



Freshwater farm plan regulations

Summary of submissions



Ministry for the
Environment
Manatū Mō Te Taiao

Ministry for Primary Industries
Manatū Ahu Matua



Te Kāwanatanga o Aotearoa
New Zealand Government

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Contents

List of abbreviations and acronyms	11
Executive summary	12
Background to the consultation process	12
Synopsis of the main themes	12
Key findings by consultation question	13
The consultation process and submissions	29
Where did submissions come from?	29
Ministry for the Environment’s online survey interface	29
Written submissions made via email or post	29
Data analysis methodology	29
Statistical analysis	30
Thematic analysis	30
Who did we hear from?	32
Submissions on Section 2: Overview	34
How the freshwater farm plan system fits with regional council planning processes	34
Role of tangata whenua in the freshwater farm plan system	37
A role for industry assurance programmes and other farm plan initiatives in delivering freshwater farm plans	39
Transition to a fully implemented freshwater farm plan system	43
Submissions on key elements of freshwater farm plans	47
Regulated outcomes	47
Farm planning – regulated ‘base information’	51
Farm planning – risk/impact assessment	56
Farm planning – identifying actions to avoid, remedy or mitigate risks/impacts	60
Farm planning – determining timeframes to implement the actions identified in the freshwater farm plan	64
Certification	66
Certification – process for accrediting and appointing certifiers in the freshwater farm plan system	66
Certification – more detail around the role of the certifier	70
Certification – engaging and paying for a certifier	80
Regular review and re-certification	83
Certification – new plans, addendums and amendments	86

Certification – dispute resolution	90
Certification – complaints process	93
Certification – removal of a certifier’s accreditation	95
Audit – process for accreditation and appointment of auditors	98
Audit – determining audit frequency	102
Audit – engaging and paying for an auditor	105
Quality assurance of freshwater farm plans	108
Enforcement mechanisms	113
Implementation options	116
Phasing and staging	116
Understanding catchment values and context	121
Reporting and review	124
Collection of data from freshwater farm plans	124
What regional councils report publicly	130
Initial regulatory impact analysis of the proposed options	135
Additional information	139
Appendix 1: Ministry for the Environment’s online survey interface questions	142
Appendix 2: Organisations that submitted	147

Tables

Table 1:	Example of thematic analysis table	31
Table 2:	Location of submitters	32
Table 3:	Submitters' interest groups	33
Table 4:	Themes in submissions on (Q1) What other information should we consider about how the freshwater farm plan system fits with regional council planning processes, and why?	35
Table 5:	Themes in submissions on (Q2) What information should we consider regarding the role of tangata whenua in the freshwater farm plan system?	37
Table 6:	Themes in submissions on (Q3) 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?	40
Table 7:	Themes in submissions on (Q4) What are the likely impacts and cost implications of the proposed approach?	42
Table 8:	Responses, by interest group, to (Q5) Do you agree with our proposed approach for transitioning to a fully implemented system?	44
Table 9:	Themes in submissions on (Q5) Do you agree with our proposed approach for transitioning to a fully implemented system? If not, why not?	44
Table 10:	Responses, by interest group, to (Q6) Do you agree with the preferred option for how regulated outcomes could be described in regulations?	48
Table 11:	Themes in submissions on (Q6) Do you agree with the preferred option for how regulated outcomes could be described in regulations? If not, what is your preference?	48
Table 12:	Themes in submissions on (Q7) What are the likely impacts and cost implications of the preferred approach?	50
Table 13:	Responses, by interest group, to (Q8) Does the material in Appendix 1 cover all the base information that should be mandatory for inclusion in freshwater farm plans?	52
Table 14:	Themes in submissions on (Q8) 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?	52
Table 15:	Themes in submissions on (Q9) What are the likely impacts and cost implications of the proposed requirements in Appendix 1?	54
Table 16:	Responses, by interest group, to (Q10) Do you agree with our preferred option?	56
Table 17:	Themes in submissions on (Q10) Do you agree with our preferred option? If not, what is your preference?	57
Table 18:	Themes in submissions on (Q11) What information should be included in the guidance to inform the risk/impact assessment, and why?	58
Table 19:	Themes in submissions on (Q12) What are the likely cost implications of a risk/impact assessment? Is a flexible approach more cost-effective?	59

Table 20:	Responses, by interest group, to (Q13) Do you agree with our preferred option?	61
Table 21:	Themes in submissions on (Q13) Do you agree with our preferred option? If not, what is your preference?	62
Table 22:	Themes in submissions on (Q14) What are the likely impacts and cost implications of the preferred option?	63
Table 23:	Responses, by interest group, to (Q15) Do you agree with our preferred approach?	65
Table 24:	Themes in submissions on (Q15) Do you agree with our preferred approach? If not, what is your preference?	65
Table 25:	Responses, by interest group, to (Q16) Do you agree with our preferred option?	67
Table 26:	Themes in submissions on (Q16) Do you agree with our preferred option? If not, what is your preference?	67
Table 27:	Themes in submissions on (Q17) What are the likely impacts and cost implications of the preferred approach?	69
Table 28:	Responses, by interest group, to the assumption that (Q18) in most circumstances, certifiers will need to 'walk the farm'	71
Table 29:	Responses, by interest group, to the assumption that (Q18) certifiers can call on expert advice for matters outside their areas of expertise	72
Table 30:	Themes in submissions on (Q18) Do you agree with the following assumptions? If not, why not?	73
Table 31:	Responses, by interest group, to (Q19) Do you agree with our preferred option?	75
Table 32:	Themes in submissions on (Q19) Do you agree with our preferred option? If not, what is your preference?	76
Table 33:	Responses, by interest group, to (Q20) Should there be a limit to the number of times a certifier can re-certify a freshwater farm plan for the same farm operator?	77
Table 34:	Themes in submissions on (Q20) Should there be a limit to the number of times a certifier can re-certify a freshwater farm plan for the same farm operator?	78
Table 35:	Themes in submissions on (Q21) What are the likely impacts and cost implications of the preferred approach?	79
Table 36:	Responses, by interest group, to (Q22) Do you agree with our preferred approach?	80
Table 37:	Themes in submissions on (Q22) Do you agree with our preferred approach? If not, what is your preference?	81
Table 38:	Themes in submissions on (Q23) What are the likely impacts and cost implications of the preferred approach?	82
Table 39:	Responses, by interest group, to (Q24) Do you agree with our preferred option?	84

Table 40:	Themes in submissions on (Q24) Do you agree with our preferred option? If not, what is your preference?	84
Table 41:	Themes in submissions on (Q25) What are the likely impacts and cost implications of the preferred approach?	86
Table 42:	Responses, by interest group, to (Q26) Do you agree with the proposed categories and triggers for new freshwater farm plans, addendums and amendments?	87
Table 43:	Themes in submissions on (Q26) Do you agree with the proposed categories and triggers for new freshwater farm plans, addendums and amendments? If not, what is your preference?	87
Table 44:	Themes in submissions on (Q27) What are the likely impacts and cost implications of the preferred approach?	89
Table 45:	Responses, by interest group, to (Q28) Do you agree with our preferred approach?	90
Table 46:	Themes in submissions on (Q28) Do you agree with our preferred approach? If not, what is your preference?	91
Table 47:	Themes in submissions on (Q29) What are the likely impacts and cost implications of the preferred approach?	92
Table 48:	Responses, by interest group, to (Q30) Do you agree with our preferred approach?	93
Table 49:	Themes in submissions on (Q30) Do you agree with our preferred approach? If not, what is your preference?	93
Table 50:	Themes in submissions on (Q31) What are the likely impacts and cost implications of the preferred approach?	95
Table 51:	Responses, by interest group, to (Q32) Do you agree with our preferred approach?	96
Table 52:	Themes in submissions on (Q32) Do you agree with our preferred approach? If not, what is your preference?	96
Table 53:	Themes in submissions on (Q33) What are the likely impacts and cost implications of the preferred approach?	97
Table 54:	Responses, by interest group, to (Q34) Do you agree with our preferred option?	99
Table 55:	Themes in submissions on (Q34) Do you agree with our preferred option? If not, what is your preference and why?	99
Table 56:	Themes in submissions on (Q35) What are the likely impacts and cost implications of the preferred approach?	101
Table 57:	Responses, by interest group, to (Q36) Do you agree with our proposed approach for determining audit frequency?	102
Table 58:	Themes in submissions on (Q36) Do you agree with our proposed approach for determining audit frequency? If not, what is your preference and why?	103
Table 59:	Themes in submissions on (Q37) What are the likely impacts and cost implications of the preferred approach?	104

Table 60:	Responses, by interest group, to (Q38) Do you agree with our proposed approach?	105
Table 61:	Themes in submissions on (Q38) Do you agree with our proposed approach? If not, what is your preference and why?	106
Table 62:	Themes in submissions on (Q39) What are the likely impacts and cost implications of the preferred approach?	107
Table 63:	Responses, by interest group, to (Q40) Do you think quality assurance should be undertaken by a national body, with checks undertaken regionally?	108
Table 64:	Themes in submissions on (Q40) Do you think quality assurance should be undertaken by a national body, with checks undertaken regionally?	109
Table 65:	Themes in submissions on (Q41) What should the triggers be for quality assurance checks?	110
Table 66:	Themes in submissions on (Q42) What are the likely impacts and cost implications of the proposed approach?	111
Table 67:	Responses, by interest group, to (Q43) Are the proposed offences and infringement fees appropriate?	113
Table 68:	Themes in submissions on (Q43) Are the proposed offences and infringement fees appropriate? If not, what would be appropriate?	114
Table 69:	Responses, by interest group, to (Q44) Do you agree with our preferred option?	116
Table 70:	Themes in submissions on (Q44) Do you agree with our preferred option? If not, what is your preference and why?	117
Table 71:	Responses, by interest group, to (Q45) Should we explore whether it should be possible for farmers and growers to opt into the freshwater farm plan system?	119
Table 72:	Themes in submissions on (Q45) Should we explore whether it should be possible for farmers and growers to opt into the freshwater farm plan system?	119
Table 73:	Themes in submissions on (Q46) What are the likely impacts and cost implications of the preferred approach?	120
Table 74:	Themes in submissions on (Q47) Should we consider any other ways to support farmers, growers and certifiers to understand and incorporate catchment values and context?	122
Table 75:	Themes in submissions on (Q48) 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?	125
Table 76:	Themes in submissions on (Q49) What other information should we consider, and why?	127
Table 77:	Themes in submissions on (Q50) What are the likely impacts and cost implications of this approach?	129
Table 78:	Responses, by interest group, to (Q51) Do you agree with our preferred approach?	130

Table 79:	Themes in submissions on (Q51) Do you agree with our preferred approach? If not, what is your preference and why?	131
Table 80:	Themes in submissions on (Q52) Is there any information in a freshwater farm plan that you would not want to be shared publicly? For what reason?	132
Table 81:	Responses, by interest group, to (QA) Do you agree with our impact and benefit assumptions?	135
Table 82:	Themes in submissions on (QA) Do you agree with our impact and benefit assumptions? If not, what is incorrect?	136
Table 83:	Themes in submissions on (QB) What other information should we consider, and why?	137
Table 84:	Themes in submissions giving any other feedback on the proposals	139

Figures

Figure 1:	Example of a statistical analysis table	30
Figure 2:	Are you submitting as an individual or on behalf of an organisation?	32
Figure 3:	Responses to (Q5) Do you agree with our proposed approach for transitioning to a fully implemented system?	44
Figure 4:	Responses to (Q6) Do you agree with the preferred option for how regulated outcomes could be described in regulations?	47
Figure 5:	Responses to (Q8) Does the material in Appendix 1 cover all the base information that should be mandatory for inclusion in freshwater farm plans?	52
Figure 6:	Responses to (Q10) Do you agree with our preferred option?	56
Figure 7:	Responses to (Q13) Do you agree with our preferred option?	61
Figure 8:	Responses to (Q15) Do you agree with our preferred approach?	64
Figure 9:	Responses to (Q16) Do you agree with our preferred option?	67
Figure 10:	Responses to the assumption that (Q18) in most circumstances, certifiers will need to 'walk the farm'	71
Figure 11:	Responses to the assumption that (Q18) certifiers can call on expert advice for matters outside their areas of expertise	72
Figure 12:	Responses to (Q19) Do you agree with our preferred option?	75
Figure 13:	Responses to (Q20) Should there be a limit to the number of times a certifier can re-certify a freshwater farm plan for the same farm operator?	77
Figure 14:	Responses to (Q22) Do you agree with our preferred approach?	80
Figure 15:	Responses to (Q24) Do you agree with our preferred option?	84
Figure 16:	Responses to (Q26) Do you agree with the proposed categories and triggers for new freshwater farm plans, addendums, and amendments?	87

Figure 17:	Responses to (Q28) Do you agree with our preferred approach?	90
Figure 18:	Responses to (Q30) Do you agree with our preferred approach?	93
Figure 19:	Responses to (Q32) Do you agree with our preferred approach?	96
Figure 20:	Responses to (Q34) Do you agree with our preferred option?	98
Figure 21:	Responses to (Q36) Do you agree with our proposed approach for determining audit frequency?	102
Figure 22:	Responses to (Q38) Do you agree with our proposed approach?	105
Figure 23:	Responses to (Q40) Do you think quality assurance should be undertaken by a national body, with checks undertaken regionally?	108
Figure 24:	Responses to (Q43) Are the proposed offences and infringement fees appropriate?	113
Figure 25:	Responses to (Q44) Do you agree with our preferred option?	116
Figure 26:	Responses to (Q45) Should we explore whether it should be possible for farmers and growers to opt into the freshwater farm plan system?	118
Figure 27:	Responses to (Q51) Do you agree with our preferred approach?	130
Figure 28:	Responses to (QA) Do you agree with our impact and benefit assumptions?	135

List of abbreviations and acronyms

FEP:	Farm environmental plan
EELs:	Environmental exposure limits
FP:	Farm plan
FWFP:	Freshwater farm plan
GIS:	Geographic information systems
IAP:	Industry assurance programme
LGOIMA:	Local Government Official Information and Meetings Act 1987
NPS-FM:	National Policy Statement for Freshwater Management
OIA:	Official Information Act 1982
QA:	Quality assurance
RMA:	Resource Management Act 1991

Executive summary

This document summarises the submissions received during the public consultation on proposed freshwater farm plan (FWFP) regulations.¹ A total of 172 public submissions were received during the consultation period from 26 July to 7 October 2021.

This report focuses on summarising submissions. It does not analyse feedback or make recommendations. Any recommendations will be made through agency advice to the Minister for the Environment and the Minister of Agriculture.

Background to the consultation process

The Ministry for the Environment and the Ministry for Primary Industries (which we refer to together as ‘the Ministries’ in this document) are developing freshwater farm plan regulations. As part of this work, the Ministries consulted on a document that sets out proposed options for freshwater farm plan regulations. The document was released to the public, who were invited to provide feedback on the proposed options.

Synopsis of the main themes

This synopsis presents the main themes submissions covered across all questions we asked in the consultation. We present these themes alphabetically rather than by order of how frequent or important they were.

Clarification and guidance

Some submissions indicated the need for greater clarity on what the discussion document was proposing. They often asked for clarification of the different roles associated with freshwater farm planning, particularly the roles of the certifier, auditor and regional council. They also asked for clarification of enforcement as it relates to the roles of regional councils and auditors. Additionally, many submissions sought greater clarity and guidance on the implementation of the regulations.

Cost implications of the proposal

Some submissions perceived that the roll-out of freshwater farm planning will increase costs for both farmers and councils. For farm operators, the costs of developing the plan and ensuring compliance were the costs most commonly suggested. Additionally, the administrative role that farmers are now tasked with impacts their ability to remain productive. For councils, the most commonly mentioned cost implication involved resourcing and empowering staff to undertake the work associated with freshwater farm planning.

