

**SUBMISSION**

On

**Freshwater Farm Plan Regulations Discussion Document**

to

Ministry for the Environment,  
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Wellington 6143

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## About the Fertiliser Association of New Zealand

- 1 The Fertiliser Association of New Zealand promotes and encourages responsible and scientifically based nutrient management. Good practices for controlling the supply and losses of nutrients, including greenhouse gases, from New Zealand's farm systems serves the interests of all New Zealanders, both for environmental management and economic benefit.
- 2 Founded over 70 years ago, the Association is funded by member companies to address issues of common public good. Members Ballance Agri-Nutrients Limited and Ravensdown Limited manufacture, distribute or market the majority of all fertilisers sold in New Zealand.
- 3 The co-operative base of the Association members means the industry core values are not driven by product sales, but by delivering best value to its farmer shareholders. The farmer shareholders' best interests in nutrient management are aligned to supply as required with effective and efficient use of nutrients.
- 4 Fertiliser is a key component of agricultural productivity. The industry has a key pan-sector role to play in management of nutrient cycling across all farm types - dairy, beef & lamb, arable and horticultural farms. While there are environmental impacts from primary production, the primary industries also make an essential contribution to our economy, which supports our standard of living. The fertiliser industry has the systems and expertise to aid agriculture's transition to reducing environmental impacts in a productive and profitable way.
- 5 For over 30 years the Association has been investing in industry good tools for understanding and managing the nutrient cycle on farms. Along with MPI and AgResearch, the Association is an owner and investor in OverseerFM.
- 6 In combination with the primary sector groups, the Association supports the Nutrient Management Adviser Accreditation Programme. ([link](#))
- 7 The Association member companies employ the largest group of farm environment plan/nutrient management advisers in New Zealand.

## **Submission - Summary in brief**

### **Proposed Regulated Outcomes**

- 8 Clear long-term direction in regulation for Freshwater Management is required to ensure confidence in business investment for both production and environmental targets.
- 9 Realistic timeframes are required to build the numbers of rural professionals capable of providing advice, to deliver Certified Freshwater Farm Plans and to develop reporting and audit systems that avoid duplication. (Experience has shown that capability only builds in response to demand, so clear requirements need to be in place to trigger rural professionals to invest in accreditation.)
- 10 A phased implementation based on priority catchments and issues will allow development of systems for effective delivery.
- 11 Regulating for freshwater outcomes is preferred as it would provide flexibility for innovation and farm specific options to achieve water quality values. We support Freshwater Farm Plans being outcome driven, risk based and farm specific, allowing the precise detail of how these outcomes can be achieved, being reliant on the judgement of the accredited certifier.
- 12 The proposals are high level, and further consultation on the preferred options would assist in ensuring that the regulations achieve the intent and that the sector is ready for implementation.

### **Proposed System Settings**

- 13 Duplication and cost should be minimised by using or building on existing industry systems.
- 14 Assessment of environmental risk from farm activities will require detailed guidance on priorities at catchment scale.

### **Contents of Freshwater Farm Plans**

- 15 The Freshwater Farm Plan certifier's discretion to recommend appropriate mitigation and practices for the farm system is required to enable farm specific solutions for catchment issues. RMA (NES Freshwater) Regulations 2020 and RMA (Stock Exclusion) Regulations 2020, already demand a hybrid approach with both specific, prescriptive controls and generic guidance for regulatory controls on farm actions to avoid, remedy or mitigate adverse effects.
- 16 It will be challenging for each individual accredited Freshwater Farm Plan certifier to assess and provide assurance of all the catchment scale regulated outcomes.
- 17 Clarity is required on how the 'Catchment Context' will be linked in the regulatory process.

### **Certification and audit**

- 18 The success of the approach is critically dependent on the interest and willingness of rural professionals to become accredited and work with farmers to deliver farm environment plans for certification. A number of individual accreditation programmes continue to operate. There is a need to consider how these accreditation approaches can work together, or harmonise, to deliver Freshwater Farm Plan accreditation systems that meet farmers and growers changing needs. Design of a National Freshwater Farm Plan Accreditation Body should seek to build on or seek to work with existing industry systems to ensure that in their entirety, they avoid duplication and reduce cost and confusion.

