference to nitrogen discharge entitlements are removed, and replaced with Nitrogen Discharge Allocation and Managed Reduction Targets.

(66-110, 75-204) Submitters 66 and 75 have requested amendments to remove the term Nitrogen Discharge Entitlement. Responses to other

submission points have resulted in this definition being deleted, therefore no changes are proposed to be made in response to these submission points.

Submissions

Submission Number: 49: 79 Submission Type: Oppose in Part
Submitter: CNI Iwi Land Management Ltd
Submission Summary: Calling an externality that should not be happening an “entitlement” sends the wrong signals.
Decision Sought: Rename throughout the plan as Nitrogen discharge liability units.

Staff Recommendations: Accept in Part

Submission Number: 53: 73 Submission Type: Oppose
Submitter: Lachlan McKenzie
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 66: 110 Submission Type: Oppose in Part
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Amend to read: Nitrogen loss entitlement: Consent allowing for Managed Reduction Offset.

Staff Recommendations: Reject

Submission Number: 75: 204 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Consistent with reasons and relief sought in previous sections.
Decision Sought: Delete text 'Nitrogen Discharge Allowance' and word 'or'.

Staff Recommendations: Reject

Section: Nitrogen Management Plan

1141

Staff Recommendation

Amend definition to read:

Nutrient Management Plan: A plan prepared for a property or farming enterprise that identifies sources of nutrients associated with landuses and that records mitigation actions to reduce nitrogen losses to meet Managed Reduction Targets and the Nitrogen Discharge Allocation, and to manage phosphorus loss. The requirements of a Nutrient Management Plan are specified in Schedule LR Six.

Staff Reason

(53-74) It is noted that clauses exist within the notified version of the PC10 requiring phosphorus managed to be included within the NMP's, altering the name to be Nutrient Management Plans aligns with this approach. However the second component of this submission point relates to change the word nitrogen to nutrient within the definition itself. This is not supported as with Plan Change 10 only requiring the reduction of nitrogen losses not phosphorus.

(53-75, 66-111, 75-205) The suggested changes will result in any reference to the NDA and MRT's being removed. These form a key part of a nitrogen management plan and reference to these should remain as part of the definition, this providing certainty for plan users and avoiding any surprises upon a nitrogen management plan being received by an applicant. No changes are considered to be required.

(43-94, FS15-17) Refer to Section 5.3.8 The Use of Nitrogen Management Plans

Submissions

Submission Number: 43: 94 Submission Type: Support in Part
 Submitter: Ravensdown Limited
 Submission Summary: The current definition of Nitrogen Management Plan can be retained for the term 'Nutrient Management Plan'.
 Decision Sought: Delete the reference to a 'Nitrogen Management Plan' and replace it with the term 'Nutrient Management Plan'.

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 15 - 17 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

Staff Recommendation: Accept

Submission Number: 53: 74 Submission Type: Support in Part
 Submitter: Lachlan McKenzie
 Submission Summary: Amend for improved clarity and practical application.
 Decision Sought: Amend to refer to 'Nutrient Management Plan' and 'nutrient losses'.

Staff Recommendations: Accept in Part

Submission Number: 53: 75 Submission Type: Oppose
 Submitter: Lachlan McKenzie
 Submission Summary: Amend for improved clarity and practical application.
 Decision Sought: Delete words: 'to meet Managed Reduction Targets and the Nitrogen Discharge Allowance, and to manage phosphorus loss. The requirements of a Nitrogen Management Plan are specified in Schedule LR Six.'

Staff Recommendations: Reject

Submission Number: 66: 111 Submission Type: Oppose in Part
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Amend for improved clarity and practical application.
 Decision Sought: Amend to read: Nutrient Management Plan: A plan prepared for a property or farming enterprise that identifies sources of nutrients associated with the farming activity and that records mitigation actions to reduce nutrient losses.

Staff Recommendations: Reject

Submission Number: 75: 205 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Consistent with reasons and relief sought in previous sections.
 Decision Sought: Amend as follows:
 Nutrient Management Plan: A plan prepared for a property or farming enterprise that identifies sources of nutrients associated with the farming activity and that records mitigation actions to reduce nutrient losses
 The requirements of a Nutrient Management Plan are specified in Schedule LR Six.

Staff Recommendations: Reject

Section: OVERSEER**Staff Recommendation**

No changes are considered to be required.

Staff Reason

(49-80) Submitter 49 has requested additional text to reflect version changes and updates to OVERSEER®, highlighting the uncertainty this may cause. It is considered that altering the definition as suggested would undermine OVERSEER® as a tool as its use as part of PPC10.

(53-76, 66-112, 75-206) Identifying the annual timeframe over which OVERSEER® completes calculations helps to provide direction to the community on the information used ensures consistency in OVERSEER® files. Submissions have requested that these timeframes are removed. For the reasons specified it is recommended that this text remains and the submission point be declined.

Submissions

Submission Number:	49: 80	Submission Type:	Oppose in Part
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	OVERSEER® still needs a lot of verification to make its outputs less variable. To gloss over the variability is to misrepresent and over represent its value as a tool for meeting lake water quality. It also needs substantial verification to be relevant for many Rotorua soil types. The reliance being placed on it in this plan change is too great.		
Decision Sought:	Revise the definition to say ...commonly referred to as OVERSEER®) is a model under development, with numerous versions, that can produce substantially different information outputs on the same piece of land with the same input data, and that lacks sensitivity to mitigation changes.		

Staff Recommendations:	Reject
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Submission Number:	53: 76	Submission Type:	Oppose
Submitter:	Lachlan McKenzie		
Submission Summary:	Amend for improved clarity and practical application.		
Decision Sought:	Delete words "OVERSEER® calculations are based on a 01 July to 30 June period.'		

Staff Recommendations:	Reject
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Submission Number:	66: 112	Submission Type:	Oppose in Part
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Amend for improved clarity and practical application.		
Decision Sought:	Amend to read: OVERSEER®: OVERSEER® Nutrient Budgets model (commonly referred to as OVERSEER®) is a software application that generates information about the flow of nutrients on and off a farm.		

Staff Recommendations:	Reject
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Submission Number:	75: 206	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	Consistent with reasons and relief sought in previous sections. We oppose the use of Reference Files		
Decision Sought:	Delete text 'OVERSEER® calculations are based on a 01 July to 30 June period.'		

Staff Recommendations:	Reject
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Section: OVERSEER File**Staff Recommendation**

Amend definition to read: OVERSEER® File: 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. This provides an estimate of the total nitrogen balance for a particular property/ farming enterprise using OVERSEER®, taking into account nitrogen inputs and outputs.

Staff Reason

(43-97,70-96, FS15-52) It is noted that the plan change often refers to both nitrogen budget and OVERSEER® files with a similar intent, therefore to avoid the perception that these are significantly different it is recommended that the submission is accepted in part to include the text suggested, but to retain the last portion of the notified definition to ensure that linkages with the definition of a nitrogen budget is achieved.

(53-77, 66-113, 75-207)The changes requested broaden the scope of the definition to refer to the reduction of nutrients rather than just nitrogen. This approach aligns with the position of the submitters to broaden the scope of the plan change to relate to phosphorus as well as nitrogen. The managed reduction of Phosphorus by PPC10 is not supported for the reasons outlined in Section 5.5.3 of this report.

Submissions

Submission Number:	43: 97	Submission Type:	Oppose
Submitter:	Ravensdown Limited		
Submission Summary:	The current definition is the same as the Nitrogen Budget and does not accurately represent what an OVERSEER® File is.		
Decision Sought:	Replace with the following: "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."		

Staff Recommendations:	Accept in Part
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Submission Number:	53: 77	Submission Type:	Support in Part
Submitter:	Lachlan McKenzie		
Submission Summary:	Amend for improved clarity and practical application.		
Decision Sought:	Delete word 'Nitrogen' and replace with 'Nutrient'		

Staff Recommendations:	Reject
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Submission Number:	66: 113	Submission Type:	Oppose in Part
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Amend for improved clarity and practical application.		
Decision Sought:	Amend to read: OVERSEER® File: An estimate of the total nutrient balance for a particular property/farming enterprise using OVERSEER®, taking into account inputs and outputs.		

Staff Recommendations:	Reject
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Submission Number:	70: 96	Submission Type:	Oppose
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	The current definition is the same as 'Nitrogen Budget'. 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. The suggested definition is adapted from the OVERSEER® Quick Start Guide August 2014.		
Decision Sought:	Replace definition with the following: 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.		

Staff Recommendations:	Accept in Part
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Further Submissions

Further Submission No: 15 - 52 Submission Type: Support
Further Submitter: Ballance Agri-Nutrients Limited
Submission Summary: The current definition of OVERSEER® file is not clear, the proposed amendment is supported.
Decision Sought: As above

Staff Recommendation:	Accept in Part
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Submission Number: 75: 207 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Consistent with reasons and relief sought in previous sections.
Decision Sought: Amend as follows:
OVERSEER® File: An estimate of the total nutrient balance for a particular property/farming enterprise using OVERSEER®, taking into account inputs and outputs.

Staff Recommendations:	Reject
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Section: Plantation Forestry

1144

Staff Recommendation

Amend to read: Plantation forestry: Areas of planting, earthworks, forestry tracks, skid sites, the maintenance and/ or harvesting of tree species for commercial purposes, and non-planted areas directly related to forestry operations which are not grazed by stock.

Staff Reason

(3-3, FS6-55) The detail of forestry blocks are not of a scale that separate out nitrogen losses from plantation forestry, tracks or skid sites, indigenous vegetation or other plantation forestry activities. Such activities form part of what is considered to be 'plantation forestry' with nitrogen losses relating to the entire block, rather than sections of it. To reflect this it is recommended that the submission point is accepted and that the definition amended to include other aspects of forestry that occur within the forestry blocks to increase clarification.

(53-78, 66-114, 75-208) Plantation Forestry, Bush and scrub blocks are identified within OVERSEER® as having a lower level of Nitrogen loss compared to other activities such as hay paddocks or fodder crops. Altering the definition to provide for the grazing of stock within forest blocks etc. where grazing was not previously recorded will undermine the allocation system set for PPC10 by allowing for additional losses and reduce the ability to achieve the 435t/ N/yr target. No changes are considered to be required.

Submissions

Submission Number: 3: 3 Submission Type: Oppose
Submitter: Kaingaroa Timberlands Partnership
Submission Summary: Forestry is not just areas of planted trees, there are large areas of roading, skid sites and non-planted areas. The rules are also about the discharge of phosphorous. Therefore forestry earthworks should be part of the definition. Non planted areas may revert to indigenous vegetation but they will not necessarily be areas that are legally reserves. Non-planted areas and management of such areas are important for cultural areas and for the biodiversity of a forest and also an importance part of international third party certification processes.
Decision Sought: Include all those aspects of forestry such as earthworks, tracks and non-planted areas rather than restricting the definition to planted areas only.

Staff Recommendations:	Accept in Part
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Further Submission(s)

Further Submission No: 6 - 55 Submission Type: Support
Further Submitter: CNI Iwi Land Management Ltd

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

Decision Sought: As above

Staff Recommendation:	Accept in Part
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Submission Number: 53: 78 Submission Type: Oppose

Submitter: Submission Lachlan McKenzie

Summary: Decision Amend for improved clarity and practical application.

Sought: Delete words 'which are not grazed by stock.'

Staff Recommendations:	Reject
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Submission Number: 66: 114 Submission Type: Oppose in Part

Submitter: Submission Lake Rotorua Primary Producers Collective

Summary: Decision Amend for improved clarity and practical application.

Sought: Delete text ' which are not grazed by stock.'

Staff Recommendations:	Reject
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Submission Number: 75: 208 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Consistent with reasons and relief sought in previous sections.

Decision Sought: Delete text 'which are not grazed by stock.' We recommend consideration be given to providing for 'agro-forestry'.

Staff Recommendations:	Reject
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Section: Permanently Retired

1145

Staff Recommendation

No changes are proposed.

Staff Reason

3-2. FS6-56) The definition intends to relate to the permanent conversion of an area of farm or forest to natural indigenous vegetation as part of a trade, Incentive Board agreement or Nitrogen Management Plan. These areas are legally secured by Council to ensure that these areas do not intensify in the future causing the allocation for the property/ farm enterprise to be upheld. Forestry practices outside of the legally secured and retired areas are not managed by this definition resolving the concerns raised by the submitter.

Submissions

Submission Number: 3: 2 Submission Type: Oppose

Submitter: Kaingaroa Timberlands Partnership

Submission Summary: In forestry there will be areas that are not replanted but such areas are not legally secured. They may be areas that are part of the management of a forest, that is they may be pulled across at time of harvest, used for sediment control devices, new tracks, permanent skid sites, and infrastructure areas. So they form part of the normal management practices but are not legally reserved retired areas.

Decision Sought: Delete the reference to 'that is legally secured'. Add 'that it is not grazed'.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 6 - 56 Submission Type: Support

Further Submitter: CNI Iwi Land Management Ltd

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

Decision Sought: As above

Staff Recommendation: Reject

1146

Section: Property/farming enterprise

Staff Recommendation

No changes are proposed.

Staff Reason

(43-95, 53-79) The term property/ farming enterprise intends to capture farm operations that may transverse legal boundaries, involve different types of tenure and include a range of activities including storage, house blocks, and forestry. Therefore altering the definition as suggested to refer to the farming enterprise as being the area for nutrient management is not correct. The focus of nutrient management is within the effective area, this forming part of the wider property/ farming enterprise.

(49-81) The definition as notified does not list the type of activity's that a property/ farming enterprise may include as this list would be extensive. Rather the definition states that the enterprise only covers rural land within the catchment, allowing forestry to be captured. Therefore it is considered that the definition already recognises forestry along with other activities undertaken on rural land, as requested by the submitter and it is considered that no further changes are required.

(66-116, 53-79, 75-209) Property enterprises are intended to include all blocks (house, forestry, dairy etc.) to ensure an accurate representation of nitrogen losses is achieved to allow the NDA to be calculated.. Removal of the term 'property' from the definition would reduce the scope to only refer to farming. The NDA needs to reflect all losses, from here losses from blocks containing farming activities are identified, this creating the effective area. PPC10 focuses of nitrogen losses generated from these farm activities and blocks. It is considered the amendments proposed by the submitter will prevent accurate NDA's from being calculated, and the intent to focus of losses from farming activities is already achieved.. The suggested definition also reduces the scope to relate to ownership, this preventing any leased area and other types of land tenure from being included within an enterprise. This does not reflect what occurs within the catchment, therefore no changes in response to these submissions are recommended.

Submissions

Submission Number: 43: 95 Submission Type: Support in Part
Submitter: Ravensdown Limited
Submission Summary: The definition of property/farming enterprise to include that they are managed for the purposes of nutrient management.
Decision Sought: Amend to read: "tenure that is managed for the purposes of nutrient management."

Staff Recommendations: Reject

Submission Number: 49: 81 Submission Type: Support in Part
Submitter: CNI Iwi Land Management Ltd
Submission Summary: Clarify that this also applies to forestry land.
Decision Sought: Clarify that this also applies to forestry land.

Staff Recommendations: Reject

Submission Number: 66: 116 Submission Type: Oppose in Part
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Amend to read: Farming enterprise: means an aggregation of parcels of land held in single or multiple ownership (whether or not held in common ownership) that constitutes a single operating unit for the purpose of a single farming unit. For the purposes of these provisions, property/farming enterprise only relates to rural land within the Lake Rotorua groundwater catchment.

Staff Recommendations: Reject

Submission Number: 75: 79 Submission Type: Oppose
Submitter: Lachlan McKenzie
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Delete and replace with: 'Farming enterprise:.. means an aggregation of parcels of land held in single or multiple ownership (whether or not held in common ownership) that constitutes a single operating unit for the purpose of nutrient management.'

Staff Recommendations: Reject

Submission Number: 75: 209 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Consistent with reasons and relief sought in previous sections.
 Decision Sought: Amend as follows: Farming enterprise: means an aggregation of parcels of land held in single or multiple ownership (whether or not held in common ownership) that constitutes a single operating unit for the purpose of farm management. For the purposes of these provisions, property/farming enterprise only relates to rural land within the Lake Rotorua groundwater catchment.

Staff Recommendations: Reject

Section: Reference files 1147

Staff Recommendation

Amend definition to read: Reference files: Reference files are OVERSEER® files that have been created for plantation forestry, bush/scrub, house blocks and hypothetical dairy and drystock properties that are used manage changes in nitrogen loss rates arising from OVERSEER® version updates.

Staff Reason

(43-98, FS6-57, 70-97, FS15-53) Submitters 43 and 70 have suggested a new definition of Reference files to align with other sections of the plan. It is considered that the plan should have consistent terminology this avoiding confusion in its implementation and providing certainty to the community.

(53-80, 66-117, 75-210, 49-82) A number of submitters have requested the definition of reference file be deleted and/ or replaced. The removal of the reference files and relying on OVERSEER® files will prevent the ability to buffer any changes caused by new OVERSEER® versions on a Nitrogen Discharge Allowance and Managed Reduction Target. This has the potential to create larger economic impacts on farming operations than those generated by the use of reference files. In addition locking in one version of OVERSEER® (5.4.1) as suggested by submitter 49 will undermine the ability to provide for adaptive management as intended by the plan change. This approach will prevent the ability to consider new science and information relating to nitrogen losses, farming activities and catchment loads within Lake Rotorua.

Submissions

Submission Number: 43: 98 Submission Type: Support in Part
 Submitter: Ravensdown Limited
 Submission Summary: Ravensdown supports consistency of terminology. The suggested definition is adapted from Step 1 in Schedule LR Five – Use of OVERSEER® and Reference Files.
 Decision Sought: Replace the definition with the following:
 “Reference files are OVERSEER® files that have been created for hypothetical dairy and drystock properties that:
 • Have geophysical characteristics that are representative of the catchment (soil, slope and rainfall) which are used to represent the permitted activity nitrogen loss for the sector for the average property at 2032.”

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 6 - 57 Submission Type: Support
 Further Submitter: CNI Iwi Land Management Ltd
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation: Accept

Submission Number: 49: 82 Submission Type: Oppose

Submitter: CNI Iwi Land Management Ltd

Submission Summary: OVERSEER® is an unstable representation of the biophysical factors and farming systems thus the definition should not imply that it is an accurate representation. OVERSEER® still needs a lot of verification to make its outputs less variable. This definition attempts to manage that by using a particular version as the reference point. To do so makes for a very complicated relationship between the reference version and subsequent versions which may change that expected discharge amount by up to 300%, and change the distribution of that difference among land uses. This means there is no certainty for land users as to what reduction they need to make.

Decision Sought: Delete and replace with: The OVERSEER® version files that any subsequent version/release or upgrades to OVERSEER® are referenced back to. For lake Rotorua it is 5.4.1.

Staff Recommendations: Reject

Submission Number: 53: 80 Submission Type: Oppose

Submitter: Lachlan McKenzie

Submission Summary: Amend for improved clarity and practical application.

Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 66: 117 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Amend for improved clarity and practical application.

Decision Sought: Delete.

Staff Recommendations: Reject

Submission Number: 70: 97 Submission Type: Oppose in Part

Submitter: The Fertiliser Association of New Zealand

Submission Summary: FANZ supports consistency of terminology around the country. The suggested definition is adapted from the description in Schedule LR R5 (use of reference files), and footnote 2 in "Methodology for creation of NDA reference files and stocking rate table".

Decision Sought: Replace definition with the following: Reference files are OVERSEER® files that have been created for hypothetical dairy and drystock properties that have geophysical characteristics that are representative of the catchment (soil, slope, and rainfall), and which are used to represent the permitted activity nitrogen loss for the sector for the average properties at 2032.

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 15 - 53 Submission Type: Support

Further Submitter: Ballance Agri-Nutrients Limited

Submission Summary: For the reasons given in the original submission. Ballance understands that the requested definition of "reference files" has been adapted from the Rotorua Lakes District Council website, and is thus a commonly used term.

Decision Sought: As above

Staff Recommendation: Accept

Submission Number: 75: 210 Submission Type: Oppose
Submitter: Federated Farmers of New Zealand
Submission Summary: We oppose the use of Reference Files; this is an unacceptable 'dumbing down' of the use of OVERSEER® , at both farm scale and catchment scale.
Decision Sought: Delete.

Staff Recommendations: Reject

Section: Rural

1148

Staff Recommendation

No changes are proposed.

Staff Reason

(53-81, 66-118, 75-211) The definition of rural refers to land identified as rural on Map LR1. This map clearly outlines rural land subject to the Lake Rotorua Nutrient Management Rules. Therefore it is considered that the intent of the submission point is already covered and the addition of the text suggested by submitters would not add any further value to the definition.

Submissions

Submission Number: 53: 81 Submission Type: Support in Part
Submitter: Lachlan McKenzie
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Add ' excluding land outside BoPRC boundaries' to the end of the definition.

Staff Recommendations: Reject

Submission Number: 66: 118 Submission Type: Oppose in Part
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Amend for improved clarity and practical application.
Decision Sought: Amend to read: Rural: In relation to land and properties/farming enterprises within the Lake Rotorua groundwater catchment means land identified on Map LR 1 excluding land outside BoPRC boundaries.

Staff Recommendations: Reject

Submission Number: 75: 211 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Consistent with reasons and relief sought in previous sections.
Decision Sought: Add following text to the end of the definition 'excluding land outside BoPRC boundaries'.

Staff Recommendations: Reject

Section: Suitably qualified and experienced person

1149

Staff Recommendation

No changes to the definition are proposed in response to the below submission points.

Staff Reason

(12-14) It is considered that an experienced and qualified person is required to generate any OVERSEER® file to ensure the accurate and consistent input and application of data. Without this requirement the monitoring of progress toward, or compliance with an MRT or NMP would be undermined. It is considered that the definition suitably identifies the attributes such a person is required to possess. For this reason it is considered that this definition is required to remain as part of PPC10 and not deleted as requested by submitter 12.

(43-99, 43-100, 70-99, 70-98) It is agreed that the first bullet point of the definition could be perceived to apply to anyone who claims to implement input best practice. However it should be noted that the person must also have completed the intermediate and advanced OVERSEER® courses specified in bullet point two. The main aspect of bullet point one is that the person needs to be aware of the input standards and protocol relevant to the Lake Rotorua Catchment, this requiring acknowledgement which the suggested changes do not provide. It should be noted that any OVERSEER® file submitted by such as person will be quality assured by Council. This will ensure that accurate and consistent implementation of the plan change. For this reason it is recommended that bullet point 1 remain as part of the definition.

(53-82, 66-26, 66-119, 75-212, FS6-58) The suggested changes remove reference to the requirement of a person to have knowledge on the inputs relevant to Lake Rotorua. As the input data for Lake Rotorua is slightly different than normal input methods this knowledge is considered an important element of being a suitably qualified person. The removal of the word 'and; at the end of bullet one as suggested also prevents the ability to ensure the person has completed the OVERSEER® courses specified. This has the ability to reduce the quality of file submitted to council and increase resource requirements and costs associated with implementation. Therefore changes to bullet point one are not supported. Removing the ability for Council to approve a suitably qualified person will reduce the ability for those people who are more than capable of using OVERSEER® to complete and submit OVERSEER® files to Council and result in an increased cost to farm enterprises. Removal of the third bullet point is not supported for this reason.

Submissions

Submission Number:	12: 14	Submission Type:	Oppose
Submitter:	Astrid Coker		
Submission Summary:	Oppose the requirement for a suitable qualified person.		
Decision Sought:	Remove the requirement for farmers to hire a suitably qualified person for administrative purposes of OVERSEER®.		
Staff Recommendations:	Reject		

Submission Number:	43: 99	Submission Type:	Oppose in Part
Submitter:	Ravensdown Limited		
Submission Summary:	The first bullet point should be deleted as procedures should be specified in the rules and methods (procedural protocols do not make a person suitably qualified and experienced).		
Decision Sought:	Replace the first bullet point with the following: "Is a Certified Nutrient Management Adviser, certified under the Nutrient Management Adviser Certification Programme and...";		
Staff Recommendations:	Reject		

Submission Number:	43: 100	Submission Type:	Support in Part
Submitter:	Ravensdown Limited		
Submission Summary:	The reference to intermediate and advanced sustainable Nutrient Management Course should be deleted. They are a component of Certification under the CNMA programme.		
Decision Sought:	Delete reference to intermediate and advanced Sustainable Nutrient Management Course in bullet point two.		
Staff Recommendations:	Reject		

Submission Number:	53: 82	Submission Type:	Support in Part
Submitter:	Lachlan McKenzie		
Submission Summary:	Amend for improved clarity and practical application.		
Decision Sought:	Amend to: 'A person who: <ul style="list-style-type: none"> • Implements OVERSEER® input best practice • has completed both the "Intermediate" and the "Advanced" courses in "Sustainable Nutrient Management in New Zealand Agriculture" conducted by Massey University and has at least five years' work experience in a land use/farm advisory role; or' 		
Staff Recommendations:	Reject		

Submission Number:	66: 26	Submission Type:	Oppose
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	That Council change the definition of 'Suitably qualified and experienced person' to read a person who		

implements OVERSEER® input best practice, has completed both the intermediate & advanced courses in 'sustainable nutrient management in NZ conducted by Massey University and has at least five years work experience in land use or farm advisory.

Decision Sought: That Council change the definition of 'Suitably qualified and experienced person' to read a person who implements OVERSEER® input best practice, has completed both the intermediate & advanced courses in 'sustainable nutrient management in NZ conducted by Massey University and has at least five years work experience in land use or farm advisory.

Staff Recommendations: Reject

Submission Number: 66: 119 Submission Type: Oppose in Part

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Amend for improved clarity and practical application.

Decision Sought: Amend to read: Suitably qualified and experienced person: A person who:

- Implements OVERSEER® input best practice
- has completed both the "Intermediate" and the "Advanced" courses in "Sustainable Nutrient Management in New Zealand Agriculture" conducted by Massey University and has at least five years' work experience in a land use/farm advisory role.

Staff Recommendations: Reject

Submission Number: 70: 98 Submission Type: Oppose in Part

Submitter: The Fertiliser Association of New Zealand

Submission Summary: FANZ seeks that the first bullet point is deleted as procedures should be specified in the rules and methods.

Decision Sought: Replace the first bullet point with the following: 'Certified Nutrient Management Adviser, certified under the Nutrient Management Adviser Certification Programme Ltd and...'

Staff Recommendations: Reject

Submission Number: 70: 99 Submission Type: Oppose in Part

Submitter: The Fertiliser Association of New Zealand

Submission Summary: FANZ seeks that reference to intermediate and advanced sustainable Nutrient Management Course is deleted. They are a component of Certification under the CNMA programme.

Decision Sought: Delete reference to intermediate and advanced Sustainable Nutrient Management Course in bullet point two.

Staff Recommendations: Reject

Submission Number: 75: 212 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Consistent with reasons and relief sought in previous sections.

Decision Sought: Amend to:

Suitably qualified and experienced person: A person who:

- Implements OVERSEER® input best practice
- Has completed both the "Intermediate" and the "Advanced" courses in "Sustainable Nutrient Management in New Zealand Agriculture" conducted by Massey University and has at least five years' work experience in a land use/farm advisory role; or

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 58 Submission Type: Oppose

Further Submitter: CNI Iwi Land Management Ltd

Submission Summary: CNILML opposes the submission's proposed changes to suitably qualified and experienced person, as they would reduce the consistency with which Rotorua assessments would be done.

Decision Sought: As above

Staff Recommendation: Accept

1150

Chapter: Schedule LR One - Methodologies

1150

Section: Schedule LR One - Methodologies

Staff Recommendation

Add a new sentence and heading to the Preamble on Page 22 before Table LR5 as follows:

A. Start Points and Nitrogen Discharge Allowances Allocations (49-78)

For Benchmarked properties - the Benchmark, land use and effective area are defined by, and are what existed in, the 2001-04 period. For non-Benchmarked properties the Derived Benchmark is defined by the 2001-04 Benchmark averages, and the land use and effective area are what existed in the 2002/03 period. Any lawful change is taken into account. All Benchmark information is converted to OVERSEER® 6.2.0 for the purpose of calculating Nitrogen Discharge Allocations.

Staff Reason

(28-1) Investigations into the ability of best industry practice to achieve the reductions required found voluntary or mandatory applied 'good management practices' will not achieve reductions in catchments that are significantly over-allocated, such as Lake Rotorua. Given the required 140t/ N reduction it is unlikely that the use of best/ good management practices will achieve the sustainable lake load. This would prevent plan change 10 from upholding the requirement of the RPS to achieve a sustainable load of 435t/ N/yr by 2032. No changes are considered to be required.

(53-58, 53-59, 66-93, 75-190) A new schedule has been requested to uphold the suggested rule framework provided as part of the wider submission. The suggested rule framework relies on the use of a benchmark and a similar approach to Rule 11. As these rules are not supported by staff the corresponding schedule requested to be included is also not supported. No changes are suggested in response to these submission points.

(53-83, 66-120, 75-213) Requests have been made to delete schedule LR1 and replace this with an alternative methodology (Benchmark Process) due to the perception of unreliable scientific evidence supporting the level of reductions required in losses to achieve the sustainable lake load. Plan Change 10 has been based on the best science available. Reviews completed under Method 2 will enable any new science to be included. It is considered that this science supports the lake loads identified within PPC10. Until new robust science is made available no changes to the loads or allocation methodology are proposed.

(56-28) The submission point requests alterations to Schedule 1 to ensure the accurate interpretation and calculation of Nitrogen Discharge Allowances. For these reasons this submission point is supported with these changes upholding the intent to achieve the sustainable load as directed by the RPS.

(36-2) The section 32 analysis completed for plan change identified the available policy options to achieve the reduction required by the RPS. This report identified the social, economic, cultural and environmental impacts of the preferred option, being the rule framework notified. Science reviews are provided for as part of Plan change 10 (method 2) this helping to provide for adaptive management. Extensive research has been completed to date for Plan Change 10, causing the plan to be based on the best science and information available. Therefore placing Plan Change 10 on hold to undertake more research will not provide any additional value to what already has been completed and that no further research is required. It is considered that the level of impacts have been sufficiently identified and actions have been implemented to reduce the level of adverse effects on the community, this helping to balance out the economic, environmental, cultural and social impacts.

(55-4) The use of an accord rather than a regulatory process will not provide the level of certainty and detail required to uphold the direction of the RPS. Policy WL6B of the RPS requires the regional plan to allocate and enforces the limit of Lake Rotorua across rural land uses through the use of rules within the Regional Plan to ensure the sustainable load of 435t/ N is achieved and maintained into the future. An accord is not enforceable or able to be monitored under the RMA, and would not reflect the different levels of action required by each farming enterprise. Any Accord would be in addition to the Rules and would only cover actions committed to at a high level such as a science review, level of engagement and consultation.

(33-1, 40-1, FS6-59) Refer to Section 5.3.7 Nitrogen Allocation

Submissions

Submission Number: 28: 1 Submission Type: Oppose
Submitter: Kevin Davenport
Submission Summary: I do not support the nitrogen discharge allowance that will be forced onto land owners.
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. They all have different soil types, micro climates, land contour and proximity's to streams feeding the Lake.

Staff Recommendations: Reject

Submission Number: 33: 1 Submission Type: Oppose

Submitter: Utuhina Valley Farm

Submission Summary: I oppose applying nitrogen baselines as currently calculated and the timelines proposed to achieve them and how the nitrogen discharge limit is calculated and applied to my property.

Decision Sought: I seek that the Council:

- extend the years over which the calculation of nitrogen baselines are derived to a rolling average over a four year period and provide the maximum discharge from those years as the baseline.
- take a whole farm approach to reducing discharges into the lake so that all farm mitigations are accounted for.
- provide flexibility in the plan to allow for ongoing development and flexibility in farm management above the sector average
- use OVERSEER® as a decision support tool.
- provide for further transition times before the allocation framework applies to allow for increased understanding of the relative contributions and potential loads – amend the property allocation to reflect this.

Staff Recommendations:	Reject
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Submission Number: 36: 2 Submission Type: Oppose

Submitter: Tracey Friend and Myles McNaught

Submission Summary: We have issues with the impact of the present majorly lowered nitrogen leaching levels being proposed. The proposed levels mean that we personally would have to drop our production/stock rates to a level that will make our farm uneconomic.

Decision Sought: We would like to see some more science being done before such a huge change is made. The economic and social consequences will be much larger than anyone has thought through.

Staff Recommendations:	Reject
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Submission Number: 40: 1 Submission Type: Oppose

Submitter: Maraeroa Oturoa 2B Trust

Submission Summary: The Trust opposes the use of 2001-04 benchmark as the starting point for nutrient allocation in this process. The current land use is significantly different from the benchmark years. To use the benchmark figure as a starting point for nitrogen allocation is unfair and puts these landowners at a disadvantage. The ability to intensify in earlier years was not possible.

Decision Sought: The Trust requests an alternative allocation methodology to be used, not based on their benchmark. An alternative methodology should support long-term landowners in the catchment and not put them in a position that disadvantages them.
Review nitrogen allocations so that the baseline better reflects the ultimate potential of the farm not just the current situation.
Provide flexibility to allow for on-going development for the Trust to fully establish an economic unit (whilst fully establishing appropriate mitigation policies / practices).

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 6 - 59 Submission Type: Support

Further Submitter: CNI Iwi Land Management Ltd

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

Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number:	53: 58	Submission Type:	Support
Submitter:	Lachlan McKenzie		
Submission Summary:	Add new schedule to support administration of the rules.		
Decision Sought:	Add Schedule AA - Nutrient Benchmark as outlined in the hard copy submission.		
Staff Recommendations:	Reject		
Submission Number:	53: 59	Submission Type:	Support
Submitter:	Lachlan McKenzie		
Submission Summary:	Add new schedule to support administration of the rules.		
Decision Sought:	Add schedule as follows: Schedule BB Managed Nutrient Reduction Targets as outlined in the hardcopy submission.		
Staff Recommendations:	Reject		
Submission Number:	53: 83	Submission Type:	Oppose
Submitter:	Lachlan McKenzie		
Submission Summary:	Too many uncertainties currently associated with both the loads and the targets.		
Decision Sought:	Delete schedule LR One, develop straightforward methodology for determining benchmarks for properties that don't currently have them.		
Staff Recommendations:	Reject		
Submission Number:	55: 4	Submission Type:	Oppose
Submitter:	NZ Deer Farmer's Association		
Submission Summary:	Land owners who have applied best land use practice are significantly penalised by the proposed nutrient allocation system. Drystock farms tend to have much larger areas dedicated to 'environmental services' than dairy farms. Willingness to undertake further works to protect significant natural areas such as bush remnants or wetlands is likely to be compromised.		
Decision Sought:	The Bay of Plenty Deer Farmers branch supports an accord in place of a rules based system. Working together to find on farm solutions and sharing knowledge through education and land environment plans developed with the support of industry and regional council would be a far more valuable approach.		
Staff Recommendations:	Reject		
Submission Number:	56: 28	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	The transition of benchmark information through OVERSEER® and into % of reference files should be made more explicit. This is also covered within Schedule LR Five and will provide consistency.		
Decision Sought:	Add text to last sentence above Table LR 5 (page 22) as follows: " For Benchmarked properties - the Benchmark, land use and effective area are defined by, and are what existed in, the 2001-04 period. For non-Benchmarked properties the Derived Benchmark is defined by the 2001-04 Benchmark averages, and the land use and effective area are what existed in the 2002/03 period. Any lawful change is taken into account. All Benchmark information is converted to OVERSEER® 6.2.0 for the purpose of calculating Nitrogen Discharge Allowances."		
Staff Recommendations:	Accept		
Submission Number:	66: 93	Submission Type:	Oppose
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	Add new Schedule to support administration of the rules.		
Decision Sought:	Add Schedule AA - Nutrient Benchmark as outlined in the submission hardcopy.		
Staff Recommendations:	Reject		

Submission Number: 66: 120 Submission Type: Oppose
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Oppose - too many uncertainties currently associated with both the loads and the targets.
Decision Sought: Delete schedule LR One, develop straightforward methodology for determining benchmarks for properties that don't currently have.