¹ Ministry for the Environment and Ministry for Primary Industries. 2021. *Freshwater farm plan regulations: Discussion document*. Wellington: Ministry for the Environment.

Flexibility

The desire to have a flexible system is another common theme throughout the consultation. When submitters provided reasons for their support or opposition to the proposed regulations, those reasons were commonly linked to whether the proposals provide for flexibility. Submitters often preferred flexibility because they saw national regulation as inappropriate in accounting for regional and farm variations.

Skills and labour shortages

A common theme among submissions across a range of questions is concern about possible skills and labour shortages. Particular concerns were potential shortages of certifiers and auditors and the possible implications of such shortages for timeframes, compliance and the cost of certifiers and auditors. While certifiers are operating in industry bodies, some submitters were still concerned that these certifiers need to become accredited. Some submissions noted that the time and cost implications of this might see further delays in allowing farm operators to access the labour they need.

Using and transitioning current farm plans

Some farm operators with existing farm plans highlighted their concern around the potential redundancy of their plan and, by default, the loss of money invested in developing it. A common theme throughout the consultation is to allow farm operators to use their existing farm plans and allow the current farm plan to transition into a freshwater farm plan.

Key findings by consultation question

Overview

Q1. What other information should we consider about how the freshwater farm plan system fits with regional council planning processes, and why?

The following were the most common suggestions for other information that submitters thought should be considered and their reasons for suggesting it.

- To ensure effective governance, work with and facilitate rural, catchment and farm groups (n=26).
- To support planning and implementing FWFPs, clarify and communicate FWFP regulations, roles and responsibilities (n=22).
- To assist with monitoring impacts, standardise limits, data and methodologies (n=15).

Q2. What information should we consider regarding the role of tangata whenua in the freshwater farm plan system?

The most common information that submitters thought should be considered was:

- support for the role of tangata whenua as proposed (n=79), with involvement at regional level (n=42)
- empowering tangata whenua (n=63), mainly through resourcing them to undertake the role (n=44)
- concerns and limitations regarding the role of tangata whenua (n=42), mainly around resolving Māori rights and interests in freshwater (n=17).

Q3. What other information should we consider regarding the proposed role for industry assurance programmes (IAPs) and other farm plan initiatives in the freshwater farm plan system?

The most common other information that submitters thought should be considered regarding the role of IAPs was:

- building off, aligning or certifying current industry programmes (n=51)
- auditing or demonstrating the ability of IAPs to deliver FWFPs (n=16).

The most common other information that submitters thought should be considered regarding other farm plan initiatives was:

- support for updating or adapting existing plans (n=47)
 - what the data requirements or standards and monitoring would entail (n=11).
-

Q4. What are the likely impacts and cost implications of the proposed approach?

The most common cost implications submitters identified were:

- costs of an additional layer of regulation or of developing FWFPs (n=10)
- costs of experts and auditors (n=6)
- compliance and administration costs (certification) (n=5).

The most common impacts submitters identified were:

- greater complexity and confusion through increasing regulations or making changes (n=9)
 - the impact of FWFPs on competitiveness or viability (n=7)
 - compliance hindering farm productivity, which would result in a loss of productivity (n=5).
-

Q5. Do you agree with our proposed approach for transitioning to a fully implemented system? If not, why not?

Among submitters who responded to this question, 39 per cent (n=50) agreed with the proposed approach for transitioning to a fully implemented system, while 61 per cent (n=78) disagreed.

The most common reasons for agreement were:

- the content of the proposal (n=32)
- the logistics of implementation (n=18); for example, submitters supported the focus on high-risk catchments first (n=13).

The most common reasons for disagreement were:

- the content of the proposal (n=54)
 - the costs and impacts (n=37), mainly because of the increased costs to farms and councils (n=30)
 - the logistics of implementation (n=36); for example, submitters thought the timeframes were too short (n=22).
-

Key elements of freshwater farm plans – Regulated outcomes

Q6. Do you agree with the preferred option for how regulated outcomes could be described in regulations? If not, what is your preference?

Among submitters who responded to this question, 69 per cent (n=61) agreed with the preferred option for how regulated outcomes could be described in regulations, while 31 per cent (n=28) disagreed.

The most common reasons for agreement were that the preferred option:

- reflects catchment values and context (n=11)
- provides flexibility (n=11).

The most common reasons for disagreement were that submitters preferred:

- clearer and more detailed expectations (n=39)
 - to include additional outcomes (n=31)
 - least-cost practical solutions (n=23).
-

Q7. What are the likely impacts and cost implications of the preferred approach?

The most common cost implications submitters identified were:

- increased costs (n=19)
- reducing costs due to the flexibility of the option (n=7).

The most common impacts submitters identified were:

- overregulation (n=5)
 - impact on farm operators' livelihoods (n=3).
-

Key elements of freshwater farm plans – Farm planning

Q8. 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?

Among submitters who responded to this question, 23 per cent (n=19) agreed that the material covers all the base information, while 77 per cent (n=64) disagreed.

The following were the most common suggestions for other information that submitters thought should be considered and their reasons for suggesting it.

- To ensure successful implementation (n=50), various definitions and concepts require clarifying or refining (n=14), such as roles and responsibilities (n=3) and regional or national rules (n=3).
 - For environmental monitoring (n=29), it is essential to gather data on various factors, including soil health (n=12) and water (n=12).
 - For the built environment (n=13), data are required for on-farm water infrastructure (n=5) and fencing infrastructure (n=4).
-

Q9. What are the likely impacts and cost implications of the proposed requirements in Appendix 1?

The most common cost implications submitters identified were:

- specific costs (n=21), such as the costs associated with mapping and geographic information systems (GIS) (n=7).
- proposed methods of reducing costs (n=11), such as by having an extensive centralised GIS database (n=3).

The most common impacts submitters identified were:

- loss of time spent on bureaucracy, administration and walking the farm (n=5)
- lack of resources, expertise and the systems required (n=4).

Q10. Do you agree with our preferred option? If not, what is your preference?

Among submitters who responded to this question, 76 per cent (n=63) agreed with the preferred option, while 24 per cent (n=20) disagreed.

The most common reason for agreement was that submitters preferred:

- the more flexible or less prescriptive approach (n=24).

The most common reasons for disagreement were that submitters preferred:

- localised or flexible approaches and solutions (n=11)
- a hybrid of Option 1 and Option 2 (n=5).

Q11. What information should be included in the guidance to inform risk/impact assessment, and why?

The most common information that submitters thought should be considered is information that:

- provides guidance (n=42); for example, guidance on how to identify or prioritise and address risks (n=17)
- facilitates environmental benchmarking and monitoring (n=15); for example, include the standardisation of rules to prevent variation in interpretation (n=11).

Q12. What are the likely cost implications of a risk/impact assessment? Is a flexible approach more cost effective?

The most common cost implications submitters identified were:

- the excessive financial risk for farm operators (n=6)
- that cost impacts will be site- and situation-specific (n=3).

The most common impacts submitters identified were:

- flexibility will make clear guidance necessary (n=3)
- the flexible approach is more ecologically friendly (n=1).

The most common reasons submitters gave for why the flexible approach is more cost-effective were that flexibility:

- is necessary for success (n=9)
 - will allow for the use of existing data and farm plans (n=2).
-

Key elements of freshwater farm plans – Farm planning

Q13. Do you agree with our preferred option? If not, what is your preference?

Among submitters who responded to this question, 60 per cent (n=47) agreed with the preferred option, while 40 per cent (n=31) disagreed.

The most common reasons for agreement were:

- the preferred option allows for flexibility (n=15)
- submitters supported the preferred option, but indicated it needed standardised limits, data and methodology (n=7).

The most common reasons for disagreement were that submitters preferred:

- Option 1 (n=22)
- an approach in which certifiers are knowledgeable and use discretion (n=8).

Q14. What are the likely impacts and cost implications of the preferred option?

The most common cost implications submitters identified were:

- specific costs (n=9), such as compliance costs (n=5)
- that cost impacts will be site- and situation-specific (n=3).

The most common impacts submitters identified were:

- the training and education required for competent practitioners (n=4)
- the inflexibility of the preferred option (n=3).

Q15. Do you agree with our preferred approach? If not, what is your preference?

Among submitters who responded to this question, 55 per cent (n=42) agreed with the preferred approach, while 45 per cent (n=34) disagreed.

The most common reason for agreement was:

- the preferred approach offers more flexibility (n=4).

The most common reasons for disagreement were that submitters:

- disagreed with the timeframes (n=31), preferring a flexible timeframe of sufficient length (n=15)
- would prefer to have more guidance as the word 'reasonable' is too open-ended (n=27)
- would prefer certified plans to reasonably reflect risks and priorities (n=2).

Key elements of freshwater farm plans – Certification

Q16. Do you agree with our preferred option? If not, what is your preference?

Among submitters who responded to this question, 54 per cent (n=59) agreed with the preferred option, while 46 per cent (n=50) disagreed.

The most common reasons for agreement were:

- the preferred option encourages local knowledge and consistency (n=15)
- submitters supported this option, provided that it includes transitional pathways for current planners and certifiers (n=5)
- standardisation will facilitate national accreditation (n=5).

Key elements of freshwater farm plans – Certification

The most common reasons for disagreement were that submitters preferred:

- certifiers to be skilled in mātauranga and te ao Māori (n=26)
- a strategy to develop Māori capacity as certifiers and auditors (n=20)
- national appointment as well as national accreditation (n=13).

Q17. What are the likely impacts and cost implications of the preferred approach?

The most common cost implications submitters identified were:

- specific costs (n=12), such as an investment in an accreditation body (n=4)
- increased costs to farm operators (n=4)
- reduced costs as a result of the preferred option (n=3).

The most common impacts submitters identified were:

- a shortage of competent certifiers (n=14)
- the time required to train certifiers will impact timeframes for regulations (n=5).

Q18. Do you agree with the following assumptions? If not, why not?

Among submitters who responded to this question, 84 per cent (n=58) agreed or strongly agreed with the assumption that in most circumstances, certifiers would need to 'walk the farm', while 15 per cent (n=10) disagreed or strongly disagreed.

Similarly, 84 per cent (n=61) agreed or strongly agreed with the assumption that certifiers could call on expert advice for matters outside their areas of expertise, while 11 per cent (n=8) disagreed or strongly disagreed.

The most common reasons for agreeing that certifiers would need to 'walk the farm' were:

- certifiers must walk the farm to analyse the operation and any changes (n=13)
- submitters agreed that certifiers would generally need to walk the farm, but also thought a set of criteria should be developed for when it is not necessary (n=10).

The most common reason for disagreeing with that assumption that certifiers would need to 'walk the farm' was:

- in some cases, virtual assessment can be ideal (n=5).

The most common reasons for agreeing that certifiers could call on expert advice were:

- certifiers cannot know everything and therefore need expert advice (n=23)
- submitters agreed with this assumption, provided that the certifier could justify the additional cost (n=3).

The most common reasons for disagreeing with the assumption that certifiers could call on expert advice were:

- the cost implications for the farm operator are unacceptable (n=6)
 - the farm operator holds the contextual or expert knowledge needed (n=3).
-

Key elements of freshwater farm plans – Certification

Q19. Do you agree with our preferred option? If not, what is your preference?

Among submitters who responded to this question, 78 per cent (n=59) agreed with the preferred option, while 22 per cent (n=17) disagreed.

The most common reasons for agreement were:

- the preferred option is more cost-effective (n=8)
- developing the plan together with the certifier limits the amount of repetition and revisions needed (n=4).

The most common reasons for disagreement were that submitters thought the approach needed to:

- allow for a period of transition from existing farm environmental plans (FEPs) to FWFPs before certification (n=4)
- prevent conflicts of interest (n=4).

Q20. Should there be a limit to the number of times a certifier can re-certify a freshwater farm plan for the same farm operator?

Among submitters who responded to this question, 26 per cent (n=17) agreed that there should be a limit to the number of times a certifier can re-certify a freshwater farm plan for the same farm operator, while 74 per cent (n=49) disagreed.

The most common reasons for having no limit were:

- certifiers have standards and regulations that they need to abide by, and so this limits concerns with re-certification (n=19)
- the relationship between the certifier and the farmer is important to maintain (n=9).

The most common reasons for having a limit were:

- standardisation of rules prevents variation in interpretation (n=2)
- it limits the potential for client capture (n=2).

Q21. What are the likely impacts and cost implications of the preferred approach?

The most common cost implications submitters identified were that the preferred approach will:

- save costs for farm operators (n=10)
- involve specific costs (n=9), such as changing certifiers, which will increase costs (n=4)
- generally increase costs for both councils and farm operators (n=7).

The most common impacts submitters identified were that the preferred approach will:

- create a shortage of competent certifiers (n=7)
- likely improve results (n=3).

Q22. Do you agree with our preferred approach? If not, what is your preference?

Among submitters who responded to this question, 73 per cent (n=55) agreed with the preferred approach that the farm operator directly engage and pay for the services of the certifier, while 27 per cent (n=20) disagreed.

The most common reasons for agreement were:

- submitters agreed, provided the central government subsidises costs (n=14)
- the preferred approach allows flexibility for certifying groups, sectors, IAPs, schemes and/or catchments (n=7).

Key elements of freshwater farm plans – Certification

The most common reasons for disagreement were that submitters:

- preferred auditing certifiers (n=2)
- thought the council should pay certifiers and charge farm operators itself (n=2).

Q23. What are the likely impacts and cost implications of the preferred approach?

The most common cost implications submitters identified were:

- increased costs for farm operators and councils (n=12)
- costs will be too high (n=3).

The most common impact submitters identified was:

- the potential shortage of skilled and competent certifiers (n=2).

Q24. Do you agree with our preferred option? If not, what is your preference?

Among submitters who responded to this question, 25 per cent (n=21) agreed with the preferred option to require the recertification of freshwater farm plans every three years, while 75 per cent (n=63) disagreed.

The most common reason for agreement was:

- the preferred option ensures FWFPs are regularly updated (n=2).

The most common reasons for disagreement were that submitters preferred:

- five-year reviews and re-certification (Option 2) (n=36), with criteria to shorten the time, trigger reviews or allow minor changes (n=5)
- review frequency to be performance-based (n=13).

Q25. What are the likely impacts and cost implications of the preferred approach?

The most common cost implications submitters identified were:

- increased costs for farm operators and councils (n=16)
- reduced costs with Option 2, which they preferred (n=7).

The most common impact submitters identified was:

- the possible shortage of certifiers (n=4).

Q26. Do you agree with the proposed categories and triggers for new freshwater farm plans, addendums and amendments? If not, what is your preference?

Among submitters who responded to this question, 76 per cent (n=50) agreed with the proposed categories and triggers for new freshwater farm plans, addendums and amendments, while 24 per cent (n=16) disagreed.

The most common reasons for agreement were:

- submitters agreed, on the condition that changes and triggers are further clarified or defined (n=9)
- regional councils should ensure the processes are carried out (n=3).

The most common reasons for disagreement were that submitters suggested:

- alternative triggers (n=6), such as extreme weather (n=1) or change in the crop (n=1)
- exemptions (n=2), such as not requiring re-certification for amended FWFPs (n=1).

Q27. What are the likely impacts and cost implications of the preferred approach?

The most common cost implications submitters identified were:

- an increase in unnecessary costs (n=5)
- specific costs (n=5), such as the costs of lodging changed plans (n=2).

The most common impacts submitters identified were:

- an increase in labour required (n=2)
 - increased workloads as new FWFPs and amendments are needed (n=2).
-

Q28. Do you agree with our preferred approach? If not, what is your preference?

