

Tēnā kotou rā,

Further to the email dated 13 November 2020 notifying submitters to advise of any potential errors or omissions in the Panel's draft Recommendation Report and draft decision. BORPC have reviewed the draft documents and have no further comments with regards to storm water matters. However, BOPRC would like to draw the Panel's attention to the following matters relating to nutrient discharge only as follows:

1. Paragraph 73

· Amend paragraph 73 (b) of the Hearing Panel's Recommendation Report so that it reads: (b) Purchased through catchment nitrogen trading (as will be allowed from 2021 July 2022 under BoPRC's PC10);

Reason:

Paragraph "73. Where an urban subdivision or development suffers from a shortfall, we were told that the revised MOU will provide that the shortfall can either be: (a) Transferred from another part of the property or another property in the Rotorua Lake catchment; or (b) Purchased through catchment nitrogen trading (as will be allowed from 2021 under BoPRC's PC10); or (c) Purchased through an RLC nitrogen offsetting system.¹³"

PC10 does not allow trading or 'transfer of NDA's or MRO's between property until 1 July 2022, not 2021 as stated in the hearing panels recommended decision. I refer the Hearing Panel to PC10 Policy LR P7, the various associated rules which states:

'LR P7 Manage the transfer of Nitrogen Discharge Allocations or Managed Reduction Offsets between properties/farming enterprises from 1 July 2022 in accordance with Schedule LR Seven to encourage efficient outcomes by way of resource consent.'

Associated rules – example

'LR R3 Permitted – From 1 July 2017, the use of land for farming activities on properties/farming enterprises 5 hectares or less in effective area

Farming activities on properties/farming enterprises 5 hectares or less in effective area in the Lake Rotorua groundwater catchment are a permitted activity from 1 July 2017 subject to the following conditions:

(a) No commercial cropping or commercial horticulture or commercial dairying occurs on the land; and

(b) There is no transfer of Nitrogen Discharge Allocations or Managed Reduction Offsets either to or from the property/farming enterprise prior to 2022.

Advice Note:

1 If the land use does not meet the conditions of LR R3, it may be permitted by LR R5 (until 30 June 2022) or LR R7 or consent will be required by Rule LR R8.'

Transfers post July 2022 requires a BOPRC resource consent under LR R10:

'LR R10 Controlled – From 1 July 2022, the transfer of Nitrogen Discharge Allocations or Managed Reduction Offsets between properties/farming enterprises

The transfer of Nitrogen Discharge Allocations or Managed Reduction Offsets 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:

- (a) Any transfer of a Nitrogen Discharge Allocation or Managed Reduction Offsets complies with Schedule LR Seven;
- (b) A new 2032 Nitrogen Discharge Allocation and new Managed Reduction Targets have been determined for both the source and destination land in accordance with Schedule LR One and Policy LR P6; and
- (c) A Nutrient Management Plan has been prepared for both the source and destination land, and certified by a suitably qualified and experienced person that each Nutrient Management Plan has been prepared in accordance with Schedule LR Six.'

....see PC10 for full text

2. Policy 5.2

Minor amendment to the wording of Policy 5.2 so that the last part of the policy is also relevant to land use as intended suggested wording:

- Policy 5.2 Any nutrient losses from subdivision and land use that exceed the limits of the Nitrogen Discharge Allocation to the land must be accounted for and offset otherwise subdivision resource consent will not be granted;

Reason:

The intent of Policy 5.2 (and objective 5 and policy 5.1 for that matter) is quite clearly to 'catch' both subdivision and land use however the last part of the sentence only refers to 'subdivision consent'. I suggest amending the last part of the policy to refer to 'consent will not be granted', 'resource consent will not be granted, or subdivision and / or land use consent will not be granted'.

For any further queries, please contact me on the number below,

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