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Freshwater Farm Plan Regulations

Local Government New Zealand's submission on the Discussion Document

September 2021

We are. LGNZ.

LGNZ is the national organisation of local authorities in New Zealand and all 78 councils are members. We represent the interests of councils and lead best practice in the local government sector. LGNZ provides advocacy and policy services, business support, advice and training to our members to assist them to build successful communities throughout New Zealand. Our purpose is to deliver our sector's Vision: "Local democracy powering community and national success."

This final submission was endorsed under delegated authority by Doug Leeder, Chair, Regional Sector Group, LGNZ.

Council feedback

Councils are well represented in this regional sector feedback on the Ministry for the Environment's consultation on Freshwater Farm Plan (FW-FP) Regulations: Discussion Document. Most regional councils have contributed to the development of this feedback, either in the form of draft written feedback and/or during a series of focused discussions.

Feedback was given at the staff level rather than representing official council positions.

The combined regional sector expects that councils will also provide their own individual feedback on the discussion document and that there will be some nuanced differences in views expressed in individual council feedback. However, there is general alignment across council views received and expressed in this combined regional sector feedback.

Combined regional sector themes

Four common themes were identified across council feedback. These themes are:

1. Resourcing constraints

The Freshwater Farm system is new and still needs detailed implementation design. We expect that detailed design will provide clarity on national and regional roles and how each component is funded. We have not commented further about costs in this submission. Councils are concerned about Council costs and those which our communities must meet. We anticipate additional Council resources will be required to address four key areas to inform FW-FPs:

- a. Preparing catchment context,
- b. Engagement with tangata whenua
- c. Operating regional governance over the system,
- d. Resourcing engagement with catchment groups.
- e. Establishing and overseeing compliance and enforcement functions.

Additionally Councils are concerned about external resources available to successfully implement the proposed farm plan system. Farm plan advisors, certifiers and auditors will all be required in large numbers. Appropriate time and funding must be made available to grow capacity in these areas.

2. Need for linkages across different geographic scales

The new FW-FP system will benefit from linkages in policy, data, training, and tools from the national scale through to regional, Freshwater Management Unit, catchment, and farm scale.

3. Flexibility versus prescriptiveness

Consistency is needed in some parts of the farm planning system, whilst flexibility is important in other parts. For example, a consistent approach to certifier accreditation versus flexibility in prioritisation of actions in response to farm context. Generally, a flexible approach is preferred in the regulations. Noting that a reliance on flexibility also means reliance on the robustness of the FW-FP system to prevent, manage and address any issues in FW-FP delivery. We do have concerns that inconsistencies in approach could result in a lack of parity across farms and undermine the integrity of the system. We will need supporting (guidance) documentation to be more binding than is usually the case with MfE guidance and suggest that some aspects of the system could be mandated through documents which are more readily and frequently updated than regulations – for example professional standards for certifiers.

4. Region-specific approach to transition

What the transition to fully implemented FW-FPs looks like should be determined by regional context – council, tangata whenua and community priorities, data availability, tangata whenua capacity and current state of farm planning.

Structure of Feedback

This feedback is structured to align with the numbering, order and content of the questions in the Freshwater Farm Plan Regulations discussion document. Each question is restated, followed by a summary of the regional sector view and regional sector recommendations.

Combined regional sector feedback

General comments

While this feedback is structured around the guiding questions in the document, it is important to keep a systems approach to Fresh Water Farm Plan design in mind. Particularly, there is a need to consider linkages between different components to ensure these components interact in a logical, efficient, and effective way.

It is important that FW-FPs highlight the nature of the FW-FPs being living documents that are used, updated, referred to and acted on.

The regional sector discussion document on the FW-FP proposal (December 2020 attached), included a table – What makes a good FW-FP and FW-FP process. It may be useful to refer to this as a reminder of the regional sector view on key FW-FP elements and processes.

What makes a good FW-FP and FW-FP process

<i>From a Farmer-Grower perspective</i>	<i>From a Regional Council perspective</i>
<ul style="list-style-type: none"> ✓ The farmer has had significant input into the preparation of a FW-FP ✓ The FW-FP renders complex environmental requirements more simply as they apply on-farm and is written in farmer language ✓ Helps farmers meet their regulatory requirements ✓ The FW-FP is a repository of useful resource information about the farm, is regularly referenced on-farm (at least in part) as a useful planning/management document. ✓ The FW-FP is heavy on maps and photos and light on words and sets out clear works programs (e.g. 2, 5 and 10 years) ✓ Is a living document and can be added to as things develop ✓ Supports innovation and continuous improvement ✓ Support is available through all steps of the process 	<ul style="list-style-type: none"> ✓ Environmental risk-based and tailored to the level of risk to Te Mana o Te Wai - freshwater ecosystem health and mahinga kai ✓ Responds to councils' and/or catchment priorities ✓ Provides information to councils that: <ul style="list-style-type: none"> ○ Enables tracking of progress against regulatory requirements or catchment strategy objectives ○ Provides data for catchment accounting and compliance with catchment limits ○ Describes the intensity, scale and timeframe expectation for actions/mitigations required to avoid, remedy or mitigate on-farm freshwater impacts ○ Improves the understanding of the correlation between farm practices and freshwater ecosystem health indicators ○ Supports regional/catchment planning (e.g., tree nursery stocks) in upcoming season or catchment initiatives ✓ Timeframes reflect the reality of investment, capacity and capability
<p><i>From a national perspective</i></p> <ul style="list-style-type: none"> ✓ Integrate into the Integrated Farm Planning national programme, enabling a modular approach to addressing farm planning covering freshwater ecosystem health, water quality, greenhouse gases, biosecurity etc. ✓ FW-FPs are well supported by building capability and resources into the system ✓ Operates within an assurance system that has the confidence of councils, their communities and iwi/hapū ✓ Provides an opportunity for industry programmes to meet set standards and be able to assist in the delivery of farm plans, certification and audit 	

Specific comments on discussion document

2. Overview

2.4 How the freshwater farm plan system fits with 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?

There are differing views on the relationship between the FW-FP system and regional planning and resource consents frameworks. Section 9A of the Resource Management Act 1991 does not provide clarity on this. We see value in a clear explanation of how the FW-FP dovetails with the existing RMA instruments.