- 19 A robust accreditation scheme will require dispute resolution and complaints process and performance management. This should be part of the national accreditation process.
- 20 The scope of farm plans is potentially broad and it will be difficult for an individual accredited adviser to cover all areas. Accredited certifiers should be able to rely on the advice of a suitably qualified expert for areas where they do not have sufficient expertise. Accredited certifiers should be able to call on additional expert advice where required.
- 21 We support the aspiration that farm plans could eventually replace resource consents, however, there is need for consideration of how the need for recertification every 3 or 5 years could undermine confidence in business investment. (e.g. It may be difficult to invest in significant infrastructure such as effluent storage facilities if there is uncertainty about continued certification to operation beyond five years.)
- 22 Recertification, amendment or addendums to the Freshwater Farm Plan is appropriate where there are significant changes to the farm operation. (Recognising this approach may add to stresses on capability to deliver.)
- 23 Farmers would benefit by being able to appoint the auditor who can fulfil several roles on the one farm visit, (e.g. regulatory audits and market focused audits) to avoid duplication and escalation of costs. A good audit record should be incentivised by less frequent audit requirements.

**Quality assurance, enforcement reporting and review**

- 24 Freshwater Farm Plans developed by an accredited Freshwater Farm Certifier should be accepted as certified to reduce direct cost to the farmer.
- 25 To avoid duplication and unnecessary cost a Quality Assurance Programme for Freshwater Farm Plans should be part of the National Freshwater Farm Plan Accreditation Scheme. Transparency in the processes used by the National Freshwater Farm Plan Accreditation Scheme can provide the Ministry, regional councils and tangata whenua representatives confidence in the integrity of certified Freshwater Farm Plans.
- 26 Fixed infringement fees are appropriate for non-compliance, noting that the full range of existing RMA powers remain available to regional council for significant non-compliance.
- 27 Reporting farm data should be confidential with protection of private business data and information assured, with the same level of confidence as provided to businesses by IRD.
- 28 Additional safeguards may be required when reporting aggregated catchment and sub-catchment scale data, to ensure privacy of identifiable farms is protected. (e.g. In small catchments where individual farms are readily characterised)
- 29 When evaluating the outcomes for freshwater, metrics needs to be used with consideration of the long lag times in many catchments.

## Submission

### Section 2.2. Freshwater Plans and protection and restoration of waterways

- 30 To achieve the goals of improved freshwater quality through delivery of Freshwater Farm Plans across a diverse range of farm circumstances, guidance from regional councils on catchment priorities will be required. Guidance will have to address specific catchment goals and issues, and how these relate to farms within the catchment. Guidance will have to enable farm system specialists to understand how any individual farm can best contribute to catchment outcomes through the management of activities on their farm. The Catchment Context guidance is critical to the success of the Freshwater Farm Plan approach but it is not clear how it will be provided or applied.
- 31 Clarity is required on how the 'Catchment Context' will be linked in the regulatory process.
- 32 General level regulation, will have to be very clear about the role of the individual Freshwater Farm Plan in relation to farm level outcomes for the contaminants of interest; sediment, i.e., E.coli, phosphorus and nitrogen.
- 33 Guidance for general level regulation and the requirements for farm compliance will need to allow for considerable variation in farm systems, natural resources, and seasonal and annual climate conditions. A nationally applied 'one-size-fits-all' approach to guidance for farm activities and catchment context, will not be appropriate, and will fail to address catchment specific characteristics.
- 34 Development of general level guidance will require consultation with primary sector groups to ensure it achieves the intent.

### 2.3. What is a Freshwater Farm Plan?

- 35 The role and mechanisms of the Freshwater Farm Plan in relation to achieving regulated outcomes for each of the different contaminants of concern, (sediment, E.coli, phosphorus and nitrogen) at farm level will require clear guidance, specific to each catchment.
- 36 How the actions which manage losses to the boundary of any one farm, can be compared to the catchment outcomes is not clear. The quantum of improvement or change required will need to be specified in the guidance. This will have a significant bearing on the nature of qualifications of accredited Freshwater Farm Plan Certifiers, Farm Plan consultants and farm specific management actions.
- 37 Currently it is unclear how the individual Freshwater Farm Plan might work in catchments that are highly allocated. In these situations, there will need to be consideration of decisions being made off-farm. An example would be the impact of decisions on water allocation and supply for irrigation will have major impacts on requirements for addressing nitrate leaching.

