Environmental Protection Authority
Te Mana Rauhī Taiao

New Zealand Government

SUBMISSION FORM

6 July 2020

Otago Regional Council Omnibus Plan Change - Plan Change 8 (Water Quality) to the Regional Plan: Water for Otago

This form is for making submissions on a change the Otago Regional Council (ORC) has prepared for the Regional Plan: Water for Otago. This plan change is one of two comprising the Omnibus Plan Changes (also known as the Water Quality Plan Change). The Omnibus Plan Change has been called in by the Minister for the Environment under section 142(2) of the Resource Management Act 1991 (RMA).

Plan Change 8 proposes to introduce a range of amendments targeting specific issues or activities known to be contributing to water quality issues in parts of Otago.

NB: Please use a **separate form** is you wish to make a submission on the other part of the Omnibus Plan Change - Plan Change 1 (Dust suppressants and landfills) to the Regional Plan: Waste for Otago.

This submission form includes guidance to aid the submitter. For more information on Plan Change 8, please refer to the Public Notice or further information on the EPA website: www.epa.govt.nz/ORCplanchanges.

Where to get help preparing your submission

If you have any queries about making a submission or the plan change itself please contact the EPA by phone on 0800 401 673 or by email at ORCplanchanges@epa.govt.nz.

How to make a submission

Your submission on Plan Change 8 must be received no later than **5pm on Monday, 17 August 2020**.

You must also send a copy of your submission on Plan Change 8 to the ORC when you make a submission.

Submissions on Plan Change 8 can be made by either:

1. Using the online submission form on the EPA website under www.epa.govt.nz/ORCplanchanges **All submissions made online will automatically be forwarded to the applicant and the form includes a space to upload any supporting documents**;

OR

2. Filling out this form and:

1. Emailing it and any supporting information to ORCplanchanges@epa.govt.nz (if smaller than 10 MB) with the following subject line: Submission [Your Name] ORC Plan Change (Omnibus); OR
2. Posting it and any supporting information to: Environmental Protection Authority, ORC Proposed Plan Changes, Private Bag 63002, Wellington 6140; OR
3. Delivering it in person to the Environmental Protection Authority office on Level 10/215 Lambton Quay.

Submissions made on this form must be forwarded to ORC by either:

1. Emailing it and any supporting information to policy@orc.govt.nz (if smaller than 10 MB) with the following subject line: Submission [Your Name] ORC Plan Change (Omnibus);
2. Posting it and any supporting information to Otago Regional Council (attention Rachel Currie), Private Bag 1954, Dunedin 9054
3. Delivering it in person to Otago Regional Council (attention Rachel Currie), at any of the Otago Regional Council office:

1. Alexandra (William Fraser Building, Dunorling Street),
2. Dunedin (70 Stafford Street); or
3. Queenstown (Terrace Junction, 1092 Frankton Road).

Privacy statement

The personal information you provide on this form will be held by the EPA, 215 Lambton Quay, Wellington. It will be used by the EPA for the purpose of administering the public consultation aspects of the Omnibus Plan Change. Copies of your full submission will be provided to the Environment Court and the ORC, and your address for service may also be provided to other parties in the process. Other than your name, your personal contact information in Part A of this form will not be published on the EPA website.

Your name, the information in Part B of this form, and any attached information will be published on the EPA website, and made available to the Environment Court, the ORC and the public for use in the processing and consideration of the proposed WPPC.

By completing this submission form, you give the EPA permission to use the information for the purpose stated above. You have the right to access and correct personal information held by the EPA. All information held by the EPA is subject to the Official Information Act 1982. Note: If the submitter is a company, full business contact details will be published on the website.

Notes about your submission

Please note, your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission or (part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it is supported only by evidence that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert evidence on the matter:
- it contains offensive language.

Part A

Submitter details

Name of organisation (if relevant):	Beef + Lamb New Zealand (c/o: Lauren Phillips)		
Title:	Mr Mrs Miss Ms Dr Other: *(Please tick the appropriate title)*		
First name of submitter:	Lauren	**Surname of submitter:**	Phillips
First name of contact person (if different to above):		**Surname of contact person *(if different to above)*:**	
Home Ph:		**Work Ph:**	
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Postal Address (or alternative address for service):	**PO Box 39085 Christchurch**	**Postcode:**	8053

Part B

Submitter Name: __Beef + Lamb New Zealand_____

This is a submission on a matter in relation to which the Minister for the Environment made a direction under section 142(2) of the Resource Management Act 1991. The matter is **Water Plan Change 8**, part of the Omnibus Plan Change prepared by the Otago Regional Council.