We are aware that some have developed the view that FW-FPs will result in a reduction in compliance load. This is unlikely to be the case, given the likely detail necessary under the proposed FW-FP requirements.

Council obligations to monitor compliance with regional plans and resource consents need to be considered alongside the auditor role, which is proposed to sit outside of councils.

There are opportunities to draw on data collected at the farm scale and collated at a catchment-scale to inform regional planning processes.

‘Knowledge of farm activity and mitigation actions for council’s freshwater accounting (modelling) to determine baseline, interventions, and to predict future state for planning purpose. Certain freshwater farm plan information, when collated by councils on a catchment scale, can provide valuable insights into the linkages between contaminant sources, farm systems and practices, mitigations, and water quality and wellbeing of freshwater bodies. This will help to refine and target methods to bring down contaminant losses to water over time through regional plan changes now and in the future.’ Toi Moana Bay of Plenty Regional Council.

Recommendations

1. Ensure linkages between the FW-FP system and regional planning/consent frameworks are mapped out and communicated widely.
2. Focus on communicating the messages that
 - FW-FPs will become a key tool for demonstrating good practice and compliance with national and regional regulation, not necessarily reducing regulation.
 - Having an FW-FP doesn’t mean other parts of the RMA do not apply to farm owners and operators.
3. Ensure data format, recording and reporting informs regional plans, whilst maintaining privacy and ensuring reasons for collecting the data are justified.

2.5 Role of tangata whenua in the freshwater farm plan system

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

Tangata whenua will have different levels of interest and ability to resource involvement in the FW-FP system. Tangata whenua have roles in both national and regional FW-FP system governance. Regional arrangements with tangata whenua should not be specified in the regulations as regional approaches need to be informed by existing relationships, work programmes and tangata whenua preferences.

There is agreement that individual farmers and growers should not be required to engage with tangata whenua at an individual level about their freshwater farm plan. However, there are opportunities to build awareness and understanding of cultural values, as well as build the capacity of those delivering training. Additional funding should be made available to support these activities.

It is important that definitions used in relation to tangata whenua are consistent across all relevant legislation.

Recommendations

1. Decisions on how to involve tangata whenua in regional implementation should be made locally, considering capability and capacity of all involved.
2. Consider the following opportunities to work with tangata whenua to ensure Te Mana o te Wai is reflected in FW-FPs:
 - a. Councils work with tangata whenua to build an understanding of their values during their work to express the broader catchment context.
 - b. Draw on existing tangata whenua documents such as iwi management plans.
 - c. Ensure FW-FP certifiers are adequately trained in cultural awareness and management of cultural values.
3. MfE should also consider:
 - a. Working with tangata whenua directly to establish their expectations for the freshwater farm planning process.
 - b. Additional funding for the operational responsibilities and additional capacity building for tangata whenua.
 - c. Funding for catchment focused cultural assessments to inform non-regulatory actions and relationships.
 - d. An expansion in the proposed roles for tangata whenua in delivering training courses to include cultural values training.
 - e. If the definition for tangata whenua is to be changed, draft it in to the Natural and Built Environment Act, so that it is subject to comprehensive scrutiny, and then applies to all sub-ordinate policy and regulation.

2.6 Role of industry assurance programmes and other farm plan initiatives in delivering freshwater farm plans

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 preferred approach?

A system is proposed where industry programmes and council farm plan programmes can be assessed and recognised as being appropriate to meet new FW-FP requirements. A transitional phase is needed to provide a pathway for existing farm plan through IAPs and council programmes to move to the FW-FP regime.

In principle, the regional sector supports building off existing IAPS to recognize the work already done to roll out farm plans and introduce appropriate Good Management Practices (GMPs). However, we expect these existing Farm Environment Plans will need to be amended to comply with new regulations.

Regional council schemes and new assurance programmes should also be enabled under the new farm planning system.

‘Industry Assurance Programmes, Regional Council’s existing Farm Environment Plan / Nutrient Management Plan certification schemes, and any new assurance programmes offered by other parties (for example, there is potential for a Māori primary sector organisations, or pan sector organisations to offer these) should have a pathway available to them to amend and improve their schemes to align with new FWFP requirements, and to seek recognition/approval for these nationally. Existing assurance programmes (especially if part of integrated farm planning) can contribute to providing consistency and reducing duplication or conflicting expectations for farmers. ‘Toi Moana Bay of Plenty Regional Council.

Use of IAPS will promote consistency of FW-FP format which will help farmers, though FW-FPs need to also reflect catchment context. Regional councils will need the ability to check and confirm that IAPs appropriately address regional rules and requirements. There is a need for national consistency, for example consistent terminology for GMPs, with councils having the ability to require further detail in specified circumstances.

Availability of data collected has been a challenge under current IAPs. Once approval is given for farm plans delivered under IAPs, it can be difficult to obtain data. There is an opportunity to collect data to inform the NPS-FM process. A condition of recognising IAP’s must be that they provide all of the data required under the FWFP regulations.

Transparency and oversight of IAPs will be important to ensure the right actions are appropriately carried out.

Actions under the FW-FP system should not be at odds with actions to address other environmental objectives. For example, actions to address greenhouse gas emissions and National Policy Statement for Indigenous Biodiversity objectives.

The regional sector suggests first identifying high-level outcomes sought in transitioning existing FEPs under IAPs and Council programmes to the new FW-FP regime. Some desired outcomes are detailed below as a starting point but should be further tested through the implementation process.