### 2.4. How the Freshwater Farm Plan System fits with regional council planning processes

#### Questions: - regional council planning processes

1. *What other information should we consider about how the freshwater farm plan system fits with regional council planning processes, and why?*

### Question 1.

38 New Zealand requires assurances for both environmental standards and economic benefits for farming activity. An additional question to ask in relation to aligning Freshwater Farm Plans with regional council regulation is:

“How can clear the long-term direction in regulation for Freshwater Management ensure confidence in business investment for both environmental and production targets?”

Confidence in business investment relates to the banks as much as the farmers themselves. It is important to develop regulatory pathways and approaches that give confidence for investment in environmental management, and which enable farmers the flexibility to operate efficiently and adopt new innovations with confidence”

## 2.5 Role of tangata whenua in the freshwater farm plan system

**Questions: - - Giving effect to Te Mana o te Wai**

*2. What information should we consider regarding the role of tangata whenua in the freshwater farm plan system?*

### Question 2

- a) The proposal relies on iwi engaging with regional councils on their aspirations for freshwater. Consideration needs to be given to how hapu are effectively resourced for this engagement. Inclusion of information on both aspirations for Te Mana o te Wai and cultural aspirations within the regional council guidance on catchment context is critical. This could enable a more efficient and effective way of ensuring that hapu aspirations are both identified and addressed.
- b) It will be important to ensure that accredited Freshwater Farm Plan certifiers have adequate training and experience to ensure their understanding of Te Mana o te Wai.

## 2.6 A role for industry assurance programmes and other farm plan initiatives in delivering freshwater farm plans

**Questions: - industry assurance programmes and other farm plan initiatives**

- 3. What other information should we consider regarding the proposed role for industry assurance programmes and other farm plan initiatives in the freshwater farm plan system?
- 4. What are the likely impacts and cost implications of the proposed approach?

### Questions 3 & 4

39 We support the approach of building on existing industry assurance schemes in creating Freshwater Farm Plans. The intend of the system is to drive farm practices and systems that will result in improved water quality. It is important that the process builds on existing work rather than duplicating or undermining existing initiatives.

- 40 There will likely be need for consideration of protection of private business data and information.
- 41 Building on existing system will help manage costs and will re-affirm the work that is already underway. Building and maintaining confidence in the transition ahead is critical for success.
- 42 The costs of the new process will be significant for farmers and growers for certification of their Freshwater Farm Plans, and for rural professionals as they invest in their accreditation. It is critical that both the long-term pathway and the expected impact of this approach are clear and measurable. This is crucial to ensure that all stakeholders have confidence in the approach.

## 2.7 How freshwater farm plans fit with Integrated Farm Planning

- 43 Using existing farm system reporting systems for market and quality assurance processes to also align with planning and audit processes for an integrated farm planning framework (freshwater and greenhouse gas emissions) could help avoid unnecessary duplication and cost.

## 2.8 Transition to a fully implemented freshwater farm plan system

### Questions: - transition to the new system

5. Do you agree with our proposed approach for transitioning to a fully implemented system? If not, why not?

- 44 The lack of opportunity to phase the work adequately puts the process at risk.
- 45 Regional Councils will not have revised plans available until 2025. This could mean that detailed information from councils on catchment specific contexts may not be available until that time.
- 46 While there is ability to use existing information to inform farm plans in the interim, this will likely increase the uncertainty in farm plan development. Proposals to start transition into the new approach in early 2022 will set expectations that a National Accreditation Body will have been established to provide accreditation to Freshwater Farm Plan Certifiers and have recruited the appropriate number of accredited certifiers at that stage. In the absence of having revised regional plans in place, it is also unclear how compliance could actually work.
- 47 While there is likely to be keen interest in starting, successful implementation will be dependent on the development of a realistic implementation plan.
- 48 Clear, forward setting of expectations is required to build capability, because experience shows that uptake of accreditation by rural professionals does not occur until there is actual demand for the services of accredited professionals is present.
- 49 As noted above, industry experience with the Certified Nutrient Management Adviser Programme has shown that uptake of certification does not occur until after the demand for these services is created. Industry experience is that it can take 4 or 5 years to build suitably qualified and experience capability for accreditation. ([link](#))  
  
A phased implementation to address priority areas and priority issues first has worked in the past.