If you require additional space for any question(s) please attach further documents or paper to this submission form and clearly state your name and the question(s) you are expanding on.

Are you a trade competitor?

Please select the appropriate option.

I am **not a person who could gain an advantage in trade competition** through this submission YES	I am **a person who would gain an advantage in trade competition** through this submission and am directly affected by an effect of the plan change that adversely affects the environment and does not relate to trade competition or the effects of trade competition

What are you submitting on?

You can submit on specific parts of Water Plan Change 8 or the whole plan change.

I am submitting on the **whole of Plan Change 8** As below	I am submitting on **specific parts of Plan Change** 8 (please detail below) As below
The specific parts of the matter that my submission relates to are:	
Omnibus Plan Change 8 / Water Plan Change 8 Generally And **Part A – Discharge Policies** **Policy 7.D.5** **Policy 7.D.6** And **Part C – Good Farming Practices** **Policy 7.D.9** **Definition Critical Source Area** **Definition Feed Pad**	

Definition Sacrifice Paddock

Definition Stand-off Pad

And

Part D -Intensive Grazing

Rule 14.6.1

Rule 14.6.2

Definition Intensive Grazing

And

Part E: Stock Access to Water

Rule 13.5.1.8A

Definition Dairy Cattle

And

Part F: Sediment Traps

Rule 13.5.1.10

What is your view on Plan Change 8 or the specific parts listed above?

Please select one, if you have multiple views state clearly in the comments box below.

Support as below	**Neutral** as below	**Oppose** as below

The reasons for my view(s) are:

Water Plan Change 8 Generally

Beef + Lamb New Zealand ('B+LNZ') opposes this plan change.

This proposed regional plan change fails to give effect to the Resource Management Act 1991 by failing to give effect to:

1. The Purpose and Principles of the Resource Management Act 1991 (RMA), including promoting the sustainable management of natural resources in accordance with s5;
2. The efficient use of natural resources including the assimilative capacity of freshwater.
3. Functions of regional councils under section 30 RMA including the achievement of Integrated management of natural resources
4. healthy resilient communities, including the economic wellbeing of people and communities
5. Section 15 RMA
6. Section 32 RMA
7. Sections 63, 65, 66, 67, 68 and 69 RMA
8. Section 70 RMA
9. National Policy Statement for Freshwater management (NPSFWM 2014, 2017, 2020);
10. Operative Regional Policy Statement (RPS)

Further, the proposed plan change does not:

A. Ensure that land use activities and development are managed so that where numerical water quality limits are currently being achieved that they continue to be met, and where water quality limits are not met (currently degraded) that water quality is restored to meet the limits;
B. Manage land use activities and development in a manner which adopts the approach where those who are contributing most to a problem need to do the most to reduce;
C. Take a consistent approach that is based on managing the actual effects of a particular land use; and
D. Provide or encourage nutrient management or allocation that is based on principles of sustainable management including providing for future generations, and which incentivise land use and land use change appropriate to soils, climate, and achievement of water quality outcomes. Nitrogen allocation and methods for managing nitrogen should not reward current land uses and practices where nutrient discharges exceed the assimilative capacity of soils and water;

B+LNZ submit that the section 32 analysis has not sufficiently assessed the costs and benefits of the proposed plan change nor has it adequately assessed the alternative methods to achieve the stated objectives. The Omnibus/Water Plan Change 8 as proposed is not the most efficient or effective to achieve the purpose of the Act.

There has been a lack of transparency and consultation in the development of this plan change which fundamentally undermines its credibility.

B+LNZ and the Deer Industry New Zealand met with Otago Regional Council ('ORC') on 28 February 2020 to discuss Plan Change 7 (Deemed Permits) and discovered, incidentally, that Water Plan

Change 8 ('PC8') was in the final stages of development and would be notified shortly after 25 March 2020. ORC advised that it had made a decision to consult with DairyNZ, and not to consult with B+LNZ because PC8 was only concerned with landfill and 'dairying rules.'