Desired Outcomes		How
Councils	Farmers/growers/industry	
Have clarity on timeframes & actions needed to transition from existing IAP and Council FEP to FW-FP.	Have clarity on timeframes & actions needed to transition from existing IAP FEP to FW-FP.	Communicate requirements to councils, industry and farmers in a clear and timely manner.
More farms have FWFP’s in a shorter time period. Existing good practices are not lost.	The transitional pathway recognises the efforts made by early adopters. Does not require a total reinvention of the wheel.	Discussion involves all involved in the system.
Allows sufficient time for IAPs to adapt to new FW-FP requirements (includes building capacity).	Allows sufficient time to adapt to new FW-FP requirements (includes building capacity).	Set appropriate timeframes in consultation with councils and industry.
Allow for differences between IAP providers while creating consistency for reporting purposes.	Continue to offer/take up unique market offering.	Ensure consistency of terms used, e.g.: how GMPS are described, recorded & reported.

Have confidence that FW-FPs under IAPs achieve outcomes that are needed.	Have confidence that IAP FW-FP fulfil regulatory requirements.	Monitoring & quality assurance.
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Recommendations

1. Design a transitional pathway for existing IAPs and council programmes in consultation with industry and regional councils.
2. Enable other providers (other than IAPs) to also become authorised.
3. Bring IAP certifiers into the national accreditation scheme for certifiers
 - Maintain a register of certified advisors including their competencies and demonstration of their qualifications against these competencies
 - Require certifiers to be subject to national certification.
 - Require that each certifier (whether part of an IAP or not) needs to be approved to operate in each region, by the relevant regional council. Likewise, confirm that regional councils appoint auditors as stated in the RMA.
4. Require national and regional sampling and review of quality assurance processes by a national body, with regional council input. Sampling and review will be important, especially in the initial years, to ensure consistent quality of FW-FPs across all sectors and all certifiers.
5. Be careful not to communicate that existing assurance programmes will meet FW-FP requirements
6. Ensure all IAPs are subject to the same base standards for data format, collection and reporting
7. Require that supply of data should be part of IAP conditions of approval.

2.8 Transition to a fully implemented FW-FP system

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

A phased introduction of freshwater farm plans is proposed, starting in the first half of 2022 and taking until at least late 2025 to fully implement. The regional sector agrees that the introduction of FW-FPs should be phased and that a fully implemented freshwater farm plan system can only be established once councils have revised their RMA plans under the NPS-FM 2020.

Councils do not want to replicate regional planning processes. Consideration needs to be given to the current state of regional planning and how FW-FP roll out would best fit within regional context. We note that NPS FW 2020 plans are due in 2024, fully implemented FW-FPs by 1 year after. This raises questions regarding timing and integration between FW-FPs and new regional plans. It should be up to councils to weigh up all the relevant factors and make decisions on the full implementation of FW-FPs in their region.

However, there is no reason not to continue with the current roll-out under IAPs and by councils to encourage early adopters and ensure existing momentum continues. Consideration needs to be given to how to fairly transition these early adopters, including those already required to have Farm Environment Plans under regional planning rules.

Additionally, the National Environmental Standard for Freshwater Management (NES) sets out a pathway for high-risk activities to be managed via FW-FPs as an alternative to meeting standard

permitted activity conditions or obtaining resource consent. The intent of this regulation needs to be reflected in an ability to utilize the FW-FP pathway in the interim before FW-FPs are fully implemented.

Sufficient rural professional capacity to prepare, certify and audit FW-FPs will also take time to build. This needs to be factored into decisions on FW-FP system roll out.

We are concerned that the resources required to implement FW-FPs are significant, and FW-FP programme design and implementation comes at a time when councils' and iwi partners' resources are already stretched. '[This]...will mean tough conversations in respect to the many other competing interests that regional councils are asked by their communities to address.'

Our view is that roll-out of new FW-FPs should initially focus on adoption of GMPs as an appropriate approach to avoiding, remedying or mitigating adverse effects of activities. This is partly because it encourages farmers/growers to make a start on full implementation of FW-FPs whilst being careful not to commit farmers to high-cost actions that may be rendered insufficient or a wasted investment as a result of plan changes under the NPSFM. Roll-out of FW-FPs requiring actions beyond GMP should be determined by regional councils in response to regional planning frameworks, priorities and resources.

Councils acknowledge the role that catchment groups play in providing peer support for farmers and growers. There is an important opportunity for FW-FPs to be considered collectively alongside all-of-catchment interventions.

Recommendations

1. The first phase of FW-FPs, prior to 2024, should focus on the basics (mapping, recording current system, critical sources areas, and GMPs (demonstrating compliance with operative permitted activity rules where appropriate).
2. Allow individual councils to determine appropriate timeframes for FW-FP programme rollout based on existing planning frameworks, work programmes and resourcing. Our assumption is that the legislative framework will be able to enable this.
3. Allow farmers and growers to make use of an opt into the process to deal with high-risk activities (NES).
4. Consider timeframes needed to develop system capacity in FW-FP roll out.
5. Make centralised funding available to promote and facilitate catchment groups, where farm plans can be socialised. Consideration needs to be given to how to incentivise the most efficient and effective solutions across multiple scales, and whether a provision to use catchment-scale solutions to offset farm-scale actions should be built into FW-FPs.

3. Key elements of freshwater farm plans

3.1 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?

The regional sector assumes that these outcomes will effectively become the criteria against which a certifier judges a FW-FP. Given this, it will be critical to get these regulated outcomes right, as they will drive much of the FW-FP system. It is critical that the outcomes from implementing the NPS-FM (and NOF) are reflected in freshwater farm plans.

Three regulated outcomes are proposed: catchment values and context, ecosystem health and farm practice. We are of the view that all three outcomes are important. However, we suggest it is not

necessary to separate out ecosystem health from catchment values and context. We recommend being clear that it is freshwater and freshwater ecosystem values that are included in outcome 1. Ecosystem health can be considered a subset of catchment values and context and should be included in catchment values and context. In the interests of consistency, we suggest an option that includes the detail in Option 2 for farm practices could be included elsewhere, potentially as a requirement for farm plan content.

A dual approach to achieving regulated outcomes is proposed, where required outcomes are set in regulation alongside guidance on how to achieve these outcomes (Option 1). The proposed alternative is to include more detail on how to achieve the outcomes in regulation (Option 2).

