

Appendix B

70:13	The controlled activity rules require nitrogen management pathways to show from the outset how the Managed Reduction targets and 2032 Nitrogen Discharge Allowance will be met, however the mitigations required to achieve these targets will require an adaptive management approach. It should be recognised that economically viable mitigations to achieve 2032 Nitrogen Discharge Allowance are unlikely to be available from the outset.	Reject	I do not support the Officer's recommendation where it relates to restricted discretionary or discretionary activity status. Refer to paragraphs 60-70 of my evidence
70:10 and 70:12	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	Reject	I do not support the Officer's recommendation where it relates to restricted discretionary or discretionary activity status. Refer to paragraphs 60-70 of my evidence
70:19 and 70:20	Amend Policy LR P3 as follows: To recognise the balance between certainty and the use of best <u>available</u> 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) <u>as a starting point but with provision to update with new science;</u> b) the 755 tonne load to Lake Rotorua estimated by the ROTAN model in 2011 as the <u>starting</u> position from which nitrogen loss reductions will be determined <u>with provision for updated science;</u> c) <u>the most current version of OVERSEER@ 6.2.0</u> for nitrogen discharge allowance allocation purposes; and d) the pastoral sector reductions within the Integrated Framework approach.	Reject	Accept the Officer's recommendation in regard to (a) and (b) as those nitrogen loads cannot be changed without amending the RPS. I recommend that (c) should be replaced with: <u>the most current version of OVERSEER@ 6.2.0</u> for nitrogen discharge allowance allocation purposes. Unless Council have already set each property/farming enterprise's NDA, they will not be able to meet this policy directive as OVERSEER 6.2.0 has already been replaced with version 6.2.1.
70:25	Table LR 4 should sit outside the Plan Change as a reference document.	Reject.	Refer to paragraphs 23-37 of my evidence.
70:37	Either replace policy LR P12 entirely or amend as follows: To classify as <u>provide for</u> 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 <u>and provide for discretionary activity status where the Nitrogen Management Plan is not demonstrating managed reduction the achievement of Managed Reduction Targets and Nitrogen Discharge Allowances for the purpose of meeting sustainable lake nutrient loads by 2032.</u> Or similar.	Accept in part	I do not support the Officer's recommendation. Refer to paragraph 49 of my evidence.
70:38	Amend LR P13: To use <u>the most current version</u> of OVERSEER@ version 6.2.0 and subsequent versions to determine the nitrogen loss from land.	Reject	I do not support the Officer's recommendation. Refer to paragraphs 23 – 37 of my evidence.
70:43	Amend LR P16 to specify time frames on Non-Complying activity consents, for example 15 to 20 years, to provide land users with better certainty.	Accept in part	I reject the Officer's recommendation. As per FANZ original submission, 'less than 20 years' for a non-complying farming activity does not provide any clear direction to the land user. The following wording is suggested: Grant controlled activity consents for a duration of twenty years and non-complying activity consents, where granted, for durations less than <u>no longer</u> than 20 years.... While out of scope, I note that if there is a 'high' associated risk of not achieving the NDA, should the consent have been granted in the first place?
70:45	Provide more detail around why a consent would be declined based on the outcomes being sought, or delete Policy LR P17. Council could include the following: To decline the re-consenting of activities that have failed to achieve the required reductions in nitrogen loss <u>and are likely to contribute to the Lake Rotorua Water Quality objectives (RPS Objective 28, RWLP Objective 11) not being met,</u>	Accept in part	I reject the Officer's recommendation. I consider this to be a liberal interpretation of FANZ's submission. I suggest the following wording for clarity: Ensure the 2032 sustainable load of 435t/N/yr is met through only providing approval to non-complying farm/property enterprises farming activities <u>and/or bush/scrub and/or plantation forestry</u> where assessment has shown adverse effects to be minor and

			where farming activities and/or bush/scrub and/or plantation forestry is not contrary to objectives and policies within the Plan.
70:57	Amend LR R1(a): There is no increase in effective area, nitrogen inputs or stocking rates from (date of notification) that may contribute to an increase in the nitrogen loss onto, into or from land from (date of notification).	Reject	I do not support the Officer's recommendation for the reasons set out in paragraphs 39-47 of my evidence.
70:58	Amend LR R2 (c) as follows: There is no transfer of nitrogen loss entitlement either to or from the property/farming enterprise plantation forestry or bush /scrub area.	Reject	I do not support the officer's recommendation. Refer to paragraphs 50-52 of my evidence.