Among submitters who responded to this question, 76 per cent (n=50) agreed with the preferred approach, while 24 per cent (n=16) disagreed.

The most common reasons for agreement were that submitters agreed, provided:

- more detail is determined for mediation and arbitration processes (n=3)
- all relevant roles are clearly defined (n=2).

The most common alternative preferences were for:

- arbitration at a regional or local level (n=6)
 - informal dispute resolution (n=4).
-

Q29. What are the likely impacts and cost implications of the preferred approach?

The most common cost implications submitters identified were:

- costs will be too high (n=3)
- increased costs for farms and councils (n=3).

The most common impact submitters identified was:

- increased complexity because a certifier would act as an advisor (n=2).
-

Q30. Do you agree with our preferred approach? If not, what is your preference?

Among submitters who responded to this question, 82 per cent (n=47) agreed with the preferred approach to managing complaints, while 18 per cent (n=10) disagreed.

The most common reasons for agreement were:

- opposition to complaints sitting at a regional level (n=4)
- preferring to have a national body to deal with complaints (n=2).

The most common reasons for disagreement were that submitters preferred:

- complaints to be dealt with at a regional or local level (n=7)
 - a national approach to accreditation (n=2).
-

Q31. What are the likely impacts and cost implications of the preferred approach?

The most common cost implications submitters identified were:

- increased costs for farms and councils (n=3)
- they expected costs would be minimal (n=2).

The most common impact submitters identified was:

- increased complexity because a certifier would act as an advisor (n=2).
-

Key elements of freshwater farm plans – Certification

Q32. Do you agree with our preferred approach? If not, what is your preference?

Among submitters who responded to this question, 88 per cent (n=49) agreed with the preferred approach to removing a certifier's accreditation, while 13 per cent (n=7) disagreed.

The most common reasons for agreement were:

- submitters generally agreed with the approach, but asked for more detail (n=3)
- the approach allows regional councils to trigger review (n=2).

The most common reasons for disagreement were that submitters preferred:

- accreditation to be at a regional level (n=2)
- a sample of FWFPs to be used to benchmark standards (n=2).

Q33. What are the likely impacts and cost implications of the preferred approach?

The most common cost implications submitters identified were that they:

- expected that costs would be minimal (n=2)
- suggested using fees charged for auditor accreditation to fund services (n=2).

The most common impacts submitters identified were:

- an increase in bureaucracy (n=1)
- it would be difficult to satisfy all stakeholders (n=1).

Key elements of freshwater farm plans – Audit

Q34. Do you agree with our preferred option? If not, what is your preference and why?

Among submitters who responded to this question, 56 per cent (n=43) agreed with the preferred option, while 44 per cent (n=34) disagreed.

The most common reasons for agreement were:

- auditors need to understand the local farm context (n=2)
- submitters agreed with the preferred option, provided appointments are from tangata whenua and council (n=2)
- the preferred option allows for efficiencies and integration with other auditing that needs to occur (n=2).

The most common reasons for disagreement were concerns over:

- the role of the auditor (n=18), mainly that the certifier would act as auditor as well (n=6)
- auditor skills and qualifications (n=15), mainly that auditors need tertiary qualifications and experience in the industry (n=4)
- governance and accreditation (n=11), mainly that the approach should leverage existing accreditation bodies and processes (n=5).

Q35. What are the likely impacts and cost implications of the preferred approach?

The most common cost implications submitters identified were:

- reduction in costs, and cost-effectiveness for farm operators and councils (n=11)
- increased costs for farms and councils (n=8).

Key elements of freshwater farm plans – Audit

The most common impacts submitters identified were:

- inconsistencies may result where auditors differ in their competency levels (n=2)
- a limited number of auditors will be available initially (n=2)
- having a national process would ensure consistency (n=2).

Q36 Do you agree with our proposed approach for determining audit frequency? If not, what is your preference and why?

Among submitters who responded to this question, 50 per cent (n=37) agreed with the proposed approach, while 50 per cent (n=37) disagreed.

The most common reasons for agreement were that submitters supported:

- a risk-based approach, provided that it had a clear description (n=5)
- the extended timelines for compliance (n=2).

The most common reasons for disagreement were that submitters preferred audit frequency to be:

- based on performance/risk (n=26)
- longer than the timeframe proposed (n=12).

Q37. What are the likely impacts and cost implications of the preferred approach?

The most common cost implications submitters identified were:

- reduced costs through methods submitters proposed (n=8), which most commonly involved reducing audit frequency (n=6)
- increased costs for farms and councils (n=8)
- additional costs for risk areas, which submitters suggested councils should meet (n=4).

The most common impact submitters identified was:

- reducing audit frequency would incentivise compliance (n=2).

Q38. Do you agree with our proposed approach? If not, what is your preference and why?

Among submitters who responded to this question, 60 per cent (n=36) agreed with the proposed approach of farmers directly engaging and paying for the auditor, while 40 per cent (n=24) disagreed.

The most common reasons for agreement were:

- submitters supported the approach, provided it includes guidance and streamlining of costs across New Zealand (n=3)
- submitters supported the approach, provided it includes robust training and oversight (n=2)
- the process is similar to the current approach in the primary sector (n=2).

The most common reasons for disagreement were that submitters preferred:

- cost-sharing, subsidisation and financial support (n=7)
- farm operators to choose the organisation to undertake the audit, rather than choosing the individual auditor (n=4)
- the process to be flexible with the use of current industry programmes (n=3).

Q39. What are the likely impacts and cost implications of the preferred approach?

The most common cost implications submitters identified were:

- increased costs for farms and councils (n=13)
- minimal costs (n=3).

Key elements of freshwater farm plans – Audit

The most common impacts submitters identified were:

- having auditors with local knowledge would be useful (n=3)
 - a shortage of competent and skilled auditors (n=3).
-

Quality assurance of freshwater farm plans

Q40. Do you think quality assurance should be undertaken by a national body, with checks undertaken regionally?

Among submitters who responded to this question, 71 per cent (n=42) agreed that quality assurance (QA) should be undertaken by a national body, with checks undertaken regionally, while 29 per cent (n=17) disagreed.

The most common reasons for agreement were:

- submitters agreed, provided information is shared with a national or local government body (n=2)
- regional councils are better equipped to understand local variations (n=2).

The most common reasons for disagreement were that submitters preferred:

- QA to be undertaken regionally (n=3)
 - limited involvement of central government (n=3).
-

Q41. What should the triggers be for quality assurance checks?

The most common triggers that submitters thought should be considered were:

- poor performance and audit results (n=20)
- disputes and complaints (n=14).

Other submitters thought there should be no triggers; instead, QA should be based on random selection (n=12).

Q42. What are the likely impacts and cost implications of the proposed approach?

The most common cost implications submitters identified were:

- increased costs for farms and council (n=14)
- increase in unnecessary costs (n=4)
- minimal costs (n=2).

The most common impacts submitters identified were:

- QA would likely deter and confuse farm operators (n=2)
 - a regular QA process would raise and maintain the standard (n=1)
 - the standardisation of limits used would be beneficial to the process (n=1).
-

Enforcement mechanisms

Q43. Are the proposed offences and infringement fees appropriate? If not, what would be appropriate?

Among submitters who responded to this question, 26 per cent (n=18) agreed that the proposed offences and infringement fees are appropriate, while 74 per cent (n=52) disagreed.

The most common comments on the infringement fees were that submitters:

- suggested increasing the fees (n=21)
- expressed support for the proposed fees (n=17)
- suggested that all fees should be subject to regional council discretion (n=9).

The most common comments on the offences were that submitters:

- suggested exempting non-compliance resulting from hardship or unforeseen circumstances (n=9)
- suggested not using a shortage of certifiers and auditors as a trigger for offences (n=8)
- asked for clarification of the terms 'serious' and 'significant' (n=2).

Implementation options – Phasing and staging

Q44. Do you agree with our preferred option? If not, what is your preference and why?

Among submitters who responded to this question, 74 per cent (n=59) agreed with the preferred option, while 26 per cent (n=21) disagreed.

The most common reasons for agreement were:

- submitters agreed with the preferred option, provided it allowed regional council discretion and used their input to determine the roll-out (n=13)
- the preferred option allows at-risk catchments to be targeted first (n=8)
- a phased introduction will allow for more time to upskill workers and resource the implementation (n=3).

The most common reasons for disagreement were that submitters preferred:

- a more practical and targeted approach (n=17)
- a blend of the options proposed (n=8)
- FWFPs to include a winter grazing module (n=3).

Q45. Should we explore whether it should be possible for farmers and growers to opt into the freshwater farm plan system?

Among submitters who responded to this question, 89 per cent (n = 66) would like the Ministries to explore whether it is possible for farmers and growers to opt into the freshwater farm plan system, while 11 per cent (n=8) would not.

The most common reasons for supporting exploration of the opting in approach were that it:

- should be used for making a transition from using existing farm plans to using freshwater farm planning (n=25)
- should also be used as an alternative pathway to resource consent (n=6)
- would likely facilitate earlier compliance (n=2).

The most common reason for opposing exploration was:

- FWFPs should be mandatory (n=8).

Implementation options – Phasing and staging

Q46. What are the likely impacts and cost implications of the preferred approach?

The most common cost implications submitters identified were:

- increased costs for farms and councils (n=4)
- specific costs (n=3), such as the cost to the council of preparing catchment context (n=3)
- costs cannot be identified before regulations have been developed (n=3).

The most common impacts submitters identified were:

- unnecessary negative impacts for regional councils (n=3), such as the pressure for councils to provide the catchment context (n=1)
 - the limited number of certifiers and auditors will impact the implementation of FWFPs (n=3)
 - the impacts on farm operators (n=2), such as the negative impact on the mental health of farm operators (n=1).
-

Implementation options — Understanding catchment values and context

Q47. Should we consider any other ways to support farmers, growers and certifiers to understand and incorporate catchment values and context?

The most common suggested support measures were to provide support with:

- the method of data gathering (n=33); for example, through engagement and workshops with farm operators and certifiers (n=16)
 - the responsibility of data gathering (n=23), with the most common suggestion being to support and incentivise catchment groups to gather the data (n=11)
 - the use of catchment context when developing FWFPs (n=14); for example, developing the context with other legislation in mind makes it easier to include (n=4).
-

Reporting and review – Collection of data from freshwater farm plans

Q48. 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?

Generally, the most common comments were the proposed approach:

- needs to have standardised limits, data and methodologies (n=11)
- should follow strict processes to protect sensitive data (n=10)
- needs to make measuring and reporting achievable and not burdensome (n=5).

The most common other indicators that submitters thought should be considered were:

- indicators to monitor improvements (n=14), specifically water quality in catchments (n=12) and ecosystem health in each catchment (n=10)
 - indicators to monitor nutrient inputs (n=3), specifically stocking rates (n=1), fertiliser applications (n=1) and spray applications (n=1)
 - a nutrient loss indicator (n=2).
-

Reporting and review – Collection of data from freshwater farm plans

Q49. What other information should we consider and why?

The most common other information that submitters thought we should consider related to:

- the need for a robust, cost-effective and efficient system (n=21)
- factors focused on privacy concerns (n=15), such as information being accessible under the Official Information Act 1982 (n=3)
- other indicators that might be included (n=13); for example, indicators for monitoring water chemistry and quality (n=6).

Q50. What are the likely impacts and cost implications of this approach?

The most common cost implications submitters identified were:

- increased costs for farms and councils (n=7)
- a questionable cost to benefit ratio (n=4).

The most common impacts submitters identified were the impacts of:

- reporting on privacy concerns (n=6)
- using an unreliable indicator, namely stock exclusion (n=2).

What regional councils report publicly

Q51. Do you agree with our preferred approach? If not, what is your preference and why?

Among submitters who responded to this question, 66 per cent (n=39) agreed with the preferred approach, while 34 per cent (n=20) disagreed.

The most common reasons for agreement were:

- it would protect culturally sensitive data (n=2)
- support for reporting priority areas (n=1).

The most common reasons for disagreement were that submitters:

- had security concerns that need to be addressed (n=22), mainly through withholding private and identifiable information (n=11)
- preferred to have non-compliers named to enforce compliance (n=2)
- preferred to have good water quality and ecosystem gains published as examples (n=2).

Q52. Is there any information in a freshwater farm plan that you would not want to be shared publicly? For what reason?

The most common reasons for withholding information.

- The nature of data is private (n=27). Given the confidential nature of data, submitters felt entire FWFPs should be withheld, adding that the plan will be the property of the farm (n=8).
- To prevent harassment (n=22), submitters suggested that private, identifiable details should be either withheld or not collected at all (n=18).
- To support farmers in improving farm practice (n=2), all data should be withheld (n=2).

Initial regulatory impact analysis of the proposed options

QA. Do you agree with our impact and benefit assumptions? If not, what is incorrect?

Among submitters who responded to this question, 25 per cent (n=6) agreed with the impact and benefit assumptions, while 75 per cent (n=18) disagreed.

The most common reasons for disagreement were:

- the cost to benefit ratio is unacceptable (n=4).
- impacts are not currently discernible (n=2)
- costs have been underestimated (n=2).

The most common reasons for agreement were:

- low-risk farms will meet the requirements by expanding the scope (n=1)
 - farm operators who are not engaged in the plans will find FWFPs challenging (n=1).
-

QB. What other information should we consider, and why?

The most common suggestions for other information that submitters thought should be considered were:

- high-level goals (n=2)
 - the limited availability of skilled staff to undertake work (n=2)
 - concerns about remedial legislation without full costing (n=2).
-

Additional information

Any other feedback on the proposals

The most common other feedback from submitters that they thought should be considered related to:

- alternatives to and improvements on the proposals (n=25), with the most common suggestion being to have FWFPs as living documents for farm operations (n=9)
 - a range of concerns raised (n=31), which most commonly focused on the consultation itself (n=20) and the need for more consultation (n=7)
 - the need for more information and clarity (n=18), particularly to clarify who owns the plan with the suggestion that it should be farm operators (n=5).
-

The consultation process and submissions

The freshwater farm plan discussion document was made available through the Ministry for the Environment's website.² The Ministry for the Environment received a total of 172 submissions through the survey interface and by email or post.

Where did submissions come from?

A total of 52 submissions came from individual submitters, while 120 were on behalf of organisations. For a list of the organisations that submitted, see Appendix 2: Organisations that submitted. Of the 172 submissions received, 87 were written submissions made by email or post.

Ministry for the Environment's online survey interface

The Ministries developed the consultation questions and included them in the discussion document. The only mandatory questions in the online survey were those related to the submitters' details and the consent to release the submission. A section at the end of the consultation allowed submitters to provide any other feedback they wished and attach supporting documentation.

For the questions in the Ministry for the Environment's online survey interface, see [appendix 1: Ministry for the Environment's online survey interface questions](#).

Written submissions made via email or post

The Ministry for the Environment received 87 written submissions by email or post. Some of these submissions indicated which consultation questions they were directly answering. These submissions were processed and analysed according to the questions they addressed. Whenever submissions did not follow a set structure, they were analysed in terms of the consultation questions that they aligned with.

Data analysis methodology

An online survey interface was built for the collection of submissions. The interface questions formed the framework of analysis and reporting for all submissions.

² Ministry for the Environment and Ministry for Primary Industries. 2021. *Freshwater farm plan regulations: Discussion document*. Wellington: Ministry for the Environment. Retrieved from <https://environment.govt.nz/publications/freshwater-farm-plan-regulations-discussion-document/> (20 January 2022).

Statistical analysis

Submissions made through the online survey could select their preferences concerning each of the quantitative questions. Written submissions that clearly stated their position in the framework of the quantitative questions have been included in the statistical analysis tables.