We will need supporting (guidance) documentation to be more binding than is usually the case with MfE guidance and suggest that some aspects of the system could be mandated through documents which are more readily and frequently updated than regulations – for example professional standards for certifiers. The guidelines should state that the details in that guidance must be followed unless there is a reason not to under specified criteria. We expect the guidance would give detailed requirements of what must be achieved, with the how left up to the farmer/farm advisor.

Example of how catchment outcomes, ecosystem health outcomes and FW-FP outcomes could inter-relate.

Catchment outcomes	Ecosystem health outcomes	FW-FP action
Reduce sediment loss from hill country	Reduce deposited sediment in streams to protect fish spawning areas	Riparian planting programme?

The regional sector generally supports option 1 given its flexibility to allow solutions tailored to farm context. We expect that a flexible approach will give farmers more autonomy in how they want to achieve the regulated outcomes, and consequently improve farmer buy-in.

We agree that option 2 would be less practical to put in practice and there would be less ability to mesh regulated outcomes with regional council policy.

There is a need for clear guidance (national and regional) on how to achieve these regulated outcomes at farm scale, recognizing that on-farm actions will only partly contribute to achieving regulatory outcomes at farm scale.

‘Guidance will need to be very clear that each FW-FP contributes to achieving the regulated outcomes, but cannot necessarily fully achieve them given they are affected by the cumulative impacts of multiple activities within a catchment.’ Toi Moana Bay of Plenty Regional Council.

Catchment Action Plans provide a useful mechanism to guide achievement of regulated outcomes at the farm scale whereby landowners can know what they need to do to contribute to improved catchment outcomes. It is possible that on-farm actions are achieved, while overall catchment outcomes are not. It will be up to the certifier to judge what can be achieved at farm-scale to contribute to these catchment outcomes.

Guidance on how to achieve regulated outcomes needs to cover matters such as those below:

- What does provision for ecosystem health mean on farm given the influence of upstream and downstream factors?
- How will a potential conflict of interest between regulated outcomes (e.g.: socio-economic catchment values/context and ecosystem health) be dealt with?

Lastly, there is a need for alignment of regulated outcomes with s217F RMA to ensure these outcomes

are aligned to legislative requirements.

"Regulated Outcomes" need to be consistent with S217F of the RMA, which limits freshwater farm plans to considering adverse effects on freshwater and freshwater ecosystems. The proposed outcomes A, B, and C in wording have broader application than S217F of the RMA, for example "catchment values" can be much broader than catchment freshwater and freshwater ecosystem values.' Auckland Council.

Recommendations

1. Proceed with option 1.
2. Ensure guidance is developed with sector partners and is clear and timely. Guidance will need to be more binding.
3. Align regulated outcomes with s217 RMA to ensure consistency between the two.

3.2 Farm Planning

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?
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9. What are likely impacts and cost implications of the proposed requirements in Appendix 1?
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The regional sector supports setting minimum content and generally agrees with the proposed base information. Councils should have the ability to add additional base information requirements based on regional context. However, information requirements should be sufficiently justified within the farm planning context to not incur additional unnecessary cost.

We hold some concerns regarding the limitations on current data availability and note this should be addressed as a priority. Available mapping scales will also need to be considered.

We suggest some additions to the proposed base information including:

- Listing actions required under regional permitted activity rules.
- Photos of Critical Source Areas – geospatially linked.
- HAIL sites
- Existing and future stock exclusion
- Covenants that affect ability to undertake mitigation works
- Nutrient inputs including fertiliser application practices, off farm feed, and other inputs. Where available, any quantification of N inputs and outputs
- Soil test results
- Management actions should be provided in geospatial form wherever possible, applying consistent data requirements for easy reporting to regional councils etc.

Again, it is difficult to accurately estimate the impacts and cost given the level of information provided. It is possible that the costs could be similar to consenting, if information requirements are similar.

Recommendations

1. Develop and confirm the regulated base information with a council-industry working

group.

2. Make information on applicable regulations readily available (e.g.: GIS layers).

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 of a risk/impact assessment? Is a flexible approach more cost effective?

The regional sector generally agrees that providing minimum requirements and supporting their implementation with guidance (Option 1) is a sensible approach, as compared to prescribing specific methodology in regulation (Option 2). We recognize that overall, it will be more-cost-effective to tailor approaches to farm context. However, the following issues and opportunities need to be considered:

- Different risk assessment methodologies applied by different providers means it may be challenging to consistently assess these methodologies.
- This process could be similar to an Assessment of Environmental Effects under an application for resource consent, which can be associated with significant information requirements. Regional councils hold information that will assist the assessment process. While regional councils have been developing the information required to inform risk/impact assessments over time, there will be a requirement to scale up work programmes including employing new staff with relevant skills and implementing training programmes,
- The quality of guidance on how to carry out a risk assessment will be very important. We request that MfE continues to involve councils in the next phase of mapping out guidance detail.
- The guidelines should state that the details in that guidance on risk assessment methodology must be followed unless there is a reason not to under specified criteria.
- The guidance could include prompting questions to encourage farmers/growers to consider business risk alongside the FW-FP risk/impact assessment. This is expected to improve buy-in. We expect that farm planners will take this approach.
- Consideration of cumulative effects should be informed by Te Mana o te Wai and relevant contents of regional plans. The application of Te Mana o te Wai should be guided by existing iwi-agreed documents and tangata whenua input into describing catchment values and context.

Recommendations

1. Adopt proposed approach.
2. Ensure guidance is sufficiently detailed and is developed in partnership with councils and industry. Guidance should include:
 - Methods for distinguishing between different levels of risk.
 - Direction on how to build Te Mana o te Wai into the risk assessment and on consideration of cumulative effects

Identifying actions to manage risks & impacts

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?

The regional sector agrees that a hybrid approach to identifying actions to manage risks and impacts is needed. Option 2 would be impractical and a blunt instrument for achieving change on farm. Solely relying on option 1 could result in activities identified as higher risk under national regulation not being treated consistently.

Adopting an approach which relies on certifiers' judgement (to a degree) places more emphasis on ensuring training and certification systems have sufficient rigor built into them.