Staff Recommendations: Reject

Submission Number: 75: 190 Submission Type: Support
Submitter: Federated Farmers of New Zealand
Submission Summary: Add new schedule to support administration of the amendments we propose to the rules.
Decision Sought: Add Schedule AA - Nutrient Benchmark as outlined in the hardcopy of the submission.

Staff Recommendations: Reject

Submission Number: 75: 213 Submission Type: Oppose
Submitter: Federated Farmers of New Zealand
Submission Summary: There are multiple uncertainties currently associated with both the loads and the targets. Pending the 2016 Rotan review and the 2017 science review, this would be the appropriate time to further discuss the details of these formula. Further attention to developing this methodology would properly support the Rotorua Lakes WMA scheduled from 2020-2023.
Decision Sought: Delete schedule LR One. Develop straightforward methodology for determining benchmarks for properties that don't currently have them based on the existing Rule 11 protocol.

Staff Recommendations: Reject

Section: Start Points and Nitrogen Discharge Allowances

1151

Staff Recommendation

Add new bullet point to section entitled 'Amendment of Nitrogen Discharge Allowance'
New lots created by way of subdivision will require a portion of the Nitrogen Discharge Allocation from the parent lot to be registered against each new title (Computer Freehold Register). This will need to be sufficient to provide for potential losses from sewage disposal, residential activity, residual losses from the land, and losses from any area available for farming activity.

Staff Reason

(30-6) LRR11(v) requires the budget or OVERSEER® file to be prepared by a suitably qualified person as defined in Plan Change 10. To ensure consistency in implementation and accuracy in data supplied it is considered that this approach is suitable. Advice note 1 of Rule LRR11 also requires the nitrogen reduction to be similar to other land uses and sectors, this ensures any allocation is fair and equitable.

(33-10) Upon subdivision a set level of nitrogen needs to be allocated to the title of each new lot to cater for these losses. This recognises the residual loss of the land and the potential losses generated through the use of septic tanks, connecting to reticulation and general residential activity such as cultivated gardens. Therefore any subdivision will need to be within the capacity of the parent Nitrogen Discharge Allowance otherwise nitrogen will need to be purchased to support the development. The level of losses from each subdivision will be calculated on a case by case basis, and will be completed by Regional Council staff at time of consent application. In the event that the land owner has an remaining nitrogen allowance, this can be allocated to the parent lot, dispersed across the new lots or is able to be sold. It is noted that this process is not described within PPC10, therefore new text is proposed to ensure the community is aware of this process prior to a subdivision application being lodged.

(36-7, 61-3) Requests have been made to delete schedule LR1 and replace this with an alternative methodology (benchmark process) due to the perception of unreliable scientific evidence supporting the level of reductions required to achieve the sustainable lake load. Plan Change 10 has been based on the best science available, reviews completed under Method 2 will enable any new science to be included. Until new robust science is made available no changes to the loads or allocation methodology are proposed. The suggested approach relies on the current direction taken with Rule 11 of establishing a benchmark (number) and ensuring farming activities comply with this set number of nutrient loss. As identified through reviews of Rule 11 the ability to ensure compliance with Rule 11 and enforce the benchmark is limited. This is due to the inability to prove an increase in discharge levels under Rule 11. The approach taken by PPC10 to manage farm losses to ground with this influencing the level of losses to groundwater provides certainty to plan users and increase usability and enforceability to the plan. No changes are considered to be required.

(43-102, FS6-60, FS12-50) A new definition outlining how the start point is calculated has been proposed in response to other submission points. This approach is acknowledged by Submitter 43, therefore it is considered that this has resolved the submitter concerns.

(62-5) The sector allocations, ranges and agreement to base the start point on the benchmark completed for Rule 11 was discussed and agreed to as part of StAG. These ranges and allocations intend to reflect the needs of a standard dairy, drystock or dairy support unit whilst also ensuring that the required reduction of 140t/ N and the sustainable load of 435t/ N are achieved. To penalise those farmers who were not required to obtain a benchmark due to their location within the catchment, or the size of their farming enterprise does not align with policy WL5B of the RPS or the additional principles agreed to by StAG.

(66-24, FS12-29) A number of submissions have highlighted previous environment work completed onsite to managed nutrient losses and have requested that Plan Change 10 acknowledge this in the allocation methodology. Enhancements completed prior to 01-04 would have reduced the effective area recorded in the 01-04 period, with this reflected in the benchmark to which the enterprise must comply with. Whilst such environmental enhancement is supported by Council amending the allocation methodology to provide benefit's for work completed prior to Rule 11 is not supported due to:

- Council have based the allocation methodology on the existing level of losses provided for under Rule 11 and the intended losses achieved through set reductions from each sector (sector averages). Altering the sector average for some enterprises due to previous environmental works will result in an inconsistent allocation and implementation system that does not uphold policy WL5B of the RPS in regard to fairness, equity and current land use and will result in some enterprises having to achieve a higher reduction in losses than others. This approach may reduce the ability to achieve the 435t/ N/yr sustainable load.
- Compensation for work may potentially already been provided for by the Council causing a benefit to the land owner to have already been gained. In addition such work may not have targeted diffuse nitrogen losses, this being the intent of the plan change.
- Work prior to 01-04 may have been completed by previous land owners, not current land owners causing the benefit to be gained by the incorrect person.
- Rule 11 capped the losses of a property based on the level of activity undertaken from 2001-2004. Any increase in losses as requested to reflect previous actions completed and would have required resource consent. Plan Change 10 follows this approach and does not provide a new opportunity to increases losses beyond that provided for under Rule 11.

(89-3) The submitter highlights the positive benefits native bush provides to the environment. The gains in biodiversity, ecosystem health, habitat and amenity provided by native vegetation are noted and supported by Council. It is also acknowledged that the nitrogen losses from these areas are lower than areas grazed within a property. The plan change intends to acknowledge and reflect the nitrogen losses generated from each land use within an enterprise to ensure an accurate calculation of current and future losses to the lake is identified. Such calculations are based on land uses recorded as part of the benchmark process. changes the allocation provided to native vegetation would alter the allocation regime, and require deductions to be made from another land use to ensure the catchment load and allocation regime is maintained. In addition providing more credits due to the presence of native bush would negate the benefits gained from the bush on the wider environment.

(82-13) Farm enterprises under 40ha not previously managed by Rule 11 will be provided with a start point through obtaining an average of losses emitted from the enterprise over a 3 year period, this being the same timeframe that the benchmarks for Rule 11 were calculated over. Historical aerial photography, farm data and records will be used to confirm land uses present, this ensuring accurate land uses are recorded. This process will be completed from 2022 for those properties with no benchmark, and it is considered no advantage will be gained by these enterprises.

(1-3, 5-11, 18-1, 31-1, 32-5, 45-2, 49-4, 58-26, 80-5, 80-11) Refer to Section 5.3.7 Nitrogen Allocation

Submissions

Submission Number:	1: 3	Submission Type:	Oppose
Submitter:	Lindsay Hugh and Alison Lyndsay Moore		
Submission Summary:	The starting point in determining nitrogen use controlled should be land classification by its characteristics and how it drains i.e. by surface runoff or soakage, where the water goes and to what extent it is filters on the way. Gradient is a necessary focus to the increased slope giving rise to a higher proportion of run off. We submit that current land use is irrelevant to classification but may be relevant to permitted time within which to adjust to the standard for that class of land.		
Decision Sought:	Amend to include classifying land according to its characteristics and proportionate nutrient loss which reaches the lake within 200 years.		

Staff Recommendations:	Reject
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Submission Number:	5: 11	Submission Type:	Oppose
Submitter:	Robin Boom		
Submission Summary:	Historical benchmarking gives an unfair advantage to polluting dairy farms. Grandparenting will naturally benefit dairy farmers who have not used environmentally sustainable practice.		
Decision Sought:	Biological farming practice should be adopted which encourage natural legume based farming as opposed to high input farming practices Drystock farmers can finally improve their farms natural productivity through better submissions and improving soil fertility through potential to increase natural legume based pasture productivity by 30-40% through application of lime, phosphate, potassium, sulphur and trace elements to bring these levels close to biological optimum. To expect drystock farmers to go down to 10kg N loss/ha because one farmer is at this low level is inequitable and unfair. A good benchmark would be at least 30, possibility 35kg N/ha.		

Staff Recommendations:	Reject
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Submission Number:	18: 1	Submission Type:	Oppose
Submitter:	Dibley Holdings/Awaglen Trusts Partnership		
Submission Summary:	Our new NDA is on the 50's but changes every week. The NDA would mean cutting our cow numbers from 600 to 400 with loads of new compliance costs. The new rules are ridiculous are not sustainable.		
Decision Sought:	Not specified.		
Staff Recommendations:	Reject		
Submission Number:	30: 6	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:	Not specified.		
Staff Recommendations:	Accept		
Submission Number:	31: 1	Submission Type:	Oppose
Submitter:	Patricia Hosking		
Submission Summary:	I oppose how the nitrogen discharge limit is calculated and applied to my property. My property currently has 20% of the total area permanently retired and unusable so it carries 20% less stock than if all land was in pasture. My NDA does not recognised land in retirement. Limiting Nitrogen discharge now based on the level of the staged sustainable development of the farm will significantly inhibit the ability to continue to undertake staged development and to provide flexibility in land use and stock class.		
Decision Sought:	Provide for further transition times before the allocation framework applies to allow for increased understanding of the relative contributions and potential loads – amend the property allocation to reflect this. Review nitrogen allocation and flexibility to lower N discharge properties to better reflect their ultimate productive potential not limited by their current land use. Take a whole farm approach to reducing discharges into the lake so that all farm mitigations – past current and future are accounted for in determining flexibility of land use. Only use OVERSEER® as a decision support tool to allow Council and farmers to understand compliance with discharge limits.		
Staff Recommendations:	Reject		
Submission Number:	32: 5	Submission Type:	Oppose
Submitter:	Kaitao Rotohokahoka 2D Trust		
Submission Summary:	The Trust opposes the use of 2001–04 benchmark as the starting point for nutrient allocation. The current land use is significantly different from the benchmark years.		
Decision Sought:	The Trust requests an alternative allocation methodology to be used, not based on their benchmark in order to remain economically and environmentally viable.		
Staff Recommendations:	Reject		
Submission Number:	33: 10	Submission Type:	Oppose in Part
Submitter:	Utuhina Valley Farm		
Submission Summary:	There is no obvious reference as to where the credits will be apportioned when a portion of a title is converted from pastoral to residential housing.		
Decision Sought:	Not specified.		
Staff Recommendations:	Accept in Part		

Submission Number: 36: 7 Submission Type: Oppose
 Submitter: Tracey Friend and Myles McNaught
 Submission Summary: The historic benchmarking and the proposed new system reward the historic polluters. We have significant portions of our land fenced off and retired. Yet we will still have to drop our present stock rating by over 30%.
 Decision Sought: We would like to see some more science being done before such a huge change is made. The economic and social consequences will be much larger than anyone has thought through.

Staff Recommendations:	Reject
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Submission Number: 43: 102 Submission Type: Oppose in Part
 Submitter: Ravensdown Limited
 Submission Summary: The benchmarking approach is confusing and unhelpful. It is not clear how a benchmark under the previous Rule 11 was developed and therefore the relevance as a starting point questionable and may be meaningless. Council should take a revised approach to benchmarking for the next 5 years as opposed to an historical benchmark based on questionable modelling.
 Decision Sought: Either:
 i.Delete the old Rule 11 benchmark and revise its approach to benchmarking developed in Schedule LR One by:
 • Measuring the actual nutrient losses from a farm system for the next 5 years;
 • Determining a benchmark and the percentage reduction required from actual results; or
 ii.If Council retains the current approach, to better define the start point determination, using the old benchmarking process/results.
 A suggested definition would be: "The nitrogen loss benchmark for a block and for a property as a sum of all block nitrogen loss benchmarks developed in accordance with Schedule LR One."

Staff Recommendations:	Accept in Part
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Further Submission(s)

Further Submission No: 6 - 60 Submission Type: Oppose
 Further Submitter: CNI Iwi Land Management Ltd
 Submission Summary: Oppose in part. CNILML supports changing the approach to benchmarking for the reasons given in the original submission. However CNILML does not support the revised approaches to benchmarking recommended by Ravensdown.
 Decision Sought: As above

Staff Recommendation:	Accept in Part
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Further Submission No: 12 - 50 Submission Type: Support in Part
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: Support that the rules regime is overly complex and confusing. Oppose the suggestion for a new approach for benchmarking for existing farms; this would only make the situation more complex and confusing.
 Decision Sought: As above

Staff Recommendation:	Accept in Part
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Submission Number: 45: 2 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.

Staff Recommendations:	Reject
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Submission Number: 49: 4 Submission Type: Oppose

Submitter: CNI Iwi Land Management Ltd

Submission Summary: Rule 11 was developed from 2000 – 2004. This all occurred prior to CNI lands being returned, and thus prior to the ability for CNIHL and CNIILML to act on behalf of their beneficiaries. Maori land owners consulted at the time were interested in the effects on their land blocks, but not on CNI land. No flags were raised on the issue of the “underutilised” CNI land being locked out of best and highest use.

The CNIILML strongly opposes this approach to allocate nitrogen. Although the initial allocation is a ‘sector average range’ approach, it is fundamentally Grandparenting. CNI strongly opposes the use of grandparenting as an allocation mechanism. An initial allocation approach based on ‘Grandparenting’ is not fair or equitable, and contradicts the effects-based philosophy of the RMA. The inherent inequity for the allocation is due to deriving NDA from Rule 11 benchmarks.

Decision Sought: Revise the approach to allocation, to zero-base the discussion, rather than building policy and a rule set on the inequitable foundation put in place by Rule 11.

Staff Recommendations:	Reject
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Submission Number: 58: 26 Submission Type: Oppose

Submitter: Max Douglas

Submission Summary: Rule 11 is not the starting point for the process that developed these proposed rules and sector based allocations are not a part of the integrated framework. The decision to use Rule 11 as the baseline was a decision because the availability of data, not because it's considered a representative period. Rule 11 assigns a zero above rainfall to conservation land. This is unfair and the development of these rules is an opportunity to undo that unfairness, conservation land has not been causing the problem, but is locked out of all future development without compensation for lost opportunity.

Decision Sought: Pastoral treated as a single sector with a single NDA, with a temporary (20 year) consideration given for high N leaching platforms. e.g. dairy farming.
After 20 years, a shift to a more balanced split between pastoral and conservation.

Staff Recommendations:	Reject
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Submission Number: 61: 3 Submission Type: Oppose

Submitter: Beef + Lamb New Zealand

Submission Summary: The plan is too structured around providing for Nitrogen Discharge Allowances and incorporates an inappropriate and inconsistent use of OVERSEER®. There is too much uncertainty in applying NDAs at a property level at this time. NDAs should be delayed until current and proposed science and modelling reviews are completed.

Decision Sought: At least delay application of NDAs until current and 2017 science and modelling reviews are completed. Once these are completed targets and catchment load reductions should be reviewed.

Staff Recommendations:	Reject
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Submission Number: 62: 5 Submission Type: Oppose

Submitter: Sharon Morrell

Submission Summary: If properties have been legally required to have had a benchmark established, but have not done so, it seems to reward bad behaviour to give them the average without attempting to examine their system during the benchmark years of 2001 - 2004.

Decision Sought: Properties/farms that were not previously benchmarked should not be allocated the sector average. Either allocate them the bottom of their range, or closer to what they should be allocated (if this can be established).

Staff Recommendations:	Reject
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Submission Number: 66: 24 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: There have been many streams and 'at risk' areas of land retired, fenced and planted at farmers own cost. There has also been land retired for ecological reasons from which there will never be an income stream. As retiring land is very clearly a public good and a gain to the lake it should be incentivised. Under the proposed Rules these land owners will be heavily penalised while land owners who have no retired areas benefit from a higher nitrogen discharge allowance.

Decision Sought: The Collective requests acknowledgement of the effects in the quality of the lakes water from the environment work completed on pastoral land before the bench mark years of 2001-2004.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	12 - 29	Submission Type:	Support
Further Submitter:	Federated Farmers of New Zealand		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	Include in scope of Method LR M2 Science Review		

Staff Recommendation:	Reject
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Submission Number:	80: 5	Submission Type:	Oppose
Submitter:	Te Paiaka Lands Trust		
Submission Summary:	We oppose applying nitrogen baselines as currently calculated and the timelines proposed to achieve them. The current plan unnecessarily and unfairly restricts our ability to farm by basing allocation on my current land use not my ability to manage effects.		
Decision Sought:	Take a whole farm approach to reducing discharges into the lake so that all farm mitigations – past current and future are accounted for in determining flexibility of land use.		

Staff Recommendations:	Reject
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Submission Number:	80: 11	Submission Type:	Oppose
Submitter:	Te Paiaka Lands Trust		
Submission Summary:	The current plan unnecessarily and unfairly restricts our ability to farm by basing allocation on my current land use not my ability to manage effects or whether the land use is suitable for the productive capacity of the land. Limiting Nitrogen discharge now based on the level of the staged sustainable development of the farm will significantly inhibit the ability to continue to undertake staged development and to provide flexibility in land use and stock class mix in a sheep and beef farming system. The current proposed plan change will restrict our ability to realise the long term land management plan for their properties.		
Decision Sought:	Review nitrogen allocation and flexibility to lower N discharge properties to better reflect their ultimate productive potential not limited by their current land use.		

Staff Recommendations:	Reject
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Submission Number:	82: 13	Submission Type:	Oppose
Submitter:	Stuart Morrison		
Submission Summary:	Many properties below 40 ha were not benchmarked. The proposal to allocate sector averages to these is inequitable.		
Decision Sought:	These properties are benchmarked under PC10.		

Staff Recommendations:	Reject
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Submission Number:	89: 3	Submission Type:	Oppose
Submitter:	Philip Frost		
Submission Summary:	Native Bush reserve should be encouraged - it is good for the world environment which we need to be considering not just our own backyard.		
Decision Sought:	Native Bush Reserve should be an asset giving more credits not less.		

Staff Recommendations: Reject

Section: Table LR5

1152

Staff Recommendation

No changes are proposed in response to the below submission points.

Staff Reason

(71-1) It is unclear what changes the submitter has requested. Table LR5 identifies how the start point for each property will be determined. It is considered that the manner in which this is presented is succinct and clear and does not create confusion. No changes to the structure of Table LR5 are proposed.

Submissions

Submission Number: 71: 1 Submission Type: Oppose
Submitter: Warren Parker
Submission Summary: The layout of the material and method of presenting the nutrient discharge allowances (NDAs) as per Schedule 1 is not intuitive.
Decision Sought: Provide table of NDAs in kg/ha/yr and language landowners can readily understand/relate to.

Staff Recommendations: Reject

Section: Table LR5 Row 2

1153

Staff Recommendation

No changes are proposed.

Staff Reason

(49-83, FS14-37) Refer to Section 5.3.7 Nitrogen Allocation

Submissions

Submission Number: 49: 83 Submission Type: Oppose
Submitter: CNI Iwi Land Management Ltd
Submission Summary: This plan change should have zero-based the start points for the setting on initial allocations, as Rule 11 relied on a process that was inequitable, uncertain, inefficient in its use of land and unlawful in regard to recent Treaty of Waitangi rulings.
Decision Sought: Delete rule 11 status.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 14 - 37 Submission Type: Support
Further Submitter: Hancock Forest Management (NZ) Ltd
Submission Summary: Opposes the use of current land use and leaching rates as the basis for deriving the benchmark for allocation of future land use options. Hancock Forest Management strongly opposes a grand parenting approach to solving water quality pollution problems.
Decision Sought: As above

Staff Recommendation: Reject

Section: Table LR5 Row 3**Staff Recommendation**

Amend Row 3 Cell 6 to read: Derived Benchmark. This will be created through the application of OVERSEER® to the actual land use and effective area in place during the 36 month period ending on 01 January 2016.

Staff Reason

(56-34) The amendments suggested by submitter 56 further clarify how the start point will be calculated for farm/ property enterprises. The amendments result in the start point being based on effective area and land use, this being consistent with the focus of Plan Change 10. It is recommended that the submission point accepted.

Submissions

Submission Number:	56: 34	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	Clarification is needed that the process of deriving benchmarks relates to a timeframe, land use and effective area. This is the basis for the allocation position agreed through the Lake Rotorua Stakeholders Advisory Group process.		
Decision Sought:	Amend last row of table to "Derived Benchmark. This will be created through the application of OVERSEER® to the actual land use and effective area in place during the 36 month period ending on 01 January 2016.		

Staff Recommendations: Accept

Section: Table LR5 Row 3 Cell 1**Staff Recommendation**

Amend to read: " Actual Benchmark (from Benchmarked land use and effective area)" where original phrase appears in Table LR 5.

Staff Reason

(56-29) The amendments suggested by submitter 56 further clarify how the start point will be calculated for farm/ property enterprises. The amendments result in the start point being based on effective area and land use, this being consistent with the focus of Plan Change 10. It is recommended that the submission point accepted.

Submissions

Submission Number:	56: 29	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	Clarification is needed that the benchmarks relate to a timeframe, a land use and effective area. This is the basis for the allocation position agreed through the Lake Rotorua Stakeholders Advisory Group process.		
Decision Sought:	Amend "Actual Benchmark" to "Actual Benchmark (<u>from Benchmarked land use and effective area</u>)" where original phrase appears in Table LR 5.		

Staff Recommendations: Accept

Section: Table LR5 Row 3 Cell 2**Staff Recommendation**

Amend to read: Derived Benchmark (function of 2001-04 sector benchmark average, and 2002-03 land use and effective area unless evidence of substantial change.)

Staff Reason

(70-100) The submission point relates to a small formatting change which clarifies the text is an explanation and definition. It is considered that this change increases the readability of the plan change and has been accepted. This will be determined on a case by case basis by Council alongside the landowner/ operator The submitter has also requested the term 'substantial change' to be defined. Substantial change relates to an increase in effective area or a change in land use activity where the level of losses generates increase from that initially identified.

(56-32) The amendments suggested by submitter 56 further clarify how the start point will be calculated for farm/ property enterprises. The amendments result in the start point being based on effective area and land use, this being consistent with the focus of Plan Change 10. It is recommended that the submission point accepted.

Submissions

Submission Number:	56: 32	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	Clarification is needed that the process of deriving benchmarks relates to a timeframe, land use and effective area. This is the basis for the allocation position agreed through the Lake Rotorua Stakeholders Advisory Group process.		
Decision Sought:	Amend to "Derived Benchmark (function of 2001-04 sector Benchmark average, and 2002-03 land use and effective area unless evidence of substantial change)" where original phrase appears in Table LR 5.		

Staff Recommendations:	Accept
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Submission Number:	70: 100	Submission Type:	Not Applicable
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	FANZ suggests inserting brackets before 'Function' and after 'change' to indicate that the phrase is a definition/explanation of Derived Benchmark.		
Decision Sought:	Insert brackets as shown: Derived Benchmark. (Function of 2002-03 land use and 2001-04 sector average unless evidence of substantial change). Provide guidance on what constitutes 'substantial change'.		

Staff Recommendations:	Accept in Part
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Section: Table LR5 Row 3 Cell 3

1157

Staff Recommendation

Amend to read: Actual Benchmark (from Benchmarked land use and effective area).

Staff Reason

(56-30) The amendments suggested by submitter 56 further clarify how the start point will be calculated for farm/ property enterprises. The amendments result in the start point being based on effective area and land use, this being consistent with the focus of Plan Change 10. It is recommended that the submission point accepted.

Submissions

Submission Number:	56: 30	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	Clarification is needed that the benchmarks relate to a timeframe, a land use and effective area. This is the basis for the allocation position agreed through the Lake Rotorua Stakeholders Advisory Group process.		
Decision Sought:	Amend "Actual Benchmark" to "Actual Benchmark (from Benchmarked land use and effective area)" where original phrase appears in Table LR 5.		

Staff Recommendations:	Accept
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Section: Table LR5 Row 3 Cell 4

1158

Staff Recommendation

Amend to read: Derived Benchmark. (Function of 2001-04 sector Benchmark average, and 2002-03 land use and effective area unless evidence of substantial change.)

Add a new definition for significant farm system change as follows: Significant Farm System Change: A change in farm practices which may result in an increase in nitrogen losses including but not limited to an increase in stock numbers, a change or increase in fertiliser application, a change in the type and quantity of feed supplements and change in crop management practices.

Staff Reason

(56-33) The amendments suggested by submitter 56 further clarify how the start point will be calculated for farm/ property enterprises. The amendments result in the start point being based on effective area and land use, this being consistent with the focus of Plan Change 10. It is recommended that the submission point accepted.

(70-101) The submission point relates to a small formatting change which clarifies that the text is an explanation and definition. It is considered that this change increases the readability of the plan change and has been accepted. The identification of the start point will be determined on a case by case basis by Council alongside the landowner/ operator. The submitter has also requested the term 'substantial change' to be defined, substantial change relates to an increase in effective area or a change in land use activity where the level of losses generates increase from that initially identified. A definition has been included in response to this submission.

Submissions

Submission Number:	56: 33	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	Clarification is needed that the process of deriving benchmarks relates to a timeframe, land use and effective area. This is the basis for the allocation position agreed through the Lake Rotorua Stakeholders Advisory Group process.		
Decision Sought:	Amend to "Derived Benchmark (function of 2001-04 sector Benchmark average, and 2002-03 land use and effective area unless evidence of substantial change)" where original phrase appears in Table LR 5.		

Staff Recommendations:	Accept
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Submission Number:	70: 101	Submission Type:	Oppose in Part
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	FANZ suggests inserting brackets before 'Function' and after 'change' to indicate that the phrase is a definition/explanation of Derived Benchmark.		
Decision Sought:	Insert brackets as shown: Derived Benchmark. (Function of 2002-03 land use and 2001-04 sector average unless evidence of substantial change). Provide guidance on what constitutes 'substantial change'.		

Staff Recommendations:	Accept in Part
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Section:	Table LR5 Row 3 Cell 5
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1159

Staff Recommendation

Amend to read: Actual Benchmark (from Benchmarked land use and effective area).

Staff Reason

(56-31) The amendments suggested by submitter 56 further clarify how the start point will be calculated for farm/ property enterprises. The amendments result in the start point being based on effective area and land use, this being consistent with the focus of Plan Change 10. It is recommended that the submission point accepted.

Submissions

Submission Number:	56: 31	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	Clarification is needed that the benchmarks relate to a timeframe, a land use and effective area. This is the basis for the allocation position agreed through the Lake Rotorua Stakeholders Advisory Group process.		
Decision Sought:	Amend "Actual Benchmark" to "Actual Benchmark (from Benchmarked land use and effective area)" where original phrase appears in Table LR 5.		

Staff Recommendations:	Accept
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Section: Table LR5 Row 3 Cell 6**Staff Recommendation**

Amend to insert Brackets

Staff Reason

(70-102) The submission point relates to a small formatting change which clarifies that the text is an explanation and definition. It is considered that this change increases the readability of the plan change and has been accepted. The submitter has also requested the term 'substantial change' to be defined, substantial change relates to an increase in effective area or a change in land use activity where the level of losses generates increase from that initially identified. A definition has been included in response to this submission.

Submissions

Submission Number:	70: 102	Submission Type:	Oppose in Part
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	FANZ suggests inserting brackets before 'Function' and after 'change' to indicate that the phrase is a definition/explanation of Derived Benchmark.		
Decision Sought:	Insert brackets as shown: Derived Benchmark. (Function of 2002-03 land use and 2001-04 sector average unless evidence of substantial change). Provide guidance on what constitutes 'substantial change'.		

Staff Recommendations: Accept

Section: Table LR5 Row 4**Staff Recommendation**

No amendments are proposed in response to the below submission points.

Staff Reason

(70-103, FS15-54, 70-104, FS15-55) The historical benchmarks referred to by the submitter reflect land uses existing between 2001 and 2004 and their associated losses. The benchmarks capped nitrogen losses and for lots 40ha plus should reflect the level of activity occurring within an enterprise today, unless resource consent has been approved to increase losses above the benchmark. Whilst limited benchmarks have been calculated for sites under 40ha, it is considered that the information already known by council forms a logical baseline to start from, and will ensure that all enterprises within the catchment are being treated fairly, aligning with RPS Policy WL5B. The land uses and associated losses have formed the basis for the calculation of the catchment load, and the subsequent reduction required. Altering this baseline could would change the level of impact on farm enterprises, and result in the need to re-notify to ensure all parties had the ability to review the revised approach and place submissions or further submissions on the matter. For these reasons revising the benchmark approach is not supported, and a new objective outlining a revised benchmarking approach is not required.

Submissions

Submission Number:	70: 103	Submission Type:	Support in Part
Submitter:	The Fertiliser Association of New Zealand		
Submission Summary:	The process for arriving at 'Derived Benchmarks' should be more clearly represented. For properties not benchmarked under Rule 11, Table LR 5 provides annual average nitrogen loss benchmarks. 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. It still remains unclear how the 'Derived Benchmark' is generated. The process for estimating and then combining the 2002-03 land use and 2001-04 sector average should be referenced and explained.		
Decision Sought:	Include a clear process for arriving at Derived Benchmarks. The Rule 11 Benchmark should be recalculated, using the Rule 11 benchmark land use and the current version of OVERSEER®.		

Staff Recommendations: Reject

Further Submission(s)

Further Submission No:	15 - 54	Submission Type:	Support
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Further Submitter: Ballance Agri-Nutrients Limited
 Submission Summary: There needs to be more clarity provided both in Schedule One and within PPC 10 as a while so that the provisions are easily understood and can be implemented appropriately.
 Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 70: 104 Submission Type: Support in Part
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: 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®. This should be made clear in the rules and/or in Schedule LR One.
 Decision Sought: The Rule 11 Benchmark should be recalculated, using the Rule 11 benchmark land use and the current version of OVERSEER®.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 15 - 55 Submission Type: Support
 Further Submitter: Ballance Agri-Nutrients Limited
 Submission Summary: Ballance supports the need to recalculate the Rule 11 benchmark using the latest version of OVERSEER® in order to generate nitrogen discharge allowance and managed reduction targets for Schedule One that use the best available science.
 Decision Sought: As above

Staff Recommendation:	Reject
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Section: Nitrogen Discharge Allocation Methodology	1162
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Staff Recommendation

No changes are proposed in response to the below submission points. (Note Changes in response to previous submission points have been recommended)

Staff Reason

(20-11, 27-2, FS7-13, FS8-15, 30-10, FS8-59, 74-3, 29-2) A number of submissions have highlighted previous environment work completed onsite to managed nutrient losses and have requested that Plan Change 10 acknowledge this in the allocation methodology. Enhancements completed prior to 01-04 would have reduced the effective area recorded in the 01-04 period, with this reflected in the benchmark to which the enterprise must comply with. Whilst such environmental enhancement is supported by Council amending the allocation methodology to provide benefit's for work completed prior to Rule 11 is not supported due to:

- Council have based the allocation methodology on the existing level of losses provided for under Rule 11 and the intended losses achieved through set reductions from each sector (sector averages). Altering the sector average for some enterprises due to previous environmental works will result in an inconsistent allocation and implementation system that does not uphold policy WL5B of the RPS in regard to fairness, equity and current land use and will result in some enterprises having to achieve a higher reduction in losses than others. This approach may reduce the ability to achieve the 435t/ N/yr sustainable load.
- Compensation for work may potentially already been provided for by the Council causing a benefit to the land owner to have already been gained. In addition such work may not have targeted diffuse nitrogen losses, this being the intent of the plan change.
- Work prior to 01-04 may have been completed by previous land owners, not current land owners causing the benefit to be gained by the incorrect person.
- Rule 11 capped the losses of a property based on the level of activity undertaken between 01-04. Any increase in losses as requested to reflect previous actions completed and would have required resource consent. Plan change 10 follows this approach and does not provide a new opportunity to increase losses beyond that provided for under Rule 11.

(23-7) Method 2 provides for a science review every 5 years. The outcomes of this review may potentially result in the review of Plan change 10 policies, rules and methods. Therefore it is considered that the relief sought by submitter 23 is already provided for within the plan change.

(66-30) The sector allocations, ranges and agreement to base the start point on the benchmark completed for Rule 11 was discussed and agreed to as part of StAG. These ranges and allocations intend to reflect the needs of a standard dairy, drystock or dairy support unit whilst also ensuring that the required reduction of 140t/ N and the sustainable load of 435t/ N was achieved. Not providing a policy framework that achieves the 2032 timeframe

does not uphold the intent of the RPS.

(58-4, 58-5)The options suggested have been considered and are noted by Council staff. The options suggested recommended using the current rule framework as an interim measure until 2037, this extending beyond the current target of 2032 at which stage the level of nitrogen losses from farming activity needs to be reduced by 320t/ N. The use of the notified rules until at least 2032 is supported as this upholds with discussion held with StAG and the wider community. However it is not appropriate to commit to the content and direction of a future plan change. This would prevent new science to be considered, or the plan change to reflect what the issues are at that stage within the community. Therefore the Council support the continued use of the notified rules and notes that that future plan change may take into account new methods available at that time. Any plan change would also require community involvement providing the opportunity for the concerns to small blocks owners to be raised.

(1-1, 22-1, FS6-62, 31-2, 49-10, FS8-51, 50-3, 19-3, 61-4, FS6-63, 61-5, 61-6, FS6-61, 73-2, FS6-64, 74-10, 83-12, 80-1, 32-19) Refer to Section 5.3.7 Nitrogen
(44-2) Refer to Section 5.3.6 The Use of OVERSEER® and Reference files

Submissions

Submission Number:	1: 1	Submission Type:	Oppose
Submitter:	Lindsay Hugh and Alison Lyndsay Moore		
Submission Summary:	<p>The approach denies recognition of land potential and flexibility to adapt to better uses. It gives an unfair advantage to dairy farmers who converted to that use or extended and/or intensified it knowing the issues concerning Lake Rotorua and the need to limit nutrient inflows. The regional council approach destroys the ability of the community to fully utilise land potential and tends to lock in a land use which is causes environmental problems.</p> <p>Furthermore the approach rewards dairy farmers at the expense of others landowners who have not converted to dairy farming. Land in forestry should not be penalised.</p>		
Decision Sought:	Amend to reflect concerns raised.		