Later, ORC added that the proposed provisions concerned stock exclusion from waterbodies and winter grazing.

B+LNZ advised ORC that this went beyond 'dairying rules' and would affect sheep and beef farmers. B+LNZ urged ORC to consult urgently with them on behalf of sheep and beef farmers in Otago who might be affected by the proposed PC8. ORC declined to do so.

PC8 proposes far more than 'dairying rules'. The proposed provisions will affect the sheep and beef sector considerably, including those farms that do not support the dairy sector in any way.

B+LNZ is an industry-good body funded under the Commodity Levies Act through a levy paid by producers on all cattle and sheep slaughtered in New Zealand. Every single person who sends a cattlebeast or a sheep to slaughter in New Zealand pays this levy.

This means that B+LNZ represents every single sheep and beef farmer in New Zealand, and it also represents every single dairy farmer in New Zealand in so far as that dairy farmer produces cattle for beef consumption (i.e. sending cull cows for slaughter). B+LNZ is therefore a key stakeholder in any policy or regulation development that might affect agricultural land use anywhere in New Zealand. ORC should have undertaken meaningful consultation with B+LNZ during the development of PC8.

Furthermore, B+LNZ does not accept that ORC would not have been aware of the extent to which PC8 would affect sheep and beef farmers. The Policy and Planning Manager at ORC who was responsible for the PC8 development and who was present at the meeting on 28 February, has extensive experience in the Southland Water and Land Plan development. The Southland Water and Land Plan proposed wide-ranging provisions for stock exclusion, intensive grazing, nutrient allocation, and discharges from farm activities to water.

After her significant involvelment in Environment Southland's plan review process in which B+LNZ participated at every level, ORC has real and constructive knowledge that the issues and provisions in PC8 would affect sheep and beef farmers.

Part A – Discharge Policies

Policy 7.D.5 –

B+LNZ opposes the proposed changes to Policy 7.D.5.

The proposed policy 7.D.5, at subsection (b) proposes that

The physical characteristics and <u>any particular sensitivity</u> of the land and <u>any receiving water</u>

B+LNZ considers that the proposed changes are so broad as to allow ORC absolute discretion over how the policy is applied, even to include land and water with no or low values for ecological, connectivity, stock/drinking supply, or recreational reasons.

The proposed policy 7.D.5, at subsection (d)(ii) proposes that

Any staged timeframe and any environmental management plan to achieve: […] (ii) The <u>ongoing</u> reduction of adverse environmental effects of the discharge

The "*ongoing*" reduction of adverse effects implies that there is no lower limit – so that activities to reduce impacts are required to continue even if the effects are not apparent in the wider catchment.

Policy 7.D.6

B+LNZ opposes the proposed policy.

The proposed policy would allow for high nutrient leaching systems to be able to lock in their nutrient losses for up to ten years. This time frame goes well beyond the anticipated timeframe to complete a review of Otago's Water Plan in order to give effect to the National Policy Statement for Freshwater Management ('NPS-FM'). ORC will need to assess nutrient loads in Otago's waterbodies and develop policy to reduce nutrient contamination where necessary. This would necessitate the development of a nutrient allocation scheme to allocate nutrients, especially nitrogen, fairly amongst land users in order to achieve the necessary environmental outcome while still allowing land users to provide for the economic and social well being; equitably. ORC has not yet undertaken the assessment and a fair and equitable nutrient allocation framework has not yet been established out of the results of that assessment. It is possible that in some catchments, reductions in nitrogen contamination from surrounding landuse will be necessary to give effect to the NPS-FM, while in others that might not be necessary.

Where nitrogen reductions are necessary, ORC will have a finite total amount of nitrogen that can be lost from surrounding land use, and the nutrient allocation framework will be the mechanism by which both nutrients are allocated and by which reductions are made.

Proposed Policy 7.D.6 effectively grandparents for high nitrogen leachers across Otago.

This is not fair or equitable, and it does not follow due and proper process for Otago region.

The proposed policy represents a one size fits all approach which does not account for the vast differences in catchments, climates, and land uses across the region.