Additionally, allowing flexibility in identifying actions allows farmers to focus on the actions that will make the most difference in each farm context. Applying a behaviour change lens is important, for example, through user-friendly design via use of maps, photos, diagrams and action tables.

Councils note that some specific requirements, such as those needed to respond to catchment scale nutrient over-allocation, will need to be set under regional plans.

'FWFP regulations will need to enable regional councils to set more specific requirements through their regional plans. This will be necessary, particularly for those catchments where contaminants need to reduce substantially, good management practice will not be enough, and FWFP are used to provide evidence of action to achieve farm scale requirements that drive down contaminant losses.'

Recommendations

1. Adopt an approach that sets prescribed standards for high-risk activities such as wintering. Rely on certifiers' judgement for lower-risk activities; actions to manage these can then be tailored to farm context.
2. Involve councils in the development of the prescribed components.

Determining timeframes for implementation of actions identified in FW-FPs

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

The regional sector agrees with the certifier applying a general test of reasonableness to determine timeframes for implementation of actions. Decisions on reasonableness would need to be informed by the risk assessment, discussion with the farm operator and by catchment context. The extent that actions have already been taken prior to the development of FW-FPs, and the cost of these actions, should also be considered. We expect that implementation of some actions will be prescribed by regulations.

Regional councils should also have the ability to set through action plans target dates for implementation of actions based on risk. Action plans would form part of the catchment context.

Provision for extensions due to unforeseen events, such as natural disasters or financial hardship, needs to be made.

Recommendations

1. Adopt preferred approach.
2. Certifier guidance should include:
 - o Direction on ensuring demonstrable links between timeframes and risk (or prioritisation of actions)

- Criteria for determining reasonable timeframes, noting that a certifier should not be able to override a regional plan deadline.
3. New regulations should include:
 - Provision for regional councils (CME) to be able to grant extensions under specified exceptional circumstances.
 - Provision for regional councils to have the ability to set target dates for implementation of actions through action plans
 4. Certifier training should include:
 - How to apply the criteria for determining reasonable timeframes
 - How to understand and apply catchment context.

3.3 Certification

Process for appointing & accrediting certifiers

<i>16. Do you agree with our preferred option? If not, what is your preference?</i>
<i>17. What are the likely impacts and cost implications of the preferred approach?</i>

The regional sector agrees with the preferred option (option 1) for efficiency and consistency reasons. At the same time, regional council appointment of accredited certifiers would allow regional councils to ensure certifiers understand their unique regional context, even if IAPs or a Council farm plan programme are already approved to operate in a region.

Recommendations

1. Proceed with option 1.
2. Build on criteria already developed by regional councils for appointment of auditors and certifiers, for example in Canterbury (auditors), Waikato and Bay of Plenty (Lake Rotorua).
3. The certification scheme should include endorsements in specific farming types/activities, e.g.: dairy, kiwifruit, nutrient management.

Role of certifiers

<i>18. Do you agree with the following assumptions? If not, why not?</i> <i>a. In most circumstances certifiers will need to 'walk the farm'.</i> <i>b. Certifiers can call on expert advice for matters outside their areas of expertise.</i>
<i>19. Do you agree with our preferred option? If not, what is your preference?</i>
<i>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?</i>
<i>21. What are the likely impacts and cost implications of the preferred approach?</i>

The regional sector generally agrees that certifiers should also be able to prepare FW-FPs for efficiency reasons as certifiers would already have familiarity with the farm. Additionally, there shouldn't be any limits on the number of times a certifier can certify a farm.

However, it is critical that a robust quality assurance process is in place to avoid any actual or perceived conflicts of interest. For example, farm owners should not be able to certify their own farm. An example of guidelines for managing conflict of interest (for auditors) is below for reference. (Note that in Canterbury auditors fulfil a role similar to that proposed for certifiers in the discussion document)

2.3.4 Conflict of interest

To be able to audit an FEP (including the assessment of nutrient budget robustness), a certified FEP auditor is required to have:

- No financial interest (this can be in terms of major shareholdings, financial arrangements, agreements for supply of goods and services and so on) in;
- No family connection;
- No involvement in works or services including:
 - Consultancy or internal audits carried out in the previous 24-month period;
 - Development or review of current FEP and/or related nutrient budget; and
- Adherence to a Code of Conduct.

COI risk can arise during:

- Self-review: Certified FEP auditors audit FEPs they have prepared
- Advising: Certified FEP auditors provide advice to the audited farm
- Self-interest: Certified FEP auditors have only one client or one client represents a significant proportion of their business. The independence is at risk as they may be less likely to provide an audit grade or actions that may cause an issue for the client and/or lose their client
- Multiple referrals: Certified FEP auditors receive referral from a client. This can also be categorised as a self-interest risk
- Family member, friends, ex-staff and partners: Certified FEP auditors are a family member, ex-staff member, friend or partner of the audited farm or audit a FEP prepared by a family member or partner
- Two-partner practices

Certified FEP Auditors are required to confirm the adherence to a COI declaration included in the standardised audit template. Certified FEP Auditors are to ensure that Environment Canterbury has provided with the latest copy of the COI Policy of their employer at all times.

Failure to apply the above criteria may result in revocation of Certified FEP Auditor status.

Canterbury Certified Farm Environment Plan (FEP) Auditor Manual – March 2020. P.9.

In general, we agree there is a need for the certifier to walk the farm – unless the certifier has already done this as part of FW-FP development.

We also agree that certifiers don't need to be experts in everything and should be able to call on additional expertise where needed. However, this will result in additional costs to the farmer which need to be constrained somewhat. The farmer needs to be able to pick a certifier who is most qualified and capable of advising on/assessing based on the circumstances on his/her farm. In principle, the farmer should be advised as early as possible by the farm plan author or certifier as to the likely need for any additional expert advice.

Recommendations

1. Adopt preferred approach.

2. Guidance should include:
 - Criteria for assessing whether any conflict of interest exists.
 - Criteria for where it may not be necessary for a certifier to walk the farm.
 - Information on the ability to call on additional expertise where needed and direction on the need to utilise appropriate expertise while ensuring these costs are justifiable.
 - Certifier accreditation scheme should include a requirement to adhere to professional ethics, including avoidance of conflict of interest.