Staff Recommendations:	Reject
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Submission Number:	19: 3	Submission Type:	Oppose in Part
Submitter:	Dixon Reeves		
Submission Summary:	<p>Farmers develop farms as economic farm surplus allows – this means that limiting Nitrogen discharge now based on the level of the staged sustainable development of the farm will significantly inhibit the ability to continue to undertake staged development and to provide flexibility in land use.</p>		
Decision Sought:	<p>I seek that the Council take a whole farm approach to reducing discharges into the lake so that all farm mitigations – past current and future are accounted for in determining flexibility of land use.</p> <p>I seek that the Council extend the years over which the calculation of nitrogen baselines are derived to a rolling average over a four year period and provide the maximum discharge from those years as the baseline.</p> <p>I seek that the Council provide for further transition times to allow for increased understanding of the relative contributions and potential loads – amend the property allocation to reflect this.</p>		

Staff Recommendations:	Reject
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Submission Number:	20: 11	Submission Type:	Oppose
Submitter:	Peter McLean and Michelle Rennie		
Submission Summary:	<p>There must be recognition for previous retiring of land, the NDA proves no benefit for this and containment of N runoff.</p>		
Decision Sought:	Not specified.		

Staff Recommendations:	Reject
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Submission Number:	22: 1	Submission Type:	Oppose
Submitter:	Nick Adams		
Submission Summary:	<p>I oppose the use of grand parenting. Benchmarking rewards the polluters and undervalues the positive effects of those that have undertaken previous mitigation measures.</p> <p>Those not previously benchmarked will automatically get an NDA almost twice of what I am expecting. Benchmarking clearly contradicts point (a) of Policy WL5B which says equity and fairness must be considered.</p>		

Decision Sought: Not specified.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 62 Submission Type: Support
Further Submitter: CNI Iwi Land Management Ltd
Submission Summary: For the reasons given in the original submission. CNILML opposes the methodology proposed in Schedule 1, the use of grand parenting, including by sector averaging. The methodology encourages gaming and discourages good practice.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 23: 7 Submission Type: Oppose in Part
Submitter: Roger and Norreen Martin
Submission Summary: The lack of recognition of good farming and environmental issues and the type of farming must be taken into consideration. I do not support the nitrogen discharge allowance process and the requirements that land owners reduce nutrient loss by way of regulation.
Decision Sought: A suggested 5 yearly review of the plan be implemented to assess the rules

Staff Recommendations: Accept in Part

Submission Number: 27: 2 Submission Type: Oppose
Submitter: Gro2 Ltd
Submission Summary: We get no recognition of flood protection and nutrient reduction that was done in the 1980's and 90's.
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.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 7 - 13 Submission Type: Support
Further Submitter: Alistair and Sarah Coatsworth
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 8 - 15 Submission Type: Support
Further Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 29: 2 Submission Type: Support in Part
Submitter: WB Shaw and SM Beadel
Submission Summary: There is possibly potential for 'good' landowners, who have already voluntarily adopted minimum nutrient use practices, to be 'penalised' by the new rules.
Decision Sought: Not specified.

Staff Recommendations: Comment Noted

Submission Number: 30: 10 Submission Type: Support in Part
 Submitter: Fish & Game New Zealand (Eastern Region Fish and Game Council)
 Submission Summary: Land holders should not be penalised twice as they have already retired sensitive land areas.
 Decision Sought: Mitigating circumstances should be recognised when setting individual nutrient discharge allowances.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 8 - 59 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 31: 2 Submission Type: Oppose
 Submitter: Patricia Hosking
 Submission Summary: I oppose applying nitrogen baselines as currently calculated and the timelines proposed.
 Decision Sought: Provide flexibility in the plan to allow for ongoing development and flexibility in farm management above the sector average.
 Provide for further transition times before the allocation framework applies to allow for increased understanding of the relative contributions and potential loads – amend the property allocation to reflect this.
 Extend the years over which the calculation of nitrogen baselines are derived to a rolling average over a four year period and provide the maximum discharge from those years as the baseline.
 Review nitrogen allocation and flexibility to lower N discharge properties to better reflect their ultimate productive potential not limited by their current land use.

Staff Recommendations: Reject

Submission Number: 32: 19 Submission Type: Oppose
 Submitter: Kaitao Rotohokahoka 2D Trust
 Submission Summary: Applying Nitrogen Baselines as currently calculated and the proposed timelines for achieving them will place our Trust and its future owners in a position of considerable disadvantage.
 Our currently calculated N Baseline is at the lower end of the scale given that during the assessment period the property was grossly underdeveloped.
 We support the overall concept but do not feel the process will lead to a fair and equitable outcome.
 Decision Sought: Extend the years over which the calculation of nitrogen baselines are derived and work on the maximum discharge from any one of those years as the baseline.
 Review nitrogen allocations so that the baseline better reflects the ultimate potential of the farm not just the current situation.

Staff Recommendations: Reject

Submission Number: 44: 2 Submission Type: Oppose
 Submitter: Andrea Hammond
 Submission Summary: There is no practical way for Nitrogen leached from individual blocks of land to be measured and therefore this cannot be enforced.
 Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 49: 10 Submission Type: Oppose
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: A 'Grandparenting' approach limits the ability of other responsible landowners in the catchment, who have historically minimised their nitrogen emissions from using and developing their land in a manner that

enables them to provide for their wellbeing. It is inequitable. The approach prevents a change in land use. It places the cost of future compliance on those responsible landowners that have historically mitigated the effects, whilst enabling those polluting to continue to pollute.

Decision Sought: Revise the fundamental approach to allocation set out in the policies and rules, so it uses the fundamental approach of matching land use to natural capital rather than the proposed regime, which is based on averaged sector contributions.
Identify in the plan the route to making this transition from present use to natural capital.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 8 - 51 Submission Type: Oppose
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: LUC or Natural Capital was found at StAG to be completely unsuitable to the particular circumstances pertaining to this region.
 It is untenable to support LUC once the reality of it in Rotorua is understood and if land in Rotorua were designated along these lines it would be a full-scale attack on existing land uses and property rights.
 LUC is not appropriate for Rotorua as a method to reallocate land use but could be a way forward in the future for directing any future development of land in the catchment.
 Decision Sought: Not specified.

Staff Recommendation: Accept

Submission Number: 50: 3 Submission Type: Oppose
 Submitter: Oturoa Properties Ltd
 Submission Summary: We have been one of the leaders in the reduction of our leaching figures, yet we have received no credit for this and have actually been penalised with a lower figure as opposed to a farmer who has done absolutely nothing. This is not right and not fair.
 Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 58: 4 Submission Type: Oppose in Part
 Submitter: Max Douglas
 Submission Summary: Zero rating land set aside for conservation immediately removes the ability of those engaged in conservation to reduce N discharge and affect the total N pollution entering the lake. In the case where someone owns a property that is completely conservation land, they have no facility to undertake any activity on that land other than forestry.
 Where blocks are a mix of conservation land and pastoral land, the conservation land does not provide the land owner any credit towards meeting N reductions under the proposed rules. This is unfair.
 Conservation land has not been contributing to pollution throughout the rule 11 period and in general a for long time before hand.
 Decision Sought: Assign conservation land a non-zero NDA where:
 - conservation land is: forestry, bush, scrub, etc.
 - non zero means a number above rainfall, i.e. higher than 3
 - have this non zero allocation an absolute lower limit
 Apply the lower limit to:
 - existing conservation land
 - how much NDA can be sold to incentive schemes
 - how much NDA can be traded to other properties or for development rights
 Balance these numbers by bringing down the NDA assigned to the highest polluters

Staff Recommendations: Reject

Submission Number: 58: 5 Submission Type: Oppose in Part

Submitter: Max Douglas

Submission Summary: Zero rating land set aside for conservation immediately removes the ability of those engaged in conservation to reduce N discharge and affect the total N pollution entering the lake. In the case where someone owns a property that is completely conservation land, they have no facility to undertake any activity on that land other than forestry. Where blocks are a mix of conservation land and pastoral land, the conservation land does not provide the land owner any credit towards meeting N reductions under the proposed rules. This is unfair. Conservation land has not been contributing to pollution throughout the rule 11 period and in general for a long time beforehand.

Decision Sought: Develop a set of temporary low end NDA numbers, or use something like the following:
 - first 10 hectares: NDA 6
 - next 20 hectares: NDA 5
 - the rest: NDA 4
 Develop a target set of long term target numbers, or something like:
 - first 10 hectares: NDA 12
 - next 20 hectares: NDA 9
 - the rest: NDA 6
 Balance these numbers by bringing down the NDA assigned to the highest polluters

Staff Recommendations: Reject

Submission Number: 61: 4 Submission Type: Oppose

Submitter: Beef + Lamb New Zealand

Submission Summary: A sector averaging approach has all of the worst aspects of grandparenting with none of its more positive features. At least under grandparenting a more intensive sheep and beef farm would receive an NDA near its current N loss level, whereas under sector averaging it is required to significantly reduce N discharges while a neighbor in a different sector may continue nearer current levels.

Decision Sought: An allocation system should take account of the land resource, rather than being determined by current use.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 63 Submission Type: Support

Further Submitter: CNI Iwi Land Management Ltd

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

Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 61: 5 Submission Type: Oppose

Submitter: Beef + Lamb New Zealand

Submission Summary: There is too much uncertainty in the current and proposed use of OVERSEER® within the plan both for modelling and understanding compliance with the NDAs.

Decision Sought: If NDAs and benchmarks are retained then the calculation of benchmarks for Nitrogen loss and proposed NDAs should be changed to be more consistent with best practice use of OVERSEER® as a long term averaging model. Require a reduced reporting period to a 3 – 5 year cycle for properties that are below target Nitrogen Discharge Allowance where these exist.

Staff Recommendations: Reject

Submission Number: 61: 6 Submission Type: Oppose

Submitter: Beef + Lamb New Zealand

Submission Summary: B+LNZ has developed a set of 14 principles for the allocation of nutrients. The plan should not be inconsistent with these principles.
 Principle 1 - Like land should be treated the same
 Principle 2- Those undertaking activities that have caused water quality problems should be required to improve their management to meet water quality limits.
 Principle 3 - Flexibility of land use must be maintained
 Principle 4- The allocation system should be technically feasible, simple to operate and understandable
 Principle 5- The natural capital of soils should be the primary consideration when establishing an allocation mechanism for nutrient loss
 Principle 6 - Allocation approaches should provide for adaptive management and new information
 Principle 7 - Appropriate timeframes must be set to allow for transition from current state to one where allocation of nutrients applies
 Principle 8 - Long term investment certainty is a critical feature of a viable nutrient management system
 Principle 9 - Improvement in water quality must remain the primary objective of adopting any nutrient allocation regime
 Principle 10 - In under-allocated catchments, where property based nutrient allocation has not been adopted in setting water quality limits, the system for allocating nutrients must be determined well before the limit is reached, be clear and easy to understand, and designed to avoid over-allocation
 Principle 11 - In designing the allocation system the benefits of a nutrient transfer system within the catchment or water management unit should be considered
 Principle 12 - Regulation, monitoring, auditing and reporting of nutrients within an allocation regime needs to relate to the degree of environmental impact and pressure
 Principle 13 - As a minimum expectation, in all catchments, all land users should be at or moving towards (industry defined) Good Management Practice (GMP), recognising that GMP is constantly evolving and continuous improvement is inherent in GMP
 Principle 14 - Nutrient allocation must be informed by sound science

Decision Sought: Any Nutrient Allocation framework or NDA applied at a property level adopted by council or included within this plan change should be consistent with the B+LNZ principles of nutrient allocation.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 61 Submission Type: Support

Further Submitter: CNI Iwi Land Management Ltd

Submission Summary: For the reasons given in the original submission CNILML supports an allocation system that takes account of the land resource, and requires a proportional response to diffuse discharges and their externalities, rather than one being determined by current use. Any nutrient allocation framework applied at a property level should be consistent with the Beef and Lamb NZ principles of nutrient allocation.

Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 66: 30 Submission Type: Support in Part

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Agreed principles, values and good scientific analysis must drive any allocation of nutrients within the catchment. Investigation of all allocation options has resulted in the Stakeholder group recommending that 'Sector Averaging' is the most appropriate option for this lake catchment.

Decision Sought: The Collective endorses this allocation method but only until 2022 when further policy will be informed by the science review to be started in 2017.

Staff Recommendations: Accept in Part

Submission Number: 73: 2 Submission Type: Oppose

Submitter: P F Olsen Ltd

Submission Summary: PF Olsen Ltd reiterates its opposition to the grandparenting of other landuses pollution rights. Grandparenting represents a subsidy in perpetuity for those parties whose land based endeavours are

creating the most pollution. It represents a direct tax on current forest growers because their land values will decline.

If a sector is unable to operate permanently without a Nitrogen cross subsidy from other land based sectors then that sector is fundamentally unsustainable and unsuitable. Permanent Grandparenting is at odds with the fourth report of the Land and Water Forum.

Decision Sought: Beyond 2032, N discharge totals from pastoral sources must be less than the targets set in the notified plan change with the surplus being allocated back to those currently under commercial forest cover.

As a minimum, a further 2 Kg reduction across the pastoral sector would enable the existing plantation growing industry to achieve a discharge allocation of around 6 kg/ha/yr. With dairying and dairy support well above that level it would seem appropriate that they bear the greater share of that reallocation.

The reallocation to forestry should be useable and or tradeable. It is accepted that new forest planted should not receive an added allocation.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 64 Submission Type: Support

Further Submitter: CNI Iwi Land Management Ltd

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

Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 74: 3 Submission Type: Oppose

Submitter: Deer Industry New Zealand

Submission Summary: - Landowners who have applied best land use practice in the past are significantly penalised by the proposed nutrient allocation system.
- Drystock farms tend to have much larger areas dedicated to 'environmental services' than dairy farms. These areas are not given any credit in the proposed allocation system.
- Willingness to undertake further works to protect significant natural areas such as bush remnants is likely to be compromised.

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 74: 10 Submission Type: Oppose

Submitter: Deer Industry New Zealand

Submission Summary: DINZ opposes the principle of grandparenting which essentially rewards existing businesses that have high nitrogen losses and restricts activities of businesses that have lower losses. DINZ does not support an allocation system that grossly favours one sector over another.

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 80: 1 Submission Type: Oppose

Submitter: Te Paiaka Lands Trust

Submission Summary: We oppose how the nitrogen discharge limit is calculated and applied to my property.

Decision Sought: - Provide for further transition times before the allocation framework applies to allow for increased understanding of the relative contributions and potential loads – amend the property allocation to reflect this.
- Extend the years over which the calculation of nitrogen baselines are derived to a rolling average over a four year period and provide the maximum discharge from those years as the baseline.

Staff Recommendations: Reject

Submission Number: 83: 12 Submission Type: Oppose
 Submitter: Bushlands Estate Limited and Adolle Farms Limited
 Submission Summary: I do not support the nitrogen discharge allowance process and the requirement that land owners reduce nutrient loss by way of regulation, there is so much uncertainty about the efficacy or necessity of those rules.
 Decision Sought: Not specified.

Staff Recommendations: Reject

Section: Table LR 6: Allocation Parameters and Figures 1163

Staff Recommendation

Add sentence to preamble to Table LR6 as follows: 'Nitrogen Discharge Allowances are calculated in kg/ N/ ha/ yr using OVERSEER® 6.2.0 and are then expressed as a percentage of the relevant reference file.'

Delete Note Table (a) for Table LR6.

Staff Reason

(56-36) The additional text suggested by the submitter provides clarification to plan users on how the Nitrogen Discharge Allowance will be calculated. It is considered that this assists with interpretation of the plan and is recommended to be accepted.

(71-2) It is unclear what changes the submitter has requested. Table LR5 identifies how the start point for each property will be determined. It is considered that the manner in which this is presented is succinct and clear and does not create confusion. No changes to the structure of Table LR5 are proposed.

(14-14) Support Noted

Submissions

Submission Number: 56: 36 Submission Type: Support
 Submitter: Bay of Plenty Regional Council
 Submission Summary: The transition of benchmark information through OVERSEER® and into % of reference files should be made more explicit. It is covered within Schedule LR Five but can usefully be clarified.
 Decision Sought: Delete Table LR 6 Note a). Re-label note b) as note a). Insert new sentence between last two paragraphs of "Nitrogen discharge allowance methodology" (page 23) as follows: "Nitrogen Discharge Allowances are calculated in kg/N/ha/yr using OVERSEER® 6.2.0 and are then expressed as a percentage of the relevant reference file."

Staff Recommendations: Accept

Submission Number: 71: 2 Submission Type: Oppose
 Submitter: Warren Parker
 Submission Summary: The layout of the material and method of presenting the nutrient discharge allowances (NDAs) as per Schedule 1 is not intuitive.
 Decision Sought: Provide table of NDAs in kg/ha/yr and language landowners can readily understand/relate to.

Staff Recommendations: Reject

Submission Number: 14: 14 Submission Type: Support
 Submitter: Warren Webber
 Submission Summary: Economic modelling confirmed that sector allocation with ranges was the least financially disruptive.
 Decision Sought: No changes requested.

Staff Recommendations: Accept

Section: Table note (a)**Staff Recommendation**

Delete Table Note (a) of Table LR6.

Staff Reason

(56-35) The additional text suggested by the submitter provides clarification to plan users on how the NDA will be calculated by council. It is considered that this assists with interpretation of the plan and is recommended to be accepted.

Submissions

Submission Number:	56: 35	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	The transition of benchmark information through OVERSEER® and into % of reference files should be made more explicit. It is covered within Schedule LR Five but can usefully be clarified.		
Decision Sought:	Delete Table LR 6 Note a). Re-label note b) as note a). Insert new sentence between last two paragraphs of "Nitrogen discharge allowance methodology" (page 23) as follows: "Nitrogen Discharge Allowances are calculated in kg/N/ha/yr using OVERSEER® 6.2.0 and are then expressed as a percentage of the relevant reference file."		

Staff Recommendations: Accept

Section: Managed Reduction Targets**Staff Recommendation**

No changes are proposed in response to the below submission points.

Staff Reason

(53-84, 66-7, 66-31) Requests have been made to delete Schedule LR1 and replace this with an alternative methodology (benchmark process) due to the perception of unreliable scientific evidence supporting the level of reductions required in losses to achieved the sustainable Lake load. Plan Change 10 has been based on the best science available. Reviews completed under Method 2 of PPC10 will enable any new science to be included. It is considered that this science supports the lake loads identified within PPC10. Until new robust science is made available no changes to the loads or allocation methodology are proposed. The suggested approach relies on the current direction taken with Rule 11 of establishing a benchmark (number) and ensuring farming activities comply with this set number of nutrient loss. As identified through reviews of Rule 11 the ability to ensure compliance with Rule 11 and enforce the benchmark is limited. This is due to the inability to prove an increase in discharge levels under Rule 11. The approach taken by PPC10 to manage farm losses to ground with this influencing the level of losses to groundwater provides certainty to plan users and increase usability and enforceability to the plan. No changes are considered to be required.

(71-3) It is unclear what changes the submitter has requested. Table LR5 identifies how the start point for each property will be determined. It is considered that the manner in which this is presented is succinct and clear and does not create confusion. No changes to the structure of Table LR5 are proposed.

Submissions

Submission Number:	53: 84	Submission Type:	Oppose
Submitter:	Lachlan McKenzie		
Submission Summary:	Too many uncertainties in the loads and targets.		
Decision Sought:	Delete Table LR 7.		

Staff Recommendations: Reject

Submission Number:	66: 7	Submission Type:	Oppose
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	The Collective support the concept of Managed Reduction targets, but do not agree with the target numbers, which will be subject to changes from recommendations from the 2017 science review and ROTAN review. It is the mechanism of measurement & enforcement of the managed reduction targets		

that we wish Council to change.

Decision Sought: We request that they are not subject to conditional consent but are part of a permitted activity.

Staff Recommendations: Reject

Submission Number: 66: 31 Submission Type: Support in Part

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: The Collective supports the concept of Managed reduction but expect the figures to alter following the Rotan & science reviews. We would also like to remind Council agreement was for proportional reduction of the catchment figure, not individual farm figures. Agreement was also only for 2022 not 2027.

Decision Sought: Council change the mechanism of measurement & enforcement of the managed reduction target.

Staff Recommendations: Reject

Submission Number: 71: 3 Submission Type: Oppose

Submitter: Warren Parker

Submission Summary: The layout of the material and method of presenting the nutrient discharge allowances (NDAs) as per Schedule 1 is not intuitive.

Decision Sought: Provide table of NDAs in kg/ha/yr and language landowners can readily understand/relate to.

Staff Recommendations: Reject

Section: Table LR 7(a): Reduction Targets

1166

Staff Recommendation

No changes are proposed in response to the below submission points.

Staff Reason

(59-3) The RPS set the requirement for 70% of the required reductions to be achieved by 2022. This majority of this will be achieved through the operation of the incentive board, gorse removal and other non-regulatory actions within the integrated framework. A smaller amount is required from farm enterprises over 40ha in size this being achieved through compliance with the first managed reduction target. It is considered that Table LR7 upholds the required approach by the RPS and should remain as part of Schedule LR1. No changes are considered to be required.

(64-26) The layout of Table LR7 identifies the target date by which each calculated MRT is required to be achieved. The manner in which this is described within a Nitrogen Management Plan explains to the holder that the committed actions to achieve each Managed Reduction Target over the 5 years or at the end of each 5 year period are able to be completed. It is considered that the method used within Table LR7 is accurate, with this setting a clear date for compliance.

(14-6) Support Noted

Submissions

Submission Number: 59: 3 Submission Type: Oppose

Submitter: Northdale Holdings Ltd

Submission Summary: 70% of the requirements (nitrogen) must be achieved by 2022, why?

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 14: 6 Submission Type: Support

Submitter: Warren Webber

Submission Summary: The Oturoa Agreement (Feb 2013) resolved RPS appeals by Fed Farmers and the Collective and agreed target dates to achieve sustainable catchment loads; 70% by 2022; 100% by 2032.

Decision Sought: Support - No changes requested.

Staff Recommendations: Accept

Submission Number:	64: 26	Submission Type:	Support
Submitter:	DairyNZ and Fonterra Co-operative Group Limited		
Submission Summary:	This table specifies managed reduction targets for 2022, 2027 and 2032 whereas the PNDA files being provided to farmers provide the targets as 2017-2022, 2022-2027, 2027-2032 and >2032. This is causing confusion.		
Decision Sought:	Suggest a consistent description of the targets between the plan and farm PNDA documents.		

Staff Recommendations:	Reject
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Section: Table LR 7(b): Reduction Targets	1168
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Staff Recommendation

No changes are proposed in response to the below submission points.

Staff Reason

(14-7) Support Noted

Submissions

Submission Number:	14: 7	Submission Type:	Support
Submitter:	Warren Webber		
Submission Summary:	The Oturoa Agreement (Feb 2013) resolved RPS appeals by Fed Farmers and the Collective and agreed target dates to achieve sustainable catchment loads; 70% by 2022; 100% by 2032.		
Decision Sought:	Support - No changes requested.		

Staff Recommendations:	Accept
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Section: Additional matters	1168
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Staff Recommendation

Add an additional matter as follows:

- Non-Benchmarked grazed trees will be allocated the Benchmarked grazed trees average discharge rate.

Staff Reason

(22-2) A number of submissions have highlighted previous environment work completed onsite to managed nutrient losses and have requested that Plan Change 10 acknowledge this in the allocation methodology.

Enhancements completed prior to 01-04 would have reduced the effective area recorded in the 01-04 period, with this reflected in the benchmark to which the enterprise must comply with. Whilst such environmental enhancement is supported by Council amending the allocation methodology to provide benefit's for work completed prior to Rule 11 is not supported due to:

- Council have based the allocation methodology on the existing level of losses provided for under Rule 11 and the intended losses achieved through set reductions from each sector (sector averages). Altering the sector average for some enterprises due to previous environmental works will result in an inconsistent allocation and implementation system that does not uphold policy WL5B of the RPS in regard to fairness, equity and current land use and will result in some enterprises having to achieve a higher reduction in losses than others. This approach may reduce the ability to achieve the 435t/ N/yr sustainable load.
- Compensation for work may potentially already been provided for by the Council causing a benefit to the land owner to have already been gained. In addition such work may not have targeted diffuse nitrogen losses, this being the intent of the plan change.
- Work prior to 01-04 may have been completed by previous land owners, not current land owners causing the benefit to be gained by the incorrect person.
- Rule 11 capped the losses of a property based on the level of activity undertaken between 01-04. Any increase in losses as requested to reflect previous actions completed and would have required resource consent. Plan change 10 follows this approach and does not provide a new opportunity to increases losses beyond that provided for under Rule 11.

(49-84) Confusion has been raised on how the different OVERSEER® versions will be managed during the life term of each resource consent. It is considered that adding a point to clarify how the version changes will be mitigated will provide certainty. A note has been included stating that the recalculation of the Nitrogen Discharge Allowance and Managed Reduction Targets will only be completed on a 5 yearly basis, this aligning with the required review of each Nitrogen Management Plan.

(56-37) A new point is required to be included to ensure non-benchmarked trees are treated the same as benchmarked grazed trees. This ensures consistency in implementation of the plan with land uses and ensures that the allocation system set up for Plan Change 10 is upheld.

(71-4) The ability to trade nitrogen in the future has been provided for from 2022. The economic value placed on each unit of nitrogen is a matter that council has left to the market. The economic reports completed for the section 32 report have attempted to factor in the economic benefits of trading however it is noted that this may alter depending on market demand. No further information is required to be included within the plan change in

response to this submission.

(71-6, FS6-65) The allocation system set up for PPC10 is based on land uses and the losses generated between 2001 and 2004. This includes plantation forestry. These land uses then informed the required reductions from each sector based on the calculated losses by OVERSEER®, the catchment load by ROTAN and the capped sustainable load within the RPS. Allocating additional nitrogen to one sector will result in further reductions being required by another sector. Future reviews will inform the loads and target along with allocation of nitrogen over each sector. Until new information is available no changes are proposed to be made to the allocation system as notified.

(49-84) The submission point intends to highlight perceived issues with the use of OVERSEER® by Clan Change 10. This approach undermines the robustness of OVERSEER® and the intent of the plan change to this tool for implementation. No changes are proposed in response to this submission. Refer to Section 5.3.6 the Use of OVERSEER®.

Submissions

Submission Number:	22: 2	Submission Type:	Oppose
Submitter:	Nick Adams		
Submission Summary:	I support the consideration of previous on-farm nitrogen loss mitigations in the calculation of properties NDA in exceptional circumstances.		
Decision Sought:	I would like to see recognition of this mitigation reflected in the calculation of my NDA.		

Staff Recommendations:	Reject
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Submission Number:	49: 84	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Include a further additional matter that covers what happens if the OVERSEER® version shows a very different reduction either generally or for a particular sector is required.		
Decision Sought:	Include a further additional matter that covers what happens if the OVERSEER® version shows a very different reduction either generally or for a particular sector is required.		

Staff Recommendations:	Reject
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Submission Number:	56: 37	Submission Type:	Support
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	For clarification the non-benchmarked grazed trees allocation should be added.		
Decision Sought:	Add sentence to 2nd bullet point under "Additional matters" as follows: "Non-Benchmarked grazed trees will be allocated the Benchmarked grazed trees average discharge rate."		

Staff Recommendations:	Accept
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Submission Number:	71: 4	Submission Type:	Oppose in Part
Submitter:	Warren Parker		
Submission Summary:	The proposal makes no reference to the future economic value of nutrients and thus overlooks the upside opportunity of allocating nutrients differently in the future. It is not clear from the material provided that returns that could be generated in the future from each incremental unit of nutrient/water quality attribute have been estimated.		
Decision Sought:	The future economic contribution of NDAs should be considered.		

Staff Recommendations:	Reject
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Submission Number:	71: 6	Submission Type:	Oppose
Submitter:	Warren Parker		
Submission Summary:	Grandparenting of allowances, a higher discharge land use enterprise, together with the potential to monetise NDAs at some future point in time is effectively a wealth transfer to those who cause the		

problem.

Decision Sought: Plantation forestry should be allocated a higher NDA - up to 5kg N/ha/year to enable the replacement of lost nutrients and boost forest productivity.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No:	6 - 65	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		
Staff Recommendation:	Reject		

Chapter: Schedule LR Two - Stocking rates

1169

1169

Section: Schedule LR Two - Stocking rates

Staff Recommendation

No changes are proposed in response to the below submissions. Note: Changes have been proposed in response to other submission points.

Staff Reason

(6-2, 44-1 1-8, 58-15) The development of the stocking rate table factored into account the lowest observed level of pastoral growth potential for drystock land with the underlying limit being identified as just under 7t DM/ ha/ year. The calculations also took into account a lower level of pasture utilisation to reflect the lower level of management that is characteristic of smaller farms (under 10 ha) with these generally having no imported feed supplements etc. The level of loss ultimately comes down to the level of consumption required to sustain its required energy levels (metabolic requirements) this impacting the level of outputs and in turn losses to water. Schedule LR2 identified the level of consumption for a standard stock unit as 6,000MJ or 545DM. A number of different production farming systems (including different types of stock and stocking rates) were then created based on the level of consumption required and available pasture production. The pastoral systems used are based on a lower level of pasture utilisation to reflect a lower level of management that is characteristic of smaller farms (under 10 ha) with these generally having no imported feed supplements etc. Therefore it is considered that the level of stock provided for under Schedule LR2 is sufficient to ensure viable farming practices on lifestyle lots and to manage pastoral growth.

These systems were run through OVERSEER® to determine the level of losses with this compared to and altered where necessary to reach the target of 17.9kg N/ Ha/ year. A number of different scenarios were modelled to reflect different stocking rates at different times of the year to identify annual losses for each stock class.

The target of 17.9kg is the lower range of the drystock table (OVERSEER® version 6.2.0) and was identified through discussions with stakeholders as being the lower level that a commercial drystock farm would be able to viably operate and result in losses would ensure the sustainable target continued to be met. It is considered that the methodology used to create Schedule LR2 is robust and no changes are proposed in response to submissions.

(46-1) Submitter 46 has raised concerns with the need for his property (less than 5ha) to comply with the stocking rate table. Schedule LR2 does not apply to these sized lots with activities on these sized sections being permitted under the plan change as long as they are not commercial in nature. Therefore the submitter is not affected by Schedule LR2. No changes are considered to be required.

(43-103, 70-105) The stocking rate table intends to uphold the lower range of the drystock reference file. With different OVERSEER® versions the ranges of each reference file can shift. For example in version 6.2.0 the lower range was 18kg/ N/ ha whilst in 6.2.2 this increased to 19.5kg/ N/ h. Whilst these numbers change the relative effect and number of stock does not, with the losses from each stock class also shifting. The intent of the plan change is to cater for the changes in different versions, in case this will be achieved by not locking in one number. The introductory text already explains that Schedule LR2 relates to Rule LRR4 and will be used to identify compliance with the permitted criteria. Explanation that the schedule is required for efficiencies in administration does not add any value to the implementation of the rule framework. It is considered that no changes are required.

(43-104, 70-105) The submission point relates to Rule LRR7 which intends to provide for low intensity farming activities where these may not comply with Rule LRR3 or LRR4 but still result in low intensity activities that comply with the permitted reference file. The stocking rate table provides for low intensity land use and is therefore only one component of this. Restricting the scope of Rule LRR7 to refer to compliance with Schedule LR2 will alter the intent of the rule framework and reduce the ability for adaptive management practices to be considered by the plan. It is recommended that this submission point is declined.

(84-8) It is noted that the concerns raised in relation to deer by the submitter was based on a previous version of the stocking rate table. Since this time that stocking rate table has been revised with these effectively removing the error highlighted within the submission. The notified version of the stocking rate table now only provides for 15.0 hind fawns per hectare compared to the 28.8 figure quoted in the submission. No changes to the stocking rate table are required in response to this submission point.

(28-6) Refer to Section 5.3.4 The Use of Sub-Catchment Plans

Submissions

Submission Number: 1: 8 Submission Type: Oppose
 Submitter: Lindsay Hugh and Alison Lyndsay Moore
 Submission Summary: The schedule fails to recognise the extensive differences between different species and breeds or the same class of stock. The treating of stags and hinds as equal needs correcting.
 Decision Sought: Amend to reflect concerns raised.

Staff Recommendations:	Reject
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Submission Number: 6: 2 Submission Type: Oppose
 Submitter: Robert Mackay
 Submission Summary: At the proposed stocking rates control of weeds is going to become more difficult. There is also the question of the economics of maintaining properties with the lower returns. It has been suggested that surplus can be made into hay/silage, but with all property being required to reduce stock numbers, no one will need it. Shipping out of the area is not normally economic.
 Decision Sought: More flexibility and an increase in stocking rate allowed under the rules without the need for a resource consent.

Staff Recommendations:	Reject
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Submission Number: 28: 6 Submission Type: Oppose
 Submitter: Kevin Davenport
 Submission Summary: I believe the side effects of de-stocking farms will create a bigger set of issues and costs that can't be met by the Land owner.
 Decision Sought: 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. They all have different soil types, micro climates, land contour and proximity's to streams feeding the Lake. I would like to see group discussions or farm workshop sessions on best farming practices held.

Staff Recommendations:	Reject
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Submission Number: 43: 103 Submission Type: Support in Part
 Submitter: Ravensdown Limited
 Submission Summary: While Ravensdown is opposed to input limits based on stocking rate it recognises the benefits of using a simple look-up table as a surrogate for nitrogen loss outputs for application of permitted activity for low intensity properties less than 10ha.
 Decision Sought: Amend Schedule LR Two to:
 - Provide the nitrogen loss value which provides for permitted activity land use under Rule LR R4;
 - 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;
 - 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;

Staff Recommendations:	Reject
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Submission Number: 43: 104 Submission Type: Support in Part
 Submitter: Ravensdown Limited
 Submission Summary: The stocking rate should be a default option for the specified nitrogen loss value for low intensity land use activity.
 Decision Sought: Amend the title of Schedule LR Two to make it clear the stocking rates are a Default nitrogen loss representation.

Staff Recommendations:	Reject
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Submission Number: 44: 1 Submission Type: Oppose

Submitter: Andrea Hammond

Submission Summary: A major issue which seems to have been largely overlooked with regard to stock numbers if they are reduced to the numbers proposed, there won't be enough to eat the grass that grows – this will lead to the growth of more weed species.
The number of stock on a property at any one time is NOT evidence of nitrogen output, and is thus unmeasurable and unenforceable.

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 46: 1 Submission Type: Oppose

Submitter: Evan Parnwell

Submission Summary: We have a small lifestyle block under 5ha. You have a chart which appears to define the type and quantity allowed. If this chart affects us than I can't accept it.

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 58: 15 Submission Type: Oppose in Part

Submitter: Max Douglas

Submission Summary: The stocking table can underestimate the stocking as a margin of error factor that is reduced when by a (OVERSEER®) calibration, i.e.. most calibrations should result in a scaling factor > 1.0.

Decision Sought: -Using a standard stocking table with a site specific scaling factor is a simpler approach.