## Section 3: Key elements of freshwater farm plans

### 3.1 Regulated outcomes

#### Questions: -regulated outcomes

6. Do you agree with the preferred option for how regulated outcomes could be described in regulations? If not, what is your preference?

7. What are the likely impacts and cost implications of the preferred approach?

#### Questions 6 and 7.

- 50 Preference is for Options 1 for regulated outcomes which provide an opportunity for flexibility and innovation while meeting the guidelines provided for Farm Freshwater Plan and the Regulated Outcomes.
- 51 Development of information on individual catchment contexts will be critical to the success of the farm planning system.
- 52 Regulating for freshwater outcomes is preferred as it would provide flexibility for innovation and farm specific options to achieve water quality values. We support Freshwater Farm Plans being outcome driven, risk based and farm specific, allowing the precise detail of these mechanism to achieve the outcomes being reliant on the judgement of the accredited certifier.

### 3.2 Farm Planning

#### Questions: - regulated 'base information'

8. Does the material in Appendix 1 cover all the base information that should be mandatory for inclusion in freshwater farm plans? If not, what else should be considered and why?

9. What are likely impacts and cost implications of the proposed requirements in Appendix 1?

#### Questions 8 and 9.

- 53 Details required for Freshwater Farm Plans should be no more demanding than is required to meet the regulated outcomes.
- 54 Appendix 1 sets out a comprehensive suite of information that should be core to any farm plan, with the exception that identification in the Freshwater Farm Plan of sites for mahinga kai should not require wider tangata whenau and community engagement. As occurs with 'significant biodiversity', mahinga kai sites should be those sites identified in the regional plan or catchment context documents at the time the Freshwater Farm Plan is certified. Appendix 1 recommendation for wider community and tangata whenua engagement to identify sites for mahinga kai in the Freshwater Farm Plan is contrary to the recommendations in the discussion document that individual farmers and growers would be not be required to identify and engage relevant tangata whenua about their freshwater farm plan.



- 55 Existing investments in accreditation and environmental planning processes should be utilised where-ever possible to avoid duplication and unnecessary cost.

### **Risk/impact assessment**

#### **Questions: -Risk / Impact assessment**

10. Do you agree with our preferred option? If not, what is your preference?
11. What information should be included in guidance to inform the risk/impact assessment, and why?
12. What are the likely cost implications

#### **Questions 10 - 12.**

- 56 Support is given to Option 1 for general guidance based on catchment specific context and issues. (Option 2 which requires detailed methodology incorporated by reference into regulation is not developed in the Discussion Document.)
- 57 Risk and impact assessments for farms should be no more detailed and complicated than is necessary. Farm advisers and farm managers are well placed to understand and devise risk management programmes for on-farm management for protection of freshwater and freshwater ecosystems, including identification and management of critical source areas.
- 58 Development of information on individual catchment contexts will be critical to the success of the farm planning system.
- 59 Support is provided for Option 1 for guidance documents on the minimum general requirements for a risk/impact assessment of a farm. Duplication and confusion should be avoided by utilising and where necessary modifying existing industry and regional council farm environment planning documents and systems.

### **Identifying actions to avoid, remedy or mitigate risks/impacts**

#### **Questions: –identifying actions**

13. Do you agree with our preferred option? If not, what is your preference?
14. What are the likely impacts and cost implications of the preferred options?

#### **Questions 13 and 14.**

- 60 Option 1 for the accredited certifier and farm planner’s discretion is preferred, recognising that Option 3 has already been implemented by the nature of the regulations under the RMA (NES Freshwater) Regulations 2020, which specifies prescriptive controls on nitrogen fertiliser use on pastoral farm, land use conversions, winter grazing and feedlots and stockholding areas, and also under the RMA (Stock Exclusion) Regulations 2020, with prescriptive controls on stock exclusion, based on mapped land parcels.