The figures in this report present our analysis of responses to closed-ended questions. Figure 1 provides an example of how we report statistical data for questions that gave submitters two or more answers to choose from.

Figure 1: Example of a statistical analysis table

	Farmer or grower n = 56	Māori agribusiness owner/tangata whenua n = 31	Central government/local government n = 21	Primary sector/agri-support n = 36	Environmental group n = 7	General public n = 10	Other n = 34	Total n = 128
Yes	36% 20	32% 10	48% 10	39% 14	29% 2	30% 3	41% 14	39% 50
No	64% 36	68% 21	52% 11	61% 22	71% 5	70% 7	59% 20	61% 78

Thematic analysis

PublicVoice undertook the analysis of responses to open-ended interface questions. All submissions received through the online interface and in written (email or post) format underwent thematic analysis, which involved extracting themes from their comments. PublicVoice based its thematic analysis on Braun and Clarke’s methodology.³ A team of research analysts identified, analysed and interpreted patterns of meaning within the open-ended responses. They then analysed each theme for frequency.

Classification of themes

The results from the thematic analysis were organised into top-level themes to aid interpretation. Below we list and briefly describe the most common themes.

Costs will be site- or situation-specific – when submitters have noted that accurate costing is not always possible. Costs will vary depending on the location of the farm and the type of farming undertaken.

Increased costs for farms and councils – when submitters have commented on the possibility that FWFPs will increase farming costs or council costs.

National regulation is not fit for regional or farm variations — when submitters have indicated that regulation at a national level cannot be flexible enough to consider regional or farm variations.

³ Braun V, Clarke V. 2006. Using thematic analysis in psychology. *Qualitative Research in Psychology* 3(2): 77–101.

Standardised limits or data and methodologies required – when responses have indicated that environmental limits and data need to be standardised to aid implementation. This theme includes requests for standardised methodologies for freshwater monitoring and stock exclusion.

Allow transition from FEPs to FWFPs – when submitters would like to transition their farm environmental plans (FEPs) into freshwater farm plans (FWFPs) with the roll-out of the new plans.

When comments fitted into more than one theme, the team placed them into the theme that they indicated more strongly. Tables in this report show the frequency of each response to help illustrate their significance and levels of support. Table 1 provides an example.

Further classification

The team then further categorised submissions into sub-themes under each of these top-level categories.

Table 1: Example of thematic analysis table

Main theme	Sub-theme(s)	Frequency
Cost implications of the preferred approach		23
	Increased costs for farms and councils	13
	Costs will be minimal	3
	Costs will be similar to other primary sectors	1
	FWFPs will mitigate the higher cost of environmental impacts	1
	More information required for accurate assessment	1
	Should be less expensive than certification	1
	Cost could be better spent on environment	1
	Create a template for audits to reduce costs	1
	Cap/regulate fees	1
	Costs will become part of farm operation	1
Impacts of the preferred approach		9
	Local knowledge from auditors would be helpful	3
	Shortage of competent/skilled auditors	3
	No impact	1
	Confusion as farms are already audited under FEP	1
	Risk of 'shopping around' for auditors	1
General comment		2
	More information required for accurate assessment	1
	Opposed to auditing	1

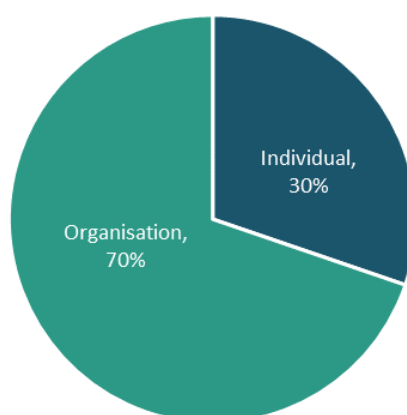
Who did we hear from?

This section provides an overview of the submissions received.

Individuals and organisations

In total, 30 per cent (n=52) of submissions came from individuals, while 70 per cent (n=120) were on behalf of organisations (Figure 2). For a list of the organisations that made submissions, see [appendix 2: Organisations that submitted](#).

Figure 2: Are you submitting as an individual or on behalf of an organisation?



Location of submitters

Table 2 shows the location of submitters.

Table 2: Location of submitters

Location	Number of submissions
Northland Te Tai Tokerau	10
Auckland Tāmaki-makau-rau	4
Waikato	21
Bay of Plenty Te Moana-a-Toi	16
Gisborne Te Tai Rāwhiti	3
Hawke's Bay Te Matau-a-Māui	10
Taranaki	2
Manawatū-Whanganui	12
Wellington Te Whanganui-a-Tara	20
Tasman Te Tai-o-Aorere	1
Nelson Whakatū	4
Marlborough Te Taihū-o-te-waka	5
West Coast Te Tai Poutini	2
Canterbury Waitaha	36
Otago Ōtākou	18
Southland Murihiku	5
Outside of New Zealand	1
Unknown	2

Submitters' interest groups

Submissions were classified according to the interest groups outlined in the online survey interface. Submitters using the online survey interface could select their interest group(s). Interest groups were allocated to submissions received by email or post. These submissions were allocated to one or more interest groups based on their content. Table 3 details the breakdown of submissions by interest group.

Table 3: Submitters' interest groups

Interest group	Number of submissions
Farmer or grower	76
Primary sector/agri-support	49
Tangata whenua	34
Non-government organisation	29
Māori agribusiness owner	25
Local government	19
General public	13
Environmental group	10
Industry body	9
Central government	5
Registered charity	5
Science/research	5
Catchment group	3

Submissions on Section 2: Overview

The overview section of the discussion document provided insight into the key components of freshwater farm planning.

How the freshwater farm plan system fits with regional council planning processes

One of the aspects detailed was how the freshwater farm plan fits with regional council planning processes. The discussion document presented a list of general expectations for council planning, which included:

- working with tangata whenua and communities to establish a long-term vision for their waterways
- establishing what freshwater values need to be protected or achieved (for example, ecosystem health, mahinga kai, recreation) and what state the environment needs to be in to achieve these
- determining what the current environmental state is, and how much change is needed and in what areas to reach the target environmental state
- assessing what options are available to deliver the amount of change needed – including how much improvement can be expected from the freshwater farm plan system
- determining what mix of measures is needed (in addition to the freshwater farm plan system) – which may include regional rules and specific limits on the use of resources that go beyond what would otherwise be in a freshwater farm plan
- monitoring the effectiveness of the overall regional freshwater plan and adjusting it as necessary over time.

(Q1) What other information should we consider about how the freshwater farm plan system fits with regional council planning processes, and why?

Table 4 provides a summary of the key themes identified. The sub-theme indicates why submitters included the information, while the sub-sub-theme is the information they suggested to be included.

The following were the most common suggestions for other information that submitters thought should be considered and their reasons for suggesting it.

- To ensure effective governance, work with and facilitate rural, catchment and farm groups (n=26).
- To support planning and implementing FWFPs, clarify and communicate FWFP regulations, roles and responsibilities (n=22).
- To assist with monitoring impacts, standardise limits, data and methodologies (n=15).

Table 4: Themes in submissions on (Q1) What other information should we consider about how the freshwater farm plan system fits with regional council planning processes, and why?

Main theme	Sub-theme(s)	Frequency
Other information required and why		94
	To ensure effective governance	59
	Work with and facilitate rural/catchment/farm groups	26
	Resource tangata whenua to work with councils	6
	Empower/fund regional councils to undertake the work	20
	Align FWFPs and regional regulations and timeframes	14
	Regional councils to determine roll-out/compliance/enforcement	2
	Clarify how FWFPs regulations relate to other legislation	15
	FWFPs should not overlap with regional plan/resource consent	3
	(Council) discretion and exemptions needed	9
	Ensure processes are in place for appeals/dispute resolution	4
	Supportive/proactive governance required	4
	Central government oversight required	4
	Ensure transparency	2
	Ensure equity of treatment	2
	Independent auditing required	2
	Ensure analytical rigour	1
	Should not be used to determine if land-use change is required	1
	To assist with planning and implementing FWFPs	47
	Clarify/communicate regulations/roles/responsibilities of FWFPs	22
	Evolve/use existing FEPs rather than rewrite	9
	Use FWFPs to reduce/remove resource consents	8
	Adopt/incentivise good/discontinue bad management practices	7
	Opposed to implementation before Resource Management system reforms completed	3
	Ensure appropriate infrastructure is in place	3
	FWFPs to require robustness/consistency/enforcement from start	3
	Address uncertainty where no regional freshwater plan/data exist	2
	Implement FWFPs in high-risk catchments first	1
	All regulations must be output based	1
	FWFPs will provide baseline requirements for farming operations	1
	Opposed to implementation before regional planning finalised	1
	Support access to best available catchment context information	1
	To monitor impacts	25
	Standardised limits/data and methodologies required	15
	Standardisation/framework limits coercive power of certifiers	2
	(Independent) collection of auditable data is required	8
	Should not be used to determine contaminant loss reduction	2
	Holistic approach is needed (water/greenhouse gases/ biodiversity)	2

Main theme	Sub-theme(s)	Frequency
	Utilise map to show environmental risks and plans	1
	FWFPs to be lodged with consent applications to measure effects	1
	FWFPs to contain farming as a permitted activity	1
	Meaningful monitoring must take lag time into consideration	1
	Regular inspections for compliance required	1
	Information on the potential costs and impacts of FWFPs	11
	Oversight of the impact of FWFPs on competitiveness/viability	5
	Physical/financial limitations of farm operators	5
	Assessment of benefits/impacts post-implementation	3
	May allow for mitigation when land-use change is necessary	1
	Omitted information important to farming	11
	Animal welfare/adequate feeding/processing	2
	Other causes of water pollution need attention/publicity	2
	Must address Māori land rights	1
	Water allocation for irrigation	1
	Concern about focus on regulators over farm operators	1
	More thought needs to be given to winter grazing	1
	Farms operating across more than one catchment	1
	National economic priorities	1
	Hua Parakore/organic/regenerative systems not considered	1
	Concerns regarding FWFPs	31
	National regulation not fit for regional/farm variations	11
	Ensure privacy of data	6
	Concern regarding consultation	5
	FWFPs viewed as a system to penalise farm operators	4
	Bureaucracy and legislation limit planning of FWFPs	3
	Cost to benefit ratio questioned	3
	Focus of FWFPs should be good management practices	1
	Draft period for legislation extended to assess benefits	1
	New quality assurance (QA) schemes may not be accepted	1
	Cannot comment as regional plans not available for consultation	1
	Support proposal	1

“Catchment Groups should be empowered through regional council planning processes to deliver and implement freshwater farm plans on farms in their catchments. Empowering catchment groups will enable efficiencies of scale (when we know their will be capacity constraints to deliver FWFPs), ensure local knowledge is fully integrated into the FWFPs, and give the communities a sense of ownership over the challenges and opportunities they face. Empowerment of Catchment Groups (CG) by regional councils does mean there needs to also be an alternative pathway to catchment groups so as to ensure participation in a CG remains voluntary.”

To ensure effective governance

Role of tangata whenua in the freshwater farm plan system

The specific obligations in the National Policy Statement for Freshwater Management (NPS-FM) require councils to involve tangata whenua in all stages of the regional freshwater planning process. While the discussion document presented options for tangata whenua involvement, it asked submitters to provide information for consideration regarding the role of tangata whenua.

(Q2) What information should we consider regarding the role of tangata whenua in the freshwater farm plan system?

Table 5 provides a summary of the key themes identified.

The most common information that submitters thought should be considered was:

- submitters supported the role of tangata whenua as proposed (n=79), with involvement at regional level (n=42)
- empowering tangata whenua (n=63), mainly through resourcing them to undertake the role (n=44)
- concerns and limitations regarding the role of tangata whenua (n=42), mainly around resolving Māori rights and interests in freshwater (n=17).

“Oversight structures in Regional Councils with allocated seats for tangata whenua representation.”

Role of tangata whenua

Table 5: Themes in submissions on (Q2) What information should we consider regarding the role of tangata whenua in the freshwater farm plan system?

Main theme	Sub-theme(s)	Frequency
Role of tangata whenua		105
	Support tangata whenua role as proposed	79
	Support tangata whenua involvement at regional level	42
	Oversight structures in council with seats for tangata whenua	22
	Integrate tangata whenua interests into regional/catchment plan	4
	Tangata whenua having a role as service providers	38
	Independent advisors/certifiers/auditors	8
	Training certifiers in cultural awareness and values	7
	Setting and monitoring standards	4
	Provide training on te ao Māori and Te Mana o te Wai	3
	Determining mitigation choice on-farm	1
	Support inclusion of Te Mana o te Wai	36
	Need a better understanding of Te Mana o te Wai	2

Main theme	Sub-theme(s)	Frequency
	Support not engaging at individual/farm level	4
	Tangata whenua must have partnership role	4
	Empowering tangata whenua role	63
	Resource and empower tangata whenua to undertake role	44
	Definitions in relation to tangata whenua must be standardised	7
	'Tangata whenua' should be replaced by 'mana whenua'	3
	Detail needed on role/rights/responsibilities of tangata whenua	6
	Enquire on the level of engagement tangata whenua wish to have	3
	Mana whenua interests not just confined to 'cultural values'	2
	Include catchment elements important to tangata whenua	2
	Auditing of tangata whenua required	2
	Draw on existing tangata whenua and iwi documentation	2
	Reform/do not duplicate RMA to support tangata whenua	2
	Develop mutual terminology to sit within planning instruments	1
	More clarity needed around sites of cultural significance	1
	Invest in training for tangata whenua and council around FWFPs	1
	Ensure ease of access to tangata whenua for farm operators	1
	Councils to ensure comprehensive and robust planning	1
	Collaboration between all sectors needed	1
	Support inclusion of Te Tiriti o Waitangi in FWFPs	1
	Tangata whenua cannot have conflicting interests	1
	Concerns/limitations regarding the role of tangata whenua	42
	Māori rights and interests in freshwater need resolution	17
	Increase in costs for farm operator/council	6
	Not all councils and tangata whenua have expertise to engage	3
	Tangata whenua lacking local knowledge	2
	More information is needed about ensuring representation	3
	Impact on timelines due to added consultation	3
	Tangata whenua often impose onerous rules/loss of productivity	2
	Ensure limit setting does not conflict with mātauranga at local level	2
	Meaning of Te Mana o te Wai is different for each catchment	1
	Land owners have been asked to consult with tangata whenua	1
	History of poor consultation between iwi and community	1
	Tangata whenua constrained by western legal system	1
	Tangata whenua may have limited input in first iteration FWFPs	1
	Opposed to individuals engaging directly with tangata whenua	1
	Concerns with added bureaucracy	1
	Consider complex farm ownership structures	1
	Resourcing and empowering local groups for input as well	1
	Time taken to consult to be factored into implementation time	1
	Alternative roles for tangata whenua proposed	16
	Tangata whenua to have a role/support at national level	9
	In developing policy and skills for implementation of FWFPs	7
	Support tangata whenua having a role at catchment level	5

Main theme	Sub-theme(s)	Frequency
	Allow optional interaction with farm operator (provide funding)	5
	The 'how' cannot be regulated/informed by regional relationship	1
	Opposed to tangata whenua having a role in FWFPs	6
Implications for Māori-owned farming operations		32
	Barriers to degree of Māori influence over whenua	25
	Land under Te Ture Whenua Māori Act 1993 has additional compliance	24
	Te Ture Whenua Māori Act 1993 limits access to capital/compliance	20
	Tangata whenua to lead restoration work in their rohe	2
	Funding/support for Māori-owned farms to implement FWFPs	2
	Flexibility needed for Māori land owners experiencing difficulty	1
	Exemptions sought for rivers owned by tangata whenua	1
	Be supplied with an annual report covering rohe	1
	Tangata whenua to set requirements for their rohe	1
	Tangata whenua to select certifiers within designated rohe	1
	Be informed of non-compliance/audits in rohe/right to review	1

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

The discussion document outlined a proposed system of assessing industry assurance programmes (IAPs) and possibly council programmes and recognising them as appropriate to deliver freshwater farm plans that meet the requirements of the Resource Management Act 1991. It also presented various programme requirements for feedback.