Staff Recommendations: Reject

Submission Number: 70: 105 Submission Type: Support in Part

Submitter: The Fertiliser Association of New Zealand

Submission Summary: 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. Make it clear they are introduced for efficiencies in administration. Amend the title of Schedule LR Two to make it clear the stocking rates are a Default nitrogen loss representation.

Decision Sought: The stocking rate should be a default option for the specified nitrogen loss value for low intensity land use activities.

Staff Recommendations: Reject

Submission Number: 84: 8 Submission Type: Oppose

Submitter: Protect Rotorua

Submission Summary: The nitrogen loss rates estimated in the stocking table are wrong. According to the stocking table the property could farm 922 under one year old hinds and remain under the 10kgN/ha/yr limit. However based on OVERSEER® readings calculated a property supporting this amount of deer would only generate a nitrogen loss rate of 38 kgN/ha/yr for the property.

Decision Sought: Not specified.

Staff Recommendations: Reject

Section: Horses 1170

Staff Recommendation

No changes are proposed in response to the below submissions.

Staff Reason

(5-1, 8-2, 60-1) The stocking rate table is based on the metabolic requirements (using equivalent nutrient/ energy requirements) of an animal, which then informs the level of consumption, outputs and nitrogen losses. In the case for horses nitrogen losses can be equivalent to a dairy cow, with this

being similar to the approach taken in Taupo where 0.8 horses are provided for per hectare. It is considered that the methodology used, as outlined in the report titled 'Methodology for creation of NDA reference files and stocking rate table' dated August 2015 is sound. To ensure the success of the rules the plan change must apply to all types of farming stock where these contribute to nitrogen losses to the Lake. It is noted that horses can have different types of feed than other stock classes, which may result in reduced nitrogen losses. Permitted Rule LRR7 is able to provide for such circumstances where a higher stocking rate than that provided for within Schedule LR2 still complies with low intensity land use. If the applicant is not able to comply with the permitted threshold then the application will revert to a controlled activity. Controlled activities must be granted by the Council, and have the lease cost compared to other consent categories. This is a lenient approach and is an attempt acknowledges the financial impact and uncertainty the plan change places on the community.

It is considered that the research undertaken continues to be accurate, and that the plan change continues to provide for circumstances that the schedule or permitted rules may not cover due to the provision of new information and science. No changes are considered to be required.

Submissions

Submission Number:	5: 1	Submission Type:	Oppose in Part
Submitter:	Robin Boom		
Submission Summary:	Many recreational and working horses are fed additional feeds such as grains, chaff, hay etc. which are naturally lower in protein (N) and higher in structural carbohydrates and starch therefore the N content in their urine will be lower. Also horse paddocks are rarely high protein ryegrass/clover pastures but are often weedy and poor fertility so the N content of such pastures will be lower.		
Decision Sought:	Horses should be able to be stocked higher (up to 3/ha) based on feed inputs.		

Staff Recommendations:	Reject
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Submission Number:	8: 2	Submission Type:	Oppose
Submitter:	Grant Stewart		
Submission Summary:	It is very clear that no studies, no science or documentation, on what a horse emits in regards to nitrogen has been carried out.		
Decision Sought:	Until EBOP have the science and studies to back up the horse stocking rate table then horses should be excluded.		

Staff Recommendations:	Reject
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Submission Number:	60: 1	Submission Type:	Oppose
Submitter:	Lyn Brown		
Submission Summary:	Rotorua has a proud history in agriculture and much of that comes from the medium sized farms which make up areas like Paradise Valley. The proposed restrictions on stock numbers will totally ruin my Equestrian business. The number of horses I will be allowed is not realistic at all.		
Decision Sought:	I can support a slight reduction over time but not the extent that is being proposed.		

Staff Recommendations:	Reject
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Section: Dairy

1171

Staff Recommendation

No changes are proposed in response to the below submissions.

Staff Reason

(5-4) The stocking rate table is based on the metabolic requirements (using equivalent nutrient/ energy requirements) of an animal, which then informs the level of consumption, outputs and nitrogen losses. It is considered that the methodology used, as outlined in the report titled 'Methodology for creation of NDA reference files and stocking rate table' dated August 2015 is sound. To ensure the success of the rules the plan change must apply to all types of farming stock where these contribute to nitrogen losses to the Lake. Permitted rule LRR7 is able to provide for such circumstances where a higher stocking rate than that provided for within Schedule LR2 still complies with low intensity land use. If the applicant is not able to comply with the permitted threshold then the application will revert to a controlled activity. Controlled activities must be granted by the Council, and have the lease cost compared to other consent categories. This is a lenient approach and is an attempt acknowledges the financial impact and uncertainty the plan change places on the community.

Submissions

Submission Number: 5: 4 Submission Type: Oppose

Submitter: Robin Boom

Submission Summary: Cow urine content can vary depending on N content and type of N feed. The problem of N in cow urine is exacerbated by use of artificial N inputs. Applying no fertiliser N and relying on natural legume produced N in a natural biological farming system will mean more cows can be run per Ha. As OVERSEER® improves and takes on board these options then N losses from farms will naturally drop.

Decision Sought: Dairy cows and other cattle should have their limit raised by at least 40% with cows going from 1.5/ha to 2.5/ha and all other cattle classes similarly. Remember that this is an upper limits and may not be suitable for all.

Staff Recommendations: Reject

Section: Drystock

1172

Staff Recommendation

No changes are proposed in response to the below submissions.

Staff Reason

(7-3) Submitter 7 has raised concerns with the need for properties between 10ha and 40ha in effective area to comply with the stocking rate table. This perception is inaccurate, PPC10 does not require enterprises over 10ha to comply with the stocking rate table. The stocking rate table only applies to enterprises between 5ha and 10ha in effective area and is one option for enterprises over 10ha in size to inform actions available to gain compliance with a Managed Reduction Target or NDA specified within a NMP. It is advised that the submitter approach the Regional Councils Advice and Support team.

Submissions

Submission Number: 7: 3 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.

Staff Recommendations: Reject

Section: Sheep

1173

Staff Recommendation

No changes are proposed in response to the below submissions.

Staff Reason

(5-7) Support Noted.

Submissions

Submission Number: 5: 7 Submission Type: Support

Submitter: Robin Boom

Submission Summary: These numbers seem fair.

Decision Sought: Support – no changes requested.

Staff Recommendations: Accept

Section: Goats**Staff Recommendation**

No changes are proposed in response to the below submissions.

Staff Reason

(5-6) The stocking rate table is based on the metabolic requirements (using equivalent nutrient/ energy requirements) of an animal, which then informs the level of consumption, outputs and nitrogen losses. In the case for horses nitrogen losses can be equivalent to a dairy cow, with this being similar to the approach taken in Taupo where 0.8 horses are provided for per hectare. It is considered that the methodology used, as outlined in the report titled 'Methodology for creation of NDA reference files and stocking rate table' dated August 2015 is sound. To ensure the success of the rules the plan change must apply to all types of farming stock where these contribute to nitrogen losses to the Lake. It is noted that horses can have different types of feed than other stock classes, which may result in reduced nitrogen losses. The permitted rule LRR7 is able to provide for such circumstances where a higher stocking rate than that provided for within Schedule LR2 still complies with low intensity land use. If the applicant is not able to comply with the permitted threshold then the application will revert to a controlled activity. Controlled activities must be granted by the Council, and have the lease cost compared to other consent categories. This is a lenient approach and is an attempt acknowledges the financial impact and uncertainty the plan change places on the community.

It is considered that the research undertaken continues to be accurate, and that the plan change continues to provide for circumstances that the schedule or permitted rules may not cover due to the provision of new information and science. No changes are considered to be required.

Submissions

Submission Number:	5: 6	Submission Type:	Oppose
Submitter:	Robin Boom		
Submission Summary:	Angora Goats body weight is lower than the average ewe and considered only a 0.6 stock unit (ewe equivalent). Goats prefer more woody, stalky type plants, seedheads and weeds as opposed to fresh green legume based pastures. Their stocking rates should be higher.		
Decision Sought:	Goat numbers should be able to be 40% higher than sheep numbers due to lower N content in urine.		

Staff Recommendations:	Reject
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Section: Deer**Staff Recommendation**

No changes are proposed in response to the below submissions.

Staff Reason

(55-3, 74-2) The stocking rate table is based on the metabolic requirements (using equivalent nutrient/ energy requirements) of an animal, which then informs the level of consumption, outputs and nitrogen losses. The plan change acknowledged the different levels of leaching between deer and dairy or drystock activities, by providing for a high number of deer per hectare. It is considered that the research undertaken continues to be accurate and has taken into account the concerns raised by the submitter. No further changes are considered to be required.

(5-8) Support Noted

Submissions

Submission Number:	5: 8	Submission Type:	Support
Submitter:	Robin Boom		
Submission Summary:	These numbers seem fair.		
Decision Sought:	Support – no change requested.		

Staff Recommendations:	Accept
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Submission Number:	55: 3	Submission Type:	Oppose
Submitter:	NZ Deer Farmer's Association		
Submission Summary:	Deer and sheep have similar urine patch / nitrate leaching effects and that this is significantly less than cattle and even more significantly less than dairy cows. The potential of farming deer is to be compromised to allow continuance of activity with farming an animal (the dairy cow) that is clearly		

recognised as a gross exacerbator of the nitrate loss issue.

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 74: 2 Submission Type: Oppose

Submitter: Deer Industry New Zealand

Submission Summary: Deer and sheep have similar urine patch / nitrate leaching effects and that this is significantly less than cattle and even more than dairy cows. We are appalled that the potential of farming deer is to be compromised to allow continuance of activity with farming (the dairy cow).

Decision Sought: Not specified.

Staff Recommendations: Reject

Chapter: Schedule LR Three - Information requirements 1176

Section: Schedule LR Three - Information requirements 1176

Staff Recommendation

In response to the below submission points add introduction statement as follows:

The following information shall be provided to the Bay of Plenty Regional Council. In cases where the land use has changed but losses are considered to remain the same, additional information may be required.

Amend Schedule LR3 (d) to (g) to read:

- (d) Stocking rate within the effective area (numbers, classes and ages) including a breakdown by month.
- (e) Type, quantity and timing of effluent and fertiliser applications within the effective area.
- (f) Type area and planting dates for crops within the effective area.
- (g) Type, quantity of supplementary feed within the effective area.

Amend last paragraph to state:

This information is to be collated for the period 1 July to 30 June each year and be provided to the Regional Council annually, or at greater intervals as demanded by the Regional Council, no later than 31 October each year. The Regional Council reserves the right to seek clarification from information provided. The information provided is required to be of sufficient detail to determine if the level of losses generated from the property/ farming enterprise continue to comply with the level of nitrogen losses initially recorded in 2017.

Staff Reason

(43-105, 70-106) It is considered that additional direction is able to be provided under Schedule 3 on the format and manner in which the information is to be provided to Council. Additional text will be included within Schedule LR 3 to ensure any document provided to Council is in a word and or Excel format and covers the matters listed to enable the information to be accessed and analysed by staff.

(49-86) Concerns have been raised by submissions that the annual information provided to determine compliance with permitted criteria may not relate to the effective area. This is able to be resolved through the addition of text to reduce to scope of the information to cover activity occurring within the defined effective area. This aligns with the general approach of PPC10 to only monitor losses from the defined effective area.

(43-105) Schedule LR3 intends to provide direction on the level of information required to ensure compliance with the permitted criteria of LRR5 and LRR6. It is noted that the farming community may be unwilling to share information due to the perception that farm inputs will be restricted. The losses generated by inputs are the focus of PPC10. To influence losses the level and type of activity also needs to be managed. Additional text has been recommended within Schedule 3 to further explain the intended use of the annual information to help resolve these concerns.

(66-123, 75-214) Removing reference to the permitted rules LR5 and LRR6 as suggested by submitters 66 and 75 will result in all permitted activities having to provide annual records, extending this requirement to apply to LRR2 and LRR3. This does not align with the approach by Council to exclude under 5 hectare sites from PPC10 with these sized lots unlikely to generate high levels of N losses and having lower impact on lake water quality. Requiring information from these size properties will require a level of resources and cost that would outweigh any benefit and gain to Lake Rotorua. No changes are considered to be required.

(79-4) The plan change intends to maintain future lake water quality levels by reducing the current flow of nitrogen into the lake to be 435t/ N/ yr. This along with the sustainable level of phosphorus, gained through other actions outside of PPC10 will ensure that a suitable balance of the two elements is achieved. The stocking rate table will help to achieve a sustainable level of nitrogen loss from smaller sized enterprises. No changes to the stocking rate table are required in response to this submission point.

Submissions

Submission Number: 43: 105 Submission Type: Support in Part

Submitter: Ravensdown Limited

Submission Summary: It is recognised that good information is needed to provide for an effective output based Nutrient Management Plan and for the generation of OVERSEER® files.

Decision Sought: Retain a clear format for information requirements to be collected to manage nutrient losses effectively. Be clear that the use of farm data to place limits on farm system inputs is not intended.

Staff Recommendations: Accept in Part

Submission Number: 49: 86 Submission Type: Oppose in Part

Submitter: CNI Iwi Land Management Ltd

Submission Summary: If it is not a stocking rate on effective area, then there is the potential for land users to average out a highly leaching activity over a bigger area.

Decision Sought: Relate items (d)-(g) to the relevant subset of area of the property.

Staff Recommendations: Accept

Submission Number: 66: 123 Submission Type: Oppose in Part

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Amend consequential to our recommended relief on the rules.

Decision Sought: Amend title to read: Schedule LR Three – Information requirements for Permitted Rules.

Staff Recommendations: Reject

Submission Number: 70: 106 Submission Type: Support

Submitter: The Fertiliser Association of New Zealand

Submission Summary: 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.

Decision Sought: Retain a clear format for information requirements.

Staff Recommendations: Accept in Part

Submission Number: 75: 214 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: Amend consequential to our recommended relief on the rules.

Decision Sought: Delete reference to LRR5 and LRR6.

Staff Recommendations: Reject

Submission Number: 79: 4 Submission Type: Oppose

Submitter: Paul Barton

Submission Summary: To condition farmers based upon stocking units for nitrogen is not sustainable as blue green algae will fix nitrogen with the background levels of Phosphorus if nitrogen level fall in incoming water.

Decision Sought: Not specified.

Staff Recommendations: Reject

Section: Schedule LR Three (b)

1177

Staff Recommendation

No changes are proposed.

Staff Reason

(66-121) Submitter 66 has requested removal of the requirement to provide the legal description of the land covered by the farm enterprise. It is considered that both the legal description and farm identifier are required with the legal parcel binding the farm operations to a site, assisting administration and monitoring, whilst also locking this information to a parcel and allowing the attributes (soil, rainfall, and slope) of the parcel to be fed into

OVERSEER®. The use of a farm identifier without a legal description would not able this to occur, preventing an accurate assessment of N loss and the ability to determine compliance. No changes are considered to be required.

Submissions

Submission Number: 66: 121 Submission Type: Oppose in Part
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Amend consequential to our recommended relief on the rules.
Decision Sought: Amend to read: (b)Farm identifier as provided by the Regional Council.

Staff Recommendations: Reject

Section: Schedule LR Three (d)

1178

Staff Recommendation

Amend Schedule LR3(d) to read:

(d) Stocking rate within the effective area (numbers, classes and ages) including a breakdown by month.

Staff Reason

(49-85) Concerns have been raised by submissions that the annual information provided to determine compliance with permitted criteria may not relate to the effective area. This is able to be resolved through the addition of text to reduce to scope of the information to cover activity occurring within the defined effective area. This aligns with the general approach of PPC10 to only monitor losses from the defined effective area.

(66-122) Submitter 66 has requested that the information provided for permitted activities relating to stocking rates is not by month but at four different set dates throughout the year. It is assumed that this intends to align with seasons and reduce compliance costs, whilst also providing for small peaks in activities throughout the year during times when stock are sold and brought by the enterprise. Whilst these benefits are acknowledged this approach does not provide the level of certainty required that losses from the effective area are not increased for substantial periods of time between these dates. Going by the suggested provisions higher levels of stock will be able to be located within the effective area for the majority of the year. This reduces the ability to ensure current losses are maintained at the required level and will potentially undermine any actions taken to reduce nitrogen loss by other farm enterprises. No changes are considered to be required.

Submissions

Submission Number: 49: 85 Submission Type: Oppose in Part
Submitter: CNI Iwi Land Management Ltd
Submission Summary: If it is not a stocking rate on effective area, then there is the potential for land users to average out a highly leaching activity over a bigger area.
Decision Sought: Reword (d) as 'Stocking rate (numbers classes and ages) including a breakdown by month and the effective area these are run'

Staff Recommendations: Accept

Submission Number: 66: 122 Submission Type: Oppose
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Amend consequential to our recommended relief on the rules.
Decision Sought: Amend to read: (d) Stocking rate (numbers, classes and ages) as at 1st June, 1st December, 1st March.

Staff Recommendations: Reject

Section: Schedule LR Three (f)

1179

Staff Recommendation

Amend to read as follows:

(f) Type, area and planting dates for crops (i.e. exported or on farm use) within the effective area.

Staff Reason

(56-38) It is considered that the amendments suggested will provide additional information to help ascertain the level of losses generated from the property/ farming enterprise. It is recommended that this submission is accepted.

Submissions

Submission Number: 56: 38 Submission Type: Support

Submitter: Bay of Plenty Regional Council

Submission Summary: In terms of the information being asked for in Schedule LR Three: (f) does not have destination of crop which can be exported. (g) supplementary feed is not necessarily imported. These are important considerations when assessing farming operations.

Decision Sought: Amend text for (f) as follows: "(f) Type, area, planting dates and use of crops (i.e. exported or on farm use)." and "(g) Type and quantity and source of supplementary feed."

Staff Recommendations: Accept

Section: Schedule LR Three (g)

1180

Staff Recommendation

Amend to read as follows:

(g) Type and, quantity and source of supplementary feed within the effective area.

Staff Reason

(56-39) It is considered that the amendments suggested will provide additional information to help ascertain the level of losses generated from the property/ farming enterprise. It is recommended that this submission is accepted.

Submissions

Submission Number: 56: 39 Submission Type: Support

Submitter: Bay of Plenty Regional Council

Submission Summary: In terms of the information being asked for in Schedule LR Three: (f) does not have destination of crop which can be exported. (g) supplementary feed is not necessarily imported. These are important considerations when assessing farming operations.

Decision Sought: Amend text for (g) as follows: "(f) Type, area, and planting dates and use of for crops (i.e. exported or on farm use)." and "(g) Type and quantity and source of supplementary feed."

Staff Recommendations: Accept

Section: Schedule LR Five - Use of OVERSEER & Reference Files

Staff Recommendation

Add new text to section entitled use of reference files as follows:

Summary

Reference files are simplified single land use OVERSEER representations of the five main rural land uses in the Lake Rotorua catchment: drystock, dairy, forestry, native bush/scrub and house blocks. These reference files are used to 'index' the initial nitrogen allocation rates (measured in kgN/ha/yr, in OVERSEER version 6.2.0) for each of these five land uses on a property. As new versions of OVERSEER are released, the reference files will be updated. If the new OVERSEER version results in a percentage change to a reference file's N loss, the same percentage change is applied to real blocks with the same land use i.e. real block nitrogen allocation rates (Start Point, Managed Reduction Targets and 2032 Nitrogen Discharge Allocations) are all 'indexed' against the relevant reference file. The reference file method is explained in detail below

Review last sentence of Step 1 Paragraph 1 *In summary, each pastoral reference file is based on.*

In response to submission points 71-8 revise text of Step 1 paragraph two as follows:

In addition to the two pastoral reference files, it is also necessary to define a reference file for plantation forestry (typically pinus radiata), due to potential changes in how OVERSEER models forestry nitrogen losses (e.g. by OVERSEER linking to the NuBaIM model under development by Scion). To ensure consistency with the suite of reference files for dairy, drystock and forestry, it is necessary to have comparable reference files for bush/scrub and house blocks. Together, these land uses constitute the major land uses underpinning the Nitrogen Discharge Allocation method.

The reference file parameters for plantation forestry, bush/scrub and house blocks are described in Table LR8 below:

Add new Table (Table LR8) as follows

Reference file land use	Input Parameters	Nitrogen loss in OVERSEER version 6.2.0
Plantation forestry	1000 ha pine block; 45 km from coast (prevailing NE wind); 1663mm catchment average annual rainfall (catchment average for benchmarked land in plantation forestry 2001-04)	2.5 kgN/ha/yr
Bush/scrub	1000 ha native block; 45 km from coast (prevailing NE wind); 1836mm catchment average annual rainfall (catchment average for benchmarked land in plantation forestry 2001-04)	3.0 kgN/ha/yr
House block	2.1ha property comprising two blocks A and B. Block A: 2.0ha house block with 1755mm annual rainfall and 45 km from coast, 10 standard houses on conventional septic tanks: 30 people, 5% cultivated garden area. Block B: 0.1 ha trees and scrub block, 1800 mm annual rainfall and 45 km from coast, and native bush type. (the N loss from Block B is ignored as its inclusion is a work-around to enable the file to run i.e. OVERSEER will not run if the only block is a house block).	78 kgN/ha/yr or 15.6 kgN/house/yr

Staff Reason

(12-13, 22-3, 13-6, 17-8, FS6-66, 20-3, 32-17, 38-2, 40-10, 44-3, 19-2, 53-86, 31-8, 49-17) The OVERSEER® model has had over 20 years of development and is the most-developed farm-scale model in New Zealand. OVERSEER® also has strong institutional and governance structures and will continue to develop. There is no feasible alternative if diffuse N losses are to be regulated. OVERSEER® is complex in itself but this is inevitable when modelling complex biological systems. OVERSEER® therefore requires an expert user, defined as a suitably qualified and experienced person. It is acknowledged that PPC10 and the reference file system are complex but this is necessary to address ongoing OVERSEER® version releases, N allocation and N limit compliance. It is acknowledged that OVERSEER® compliance poses challenges but PPC10 adopts measures to make compliance more manageable, including using NMPs in the first instance. The OVERSEER® research team cannot give a specific uncertainty % for Nitrogen loss outputs. However, Plan Change 10 has adopted methods to minimise uncertainty as far as possible. The burden on landowners around using OVERSEER® is partly mitigated through Regional Councils Advice and Support Service and through permitted activity categories for small block owners.

(16-4) It is accepted that the large shift in OVERSEER® N loss values may imply greater catchment attenuation rates, although this will not be confirmed until ROTAN is updated with OVERSEER® version 6.2 inputs. Until the time such science is available no changes are proposed.

(21-4) OVERSEER® models small farms as well as large farms, provided the small scale land use exists within the menu of available uses and stock types. It is acknowledged that PC10 compliance costs per hectare will probably be higher on small blocks, unless it qualifies as a permitted activity. Rules LRR7 and LRR4 and %provide for a range of farming activity within small lots or enterprises as permitted activities. Rule LRR11 also provides for the use of alternative models where OVERSEER® is not available.

(28-5) OVERSEER® is explicitly designed to model the most common land uses in New Zealand, including a wide range of grazing animal species. In the event that a particular land use cannot be modelled in OVERSEER®, policy LR P14 and rule LR R11 provide for alternative methods to be used.

(61-13, 50-5) It is acknowledged that there have been increases in OVERSEER®'s N loss predictions for pastoral farms between version 5.4 and 6.2.0. The revised ROTAN predictions are expected to be available soon prior to the PC10 hearing and any consequences will need to be addressed at that time. PC10 does aim to establish consistent use of OVERSEER® by using both the BPDIS and Regional Council's own data input protocol. The

reference file method does enable N limit updates to occur without a plan change.

(78-11, 31-8) OVERSEER® is used within PC10 for both planning and compliance functions, but with compliance utilising NMPs as well. It would weaken Regional Council's compliance abilities if it has to rely solely on OVERSEER®.

(43-113, 64-4) PPC10 does support the use of BPDIS, subject to also meeting Regional Council's own data input protocol - this combination provides a more robust approach.

(66-27) Regulatory compliance and flexibility are not readily compatible concepts. However, it is agreed that monitoring requirements should be reduced where practical, such as only requiring OVERSEER® files when NMPs are updated.

(66-28) It is desirable for Regional Council to liaise with rural industry bodies to improve farmer knowledge of how OVERSEER® works. However, formal training qualifications on using OVERSEER® will remain with external agencies like Massey University for the foreseeable future. This is a implementation matter and sits outside of PPC10.

(66-29) Regional Council acknowledges the importance of local OVERSEER® calibration and is investing accordingly. It is expected that results from this work will flow into OVERSEER® calibration in about five years. This will still give greater confidence to farmers as they approach the more constraining N limits (MRTs and NDAs). PC10 does support the use of BPDIS, subject to also meeting Regional Council's own data input protocol - this combination provides a more robust approach. The PPC10 requirement for Nitrogen Management Plans, and the NMP content specifications (Schedule LR Six) are a pragmatic approach that allows farmers to define how they will meet their N limits and to assist with compliance. Changes to Nitrogen Management Plans can be initiated by farmers at their discretion - this does not amount to 'micro-managing' by Regional Council.

(66-35, 75-5) It is acknowledged that there have been large increases in OVERSEER®'s N loss predictions for pastoral farms between version 5.4 and 6.2.0. The revised ROTAN predictions, including an updated view on attenuation, will be able to be included in PC10 through future science reviews, or as part of this schedule 1 process if available.

(89-1) It is unfortunate that OVERSEER® cannot model blueberries and other berry crops. This is a concern in other parts of New Zealand, as stated in Horticulture NZ's submission on Environment Canterbury's Plan Change 3, noting Horticulture NZ recognises that the difficulty with the [OVERSEER®] model may well be resolved over time, however for crops that are not included in the current model, to avoid leaching numbers that are completely unrepresentative (such as some of those predicted under the berry crops in question), it is advisable that a substitute number such as a leaching rate from SPASMO is used until such a time as the model accurately reflects the crop in question. PPC10's policy LR P14 and Rule LR R11 provide for alternative methods to be used.

(66-124, 75-215) Schedule LR Five is a key part of PPC10 that enables the challenges arising from ongoing OVERSEER® version updates to be managed fairly and effectively.

(58-14) Use of OVERSEER® in RMA regulation is now relatively common. The challenges of using OVERSEER® in compliance are recognised which is one reason NMPs based on OVERSEER® are being used as the primary compliance tool. There are costs to landowners and Regional Council from PPC10 but this is a consequence of moving towards the RPS target N load of 435 tonnes by 2032. The use of OVERSEER® to calibrate stocking rates underpins the permitted activity stocking rate table in Schedule LR Three. However, it would be too inflexible to apply stocking rate limits for consented activities.

(84-7) ROTAN modelling was important to determining the overall N reductions needed. OVERSEER® is critical to PPC10's N allocation scheme and implementation. Despite the imperfections of both models, there are not viable alternatives given the large catchment-wide N reductions needed to meet the 435 tonnes target by 2032. To clarify, OVERSEER® does not model attenuation beyond the root zone. Attenuation will be accounted for in the updated ROTAN model. It is acknowledged that the large increases in OVERSEER® N predictions have adversely impacted Regional Councils ability to explain property and catchment scale N reductions to the community. However, this overall catchment target of 435 tonnes has nothing to do with either model i.e. the target is based on in-lake science.

(43-106, 64-9, 43-111) PPC10 does refer to different versions of OVERSEER®. However, the two references to version 5.4 are to provide specific historical context i.e. OVERSEER® version 5.4 was used in ROTAN and in the 2013 Integrated Framework. Subsequently it was a policy decision to 'anchor' the N allocation limits (start points, MRTs and NDAs) using a specific version - in PPC10, this is 'anchor' is version 6.2.0. Otherwise, PPC10 requires that the latest version of OVERSEER® be used with reference file adjustments to the N limits are required e.g. when NMPs are updated. Regarding the duration of OVERSEER® nutrient budgets, it is agreed that they can last more than one year if there is no significant farm system change. However, there may still be minor fluctuations in farm parameters (e.g. sheep/ beef ratio) with consequent impacts on N loss. There are also implications for multi-year averaging if the farm does not have annual N loss outputs to use in the averaging calculation.

(43-115) PPC10 has included the reference file method (Schedule LR Five) within PPC10 to provide greater certainty to landowners, compared with leaving it outside the plan change document. Schedule LR Five does anticipate some limited scope to adjust the reference files, as Step 2B(7) notes that Regional Council will publicly advise '...of any minor adjustments to the reference file input data necessary to maintain the detailed functionality of the reference files'.

(71-8, FS6-67) It is acknowledged that the current OVERSEER® prediction of N loss from forestry (2.5 kgN/ha/yr) does not vary despite changing input parameters like rainfall and soil type. The forestry N loss value is a national average value based on a review of available data. There are current (2016) discussions between Scion and OVERSEER® Ltd about the possibility of linking Scion's NuBalM model to OVERSEER® although this may take some time to come to fruition, preventing this from being included within Plan Change 10 at this time. However additional text has been included and a new Table highlighting the existence of a reference file for plantation forestry. The use of this forestry reference file will ensure that the losses from forestry align with changes made to OVERSEER®, this including the potential link of OVERSEER® to the NuBalM model. For completeness and consistency the two additional; existing reference files have also been outlined within Schedule LR5 (House blocks and bush and scrub), this will ensure an accurate interpretation of PPC10.

Submissions

Submission Number: 12: 13 Submission Type: Support in Part
 Submitter: Astrid Coker
 Submission Summary: OVERSEER® appears to be under-developed and overused. OVERSEER® is an evolving mathematical model describing a complex biological system. The calculation of nitrogen discharge should be on an intuitive platform with a self-monitoring process and should be like filling in a tax return. The individual has the choice to employ an accountant or do the return themselves. Instead with OVERSEER® under OC10 the farmer has to hire a consultant.
 Decision Sought: Only use OVERSEER® as a decision support tool to allow Council and farmers to understand compliance with discharge limits. OVERSEER® files should be overseen and paid for by the Council.

Staff Recommendations: Reject

Submission Number: 13: 6 Submission Type: Oppose
 Submitter: Alister Snodgrass
 Submission Summary: The level of bureaucracy, complexity and ongoing cost around resource consent, farm plans, OVERSEER® data will contribute to uneconomic small farms.
 Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 16: 4 Submission Type: Oppose
 Submitter: Neil Heather
 Submission Summary: That Council acknowledge that significant shifts in load estimates from OVERSEER® version 5.4 to 6.2 alongside catchment attenuation; Rotan estimates are currently being revised this revision will necessitate review of the RPS load numbers and load reduction targets.
 Decision Sought: That Council acknowledge that significant shifts in load estimates from OVERSEER® version 5.4 to 6.2 alongside catchment attenuation; Rotan estimates are currently being revised this revision will necessitate review of the RPS load numbers and load reduction targets.

Staff Recommendations: Reject

Submission Number: 17: 8 Submission Type: Oppose
 Submitter: D & A Trust
 Submission Summary: OVERSEER® is a software tool that is capable of making complex calculation very quickly. It cannot make allowances for changed circumstances. Until the software is informed by a considerably larger dataset it can only give generalised outcomes. We have seen significant variation from different models of OVERSEER® and this can be expected to continue. In general OVERSEER® can have a variation from the model to an individual farm of plus or minus 30%. This is far too much for a compliance tool and therefore should not be relied upon. PC10 proposed to use OVERSEER® for applications far beyond what it is designed for or capable of.
 Decision Sought: Not specified.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 66 Submission Type: Support
 Further Submitter: CNI Iwi Land Management Ltd
 Submission Summary: For the reasons given in the original submission CNILML supports using OVERSEER® as a decision support tool, not as the total determinant for nitrogen loss.
 Decision Sought: As above

Staff Recommendation: Reject

Submission Number:	19: 2	Submission Type:	Oppose
Submitter:	Dixon Reeves		
Submission Summary:	I seek that the Council only use OVERSEER® as a decision support tool to allow Council and farmers to understand compliance with discharge.		
Decision Sought:	I seek that the Council only use OVERSEER® as a decision support tool to allow Council and farmers to understand compliance with discharge.		
Staff Recommendations:	Reject		
Submission Number:	20: 3	Submission Type:	Oppose
Submitter:	Peter McLean and Michelle Rennie		
Submission Summary:	The OVERSEER® model is flawed, with previously a plus or minus 20% variance. Decision Sought: Not specified.		
Staff Recommendations:	Reject		
Submission Number:	21: 4	Submission Type:	Oppose
Submitter:	Brown Owl Organics Incorporated		
Submission Summary:	There needs to be flexibility for other tools to be used, especially where farming activities are very small-scale. One of the factors for consideration is the compliance cost of suitably qualified consultants running OVERSEER® files.		
Decision Sought:	Not specified.		
Staff Recommendations:	Reject		
Submission Number:	22: 3	Submission Type:	Oppose
Submitter:	Nick Adams		
Submission Summary:	I support the use of OVERSEER® but as a partnership with famers. Property owners need engagement with the one useful tool there is in assessing their impact on the environment. I have been using OVERSEER® since it was developed, however I cannot use OVERSEER® myself when running scenarios in relation to PC10. Why?		
Decision Sought:	Not specified.		
Staff Recommendations:	Accept in Part		
Submission Number:	28: 5	Submission Type:	Oppose
Submitter:	Kevin Davenport		
Submission Summary:	I do not believe 1 Computer programme (OVERSEER®) can dictate the varied farming practices for what individuals can and cannot do in the catchment.		
Decision Sought:	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.		
Staff Recommendations:	Reject		
Submission Number:	31: 8	Submission Type:	Oppose
Submitter:	Patricia Hosking		
Submission Summary:	The proposed plan change will restrict my ability to realise the long term land management plan for my property and to respond to markets.		
Decision Sought:	Only use OVERSEER® as a decision support tool to allow Council and farmers to understand compliance with discharge.		
Staff Recommendations:	Reject		

Submission Number: 32: 17 Submission Type: Oppose
 Submitter: Kaitao Rotohokahoka 2D Trust
 Submission Summary: The Trust opposes the use of OVERSEER® 6.2.0 and subsequent versions. OVERSEER® is a decision support tool and should be used as such.
 Decision Sought: The Trust requests that the Council provides an alternative process to determine nitrogen loss to the catchment, rather than OVERSEER® as the first point of call.

Staff Recommendations:	Reject
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Submission Number: 38: 2 Submission Type: Oppose
 Submitter: Donald Rosslove
 Submission Summary: I am concerned about the changing and possibly inappropriate use of OVERSEER® models for calculating and monitoring farm nutrient management: this was not its original intent. Its ongoing changes lead to general uncertainty. Being locked into a future plan of action now on the basis of a dynamic tool is unsettling.
 Decision Sought: Get more scientific evidence and postpone imposition of any new rules until 2017, with a review at 2022. In the meantime, make sure that land owners are meeting their constraints required by Rule 11.

Staff Recommendations:	Reject
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Submission Number: 40: 10 Submission Type: Oppose
 Submitter: Maraeroa Oturoa 2B Trust
 Submission Summary: The Trust opposes the use of OVERSEER® 6.2.0 and subsequent versions to determine the nitrogen loss from the land.
 Decision Sought: OVERSEER® is a decision support tool and should be used as such. The Trust requests that the Council provides an alternative process to determine nitrogen loss to the catchment, rather than OVERSEER® as the first point of call.