## Determining timeframes to implement the actions identified in the freshwater farm plan

### Questions: – implementation of timeframes

15. Do you agree with our preferred approach? If not, what is your preference?

#### Question 15.

- 61 Timeframes are just one aspect of a Freshwater Farm Plan’s suitability to meet the stated objectives. The principle being proposed to address guidance for “reasonableness” is supported, and could be applied to many other aspect of an individual farm’s actions and suitability to meet the regulated outcomes for a catchment context.
- 62 If the guidance requires uniform national standards to be applied then flexible farm specific planning to meet individual catchment requirements will be superseded by national standards on timeframes for farm specific actions.
- 63 Generic guidance for the role and implementation of the Freshwater Farm Plans to meet the stated objectives, should include the principle of ‘reasonableness’ as assessed by the accredited Freshwater Farm Plan certifier.
- 64 Applying ‘reasonableness’ seems a pragmatic approach.

## 3.3 Certification

### Process for accrediting and appointing certifiers in the freshwater farm plan system

#### Questions: – certifier accreditation and appointment

16. Do you agree with our preferred option? If not, what is your preference?

17. What are the likely impacts and cost implications of the preferred approach?

#### Questions 16 and 17.

- 65 A national accreditation scheme for Freshwater Farm Plan certifiers is supported. (Further consideration should be given to how such a national accreditation system aligns and connects to existing accreditation schemes.) It would be untenable to have 14 or 16 different regional accreditation schemes.

### More detail around the role of the certifier

#### Questions: – role of certifier

18. Do you agree with the following assumptions? If not, why not?

- a. In most circumstances certifiers will need to ‘walk the farm’.
- b. Certifiers can call on expert advice for matters outside their areas of expertise.

19. Do you agree with our preferred option? If not, what is your preference?

20. Should there be a limit to the number of times a certifier can re-certify a freshwater farm plan for the same farm operator?

21. What are the likely impacts and cost implications of the preferred approach?

### Questions 18,19, 20 and 21

- 66 Option 1 is supported as costs to farmers are most manageable if the accredited certifier can be directly involved in the development of Freshwater Farm Plan content and certify this plan.
- 67 Providing this information will mean that an accredited certifier will be required to walk the whole farm. This will have significant time and cost implications. Consideration should be given to creating flexibility to enabling an accredited certifier to walk part of the farm and rely on other qualified information sources to cover other aspects of the farm. The plan could clearly document where third-party information has been relied on.
- 68 The scope of farm plans is potentially broad and it will be difficult for an individual adviser to cover all areas. Accredited certifiers should be able to rely on the advice of a suitably qualified expert for areas where they do not have sufficient expertise. Certifiers should be able to call on additional expert advice where required.
- 69 There should be no limit on the number of times an accredited certifier can review and recertify the Freshwater Farm Plan, because it will be an infrequent occurrence and the certified Freshwater Farm Plans are proposed to be subject to assessment under the Quality Assurance Programme.

### Engaging and paying for a certifier

#### Questions: – engaging and paying for a certifier

22. Do you agree with our preferred approach? If not, what is your preference?

23. What are the likely impacts and cost implications of the preferred approach?

### Question 22 and 23

- 70 Farmers are already facing significant compliance costs under the new regulations with additional costs for certification and audit of Freshwater Farm Plans, in addition to existing costs for certification and audit of industry schemes.
- 71 However, to facilitate timeliness and control of the certification process it is a pragmatic approach for the farm operator to directly engage the accredited certifier. Legislation requires that regional councils provide a list of recognised (registered) certifiers.

### Regular review and re-certification

#### Questions: – review and re-certification

24. Do you agree with our preferred option? If not, what is your preference?

25. What are the likely impacts and cost implications of the preferred approach?

### Questions 24 and 25.

- 72 Re-certification should be every 5 years, unless there is a farm system change. The question remains will revisions of regional council plans also require reviews of all Freshwater Farm Plans? Policies on regular review and re-certification could mean that farmers are going to be operating in an increasingly uncertain world which may delay action.
- 73 Farm activities continue to be audited against the Freshwater Farm Plan.
- 74 Consistently successful audits should be rewarded with reducing frequency of audits.

