

**IN THE MATTER:**

of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER:**

Proposed Plan Change 2: Pukehāngi Heights to the Rotorua District Plan under Part 5, Sub-Part 5 – Streamlined Planning Process and Schedule 1 Part 5 of the RMA

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**SUMMARY OF EVIDENCE OF JOANNE WATTS  
OF THE BAY OF PLENTY REGIONAL COUNCIL**

**Evidence topic: Nutrient management planning provisions**

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1. The scope of my evidence relates to planning provisions relevant to nutrient management within the Lake Rotorua groundwater catchment within the context of the regional planning documents, Rotorua District Plan and Proposed Plan Change 2: Pukehāngi Height (PP2). I have covered my qualifications and experience and confirmed my compliance with the expert witness code of conduct in the full version of my evidence.
2. As set out in my evidence in chief, my evidence recommends:
  - (a) support for the majority of the s42A recommended changes which address nutrient management;
  - (b) consideration of further amendments to PPC2 provisions to further strengthen, clarify PPC2 and / or better align with PPC10;
  - (c) a comprehensive nutrient management / land use assessment to more fully inform consideration of options to mitigate any likely nitrogen shortfall and also whether the Pukehāngi Southern Slopes area is appropriate for agricultural activity at a Rural 2 scale; and
  - (d) minor corrections.
3. Lake Rotorua's nutrient issues have been well documented over a long period and the enhancement of the Lake's poor water quality has been of community and cultural concern for decades. There are two operative regional planning documents and PPC10 to the regional plan that capture the community's objectives for the Lake:
  - (a) The Bay of Plenty Regional Policy Statement (RPS) (which contains the sustainable nitrogen load limit for Lake Rotorua of 435 tonnes per annum);

- (b) The RNRP (which contains the trophic level index (TLI) of 4.2 for Lake Rotorua);  
and
  - (c) Proposed Plan Change 10 (Lake Rotorua Nutrient Management) to the RNRP (PPC10).
4. My full evidence briefly outlines, PPC10 forms a key part of the Integrated Framework for Lake Rotorua and is designed to achieve an 'on farm' reduction of 140 tonnes of nitrogen a year by 2032 from the 'rural' part of the Lake Rotorua groundwater catchment and helps give effect to the provisions of the RPS. While primarily about reduction of nitrogen from rural land uses, PPC10 acknowledges the 435 tonne sustainable annual load for Lake Rotorua provides for nitrogen losses from both rural and urban land use through policies LR P18 & LR P19 and method LR M5 g).
  5. Other parts of the Integrated Framework include reduction from engineering solutions, gorse removal, and through purchase of nitrogen by the incentives fund. The Integrated Framework assumes a nitrogen load from urban sewage of 30 tonnes. My evidence touches on the WWTP MOU and its review in paragraphs 42 onwards. The MOU is the mechanism put in place to address method referred to in PPC10 method LR M5 g).
  6. I also note that the new National Policy Statement for Freshwater Management 2020 was gazetted on 5 August 2020, which requires RPS & RNRP plan changes to be notified to fully implement the NPSFM no later than 31 December 2024. Of note in the context of considering district plan changes, is the new requirement within NPSFM 2020 Integrated Management clause 3.5 (4): *"Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects of urban development on the health and well-being of water bodies, freshwater ecosystems and receiving environments."*
  7. While the freshwater planning process timeframes set by s80A RMA do not appear to apply to district plan changes, it maybe something the hearing commissioners wish to turn their mind to when considering options available to mitigate the likely shortfall in nitrogen from development enabled by PPC2 as mentioned in 6.58 of the s42A report.

**Support for the majority of the s42A recommended changes which address nutrient management**

8. The s42A report acknowledges nutrient management is a complex multi-agency issue that encompasses resource, asset and financial management considerations.
9. With the exception of a comprehensive nutrient management and land use suitability assessment undertaken by a suitably qualified person to inform the evaluation (discussed in

further detail from paragraph 38 of my evidence), it is my opinion that the s42A report recognises BOPRC's concerns raised in summary of submission points 44.7 to 44.12 and appropriately evaluates these alongside other relevant submissions and further submissions. For the most part they are addressed by the s42A recommended changes to PPC2 which are supported and include matters outlined in paragraph 23 of the full version of my evidence.

### **Recommended Further Amendments to PPC2 Provisions**

10. Set out below are further amendments to PPC2 provisions (as recommended in the s42A report) for consideration which in my opinion further strengthen, clarify the intent of PPC2 and / or better align with wording in the MOU and /or PPC10 with respect to nutrient management and land use suitability. Explanations for each of these suggested further amendments are set out in the full version of my evidence.