70:59	Insert restricted discretionary or discretionary criteria relevant to not complying with LR R2 in the Proposed Plan Change.	Reject	I do not support the officer's recommendation. Refer to paragraphs 60-70 of my evidence.
	Provide a definition for commercial cropping, commercial horticulture and commercial dairying		They missed FANZ's submission but did include definitions on the said terms.
70:63	Amend LR R4(c): (c) There is no increase in effective area, nitrogen inputs or stocking rates from (date of notification) that may contribute to an increase in the nitrogen loss beyond the level of nitrogen loss presented in Schedule LR Two, or as an alternative, no increase at any point in time of the stocking rates presented in Schedule LR Two which represent this level of nitrogen loss onto, into or from land from (date of notification).	Accept in part	I do not accept the officer's recommendation. Refer to paragraphs 39-47 of my evidence.
70:65	Amend LR R5(a): There is no increase in effective area, nitrogen inputs or stocking rates from (date of notification) that may contribute to an increase in the nitrogen loss onto, into or from land from (date of notification).	Reject	I do not accept the officer's recommendation. Refer to paragraphs 39-47 of my evidence.
70:67	Amend LR R6(b): There is no increase in effective area, nitrogen inputs or stocking rates from (date of notification) that may contribute to an increase in the nitrogen loss onto, into or from land from (date of notification).	Reject	I do not accept the officer's recommendation. Refer to paragraphs 39-47 of my evidence.
70:71 and 70:73	Amend LR R7 (a)(1) (a) 1., land use information Nutrient management plans, records must be submitted 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 the property/farming enterprise's stocking rates, nitrogen inputs and areas of land use (including fodder cropping, cultivated area and land clearance) remain the same or less than OVERSEER® file from (a) remains representative of the farm system.	Reject	I do not accept the officer's recommendation. Refer to paragraphs 53-57 of my evidence.
70:74 and 70:75	Amend Rule LR8 as follows: LR R8 Controlled – The use of land for farming activities on properties/farming enterprises less than 40 hectares in effective area or that were not previously managed by Rule 11 to 11F that do not meet permitted activity conditions The use of land for farming activities on properties/farming enterprises in the Lake Rotorua groundwater catchment where: ... 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 implementation of the Nitrogen Management Plan, implementation of the which is consistent with the Nitrogen Nutrient Management Plan. (iii) The requirement for written landowner approval of any proposed nitrogen loss mitigations to be undertaken on their land. (iv) The form of information and documentation to support the OVERSEER® file including data inputs and protocols...	Reject	Accept the officer's recommendation where it relates to LR R8(b). Accept the officer's recommendation in relation to LR R8(ii). I do not support the officer's recommendation in relation to LR R8(iii). Refer to paragraphs 58-59 of my evidence.
70:76, 7:78, 70:80 and 70:82	Amend LR Rule R9 as follows: LR R9 Controlled – From 1 July 2017, the use of land for farming activities on properties/farming enterprises that are 40 hectares or more in effective area The use of land for farming activities on properties/farming enterprises in the Lake Rotorua groundwater catchment where: ... 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, implementation of the which is consistent with the Nitrogen Nutrient Management Plan. 70:82 Accept in part (iii) The requirement for written landowner approval of any proposed nitrogen loss mitigations to be undertaken on their land. 70:80 Reject (iv) The form of information and documentation to support the OVERSEER® file, including data inputs and protocols...	Reject	Accept the officer's recommendation where it relates to LR R9(b). Accept the officer's recommendation in relation to LR R9(ii). I do not support the officer's recommendation in relation to LR R9(iii). Refer to paragraphs 58-59 of my evidence.