### When a farm would need a new freshwater farm plan

#### Questions: – new plans, addendums and amendments

26. Do you agree with the proposed categories and triggers for new freshwater farm plans, addendums, and amendments? If not, what is your preference?
27. What are the likely impacts and cost implications of the preferred approach?

### Recommendation Questions 26 and 27.

- 75 The proposed triggers for review of the Freshwater Farm Plan are supported where the operation of the farm system has substantially changed. Re-certification, amendment or addendums to the Freshwater Farm Plan is appropriate where there are significant changes to the farm operation.
- 76 The audit process is intended to ensure the farm activities match the Certified Freshwater Farm Plan.

### Dispute resolution

#### Questions: – dispute resolution

28. Do you agree with our preferred approach? If not, what is your preference?
29. What are the likely impacts and cost implications of the preferred approach?

### Questions 28 and 29.

- 77 A robust and well documented dispute resolution process is essential for a accreditation body responsible for the qualifications and standards met by rural professionals who certify Freshwater Farm Plans.
- 78 The basic steps described in the dispute resolution process are appropriate, but a robust and detailed process should be part of the National Accreditation Body procedures, not the national regulation.

### Complaints process

#### Questions: – complaints process

30. Do you agree with our preferred approach? If not, what is your preference?

31. What are the likely impacts and cost implications of the preferred approach?

**Questions 30 and 31.**

- 79 A well-documented and robust complaints process should be part of any National Accreditation Scheme.
- 80 Costs are reduced by avoiding duplication of processes.

**Removal of a certifier's accreditation**

**Questions: – removal of accreditation**

32. Do you agree with our preferred approach? If not, what is your preference?
33. What are the likely impacts and cost implications of the preferred approach?

**Questions 32 and 33.**

- 81 A robust and well documented process for removing accreditation is essential and should be part of the certification programme administered by the National Accreditation Body.
- 82 The proposal for removal of accreditation should also include that:
- Farmers may take a complaint to the National Accreditation Body against a certifier
  - The accredited certifier must have opportunity to make amends to meet the standards required

## **3.4 Audit**

**Questions: – accreditation and appointment of auditors**

34. Do you agree with our preferred option? If not, what is your preference and why?
35. What are the likely impacts and cost implications of the preferred approach?

**Questions 34 and 35**

- 83 The knowledge and skills required for Freshwater Farm Plan development and for Freshwater Farm Plan certification are the same. They require a thorough knowledge of the farm system and appropriate mitigations to achieve the farm system and environmental goals. A farm auditor needs a different set of skills and different disciplined approach for assessing compliance with the documented processes.
- 84 Therefore, the audit system for Freshwater Farm Plans may be better served if it remains a separate approach from the certification of Freshwater Farm Plans.
- 85 A robust well documented audit scheme should take advantage of any existing national accreditation/audit schemes to reduce unnecessary duplication and cost.

## Determining audit frequency

### Questions: – audit frequency

36. Do you agree with our proposed approach for determining audit frequency? If not, what is your preference and why?
37. What are the likely impacts and cost implications of the preferred approach?

### Questions 36 and 37.

- 86 The principle of rewarding compliant audit results with an extended audit period is supported. Frequent audits, which do not recognise good compliance records could add significant unnecessary cost for all parties.
- 87 Building on existing industry national audit schemes will reduce duplication and costs.
- 88 Rewarding a good compliance record with reduced frequency of audits will help reduce costs and provide an added incentive for audit compliance.

## Engaging and paying for an auditor

### Questions: – engaging and paying for an auditor

38. Do you agree with our proposed approach? If not, what is your preference and why?
39. What are the likely impacts and cost implications of the preferred approach?

### Questions 38 and 39.

- 89 It is supported that a farmer directly engages the auditor. The farmer should have flexibility to manage costs by selecting auditors who can address a range of functions and services most efficiently. e.g., market focussed audits at the same time as regional council regulatory focussed audits.

## Section 4: Quality assurance of freshwater farm plans

### Questions: – quality assurance

40. Do you think quality assurance should be undertaken by a national body, with checks undertaken regionally?
41. What should the triggers be for quality assurance checks?
42. What are the likely impacts and cost implications of the proposed approach?