Staff Recommendations:	Reject
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Submission Number: 43: 106 Submission Type: Oppose in Part
 Submitter: Ravensdown Limited
 Submission Summary: Ravensdown opposes the reference to one particular version of OVERSEER®, and nutrient budgets should last for three years at least, unless there is a significant farm system change.
 Decision Sought: Remove reference to a specific OVERSEER® version.

Staff Recommendations:	Accept in Part
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Submission Number: 43: 111 Submission Type: Support in Part
 Submitter: Ravensdown Limited
 Submission Summary: Ravensdown supports use the OVERSEER® to estimate nitrogen losses from land but opposes the reference to one particular version of OVERSEER®, and nutrient budgets should last for three years at least, unless there is a significant farm system change.
 Decision Sought: Remove reference to a specific OVERSEER® version.

Staff Recommendations:	Accept in Part
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Submission Number: 43: 113 Submission Type: Support in Part
 Submitter: Ravensdown Limited
 Submission Summary: Ensure all references to the undertaking of an OVERSEER® nutrient budget clarifies that the nutrient budget must be prepared in accordance with the current version of the OVERSEER® Best Practice Data Input Standards.
 Decision Sought: There needs to be clarity provided in the plan that ensures a nutrient budget must be prepared in accordance with the current version of the OVERSEER® Best Practice Data Input Standards.

Staff Recommendations: Accept in Part

Submission Number: 43: 115 Submission Type: Oppose
Submitter: Ravensdown Limited
Submission Summary: Ravensdown is concerned how OVERSEER® reference files are used within PC10. As well as potential ownership of the files and privacy issues, Ravensdown is concerned that the reference files will change with versions of OVERSEER® and as land use changes.
Decision Sought: Ravensdown would prefer to keep OVERSEER® reference files outside of the plan provisions, as Environment Canterbury has recently done.

Staff Recommendations: Accept in Part

Submission Number: 44: 3 Submission Type: Oppose
Submitter: Andrea Hammond
Submission Summary: There is no practical way for Nitrogen leached from individual blocks of land to be measured and therefore this cannot be enforced.
Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 49: 17 Submission Type: Oppose
Submitter: CNI Iwi Land Management Ltd
Submission Summary: OVERSEER® is not designed for, or capable of, being used with the level of specificity that this policy requires. OVERSEER® is neither accurate nor precise for identifying the amount of N leaching from a given set of farm inputs and processes. A measurement device is both accurate and precise, with measurements all close to and tightly clustered around the true value. Precision includes Repeatability, Reproducibility; neither are evident in OVERSEER® yet. The leaching figures for version 6.2.0 are approximately half those for version 6.2.1. And there are relative differences between land uses. With a variance of over 100% it is not credible to use a system that allocates to the decimal place per hectare.
Decision Sought: Replace the whole approach to determining nitrogen attribution so that it does not rely on OVERSEER® for this exercise.
Replace with an approach that does not reward the high polluters with large capacity to continue polluting and does not penalise low polluters.

Staff Recommendations: Reject

Submission Number: 50: 5 Submission Type: Oppose
Submitter: Oturoa Properties Ltd
Submission Summary: Each upgrade gap widens between current and 2032 target. With each upgrade previous version is obsolete and the farm data has to be re-run (extra cost).
Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 53: 86 Submission Type: Oppose
Submitter: Lachlan McKenzie
Submission Summary: This completely undermines the value of OVERSEER®. Decision Sought: Delete Schedule LR Five.

Staff Recommendations: Reject

Submission Number: 58: 14 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: Stop putting OVERSEER® forward as the default compliance tool. Provide options to use a reduced stocking allocation, with OVERSEER® available to BoPRC inspectors to calibrate the stocking table they want to. Use OVERSEER® as tool to calibrate a stocking allocation against a specific site if required.

Staff Recommendations:	Reject
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Submission Number: 61: 13 Submission Type: Oppose

Submitter: Beef + Lamb New Zealand

Submission Summary: The plan should acknowledge the significant shifts in load estimates from OVERSEER® version 5.4 to version 6.2 and that Rotan estimates of catchment loads are currently being revised; and that this revision will necessitate review of the RPS load numbers and load reduction targets.

Decision Sought: Provide for consistent use of OVERSEER® throughout the plan change both in determining limits/ Nitrogen Discharge Allowances and in understanding and or modelling progress towards them. Refer to and use the latest version of OVERSEER® and ensure that the plan provides for updates to NDAs and limits without the requirement for a plan change. Develop an expert reference group to support reviews.

Staff Recommendations:	Reject
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Submission Number: 64: 4 Submission Type: Support

Submitter: DairyNZ and Fonterra Co-operative Group Limited

Submission Summary: We support the intention of providing a practical methodology in which progressive improvements in OVERSEER® can be incorporated and taken into consideration in the rules framework.

Decision Sought: Not specified.

Staff Recommendations:	Accept in Part
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Submission Number: 64: 9 Submission Type: Oppose in Part

Submitter: DairyNZ and Fonterra Co-operative Group Limited

Submission Summary: Any approach utilizing OVERSEER® should be undertaken based on OVERSEER® and Reference Files prepared in accordance with best practice data input standards to ensure consistency of approach.

Decision Sought: Schedule LR Five is amended to include a specific requirement that OVERSEER® and Reference Files should be prepared in accordance with nationally-agreed best practice data input standards to ensure consistency of approach.

Staff Recommendations:	Accept in Part
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Submission Number: 66: 27 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: It is important that compliance procedures provide a good degree of flexibility, kept as low as possible and able to be met by both farmer and the urban wage worker (lifestyler). The system Council has designed will result in huge annual fees both for consent inspections and administration.

Decision Sought: To simplify compliance and allow for adoption of new technology, the compliance 'ruler' has to be the OVERSEER® model figures.

Staff Recommendations:	Reject
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Submission Number: 66: 28 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Farmers need training in OVERSEER® , the only tool Industry has accepted as suitable for planning. Understanding how OVERSEER® is used and the protocols that go with it is paramount in finding appropriate on farm mitigation solutions.
 Decision Sought: That Council support farmer education in the OVERSEER® model.

Staff Recommendations:	Accept in Part
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Submission Number: 66: 29 Submission Type: Oppose
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Lake Rotorua catchment must have more OVERSEER® input data calibrated to local conditions, this improved data will not be available for inclusion in OVERSEER® for at least 5 years but once qualified can be incorporated into OVERSEER® and revised farm plans very quickly if they sit outside a micro managed compliance scheme.
 Decision Sought: Any approach should be undertaken based on OVERSEER® prepared in accordance with national best practice data input standards to ensure consistency of approach.

Staff Recommendations:	Reject
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Submission Number: 66: 35 Submission Type: Oppose
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: OVERSEER® version 5.4 was used to estimate nitrogen loads for both farm and catchment. All the other nutrient figures from catchment and farms are now calculated with the protocols of version 6.2. The accuracy of the figures has become quite distorted.
 Decision Sought: Council acknowledge the significant shifts in load estimates from OVERSEER® version 5.4 to version 6.2 alongside catchment attenuation; that Rotan estimates of catchment loads are currently being revised; and that this revision will necessitate review of the RPS load numbers and load reduction targets.

Staff Recommendations:	Reject
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Submission Number: 66: 124 Submission Type: Oppose
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Oppose - completely undermines the value of OVERSEER® .
 Decision Sought: Delete schedule LR Five.

Staff Recommendations:	Reject
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Submission Number: 71: 8 Submission Type: Oppose in Part
 Submitter: Warren Parker
 Submission Summary: OVERSEER® evolution has been from pastoral farming. It is important to ensure OVERSEER® 's treatment of plantation forestry incorporates the latest science of nutrient cycles and flows. It is essential that the latest science on nutrient cycles, stocks and flows is integrated into OVERSEER® calculations.
 Decision Sought: OVERSEER® development should review/utilise information in Scion's plantation forestry nutrient balance model.

Staff Recommendations:	Accept in Part
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Further Submission(s)

Further Submission No: 6 - 67 Submission Type: Support
 Further Submitter: CNI Iwi Land Management Ltd

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

Decision Sought: As above

Staff Recommendation:	Accept in Part
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Submission Number: 75: 5 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: We have relied on OVERSEER® version 5.4 to estimate nitrogen loads both historic and recent, and at both farm-scale and catchment scale. The Rotan load estimates published in 2011 achieved an acceptable match with measured stream concentrations if zero attenuation was assumed. It is now clear that N losses from land were under-estimated, as were sub-catchment attenuation factors.

Decision Sought: Unless and until such time as the RPS N target is re-assessed using OVERSEER® 6.2, PC10 cannot rely on farm numbers in version 6.2.
We request that Council acknowledge the significant shifts in load estimates from OVERSEER® version 5.4 to version 6.2 alongside recognition of catchment attenuation; that Rotan estimates of catchment loads are currently being revised; and that this revision will necessitate review of the RPS load numbers and load reduction targets.

Staff Recommendations:	Reject
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Submission Number: 75: 215 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: We oppose use of the Reference file methodology for reasons outlined in our submission.

Decision Sought: Delete.

Staff Recommendations:	Reject
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Submission Number: 78: 11 Submission Type: Oppose

Submitter: Tony and Joanna Carr

Submission Summary: That the OVERSEER® model is the farm decision support tool in determining nutrients for both planning and compliance.

Decision Sought: That the OVERSEER® model is the farm decision support tool in determining nutrients for both planning and compliance.

Staff Recommendations:	Reject
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Submission Number: 84: 7 Submission Type: Oppose

Submitter: Protect Rotorua

Submission Summary: There are a range of concerns about the evidence which the rules are currently based. Concerns include:
-The veracity of the ROTAN model
-The reliance On OVERSEER® – Protect Rotorua is concerned that the rules will amended in light of an update to OVERSEER® , which will result in further stress for landowners.
-The validity of OVERSEER® , given the variability of its nitrogen calculations following each update.
-Whether adequate allowance has been made for attenuation in OVERSEER® .
The different versions of OVERSEER® have produced significantly different data with respect to the nitrogen assessment of properties in the Lake Rotorua catchment, and thus the amount of nitrogen reduction required. The change in OVERSEER® has also impacted on the consultation material provided by the Regional Council.

Decision Sought: Not specified.

Staff Recommendations:	Reject
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Submission Number: 89: 1 Submission Type: Oppose

Submitter: Philip Frost
Submission Summary: OVERSEER® makes to many assumptions i.e. Makes our blueberry orchard into an apple orchard.
Decision Sought: Not specified

Staff Recommendations: Reject

Section: Introduction

1182

Staff Recommendation

Delete sentence 'Annual OVERSEER® files submitted as part of consent or permitted activity conditions will be monitored on a three-year rolling basis but also may be assessed on an annual basis.'

Staff Reason

(43-107, 70-108, FS12-31, FS15-56, 66-40, FS12-30) The frequency of running OVERSEER® farm files will depend on NMP renewal frequency and how Regional Council exercises the 'matter of control' in rules LR 9, 10 & 11. The assessment criteria within these rules have been revised to ensure that the frequency of provision of an OVERSEER® is determined on a case by case basis and reflect the scale activity undertaken within the farm enterprise. For consistency the sentence referring to the provision of annual OVERSEER® files within the Introduction of Schedule LR% has also been deleted.

(49-87) The suggested additional words do not improve the existing meaning which is simple and clear as it is: 'Improvements to the model algorithms and the userinterface'.

Submissions

Submission Number: 43: 107 Submission Type: Oppose in Part
Submitter: Ravensdown Limited
Submission Summary: Ravensdown opposes the use of annual nutrient budgets from OVERSEER® and considers OVERSEER® calculations should sit outside the Plan, within a reference document.
Decision Sought: 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.

Staff Recommendations: Accept in Part

Submission Number: 49: 87 Submission Type: Oppose in Part
Submitter: CNI Iwi Land Management Ltd
Submission Summary: Revise Bullet 1 to read: Improvement to the model algorithms to improve the accuracy of the input/output relationship and the user interface.
Decision Sought: Revise Bullet 1 to read: Improvement to the model algorithms to improve the accuracy of the input/output relationship and the user interface.

Staff Recommendations: Reject

Submission Number: 66: 40 Submission Type: Oppose
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: Collective request that rolling averages across 5 years should be applied to all data. This is the industry standard. It allows trends to show more accurately.
Decision Sought: Collective request that rolling averages across 5 years should be applied to all data. This is the industry standard. It allows trends to show more accurately.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 12 - 30 Submission Type: Support

Section: Use of Reference Files: Step 1

Staff Recommendation

Revise Step 1, Step 2A(4) and Step 2B(7) to refer to the new Reference file approach as follows: Methodology for and output from further revision of NDA reference files, December 2016

Complete amendments to the Reference file as outlined within the evidence provided by Alastair MacCormick.

Staff Reason

(37-8, FS7-24, FS8-25) The reference files are a pragmatic method of managing OVERSEER® version changes. There are alternative methods such as maintaining a 'base file' for every single farm and allocating N relative to that file for each OVERSEER® update. However, such individual property base files would (i) become progressively dated; (ii) require occasional revisions to address bugs and different input requirements in newer versions (OVERSEER® is not always backwards-compatible); need to be modified to reflect boundary and lease changes (iv); pose a major logistical burden on Regional Council to maintain several hundred files in perpetuity. Further, there is no guarantee that any individual landowner would be better or worse off under such an individualised approach. Refer to Section 5.3.6 The Use of Overseer and Reference files for further detail.

(49-88) OVERSEER® has been calibrated for a range of soils across New Zealand, albeit predominantly silt loams. OVERSEER® uses scientific principles to extrapolate to soils types and climate zones not present within the current calibration dataset. Regional Council recognises the desirability of local calibration and has commenced two high rainfall trial sites in April 2016. A 2015 assessment by AgResearch considered the two recent SFF field trials in the Lake Rotorua catchment that did physically monitor N leaching. AgResearch concluded that: 'The analysis of these two trials showed that the comparison between measured vs. modelled N leaching values are reasonable when drainage values are aligned and the relativity of treatment effects (DCD, restricted grazing, reduced fertiliser) was of the right order'. Refer to Section 5.3.6 The Use of Overseer and Reference files for further detail.

(78-2) The three year rolling average in PPC10 is the right balance of flexibility and avoiding overly long averaging periods, especially as such periods are retrospective. The three year average is also consistent with the Rule 11 benchmarking process. However the frequency of running OVERSEER® farm files will depend on NMP renewal frequency and how Regional Council exercises the 'matter of control' in rules LR 9, 10 & 11. The assessment criteria within these rules have been revised to ensure that the frequency of provision of an OVERSEER® is determined on a case by case basis and reflect the scale activity undertaken within the farm enterprise. Refer to Section 5.3.6 The Use of Overseer and Reference files for further detail.

(62-2, 64-5, 64-6, 64-7, 64-8) The deliberate simplification of the reference file farms is intended to make them more resilient to future unknown OVERSEER® version updates i.e. less prone to bugs and anomalous results. The risk with this simplification is that a farm with a land use not present in the reference file will face a differential impact if/ when the N loss from that land use changes in a disproportionate manner, relative to the main pastoral use in the reference file. While it would be possible to use actual farms as reference files, these would still need to be 'locked in' to maintain PPC10's initial N allocation distribution. Such files would equally become dated over time, possibly more so given the greater complexity of real farms. Technical non-compliance due to an OVERSEER® version update is a risk that the reference file system seeks to reduce. It does this by generally moving Nitrogen limits (MRTs, NDAs) in the same direction as actual farm performance files will move. PPC10 aims to further reduce the risk of technical non-compliance through the use of NMPs (as a key compliance point) and three year rolling averages. It is accepted that the deliberately simplified reference file 'farms' do not represent current farm practices e.g. cropping. Analysis on how the reference files have worked over four versions of OVERSEER® and a comparison on a percentage basis against the average sector benchmark has been completed in response to this and other submission points. This comparison showed that the drystock reference file tracked the benchmarks reasonably closely. However this was not the case for the dairy reference files. Further investigations revealed that the divergence from the benchmark average resulted from a bug in how OVERSEER® was calculating the background losses on effluent blocks. A series of options have been identified to resolve this issue. Analysis of this options as outlined in has resulted in the recommendation that the reference files be revised to ensure more alignment with the benchmark averages. Further detail on this analysis and the recommendation is provides within the evidence of Alastair MacCormick. Refer to Section 5.3.6 The Use of Overseer and Reference files.

(66-36) The reference file system does aim to save resources relative to maintaining several hundred 'base' files in perpetuity. It is not possible to predict the impact of either approach for unknown future OVERSEER® version changes - there would be 'unders and overs' in each system. Therefore it is appropriate to use the reference file system which has better logistics and is more transparent. There is no basis for suggesting the reference file system undermines OVERSEER®. It is simply a method to enable Nitrogen limits to be adjusted to reflect future OVERSEER® version changes. Refer to Section 5.3.6 Refer to Section 5.3.6 The Use of Overseer® and Reference files for further detail.

(82-6) The reference file system does not undermine OVERSEER®. It is simply a method to enable N limits to be adjusted to reflect future OVERSEER® version changes.

(24-9) Refer to Section 5.3.7 Nitrogen Allocation

Submissions

Submission Number:	24: 9	Submission Type:	Oppose
Submitter:	JT & SA Butterworth		
Submission Summary:	Our farm was unintentionally late in forwarding our OVERSEER® files to the BOPRC. When we requested our provisional NDA from the BOPRC we were sent a letter stating the PNDA for our property. It was a sector average which was allocated due to our figures not being made available. This could have a significant impact not only on our property but the dairy catchment as a whole.		
Decision Sought:	We strongly recommend that all property owners are treated fairly and equally.		

Staff Recommendations: Reject

Submission Number: 37: 8 Submission Type: Oppose
 Submitter: Ngati Whakaue Tribal Lands Incorporation
 Submission Summary: The proposed reference files are “averages of the average”, with inputs stripped back to simplified defaults to streamline administration and to get around “bugs”. We observe that – as recently as the day Council approved notification of PC10 – a bug was detected prompting fallback to yet another ‘default’ setting.
 Decision Sought: Not specified.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 7 - 24 Submission Type: Support
 Further Submitter: Alistair and Sarah Coatsworth
 Submission Summary: For the reasons given in the original submission. Reference files have been created outside of the OVERSEER® program by BOP Regional Council and their independent contractors. This process has not been proven or used anywhere else. It has been designed to save time and money for Council but this calculation updates a property bench mark which is a very significant point every time OVERSEER® goes through a version change. Every Kg of Nitrogen per hectare means a lot to land owners.
 Decision Sought: As above

Staff Recommendation:	Reject
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Further Submission No: 8 - 25 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: For the reasons given in the original submission. Reference files have been created outside of the OVERSEER® program by BOP Regional Council and their independent contractors. This process has not been proven or used anywhere else. It has been designed to save time and money for Council but this calculation updates a property bench mark which is a very significant point every time OVERSEER® goes through a version change. Every Kg of Nitrogen per hectare means a lot to land owners.
 Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 49: 88 Submission Type: Oppose in Part
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: OVERSEER® has only been verified for silt loam soils which have a much lower leaching profile than many found in the Rotorua Lakes. To be appropriate for Rotorua the friable pumice soils should be used as the reference soils. This has to be verified by lysimeter testing, not by extrapolation. Versions earlier than 6.2.1 significantly overestimate the attenuation capacity of soils.
 Decision Sought: Require that OVERSEER® reference files:
 1. are from version 6.2.1 or later, and
 2. that the soil type is stated for the hypothetical farms, and
 3. that the soil type used for these references files is the most common one for that land use type in the Rotorua catchment, and
 4. have been actually calibrated in real conditions (i.e. lysimeter tests have been done to verify the accuracy) for Rotorua climatic conditions.

Staff Recommendations:	Reject
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Submission Number: 62: 2 Submission Type: Support in Part
 Submitter: Sharon Morrell
 Submission Summary: Setting up a reference file system that can create technical non-compliance indicates that it is not fit for purpose. I support the intent of the reference file - this seems useful if it can be done in a more representative/equitable way.
 Decision Sought: Rework the dairy reference file to be more representative of actual current farm systems so that relative changes in OVERSEER® will carry through to the percentage of reference file each farm is allocated. The

reference file system should be designed in such a way that, in the first instance, when it is applied LR P3 (c) is adhered to. This has not been achieved, it must be re-examined and made fit for purpose.

Staff Recommendations: Accept in Part

Submission Number: 64: 5 Submission Type: Oppose

Submitter: DairyNZ and Fonterra Co-operative Group Limited

Submission Summary: We hold several concerns with respect to how the initial reference files have been set up, particularly in terms of the farm system they represent and the implications of this for underestimating the true level of mitigation that may be required. These files deliberately avoid the inclusion of some farm system components that have historically delivered the greatest variance in nitrogen leaching estimates, for example cropping and irrigation. As a result there are several discrepancies between the reference farms and current farm systems in the catchment. The consequence of this is that changes in OVERSEER® version number may lead to an inaccurate recalculation and in turn an underestimation of the Nitrogen Discharge Allowance reduction targets. While the reference files may represent a perceived average future situation, they do not reflect current farming practice. This also means that some farms could technically become non-compliant following changes in OVERSEER® version number.

Decision Sought: - The Reference Files, including how dairy farm systems are represented and the impact of the observed differences with actual farm systems when applied to recalculate Nitrogen Discharge Allowance targets following changes on OVERSEER®, are reviewed to provide certainty that the proposed methodology is robust and fit for purpose. This review should take place after the next OVERSEER® version is released (expected May 2016) and before the Plan becomes operative.
- Schedule LR Five is amended to incorporate any changes.

Staff Recommendations: Accept in Part

Submission Number: 64: 6 Submission Type: Oppose

Submitter: DairyNZ and Fonterra Co-operative Group Limited

Submission Summary: We hold concerns with respect to how the initial reference files have been set up in terms of the farm system they represent and the implications of this for underestimating the true level of mitigation that may be required. There are several discrepancies between the reference farms and current farm systems in the catchment. The consequence of this is that changes in OVERSEER® version number may lead to an inaccurate recalculation and in turn an underestimation of the Nitrogen Discharge Allowance reduction targets. While the reference files may represent a perceived average future situation, they do not reflect current farming practice. This also means that some farms could technically become non-compliant following changes in OVERSEER® version number.

Decision Sought: Subsequent review of the Reference Files and associated methodology for recalculating the Nitrogen Discharge Allowance levels are carried following further significant changes in OVERSEER®, to ensure similar issues which may arise are identified and can be dealt with quickly.

Staff Recommendations: Accept in Part

Submission Number: 64: 7 Submission Type: Oppose

Submitter: DairyNZ and Fonterra Co-operative Group Limited

Submission Summary: We hold concerns with respect to how the initial reference files have been set up, in terms of the farm system they represent and the implications of this for underestimating the true level of mitigation that may be required. There are several discrepancies between the reference farms and current farm systems in the catchment. The consequence of this is that changes in OVERSEER® version number may lead to an inaccurate recalculation and in turn an underestimation of the Nitrogen Discharge Allowance reduction targets. While the reference files may represent a perceived average future situation, they do not reflect current farming practice. This also means that some farms could technically become non-compliant following changes in OVERSEER® version number.

Decision Sought: Where possible actual farm systems should be applied in the reference file methodology.

Staff Recommendations: Accept in Part

Submission Number: 64: 8 Submission Type: Oppose

Submitter: DairyNZ and Fonterra Co-operative Group Limited

Submission Summary: We hold concerns with respect to how the initial reference files have been set up, in terms of the farm system they represent and the implications of this for underestimating the true level of mitigation that may be required. There are several discrepancies between the reference farms and current farm systems in the catchment. The consequence of this is that changes in OVERSEER® version number may lead to an inaccurate recalculation and in turn an underestimation of the Nitrogen Discharge Allowance reduction targets.
While the reference files may represent a perceived average future situation, they do not reflect current farming practice. This also means that some farms could technically become non-compliant following changes in OVERSEER® version number.

Decision Sought: A fair alternative rules framework should be developed to manage situations where current farm systems are still not represented by the Reference Files.

Staff Recommendations:	Accept in Part
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Submission Number: 66: 36 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Council have created a averaging modelling system to save time and administration. This has been done by BOP Regional Council alone and not by the owners or managers of OVERSEER®. Another new OVERSEER® version has been released 6.2.2, the reference file was up dated then all farm files converted through the reference system. Some farms were then shown to be technically non-compliant even though they had changed nothing on the farm. The problem was found in the reference model in that the model did not cover all farm systems. Reference files undermine the value and virtues of OVERSEER® as a farm decision support tool, and as a tool for tracking progress across the catchment.

Decision Sought: Council discontinue using reference files and use the industry accepted & approved OVERSEER® model for all farm nutrient calculations.

Staff Recommendations:	Reject
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Submission Number: 78: 2 Submission Type: Oppose

Submitter: Tony and Joanna Carr

Submission Summary: Reference files undermine the value and virtues of OVERSEER® as a farm decision support tool, and as a tool for tracking progress across the catchment. Farms are all individual and should not be subject to an averaging process.

Decision Sought: That Industry report on sector progress on a rolling 5 year average. Do not use Reference Files as a process for updating individual farms OVERSEER® each time there is a new version released.

Staff Recommendations:	Reject
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Submission Number: 82: 6 Submission Type: Oppose

Submitter: Stuart Morrison

Submission Summary: Accounting for OVERSEER® changes through the reference file method undermines its value. The method proposed introduces distortions that devalue its ongoing use.

Decision Sought: Improve, giving priority to retaining integrity of use through changes over administrative efficiency.

Staff Recommendations:	Reject
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Section: Use of Reference Files: Step 2

Staff Recommendation

No changes are proposed in response to the below submission. Note: Changes have been proposed in response to other submissions.

Staff Reason

(49-89) Version 6.2.0 of OVERSEER® serves as an 'anchor point' for the PPC10 allocation scheme and it was the incumbent version at the time Stakeholder Advisory Group and Regional Council considered allocation during most of 2015. In theory, any subsequent OVERSEER® version could be used as the allocation 'anchor' but this would cause some confusion and disruption (e.g. recalculating all provisional NDAs and draft NMPs) with no countervailing benefits. The reference file system does enable the progressive 'replacement' of older versions of OVERSEER® by adjusting N limits (MRTs, NDAs). It is correct that older versions of OVERSEER® (mainly version 5.4) underestimated N leaching but this was mainly due to underestimating soil drainage. The term 'attenuation' applies to decreases in nitrate N between the bottom of the root zone and the lake. The lower root zone N losses from version 5.4, when aggregated across the catchment, aligned reasonably well with measured stream N loads. This led to ROTAN (NIWA, 2011) assuming almost nil attenuation. When ROTAN is rerun with higher root zone N losses (from OVERSEER® versions 6.2.X), it is likely that higher attenuation rates will be deduced. Refer to Section 5.3.6 The Use of Overseer and Reference files for further detail.

Submissions

Submission Number:	49: 89	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Versions earlier than 6.2.1 significantly overestimate the attenuation capacity of soils.		
Decision Sought:	Replace OVERSEER® 6.2.0 with 6.2.1 or later.		

Staff Recommendations: Reject

Section: Use of Reference Files: Step 2A(5)

Staff Recommendation

No changes are proposed in response to the below submission. Note: Changes have been proposed in response to other submissions

Staff Reason

(49-90) Step 2A (5) in Schedule LR 5 is about assigning percentage values to property N limits (start points, MRTs & NDAs) to describe relativity to the reference file N losses, all using version 6.2.0. This step is an integral part of the reference file method as the percentage values endure through time e.g. if a drystock farm has an NDA equivalent to 85% of the drystock reference file upon the initial calculation (in v6.2.0), it will always be 85%. The property N limit values in kgN/ ha/ yr will fluctuate as the reference file fluctuates, but the percentage values are fixed. The reference files use a proportionally representative set of soils from the surface catchment (based on the Rule 11 dataset for the respective dairy and drystock systems) as this was the same dataset that drove the allocation system i.e. PPC10 is internally consistent. The soil texture of almost all Lake Rotorua catchment soils are sandy loams and loamy sands, not silt loams - the latter generally have >20% clay (amongst other factors). It is acknowledged that the reference file method is complex but it is considered a necessary adaptation given the challenges around ongoing version releases. Refer to Section 5.3.6 The Use of Overseer and Reference files for further detail.

Submissions

Submission Number:	49: 90	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	There are many places that errors would compound in this process described in A5. A model has been pushed well beyond where it is competent to perform.		
Decision Sought:	This way of expressing a required loss as <ol style="list-style-type: none"> 1. a percentage of a reference file, 2. which underestimates actual loss (v6.2.0), 3. uses a wrong soil type (silt loam) and 4. is a farm type average based on a hypothetical farm is incredibly complicated, as well as being uncertain.		

Staff Recommendations: Reject

Section: Use of Reference Files: Step 2A(6)**Staff Recommendation**

Amend to read: The relevant land uses and areas, Nitrogen Discharge Allowance and Managed Reduction Targets as percentages of reference files will be included within consent conditions (LR R8(a), LR R9(a), LR R10(b))

Staff Reason

(92-6, FS6-75) The notified plan change uses incorrect referencing to rules in the Plan Change. This was an oversight and is able to be corrected through this process.

Submissions

Submission Number:	92: 6	Submission Type:	Support in Part
Submitter:	Bay of Plenty Regional Council		
Submission Summary:	The notified plan change uses incorrect referencing to rules in the Plan Change.		
Decision Sought:	Change number references from Part A.6		
	To read 'The relevant land uses and areas, Nitrogen Discharge Allowance and Managed Reduction Targets as percentages of reference files will be included within consent conditions (LR R8(a), LR R9(a), LR R10(b), consistent with Table LR 8 below'.		

Staff Recommendations:	Accept
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Further Submission(s)

Further Submission No:	6 - 75	Submission Type:	Support
Further Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Accept
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Section: Use of Reference Files: Step 2B(7)**Staff Recommendation**

No changes are proposed in response to the below submission. Note: Changes have been proposed in response to other submissions

Staff Reason

(49-91) Steps B7 and B8 in Schedule LR5 enable minor adjustments to reference file input parameters to ensure they remain consistent and functional as new versions of OVERSEER® are released. It is not possible to know what future changes will be needed and therefore principles of transparency, consistency and integrity are adopted in Steps B7 and B8. It is not apparent how this process could be simplified any further within PC10.

Submissions

Submission Number:	49: 91	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Revise to simplify the relationship between the reference file and the subsequent files, having made sure the reference files are entirely relevant to the Lake Rotorua circumstances.		
Decision Sought:	Revise to simplify the relationship between the reference file and the subsequent files, having made sure the reference files are entirely relevant to the Lake Rotorua circumstances.		

Staff Recommendations:	Reject
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Section: Table LR8 A hypothetical property with multiple land uses
Staff Recommendation

Delete Table LR 8 with this relocated to the Rule Implementation Plan to provide guidance on the implementation of PPC10.

Staff Reason

(49-92) The PPC10 allocation scheme does limit forestry land to a 2.5 kgN/ ha/ yr in OVERSEER® version 6.2.0. As with dairy and drystock land uses, PPC10 uses a forestry reference file where 2.5 kgN/ ha/ yr is set as 100%. Should the forestry sub-model within OVERSEER® change, then the PPC10 forestry N limit will change accordingly to 100% of the new kgN/ ha/ yr value. It is acknowledged that the current OVERSEER® prediction of N loss from forestry (2.5 kgN/ ha/ yr) does not vary despite changing input parameters like rainfall and soil type. The forestry N loss value is a national average value based on a review of available data. There are current (2016) discussions between Scion and OVERSEER® Ltd about the possibility of linking Scion's NuBalM model to OVERSEER® although this may take some time to come to fruition.

(66-125) Table LR 8 uses OVERSEER® version 6.2.0 values because that version is the 'anchor' point for N allocation (as laid out in Schedule LR One). While it would be possible to update the kgN/ ha/ yr values (reference and farm example values) to whatever is the current version of OVERSEER®, this would introduce values inconsistent with Schedule LR One and other parts of PPC10 that refer to version 6.2.0. It is more logical to provide an online table that provides the updated reference file values - this can be found at <http://www.rotorualakes.co.nz/reference-files>. In response to the submission the table will be deleted and included within the future rules implementation plan.

Submissions

Submission Number:	49: 92	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Plantation forestry has a start point and reference file number of 2.5, making it lower than unproductive land (bush and scrub). The rule framework does not allow plantation forestry to leach any more nitrogen than its start point, so it is entirely boxed into a corner. It's not even possible to revert to native forest. This is unfair, inequitable, unreasonable and contrary to the direction of the Waitangi tribunal.		
Decision Sought:	Revise the plantation forestry start point to be the all-in average, of 32 NDA rather than the present 2.5 NDA which locks it into no use flexibility at all.		

Staff Recommendations:	Reject
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Submission Number:	66: 125	Submission Type:	Oppose
Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	This table records OVERSEER® 6.2 figures but they have already been superseded and bear no relevance to the PNDA provided to land owners now.		
Decision Sought:	Delete - This table records OVERSEER® 6.2 figures but they have already been superseded and bear no relevance to the PNDA provided to land owners now.		

Staff Recommendations:	Accept
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Section: Schedule LR Six - Nitrogen Management Plan requirements

Staff Recommendation

Revise Preamble to read

The aim of the Nutrient Management Plan is to manage nutrient reduction so the property/farming enterprise meets the Nitrogen Discharge Allocation by 2032.

A Nutrient Management Plan shall be prepared in accordance with A or B below by a suitably qualified and experienced person.

The Nutrient Management Plan shall take into account sources of nitrogen associated with the farming activity and identify all relevant nitrogen management practices and mitigation measures.

Nutrient Management Plans are the primary point of monitoring and if necessary compliance, particularly the mitigation actions, described land uses and OVERSEER® input parameters specified in the Nutrient Management Plan. These provide a point of comparison so that monitoring of resource consents issued under the land use activity rules can ensure that Managed Reduction Targets and Nitrogen Discharge Allocations are being met.

The plan requirements will apply to:

- 1 A Nutrient Management Plan prepared for an individual property or farm enterprise; or
 - 2 A Nutrient Management Plan prepared for an individual property which is part of a farming enterprise or a collective of pastoral properties.
- A** Nutrient Management Plans 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.
- B** Nutrient Management Plans prepared for an individual property or a farming enterprise that are not derived from an industry environment management programme.

Replace the term 'Nitrogen Management Plan' with 'Nutrient Management Plan' throughout Schedule 6

Add additional text to Content 6 as follows: 'The OVERSEER® file or alternative nutrient budgeting file that describes the farm system for the period of the Nutrient Management Plan must be provided to Council.'

Amend Content 5(a)(ii) to read: A pathway, including a schedule of mitigation actions, described land uses and OVERSEER® (or other model) input parameters,.....