### **Subdivision Performance Standards**

#### ***Amendment sought***

11. Amend A5.2.3.4 Performance Standards – Subdivision 14.b. and A5.2.4.4 Performance Standards – Subdivision 10.b. as follows:

*'Calculation of the nitrogen losses required to support the subdivision and for the number of proposed house lots ~~from the proposed development of the land~~ in accordance with any Council approved policy or guidelines, and undertaken by a suitably qualified and experienced person;'*

**Proposed Amendment further refined in light of hearing commissioners questions – changes highlighted** – (revert back to s42A version except for the addition of 'and experienced' to be consistent with recommended defined term in para 15 of my summary)

*'Calculation of the nitrogen losses from the proposed development of the land in accordance with any Council approved policy or guidelines, and undertaken by a suitably qualified and experienced person;'*

12. Amend A5.2.3.4 Performance Standards – Subdivision 14.c. and A5.2.4.4 Performance Standards – Subdivision 10.c. Performance Standards – Subdivision as follows:

*'Where the nitrogen losses required to support the subdivision and for the number of proposed house lots ~~from the development~~ exceed the Nitrogen Discharge Allocation for the parent Rural property, proposals for nutrient loss reductionsto address the nitrogen shortfall. This may include the application of a Council-operated offset regime.'*

**Proposed Amendment Further refined in light of hearing commissioners questions – changes highlighted** – Revert back to s42A version with the addition of ‘nitrogen’, ‘proposed’ and ‘of the land’ to be consistent with the rest of the performance standard wording. Also change ‘Rural property’ to ‘site’ to be consistent with the rest of the performance standard wording, noting ‘site’ is defined in the District Plan. Ambiguity around the terminology ‘*the entire site*’ was raised in paragraphs 28 & 29 of the statement of evidence of Rowan David Little on behalf of submitter #26 The Hunt Family. In my opinion, using the defined term ‘site’ consistently throughout rather than undefined terms such as ‘Rural property’ or ‘parent property’ will clarify the provisions. Add (Nitrogen Shortfall) to further clarify what needs addressing.)

*‘Where the nitrogen losses from the proposed development of the land exceed the Nitrogen Discharge Allocation for the site Rural property (Nitrogen Shortfall), proposals for ~~nutrient loss reductions~~ to address the Nitrogen Shortfall. This may include the application of a Council-operated offset regime.’*

## **Land Use Performance Standards**

### **Amendment sought**

13. Add a new ‘*Nutrient Management*’ performance standard and appropriate numbering to both A5.2.3.3 Performance Standards – Land use (Residential 1) and A5.2.4.3 Performance Standards - Land Use (Rural 2), similar to subdivision performance standards and taking on board suggested amendments set out above, as follows:

### **##. Nutrient Management**

*A Nutrient Management Plan for the entire site shall be submitted that includes:*

- a. Confirmation of the Nitrogen Discharge Allocation for the site;*
- b. Calculation of the nitrogen losses required to support the development and any activities on the balance of the site in accordance with any Council approved policy or guidelines and undertaken by a suitably qualified and experienced person;*
- c. Where the nitrogen losses required to support the development and any activities on the balance of the site exceed the Nitrogen Discharge Allocation for the site, proposals to address the nitrogen shortfall. This may include the application of a Council-operated offset regime.*
- d. Nutrient management requirements to be met at full development and, where staged, at each stage of development.*

**Proposed Amendment Further refined in light of hearing commissioners questions - changes highlighted** – to be consistent with proposed amendment above

### **##. Nutrient Management**

A Nutrient Management Plan for the entire site shall be submitted that includes:

- a. Confirmation of the Nitrogen Discharge Allocation for the site parent property;
- b. Calculation of the nitrogen losses from the proposed development of the land in accordance with any Council approved policy or guidelines and undertaken by a suitably qualified and experienced person;
- c. Where the nitrogen losses from the proposed development of the land exceed the Nitrogen Discharge Allocation for the site (Nitrogen Shortfall), proposals to address the Nitrogen Shortfall. This may include the application of a Council-operated offset regime.
- d. Nutrient management requirements to be met at full development and, where staged, at each stage of development.

### **Amendment sought**

14. Amend s42A recommended A5.2.4.3 Performance Standard 9. as follows:

“9 Farming

No agricultural activity shall be undertaken except within the Pukehāngi Southern Slopes.”