Engaging & paying for a certifier

22. Do you agree with our preferred approach? If not, what is your preference?
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23. What are the likely impacts and cost implications of the preferred approach?
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The regional sector agrees that a user pays approach is appropriate. Quality assurance, audits, and regional council ability to approve (or not) certifiers provides sufficient checks and balances. There may be opportunities to achieve economies of scale through collective approaches.

Recommendations

1. Adopt a user-pays approach.

Review & re-certification

24. Do you agree with our preferred option? If not, what is your preference?
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25. What are the likely impacts and cost implications of the preferred approach?
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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?
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Two options are proposed for frequency of review and re-certification of FW-FPs; 1. A three-year frequency or 2. A five-year frequency. The regional sector considers there is merit in setting a longer (five-year) timeframe for review and re-certification as a default, with the ability to shorten this timeframe based on performance, risk, or major regulatory changes. The default review period should be sufficient given the recommended frequency for audit and the ability to review a FW-FP plan earlier if certain circumstances apply. For example, change of farm system or land use or land area. Change in farm ownership should not necessarily result in a need for re-certification if the existing farm practices are continuing. We expect that a longer default timeframe, with ability to shorten, would be less costly whilst ensuring farmer accountability.

'Option 2 provides a more flexible approach to keep costs down – farmers still held to account and made to update when appropriate through audit process.' BOPRC.

Recommendations

1. Adopt a five-year default timeframe, with the ability for regional councils to shorten this timeframe in specified circumstances.
2. New regulations need to include:
 - Criteria for requiring a shorter review and re-certification period, and ability for

regional councils to invoke these criteria.

- Criteria on changes that would necessitate a review of the FW-FP
- Criteria for allowing minor changes without triggering a review.

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?

The regional sector agrees with the proposal to rely on a national body to deal with disputes.

Recommendations

1. Use a national body for dispute resolution. Investigate usage of any existing national bodies.
2. Ensure the functions, powers and duties of all actors in the freshwater farm plan system are clearly defined in the regulations, particularly in the context of over-allocated catchments.

Complaints

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?

The regional sector agrees with the preferred approach provided clarity on the role and authority of the certifier is given. With clarity on the roles provided, the complaints process is appropriate. However, an intermediary step could be considered, whereby regionally specific complaints (e.g.: application of catchment context) could be raised with the relevant regional council. These complaints could then be referred to the national body if unable to be resolved at the regional level.

Recommendations

1. Adopt the preferred approach.

Removal of a certifier's 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?

The regional sector agrees with the proposal for the national accreditation body to have the authority to revoke certifier accreditation in circumstances set out under a code of conduct and professional standards. Enabling this authority at the national level means there is more at stake and incentivizes good professional conduct.

We also agree that it makes sense for regional councils to be able to revoke appointment of a certifier to operate in their region, providing this ability doesn't undermine the national process. Criteria for revoking appointment of certifiers need to be specified.

Recommendations

1. Provide councils with the ability to seek a review of certifier accreditation if the quality assurance process finds that a FW-FP is inadequate.

3.4 Audit

Appointment & accreditation 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?

The regional sector supports option 1 as it provides opportunity for efficiencies by leveraging off existing accreditation bodies whilst giving regional councils the ability to ensure auditors know their region. This support for the preferred option assumes that the rigor of the FW-FP process will be front-loaded during the certification process.

We expect other efficiency benefits from the preferred approach. One council notes,

'The use of auditors accredited by existing organisations should reduce costs. It could also provide opportunity for auditing of freshwater farm plans to be integrated with other audit processes taken place on farm.' Environment Canterbury.

Recommendations

1. Adopt preferred option.

Auditors' role

While feedback was not sought on this topic specifically, the regional sector wishes to raise some significant concerns with respect to the scope and level of authority afforded to auditors under s217H RMA, and the subsequent consequences of this. What is currently legislated both usurps the role of the Regional Council and confuses the role of both the Regional Council and the auditor. The current legislation also sets up a framework that, inadvertently, prevents information flow from the auditor to the respective regional authority, thereby inhibiting the council's understanding of environmental effect of land use activities and the ability to strategically respond to wider compliance issues.

S217H(5) RMA currently gives auditors a scope and level of authority that clearly crosses into regulatory and enforcement related functions that should remain firmly with regional and unitary authorities. Section 217H states

(4) After completing the audit, the auditor must—

(a) provide the farm operator with a report of the auditor's findings on whether the farm achieves compliance with the certified freshwater farm plan; and

(b) if the auditor finds that the farm achieves compliance, provide that report to the relevant regional council.

(5) If the auditor finds that the farm fails to achieve compliance with the certified freshwater farm plan,—

(a) the auditor's report—

(i) must include reasons why the farm failed to achieve compliance; and

(ii) specify reasonable time frames by which compliance must be achieved; and

(iii) may include recommendations on how compliance may be achieved; and

(b) the auditor must give the farm operator a reasonable opportunity to respond to the report; and

(c) the auditor must, after the prescribed period has expired, provide the farm operator and the relevant regional council with a final report—

(i) setting out the auditor's findings (including the findings of the first report); and

(ii) stating whether compliance was achieved; and

(iii) including any recommendations from the auditor.

Our strong view is that the auditors' role should be clearly defined as one of being an information gatherer and communicator, it should not stray into the area of applying discretion, nor using legislative tools to bring about behaviour change, these are clearly the role of the regulator. The auditor needs to gather information as to exactly what is happening on farm, from which compliance or non-compliance can be determined by the respective Regional Council.

The auditor role should be simply to check actions in FW-FPs have been implemented and that any activities on the farm that are prescribed within the farm plan meet the regulatory requirements within the farm plan.

In our view it is the role of Regional Councils to apply judgement on how any non-compliance should be responded to. This includes determining the seriousness of the breach and what action or follow up is appropriate to achieve the required behaviour change. We do recognise that some "easy to fix" issues may be addressed during the audit process and encourage that approach.