(Q3) 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?

Table 6 provides a summary of the key themes identified.

The most common other information that submitters thought should be considered regarding the role of IAPs was:

- building off, aligning or certifying current industry programmes (n=51)
- auditing or demonstrating the ability of IAPs to deliver FWFPs (n=16).

The most common other information that submitters thought should be considered regarding other farm plan initiatives was:

- support for updating or adapting existing plans (n=47)
- what the data requirements or standards and monitoring would entail (n=11).

Table 6: Themes in submissions on (Q3) 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?

Main theme	Sub-theme(s)	Frequency
Information to consider: industry assurance programmes		66
Build off/align/certify current industry programmes		51
	Industry bodies crucial to uptake and development of FWFPs	8
	Certifying IAP staff will facilitate transition to FWFPs	8
	Industry assurance programmes are fit for purpose	4
	Allow for a time of transition	3
	Limit the amount of documentation provided and required	2
	Will require effective communication/trust building	2
	Farm operators require industry support	1
Audit/demonstrate IAPs' ability to deliver FWFPs		16
	Regional councils to determine IAPs' ability to deliver FWFPs	5
	FWFPs need to be flexible to combine with IAP	3
	Supply of data subject to IAP conditions of approval	2
	Programmes should lead to dissemination of knowledge	1
	Allow tangata whenua to contribute to assessment of IAPs	1
Concerns with building off current industry assurance programme		16
	May make system more complicated/duplicate effort	6
	Possibility for duplication of certifying/auditing	4
	IAPs should not exclusively deliver FWFPs	3
	Unnecessary to approve programmes if approval occurs with FWFPs	1
	Conflict between for profit IAPs and environmental protection	1
	Industry engagement with catchment groups is low	1
	Industry bodies do not communicate well with councils	1
	Concerned industry does not know enough about farm operators	1
	Current IAPs have not prevented decline in water quality	1
General comments		61
Comments on roll-out of FWFPs		52
	Guidance/clarity on implementation and regulations	32
	Regional oversight needed	5
	Allow farm operators to develop their own FWFPs	5
	Independent auditing required/QA process	3
	Measurement/monitoring is needed	2
	National regulations should be consistent with regional plans	2
	Partnerships with/delivery through catchment groups	2
	Farm operators' buy-in is essential	2
	Require certifiers/auditors to have national accreditation	2
	Integration across agency and organisation requirements	1
	Resource and empower tangata whenua to undertake role	1
	One centralised farm plan is preferred	1
	Funding for FWFPs should be made available and accessible	1
	Ensure availability of expertise	1

Main theme	Sub-theme(s)	Frequency
	Preference to begin on farms without an FEP	1
	Farms with an FP considered first for FWFPs	1
	Concerns with FWFPs	13
	Ensure privacy/ownership of farm operators' data	6
	Consider physical/financial limitations of farm operators	4
	National regulation not fit for regional/farm variations	2
	Policy intent is of strong regulatory oversight	1
	Opposed to more regulations	1
	Adopting FWFPs with land that is used across sectors	1
	Other sources of water pollution need attention/publicity	1
	Information to consider: Other farm plan initiatives	55
	Support updating/adapting existing plans	47
	Recognition for work already done by farm operators	13
	Do not replicate or replace working FPs/initiatives	7
	Regulated components of FWFPs need to be specific	2
	Existing FPs need reassessment (planner competency check)	1
	FWFPs only apply to high-impact farming/low-impact follows FEP	1
	Data requirements/standards and monitoring	11
	Standardised limits/data and methodologies required	7
	FWFPs must incorporate council FP recommendations	2
	Plans must contain data for monitoring	2
	Data should be provided to the council in digital format	1
	Requirements and regulations to be output based	1
	Concerns with FWFPs and other farm plan initiatives	6
	Outcomes/catchment context not aligned with farm activity	2
	Existing FPs will undermine FWFPs	1
	FWFPs will undermine working plans	1
	Demonstrate how FWFPs will interact with existing plans	1
	Integrated Farm Plans should not be a regulatory requirement	1

(Q4) What are the likely impacts and cost implications of the proposed approach?

Table 7 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- costs of an additional layer of regulation or of developing FWFPs (n=10)
- costs of experts and auditors (n=6)
- compliance and administration costs (certification) (n=5).

The most common impacts submitters identified were:

- greater complexity and confusion through increasing regulations or making changes (n=9)
- the impact of FWFPs on competitiveness or viability (n=7)
- compliance hindering farm productivity, which would result in a loss of productivity (n=5).

Table 7: Themes in submissions on (Q4) What are the likely impacts and cost implications of the proposed approach?

Main theme	Sub-theme(s)	Frequency
Cost implications of the proposed approach		59
	Specific costs identified	32
	Cost of additional layer of regulation/developing FWFPs	10
	Cost of experts and auditors	6
	Compliance/administration costs (certification)	5
	Cost of training farm operators/certifiers/auditors	4
	Cost of stock exclusion (fencing/planting/maintenance)	4
	Cost of capturing base data/monitoring	3
	Labour costs associated with farm operators completing FWFPs	2
	Increased cost from lack of certifiers/auditors	2
	Cost of identifying laws applicable to each land parcel	1
	Industry bodies will require support/resourcing	1
	Proposed methods of reducing the cost	22
	Build off current programmes/plans to reduce costs	10
	FWFPs will mitigate the higher cost of environmental impacts	4
	Cost-efficient for IAPs to roll out the same process	3
	Existing plans that meet criteria are approved retrospectively	2
	Using IAP-run workshops will reduce costs	2
	Trust will reduce negative costs and impacts	1
	Delay reworking existing plans until roll-out is complete	1
	Disbanding of previous incentive schemes for good management	1
	National approach more cost-effective	1
	Increased costs	14
	Increased costs to farm operators and council	5
	Costs are underestimated	4
	Costs will be site-/situation specific	3
	Compensation required	2
	Costs of FWFPs open/ignored, but penalties known/advertised	1
	Essential for benefits to outweigh costs	3
	Costs could be better spent on environmental improvements	2
	Costs will depend on timeframe allowed for implementation	2
	Incorporate costs into rates	1
Impacts of the proposed approach		25
	Increased regulation/changes increase complexity/confusion	9
	FWFPs cannot be done by the farm operator (too complex)	2
	Impact of FWFPs on competitiveness/viability	7
	Compliance hinders farm productivity/loss in productivity	5
	Impact on farm operators' willingness to engage/change	4
	Possible eroding of relationship between council and farmers	2
	Impact of labour shortage of certifiers	2

Main theme	Sub-theme(s)	Frequency
General comments		11
	Streamlined approach is preferable	3
	Require good data management and assessment	2
	Standardised limits/data and methodologies required	2
	Moving tracks should be based on the frequency of use	1
	Staged roll-out to prevent poorly written plans	1
	It is less work and preferable to apply for a resource consent	1
	Guidance/clarity on the implementation of regulations	1

“A farm plan can be very expensive and for farmers that are already having to do a lot of extra new work due to other new regulations this cost may hurt many people. It would be great if the farm plan was farmer friendly and we could do it ourselves.”

Cost implications of the proposed approach

“The cost could be loss of our family owned farming business because the proposed regulations are impossible to achieve.”

Impacts of the proposed approach

Transition to a fully implemented freshwater farm plan system

A phased introduction of the freshwater farm plan system was proposed, starting in the first half of 2022. The first of these plans would use the best available data and be updated as progress is made. The discussion document also presented advantages, disadvantages and management options. It asked for feedback on the proposed approach for the transition.

(Q5) Do you agree with our proposed approach for transitioning to a fully implemented system? If not, why not?

Submitters were asked if they agreed with our proposed approach for transitioning to a fully implemented system. Figure 3 shows the level of agreement overall. Table 8 shows the level of agreement by interest group.

- Among submitters who responded to this question, 39 per cent (n=50) agreed with the proposed approach for transitioning to a fully implemented system, while 61 per cent (n=78) disagreed.

Figure 3: Responses to (Q5) Do you agree with our proposed approach for transitioning to a fully implemented system?



Table 8: Responses, by interest group, to (Q5) Do you agree with our proposed approach for transitioning to a fully implemented system?

	Farmer or grower n = 56	Māori agribusiness owner/tangata whenua n = 31	Central government /local government n = 21	Primary sector/agri-support n = 36	Environmental group n = 7	General public n = 10	Other n = 34	Total n = 128
Yes	36% 20	32% 10	48% 10	39% 14	29% 2	30% 3	41% 14	39% 50
No	64% 36	68% 21	52% 11	61% 22	71% 5	70% 7	59% 20	61% 78

Table 9 provides a summary of the key themes identified.

The most common reasons for agreement were:

- the content of the proposal (n=32)
- the logistics of implementation (n=18); for example, submitters supported the focus on high-risk catchments first (n=13).

The most common reasons for disagreement were:

- the content of the proposal (n=54)
- the costs and impacts (n=37), mainly because of the increased costs to farms and councils (n=30)
- the logistics of implementation (n=36); for example, submitters thought the timeframes were too short (n=22).

Table 9: Themes in submissions on (Q5) Do you agree with our proposed approach for transitioning to a fully implemented system? If not, why not?

Main theme	Sub-theme(s)	Frequency
Reasons for disagreeing with the proposed approach		86
Disagreement based on the content of the proposal		54
	Independent auditing required – reasonableness test discretionary	21
	National regulation not fit for regional/farm variations	12
	Guidance/clarity on implementation of regulations needed first	9
	Concerns with geospatial farm plans	4
	Lack capacity for FWFPs/information to be provided geospatially	3
	Data needs to be secure	2
	Inhibits transparency	1
	Standardised limits/data and methodologies required	4
	Te Mana o te Wai has not been included	2

Main theme	Sub-theme(s)	Frequency
	Prefer resourcing councils for reactive approach to issues	2
	Concern with consultation	1
	Lack of catchment information – barrier to implementation	1
	FWFPs should be mandatory only where environmental degradation	1
	FWFPs are regulatory in that requirements will be set and met	1
	Fully implemented system will not allow for improvement	1
	Phasing allows for additional requirements to be added on	1
	Prefer a plan to be a living document	1
	Opposed to input-based regulations	1
	Disagreement based on logistics of implementation	36
	Proposed timelines are too short	22
	Regional council plans developed until 2025/will need reworking	3
	Certification to be implemented before FWFPs made mandatory	2
	Would be fully implemented, but misaligned with RMA	2
	Pressure on councils/tangata whenua/farms/ professionals	1
	Regional plan is required before FWFPs can be implemented	15
	Phased introduction will delay implementation/gains	5
	Cannot implement FWFPs without appointed certifiers/auditors	1
	Initial tranche focuses only on basics determined by council	1
	Disagreement based on costs/impacts	37
	Increased costs/resources for farms and councils	30
	Phased introduction will require duplication of effort	4
	Community buy-in essential for success is lacking	2
	Resourcing needed to upskill for roll-out	2
	Costs could be spent on environmental action	1
	Proposed approach erodes trust	1
	FWFPs administration will affect wellbeing of farm operators	1
	Reasons for agreeing with the proposed approach	67
	Suggested additions/amendments	43
	Integrate FWFPs with current programmes	9
	Recognition is needed for work already done in FEPs	7
	Recognition/support for challenges Māori landowners face	6
	Clarity and communication essential	6
	Encourage/fund catchment groups for collaboration	5
	Apply industry-agreed Good Farming Practices to FWFPs	4
	Fund/support and work with regional councils	4
	Require council to consult with landowner as well as ratepayer	3
	Field testing for FWFPs is needed before implementation	2
	Rules/regulations to be robust to prevent regional rule setting	2
	Consideration for farms without an FEP	2
	Consider capacity/capability of certifiers/auditors	2
	Ensure early adopters do not incur additional costs/penalties	2
	Enable farmers to develop their own plans	1
	Central government oversight required	1

Main theme	Sub-theme(s)	Frequency
	Comply with national standards until local standards set	1
	Support based on the content of the proposal	32
	Support for phased introduction (proposed approach)	23
	Support using existing FEPs until council plans are made	7
	Support using catchment context/information	4
	Support for proposed approach to reporting	1
	Support only including basic information in initial cycle	1
	Proposed approach builds off current systems	1
	Support transition to digitised maps/plans	1
	Support based on the logistics of implementation	18
	Support focus on high-risk catchments first	13
	Support a voluntary system	6
	Support catchment by catchment roll-out	2

“– I welcome a staged approach to fully integrated Farm Plan.

– As mentioned earlier policy frameworks must encourage and incentivise farmers to move quickly to a holistic approach, signalling that farmers will be rewarded for their efforts re: biodiversity and reductions in GHG's [greenhouse gases]. This is already happening in Europe.

– Govt needs to treat all of Aotearoa as I would look at my farm. Target the high priority regions first i.e. Canterbury and parts of the Waikato, put the resources and funding into those regions to effect positive change and use them as light house regions, rather than trying to effect immediate change across all of Aotearoa.

– NOTE: In many lower priority regions there are already catchment groups underway with farmers doing their Farm Plans this needs to be part of a national marketing campaign to stimulate and encourage other regions/catchments to get on board.”

Reasons for agreeing with the proposed approach

“Support the transitional introduction of freshwater farm plans.”

Support for phased introduction (proposed approach)

“Based on our experience the timing as outlined will be challenging, particularly if existing farm plans also need to be updated and certified. The most critical component of the FW-FP rollout will be the availability of resources and expertise. On a regional scale this was ambitious, on a national scale it will be nearly impossible.”

Reasons for disagreeing with the proposed approach

Submissions on key elements of freshwater farm plans

Regulated outcomes

The discussion document suggested that freshwater farm plans should be outcome-driven, risk-based and farm-specific. However, it also suggested that, to be effective, the regulations need to contain specific, clearly articulated results. The document presented the regulated outcomes that the Ministries proposed:

- Outcome A: Reflecting catchment values and context
- Outcome B: Ecosystem health
- Outcome C: Farm practices that respond to the environment.

(Q6) Do you agree with the preferred option for how regulated outcomes could be described in regulations? If not, what is your preference?

Submitters were asked if they agreed with the preferred option for how regulated outcomes could be described in regulations. Figure 4 shows the level of agreement overall. [Table 10](#) shows the level of agreement by interest group.

- Among submitters who responded to this question, 69 per cent (n=61) agreed with the preferred option for how to describe regulated outcomes in regulations, while 31 per cent (n=28) disagreed.

Figure 4: Responses to (Q6) Do you agree with the preferred option for how regulated outcomes could be described in regulations?



“The proposed option allows for a more flexible approach to the creation of FW-FPs which is useful for catchment values and ecosystem health.”

Support preferred option

Table 10: Responses, by interest group, to (Q6) Do you agree with the preferred option for how regulated outcomes could be described in regulations?

	Farmer or grower n = 31	Māori agribusiness owner/tangata whenua n = 11	Central government /local government n = 16	Primary sector/agri-support n = 25	Environmental group n = 8	General public n = 9	Other n = 28	Total n = 89
Yes	71%	82%	69%	80%	75%	33%	71%	69%
	22	9	11	20	6	3	20	61
No	29%	18%	31%	20%	25%	67%	29%	31%
	9	2	5	5	2	6	8	28

Table 11 provides a summary of the key themes identified.