Grandparenting nitrogen for high nitrogen leaching systems sets a bias towards a grandparented nutrient allocation system in Otago, ahead of the appropriate process to determine the right nutrient allocation framework for Otago. The proposed policy effectively establishes a grandparented nutrient allocation framework without the environmental modelling and analysis, as well as the consultation and economic and social analysis required to support that framework.

Moreover, a proportion of the finite amount of nutrients will already be locked up for ten years by the time ORC needs to implement a reviewed water plan. Unless ORC recalls every one of those resource consents to change the conditions, in order to meet obligations under the NPS-FM it will simply have to allocate what is left amongst the remaining land users, who will comprise the vast majority of land users. Simply put, there will be less to go around. Where reductions need to be made, they will ultimately need to be made by land users who are lower nitrogen leachers, while the high nitrogen leachers are able to continue business as usual under their ten year resource consents.

Part C – Good Farming Practices

Policy 7.D.9

B+LNZ opposes proposed Policy 7.D.9 in part.

The proposed policy 7.D.9, at subsection (b)(i) seeks to *progressively exclude stock from lakes, wetands, and continually flowing rivers*.

Regulation should be proportionate to risk, and this policy is too broad and open.

It is not always practical or even necessary to exclude stock from these waterbodies. On hill country and extensive systems, the stocking rate is low and the risk of contaminant loss to water is low. Conversely, the cost of excluding stock on those systems can be so high as to be completely unfeasible.

The proposed policy also fails to distinguish sheep from livestock, but sheep avoid water and wet areas except to drink, and so their access to waterbodies poses a very low risk of contaminant loss to those waterbodies.

The proposed policy 7.D.9, at subsection (d) seeks to implement setbacks from waterbodies, establish riparian margins, and limit areas and duration of exposed soil.

As discussed above, stock exclusion from waterbodies - and therefore the associated setbacks from waterbodies – is not always necessary, appropriate, or practicable. Further, this policy could be interpreted to require riparian plantings within those setbacks. Again, this is not always appropriate or practicable, especially in extensive and steeper country farming systems.

Similarly, exposed soil often has a purpose. In dry areas, leaving an area fallow helps to retain soil moisture for later plant growth.

Definition Critical Source Area

B+LNZ opposes this definition in part.

PC8 is also known as the 'Water Quality Plan'. Artificial waterways and field tiles do not necessary connect to natural waterbodies, and they are often created for a specific farming related purpose. Including these features in the definition of critical source area allows no flexibility in application to consider the case-by-case ecological, connectivity, drinking/stock water, or recreation value; or lack thereof for those features.

Other regulation appears to recognise this and artificial water bodies are not included in the Resource Management Act 1991 definition of waterbodies; and are omitted by the Resource Management Act (National Environmental Standards for Freshwater) Regulations 2020 ('NES FW') and the Resource Management Act (Stock Exclusion) Regulations 2020 ('NES Stock Exclusion').

Definition Feed Pad

B+LNZ opposes the deletion of this definition in part.

The deleted definition was not appropriate, and so the deletion in itself is not opposed. B+LNZ opposes the proposal to not replace it. The Officer's Section 32 Report states that this definition has been deleted and not replaced because feedpads are not explicitly mentioned in regional plan. While this is technically correct, the existing and proposed provisions would affect feedpads and so they must be provided for.

Definition Sacrifice Paddock

B+LNZ opposes the deletion of this definition in part.

The deleted definition was not appropriate, and so the deletion in itself is not opposed. B+LNZ opposes the proposal to not replace it. The Officer's Section 32 Report states that this definition has been deleted and not replaced because sacrifice paddocks are not explicitly mentioned in regional plan. While this is technically correct, the existing and proposed provisions would affect sacrifice paddocks and so they must be provided for.

Definition Stand-off Pad

B+LNZ opposes the deletion of this definition in part.

The deleted definition was not appropriate, and so the deletion in itself is not opposed. B+LNZ opposes the proposal to not replace it. The Officer's Section 32 Report states that this definition has been deleted and not replaced because stand-off pads are not mentioned in regional plan. While this is technically correct, the existing and proposed provisions would affect stand-off pads and so they must be provided for.

Part D -Intensive Grazing

Rule 14.6.1

B+LNZ opposes proposed Rule 14.6.1.