Staff Reason

(16-7, 23-6, 24-4, 28-4, 39-8, 43-108, FS15-18, 45-6, 78-3, 64-10, 70-109, FS15-57, 67-6, 66-9, FS12-33, 66-126, FS12-34, 83-9, 82-12, 16-15, 53-87) Refer to Section 5.3.8 The Use of Nitrogen Management Plans. Nitrogen management plans intend to include the series of actions to be undertaken as agreed with the farmer to reach each managed reduction target. The actions for the first MRT are set and require compliance, unless revised at the request of the holder. It is acknowledged that actions to achieve later MRT's are more fluid and are subject to change. Any actions listed are able to be reviewed every 5 years this aligning with each managed reduction target. Therefore the process does not 'fix' a farmer into actions 15 years from now. This upholds the intent of the NMP's being a living document and enables changes to be made without going through a resource consent process, this reducing cost and regulatory restrictions on land owners.

(62-4) The submitter highlights the need to for non-compliance to be assessed on the basis of their farm system's nitrogen discharge as modelled in Overseer. In order to achieve this a description of land uses and input parameters for Overseer will need to be provided as part of the Nitrogen Management Plan. Additional text has been included within Schedule LR6(5)(ii) to this effect.

(64-11) The submitter has raised concern that Schedule LR6 does not provide direction on auditing and reporting requirements and how these will work in practice. Such plans will be required as part of a controlled resource consent process (LRR8 - LRR11) where conditions will be imposed outlining monitoring and reporting requirements. This resource consent is able to be enforced under the Resource Management Act 1991 by Council if required. It is recommended that no changes are made in response to this submission point. Additional text has been proposed to highlight the role that nitrogen management plans will have with enforcement in the future.

(48-22) It is acknowledged that new versions of OVERSEER® may result in changes to estimated losses. However with any increase or decrease in losses, a shift in inputs would also occur causing the relative effort to achieve the required losses to remain the same. Whilst new science may become available in the future in this space this is not considered an adequate reason to delay action and reduce losses. The fact the Lake Rotorua has and will continue to receive nitrogen within groundwater, reflecting groundwater lag times, remains valid, along with the fact that any reduction in nitrogen losses from activity will contribute to increasing lake water quality. There is a need to ensure reductions occur to contribute to the maintenance of the 4.2 TLI for our future generations. It is recommended that no changes are made in response to this submission point.

(61-7) The RPS provides direction to manage the losses of rural production activities, this including pastoral practice. This has resulted in the use of the term 'effective' which narrows down the level of action to those areas of an enterprise generating losses from rural production activity. The effective area is based on the data collected as part of the Rule 11 benchmarking process and provides an effective way to ensuring the appropriate activities as required by the RPS are targeted. As this is based on a data layer established between 2001 and 2004 the effective area includes any land use change within the enterprise after this data was captured (i.e. planting). This can prevent the need for further reduction from enterprises. No changes are considered to be required.

(75-216) The submitter has suggested reference to the NDA and the final date for this to be achieved (2032) be removed. This gives the perception that losses after 2032 have the ability to be altered rather than the intent of PPC10 capping losses from 2032 to the set NDA. The suggested approach does not align with the intent of PPC10. It is recommended that no changes are made in response to this submission point.

(75-217) Any actions included within a NMP are proposed by the operator of the enterprise and approved by the land owner if different. this would ensure that the actions are reasonable and are able to be completed. No changes are proposed.

(66-8, FS12-32) Refer to Section 5.3.4 the Use of Sub-Catchment plans

(49-93) Support Noted

Submissions

Submission Number:	16: 7	Submission Type:	Not Applicable
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.		

Staff Recommendations:	Reject
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Submission Number:	16: 15	Submission Type:	Oppose
Submitter:	Neil Heather		
Submission Summary:	I do not support the requirements for land owners to complete farm management plans that will be part of a compliance process.		
Decision Sought:	Not specified.		

Staff Recommendations:	Reject
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Submission Number	23.6	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.	

Staff Recommendations:	Reject
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Submission Number:	24: 4	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.		

Staff Recommendations:	Reject
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Submission Number:	28: 4	Submission Type:	Oppose
Submitter:	Kevin Davenport		
Submission Summary:	I do not support the need for landowners to under-go Farm management plans.		
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.		

Staff Recommendations: Reject

Submission Number: 39: 8 Submission Type: Oppose
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.

Staff Recommendations: Reject

Submission Number: 43: 108 Submission Type: Support in Part
Submitter: Ravensdown Limited
Submission Summary: Ravensdown prefers the term 'Nutrient Management Plan' which better reflects the intent of the mechanism, and the wider management of nutrients (including phosphorus) as included in Schedule LR Six.
Decision Sought: Ravensdown seeks for Council to adopt the term 'Nutrient Management Plan' rather than 'Nitrogen Management Plan'.

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 15 - 18 Submission Type: Support
Further Submitter: Ballance Agri-Nutrients Limited
Submission Summary: For the reasons given in the original submission. 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.
Decision Sought: As above

Staff Recommendation: Accept

Submission Number: 45: 6 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.

Staff Recommendations: Reject

Submission Number: 48: 22 Submission Type: Oppose
Submitter: Parekarangi Trust
Submission Summary: Each version of OVERSEER® released can result in major differences to output with the same input.
Decision Sought: Allow science more time to develop robust models that are capable of high degree of predictive ability.

Staff Recommendations: Reject

Submission Number: 49: 93 Submission Type: Support
Submitter: CNI Iwi Land Management Ltd
Submission Summary: Support Paragraph 3.
Decision Sought: Retain.

Staff Recommendations: Accept

Submission Number: 53: 87 Submission Type: Oppose
 Submitter: Lachlan McKenzie
 Submission Summary: This amounts to prescriptive input based management which is unacceptable for the reasons set out in the PC10 s32 report.
 Decision Sought: Delete Schedule LR Six.

Staff Recommendations:	Reject
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Submission Number: 61: 7 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: In aiming to meet the 2022 Managed Reduction Target that a whole farm approach to managing the risks to water quality be adopted.

Staff Recommendations:	Reject
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Submission Number: 62: 4 Submission Type: Oppose
 Submitter: Sharon Morrell
 Submission Summary: Not having to adhere to specific management practices will allow farmers to apply some flexibility in response to market and weather conditions - this is vital to the resilience and longevity of their farm businesses. With a nitrogen loss as the compliance measure, farmers can act efficiently and while still achieving the outcomes desired.
 Decision Sought: The management plan should give an indication to the RC that the farmer has thought through and can apply what they need to do to achieve a managed reduction target, however actual non-compliance should only be assessed on the basis of their farm system's nitrogen discharge as modelled in OVERSEER®. If RC feels they have deviated too greatly from their management plan this could trigger an assessment via OVERSEER®. I am strongly opposed to translating an output target into input targets as it eliminates vital flexibility and innovative thought and action.

Staff Recommendations:	Accept in Part
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Submission Number: 64: 10 Submission Type: Oppose
 Submitter: DairyNZ and Fonterra Co-operative Group Limited
 Submission Summary: The Nitrogen Management Plan (NMP) Requirements, contained in Schedule LR Six, would result in the introduction of an input management regime that will significantly reduce their ability to manage their farm systems in a flexible manner. These new plan requirements could dilute farm owner control and transfer management accountability to professional advisors reducing incentives for innovation. There were concerns regarding the accuracy, relevance and feasibility of including mitigation options up to 2032.
 Decision Sought: Schedule 6 should be modified so that it has a stronger focus on managing outcomes rather than inputs.

Staff Recommendations:	Accept in Part
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Submission Number: 64: 11 Submission Type: Oppose
 Submitter: DairyNZ and Fonterra Co-operative Group Limited
 Submission Summary: There is no guidance on how related audit and reporting requirements will work in practice.
 Decision Sought: Additional information regarding the audit and reporting requirements that will support the effective implementation of Nitrogen Management Plans should be provided as soon as possible.

Staff Recommendations:	Accept
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Submission Number: 66: 8 Submission Type: Oppose
 Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Land owners complete a farm nutrient plan that is informed through engagement with their sub catchment group & in consultation with Industry support (e.g. Beef & Lamb's Land information plans and

DNZ's/Fonterra sustainable milk plans) or their own farm advisor or Council Land Management Officer.

Decision Sought: That Industry report on sector progress on a rolling 5 year average.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 12 - 32 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 66: 9 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.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 12 - 33 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 66: 126 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: This amounts to prescriptive input based management which is unacceptable for the reasons set out in the PC10 s32 report. A greater emphasis on managing outcomes rather than inputs. Additional information outlining the Council's proposed auditing regime, particularly where plans are prepared as part of an industry environmental management program.

Decision Sought: Delete Schedule LR Six. Include reference to industry environmental plans and / or the use of annual OVERSEER® nutrient Management reports that record and calculate a property nutrient loss to be averaged over a 5 year period.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 12 - 34 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 67: 6 Submission Type: Oppose

Submitter: Karl Weaver

Submission Summary: I do not support the Policies, Method or Rules of Plan Change 10. I do not support nitrogen discharge allowance process and the requirement that landowners reduce nutrient loss by way of regulation. 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.

Staff Recommendations: Reject

Submission Number: 70: 109 Submission Type: Oppose in Part
Submitter: The Fertiliser Association of New Zealand
Submission Summary: FANZ supports the use of the term, 'Nutrient Management Plan' rather than 'Nitrogen Management Plan'.

Decision Sought: Reword the first paragraphs of Schedule LR Six as per below:
"A Nutrient Management Plan....."
'The ' Nutrient Management Plan.....'.
1. A Nutrient Management Plan prepared....
2. A Nutrient Management Plan.....
A. Nutrient Management Plans prepared...

Nutrient Management Plans will contain as a minimum: ...

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 15 - 57 Submission Type: Support
Further Submitter: Ballance Agri-Nutrients Limited
Submission Summary: Terminology used in the Plan Change should be consistent with the terms used in other regions around New Zealand.
Decision Sought: As above

Staff Recommendation: Accept

Submission Number: 75: 216 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: We strongly endorse Council concerns with prescriptive input based management for the reasons set out in the PC10 s32 report.
Amendments proposed to give better effect to a flexible, output based management framework with reduced transaction costs.

Decision Sought: Delete text 'The aim of the Nitrogen Management Plan is to manage nutrient reduction so the property/farming enterprise meets the Nitrogen Discharge Allowance by 2032'.

Staff Recommendations: Reject

Submission Number: 75: 217 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: We strongly endorse Council concerns with prescriptive input based management for the reasons set out in the PC10 s32 report.
Amendments proposed to give better effect to a flexible, output based management framework with reduced transaction costs
Decision Sought: Amend to read '.....and identify all reasonable, practicable and affordable nitrogen.....'

Staff Recommendations: Reject

Submission Number: 78: 3 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.

Staff Recommendations: Reject

Submission Number: 82: 12 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.

Staff Recommendations: Reject

Submission Number: 83: 9 Submission Type: Oppose

Submitter: Bushlands Estate Limited and Adolle Farms Limited

Submission Summary: I do not support the requirement for land owners to complete farm management plans that will be part of a compliance process. At StAG the framework was designed to avoid this, but following the end of StAG the rules have diverted into this pathway. It is impossible to develop a plan committing myself to actions up to 16 years in the future.

Decision Sought: Not specified.

Staff Recommendations: Reject

Section: Schedule LR Six 2B**Staff Recommendation**

Add new definition as follows:

Significant Farm System Change - A change in farm practice that alters the inputs, methods or areas being used in the management of the property/ farming enterprise where the scale of change means that the Nutrient Management Plan is no longer a realistic representation of the farm system or the predicted discharge exceeds that in the Nutrient Management Plan.

Staff Reason

(43-109) A definition for significant farm system change has been proposed in response to other submission points. This intends to cover 'A change in farm practices which may result in an increase in nitrogen losses including but not limited to an increase in stock numbers, a change or increase in fertiliser application, a change in the type and quantity of feed supplements and change in crop management practices' causing a review of the nitrogen management plan to be required. It is considered this has resolved the concerns raised by the submitter.

Submissions

Submission Number:	43: 109	Submission Type:	Support in Part
Submitter:	Ravensdown Limited		
Submission Summary:	Clarity is required regarding what constitutes a 'significant farm system change'.		
Decision Sought:	Define the term 'significant farm change' to provide certainty. It is suggested that the terms 'significant farm change' from section 7(ii) and 'substantial change' from Table LR 5 in Schedule LR One be combined into one definition and explained qualitatively and/or quantitatively.		

Staff Recommendations: Accept in Part

Section: Content 3**Staff Recommendation**

No changes are proposed.

Staff Reason

(75-218) The submitter has suggested reference to the NDA and the final date for this to be achieved (2032) be removed from the schedule, causing the Nitrogen management plan to only specify managed reduction targets. This gives the perception that losses after 2032 have the ability to be altered rather than the intent of PPC10 capping losses from 2032 to the set NDA. The suggested approach does not align with the intent of PPC10. It is recommended that no changes are made in response to this submission point.

Submissions

Submission Number:	75: 218	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	We strongly endorse Council concerns with prescriptive input based management for the reasons set out in the PC10 s32 report. Amendments proposed to give better effect to a flexible, output based management framework with reduced transaction costs.		
Decision Sought:	Amend to read 'The start point on which nitrogen loss allocation is based, relevant Managed Reduction Targets.'		

Staff Recommendations: Reject

Section: Content 5**Staff Recommendation**

No changes are proposed in response to the below submissions.

Staff Reason

(64-12) The regional plan provides for the direct disposal and application of animal manure as a permitted activity under Rule 19 where this acts as a soil condition, mulch, has a beneficial effect on plant growth, and does not require the direct discharge to waterbodies, or have an adverse effect on soil health. Conditions also require that this avoids or mitigates leaching to ground water. It is considered that the actions listed within the NMP would align and uphold this rule, and act as a mechanism to help to achieve compliance rather than conflict with this rule. Rule 32 requires a controlled

activity consent to be approved for the discharge generated from dairy shed operations. This only relates to spray irrigation, soil injection and land soakage and therefore covers point sources rather than diffuse discharge sources. The general management of farm activity outside of the dairy shed is not covered by Rule 32. The nitrogen management plan intends to cover effluent management activities in place within the wider farm operations, which uphold the intent of Rule 19 and PPC10. No changes are considered to be required.

Submissions

Submission Number:	64: 12	Submission Type:	Oppose
Submitter:	DairyNZ and Fonterra Co-operative Group Limited		
Submission Summary:	The requirements of the Nitrogen Management Plan includes the need for detail on effluent management (5.c). This information is already described as part of a farm's dairy effluent consent. We do not see value in duplicating this information here unless it is Councils intent to manage the effluent consent through a single Farm Nutrient Management Plan document.		
Decision Sought:	Schedule 6 (5) should be modified to exclude information on effluent management.		

Staff Recommendations:	Reject
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Section: Content 5(a)

1193

Staff Recommendation

Add text to end of Schedule LR5 (a)(ii) to include following advice 'Future parts of the pathway will be more uncertain in nature but must be able to be demonstrated as modelled probabilities'.

Staff Reason

(37-4) Nitrogen management plans only intend include the series of actions to be undertaken as agreed with the farmer to reach each managed reduction target. the actions for the first MRT are set and require compliance, unless revised at the requested of the holder. It is acknowledged that actions to achieve later MRT's are more fluid and are subject to change. Any actions listed are able to be reviewed every 5 years this aligning with each managed reduction target. Therefore the process does not 'fix' a farmer into actions 15 years from now. This upholds the intent of the NMP's being a living document and enables changes to be made without going through a resource consent process, this reducing cost and regulatory restrictions on land owners. Revisions have been made to clarify the intent of the nitrogen management plans.

(64-27) Refer to the Regional Policy Statement and Operative Regional Plan. The RPS provides for the staged reduction of nitrogen losses with the NDA being achieved by 2032. Reducing the timeframe to 2022 does not uphold the intent of the RPS with this requiring a small level of action from farmers and only 70% of the target being achieved. It is recommended that no changes are made in response to this submission point.

(75-219) The submitter has suggested reference to the NDA and the final date for this to be achieved (2032) be removed from the schedule. This gives the perception that losses after 2032 have the ability to be altered rather than the intent of PC10 capping losses from 2032 to the set NDA. The suggested approach does not align with the intent of PC10. It is recommended that no changes are made in response to this submission point.

Submissions

Submission Number:	37: 4	Submission Type:	Oppose
Submitter:	Ngati Whakaue Tribal Lands Incorporation		
Submission Summary:	Object to the need to specify a schedule of mitigation options – inconsistent with Adaptive Management LR P3 (p5).		
Decision Sought:	Not specified.		

Staff Recommendations:	Reject
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Submission Number:	64: 27	Submission Type:	Support in Part
Submitter:	DairyNZ and Fonterra Co-operative Group Limited		
Submission Summary:	We support only if after the 2017 Science review there is community agreement that the 2032 NDA targets still represent the most cost effective and efficient way of meeting the desired long-term outcomes for the Lake.		
Decision Sought:	Alter 2032 to be 2022.		

Staff Recommendations:	Reject
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Submission Number: 75: 219 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: We strongly endorse Council concerns with prescriptive input based management for the reasons set out in the PC10 s32 report. Amendments proposed to give better effect to a flexible, output based management framework with reduced transaction costs.
 Decision Sought: Amend to read '(a)Nitrogen management: The Nitrogen Management Plan must include.

Staff Recommendations: Reject

Section: Content 5(a)(iii)

1193

Staff Recommendation

Revise Schedule LR5 (a)(ii) to include following advice 'Future parts of the pathway will be more uncertain in nature but must be able to be demonstrated as modelled probabilities'.

Staff Reason

(70-79, 70-110, FS15-58) Nitrogen management plans only intend include the series of actions to be undertaken as agreed with the farmer to reach each managed reduction target. The actions for the first MRT are set and require compliance, unless revised at the request of the holder. It is acknowledged that actions to achieve later MRT's are more fluid and are subject to change, this will not result in a non-complying activity status. Any actions listed are able to be reviewed every 5 years this aligning with each managed reduction target. Therefore the process does not 'fix' a farmer into actions 15 years from now. This upholds the intent of the NMP's being a living document and enables changes to be made without going through a resource consent process, this reducing cost and regulatory restrictions on land owners. Revisions have been made to clarify the intent of the nitrogen management plans. The revision suggested by the submitter does not provide a long term approach to nitrogen management and reduces the ability for farmers to 'plan ahead'.

(75-220)The submitter has suggested reference to the NDA and the final date for this to be achieved (2032) be removed. This gives the perception that losses after 2032 have the ability to be altered rather than the intent of PPC10 capping losses from 2032 to the set NDA. The suggested approach does not align with the intent of PPC10. It is recommended that no changes are made in response to this submission point.

Submissions

Submission Number: 70:79 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.

Staff Recommendations: Accept in Part

Submission Number: 70: 110 Submission Type: Oppose in Part
 Submitter: The Fertiliser Association of New Zealand
 Submission Summary: Rules LR8 – 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. If farms cannot provide this pathway from the outset, they will not be able to meet the controlled activity conditions and become non-complying.
 Decision Sought: Make it clear that the pathway to achieving nitrogen loss targets should be presented sequentially i.e. during each stage. Amend 5 (a) (ii) A pathway, including a schedule of mitigation actions, that demonstrates managed reduction to achieve the next nitrogen loss target of the Managed Reduction Targets or the 2032 Nitrogen Discharge Allowance in accordance with LR P8.

Staff Recommendations: Accept in Part

Further Submission(s)

Further Submission No:	15 - 58	Submission Type:	Support
Further Submitter:	Balance Agri-Nutrients Limited		
Submission Summary:	For the reasons given in the original submission. The inclusion of a definition for "significant farm system change" will assist in clarifying the requirements and implications of the Schedule.		
Decision Sought:	As above		

Staff Recommendation:	Accept in Part
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Submission Number:	75: 220	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	We strongly endorse Council concerns with prescriptive input based management for the reasons set out in the PC10 s32 report. Amendments proposed to give better effect to a flexible, output based management framework with reduced transaction costs.		
Decision Sought:	Amend to read: (ii) A pathway, including a schedule of mitigation actions, that demonstrates managed reduction to achieve the Managed Reduction Targets.		

Staff Recommendations:	Reject
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Section: Content 5(b)

1194

Staff Recommendation

No changes are proposed in response to the below submission. Note: Changes have been made in response to other submissions.

Staff Reason

(37-9) Refer to Section 5.3.3 The Management of Phosphorus.. Plan Change 10 does not require the reduction of phosphorus per farming enterprise this avoiding the need for rules to ensure that this is enforced. Policy 2 requires the management of phosphorus onsite, this aligning with the understanding that actions completed to achieve nitrogen reductions also achieve a reduction in phosphorus loss, this approach is reflected in Schedule LR6 with Phosphorus Management being included within the NMP's. . A number of submissions have requested that the plan support best management practice of both phosphorus and nitrogen. To uphold the intent of the RPS to support the use of good practices it is considered that further clarification can be provided to content 5(b).

Submissions

Submission Number:	37: 9	Submission Type:	Oppose
Submitter:	Ngati Whakaue Tribal Lands Incorporation		
Submission Summary:	Object to the requirement to implement industry best practice for P mitigation without the inclusion of P in the Rules.		
Decision Sought:	Not specified.		

Staff Recommendations:	Reject
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Section: Content 5(c)**Staff Recommendation**

Amend to read:

(a) Effluent management: To manage the risks associated with the operation of effluent systems to ensure effluent systems are compliant with either an approved resource consent or permitted activity standards of the regional plan every day of the year.

Staff Reason

(49-94) The submission point raises consistent with the lack of guidance content 5(c) provides. This requirement request to the need to comply with permitted criteria of the regional plan relating to effluent discharge (Rule 19) and any resource consent conditions. It does not intend to supersede the resource consent requirements, rather intends to ensure alignment in actions. A minor amendment has been proposed to clarify what consents and permitted criteria need to be considered.

(62-3, FS7-31, FS8-35, 75-221) The regional plan provides for the direct disposal and application of animal manure as a permitted activity under Rule 19 where this acts as a soil condition, mulch, has a beneficial effect on plant growth, and does not require the direct discharge to waterbodies, or have an adverse effect on soil health. Conditions also require that this avoids or mitigates leaching to ground water. It is considered that the actions listed within the NMP would align and uphold this rule, and act as a mechanism to help to achieve compliance rather than conflict with this rule. Rule 32 requires a controlled activity consent to be approved for the discharge generated from dairy shed operations. This only relates to spray irrigation, soil injection and land soakage and therefore covers point sources rather than diffuse discharge sources. The general management of farm activity outside of the dairy shed is not covered by Rule 32. The Nitrogen management manage intends to cover effluent management activities in place within the wider farm operations, which uphold the intent of Rule 19 and PPC10. No changes are considered to be required and the requirement is not proposed to be deleted as requested by submitter 75.

Submissions

Submission Number:	49: 94	Submission Type:	Support in Part
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Effluent systems are compliant with consent conditions gives no guidance to consent officers writing consent conditions about the nature or purpose of those conditions'		
Decision Sought:	State the requirements of effluent systems e.g. that all ponds are sealed.		

Staff Recommendations:	Reject
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Submission Number:	62: 3	Submission Type:	Oppose
Submitter:	Sharon Morrell		
Submission Summary:	Doubling up on requirements indicates too much red tape.		
Decision Sought:	Remove the clause about effluent management needing to be in the management plan - this is already catered for in each dairy farmer's effluent discharge consent.		

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	7 - 31	Submission Type:	Support
Further Submitter:	Alistair and Sarah Coatsworth		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Further Submission No:	8 - 35	Submission Type:	Support
Further Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	For the reasons given in the original submission.		
Decision Sought:	As above		

Staff Recommendation:	Reject
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Submission Number:	75: 221	Submission Type:	Oppose
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Submitter: Federated Farmers of New Zealand
Submission Summary: We strongly endorse Council concerns with prescriptive input based management for the reasons set out in the PC10 s32 report.
Decision Sought: Delete; Amendments are proposed within the hardcopy submission to give better effect to a flexible, output based management framework with reduced transaction costs.

Staff Recommendations: Reject

Section: Content 5(f)

1196

Staff Recommendation

No changes are proposed.

Staff Reason

(12-15) It is unclear what relief the submitter seeks with the submission highlighting the risk of unqualified and inexperienced drivers applying fertiliser onsite, but also requesting that such actions are self-monitored and are not required to be completed by an accredited spreader. It is considered that content (f) of SchLR6 avoid the risks raised by the submitter by ensuring that the spreading of fertiliser is completed in accordance with the Spreadmark Code of Practice. Ensuring that this is complied with is also reliant on the applicant self-monitoring and providing this information to Council. No changes are suggested to content 5(f).

Submissions

Submission Number: 12: 15 Submission Type: Oppose
Submitter: Astrid Coker
Submission Summary: On blocks with small paddocks heavy spreaders cause damage to soil through compaction. There are issues with possible inexperienced drivers as well as requirements under the Health and Safety Act.
Decision Sought: Self-monitoring of fertiliser distribution and quantity/ha without the requirement for compulsory application by accredited commercial spreader.

Staff Recommendations: Reject

Chapter: Schedule LR Seven - Transfer of NDA or Managed Reduction Offset

1197

Section: Schedule LR Seven - Transfer of NDA or Managed Reduction Offset

1197

Staff Recommendation

It is recommended that no changes are made in response to the below submission points.

Staff Reason

(49-95) Refer to Section 5.3.9 Trading of Nitrogen under Plan Change 10

(66-127, 75-222) The proposed trading method undertaken by PPC10 is effectively a 'cap and trade' model which provides a level of nitrogen losses per enterprise and the ability to trade all or a portion of these losses permanently or temporarily. It is considered that this approach provides flexibility in that farmers have the ability to reduce losses below the 'cap' by installing cleaner technology, or reducing its emissions by reducing production or by changing land use practices. It is considered that the approach used by the plan change somewhat aligns with the baseline and credit approach suggested by the submitter which involves a reduction of losses below a baseline level, in the case of PPC10 being the NDA. These are then termed as credits which can be bought by other farmers. It is considered that adding and describing a range of trading mechanisms will add an element of complexity to the plan and is not required, with the standard approach used being the most appropriate and flexible for a regional plan. Submissions have also suggested the need for all land owners and non-farmers to be involved in trading such as the urban sector. As these parties are either not located within the rural area specified on Map LR1 or defined as a property farming enterprise these parties would not be able to participate as trading. Rather this process would be considered a contractual permanent removal of nitrogen from the catchment. This is outlined within bullet point 5 of SchLR7 'Transfer of Nitrogen Discharge Allowance). This process sits outside of the PPC10 with the only aspect managed being the revision of a enterprises approved NMP and NDA to reflect the new NDA (refer to criteria (v) of Rules LRR8 and LRR9).

Submissions

Submission Number: 49: 95 Submission Type: Oppose
Submitter: CNI Iwi Land Management Ltd

Submission Summary: The rules makes it a permitted activity for the higher leaching land uses to trade among themselves, but it excludes the lowest leaching activities from any such trade. This is inefficient in terms of potential economic outcomes, inequitable, unfair and unreasonable'

Decision Sought: Revise to allow plantation forestry to participate in nitrogen discharge unit trades.

Staff Recommendations:	Reject
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Submission Number: 66: 127 Submission Type: Support in Part

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: It is important to provide flexibility mechanisms. In international experience, water quality trading markets are usually based on a wider range of participants to give market depth; and operate either as cap-and-trade markets and/or with baseline-and-credit participants.

Decision Sought: Retain offsets to enable flexibility; more discussion needed on length of time. Give further consideration to including a wider range of non-farming participants; and to exploring other possible transfer/trading mechanisms. Delete section on NDA transfers from Schedule 7.

Staff Recommendations:	Reject
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Submission Number: 75: 222 Submission Type: Support in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: We support the importance of flexibility mechanisms, both short-term and longterm. A key focus for the Incentives Board is the period to 2022.

Decision Sought: We recommend further exploration of flexibility mechanisms. We have earlier recommended that consideration be given to reviewing the Incentives funding criteria. We request that Council give further consideration to including a wider range of non-farming participants; and to exploring baseline-and-credit market mechanisms alongside offset mechanisms.

Staff Recommendations:	Reject
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Section: Transfer of Nitrogen Discharge allowance

1198

Staff Recommendation

Amend bullet point 3 to read:

- Evidence will be required of the legal basis (i.e. a legally binding agreement between parties) for how the Nitrogen Discharge Allowance transfer is secured.

Staff Reason

(43-110, 70-112) Submissions have requested clarification on what legal evidence if required to meet the criteria listed within Schedule LR7 (bullet point number 3). This information is required to assure Council that a legally binding agreement has been reached between both parties, this provided certainty to Council that the transfer will occur. To ensure the correct level of information is provided to Council, additional text has been included to remove any confusion in this area.

(53-88) The submitter has requested that the ability to transfer a NDA is deleted from the plan. This intends to provide for the permanent transfer of nitrogen between properties and intends to provide options to reduce economic impact. Removing this will result in only short-term transfers being provided for by PPC10 and reduces flexibility. For this reason this approach is not supported.

Submissions

Submission Number: 43: 110 Submission Type: Oppose in Part

Submitter: Ravensdown Limited

Submission Summary: The phrase 'Evidence will be required of the legal basis of managed Nitrogen Discharge Allowance' requires an explanation to assist the plan users to understand what is expected. It is not clear what this means and how such information is to be provided.

Decision Sought: The phrase 'Evidence will be required of the legal basis of managed Nitrogen Discharge Allowance' requires an explanation.

Staff Recommendations:	Accept
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Submission Number: 53: 88 Submission Type: Oppose

Submitter: Lachlan McKenzie
Submission Summary: Too many uncertainties associated with targets/loads/NDAS. Retain offsets to enable flexibility; more discussion needed on length of time.
Decision Sought: Delete NDA transfers, retain managed reduction offsets.

Staff Recommendations: Reject

Submission Number: 70: 112 Submission Type: Oppose in Part
Submitter: The Fertiliser Association of New Zealand
Submission Summary: 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.
Decision Sought: Include an explanation of the phrase 'Evidence will be required of the legal basis'.

Staff Recommendations: Accept

Section: Transfer of Managed Reduction Offset

1199

Staff Recommendation

It is recommended that no changes are made.

Staff Reason

(43-112, 66-128, 70-111) The transfer of managed reduction offsets is intended to provide for short trading to enable a farmer to meet a 5 year target (MRT). As these MRT's may change every 5 years due to a review of the NMP each short term transfer has been restricted by the plan to have a lifespan of 5 years. Any permanent trading is already provided for by the transfer of nitrogen discharge allowance and provides enterprise the ability to purchase nitrogen to increase or meet their set NDA from 2032. It is considered that both permanent and temporary transfers are suitably provided for by the plan and requested by the submitter.

(82-20) Support Noted

Submissions

Submission Number: 43: 112 Submission Type: Oppose in Part
Submitter: Ravensdown Limited
Submission Summary: 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.
Decision Sought: If the offsets are appropriate for the Managed Reduction Targets, provision for permanent offset should be made to support a meeting the Nitrogen Discharge Allowance.

Staff Recommendations: Accept

Submission Number: 66: 128 Submission Type: Oppose in Part
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: It is important to provide flexibility mechanisms. In international experience, water quality trading markets are usually based on a wider range of participants to give market depth; and operate either as cap-and-trade markets and/or with baseline-and-credit participants.
Decision Sought: Delete text from last bullet point 'only last for a maximum of 5 years'.

Staff Recommendations: Reject

Submission Number: 70: 111 Submission Type: Oppose in Part
Submitter: The Fertiliser Association of New Zealand
Submission Summary: 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.
Decision Sought: Make provision for permanent offsetting.

Staff Recommendations:	Accept
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Submission Number:	82: 20	Submission Type:	Support
Submitter:	Stuart Morrison		
Submission Summary:	I support the commitment to the health of the lake and to meeting my part of the 2022 MRT.		
Decision Sought:	Not specified.		

Staff Recommendations:	Accept
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Chapter: Section 32 Report

1200

Section: Section 32 Report

1200

Staff Recommendation

No changes to the section 32 report or supporting research are proposed.

Staff Reason

(13-2) As part of Method 2 the economic, social and cultural effects of PPC10 will be monitored this also aligning with the Councils obligation under s35 of the RMA 1991. This has also been confirmed within the recent MoU between Regional Council, Lake Water Quality Society and the Lake Rotorua Primary Collective. No further changes are considered to be required.

(16-14,17-4, FS6-70, FS7-2, FS8-2, 24-1, 66-20, 83-1, 70-1, FS7-3, FS8-3) The s32 follows the guidance provided by Ministry for the Environment. The s32 was independently reviewed and guidance provided was responded to by Council. The review confirmed that the s32 provided a comprehensive evaluation of the different options for achieving the 435t/ year nitrogen limit, and suggested areas of refinement which were followed up on by staff. The principles policies and method of the RPS informed the development of the integrated framework and rules of PPC10. The economic, social, cultural and environmental effects of PPC10 have been considered as part of the section 32 assessment. This informed the most effective and efficient method of achieving the objective and limit set within the RPS. It is accepted that the level of action that is required may result in economic impacts on the farming community, but there needs to be a balanced approach with the environmental gains achieved for our lake, the general perception of Rotorua and our tourism industry. A number of actions have been taken through the Integrated Framework in an attempt to reduce economic impacts, and a number of actions are available for framers to alter farming practices to reduce economic impacts.

(35-1, FS8-57, FS12-35) Partnerships have already been established with Iwi and the District Council through the Te Arawa Lakes Strategy Programme. Each partner brings to the table knowledge of respective groups and sectors within the community included the business sector.

(37-6, FS7-28, FS8-31, 75-52, 75-53, 75-34, 75-35, 75-52) It is considered that setting the objective (TLI) limit of 435t/ N and the process taken in particular with the limit setting aligns with the National Objectives Framework by which implemented by the NPS-FM is required to uphold. The setting of both the objective and the supporting limit within the RPS included consideration of ecosystem and human health for recreation, along with natural character, mahinga kai and economic development. In addition the limit setting process took into account the local and regional circumstances including matters such as the significance of Lake Rotorua (particularly to Te Arawa) the value of tourism, the value of farming and the characteristics of the land and aquifers around Lake Rotorua. It is considered that Council has considered all matter described in Policy CA1(a)-(e) of the NPS-FM, even though this was completed prior to the NPS becoming operative.

Assessment of the NPS has also identified that Councils process upholds the intent of NPS policies 1-4 where required. Plan change 10, which upholds the limit set within the RPS, will provide for the safeguarding of the life supporting capacity of water, ecosystem processes and indigenous species, including associated ecosystems and the health of people and their communities by managing the use and development of land in a manner that reduces discharges of contaminants into Lake Rotorua. As this approach will achieve an overall maintenance and improvement in freshwater within a specified timeframe it is considered that the plan change and the limit upholds objective A2 of the NPS-FM. For these reason Council staff do not agree with the stance of the submitter that plan change 10 and the 435t/ N annual limit do not uphold the intent of the NPS. It should be noted that in 2022 the remaining limits and values for Lake Rotorua will be set as part of a separate plan change ensuring the NPS is implemented.

(48-29,FS7-4, FS8-4) The submitter has expressed concern that the economic, social and cultural wellbeing for the community has not been addressed by PPC10. A number of reports have been completed regarding the economic impact of the rules at a farm, catchment, district, regional and national scale. These are summarised in the section 32 report completed from PPC10. The cultural and social impacts have also been addressed within the section 32 report, this covering the Maori and community connections with Lake Rotorua and the impacts that poor water quality have on these values. Other than the water quality (in this case covering nutrient levels and lake ecology) the assessment has covered off recreational values, community values, perception of Lake Rotorua, the flow on benefit to the tourism market, food gathering for Iwi and impacts on rural populations and community infrastructure. Therefore it is considered that the social, cultural and economic effects of PPC10 have been adequately addressed.