The most common reasons for agreement were that the preferred option:

- reflects catchment values and context (n=11)
- provides flexibility (n=11).

The most common reasons for disagreement were that submitters preferred:

- clearer and more detailed expectations (n=39)
- to include additional outcomes (n=31)
- least-cost practical solutions (n=23).

Table 11: Themes in submissions on (Q6) Do you agree with the preferred option for how regulated outcomes could be described in regulations? If not, what is your preference?

Main theme	Sub-theme(s)	Frequency
Preference		85
	More clarity/detail is needed	39
	Analysis of impact on Māori freehold land needed	20
	Further definition of catchment/waterway/rivers/wetlands	5
	Guidance documentation required	5
	Adopt/align with NPS-FM 2020 definitions/perspectives	5
	Further clarification of certifier's authority is needed	4
	Understanding of cause and effect is necessary	3
	Preferred outcomes	31
	Include greenhouse gas reporting	25
	Protect mahinga kai values	3
	Account for culturally significant sites/taonga	1
	Consider differences between soil type/slopes	1
	Consider water supply catchment areas	1
	Focus on water quality	1
	Alternative sources of water pollution need to be investigated	1
	Preference for least-cost practical solutions	23
	Broad requirements to lessen cost	2
	Standardised requirements and methodologies required	16

Main theme	Sub-theme(s)	Frequency
	Regulated outcomes drafted in terms of risks/ opportunities	2
	Prefer output-based regulations only	1
	Prefer Option 2	15
	Option 2 provides certainty/clarity	4
	Outcomes will be enforceable	2
	Localised approaches and solutions preferred	10
	Prefer education/engagement/leadership to regulation	8
	Concerned with results of overregulation	3
	Transitioning from FEPs to FWFPs	5
	Concern over lack/standard of qualified certifiers	2
	Current FEP auditing system is flawed	1
	Concerned with duplication of FEP	1
	Allow time for FWFPs to be made	1
	Balance between Options 1 and 2	5
	Preference for consultation and flexibility in regulations	4
	On-farm solutions cannot address catchment or regional targets	2
	Adopt polluter pays principle	2
	Simpler outcomes/exemptions for low-risk catchments	2
	Certifier must work with farm operator	1
	Opposed to grandparenting and cross offsetting	1
	Opposed to Option 2	1
	Prefer regulations to be aligned with s 217 RMA	1
	Support preferred option	51
	Reflects catchment values and context (Outcome A)	11
	Provides flexibility, which enables innovation	11
	Support the proposed outcomes	8
	Support focus on outcomes/risks and farm specific FWFPs	4
	Provided there is clarity/guidance around outcomes	4
	For responding to environmental needs	2
	Provided tangata whenua values are incorporated	1

(Q7) What are the likely impacts and cost implications of the preferred approach?

Table 12 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- increased costs (n=19)
- reducing costs due to the flexibility of the option (n=7).

The most common impacts submitters identified were:

- overregulation (n=5)
- impact on farm operators' livelihoods (n=3).

Table 12: Themes in submissions on (Q7) What are the likely impacts and cost implications of the preferred approach?

Main theme	Sub-theme(s)	Frequency
Cost implications of the preferred approach		33
	Increased costs	19
	Specific costs identified	10
	Costs for required resources will be high	4
	Costs of expert consultation	3
	Costs of data collection/environment monitoring/testing	3
	Costs for upskilling regional council staff will be high	2
	Costs of administration	2
	Costs of planning for each catchment	2
	Compliance costs	1
	Costs of fencing	1
	Costs of developing FWFPs	1
	Costs of planting and managing planting	1
	Cost will be too high	6
	Costs are open ended and subject to certifier demands	5
	Costs will depend on targets/goals set	4
	Cost implications of delay	1
	Proposed methods of reducing the costs	9
	Flexibility will reduce costs	7
	Alter guidance documentation rather than legislation	1
	Solutions at discretion of catchment groups	1
	Investments not recognised by the council hinder progress	1
	Will not minimise the costs associated with degradation	1
	Benefit of FWFPs outweighs associated costs	1
	Devaluation of land	1
	Costs should be covered by central government	1
	Similar cost implications of a balanced approach	1
Impacts of the preferred approach		30
	Impact will depend on targets/goals set	5
	Impact of overregulation	5
	Impact on farm operators' livelihoods	3
	Confusion from differing requirements between/within regions	3
	Will not deliver improved environmental outcomes	3
	Impact of the dismissal of Overseer regulatory tool	2
	Flexibility necessitates clear guidance	1
	Risk of delay in actions/preferred approach time effective	3
	Impact of changes from RMA/regional plans	2
	Will allow for flexibility and innovation	2
	Impacts vary depending on balance of trust	1
	Allows for tailoring towards regional/catchment needs	1
	Inappropriate when outcomes and catchment context misalign	1

Main theme	Sub-theme(s)	Frequency
	Risk of not meeting catchment outcomes	1
	Risk that Te Mana o te Wai is not upheld	1
General comments		8
	National regulation not fit for regional/farm variations	3
	More information is needed to estimate costs/impacts	2
	Certifiers will require local knowledge	1
	Understanding of cause and effect is necessary	1
	Prefer a more robust approach targeting elimination	1

“Under the preferred option there will be different farm plan templates and requirements for different regions (and potentially within a region). This has the potential to create confusion and an inability to compare plans across geographical areas. Certifiers and auditors may also need localised knowledge to perform their duties. These costs are outweighed by the value of farm plans focusing on the important local issues/risks.”

Impacts of the preferred approach

“There is a significant administration and opportunity cost. The cost associated with certification and auditing would be better spent on trained advisors working with farmers to identify issues and implement actions.”

Increased costs

Farm planning – regulated ‘base information’

Much of the content of freshwater farm plans will be driven by the requirement to assess and mitigate impacts on freshwater. However, the regulations can prescribe other minimum content (‘base information’) that those plans must include. They can also set data standards to ensure consistency in data collection.

(Q8) 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?

Submitters were asked if the material in Appendix 1 of the discussion document covers all the base information that should be mandatory for inclusion in freshwater farm plans. Figure 5 shows the level of agreement overall. Table 13 shows the level of agreement by interest group.

- Among submitters who responded to this question, 23 per cent (n=19) agreed that the material covers all the base information, while 77 per cent (n=64) disagreed.

Figure 5: Responses to (Q8) Does the material in Appendix 1 cover all the base information that should be mandatory for inclusion in freshwater farm plans?



Table 13: Responses, by interest group, to (Q8) Does the material in Appendix 1 cover all the base information that should be mandatory for inclusion in freshwater farm plans?

	Farmer or grower n = 31	Māori agribusiness owner/tangata whenua n = 6	Central government / local government n = 21	Primary sector/agri-support n = 25	Environmental group n = 8	General public n = 7	Other n = 22	Total n = 83
Yes	32% 10	17% 1	10% 2	28% 7	50% 4	29% 2	5% 1	23% 19
No	68% 21	83% 5	90% 19	72% 18	50% 4	71% 5	95% 21	77% 64

Table 14 provides a summary of the key themes identified. The sub-theme indicates why submitters included the information, while the sub-sub-theme contains the information they suggested to be included.

The following were the most common suggestions for other information that submitters thought should be considered and their reasons for suggesting it.

- To ensure successful implementation (n=50), various definitions and concepts require clarifying or refining (n=14), such as roles and responsibilities (n=3) and regional or national rules (n=3).
- For environmental monitoring (n=29), it is essential to gather data on various factors, including soil health (n=12) and water (n=12).
- For the built environment (n=13), data are required for on-farm water infrastructure (n=5) and fencing infrastructure (n=4).

Table 14: Themes in submissions on (Q8) 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?

Main theme	Sub-theme(s)	Frequency
Additional information required		70
	To ensure successful implementation	50
	Definitions/concepts require clarity/refining	14
	Clarify roles and responsibilities	3
	Clarification of regional/national rules	3
	Define difference between heavy/light soils	2
	Critical source area definition is inaccurate/ narrow	2
	Definition of mahinga kai required	2
	Definition for/role of farm operators who are not landowners	2
	Risk/impact assessment needs more detail	1
	Update 'effective area' to include tracks and races	1

Main theme	Sub-theme(s)	Frequency
	To assist with mapping	7
	Ensure accessibility of data	4
	Mandatory digital and spatial requirements	3
	Guidance/implementation of up-to-date GIS mapping tools needed	2
	All culturally significant sites/taonga	9
	Flexibility in compiling FWFPs/additional information	9
	Support setting of minimum base information	8
	Regional council to add existing/additional base requirements	3
	Standardised limits/data and methodologies required	6
	Recognition for information from current programmes/systems	5
	Information required by councils/tangata whenua	4
	Include catchment context	3
	Guidance documentation required	3
	Prefer outcomes-based regulation	2
	Multi-enterprise farms to separate out respective enterprises	2
	Justify information requirements (avoid unnecessary cost)	1
	Checklist for non-applicable criteria to be easily viewed	1
	Type of farm ownership – freehold/leasehold	1
	Addition of the ‘what/where/when/by whom’	1
	Recognition for mana whenua exercising mana whakahaere	1
	Information required for environmental monitoring	29
	Soil health	12
	Nutrient inputs/loss/management	4
	Erosion management	1
	Water sources/flow/use/pollution points/sources	12
	Understanding of land use	11
	Biodiversity/biodiversity risks	7
	Nature of farming/farming practices	6
	Climate/climate change	5
	Contaminated land/hazardous storage areas	2
	Benchmarking metrics	1
	Requires information on historical land degradation	1
	Greenhouse gas emissions	1
	Natural hazards	1
	Slope	1
	Information needed for the built environment	13
	On-farm water infrastructure	5
	Fencing infrastructure	4
	Identify current/new stock exclusion areas	4
	Built environment to include horticulture infrastructure	2
General comments		19
	Information listed in Appendix 1 is sufficient	9
	Base/additional data should not impinge on privacy	5

Main theme	Sub-theme(s)	Frequency
	Base information required includes unnecessary information	2
	Should only require core farm information	1
	Farm operators are best suited to develop plans	1
	Reliant on understanding from certifier	1
	Compensation sought for farm operators	1

(Q9) What are the likely impacts and cost implications of the proposed requirements in Appendix 1?

Table 15 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- specific costs (n=21), such as the costs associated with mapping and geographic information systems (GIS) (n=7)
- proposed methods of reducing costs (n=11), such as by having an extensive centralised GIS database (n=3).

The most common impacts submitters identified were:

- loss of time spent on bureaucracy, administration and walking the farm (n=5)
- lack of resources, expertise and the systems required (n=4).

Table 15: Themes in submissions on (Q9) What are the likely impacts and cost implications of the proposed requirements in Appendix 1?

Main theme	Sub-theme(s)	Frequency
Cost implications of requirements		39
	Specific costs identified	21
	Costs associated with mapping/GIS	7
	Costs of rewriting/duplicating existing FP	4
	Costs associated with gathering data	3
	Costs of meeting certain base requirements	2
	Costs of expert consultation	2
	Councils' administrative costs will increase rates	2
	Rates increase from administration costs	1
	Costs of fencing	1
	Installing stock water systems to fence off waterways	1
	Prohibitive costs for developing farms	1
	Administration costs	1
	Proposed methods of reducing the costs	11
	Extensive centralised GIS database would reduce difficulty/cost	3
	Templates provided to farm operators would reduce costs	3
	Cost of rewriting FEP is more reasonable	3
	Government to pay for certifiers/auditors—nationwide benefits	1
	Government to pay costs	1
	Costs will depend on site/situation/existing information	5
	FWFPs will mitigate the higher cost of environmental impacts	2

Main theme	Sub-theme(s)	Frequency
	Increased costs	2
	Cost to benefit ratio will determine acceptability	1
	Investment has taken away from improving environment	1
	Costs will be high/are underestimated	1
Impacts of requirements		18
	Time lost on bureaucracy/administration/walking the farm	5
	Lack of resources, expertise and systems required	4
	Shortage of cartographers/GIS technicians to undertake mapping	1
	Privacy concerns	2
	Not including historical/wider impacts increases degradation	1
	Certification every five years to avoid impact of backlog	1
	Frustration/disengagement	1
	Technology used may misadvise farm operators	1
	Impact on wellbeing of farm operators	1
	Will result in environmental gains	1
	Will result in high-quality FWFPs	1
General comments		11
	More information is needed to estimate costs/impacts	4
	Centralise data repositories for access	2
	Requirements should be able to be met by the farm operator	2
	Certifiers regionally appointed/nationally appointed auditors	1
	Requirements look similar to what is currently in use	1
	Hazardous Activities and Industries List (HAIL) needed	1
	Standardised limits/data and methodologies required	1

“Costs of mapping land management units on a farm can be very expensive, and generally needs an expert, which there is already a deficit of these mappers in NZ.”

Cost implications of requirements

“The Council further notes its reservations 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.”

Lack of resources, expertise and systems required

“Resources: To achieve consistency across all land use applications there is a need for transparent, easily accessed resources. These resources need to be bundled and available to allow completion of the plan from start to end.”

Standardised limits/data and methodologies required

Farm planning – risk/impact assessment

As part of meeting the requirements for the RMA, the Ministries proposed a risk/impact assessment of a farm to identify adverse effects of activities impacting its freshwater. Two options were included for consultation.

- Option 1: Specify the minimum general requirements for a risk/impact assessment.
- Option 2: Prescribe the methodology for risk/impact assessment.

The Ministries preferred Option 1.

(Q10) Do you agree with our preferred option? If not, what is your preference?

Submitters were asked if they agreed with the preferred option. Figure 6 shows the level of agreement overall. Table 16 shows the level of agreement by interest group.

- Among submitters who responded to this question, 76 per cent (n=63) agreed with the preferred option, while 24 per cent (n=20) disagreed.

Figure 6: Responses to (Q10) Do you agree with our preferred option?



Table 16: Responses, by interest group, to (Q10) Do you agree with our preferred option?

	Farmer or grower n = 30	Māori agribusiness owner/tangata whenua n = 7	Central government / local government n = 18	Primary sector/agri-support n = 25	Environmental group n = 7	General public n = 9	Other n = 26	Total n = 83
Yes	73% 22	86% 6	83% 15	76% 19	86% 6	67% 6	77% 20	76% 63
No	27% 8	14% 1	17% 3	24% 6	14% 1	33% 3	23% 6	24% 20

Table 17 provides a summary of the key themes identified.

The most common reason for agreement was that submitters preferred:

- the more flexible or less prescriptive approach (n=24).

The most common reasons for disagreement were that submitters preferred:

- localised or flexible approaches and solutions (n=11)
- a hybrid of Option 1 and Option 2 (n=5).

**Table 17: Themes in submissions on (Q10) Do you agree with our preferred option?
If not, what is your preference?**

Main theme	Sub-theme(s)	Frequency
Support preferred option		49
	Prefer a more flexible/less prescriptive approach	24
	Provisional support, oppose alternative	2
	Provided minimum general requirements are specified	1
Preference		31
	Preference for localised/flexible approaches and solutions	11
	Assess/ensure cumulative risks are minimised	2
	The inclusion of regional councils in developing guidance	1
	Standardised limits/data and methodologies required	3
	For different land types	1
	Prefer a hybrid of Options 1 and 2	5
	Prefer Option 2	3
	Must focus on manageable/activity-based risks/impacts	2
	Preference for certifier/auditor discretion in identifying risk	2
	Guidance documentation required	1
	Preference for farm operator discretion in identifying risk	1
	IAPs must meet requirements of Te Mana o te Wai	1
	Incentivise best practice	1
	Include the Land Use Capability system as guidance	1
	Incorporate the National Freshwater Farm Plan Risk Assessment	1
	Prefer the incorporation of environmental exposure limits (EELs) or goals for plans to achieve	1
	Preference to include an economic risk	1
	Provide farm operators with modern mapping tools	1
General comments		10
	Option 2 is ineffective/adds cost/creates mistrust/complicated	2
	Both options are time consuming/complicated	1
	Concern around privacy of information	1
	Consider that risk minimisation may go beyond good practice	1
	Do not use RMA/regional planning terminology differently	1
	Further clarification needed around weightings of values	1
	Significant costs limit environmental spend	1
	Lack of consistency across certifiers and assurance programmes	1
	Tailor mātauranga values to tangata whenua values	1

“Flexibility would be helpful across different industries.”