If not managed correctly through the various stages of the fodder crop, intensive grazing by livestock on winter forage crops can present a higher risk of contaminant loss to waterbodies than grazing on pasture. For this reason, many regional councils are now focusing on winter grazing to reduce the risk of contaminant loss to water due. The risk is different between soil types, livestock classes and types, climates, times of year, stocking rates, and so on. Within Otago, the risk between a sheep and beef farm in Central Otago would differ dramatically to a sheep and beef farm in coastal Otago based on climate alone. Subsection (a) represents a one size fits all approach which would impact on the lower risk farm systems to remain viable and care for their livestock's welfare.

This provision mirrors the 'threshold' approach to winter grazing that has been explored in two subregions of Canterbury, in particular proposed Plan Change 7 for Orari-Temuka-Opihi-Pareora subregion. Canterbury has used scientific modelling and public consultation to determine that threshold. Otago has not. There is no apparent basis for the threshold proposed.

Subsection (c) requires stock on a forage crop to be grazed from the top of a slope to the bottom of a slope. This is a preferred good management practice in farming. However, good management practices are guidelines and it is not always possible to follow them to the letter due to practical realities, for example the topography of a paddock, animal welfare issues, and so on. Good management practices are principles and guidelines, not strict input standards. The real goal of good management principles is to help land users to understand the effect that needs to be addressed and adjust farming practices accordingly. Subsection (c) is an input standard that does not allow for the realities of the land being farmed on or the measures that can be put in place to manage effects of winter grazing.

Subsection (d) requires a vegetated strip of at least 10 metres between an intensively grazed area and any water body, from which stock are excluded during grazing.

B+LNZ notes that

i. Environment Southland specifies five metres as a setback/vegetated and ungrazed strip.
ii. Five metres is also recognised in the Environment Canterbury "*Winter forage crop grazing and wet weather management. Guidelines for FEP auditors*" that was release in 1July 2020.
iii. The recently announced Resource Management (National Environment Standards for Freshwater) Regulations 2020 also specify five metres.

We oppose the minimum requirement for 10 metres as this is inconsistent with other neighbouring regions with arguably equal or greater environmental risks from winter grazing.

Rule 14.6.2

B+LNZ opposes this provision.

The definition of intensive grazing is excessive and, as such, we oppose a discretionary activity status for resource consent applications where the activity does not meet permitted activity standards.

Definition Intensive Grazing

B+LNZ opposes this definition.

The intensive grazing definition is very broad and could be interpreted in several ways.

The first is that the definition only includes that part of the forage crop cycle where animals are actually grazing it, because it '*means grazing of stock on forage crops*'. It would exclude the planting and growing of the crops. Under this interpretation, provided that animals were only grazing 10% or 100ha

of crop at any one time, an entire property could be planted out in forage crop without triggering the need to apply for a resource consent.

It is unlikely that ORC intended this interpretation.

The second is that it includes the entire cycle of forage crops including the planting and growing phases, and pertains to grazing of stock on the specified forage crops at any time of year, because it refers to 'intensive grazing' without a specified time of year, rather than 'winter grazing'. This would include summer crops. It might also capture mixed sward crops common in regenerative systems, even though the brassica, beet, or root vegetable is only part of the species being grazed.

This is more likely interpretation that ORC would take. Both summer forage crops and mixed swards do not present the same level of risk of contaminant loss to waterbodies that winter forage crops do. Regulation should be proportionate to risk, and the regulation of intensive grazing associated with this definition is not proportionate if it includes summer forage crops and/or mixed swards.

Part E: Stock Access to Water

Rule 13.5.1.8A

B+LNZ opposes proposed subsection (b)(i) of this rule in part.

The definition of dairy cattle is too broad and, as such, we oppose the rule it relates to.

Further, the proposed rule does not allow for differences in stocking rates, stock classes, or topography.

We support the list of waterbodies which require stock exclusion for this provision, including lakes, continually flowing rivers wider than one metre, and Regionally Significant Wetlands.

B+LNZ opposes proposed subsection (b)(ii) of this rule in part.

A setback of five metres for land in pasture, especially without consideration of stocking rate, stock classes, or topography, is excessive.

We support the list of waterbodies which require stock exclusion for this provision, including lakes, continually flowing rivers wider than one metre, and Regionally Significant Wetlands.

Definition Dairy Cattle

B+LNZ opposes the proposed definition.