Our understanding is that the legislative intent of the FW-FP provisions was to keep auditors' roles separate from councils' compliance and enforcement role. This has not transpired.

As the farmer interacts with the auditor, and/or the regulator, they need to have clarity on the role of each party. The current legislative framework will confuse the role of the auditor so that on occasion they will have, and be seen to have, a pseudo regulatory function. Certain aspects of what is currently legislated also have the ability to negatively impact on council's ability to later take enforcement action. To not have this clarity and appropriateness of function will ultimately impact on the integrity and success of the farm plan initiative.

We acknowledge there are challenges in amending RMA provisions at this stage. However, we consider it critical that legislation achieves separation of the auditor and council roles. We would ask that if required regulations be amended to achieve this separation of roles.

Separation of roles will help to minimise the following risks and costs:

- Auditors are expected to undertake a compliance function for which they are not appropriately trained for.
- Auditors unknowingly undermine a future enforcement process
- Having a clearly defined audit function will provide greater certainty of costs for farmers and growers. Introducing compliance functions will reduce this certainty and leave processes open ended which may add significant costs.
- The integrity of the system could be undermined if auditors engaged and paid for by the farmer are making compliance decisions. This risk is significantly reduced if the roles is limited to strictly auditing farm plans and presenting information to Councils.

Auditors should also be required to inform councils of all auditing results in a timely manner (suggest 5 working days). There may also be circumstances where auditors should be required to inform regional councils more quickly if non-compliance is significant.

[Regional sector view on appropriate relationship between auditor roles and processes with compliance monitoring and](#)

enforcement roles and processes

Auditor role	CME role
Check actions under FW-FP have been implemented to required standard and compliance with activities managed by the farm plan.	Receive information on compliance with FW-FP requirements.
Report findings to council.	Use information from audits to inform compliance strategy.
No follow up on non-compliance.	Make judgements as to the seriousness of non-compliance and what are the appropriate actions in relation to that non-compliance Follows up on non-compliance.
Ability to enter property & collect information lawfully embedded in statute to ensure admissibility in legal proceedings if necessary.	Enforcement officer under RMA. Able to rely on information received from the auditor.

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?

The regional sector's view is that all FW-FPs should be initially audited within a standard timeframe. We note the use of terms such as 'minor', 'significant' and 'serious' to determine re-audit frequency. We support linking the frequency of subsequent audits to farmer/grower performance to incentivize good practice. However, these terms above need to be carefully defined ideally using definitions already in use, for example, in documents developed by the Regional Sector Compliance and Enforcement Special Interest Group¹. The level of significance in terms of non-compliance needs to recognize the relative importance of pass/fails across different actions.

Consideration needs to be given to the proposed audit frequency in relation to re-certification timeframes. We consider 2 audits per certification cycle is unnecessary when the first audit is satisfactory.

'The proposed audit frequency equates in the order of 1-2 audits per certification cycle. This is potentially a significant cost to farm operators that are compliant.' Environment Canterbury.

Recommendations

1. Adopt a performance-based auditing frequency
2. Engage further with the sector on the details of auditing frequency; including how auditing frequency responds to re-certification or amendment.
3. Ensure that audit results including any non-compliance is reported to regional councils in a timely manner.

¹ For example, The Strategic Compliance Framework 2019-2024

Engaging & paying auditors

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?

The regional sector agrees with the proposed user pays system based on there being checks and balances in place to ensure good professional conduct.

Recommendation

1. Adopt the proposed approach.

4. Quality assurance of FW-FPs

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?

The regional sector seeks clarification on the quality assurance role (as being distinct from compliance monitoring and auditing) as well as governance structures and how it will be funded. While auditing is narrowly focused on actions completed, quality assurance needs to provide a mechanism to check that the risks and appropriate mitigations are identified on farm and in the plan. This needs a proportion of farms checked to ensure ongoing standards are maintained by certifiers. This is auditing the certifier as distinct from auditing the farmer actions.

We agree with use of a national body, given its ability to add rigor to the farm planning system but care should be taken to avoid potential duplication and cost alongside certification and auditing requirements.

Our view is that there should be a small percentage of FW-FPs checked annually on a pseudo-random basis, concentrating mainly on vulnerable catchments and/or clients with a history of problems with environmental management. We suggest that triggers for the quality assurance process should also be linked to the complaints and disputes processes and agree that regional councils should be able to make use of these triggers. However, we would like to be involved in further discussion on the detail of these triggers. Notwithstanding the need for a risk/trigger-based approach to quality assurance, there is also a need to check whether plans outside of these categories meet the required standard.

Recommendations

1. Provide clarification on the nature of the quality assurance role.
2. Provide opportunities for regional councils to be involved in discussion on the detail of triggers for quality assurance processes.

5. Enforcement mechanisms

5.3 Proposed Offences

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

The regional sector generally agrees that the fees are appropriate when combined with a risk-based approach to auditing.

Fees for non-compliance should be commensurate with those set under the infringements regime for minor offending under the RMA. However, we note that these fees are expected to be smaller than

those associated with developing, certifying or auditing a FW-FP, which may incentivise non-compliance over compliance.

We consider there is a need for provision for the enforcement authority to apply its discretion in specified circumstances. For example, where farm planners/certifiers/auditors are not available, and farmers have put themselves on a waiting list.

Recommendations

1. Set fees at a level commensurate with those set under the infringements regime for minor offending under the RMA.
2. Make provision for the enforcement authority to apply its discretion in specified circumstances.

6. Implementation options

6.1 Phasing & staging

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

The regional sector supports a phased approach to implementation of FW-FPs and prioritization on a catchment-by-catchment basis. At the same time, high risk (land use specific) practices, for example winter grazing and stock exclusion, can be targeted in the interim. Staging is connected to the ability to recognise existing IAPs or council farm plan programmes at least in the short term.

Farmers should also have the ability to opt in ahead of time to make use of an alternative pathway to consenting under the NES-FM. The alternative in this case would be a series of short-term resource consents which would be very resource intensive for very little associated gain. Opting in may be appropriate in other circumstances where FW-FP templates are available and where farmers want to do this on a voluntary basis.