Prefer a more flexible/less prescriptive approach

(Q11) What information should be included in the guidance to inform the risk/impact assessment, and why?

Table 18 provides a summary of the key themes identified. The sub-theme indicates why submitters included the information, while the sub-sub-theme is the information they suggested to be included.

The most common information that submitters thought should be considered is information to:

- provide guidance (n=42); for example, guidance on how to identify or prioritise and address risks (n=17)
- facilitate environmental benchmarking and monitoring (n=15); for example, include the standardisation of rules to prevent variation in interpretation (n=11).

Table 18: Themes in submissions on (Q11) What information should be included in the guidance to inform the risk/impact assessment, and why?

Main theme	Sub-theme(s)	Frequency
Information needed to guide		42
	Guidance on how to identify/prioritise/address risks	17
	Actions to consider farm plan/objectives/FWFPs/regional plan	4
	Real examples from experienced farmers/consultants	2
	Guidance on catchment context/Te Mana o te Wai	8
	Reward/recognise/use current systems/best practice	4
	Risks/impacts need to be tailored to the farm	4
	Timeframes/timelines for implementation	3
	General guidance documentation required	2
	Guidance for certifiers on what to assess	2
	An estimation of compliance costs to farm operators	2
	Consider a tiered approach/risk matrix	2
	Guidance on how to identify and interpret catchment data	1
	Information on regulations impacting farms	1
	Improved understanding of critical source areas	1
	Define 'avoid', 'remedy' and 'mitigate' in context of FWFPs	1
	Action should only be required if it will result in improvement	1
	More information on how mātauranga Māori will be incorporated	1
	Guidance at national level with catchment details	1
	An analysis of the detrimental effects of assessment	1
	Regional councils to make recommendations to catchment groups	1
	Maximum and minimum stocking rates	1
	High-resolution geospatial data	1
	Real-time investment by regional councils	1
	Efficient/effective resource allocation once risks identified	1
To facilitate environmental benchmarking and monitoring		15
	Standardised limits/data and methodologies required	11
	Standardisation of rules prevents variation in interpretation	2
	Varies by farm operation	1

Main theme	Sub-theme(s)	Frequency
	Water quality/indicator monitoring	3
	Link to risk index tool for nitrogen loss	1
	More information on EELs as targets and how they are impacted	1
General comments		8
	Require simplification of rules/regulations and processes	5
	Tangata whenua to have a role developing standards	1
	Guidance should not be used as standards or regulations	1
	Competent farm system advisors need no additional guidance	1

(Q12) What are the likely cost implications of a risk/impact assessment? Is a flexible approach more cost-effective?

Table 19 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- the excessive financial risk for farm operators (n=6)
- site- and situation-specific costs (n=3).

The most common impacts submitters identified were:

- flexibility will make clear guidance necessary (n=3)
- the flexible approach is more ecologically friendly (n=1).

The most common reasons submitters gave for why the flexible approach is more cost-effective were that flexibility:

- is necessary for success (n=9)
- will allow for the use of existing data and farm plans (n=2).

Table 19: Themes in submissions on (Q12) What are the likely cost implications of a risk/impact assessment? Is a flexible approach more cost-effective?

Main theme	Sub-theme(s)	Frequency
Cost-effectiveness of a flexible approach		27
	A flexible approach is more cost-effective	13
	Flexibility is necessary for success	9
	Unclear if a flexible approach is more cost-effective	3
	Will allow for use of existing data/FPs	2
	Standardisation more cost-effective/less outcome effective	1
	Self-monitoring will reduce costs	1
Cost implications of risk/impact assessment		17
	Financial risk is excessive for farm operators	6
	Costs will be site-/situation-specific	3
	Specific costs identified	2
	Cost of obtaining information	2
	Flexible approach more expensive in long term	2
	Meeting requirements of Te Mana o te Wai supersedes cost	1

Main theme	Sub-theme(s)	Frequency
	Flexible approach more expensive in short term	1
	Costs for expert consultation	1
	Prescribed methodology reduces costs	1
Impacts of risk/impact assessment		6
	Flexibility necessitates clear guidance	3
	Flexible approach is more ecologically friendly	1
	Flexible approach will reduce risk of tick box exercise	1
	Inefficiency from different approaches	1
General comments		4
	Require simplification of rules/regulations and processes	2
	Risk/impact assessments need to focus within farm boundaries	1
	Consider subsidising farm environment planning services	1

“A flexible approach is likely to be more cost effective in the long run due to the challenges of developing a prescriptive tool that works effectively across a wide range of situations.”

A flexible approach is more cost-effective

“A flexible approach reduces the risk of it becoming a tick box approach, which improves engagement with both farmers, their advisors and wider industry. A less flexible approach risks missing catchment level nuances and prioritising actions that may not be the most suitable. This could result in resources being applied inefficiently. The most cost-effective approach will tailor the risk and impact assessment to assess risks that suit the scale and importance (for whatever reason e.g., ecological, cultural etc) of the catchment.”

A flexible approach is more cost-effective

“Depending whether the identified risk needs to be isolated / minimised / eliminated will drive the cost. Could be a substantial cost for the farm owner.”

Cost implications of risk/impact assessment

Farm planning – identifying actions to avoid, remedy or mitigate risks/impacts

Once risks/impacts have been identified and prioritised, appropriate actions need to be identified and prioritised to address those risks/impacts. Three options for doing this were proposed in the discussion document:

- Option 1: Certifier’s discretion and professional judgement
- Option 2: Detailed approach through prescribed practice standards
- Option 3: A hybrid between Option 1 and Option 2.

The Ministries preferred Option 3.

(Q13) Do you agree with our preferred option? If not, what is your preference?

Submitters were asked if they agreed with the preferred option. Figure 7 shows the level of agreement overall. Table 20 shows the level of agreement by interest group.

- Among submitters who responded to this question, 60 per cent (n=47) agreed with the preferred option, while 40 per cent (n=31) disagreed.

Figure 7: Responses to (Q13) Do you agree with our preferred option?



Table 20: Responses, by interest group, to (Q13) Do you agree with our preferred option?

	Farmer or grower n = 31	Māori agribusiness owner/tangata whenua n = 3	Central government /local government n = 18	Primary sector/agri-support n = 25	Environmental group n = 6	General public n = 7	Other n = 19	Total n = 78
Yes	55% 17	67% 2	67% 12	60% 15	83% 5	71% 5	53% 10	60% 47
No	45% 14	33% 1	33% 6	40% 10	17% 1	29% 2	47% 9	40% 31

“It allows for the most flexible approach, tailored to the risks and needs of the farm system.”

Preferred option supported

Table 21 provides a summary of the key themes identified.

The most common reasons for agreement were:

- the preferred option allows for flexibility (n=15)
- submitters supported the preferred option, but indicated it needed standardised limits, data and methodology (n=7).

The most common reasons for disagreement were that submitters preferred:

- Option 1 (n=22)
- an approach in which certifiers are knowledgeable and use discretion (n=8).

Table 21: Themes in submissions on (Q13) Do you agree with our preferred option? If not, what is your preference?

Main theme	Sub-theme(s)	Frequency
Other preference		37
	Prefer Option 1	22
	Allows for flexibility/tailoring to farm/innovation	15
	In practice, prescribed standards can be difficult to apply	3
	Addresses higher-risk activities/no need to separate	2
	Promotes confidence that outcomes can be achieved	1
	Certifiers' discretion needed	1
	Certifiers will need to be knowledgeable and use discretion	8
	Multiple options needed to achieve key objectives	5
	Standardised limits/data and methodologies required	4
	Allow farm operators to design/implement FWFPs	3
	Prefer Option 2	2
	Opposed to certifiers' discretion/judgement	1
	Preference for risk to be determined at catchment level	2
	Record-keeping requirements for auditing	1
	Provide appropriate mitigations for risks	1
	All actions need to be documented in an action plan	1
	Annual update to account for management/catchment changes	1
	List of advisors/experts should be available locally	1
	Avoid mitigation where land-use change is most efficient	1
	Reconsider requirements where an FP is already in place	1
	Prefer a farm-based approach to catchment	1
Preferred option supported		36
	Preferred option allows for flexibility	15
	Standardised limits/data and methodologies required	7
	Involve council in the development of standards/components	2
	Guidance/framework needed for clarity	3
	Allows Government's direct input for high-risk activities	3
	Allows for commercially viable operation	2
	However, certifiers are unlikely to have sufficient expertise	1
	Facilitate industry access to decision-support tools	1
	Preferred option creates balance of certainty and flexibility	1
	Provided recommendations of certifier and council are adopted	1
General comments		18
	More information/consultation required	12
	More detail needed around role of certifier	5
	Clarity on how level of risk will alter information needed	2
	Clarify enforcement for more stringent regional/national rules	1
	Actions need to be reasonable/affordable/effective	3
	Clarify if actions need testing/results pre-certification	1
	Consider how actions are prescribed and impact enforceability	1
	Fencing stock out of waterways is ineffective	1
	There is no flexibility at present	1
Concerns with consultation		2

(Q14) What are the likely impacts and cost implications of the preferred option?

Table 22 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- specific costs (n=9), such as compliance costs (n=5)
- site- and situation-specific costs (n=3).

The most common impacts submitters identified were:

- the training and education required for competent practitioners (n=4)
- the inflexibility of the preferred option (n=3).

Table 22: Themes in submissions on (Q14) What are the likely impacts and cost implications of the preferred option?

Main theme	Sub-theme(s)	Frequency
Cost implications of the preferred option		18
	Specific costs identified	9
	Compliance costs	5
	Costs of lost production	3
	Costs of certifiers/auditors/advisors	2
	Costs of developing FWFPs	1
	Costs of unenforceable proposals	1
	Costs will be site-/situation-specific	3
	Option 1 preferred — most cost-effective	2
	Costs need to be fair/affordable and equitable	2
	Preferred option most cost-effective	2
	Concern of costs coupled with decreasing export payments	1
	Preferred option least cost-effective	1
	FWFPs will mitigate the higher cost of environmental impacts	1
	Costs will be too high	1
	Costs will be minimal if industry bodies work with farmers	1
Impacts of the preferred option		17
	Training and education are required for competent trainers	4
	Preferred option is not flexible	3
	Reduced amount of productive land	2
	Most effective actions will be prioritised	2
	Resourcing collaboration between all parties	1
	Impacts will be site-/situation-specific	1
	Higher acceptance/uptake	1
	Negative impacts of legislation (nitrogen cap) on farm operators	1
	Increase in invasive species on ungrazed land	1
	Certifiers' interpretations may not align with council's	1

Main theme	Sub-theme(s)	Frequency
General comments		14
	More information is needed to estimate costs/impacts	3
	Increased flexibility/farm operator input required	3
	Concerns over excessive regulations	3
	Best-practice solutions preferred	2
	Risk/impact assessment needs clarity and transparency	1
	Financial assistance/minimise costs for farm operators	1
	Training and education are required from competent trainers	1

“We support the government providing compulsory regular regional and national training workshops for certifiers and advisors. This will help ensure best practice is achieved nationally and advances in knowledge are incorporated in a timely manner into farm planning.”

Training and education are required for competent trainers

“The Council agrees in general terms that less prescriptive approaches to the content of FW-FPs are preferable to ensure the most effective actions are prioritised.”

Most effective actions will be prioritised

Farm planning – determining timeframes to implement the actions identified in the freshwater farm plan

Once mitigations for on-farm risk have been determined, they must be implemented. The Ministries proposed using a general test of the ‘reasonableness’ of the timeline for implementation. With this test, the certifier will determine what is reasonable.

(Q15) Do you agree with our preferred approach? If not, what is your preference?

Submitters were asked if they agreed with the preferred approach. Figure 8 shows the level of agreement overall. Table 23 shows the level of agreement by interest group.

- Among submitters who responded to this question, 55 per cent (n=42) agreed with the preferred approach, while 45 per cent (n=34) disagreed.

Figure 8: Responses to (Q15) Do you agree with our preferred approach?



Table 23: Responses, by interest group, to (Q15) Do you agree with our preferred approach?

	Farmer or grower n = 32	Māori agribusiness owner/tangata whenua n = 7	Central government /local government n = 17	Primary sector/agri-support n = 23	Environmental group n = 7	General public n = 6	Other n = 19	Total n = 76
Yes	63% 20	71% 5	47% 8	70% 16	71% 5	50% 3	68% 13	55% 42
No	38% 12	29% 2	53% 9	30% 7	29% 2	50% 3	32% 6	45% 34

Table 24 provides a summary of the key themes identified.

The most common reason for agreement was:

- the preferred approach offers more flexibility (n=4).

The most common reasons for disagreement were that submitters:

- disagreed with the timeframes (n=31), preferring a flexible timeframe of sufficient length (n=15)
- would prefer to have more guidance as the word ‘reasonable’ is too open-ended (n=27)
- would prefer certified plans to reasonably reflect risks and priorities (n=2).

Table 24: Themes in submissions on (Q15) Do you agree with our preferred approach? If not, what is your preference?

Main theme	Sub-theme(s)	Frequency
Preference		49
	Timeframes	31
	Prefer flexibility in/sufficient length of timeframe	15
	Allow regional council to set targets/grant extensions	4
	Prefer timeframe based on affordability	6
	Farm system changes are complex and require longer timeframes	5
	Allow time for councils and catchment groups to set outcomes	4
	Farm practices should be changed within short timeframe	3
	Allow time for new labour force to be recruited and trained	2
	Reasons for timeframes should be well defined	2
	Shorter timeframes for high-risk areas	1
	Allow time for new tools/databases to become available	1
	‘Reasonable’ is too open-ended/requires guidance	27
	Prefer prescriptive/legislated timeframes with penalties	5
	‘Reasonableness’ test required should be robust	3
	‘Reasonableness’ needs to come from farm operator and certifier	2
	Localised approaches and solutions considered reasonable	1
	Reasonable with ‘fairness’	1
	Certified plans should reasonably reflect risks and priorities	2
	Upskilling of farm operators for long-term actions	2
	Dispute process needs to be put in place	2
	High-risk farms should be deemed a priority	1

Main theme	Sub-theme(s)	Frequency
Agree with proposed approach		30
	Allows for more flexibility	4
	Guidelines on identifying reasonable timeframes needed	2
	Provided Te Mana o te Wai is considered	2
	'Reasonableness' test required should be robust	2
	Develop guidelines with councils/industry/tangata whenua	1
	Prefer management through New Zealand Good Agricultural Practice (NZGAP) scheme	1
General comments		11
	Extraneous factors delaying implementation	8
	Labour shortage (farm labour/certifiers/auditors)	8
	Environmental hazards	1
	Financial impacts	1
	Concern that the farm operator can extend all timeframes	1
	National standards for guidance will supersede flexibility	1
	Scope to retire farming practices unsuited to the environment	1

"We believe that policy and implementation pathways should enable and empower individuals and communities to build resilience across all their wellbeings. Policy approaches and pathways need to provide for clear and time-bound outcomes that provide business and community certainty."