(26-8) The report provided by Market Economics Limited provides for the district and regional impacts, which includes backward linkages, such as rural suppliers. The rules apply to about 10% of dairy farms and 30% of drystock farms in the Rotorua district. The impact on rural suppliers is less than if the entire district were subject to the rules. No further research is considered to be required at this stage.

(53-3, 53-4, FS7-26, FS8-30, 53-7, 72-2, FS12-43) LRM2(a) intends to provide for the review of loads in relation to both nitrogen and phosphorus. This science review will commence from 2017 this aligning with the timeframe stated within the Memorandum of Understanding recently signed between Regional Council, the Lakes Primary Producers Collective and the Lake Water Quality Society. Any shifts in science will be acknowledged as part of this review. Based on the results a change to the RPS and/ or regional plan may be identified as being required. Whilst it is acknowledged that a science review will commence in 2017 it is considered that this does not provide enough justification to delay taking action to reduce losses to Lake Rotorua from current activities.

(53-8) Regional Council recognises that farming businesses differ in terms of the farming system, debt, drawings, and ability to reduce nitrogen and the cost of reducing nitrogen. The study suggested would require all farmers to provide their farming and personal information (debt, drawings) to the Council. Experience to date suggests this would be unlikely, and such a study would be impractical. It is considered that the economic assessments completed by Council to date adequately identify the potential impacts of PPC10 on the rural community. It is considered that no further research is required.

(55-5, 74-7) The Regional Council have initiated a low nitrogen land use fund that enables new research to be completed to identify alternative farming practices or activities that will help achieve and maintain the lake water quality. This is separate to Plan change 10, but will be an important element in helping achieve the intent of enhancing and maintaining lake water quality through reduced N losses.

(66-14, FS12-37) The intent of PPC10 is to maintain the current TLI of 4.2 by ensuring our current actions do not impact the environment in the future. This upholds the purpose of the Resource Management Act 1991. In particular PPC10 directly upholds 5(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations and 5(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems of the Act. Therefore whilst many consider that the approach penalises based on the actions of previous generations, it is in fact an approach that looks forward and manages impacts of the current generation to ensure that our future generations enjoy the benefits and values associated with Lake Rotorua.

(66-21) The Parsons, Doole and Romera report was based on representative farm systems, and depicted the average impacts for those systems. In addition, Council has commissioned case studies of representative farms (see Perrin Ag, 2015 and 2016 <http://www.rotorualakes.co.nz/economic-impacts>). The report provided by Market Economics Limited provides for the district and regional impacts, which includes backward linkages, such as rural suppliers. Approximately 10% of dairy farms and 30% of drystock farms in the Rotorua district will be subject to the proposed rules. It is considered that no further research on this matter is required.

(66-23, 75-54) The submitter refers to the need for economic impacts of individual properties be assessed against s85 of the RMA. Section 85(3) provides for persons with an interest in land who consider it is rendered incapable of reasonable use to challenge that provision or proposed provision on those grounds in the Environment Court. PPC10 does not result in rural land being made incapable of reasonable land use with a range of alternative farming practices or land use options available such as forestry, subdivision and low intensity farming of land uses. PPC10 only manages the use of rural land to ensure this is completed in a sustainable manner that does not result in adverse environment effects on Lake Rotorua. It is considered that the research completed to date has met the section 85 requirements of the RMA.

(66-37, FS12-38) Two reports have been completed by NIWA which include analysis of land use change over time. These are titled: 'Prediction of nitrogen loads of Lake Rotorua using the ROTAN model; February 2011, revised April 2011' and 'Nitrogen exports from the Lake Rotorua catchment - calibration of the ROTAN model; January 2009, revised April 2009'. Both reports are available online.

(58-33, 58-34) The options suggested have been considered and are noted by Council staff. The options suggested recommended using the current rule framework as an interim measure until 2037, this extending beyond the current target of 2032 at which stage the level of nitrogen losses from farming activity needs to be reduced by 320t/ N. The use of the notified rules until at least 2032 is supported as this upholds with discussion held with StAG and the wider community. However it is not appropriate to commit to the content and direction of a future plan change. This would prevent new science to be considered, or the plan change to reflect what the issues are at that stage within the community. Therefore the Council support the continued use of the notified rules and notes that that future plan change may take into account new methods available at that time. Any plan change would also require community involvement providing the opportunity for the concerns to small blocks owners to be raised.

The plan change relies on the rural zone as identified by the Rotorua District Plan, with this overlaid by the ground water boundary. Data collected on the type of activities carried out within this area is based on the information collected as part of Rule 11 and research completed through the development of Plan Change 10. It is acknowledged that there are locations within the catchment where pastoral activity is not the most sustainable use. However relocating this to another location would not align with the intent of the RPS policies with this not allowing any existing land use and investment to be recognised, and would result in inequity across the catchment. The adverse economic, social and cultural effects of such a policy would be significant and greater than those generated by proposed plan change 10.

The submitter is correct that the sustainable load of 435t/ N/ yr is a limit. No losses above this limit are provided for by the RPS beyond 2032. The RPS correctly refers to this as a limit not a target, which provides the perception of being changed and easily altered. Where applicable the term target has either been removed or replaced.

It is considered that extensive consultation has occurred in the development of plan change 10, this extending beyond StAG and including community open days, workshops, research completed and the release of draft version of the plan. These have provided numerous opportunities for the community, any affected land owners and small block owners to engage with the process. Placing the plan change on hold to commence discussion with a new group would not result in the timeframe specified within the RPS being met. No changes are considered to be required.

(83-2) The 4.2 TLI has been achieved through the treatment of the existing load currently reaching the lakes through the use of such tools as alum dosing. The resource consent for alum dosing was approved based on land management changes being implemented and the alum dosing would only be used as an interim action. Therefore there is a need to alter land practices to reduce nutrient losses to groundwater that will reach the lake in the future. This will ensure that the required TLI is maintained upon such actions as alum dosing ceasing.

(84-9) The modelling was limited to dairy and drystock. It was considered impractical to model every sector. As at the end of 2015 there were 11 deer farms of more than 10 hectares in the Lake Rotorua catchment; seven of those farmed deer exclusively. Because of the relatively small number of deer farms, the land in deer farming was included as land in drystock. The deer farming sector was investigated separately, including looking at backwards linkages (suppliers to deer farms) and forward linkages (where local deer farmers sell their produce). The information collected informed the policy process.

(75-36) The additional reports suggested to be referenced within the s32 report are not directly related to the rule framework as notified and seem to align with the preferred alternative approach of the submitter to alter the plan change to focus on sub catchment plans and target the managed reduction of phosphorus. Therefore these background reports are not recommended to be included as part of the section 32 report.

(75-39) The submission point refers to an outcome that was actioned in response to feedback gained through consultation completed prior to

notification. The feedback highlighted the lack of knowledge on actions being taken outside of plan change 10 by the community, this resulting in additional information being provided to the community by Regional Council relating to non-regulatory actions (i.e. gorse programmes, engineering initiations) to ensure the community understand where PPC10 sat in the wider context. These aspects are separate to plan change 10 and reference to these non-regulatory actions does not need to be included within PPC10 to the extent requested by the submitter. This information does not influence the implementation of PPC10 or the wider regional plan. PPC10 only relates to the regulatory component of the integrated framework, being the reduction of 140t/ N by way of rules from the farming sector. No changes to the section 32 or PPC10 is considered to be required in response to this submission point.

(75-40) The submission point relates to a segment of bullet point 1 under section 7.3 of the Section 32 report. This bullet point identifies the policy baseline for Lake Rotorua water quality and identifies that the RPS has set a timeframe and sustainable load for the Lake. This aligns with the Otureoa Agreement signed by the submitter in addition to other submitters. The section 32(2)(a) completed for the RPS and the Otureoa agreement are explicitly clear that the 435t/ N is the agreed sustainable load to the lake, and the time frame is required to be achieved by 2032. It is considered that PPC10 upholds both the RPS and Otureoa Agreement, and no changes have been made in response to this submission point.

(53-4, FS7-26) The long term effects of forestry compared to pastoral activity will provide a benefit to the Lake. Initial conversion may result in nutrient losses, with the level of nutrient storage within the soil exceeding that required by young trees. However, as trees age more uptake will occur, and the level of nutrient losses will plateau, reduce and with time cease. During this time interim actions such as alum dosing will continue helping to mitigate effects of such conversion, and allow the benefits of land use change to be occur. Land remaining in pastoral activity will not achieve this level of reduction, with inputs continuing through the grazing of stock and fertiliser use.

(74-8) The analysis completed to develop the deer stocking table focused on a deer breeding system with this having higher metabolic requirements compared to other system. Therefore it effectively set the 'worst case scenario' in regard to nitrogen losses per hectare from deer on which losses from different aged deer could be based. It is considered that the level of research completed is sound and sufficient to inform the development of Plan Change 10. No additional research is considered to be required.

(75-42) The submission points relates to commentary regarding the responsibilities of the Te Arawa Lakes Trust in relation to Lake Rotorua. It then goes on to describe the Trusts stance on alum dosing based on these responsibilities and the cultural values associated with the Lake. Ensuring the cultural values of the lake are taken into account within the Rule framework is a requirement of the NPS. Further assessment of the cultural and environment impacts of is provided within the Section 32 report and covers these matters in more detail.

(75-43) The submission points requested clarification from the Council TAG group on their stance on the inability to relax the Nitrogen reductions through requiring Phosphorus reduction. It is enforced that the sustainable loads of 435t/ N is based on scientific research, and that this along with a sustainable load for phosphorus would ensure that the TLI objective is met. All of this research is made available online. Actions relating to phosphorus will be completed outside of PPC10.

(75-44) The section of the report that the foot note refers to covers alternatives that were discussed as part of StAG, at which were based on OVERSEER® version 5.4. It should be noted that OVERSEER® does not set the target/ limit, this has been set by scientific research. OVERSEER® is a tool that helps to determine the level of nitrogen losses generated from farm practices and helps to inform the level of reductions required to meet a set figure, in this case the 435t/ N limit. Therefore any new OVERSEER® versions will not change the RPS limit as implied by the submitter.

(75-45, 75-50) The cap on nitrogen and the ability to trade enables farmers to make decisions for their own farm management within a farm nitrogen limit. The use of OVERSEER® helps to inform Council and formers on the level of reductions achieved by proposed actions. It is ultimately up to the farmer to determine the committed actions that will be completed to meet the managed reduction targets and Nitrogen Discharge Allowance within the set timeframes. The nitrogen management plan intends to reflect these commitments.

(75-46) The submitter seeks reference to the Environment Court decision which covered the use of a non-complying activity status. This was the Environment Court decision number A123/ 2008. Refer to page 52 onwards of this decision.

(75-47) The submitter has requested a link to the 1986 paper that first identified the N limit. This document is referred to in the 2011 report by NIWA 'Prediction of nitrogen loads to Lake Rotorua using the ROTAN model', which is part of the BECA 2011 group of reports.

(75-48) As noted within the section 32 report there are different groundwater sub-catchments that have different groundwater ages and would also have different attenuation and flow rates associated with them. These impact the timeframe any results will be seen within Lake Rotorua, and until changes and monitoring completed no exact time is able to be set as to when such benefits will be seen. The comment made within the section 32 report 'the sooner changes are made. The sooner results are seen' is correct. Any delay in action will cause a delay in benefits seen within Lake Rotorua. It is unclear how this comment can be argued by the submitter. It is assumed that the comment has been read out of context and not in association with the rest of the section 32 report and information provided in relation to groundwater. The best available information of groundwater lag times has already been made available and it is not considered required to repeat the information already available to the submitter and general public.

(75-49) The timeframe of 2032 was set by the RPS and was considered a suitable timeframe to alter farm practices, allow for staged reductions and investigate alteration options. This was informed by discussions held to resolve appeals on the RPS and agreed to as part of the Otureoa Agreement. Any actions undertaken to comply with plan change 10 will address the losses resulting from farm operations undertaken today, not 50 years ago and will ensure that the impact we have today on our environment is reduced to ensure a healthy environment and lake is provided for our future generations. Not altering our practices based on the reason that 'It was done in the past why can't it continue' is not an adequate excuse to continue unsustainable practices, especially given the availability of new scientific information which previous generations did not have access to.

(75-51) Investigations into the ability of best/ good industry practice to achieve the reductions required found 'voluntary or mandatorily applied 'good/ best management practices' will not achieve reductions in catchments that are significantly over-allocated, such as Lake Rotorua. Given the significant required reductions it is very unlikely that this option will achieve the sustainable lake load. This would prevent plan change 10 from upholding the requirement of the RPS to achieve a sustainable load of 435t/ N/ yr by 2032.

(75-55) The text referred to by the submitter is part of a wider analysis completed by Council on the economic cost of PPC10 on farming. The statement noted that a range of input and output prices would influence the cost of compliance for farmers. The text referred to by the submitter was mentioned as an example of this. It is noted that Council has no control over the market and price of goods. This aspect formed a small component of the assessment and highlighted that there are elements that could help reduce economic impact that are managed by the farmers such as the type of fertiliser used and its cost etc. as an input. The main focus of the economic analysis was based potential impacts on production levels, the area of land use change and flow on effects on employment. However it is emphasised that these assessments identified the 'potential' effects, and noted that external influences may alter these outcomes. The assessment is completed based on the best information available at the time of notification.

(75-56) The submitter has requested a cost benefit analysis to be completed. This has been completed and forms part of the section 32 report. The statement referred to forms part of the wider analysis completed to identify the economic costs of the proposal, which forms part of the cost benefit analysis. The sentence has been read out of context, no changes are proposed.

(75-57, FS11-3) The submitter has requested a change in the allocation of funds to support the implementation of the revised rules and framework suggested by the submitter. Altering this undermines the ability to implement the framework as agreed to by stakeholders. It is considered that this point is out of scope and no changes are proposed.

(75-58) The submitter has asked why the joint feedback from the Primary Producers Collective and Federated Farmers was not included. Council responded directly to submitters regarding points made in feedback. It was not practical to include all feedback and responses in the s32.

(11-4, 11-5, 30-9, FS8-58, FS12-39) Support Noted

(17-13, 17-14, 20-12, 17-11, FS8-7, 24-15, FS7-9, FS8-10, 27-4, FS7-11, FS8-12, 27-5, FS7-15, FS8-17, 27-7, FS7-17, FS8-18, 33-6, 39-1,53-2, 53-6, FS5-4, 53-7, 59-4, 66-15, 66-39, 75-37, 17-13, 17-14, 20-12) Refer to Section 5.3.5 Lake Rotorua Nitrogen Loads and Science

(75-41, 66-2, FS12-36, 75-38) Refer to Section 5.3.2 The Need for a Regulatory Approach

(24-12, FS7-8, FS8-8,53-9, FS6-69, FS8-60, 66-16, 75-57, FS11-3) Refer to Section 5.3.4 The Use of Sub-Catchment Plans

(49-2, FS8-48, 49-5, 49-6, 49-98, FS8-54,49-99, FS8-55) Refer to Section 5.3.7 Nitrogen Allocation

(75-13, 74-4, 7-4, 75-13, 78-9, 66-4, 81-7) Refer to Section 5.3.13 Economic impacts of Plan Change 10

(26-9, 54-1, FS6-71, 54-2, FS6-68) Refer to Section 5.3.10 Allocation for Forestry and Underutilised Maori Land

(75-34, 75-35, 75-52) Refer to Section 5.3.1 The Regional Policy Statement and Operative Regional Plan.

Submissions

Submission Number:	7: 4	Submission Type:	Oppose
Submitter:	John de Jong		
Submission Summary:	I have received extensive information from the BOP regional Council however I am yet to receive on feasibility study on the economic benefits or consequences for the region. I would take great interest in seeing the feasibility study.		
Decision Sought:	I would take great interest in seeing the feasibility study.		

Staff Recommendations:	Reject
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Submission Number:	11: 4	Submission Type:	Support
Submitter:	Ian McLean		
Submission Summary:	It has been suggested that economic considerations relating to the Rotorua District as a whole should be added to the criteria under the proposed rules. I oppose such a suggestion. If economic objectives are added it means that achieving environmental objectives will be more expensive. The cost to the district as a whole is slight. Well over 90% of the dairy farms in the district are outside of the Lake Rotorua Catchment and hence are unaffected by the rules.		
Decision Sought:	I support the proposed changes and seek their formal approval by the Council.		

Staff Recommendations:	Accept
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Submission Number:	11: 5	Submission Type:	Support
Submitter:	Ian McLean		
Submission Summary:	The cost to dairy farmers is very substantial. The amount of funding available to assist farmers to make changes is well short of the cost to them. I strongly oppose economic criteria which would have the effects of transferring some of the funding available to farmers to ratepayers of the district as a whole. As a ratepayer I want the funds available to go to farmers as planned and do not wish to share in them.		
Decision Sought:	I support the proposed changes and seek their formal approval by the Council.		

Staff Recommendations:	Accept
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Submission Number:	13: 2	Submission Type:	Support in Part
Submitter:	Alister Snodgrass		
Submission Summary:	Continue monitoring of the economic impacts on the rural community. Also the social and health impact on our farmers.		
Decision Sought:	Continue monitoring of the economic impacts on the rural community. Also the social and health impact on our farmers.		

Staff Recommendations: Accept

Submission Number: 16: 14 Submission Type: Not Applicable
Submitter: Neil Heather
Submission Summary: That the Council gives equal weighting to the four principles for the Resource Management Act – Those being social, cultural, economic and environmental which to date has not transpired.
Decision Sought: That the Council gives equal weighting to the four principles for the Resource Management Act – Those being social, cultural, economic and environmental which to date has not transpired.

Staff Recommendations: Accept

Submission Number: 17: 4 Submission Type: Oppose
Submitter: D & A Trust
Submission Summary: The section 32 analysis provided is completely lacking any informed analysis of the impact on capital value and is flawed in its analysis of the benefits offered to forestry. It also appears to have a pre-determined outcome and thus fails the objectivity test. The s32 analysis has not been completed to the standard required to determine whether rules or other measures are the best means to achieve the targets set for the lake. In particular the cost to individual land owners has not been adequately modelled. The s32 also is reliant on a number of assumptions with no evidence to support where these assumptions have come from e.g. Page 70. The report also has a section relating to Land Purchase by Council. It is our submission that this is a completely flawed analysis and appears to have a pre-determine outcome.
The s32 report comments that all the additional forest planted will improve opportunities for recreation and tourism. With the exception of Whaka and Skyline, private forest is not generally available to the public.
Decision Sought: An independent, peer reviewed and objective s32 report be prepared that does not have pre-determined outcomes.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 70 Submission Type: Support
Further Submitter: CNI Iwi Land Management Ltd
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 7 - 2 Submission Type: Support
Further Submitter: Alistair and Sarah Coatsworth
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 8 - 2 Submission Type: Support
Further Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 17: 11 Submission Type: Oppose
Submitter: D & A Trust
Submission Summary: When challenged what long term meant the scientists believe alum dosing can be safely used for 2 or 3

decades based on current knowledge. This timeframe allows the community to better understand the key drivers and potential mitigation that allow a clean lake without destruction of value within the basin.

Decision Sought: Not specified.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 8 - 7 Submission Type: Support
Further Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: The Collective supports the continued use of Alum dosing for the waters of Lake Rotorua based on current knowledge.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 17: 13 Submission Type: Oppose
Submitter: D & A Trust
Submission Summary: There does not appear to be sound science supporting the level of attenuation allowed for. As this is potentially a very significant component of the nitrogen getting the level of attenuation correct is essential.

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 17: 14 Submission Type: Oppose in Part
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.

Staff Recommendations: Reject

Submission Number: 20: 12 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.

Staff Recommendations: Reject

Submission Number: 24: 12 Submission Type: Oppose
Submitter: JT & SA Butterworth
Submission Summary: The farmer solutions project report estimates the cost to pastoral farmers of the new rules to be over \$88 million not taking into account the loss of capital and not factoring in debt or interest. This cannot be ignored in a community that has already had little growth. Council recently reviewed an economic report looking at the effect of the proposed rules on different farming systems. The summary stated that impacts on half the farms is likely to be devastating yet Council still proceeds with the current Rules.
Decision Sought: That council parks PC10 and works with the catchment farmers in prioritising sub-catchments assisting sub-catchment communities in developing sub-catchment action plans to prioritise critical source areas and cost effective interventions for reducing high nutrient base flow and flood flow loads to the lake; and that these interventions would appropriately being considered by the incentives fund.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 7 - 8 Submission Type: Support
Further Submitter: Alistair and Sarah Coatsworth
Submission Summary: For the reasons given in the original submission. Council need to take account of the reports it has commissioned even when they don't like what they say. The estimated \$88 million cost to the community has never been discussed in the public arena. Council has chosen to ignore these comments in a professional report to pursue this Rules based approach.
Decision Sought: As above

Staff Recommendation:	Reject
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Further Submission No: 8 - 8 Submission Type: Support
Further Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: For the reasons given in the original submission. Council need to take account of the reports it has commissioned even when they don't like what they say. The estimated \$88 million cost to the community has never been discussed in the public arena. Council has chosen to ignore these comments in a professional report to pursue this Rules based approach.
Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 24: 15 Submission Type: Oppose
Submitter: JT & SA Butterworth
Submission Summary: The rule process has focused only on long-term management of nitrogen with little attention paid to phosphorus. The members of the Collective have strongly advocated the most effective approach is to tackle phosphorus in the short term with a longer-term commitment to reducing nitrogen loads. We feel we are being led to believe the option of continued alum dosing is not available, when there is no current science that shows any ill effects. At present, community knowledge about how alum dosing works is non-existent.
Decision Sought: Significant resources need to be invested in research to determine the true effect of this process (alum dosing).

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 7 - 9 Submission Type: Support
Further Submitter: Alistair and Sarah Coatsworth
Submission Summary: For the reasons given in the original submission. A longer term commitment of 60 years is suggested for reducing nitrogen and research into the effects of alum both within NZ and overseas is recommended.
Decision Sought: As above

Staff Recommendation:	Reject
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Further Submission No: 8 - 10 Submission Type: Support
Further Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: For the reasons given in the original submission. A longer term commitment of 60 years is suggested for reducing nitrogen and research into the effects of alum both within NZ and overseas is recommended. It is used to treat drinking water in many countries, even Auckland, New Zealand.
Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 24: 16 Submission Type: Oppose
Submitter: JT & SA Butterworth
Submission Summary: Government regulations require that the Councils must look at the economic, cultural and social impacts

on a community when major changes are proposed. You have not taken this into account. The Council needs to be flexible, practical and humane.

Decision Sought: Work with us to find different management solution and give us a chance to put these into practice for the benefit of the local farming community.

Staff Recommendations:	Reject
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Submission Number: 26: 8 Submission Type: Oppose

Submitter: Rotorua Lakes Council

Submission Summary: The economic impact considered in the PC 10 Section 32 evaluation considered a whole of district, region and country impact but not the very significant and direct economic impact on the rural and rural-supply communities in the Rotorua district. It acknowledged the high social impact and stress on these communities but PC 10 accepts these as a necessary cost to achieving the objectives.

Decision Sought: RLC seeks the inclusion in PC 10 to the Regional Plan of appropriate objective(s), policies and methods to address its submission.

Staff Recommendations:	Reject
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Submission Number: 26: 9 Submission Type: Oppose

Submitter: Rotorua Lakes Council

Submission Summary: The significant impact on multiple-owned Maori land blocks (particularly those blocks which are under-developed) has not been sufficiently addressed or provided for within PC 10.

Decision Sought: RLC seeks the inclusion in PC 10 to the Regional Plan of appropriate objective(s), policies and methods to address its submission.

Staff Recommendations:	Reject
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Submission Number: 27: 4 Submission Type: Oppose

Submitter: Gro2 Ltd

Submission Summary: BOPRC has provided no evidence to support their theory that the ground water is contaminated. That is not science that is politics. We have been told from the start that there is no attenuation. Recent information informs us that all soils have attenuation, the minimum being 25% and the maximum being 75%. Environment Waikato allows for 50% attenuation. All of a sudden we have 30% attenuation. What if the real attenuation is 85% or 75%.

Decision Sought: What is needed is independent, peer reviewed science.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 7 - 11 Submission Type: Support

Further Submitter: Alistair and Sarah Coatsworth

Submission Summary: For the reasons given in the original submission. BOPRC have presented no evidence that current farming systems are contributing nutrients to groundwater. All targets for the lake were calculated on the assumption that there was no attenuation. This has been proven to be oh so wrong. It is also a work in progress and there has been no truth testing of any science assumptions within the catchment so all calculations are best guesses. How will Council defend compliance notices for such figures?

Decision Sought: As above

Staff Recommendation:	Reject
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Further Submission No: 8 - 12 Submission Type: Support

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: All targets for the lake were calculated on the assumption that there was no attenuation. This has been proven to be wrong. It is also a work in progress and there has been no truth testing of any science assumptions within the catchment so all calculations are best guesses. How will Council defend compliance notices for such figures?

Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 27: 5 Submission Type: Oppose
Submitter: Gro2 Ltd
Submission Summary: We have been told that the target to achieve a TLI of 4.2 is a sustainable load of 435t of N. The TLI has already been achieved with a load of 658 ton of N. The tolerance for nitrogen has been set low.
Decision Sought: What is needed is independent, peer reviewed science.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 7 - 15 Submission Type: Support
Further Submitter: Alistair and Sarah Coatsworth
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 8 - 17 Submission Type: Support
Further Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 27: 7 Submission Type: Oppose
Submitter: Gro2 Ltd
Submission Summary: The lake is telling everyone that it is phosphate limiting. Phosphate can be controlled. There are tools in the toolbox to work with phosphate, with nitrogen there will be tools in the future but right now there are none.
Decision Sought: What is needed is independent, peer reviewed science.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 7 - 17 Submission Type: Support
Further Submitter: Alistair and Sarah Coatsworth
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 8 - 18 Submission Type: Support
Further Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 30: 9 Submission Type: Support in Part
 Submitter: Fish & Game New Zealand (Eastern Region Fish and Game Council)
 Submission Summary: Fish and Game take on board the expert advice provided by the Regional Council. Fish and Game seek a fair and equitable nutrient reduction approach that will reduce nutrient inputs while permitting farming activities to remain financially and environmentally viable.
 Decision Sought: Not specified.

Staff Recommendations: Accept

Further Submission(s)

Further Submission No: 8 - 58 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: For the reasons given in the original submission.
 Decision Sought: As above

Staff Recommendation: Accept

Further Submission No: 12 - 39 Submission Type: Support
 Further Submitter: Federated Farmers of New Zealand
 Submission Summary: For the reasons given in the original submission.
 - Acknowledgement of progress made across sectors (which should include drystock).
 - Acknowledgement of the difference in slope, soil type and productivity across the catchment.
 - Acknowledgement of the agricultural assistance and advice from BOPRC.
 - Endorsement of buying back sensitive land parcels for retirement.
 - Recommending a fair and equitable nutrient reduction approach.
 Decision Sought: Resourcing and coordination of sub-catchment action plans, aligned to a wider scope for the Incentives Fund

Staff Recommendation: Reject

Submission Number: 33: 6 Submission Type: Oppose
 Submitter: Utuhina Valley Farm
 Submission Summary: Recent science suggests that phosphorous should be included as part of the Nutrient reduction plan. More science needs to be done in this area.
 Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 35: 1 Submission Type: Oppose
 Submitter: Rotorua Chamber of Commerce
 Submission Summary: The Rotorua Chamber of Commerce agrees that the outcome of providing clean water in our lakes is a must. We are concerned of the effects that these rules could have on our business economy.
 Decision Sought: We urge BoPRC to consider options that will deliver a win/win situation. We ask BoPRC to form meaningful partnerships between the business community, RLC and Iwi.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 8 - 57 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Urge BOPRC to consider win-win options through meaningful partnerships, for example

resourcing and coordination of sub-catchment action plans, aligned to a wider scope of the Incentive Fund.

Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 12 - 35 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

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

Decision Sought: Resourcing and coordination of sub-catchment action plans, aligned to a wider scope for the Incentives Fund.

Staff Recommendation: Reject

Submission Number: 37: 6 Submission Type: Oppose

Submitter: Ngati Whakaue Tribal Lands Incorporation

Submission Summary: The NPS-FW job has not yet been done for Lake Rotorua and Council need to confirm that it will be done as part of the Rotorua Lakes WMA scheduled from 2020.

Decision Sought: Object to S32 without further work.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 7 - 28 Submission Type: Support

Further Submitter: Alistair and Sarah Coatsworth

Submission Summary: For the reasons given in the original submission. It is essential that the whole community living in Rotorua today have the opportunity to state what their values and objectives are for their community.

Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 8 - 31 Submission Type: Support

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: For the reasons given in the original submission. It is essential that the whole community living in Rotorua today have the opportunity to state what their values and objectives are for their community and for their lands and water.

Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 39: 1 Submission Type: Oppose

Submitter: Eileen Campbell

Submission Summary: I am opposed to plan change 10. The whole of the Rotorua community will feel the effects of the proposed rules but this is not well known. The information keeps changing, everything appears to be unproven.

We are told 435t on N is a sustainable load for the TLI target of 4.2 but this target has been reached with the current N load.

Independent peer reviewed science is needed and a recalculation of the sustainable load target.

Decision Sought: Independent peer reviewed science is needed and a recalculation of the sustainable load target.

Staff Recommendations: Reject

Submission Number: 48: 29 Submission Type: Oppose

Submitter: Parekarangi Trust

Submission Summary: Plan change 10, the RPS and all other previous documents including the Lakes Rotorua and Rotoiti action plan produced by BoPRC have categorically failed to address the economic and cultural wellbeing of the community.
There is no consideration to the cultural wellbeing of the community other than water quality.

Decision Sought: Not specified.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 7 - 4 Submission Type: Support

Further Submitter: Alistair and Sarah Coatsworth

Submission Summary: For the reasons given in the original submission. There has been no analysis of the effects of the rules on individual farm business nor acknowledgement of existing investments. Decisions report on the RPS recorded that cost-benefit analysis was at a 'conceptual' level and that PC10 s32 report records that it is intended as a 'record of the policy journey' not a rigorous cost-benefit analysis.

Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 8 - 4 Submission Type: Support

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: For the reasons given in the original submission. There has been no analysis of the effects of the rules on individual farm business nor acknowledgement of existing investments. The Decisions report on the RPS recorded that the cost-benefit analysis was at a 'conceptual' level. The PC10 s32 report records that it is intended as a 'record of the policy journey' not a rigorous cost-benefit analysis of options.

Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 49: 2 Submission Type: Oppose

Submitter: CNI Iwi Land Management Ltd

Submission Summary: Appendix 4 to the section 32 report evaluates the economic benefits of the proposed regime but has no sensitivity analysis on changes to milk solid price or IRR.

Decision Sought: Revise the approach to allocation, replace it with one that uses the approach of matching land use to natural capital.
Identify in the plan the route to making this transition from present use to natural capital.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 8 - 48 Submission Type: Oppose

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: LUC or Natural Capital was found at StAG to be completely unsuitable to the particular circumstances pertaining to this region.
It is untenable to support LUC once the reality of it in Rotorua is understood and if land in Rotorua were designated along these lines it would be a full-scale attack on existing land uses and property rights.
LUC is not appropriate for Rotorua as a method to reallocate land use but could be a way forward in the future for directing any future development of land in the catchment.

Decision Sought: As above

Staff Recommendation: Accept in Part

Submission Number:	49: 5	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	<p>A review of the intent of Rule 11 and how efficient and effective it has been highlighted it creates inequity in the primary production development potential that is available for undeveloped or under-developed land compared with established intensively farmed properties.</p> <p>To address the inequities created by Rule 11 re-visit the aspect of Rule 11 which ties permitted land use to recent productive use. This plan change does not address that fundamental inequity initiated by Rule 11.</p>		
Decision Sought:	Revise the approach to allocation, to zero-base the discussion, rather than building policy and a rule set on the inequitable foundation put in place by Rule 11.		

Staff Recommendations:	Reject
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Submission Number:	49: 6	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	<p>It is also not clear in the Section 32 report how Part 2 matters and s8 were fully considered, and thus the recent rulings in the Waitangi Tribunal (2012) that economically, Maori have the right to the development of their interests. The present rule regime reconfirms and locks in the existing land uses resource grab in the form of pollution "rights", in a manner contrary to recent Waitangi Tribunal rulings.</p> <p>The section 32 report considers the effect of the rules on underdeveloped Maori Land (only the in the context of Te Ture Whenua Land, not settlement returned land). It does not do a zero-based effects assessment. It only does a comparative assessment on the previous Rule 11 regime.</p> <p>It notes that there are opportunities to explore innovative land use on Maori land, supported by the gorse conversion and incentives programme.</p> <p>It is not clear how this applies to CNIs holdings, as plantation forestry has the lowest possible leaching capability of 2.5kg/Ha N. And the rule structure would make any upwards change from this a non-complying activity.</p>		
Decision Sought:	Revise the approach to allocation, to zero-base the discussion, rather than building policy and a rule set on the inequitable foundation put in place by Rule 11.		

Staff Recommendations:	Reject
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Submission Number:	49: 98	Submission Type:	Oppose
Submitter:	CNI Iwi Land Management Ltd		
Submission Summary:	Tax/charge was covered very sketchily. The only analysis being two reports, one from 1999, the other a 2011 OECD report.		
Decision Sought:	Revise the approach to allocation and replace it with one that uses the approach of matching land use to natural capital.		

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No:	8 - 54	Submission Type:	Oppose
Further Submitter:	Lake Rotorua Primary Producers Collective		
Submission Summary:	<p>LUC or Natural Capital was found at StAG to be completely unsuitable to the particular circumstances pertaining to this region.</p> <p>It is untenable to support LUC once the reality of it in Rotorua is understood and if land in Rotorua were designated along these lines it would be a full-scale attack on existing land uses and property rights.</p> <p>LUC is not appropriate for Rotorua as a method to reallocate land use but could be a way forward in the future for directing any future development of land in the catchment.</p>		
Decision Sought:	As above		

Staff Recommendation:	Accept in Part
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Submission Number: 49: 99 Submission Type: Oppose
 Submitter: CNI Iwi Land Management Ltd
 Submission Summary: Section 11.7 of the section 32 report identifies several alternative options that were discarded after little consideration.
 Decision Sought: Revise the approach to allocation and replace it with one that uses the approach of matching land use to natural capital.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 8 - 55 Submission Type: Oppose
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: LUC or Natural Capital was found at StAG to be completely unsuitable to the particular circumstances pertaining to this region. It is untenable to support LUC once the reality of it in Rotorua is understood and if land in Rotorua were designated along these lines it would be a full-scale attack on existing land uses and property rights. LUC is not appropriate for Rotorua as a method to reallocate land use but could be a way forward in the future for directing any future development of land in the catchment.
 Decision Sought: As above

Staff Recommendation: Accept in Part

Submission Number: 53: 2 Submission Type: Oppose
 Submitter: Lachlan McKenzie
 Submission Summary: The lake stratifies during warm still weather. At each stratification event there is potential for the bottom waters to become anaerobic. Each time the waters become anaerobic there are chemical reactions with the sediment that releases both Nitrogen and Phosphorus into the bottom waters. When the lake waters mix again these nutrients become available for algae growth. But the process of de-oxygenation is manageable. There are also numerous examples of lakes where oxygenation of deep cooler waters has made significant improvements in water quality.
 Decision Sought: 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.