70:81, 70:83 and 70:84	Amend Rule LR10 as follows: LR R10 Controlled – From 1 July 2022, the transfer of nitrogen loss entitlements between properties/farming enterprises The transfer of nitrogen loss entitlements (Nitrogen Discharge Allowance or Managed Reduction Offset) between properties/farming enterprises in the Lake Rotorua groundwater catchment that occurs after 1 July 2022 is a controlled activity subject to the following conditions:… 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, implementation of the <u>which is consistent with the Nitrogen Nutrient Management Plan.</u> 70:82 Accept in part (iii) The requirement for written landowner approval of any proposed nitrogen loss mitigations to be undertaken on their land. (iv) The form of information and documentation to support the OVERSEER® file. This includes data inputs used for the OVERSEER® file and the application of the Lake Rotorua Groundwater Catchment Nitrogen Protocols published by the Regional Council (<u>available from the Council offices</u>). (v) Circumstances that may require a review of a Nitrogen Management Plan or consent conditions including a change to property size, the sale or disposal of land, changes in lease arrangements, significant farm system changes and subdivision…	Reject	Accept the officer's recommendation where it relates to LR R10(b). Accept the officer's recommendation in relation to LR R10(ii). I do not support the officer's recommendation in relation to LR R10(iii). Refer to paragraphs 58-59 of my evidence.
70:87 and 70:11	Amend Rule LR R12 to provide for Discretionary or Restricted Discretionary consent during the transition period 2017 to 2032, as many farms are unlikely to be able to demonstrate a viable pathway to meeting the 2032 NDAs from the outset as required by Schedule LR Six (5)(a)(ii) and so are unlikely to meet controlled consent conditions.	Reject	I now understand that farmers will need to comply with the NMP actions set for the first MRT (unless revised) and later MRTs are more fluid. FANZ accepts this position. I support FANZ's original recommendation where it relates to requesting restricted discretionary or discretionary activity status. Refer to paragraphs 60-70 of my evidence.
70:95	Delete and replace with definition in Schedule LR One: <u>A property/farming enterprise's Nitrogen Discharge Allowance equals the sum of the allowable nitrogen losses, post 2032 for all of the blocks within the property/farming enterprise (drystock, dairy, bush/scrub, plantation forestry and house block).</u>	Accept in part	Accept the Officer's recommendation While out of scope, I note there is currently a discrepancy between LR R8 and Table LR 5 in Schedule LR One in determining Start Points. For property/farming enterprises less than 40ha in effective area that do not meet permitted activities conditions and are then managed under LR R8, no Start Point is provided in Table LR 5 prior 2022. For example, an 8ha (effective area) property/farming enterprise who want to increase the It is recommended that reference to the date '2022' and '2017' is deleted.
70:98	Replace the first bullet point with the following: <u>Certified Nutrient Management Adviser, certified under the Nutrient Management Adviser Certification Programme Ltd and...</u>	Reject	I do not accept the Officer's recommendation. Refer to paragraph 71 of my evidence.
70:99	Delete reference to intermediate and advanced Sustainable Nutrient Management Course in bullet point two. (In the event Certification by CNMA Programme is not accepted, the Advanced Sustainable Nutrient Management Course qualification and at least 5 years related work experience remains an absolute bare minimum.)	Reject	I do not accept the Officer's recommendation. Refer to paragraph 71 of my evidence.
70:100 and 70:102	Insert brackets as shown below: Derived Benchmark. <u>(Function of 2002-03 land use and 2001-04 sector average unless evidence of substantial change).</u> Provide guidance on what constitutes 'substantial change'.	Accept in part	I do not accept the Officer's recommendation in that there is no definition of substantial change.
70:105	Amend Schedule LR Two to provide the nitrogen loss value which provides for permitted activity land use under Rule LR R4, and make it clear the Stocking Rate limits are default representations of the nitrogen loss value for permitted activity on farms/ farming enterprises between 5 and 10 hectares in effective area. 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. Amend the title of Schedule LR Two to make it clear the stocking rates are a Default nitrogen loss representation.	Reject	I do not accept the Officer's recommendation. Refer to paragraph 76-77 of my evidence.
70:79 and 70:110	5 (a) (ii) A pathway, including a schedule of mitigation actions, that demonstrates managed reduction to achieve the <u>next nitrogen loss target of the Managed Reduction Targets and</u> or the 2032 Nitrogen Discharge Allowance in accordance with LR P8 Amend Schedule LR Six (7) to provide a definition or guidance for 'Significant farm system change'	Accept in part	I do not accept the Officer's recommendation. Refer to paragraph 78-82 of my evidence.
FS20-1	FANZ oppose the submitter's wording of LR R7 (c) and suggest the following: There is no increase in effective area or nitrogen inputs from 29 February 2016 that may contribute to an increase in nitrogen loss onto, <u>into or from land from 29 February 2016</u>	Accept in Part	I do not accept the officer's recommendation. Please refer to paragraphs 39-47 of my evidence.