Dairy cattle on milking platforms already need to be excluded from water bodies under supplier agreements and non-milking (dry) dairy cattle on intensive grazing will need to be excluded from waterbodies under other provisions in PC8 or the NES FW. This definition, along with Rule 13.5.1, would sheep and beef systems which graze non-milking dairy cattle which are not simply dried off mlking cows. The inclusion of weaned and unweaned calves, youngstock and bulls does not recognise the practical reality of how these animals are grazed on sheep and beef properties in comparison with milking platforms.

Bulls used in the dairy sector are often beef bulls. This is because using a beef bull offers the dairy farmer the opportunity to sell these dairy beef calves to beef farmers to raise as beef cattle which will never be used for milking purposes; rather than slaughtering the new calves which are not required for the milking system. This definition would capture both the beef bulls and the dairy beef cattle even though they are, in fact, beef cattle.

Part F: Sediment Traps

Rule 13.5.1

B+LNZ opposes proposed Rule 13.5.1.10

Subsection (d) requires the exclusion of livestock from sediment traps. As discussed above, sheep present a low contaminant loss to water because that species does not like to stand in water or wet areas. The proposed rule can be reasonably interpreted to include all livestock, however, irrespective of stocking rate or risk.

In extensively stocked systems and properties with steeper topography, sediment traps can be safe and reliable water sources for livestock that cannot be substituted with a reticulated system. The topography and stocking rate of a system should be taken into account due to the lower risks represented, and these systems should not be captured by blanket stock exclusion provisions.

What decision would you like the Environment Court to make?

Approve Plan Change 8 as below	**Approve Plan Change 8with amendments as below**	**Decline Plan Change 8 as below**

The reasons for my view and/or any amendments I am seeking are:

Water Plan Change 8 Generally

B+LNZ seeks that the Environment Court withdraw the proposed PC8 in its current form and:

1. That PC8 be amended and re-notified.

2. Delete proposed policies and methods including rules applying to managing nitrogen discharges

3. Amend policies and methods requiring the exclusion of stock from water and adopt methods that are set out in the national regulation for exclusion of stock from waterbodies.

4. Include an alternative nitrogen management and allocation method, in accordance with this submission and with the following principles for the allocation of nutrients.

   Principle 1 Like land should be treated the same

   Allocation should be based on the intrinsic qualities of the land. Two pieces of land with the same qualities should receive the same allocation. This principle recognises that allocation regimes should not be overly influenced by existing land use.

   Principle 2 Those undertaking activities that have caused water quality problems should be required to improve their management to meet water quality limits.

All New Zealanders have a responsibility to manage their activities to maintain or improve water quality. This principle reflects the need for those who have caused water quality problems or who are contributing a greater amount to them to take a greater responsibility for meeting the costs of reducing nutrient loss to water. It also reinforces that those who have managed responsibly should not be required to have their land use constrained as a result of others' activity.

Principle 3 Flexibility of land use must be maintained

Land owners need to have the ability to respond to changes in climate, input costs, markets and technological innovation in order to maintain a profitable and sustainable farming enterprise. Allocating nutrients in such a way that unnecessarily limits land use change constrains the ability of land users to respond to those changes and optimally utilise the land resource.

Principle 4 The allocation system should be technically feasible, simple to operate and understandable

A high level of technical feasibility is fundamental to a successful allocation approach. The simpler the system, the more likely it is to be able to operate effectively. The approach must also be understandable by land users and the wider community. It must be able to be administered fairly and at minimum transaction costs to users and the regulator.

Principle 5 The natural capital of soils should be the primary consideration when establishing an allocation mechanism for nutrient loss

A natural capital approach allows for an economically efficient allocation of nutrients. Those soils with the greatest ability to retain nutrients and optimise nutrient use give land users the greatest flexibility to optimise production, respond to markets and technology while managing potential effects on water quality. Allocation systems should reflect the ability of these soil types to optimise production and land use flexibility.

Principle 6 Allocation approaches should provide for adaptive management and new information

Allocation decisions are primarily made on the information we know now and modelled future scenarios. Our understanding and the availability of both catchment and farm systems will change over the life of an allocation system as will possible management techniques. Allocation systems should provide sufficient flexibility to provide for adaptive management and be reviewed regularly to incorporate new information. Adequate transition times should be provided to incorporate new information where allocation changes as a result.