### Questions 40, 41 and 42.

- 90 The Quality Assurance Programme for Freshwater Farm Plans should be part of the National Freshwater Farm Plan Accreditation Scheme.
- 91 Assurance checks should be a focussed programme specifically to address outliers, complaints or test the generic system. The accredited certifier should regularly submit their Freshwater Farm Plans for review under the quality assurance programme.
- 92 Costs are reduced by building quality assurance into the National Freshwater Farm Plan Accreditation Scheme in preference to duplicating it.

## Section 5: Enforcement mechanisms

### Questions: – enforcement mechanisms

43. Are the proposed offences and infringement fees appropriate? If not, what would be appropriate?

#### Question 43

- 93 It is hard to provide meaningful comment without knowing if the proposed fee structures are intended to be daily charges or a fixed fee for each of the offences listed.
- 94 The fees are suitable for a fixed fee based on the infringements outlined. A very important consideration is that:
- a) failure to lodge a Freshwater Farm Plan and in some cases failure to implement some actions in a Freshwater Farm Plan will not in themselves necessarily lead to adverse environmental effects, and
  - b) existing regional council powers under the RMA, remain appropriate to enforce compliance with the RMA and enforce actions required to mitigate or avoid adverse effects.

## Section 6: Implementation options

### Questions: – implementation

44. Do you agree with our preferred option? If not, what is your preference and why?
45. Should we explore whether it should be possible for farmers and growers to opt into the freshwater farm plan system?
46. What are the likely impacts and cost implications of the preferred approach?

### Questions 44, 45 and 46.

- 95 Implementation on a priority catchment basis is the stated preferred option for implementation and is supported, but consideration will need to be given to availability of qualified and capable advisers in the local area.

- 96 National regulation targeting known higher risk activities has already been implemented by way of the RMA (National Environmental Standards Freshwater) Regulations 2020, and the RMA (Stock Exclusion) Regulations 2020.
- 97 Consideration should also be given to alignment with farm planning and reporting requirements for greenhouse gas reporting, for example following recommendations from He Waka Eka Noa.

## 6.2 Understanding catchment values and context

### Questions: – understanding catchment values and context

47. Should we consider any other ways to support farmers, growers and certifiers to understand and incorporate catchment values and context?

#### Question 47

It remains unclear how the ‘Catchment Context’ will be linked to an individual farm’s activities and how it will be linked in the regulatory process.

## Section 7: Reporting and review

### Questions: – data collection

- 48. What are your thoughts on the proposed indicator areas for evaluating the difference the freshwater farm planning system is making to water quality and ecosystem health?
- 49. What other information should we consider, and why?
- 50. What are the likely impacts and cost implications of this approach?

#### Questions 48, 49 and 50

- 98 The proposals are costly and will impact farm practice and profitability for generations to come. It is critical that we understand where the proposals are actually having the intended effect.
- 99 The metrics proposed relate to process. While these might be useful in the initial phase, there needs to be a clear set of performance metrics developed around the impact of the proposals. This should include both environmental and economic impacts.
- 100 A minimum requirement should be to develop an evaluation plan for the programme, including identification of what benefits it is expected the proposals will achieve and over what time frame. Such an evaluation programme has to be the basis for any metrics developed. It could also be a basis of supporting adoption of the Freshwater Farm Plans. We are all better able to commit to something when we understand the intended impact.
- 101 Any evaluation plan must also recognise that considerable time lags can occur between practice change and observable freshwater outcomes.



## 7.2 What regional councils report publicly

### Questions: - reporting publicly

51. Do you agree with our preferred approach? If not, what is your preference and why?
52. Is there any information in a freshwater farm plan that you would not want to be shared publicly? For what reason?

### Questions 51 and 52.

- 102 The proposals are unclear around what is intended to be reported. Care needs to be taken to ensure that such report complies with the Privacy Act.
- 103 In small catchments where individual farms are unique or readily characterised, the aggregated data at catchment scale may not be enough to protect individual privacy rights. Additional safeguards are likely to be required, to ensure privacy of identifiable farms.

### Concluding Comment:

- 104 Thank you for the opportunity to lodge this feedback.