This may be appropriate where there are existing catchment or industry assurance programmes that will form the basis for freshwater farm plans, and/or when the farmer wants to start making decisions now to meet their regulatory outcomes, industry quality assurance metrics or their own aspirations in a structured and informed manner. ORC.

The expectation is that low risk farms in prioritised catchments would require a FW-FP under this proposal, but this is needed to ensure the whole catchment is acting in accordance with good practice.

There are several reasons to adopt a catchment-by-catchment approach. For example, there is an ability to:

- Target catchments where there are identified, priority issues and values
- Recognise that many of the risks are driven by underlying catchment factors, including soil type, water availability, cultural and biodiversity values
- align with the requirements to develop catchment specific action plans
- Provide for immediate intervention for catchments where information is more certain, and the ability to develop further information where required
- Provide a catchment-by-catchment approach to engagement, including development of

catchment groups where these are not yet fully formed.’ Otago Regional Council.

Catchment prioritisation should be informed by water quality and specifically whether water bodies in these catchments meet NPSFM 2020 national bottom lines in these catchments. Regional councils seek to be involved in identifying priority catchments.

We recognize that, in some regions, farmers have already made progress on implementation of Farm Environment Plans. We would like to see a regionally specific approach that could recognise the progress already made by farmers in these regions.

One council suggests the following approach to FW-FP implementation:

‘[The]...first priority being most at-risk catchments (from 1 or more key contaminants) and support regional councils identifying those for their regions... consider allowing people in these catchments with existing farm plans that address water quality, to continue under that plan until it’s review date, or 2025, whichever is earlier, subject to providing their farm plan information to regional councils if requested by the regional council. Where no FWFP information is provided to regional council, require a new FWFP sooner.’ Toi Moana Bay of Plenty Regional Council.

Recommendations

1. Adopt the preferred option to prioritise on a catchment-by-catchment basis alongside targeting high-risk activities in the interim.
2. Provide farmers and growers with the opportunity to opt-in to utilise the FW-FP pathway available under the NESFM or where they want to take a proactive approach to obtaining a FW-FP.
3. Involve regional councils in catchment prioritisation and use water quality monitoring (in comparison with national bottom lines) to inform prioritisation. Additionally, enable regional councils to have the ability to design a regionally specific approach that recognises the progress already made by farmers in these regions.
4. Consider testing catchment prioritisation under a pilot project whereby good news stories and lessons learned could be shared.

6.2 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?

Ultimately, data and information held for catchments should provide a one-stop-shop for farmers and growers to understand their catchment context. However, provision of data and information is just one part of building farmer, grower and certifier understanding. The regional sector believes there are many mechanisms that can be used to support farmers, growers and certifiers to understand and incorporate catchment values and context. Possible mechanisms include:

- Facilitation and funding of workshop sessions with farmers and with certifiers on FMU or catchment values and context. These workshops could be delivered in partnership with tangata whenua and the primary sector.
- Alignment of understanding of catchment values and context with other work done at the catchment scale. For example, work done to inform the NPS-FM, work done by catchment groups and iwi management plans.
- Approaches that will integrate understanding of catchment values and context alongside the

community engagement that will form part of other regional council planning processes.

- Central government to coordinate and develop a strategic approach to development and use of geospatial tools that will help with FW-FP development.
- Additional national funding to address tangata whenua capacity and environmental monitoring gaps and to support catchment-based initiatives. These initiatives could include facilitation and/or development of catchment groups and support for the catchment specific discussions, including access to technical advice and funding for ‘all of catchment’ interventions, including access to funds for planting, fencing and large-scale interventions like wetland development.
- Enabling existing catchment groups to design, implement and monitor FW-FPs within their catchments. This is similar to collective FW-FP delivery associated with irrigation schemes. A collective approach would better enable conversations about broader-scale mitigations options alongside farm-scale mitigations. It would also be expected to help catchment groups prioritise their own activities within a catchment. These collective approaches would need to be subject to checks and balances just as IAPs would be.

Section 7: Reporting and review

7.1 Collection of data from freshwater farm plans

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?

The regional sector notes that councils are required to carry out water quality monitoring as part of State of the Environment reporting under s35 RMA. There will be challenges in linking this outcome monitoring with monitoring of actions required under FW-FPs. However, useful data can be collected on the implementation of FW-FPs to inform understanding of changes in land use practices within a catchment context. We agree that the three broad areas for data appear appropriate given the scope of farm plans. However, careful consideration needs to be given to data privacy. Storage, use and efficient reporting of this data will need to be carefully thought through.

‘Careful thought will need to be given not only to what information is reported upon but how it is collected, who ‘owns’ the base data, and how it is reported, particularly given regional council responsibilities under the LGOIMA. ‘Otago Regional Council.

The possible priority areas to be regulated for reporting nationally also appear appropriate, to monitor the effectiveness of the farm planning framework and national freshwater regulation more broadly, including to provide assurance to the public farm plans are delivering desired outcomes.

Recommendations

1. Consider how to achieve efficiencies in data reporting at national, regional and catchment scale. Consider alignment of reporting so farmers only need to do this once.
2. Ensure mechanisms are in place for councils to have access to FW-FP information for the purposes of understanding changes in land use practices and to inform future policy making.
3. To ensure effective buy in, the concerns around data availability and use in relation to reporting should be addressed
4. Connecting with the work programme under Integrated Farm Plan which is addressing a similar set of issues.

7.2 What regional councils report 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?

The level and nature of information provided, how it is collected, aggregated and reported on will be important. Farmers and growers will have concerns that their individual information could be used inappropriately if released into the public arena.

'Aggregating data to a catchment level may effectively provide for identification of commercially sensitive information around individual farming operations.' Otago Regional Council.

Recommendations

1. Consider aggregating data for public reporting to a catchment level.

Definitions

1. 'Farm' definition in 9A – no delineation of unit. Suggest use of definition in NES_F
2. Waterways- will need consistent definitions with those in the NES-F and the RMA