Principle 7 Appropriate timeframes must be set to allow for transition from current state to one where allocation of nutrients applies

Timeframes should take account of the degree to which any waterway is over-allocated (if that is the case), the period over which this state has come about and the costs for businesses and the current ability to manage to that allocation.

It should be recognised that current water quality issues are sometimes the result of many years of land use within catchments and may have developed over generations. Consideration needs to be taken of the legitimate expectations of people and natural justice. Accordingly time should be provided for them to adjust. There needs to be a balanced approach and recognition of the uncertainty associated with water science versus the likely economic impact on businesses and the region. The primary objective should be to set an appropriate direction of travel that will see a steady improvement in water quality.

Principle 8 Long term investment certainty is a critical feature of a viable nutrient management system

Changes to nutrient allocation regimes must be signalled as far out as possible. Refinements to those systems must be managed to minimise their impacts on business viability, land value and the flexibility of land use. The aim must be to reflect the underlying elements of sustainable management in achieving improved water quality outcomes including reducing those adverse impacts on social and economic outcomes.

Principle 9 Improvement in water quality must remain the primary objective of adopting any nutrient allocation regime

When exploring the adoption of methods to achieve water quality improvements and manage to limits, the focus of community debates, modelling and discussion of allocation of nutrients can distract from the primary goal – maintaining and improving water quality. This principle emphasises that allocating nutrients to a property level doesn't in itself result in improved in water quality; it is the actions of land users that ultimately result in improved nutrient management.

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

The mechanism for allocating nutrients, even if it does not have immediate effect, should be clear from the time when water quality limits are set. Allocation mechanisms should reflect the level of risk that the catchment will become over allocated. This may include the adoption of a pre-agreed catchment-specific environmental threshold (e.g. 75%-90% of a limit) to determine when an allocation regime should be adopted.

Principle 11 In designing the allocation system the benefits of a nutrient transfer system within the catchment or water management unit should be considered

Maximum economic efficiency of land use could be assisted by a mechanism for transferring nutrient discharge allowances within the same catchment. Nutrient transfer systems are only appropriate where:

(i) the initial allocation system meets all of the allocation principles;
(ii) only occurs within a sub-catchment or watershed and enables and supports Catchment Collective Groups;
(iii) the transferable portion of the resource (e.g. nitrogen) only pertains to the load which achieves the desired environmental outcome;

(iv) be a transfer within an established sub catchment programme that's based on allocation of a load consistent with these principles; and

(v) results in improved economic outcomes and land use optimisation.

Principle 12 Regulation, monitoring, auditing and reporting of nutrients within an allocation regime needs to relate to the degree of environmental impact and pressure

If there is limited environmental pressure and if an activity has a low impact then regulation – and the financial cost of complying with that regulation – should be commensurate with the degree to which the activities are causing an adverse effect on water quality.

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

In many catchments, lifting everyone to GMP is likely to go a long way towards achieving community objectives for managing to water quality limits. In catchments where nutrients are not over allocated, requiring good management practice is a sound alternative method to allocating nutrients to a farm (property based) level.

Principle 14 Nutrient allocation must be informed by sound science and stable and reliable catchment and farm system modelling and measurement

Modelling nutrient loss is important to inform nutrient allocation, but all models have limitations. Overseer is a key tool for understanding and managing nutrients on farms and to inform nutrient allocation decisions. In the short term there are significant limitations that need to be catered for in determining any regulatory or nutrient allocation regime (e.g. assumptions in Overseer regarding GMP, modelling of cropping regimes, ability of Overseer to estimate nutrient loss from the adoption of certain mitigations and the validation of Overseer estimates). Other measures may need to be included in the approach to managing nutrient loss to ensure innovative change is incentivised and that the focus remains on promoting good practice. Over time modelling designed to estimate nutrient loss will improve. Modelled estimates will change, so allocation regimes should account for modelling uncertainty and provide for appropriate transition periods.

Part A – Discharge Policies

Policy 7.D.5

B+LNZ requests the following amendments:

Subsection (b)

The provision should be reworded to provide more clarity regarding the "priority" of values for any sensitivity of the land or receiving water, so that those areas with low values are not required to make reductions where these are not needed. B+LNZ also seeks the deletion of the word 'any' as per below.