### **Definitions**

#### **Amendment sought**

15. Adopt the definitions set out in paragraph 36 in the full version of my evidence for ‘*Suitably qualified and experienced person*’, ‘*Nutrient Management Plan*’, and ‘*Nitrogen Discharge Allocation*’ within the District Plan definitions part of the plan or within Appendix 5.2A. The definitions set out are from PPC10 with minor modification to suit insertion into the district plan.

**Proposed Amendment Further refined in light of hearing commissioners questions - changes highlighted**

Extract below from paragraph 36 of my evidence in chief:

“36. Adopt the following definitions for ‘*Suitably qualified and experienced person*’, ‘*Nutrient Management Plan*’, and ‘*Nitrogen Discharge Allocation*’ within the District Plan definitions part of the plan or within Appendix 5.2A as follows:

**Suitably qualified and experienced person: A person who:**

- implements OVERSEER® input best practice and uses standard protocols recognised and approved by the Bay of Plenty Regional Council including those specific to the Lake Rotorua groundwater catchment; and
- 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
- is approved in writing by the Chief Executive (or delegate thereof) of the Bay of Plenty Regional Council.

**Nitrogen Discharge Allocation: The maximum annual amount of nitrogen loss that is allowed to occur from a property/farming enterprise post 1 July 2032 as specified in Schedule LR One of Plan Change 10 to the Regional Natural Resources Plan.**

**Nutrient Management Plan: A plan prepared for a property or farming enterprise that identifies sources of nutrients associated with land uses 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 of Plan Change 10 to the Regional Natural Resources Plan.”**

## **Comprehensive Nutrient Management and Land Use Suitability Assessment**

### ***Recommendation***

16. To clarify, the below is not a suggested amendment to the Plan Change provision. It is a recommendation for the process set out below to be undertaken prior to the finalisation of the PC2 provisions. Whilst ultimately any nitrogen shortfall decision (and associated risk) is RLC’s to make, I recommend:

*A comprehensive assessment be provided from a suitably qualified and experienced person using the latest MOU formula (agreed by both RLC and BOPRC technical nutrient experts) and the ‘most likely upper yield’ outlined in paragraph 2.12 of the s42A report modified to factor in relevant changes such as:*

- *any subdivision and development applications lodged or approved;*
- *rezoning and inclusion of approx. 9ha of land and yield enabled by medium density / retirement activities into proposed Plan Change 2;*
- *changes in likely developable area available resulting from likely extent of stormwater and recreational areas;*
- *any land suitability considerations such as the extent to which the assessment needs to include a nitrogen allocation for stock grazing;*
- *nitrogen required for land use/s on balance.*

17. The assessment would be in sufficient detail to establish the quantum of any expected nitrogen which would allow fuller consideration of options or combination of options available to mitigate shortfalls in nitrogen – ie the difference between the Nitrogen Discharge Allocation (NDA) for the parent properties within the plan change area and the nitrogen required to support the opportunity to realise the density of subdivision and development enabled by proposed Plan Change 2.

**Why this is recommended:**

18. In my opinion, without knowing the quantum of any nitrogen shortfall enabled by PPC2 the hearing panel is not in a position to be able to fully consider the options or a combination of options available to mitigate shortfalls in nitrogen for the reasons set out in paragraphs 48 to 51 my full evidence paragraphs. Currently this quantum is not known.

**Minor Corrections**

19. It is noted that references to ‘Nutrient Management Plans and / or (NMP)’ within the s42A planning report, should in most places be changed to refer to “Nitrogen Discharge Allocations and or (NDA)”.
20. It is noted that the wording of PPC10 policy LR P19 and method LR M2 quoted within the Background Report is not the most up to date version and should be replaced with the version set out in paragraph 53. of my evidence in chief.

**Conclusion**

21. To reiterate the conclusion of my evidence in chief at paragraph 54, in my opinion:
- (a) Proposed Plan Change 2 provisions would be further strengthened, clarified and / or better aligned with relevant nutrient management requirements of the RPS & RNRP

(including PPC10) by adopting the amendments to PPC2 as set out in paragraphs 24 through 37.

- (b) a comprehensive assessment of nutrient management and land use suitability should be undertaken by a suitably qualified person/s to inform decisions about options for mitigating the 'likely' shortfall in nitrogen and whether the Pukehāngi Southern Slopes is suitable for farming or otherwise as outlined at paragraphs 38 and 32 respectively.

**DATE** 21 September 2020

**Joanne Watts**