Staff Recommendations: Reject

Submission Number: 53: 3 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.

Staff Recommendations: Reject

Submission Number: 53: 4 Submission Type: Oppose
 Submitter: Lachlan McKenzie
 Submission Summary: The proposed rules in PC10 are designed to force land use change from highly productive food production to low N loss land use. The most common recommendation for such land use is pine trees. But current research show that the phosphorus loss per ha over the first five years' post-harvest of pines equates to a life cycle P-loss that is greater than a well-managed pasture. If there are significant areas planted in pines but there will be no reduction in P loss from this area. There are significant risks to such a strategy.

Decision Sought: - To carry out both these reviews before implementing any land use/change rules.
 - An independent science analyses be carried out to understand the implications of Phosphorus Vs Nitrogen limited lake and communicate to affected stakeholders.
 - An independent review of the implications to the lake of significant land use change to pine trees having regard to N:P ratio.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 7 - 26 Submission Type: Support
 Further Submitter: Alistair and Sarah Coatsworth
 Submission Summary: Forestry will deliver huge quantities of P to the lake at harvest and up until canopy cover is established (5 years or more) that will significantly alter the N:P ratio and in fact encourage algae growth in the lake waters. You could end up having to dose the lake with Nitrogen.
 Decision Sought: As above

Staff Recommendation:	Reject
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Further Submission No: 8 - 30 Submission Type: Support
 Further Submitter: Lake Rotorua Primary Producers Collective
 Submission Summary: Forestry will deliver huge quantities of P to the lake at harvest and up until canopy cover is established (5 years or more) that will significantly alter the N:P ratio and in fact encourage algae growth in the lake waters.
 Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 53: 6 Submission Type: Oppose
 Submitter: Lachlan McKenzie
 Submission Summary: The biggest single source of P is the internal load. As there are cost effective and efficient methods available to reduce the internal loads of P and N it is important that they are investigated and reported to stakeholders openly and transparently.
 Decision Sought: Carry out a full section 32 of RMA analysis of the effectiveness and efficiency of all the options to reduce Phosphorus Vs Nitrogen loading in the lake before implementing land use change rules.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 5 - 4 Submission Type: Support in Part
 Further Submitter: Astrid Coker
 Submission Summary: The internal cycling and deposits of N and P are fuelling the algal blooms and perpetuation of organic matter within the lake bed.
 Decision Sought: A thorough and transparent evaluation of alternative methodologies and options to find the most cost effective solution for handling the sediment and internal load of N and P.

Staff Recommendation:	Reject
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Submission Number: 53: 7 Submission Type: Oppose
 Submitter: Lachlan McKenzie
 Submission Summary: There are significant loses of N out of soil water. Attenuation can vary from 29% up to 75%. Subsequent versions of OVERSEER® (Version 6.2) have indicated almost twice as much N leaving the farming area but loads to the lake are of the same magnitude therefore there is attenuation. There is scope to improve attenuation (denitrification) so the amount of N reaching receiving waters can be significantly reduced without having to change land use. Work also shows that different catchments will have different loadings to the lake from the same or similar land activities.
 Decision Sought: That the implementation of the proposed rules be deferred until a review of all options to enhance catchment Nitrogen attenuation, what areas and sub-catchments are more responsive to such actions (these results can feed into s32). Each sub catchment needs its own catchment action plan drawn up

and managed by stakeholders within the catchment.

Staff Recommendations: Reject

Submission Number: 53: 8 Submission Type: Oppose

Submitter: Lachlan McKenzie

Submission Summary: The economic reports did not include the effect of debt on individual families. The models worked at the Effective Farm Surplus (EFS) level. The Doole report included Nitrogen trading as a means of continuing to farm yet the rules forbid trading until after at least 2022. The effect of only looking at EFS is to significantly reduce the perceived impact to our community. My analysis of significantly reducing N losses on our pastoral systems is that there is an ever increasing reduction in profit. The synthetic farm models going into the Doole Parsons report and hence the ME report underestimate the real impact on individual farms.

Decision Sought: That a true economic impact analysis of the proposed rules be carried out using real farmer's data, farm systems, incorporating debt servicing and personal drawings. That the economic report analyses and explains the marginal changes to profit from each level of reduction in Nitrogen using real individual farm systems from the catchment. Not average models.

Staff Recommendations: Reject

Submission Number: 53: 9 Submission Type: Oppose

Submitter: Lachlan McKenzie

Submission Summary: The rules focus on N reduction with the focus on changing land use. There has been limited open and constructive dialogue about options. Ideas that need to be looked at constructively include; Nutrient harvesting, to oxygenate bottom lake waters, Siphon to take water outflow from lake water below thermocline during summer, Detention bunds and Enhanced wetlands. These suggestions reduce both N and P loads in the lake and are likely more efficient and effective than land use change.

Decision Sought: That a full list of catchment mitigation options with a cost and efficiency analyses be published. That an independent review be undertaken of the effectiveness and efficiency of all mitigation options along the source-transport-sink pathway. These reports be fully disclosed to affected stakeholders to empower them to make the right decisions at each sub catchment level.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 6 - 69 Submission Type: Support

Further Submitter: CNI Iwi Land Management Ltd

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

Decision Sought: As above

Staff Recommendation: Reject

Further Submission No: 8 - 60 Submission Type: Support

Further Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: For the reasons given in the original submission and that the reports be fully disclosed to the Rotorua Community.

Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 54: 1 Submission Type: Oppose in Part

Submitter: The Maori Trustee

Submission Summary: The Maori Trustee have had an opportunity to work with the Regional Council and representatives of the Te Arawa Primary Sector group in respect of commissioning a report on the impacts of the Plan Change on underutilised Maori Freehold land. The findings of this report were not available to the drafters of the Plan Change.

Decision Sought: This is new information that the Maori Trustee considers should be factored into the Plan Change. Ensure that it does not impede or negate future use and development of underutilised Maori Freehold land within the catchment, consistent with Government policy as being introduced by Te Ture Whenua Maori Bill reforms currently before Parliament for considerations; and seeks either:
 (i) an exemption to the Plan Change rules for owners of underutilised Maori Freehold land (for example, by way of voluntary participation); and/or
 (ii) the establishment of a specific fund to assist owners of underutilised Maori Freehold land to purchase nitrogen discharge allowance credits to enable land intensification and development for underutilised Maori Freehold land in the future.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 6 - 71 Submission Type: Support

Further Submitter: CNI Iwi Land Management Ltd

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

Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 54: 2 Submission Type: Oppose

Submitter: The Maori Trustee

Submission Summary: The Provisional Report includes a useful analytical tool for analyzing the impacts of the Rules. The Maori Trustee has considered the Provisional Report and is disappointed that the findings indicate that the Plan Change will:
 -effectively penalise owners of Maori land for their historically low contribution
 -unfairly favour landowners that have had the advantage of developing and utilising their land to its full economic potential;
 -be prohibitive to Maori owners to change land use or intensify current land use.
 -impede/negate future use and development of underutilised Maori land within the catchment, contrary to Government policy as being introduced
 -will necessarily force Maori land currently under lease to continue to be leased.
 The Maori Trustee is concerned that the Plan Change will encourage Maori landowners to convert land to land use that is less than its highest and best use on the basis of the fiscal impacts the Plan Change will have on conversion rates.

Decision Sought: This is new information that the Maori Trustee considers should be factored into the Plan Change. Ensure that it does not impede or negate future use and development of underutilised Maori Freehold land within the catchment, consistent with Government policy as being introduced by Te Ture Whenua Maori Bill reforms currently before Parliament for considerations; and Seeks either:
 (i) an exemption to the Plan Change rules for owners of underutilised Maori Freehold land (for example, by way of voluntary participation); and/or
 (ii) the establishment of a specific fund to assist owners of underutilised Maori Freehold land to purchase nitrogen discharge allowance credits to enable land intensification and development for underutilised Maori Freehold land in the future.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 6 - 68 Submission Type: Support

Further Submitter: CNI Iwi Land Management Ltd

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

Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 55: 5 Submission Type: Oppose

Submitter: NZ Deer Farmer's Association

Submission Summary: Little has been done in the process to develop ideas for growth or share knowledge of farms that have successfully made positive changes to farm management systems.

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 58: 33 Submission Type: Oppose

Submitter: Max Douglas

Submission Summary: The proposed rules and options I've presented need more work done to consider them.

Decision Sought: Debt Level: where a property passes due diligence checks and falls into a category (or range of categories) that indicate debt levels are high, do they need special consideration? In the case where they are new to the catchment they haven't contributed to the pollution for as long, but they are likely the most effected by reductions in profit - is that really fair?

Staff Recommendations: Reject

Submission Number: 58: 34 Submission Type: Oppose in Part

Submitter: Max Douglas

Submission Summary: The proposed rules and options I've presented need more work done to consider them.

Decision Sought: Maori Land: In some of the proposed changes I have put forward, there are models for non-zero NDA to conservation land. The idea behind the numbers given is that there is a family unit behind that land. In the models that give a diminishing NDA based on the size of the block, this would disadvantage large blocks owned by iwi representing many family units. The numbers should change for these blocks. But how?

Staff Recommendations: Reject

Submission Number: 59: 4 Submission Type: Oppose

Submitter: Northdale Holdings Ltd

Submission Summary: The removal of alum dosing must be renewed and it should be a long-term solution but controlled. It has improved the lakes TLI.

Decision Sought: The removal of alum dosing must be renewed.

Staff Recommendations: Reject

Submission Number: 66: 2 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: The Collective request full disclosure of the analysis of all other options beside that of the rules framework that have been explored to enable a reduction in nutrients to the lake. If this has not been done then we request that it be part of the science review in 2017. The effects of the rules will be irreversible for much of the land around Rotorua so when it transpires that the figures were wrong or there was another way to restore the lake that had less social & economic consequences, it would be dishonourable for Councillors to have not considered all the options, prior to the rules being implemented.

Decision Sought: That a comparative feasibility and effectiveness analysis of all nutrient mitigation tools & process's available internationally and domestically be published.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 12 - 36 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: A more comprehensive analysis of options and timeframes to account for inter-generational change is required.
Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 66: 4 Submission Type: Oppose
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: It is really important that the principles of the Council's own Policy statement are taken into account and are applied when considering the impacts of the rules and the flow-on effects to the wider community. The Collective suggests that restoration of Lake Rotorua is a whole-of-community challenge. The RPS is clear that if the lake requires further nutrient reductions to remedy the legacy issues so that the lake can meet the community values and objectives then this carries public benefit and should be funded accordingly.
Decision Sought: That all the principles, policies and methods of the RPS are applied in assessing the economic impacts on individuals and community of the integrated framework.

Staff Recommendations:	Reject
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Submission Number: 66: 14 Submission Type: Oppose
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: The time frame that has been set (15 years) to restore the lake is not fair or equitable to current land owners nor does it take account of the intergenerational principle given that the current water quality issues were mostly created by decisions of past community leaders. It is interesting to note that the Waikato Regional Council has decided to allow 80 years for restoration of the Waikato catchment as they feel it took that long to degrade it.
Decision Sought: That the principle of shared intergenerational equity be paramount in considering the impact of PC 10 policies and rules on the Rotorua community within the time lines established by the RPS that Council chose to use.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 12 - 37 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 66: 15 Submission Type: Oppose
Submitter: Lake Rotorua Primary Producers Collective
Submission Summary: It has been stated that there is no attenuation of Nitrogen between the root zone and the lake, and development of PC10 has been carried out on this assumption. OVERSEER® version 6.2 has proved this assumption to be wrong. During development of PC10 it has been assumed that the only way to achieve the N load target was to control Nitrogen at source. We can now expand the catchment tool kit to include enhancing attenuation of N along the transport pathways to the lake.
Decision Sought: That Council acknowledge that effects of new understandings on attenuation now allow for consideration of further management of nutrients along the transport pathways to the lake.

Staff Recommendations:	Reject
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Submission Number: 66: 16 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Rutherfords Rotan review in 2003 found an increasing trend in baseflow nitrate concentration in eight of the nine major streams from 1968-2002 and suggested that nitrate generated from land clearance 30-70 years ago might be finding its way into streams from deep ground water. It is on the basis of this report and others that the Collective supports the establishment of sub-catchment community groups that are charged with establishing the four aspects he recommends.

Decision Sought: That the gaps in science economics and land use knowledge flagged by contractors commissioned to write reports tabled to Council are identified & collated.

Staff Recommendations:	Reject
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Submission Number: 66: 20 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: We note that the Decisions Report on the RPS recorded that the cost-benefit analysis was at a "conceptual" level; and that the PC10 S32 report records that it is intended as a "record of the policy journey" and not as a rigorous cost-benefit analysis of options. The section 32 only gave a summary. We are concerned that the full social, cultural, economic and risk effects of the proposed rules have not been investigated or quantified nor advised to the community that will be the most affected.

Decision Sought: We ask how this position is consistent with the policies & rules that Council has notified in PC 10? It is our view that the science review or a more complete section 32 should also include an appropriate focus on the economics as well as physical sciences and that this is used to inform policy.

Staff Recommendations:	Reject
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Submission Number: 66: 21 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: The community want to know what potential impact lower property valuations and lower productivity will have on their community. The farmer solutions project report estimates the cost to pastoral farmers of the new rules to be over \$88 million not taking account of loss of capital & not factoring in debt and interest. This fact cannot be ignored.

Decision Sought: Quantify the economic cost to small business the community and individual farmers. The economic impacts on individual properties should be fully understood as per section 85 of the RMA.

Staff Recommendations:	Reject
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Submission Number: 66: 23 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: The economic analyses shows that there is not a straight line relationship between N loss reduction and profit and the correlation varies on every farm. Of the farms modelled what is consistent is that there is an ever increasing rate of profit loss per percentage of Nitrogen reduction.

Decision Sought: That the economic impacts of individual properties is fully understood as per s85 of RMA before implementation of PC10.

Staff Recommendations:	Reject
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Submission Number: 66: 37 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Council have often stated that agricultural land use has intensified over recent decades. They have not offered any proof to substantiate this claim.

Decision Sought: Council produce a comparative analysis of change in land uses from 1990 until current day for the Lake Rotorua Catchment that shows the difference in land use and stock numbers to inform the land use load to the lake.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 12 - 38 Submission Type: Support

Further Submitter: Federated Farmers of New Zealand

Submission Summary: It is our understanding that in the 20 years from 1994-2013, the catchment has experienced a significant net loss in stock numbers, in total a decrease of over 500,000 or 30% including:
 - beef cattle down 72,000; dairy cattle up 22,000
 - beef calves down 22,000; dairy cows up 10,000
 - deer down 43,000
 - pigs down 12,000
 - horses down 600
 - sheep down 300,000; lambs down 160,000
 It is also our understanding that in the period 1990-2012, 1600ha of productive grassland were lost from the catchment, mostly to forestry.

Decision Sought: Not specified.

Staff Recommendation:	Comment Noted
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Submission Number: 66: 39 Submission Type: Oppose

Submitter: Lake Rotorua Primary Producers Collective

Submission Summary: Rutherfords Rotan review in 2003 found an increasing trend in baseflow nitrate concentration in eight of the nine major streams from 1968-2002 and suggested that nitrate generated from land clearance 30-70 years ago might be finding its way into streams from deep ground water. It is on the basis of this report and others that the Collective supports the establishment of sub-catchment community groups.

Decision Sought: There are gaps in the understanding of how groundwater behaves. BOPRC needs to clearly communicate what the science gaps are and what the strategy is for addressing them.

Staff Recommendations:	Reject
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Submission Number: 70: 1 Submission Type: Oppose

Submitter: The Fertiliser Association of New Zealand

Submission Summary: 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.

Decision Sought: Not specified.

Staff Recommendations:	Reject
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Further Submission(s)

Further Submission No: 7 - 3 Submission Type: Support

Further Submitter: Alistair and Sarah Coatsworth

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

Decision Sought: As above

Staff Recommendation:	Reject
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Further Submission No: 8 - 3 Submission Type: Support

Further Submitter: Lake Rotorua Primary Producers Collective

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

Decision Sought: As above

Staff Recommendation:	Reject
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Submission Number: 72: 2 Submission Type: Oppose
Submitter: Rotorua District Residents and Ratepayers
Submission Summary: Policy and practices should be informed by best current science and the TORs which need to have high legitimacy with stakeholders, a comprehensive evaluation of policy options and consequences is both wise and required, the development of S&LCMGs will deliver both remediation and capacity building.
Decision Sought: Suspend implementation of PC10 subject to an independent science review, commissioned economic, social, cultural and environmental impact assessment, including a Section 32 RMA impact assessment, empower Stream and Land Care Management Groups (S&LCMGs) with science about 'hot spots'.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 12 - 43 Submission Type: Support
Further Submitter: Federated Farmers of New Zealand
Submission Summary: For the reasons given in the original submission.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 74: 4 Submission Type: Oppose
Submitter: Deer Industry New Zealand
Submission Summary: The new rules proposal suggests a 20% reduction for drystock and a 30% reduction for dairy. This 20% / 30% differential between sectors does not reflect the actual economic difficulty faced by the different sectors to meet this target.
Decision Sought: We suggest a robust study of the economic impacts of any proposal so everyone fully understands how this will affect the whole Rotorua community.

Staff Recommendations: Reject

Submission Number: 74: 7 Submission Type: Oppose
Submitter: Deer Industry New Zealand
Submission Summary: Little has been done in the process to develop ideas for growth.
Decision Sought: A study of what we produce and what we consume in the catchment could reveal opportunity.

Staff Recommendations: Reject

Submission Number: 74: 8 Submission Type: Oppose in Part
Submitter: Deer Industry New Zealand
Submission Summary: DINZ notes that the Perrin Ag Consultants report only considers a deer breeding/finishing farm system and recommends further analyses on another deer farm system.
Decision Sought: Further analyses on another deer farm system is completed.

Staff Recommendations: Reject

Submission Number: 75: 13 Submission Type: Oppose
Submitter: Federated Farmers of New Zealand
Submission Summary: To date, the economic analyses commissioned have focused on macro-economic impacts. Assessing the micro-economic effects on specific properties requires firstly, a reliable and agreed benchmark; everyone has a reliable and agreed target; and that everyone is able to second-guess the costs and management implications of achieving the 2032 target.
Decision Sought: It is time to stop and "join the dots" before re-charting our way forward.

Staff Recommendations: Reject

Submission Number: 75: 34 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: The s32 report contains material errors and omissions.
 1.1 "The purpose is to reduce N losses from rural land to meet the N limit set by the RPS"
 - The purpose is to meet the RWLP TLI objective
 - We direct Council to LTAG minutes of 26/11/2014 clarifying that TLIs are negotiable as part of RWLP reviews
 - The RPS is a superior document; nevertheless the N target is subordinate to the RWLP objective and is in fact designed to support it.

Decision Sought: These errors and omissions need to be tabled for explicit discussion as part of this PC10 process. We request Councils clarification as to whether the RPS N target means a "limit" set in accordance with the NPS-FW 2014.

Staff Recommendations: Reject

Submission Number: 75: 35 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: The s32 report is important context and material to relief sought. It contains material errors and omissions.
 1.2 "The why has already been worked through at the RPS level. Therefore the s32 focusses on the how"

Decision Sought: These errors and omissions need to be tabled for explicit discussion as part of this PC10 process.
 - We request Councils clarification as to whether this gives effect to the RWLP requirements in respect of plan reviews
 - We request Councils clarification as to whether this gives effect to NPS-FW 2014.

Staff Recommendations: Reject

Submission Number: 75: 36 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: 1.3 'Key Background reports'

Decision Sought: We recommend the following be added:
 - MfE 2003 "Review of short-term management options"
 - MDL 2004 "Government Funding of lakes Restoration"
 - NIWA 2008 'Storm Nutrient loads'
 - Beca 2011 'Intervention Packages'
 - ESR 2012 "Analysis of water quality trends"
 - ERI 2015 "Phosphorous loads to Lake Rotorua"

Staff Recommendations: Reject

Submission Number: 75: 37 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: 4.1 "The best available science indicates that the sustainable limit for N is 435t/ha and the current amount of N is around 755t" At best this statement is out of date.

Decision Sought: Recommend the issue statement be updated prior to the hearing.

Staff Recommendations: Reject

Submission Number: 75: 38 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: 4.2.3 'The RPS directs managed reduction by way of rules'
 - This is not correct
 - The RPS decisions version was amended to read "including by way of rules"

Decision Sought: These errors and omissions need to be tabled for explicit discussion as part of this PC10 process.

Staff Recommendations: Reject

Submission Number:	75: 39	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	6.5.6 "All future communications will tell the whole story of what is and has been done to put the regulatory component in context" - We agree on the importance of the whole story - PC10 and the s32 report omitted material chapters - Our submission is intended to fill some of those gaps.		
Decision Sought:	These errors and omissions need to be tabled for explicit discussion as part of this PC10 process.		
Staff Recommendations:	Reject		
Submission Number:	75: 41	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	9.2.1 'Assumptions made: assumes that this shift to a low N farming economy is economically viable'.		
Decision Sought:	We request clarification from Council as to the extent to which this assumption is in accord with advice from your Technical Advisory Groups We request clarification of any advice from those groups on timelines for the shift.		
Staff Recommendations:	Reject		
Submission Number:	75: 42	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	9.4.1 "Six taonga species – koaro, koura, tuna, kakahi, inanga, morihana" Mention of indigenous fish is fleetingly made on pg 67.		
Decision Sought:	We request Councils clarification as to the extent to which this is intended to meet NPS-FW requirements for safeguarding indigenous species.		
Staff Recommendations:	Reject		
Submission Number:	75: 43	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	9.4.2 "There is little confidence that P reductions can be achieved to allow any consideration of relaxing the N target".		
Decision Sought:	We request clarification from Council as to the extent to which this assumption is in accord with advice from your Technical Advisory Groups.		
Staff Recommendations:	Reject		
Submission Number:	75: 44	Submission Type:	Oppose in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	10.10.2, footnote 65 "figures are based on OVERSEER® 5.4 values, which have been updated in the version used for allocation" - This is a very large matter to be tucked into a footnote - Unless and until such time as the RPS target is re-assessed in OVERSEER® 6.2, PC10 cannot sensibly use either version 5.4 values or version 6.2 values.		
Decision Sought:	Not specified.		
Staff Recommendations:	Reject		
Submission Number:	75: 45	Submission Type:	Support in Part
Submitter:	Federated Farmers of New Zealand		
Submission Summary:	10.2.4 "Some options were eliminated as not suitable. A key consideration was retaining flexibility for farmers to manage the adjustment to a low N leaching farming system, without the Council telling farmers how to farm. There was also a desire to encourage innovation within the pastoral sector" - We strongly endorse this point.		

Decision Sought: We request Councils clarification of the extent to which this position is consistent with the PC10 rules as notified.

Staff Recommendations: Reject

Submission Number: 75: 46 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: 10.5.2 "Properties not demonstrating managed reduction will be non-complying. This activity class was recently tested in the Environment Court where the judge supported it".

Decision Sought: We request the reference for that case.

Staff Recommendations: Reject

Submission Number: 75: 47 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: 11.1 "The N limit was first identified in 1986, and has been re-assessed and confirmed three times".

Decision Sought: We request a link to the 1986 paper. We request that Council direct us to the specific reports and specific sections in those reports, where the N target was re-assessed and re-confirmed.

Staff Recommendations: Reject

Submission Number: 75: 48 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: 11.2.1 "The sooner changes are made, the sooner the results will be seen".

Decision Sought: We request Councils clarification of timelines to achieve "the results" (how soon is soon).

Staff Recommendations: Reject

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

Submitter: Federated Farmers of New Zealand

Submission Summary: 11.2.1 "The timeframe of 15 years proposed in the rules is a relatively long period of time to address a current issue".

Decision Sought: We request that Council provide documentation of the decision-making which rejected recommendations for inter-generational change over 25-50 years, in favour of 15 years.

Staff Recommendations: Reject

Submission Number: 75: 50 Submission Type: Oppose

Submitter: Federated Farmers of New Zealand

Submission Summary: 11.7.1 "Prescriptive input-based regulation: this option would not be effective in achieving the environmental target with certainty, and would not incentivise efficient resource use".

Decision Sought: We request Councils clarification of the extent to which this position is consistent with the PC10 rules as notified.

Staff Recommendations: Reject

Submission Number: 75: 51 Submission Type: Oppose in Part

Submitter: Federated Farmers of New Zealand

Submission Summary: 11.7.5 "Reliance on industry best practice: it is likely that this option would generate the best level of industry and farmer buy-in".

Decision Sought: We recommend Council relook at this statement – it should give significant pause for thought that it has been too lightly dismissed.

Staff Recommendations: Reject

Submission Number: 75: 52 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: 11.7.5; "Investigations found that 'GMP will not achieve reductions in catchments which are significantly over-allocated, such as Lake Rotorua"
 - Allocation status can only be determined with reference to NPS limits.
 - We agree that in catchments with significant legacy issues – such as Lake Rotorua – collective investments are required to put right the effects of earlier collective decisions. This is in fact our understanding of the rationale for the Funding Deed.
 Decision Sought: We request Council's clarification of whether the RPS N target is a limit which gives effect to the NPS-FW 2014.

Staff Recommendations:	Reject
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Submission Number: 75: 53 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Appendix 4: "The health and mauri of the people and of the water is a compulsory value in the NPS-FW 2014"
 Decision Sought: We request Councils clarification as to whether PC10 gives effect to those compulsory values in accordance with Policies CA1-4.

Staff Recommendations:	Reject
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Submission Number: 75: 54 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Appendix 4: "the rules will have varying impacts – those people whose livelihoods are tied to their properties may be most impacted. The impacts on profit are distributed unevenly across sectors, land uses and geophysical zones. Reduced profitability may make it difficult for farmers to service debt, and decreased land values associated with N restrictions may mean that for some farmers, debt will exceed equity".
 Decision Sought: We request Councils clarification of the extent to which these findings have been tested against RMA s85 tests against the unreasonable imposition of restrictions on private property.

Staff Recommendations:	Reject
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Submission Number: 75: 55 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Appendix 4; "As milk solids prices fall, the lost income from reducing N becomes less".
 Decision Sought: We seek Councils clarification of the extent to which this comment was material to decision-making.

Staff Recommendations:	Reject
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Submission Number: 75: 56 Submission Type: Oppose in Part
 Submitter: Federated Farmers of New Zealand
 Submission Summary: Appendix 4: "Reducing N discharges will generally be easier and cheaper where it can be achieved by farm management changes rather than land use change".
 Decision Sought: We request specific cost-benefit analysis prior to hearings on PC10.

Staff Recommendations:	Reject
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Submission Number: 75: 57 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Appendix 10; 'Implementation Costs – processing returns, checking OVERSEER® files, quality control on nitrogen management plans, monitoring and compliance"
- Total implementation costs are just under \$700,000
- 80% is for administration (5.5 positions)
- 20% is for action on the ground (2.4 land management officers)
Decision Sought: We recommend Council reverse the resourcing proportions.
We recommend Council invest a proportion in independent coordinators to facilitate the development of sub-catchment Action Plans, based on the successful Project Rerewhakaaitu model.

Staff Recommendations: Reject

Further Submission(s)

Further Submission No: 11 - 3 Submission Type: Support
Further Submitter: Deer Industry New Zealand
Submission Summary: For the reasons given in the original submission. The submitter implicitly recognises established good management practices, thereby acknowledging existing efforts by farmers. This is a better base from which to increase efforts to minimise off-farm environmental impacts. DINZ considers the submitters' requests are consistent with an over-arching Accord approach.
Decision Sought: As above

Staff Recommendation: Reject

Submission Number: 75: 58 Submission Type: Oppose in Part
Submitter: Federated Farmers of New Zealand
Submission Summary: Appendix 11; 'Response to feedback on the Draft s32".
Decision Sought: We request Councils clarification as to why the feedback provided jointly by Federated Farmers and the Primary Producers Collective on 7 August 2015 was not included.

Staff Recommendations: Reject

Submission Number: 78: 9 Submission Type: Oppose in Part
Submitter: Tony and Joanna Carr
Submission Summary: That the principals, policies and methods of the RPS are applied in assessing the economic impacts on individuals and community of the integrated framework.
Decision Sought: That the principals, policies and methods of the RPS are applied in assessing the economic impacts on individuals and community of the integrated framework.

Staff Recommendations: Reject

Submission Number: 81: 7 Submission Type: Oppose
Submitter: Jamie and Chris Paterson
Submission Summary: That the principals, policy's and methods of the RPS are applied in assessing the economic impacts on individuals and community of the integrated framework.
Decision Sought: That the principals, policy's and methods of the RPS are applied in assessing the economic impacts on individuals and community of the integrated framework.

Staff Recommendations: Reject

Submission Number: 83: 1 Submission Type: Oppose
Submitter: Bushlands Estate Limited and Adolle Farms Limited

Submission Summary: We oppose these rules as we do not believe that they will also ensure that the prosperous farming community which exists today will endure, and so we have grave concerns for the social, cultural and economic future of Rotorua if the rules are to proceed as they stand. The economic impact of these rules make it clear that some individual farmers will be destroyed and will be paying the price for a legacy of pollution into Lake Rotorua.

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 83: 2 Submission Type: Oppose

Submitter: Bushlands Estate Limited and Adolle Farms Limited

Submission Summary: Council have chosen to notify the rules as they stand, even though the lake is already at the target level required & there are legitimate concerns around the evidence, the science, the accuracy & enforcement of these rules.

Decision Sought: Not specified.

Staff Recommendations: Reject

Submission Number: 84: 9 Submission Type: Oppose

Submitter: Protect Rotorua

Submission Summary: The economic report appears to exclude relevant economic data from the region. Protect Rotorua is concerned that the report is incomplete and misrepresents the economic impact of the Draft Rules. Data regarding deer farms in the catchment has not been included in the economic modelling. It is critical that the regional council remedies the mistakes in the report.

Decision Sought: Not specified.

Staff Recommendations: Reject

Chapter: Consequential Changes to the RWLP

1204

Section: Consequential Changes to the RWLP

1204

Staff Recommendation

Additional reference to Map LR1 have been proposed to respond to the concerns raised by the submitter.

Staff Reason

47-6) The submitter has requested additional text be included to clarify that PPC10 does not apply to the urban area. PPC10 only applies to land that was used for rural production activities between 2001 and 2004. There are cases within the urban catchment where large reserves have been used for grazing, or residential land that has not yet been developed. If such activities continue to exist on these sections then PPC10 applies. Therefore a general exclusion of the urban area to plan change 10 does not uphold the intent of the RPS. Additional text has been included as suggested linking PPC10 to the groundwater catchment and Map LR1, but does not refer to rural areas to ensure all rural production activities (forestry, farming and horticulture), are covered by PPC10.

Submissions

Submission Number: 47: 6 Submission Type: Support in Part

Submitter: Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd

Submission Summary: Amendments are required throughout the document to ensure that provisions continue to apply to activities in urban areas of the Lake Rotorua groundwater catchment which are not captured by PC10.

Decision Sought: Redraft the amendments in the 'Consequential changes resulting from Proposed Plan Change 10 (Lake Rotorua Nutrient Management) to the Operative Bay of Plenty Regional Water and Land Plan' to recognise that the PC10 provisions only apply to particular rural areas within the Lake Rotorua groundwater catchment and to ensure that appropriate provisions are retained for activities within the Lake Rotorua groundwater catchment not captured by the provisions of PC10. Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to these submissions as a result of the matters raised.

Staff Recommendations: Accept

Section: Page 203 9.4 Discharges of Nitrogen or Phosphorus**Staff Recommendation**

Amend section 9.4.1 on page 203 of the RWLP to read:

1 This section applies to discharges of nitrogen and phosphorus from land use and discharge activities for all of the Rotorua Lakes catchments, excluding Lake Rotorua. The Lake Rotorua groundwater catchment as shown on Map LR1 is now covered, as a result of a Plan Change 10, in Part II LR and Part III LR of this Regional Plan.

Staff Reason

47-4) The submitter has requested additional text be included to clarify that PC10 does not apply to the urban area. PC10 only applies to land that was used for rural production activities between 2001 and 2004. There are cases within the urban catchment where reserves or residential land has been used for grazing. If such activities continue to exist on these sections then PC10 applies. Therefore a general exclusion of the urban area to plan change 10 does not uphold the intent of the RPS. Additional text has been included as suggested linking PC10 to the groundwater catchment and Map LR1, but does not refer to rural areas to ensure all rural production activities (forestry, farming and horticulture), are covered by PC10.

Submissions

Submission Number:	47: 4	Submission Type:	Support in Part
Submitter:	Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd		
Submission Summary:	It is understood that the provisions of PC10 are not intended to capture activities in urban areas. Consequential amendments proposed by Council are not appropriate as the changes do not recognise the limited application of the PC10 provisions. Any exclusions relating to the PC10 provisions should be specific to the mapped rural zones.		
Decision Sought:	Amend paragraph 9.4 '.....excluding identified rural areas of the Lake Rotorua groundwater catchment as shown on Map LR1 addressed . The Lake Rotorua groundwater catchment is now covered as a result of a Plan Change 10, in Part II LR and Part III LR of this Regional Plan. 2 References to Lake Rotorua, where no longer relevant have been struck as follows Lake Rotorua Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to these submissions as a result of the matters raised.		

Staff Recommendations: Accept

Section: Page 204 Table 36 - Rules in Rotorua Lakes**Staff Recommendation**

Amend title of table 36 to read 'Table 36 - Rules in Rotorua Lakes (excluding Lake Rotorua groundwater catchment as shown on Map LR1)'

Staff Reason

47-5) The submitter has requested additional text be included to clarify that PPC10 does not apply to the urban area. PPC10 only applies to land that was used for rural production activities between 2001 and 2004. There are cases within the urban catchment where large reserves have been used for grazing, or residential land that has not yet been developed. If such activities continue to exist on these sections then PPC10 applies. Therefore a general exclusion of the urban area to plan change 10 does not uphold the intent of the RPS. Additional text has been included as suggested linking PPC10 to the groundwater catchment and Map LR1, but does not refer to rural areas to ensure all rural production activities (forestry, farming and horticulture), are covered by PPC10.

Submissions

Submission Number:	47: 5	Submission Type:	Support in Part
Submitter:	Z Energy Limited, BP Oil NZ Ltd, Mobil Oil NZ Ltd		
Submission Summary:	It is understood that the provisions of PC10 are not intended to capture activities in urban areas.		
Decision Sought:	The title of Table 36 which should be amended as follows: Table 36 – Rules in Rotorua Lakes (excluding identified rural areas of the Lake Rotorua groundwater catchment as shown on Map LR1). Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to these submissions as a result of the matters raised.		

Staff Recommendations: Accept