The physical characteristics and ~~any~~ particular sensitivity of the land and ~~any~~ receiving water

Subsection (d)(ii)

Deletion of the word 'ongoing' as per below.

Any staged timeframe and any environmental management plan to achieve: […] (ii) The ~~ongoing~~ reduction of adverse environmental effects of the discharge

Policy 7.D.6

B+LNZ seeks that Policy 7.D.6 is deleted.

Otago needs to review it's entire plan to give effect to the NPS FM. This must be done through thorough and robust scientific modelling and analysis, meaningful consultation with the affected stakeholders, and economic and social analysis of the options available to Otago to meet its obligations. It should not be done through inequitable piecemeal regulation which corrupts the proper processes for making decisions for the region and which which will have intergenerational effects.

Alternatively, Policy 7.D.6 should be replaced with the following nutrient management principles detailed above for relief sought on the PC8 generally.

Part C – Good Farming Practices

Policy 7.D.9

B+LNZ seeks that subsections (b)(i) and (d) are deleted for the reasons already discussed above.

Definition Critical Source Area

B+LNZ seeks that the definition is amended as below:

Means a landscape feature such as a gully, swale, or depression that accumialtes runoff from adjacent flats and slopes and delivers it to surface water body (sic) *such as rivers and lakes~~, artificial waterways, and field tiles~~.*

Definitions Feed Pad and Stand-Off Pad

B+LNZ seeks feed pads and stand-off pads are redefined as stock-holding areas, and that the following new definition replaces the deleted versions:

stockholding area—
(a) means an area for holding cattle at a density that means pasture or other vegetative ground cover cannot be maintained (for example, feed pads, winter pads, standoff pads, and loafing pads); but
(b) does not include an area used for pastoral purposes that is in the nature of a stockyard, milking shed, wintering barn, feedlot or sacrifice paddock

Definition Sacrifice Paddock

B+LNZ seeks that that the following new definition of sacrifice paddocks replaces the deleted version:

sacrifice paddock means an area on which—
(a) cattle are repeatedly, but temporarily, contained (typically during extended periods of wet weather) for the purpose of avoiding damage to soils in other parts of the property; and
(b) the resulting damage caused to the soil by pugging is so severe as to require resowing with pasture species

Part D -Intensive Grazing

Rule 14.6.1

B+LNZ seeks that this proposed rule is deleted for the reasons already discussed above.

Rule 14.6.2

B+LNZ seeks that this proposed rule is deleted for the reasons already discussed above.

Definition Intensive Grazing

B+LNZ seeks that this proposed definition is amended as follows

Intensive grazing means grazing of stock on forage crops (~~including~~ comprised predominantly of brassica, beet, or root vegetable) at any time in the period that begins on 1 May and ends with the close of 30 September of the same year, excluding pasture and cereal crops.

Part E: Stock Access to Water

Rule 13.5.1.8A

B+LNZ seeks that subsection (b)(i) is deleted if the definition of dairy cattle is not amended.

B+LNZ seeks that subsection (b)(ii) is deleted for the reasons already discussed around setbacks.

Definition Dairy Cattle

B+LNZ seeks that this definition is deleted and replaced as follows:

dairy cattle—
(a) means cattle that are farmed for producing milk; and
(b) includes—
(i) any bull on the farm whose purpose is mating with those cattle;
and
(ii) unweaned calves of those cattle; but
(c) does not include dairy support cattle

Part F: Sediment Traps

Rule 13.5.1.10

B+LNZ seeks that this provision is amended to explicitly exempt sheep and extensively stocked farm systems.

Do you wish to be heard in support of your submission?

All submissions will be considered by the Environment Court.

Please indicate if you wish to heard in support of your submission

I do not wish to be heard in support of my submission	**I wish to be heard in support of my submission YES** If others make a similar submission, I will consider presenting a joint case with them at the hearing YES I intend to call an expert witness(es) **YES** *(If you do not tick this box, you can change your mind later and decide to call experts to give evidence in relation to your submission, provided you do so in time to meet any procedural direction the Environment Court might make)*

Authority to Act

I confirm that I have authority to sign this submission on behalf of the submitter YES

Signature:_Lauren Phillips_____Date: _17 Augst 2020__