Prefer prescriptive/legislated timeframes with penalties

Certification

Part 9A of the RMA sets out the specific functions of certifiers and auditors and, in general, what steps they must take when exercising these functions. However, the legislation does not include many matters of detail. As part of the legislative requirements, the regional council is responsible for appointing certifiers.

Certification – process for accrediting and appointing certifiers in the freshwater farm plan system

The discussion document identified two options for how certifiers could be accredited:

- Option 1: National accreditation of certifiers followed by regional council appointment
- Option 2: Regional accreditation and appointment of certifiers (no nationally set standards).

The Ministries preferred Option 1.

(Q16) Do you agree with our preferred option? If not, what is your preference?

Submitters were asked if they agreed with the preferred option. Figure 9 shows the level of agreement overall. Table 25 shows the level of agreement by interest group.

- Among submitters who responded to this question, 54 per cent (n=59) agreed with the preferred option, while 46 per cent (n=50) disagreed.

Figure 9: Responses to (Q16) Do you agree with our preferred option?



Table 25: Responses, by interest group, to (Q16) Do you agree with our preferred option?

	Farmer or grower n = 46	Māori agribusiness owner/tangata whenua n = 29	Central government /local government n = 18	Primary sector/agri-support n = 29	Environmental group n = 7	General public n = 9	Other n = 29	Total n = 109
Yes	43% 20	21% 6	83% 15	72% 21	71% 5	56% 5	59% 17	54% 59
No	57% 26	79% 23	17% 3	28% 8	29% 2	44% 4	41% 12	46% 50

Table 26 provides a summary of the key themes identified.

The most common reasons for agreement were:

- the preferred option encourages local knowledge and consistency (n=15)
- submitters supported this option, provided that it includes transitional pathways for current planners/certifiers (n=5)
- standardisation will facilitate national accreditation (n=5).

The most common reasons for disagreement were that submitters preferred:

- certifiers to be skilled in mātauranga and te ao Māori (n=26)
- a strategy to develop Māori capacity as certifiers and auditors (n=20)
- national appointment as well as national accreditation (n=13).

Table 26: Themes in submissions on (Q16) Do you agree with our preferred option? If not, what is your preference?

Main theme	Sub-theme(s)	Frequency
Preference		60
	Certifiers need to be skilled in mātauranga and te ao Māori	26
	Strategy to develop Māori capacity as certifiers/auditors	20
	Prefer national accreditation and appointment	13
	Ministry for the Environment should employ and train certifiers to report at local level	1
	Centralised approach with local-level dispute process	1

Main theme	Sub-theme(s)	Frequency
	Will allow limited number of certifiers to work across regions	1
	Auditors will not need to be certified with various regions	1
	Industry certification (with national standards)	10
	Prefer Option 2	8
	National standardisation with regional accreditation	3
	Option 2 is more conducive to local knowledge/criteria	3
	Consideration needed for and by Māori for Māori option	4
	Certifiers will need to have experience/knowledge	3
	Certification unnecessary in lieu of the auditor	1
	Certifier must become a key farm management consultant	1
	Need for practice standards and supporting guidance	1
	Prefer a more cost-effective approach	1
	Screening test for training required to reduce barrier of entry	1
	Transition period for farmers with FEP in place	1
	Two-tier accreditation covering national and regional	1
	Preferred option supported	47
	Encourages local/contextual knowledge and consistency	15
	Include transitional pathways for current planners/certifiers	5
	Standardisation/framework will facilitate national accreditation	5
	Include regional input into accreditation	3
	With costs funded through central government	1
	Follow best practice to support approval process	1
	National regulation not fit for regional/farm variations	1
	Include a three-year reaccreditation requirement for certifiers	1
	With endorsements for specific farming types	1
	General comments	13
	More detail is needed (pay/accreditation/disputes/role/time/professional development)	5
	Concern about lack of competent certifiers	4
	Incentive and consequence needed to ensure integrity	2
	Option 2 may lead to cronyism in local appointments	1
	Certification should be managed and reviewed by farm operator	1
	Additional baseline information may be needed	1
	Establish national body to assess IAP and schemes	1
	Role/accreditation needs to be attractive/user friendly	1

“Support the preferred option (Option 1) as the most practical pathway that is relevant to the individual farm objectives.”

Preferred option supported

“Auditors and Certifiers should be suitably qualified and experienced in all aspects of their role including Mātauranga and Te Ao Māori to support the delivery of Freshwater Farm Plans.”

Certifiers need to be skilled in mātauranga and te ao Māori

“A resource strategy and implementation plan are required to build Māori specific capacity and capability as Certifiers and Auditors.”

Strategy to develop Māori capacity as certifiers/auditors

(Q17) What are the likely impacts and cost implications of the preferred approach?

Table 27 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- specific costs (n=12), such as an investment in an accreditation body (n=4)
- increased costs to farm operators (n=4)
- reduced costs as a result of the preferred option (n=3).

The most common impacts submitters identified were:

- a shortage of competent certifiers (n=14)
- the time required to train certifiers will impact timeframes for regulations (n=5).

Table 27: Themes in submissions on (Q17) What are the likely impacts and cost implications of the preferred approach?

Main theme	Sub-theme(s)	Frequency
Cost implications of the preferred approach		25
	Specific costs identified	12
	Investment in accreditation body	4
	Initial cost of training	4
	Higher demand on resource costs to regional councils	2
	Increase in rates to fund council resourcing certifiers	1
	Increased cost from bureaucracy	2
	Demand for certifiers will increase the cost of certification	1
	Proposed methods of reducing cost	6
	Costs will be reduced if using existing accreditors	4
	Certification should be paid for by certifier/student	1
	Well-constructed set of criteria will result in minimal costs	1
	Increased costs to farm operators	4
	Preferred option will result in reduced costs	3
	FWFPs will mitigate the higher cost of environmental impacts	1
	Costs must be kept to a minimum	1

Main theme	Sub-theme(s)	Frequency
Impacts of the preferred approach		23
	There will be a shortage of competent certifiers	14
	May cause reversion from willing farm operators	2
	Time to train certifiers impacts on timeframes for regulations	5
	Increase in bureaucracy	3
	Impacts will be site-/situation-specific	1
	National regulation not fit for regional/farm variations	1
	Regional accreditation may result in effort duplication	1
	Risk Te Mana o te Wai is not upheld	1
General comments		9
	More information is needed to estimate costs/impacts	2
	Certifiers must be well trained and well resourced	2
	Some councils are not able to set up accreditation	1
	Certifiers must have region-specific knowledge	1
	Allow farm operators to produce their own plans	1
	Certification process must be efficient and consistent	1
	Develop phase 1 with guidelines by uncertified professionals	1
	Enable interim accreditation programmes	1

“A nationally lead accreditation system for independent (from Council) certifiers implied minimal cost impacts for Council. We envisage there will be some administrative requirements to maintain certifier lists and provide customer connections. Again, this approach raised concerns regarding variability in certifier competency and how the advice to farmers is not coming directly from the regulators.”

Preferred option will result in reduced costs

“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”

There will be a shortage of competent certifiers

Certification – more detail around the role of the certifier

The certifier’s statutory role is to determine whether they are satisfied that the freshwater farm plan complies with the legislative requirements. However, a key question is whether certifiers can also play a role in developing a freshwater farm plan.

The discussion document identified two options for the potential role of certifiers in the development of the freshwater farm plan.

- Option 1: A certifier can certify the freshwater farm plan and be involved in its development.
- Option 2: A certifier can only certify the freshwater farm plan and cannot be involved in its development.

The Ministries preferred Option 1.

(Q18) Do you agree with the following assumptions? If not, why not?

The first assumption the discussion document asked about was whether submitters agree that in most circumstances, certifiers will need to ‘walk the farm’. Figure 10 shows the level of agreement overall. Table 28 shows the level of agreement by interest group.

- Among submitters who responded to this question, 84 per cent (n=58) agreed or strongly agreed that in most circumstances, certifiers would need to ‘walk the farm’, while 15 per cent (n=10) disagreed or strongly disagreed.

Figure 10: Responses to the assumption that (Q18) in most circumstances, certifiers will need to ‘walk the farm’

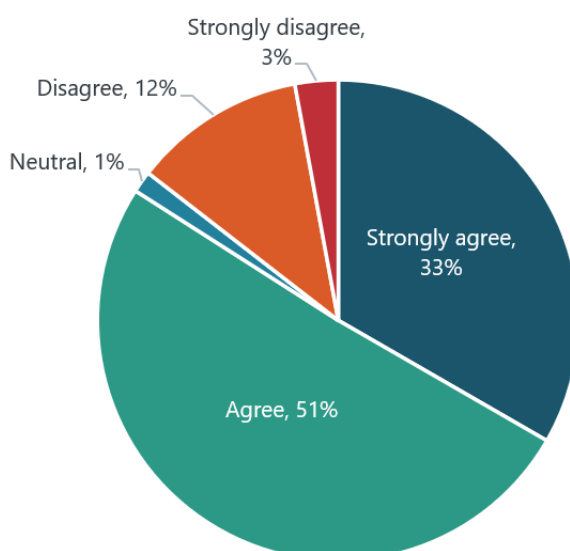


Table 28: Responses, by interest group, to the assumption that (Q18) in most circumstances, certifiers will need to ‘walk the farm’

Interest group	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Farmer or grower, n = 30	40%	37%	3%	17%	3%
	12	11	1	5	1
Māori agribusiness owner /tangata whenua, n = 2	50%	0%	0%	50%	0%
	1	0	0	1	0
Central government/local government, n = 15	7%	93%	0%	0%	0%
	1	14	0	0	0
Primary sector/agri-support, n = 21	48%	38%	5%	10%	0%
	10	8	1	2	0
Environmental group, n = 6	50%	33%	0%	17%	0%

Interest group	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
	3	2	0	1	0
General public, n = 8	63%	25%	0%	0%	13%
	5	2	0	0	1
Other, n = 14	29%	43%	0%	29%	0%
	4	6	0	4	0
Total, n = 69	33%	51%	1%	12%	3%
	23	35	1	8	2

The second assumption the discussion document asked about was whether submitters agree that certifiers can call on expert advice for matters outside their areas of expertise. Figure 11 shows the level of agreement overall. Table 29 shows the level of agreement by interest group.

- Among submitters who responded to this question, 84 per cent (n=61) agreed or strongly agreed that certifiers could call on expert advice for matters outside their areas of expertise, while 11 per cent (n=8) disagreed or strongly disagreed.

Figure 11: Responses to the assumption that (Q18) certifiers can call on expert advice for matters outside their areas of expertise

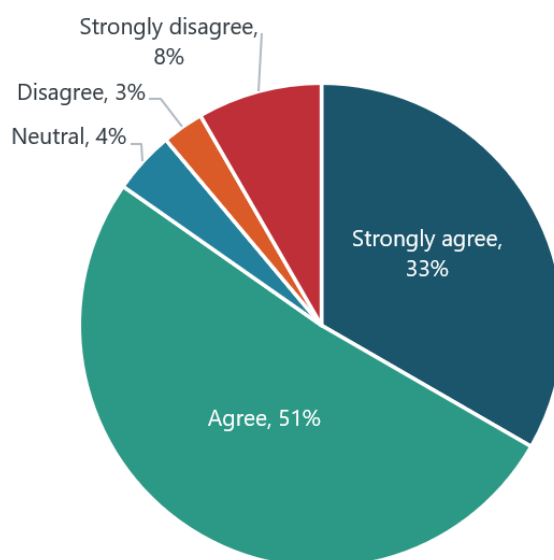


Table 29: Responses, by interest group, to the assumption that (Q18) certifiers can call on expert advice for matters outside their areas of expertise

Interest group	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Farmer or grower, n = 31	42%	35%	6%	3%	13%
	13	11	2	1	4
Māori agribusiness owner / tangata whenua, n = 3	33%	67%	0%	0%	0%
	1	2	0	0	0
Central government/local government, n = 15	7%	93%	0%	0%	0%
	1	14	0	0	0
Primary sector/agri-support, n = 20	40%	45%	10%	0%	5%
	8	9	2	0	1
	50%	50%	0%	0%	0%

Interest group	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Environmental group, n = 6	3	3	0	0	0
General public, n = 8	63%	13%	13%	0%	13%
	5	1	1	0	1
Other, n = 16	19%	63%	6%	6%	6%
	3	10	1	1	1
Total, n = 72	33%	51%	4%	3%	8%
	24	37	3	2	6

Table 30 provides a summary of the key themes identified.

The most common reasons for agreeing that certifiers need to ‘walk the farm’ were:

- certifiers must walk the farm to analyse the operation and any changes (n=13)
- submitters agreed that certifiers should generally walk the farm, but also thought that a set of criteria should be developed for when it is not necessary (n=10).

The most common reason for disagreeing with the assumption that certifiers need to ‘walk the farm’ was:

- in some cases, virtual assessment can be ideal (n=5).

The most common reasons for agreeing that certifiers could call on expert advice were:

- certifiers cannot know everything and therefore need expert advice (n=23)
- submitters agreed with this assumption, provided that the certifier could justify the additional cost (n=3).

The most common reasons for disagreeing with the assumption that certifiers could call on expert advice were:

- the cost implications for the farm operator are unacceptable (n=6)
- the farm operator holds the contextual or expert knowledge needed (n=3).

Table 30: Themes in submissions on (Q18) Do you agree with the following assumptions? If not, why not?

Main theme	Sub-theme(s)	Frequency
Certifiers will need to ‘walk the farm’		56
	Agree	46
	Certifiers must walk the farm to analyse operations/changes	13
	Set out criteria for where it may not be necessary	10
	Only in the initial assessment to familiarise themselves	2
	When the risk level warrants it	1
	Walking the farm is required when there is no plan	1
	Certifier should walk with a member of a catchment group	2
	Certifier should walk with the farm operator	2
	Delegates under ‘supervising certifier’ can walk the farm	2
	Would enable learning and encouragement	2
	Certifier only needs to walk part of the farm	1
	Necessary for broad scope of FWFPs	1
	To obtain GIS/mapping information	1

Main theme	Sub-theme(s)	Frequency
	Disagree	12
	In some cases, virtual assessment can be ideal	5
	Increases time needed to complete the certification	2
	Catchment communities may prevent the need to walk 'every' farm	2
	No need when farm operators already know their own area	1
	May not always be necessary	1
Certifiers can call on expert advice		52
	Agree	41
	Certifiers cannot know everything/need expert advice	23
	Certifier must be able to justify the additional cost	3
	Advise farm operator of any expert advice required	2
	Certifier training and experience should minimise this need	2
	The farm operator must buy into the plan	2
	Cost of advice should not fall on the farm operator	1
	Expert advice should not be called on to re-examine expert work	1
	Freedom to employ certifier with contextual/expert knowledge	1
	However, certifiers need continued professional development	1
	Only when directed by farm operator	1
	Regional council needs to provide robust information	1
	Work in a team and only sign off on their speciality	1
	Disagree	10
	The cost implications for the farm operator are unacceptable	6
	The farm operator holds contextual/expert knowledge	3
	Shortage of experts to call on	1
General comments		16
	Certifiers need to be experienced in farm management/systems	8
	Larger certifiers may employ multiple certifiers to walk farm	2
	Labour shortages will hinder certification	2
	It will take time for certifiers to develop expertise	2
	Catchment groups could contract experts to work multiple farms	1
	The farmer must see the benefit of completing FWFPs	1
	National regulation not fit for regional/farm variations	1
	Opposed to independent certifier verifying farm plans	1
	Catchment groups to contract certifiers	1

“It is common sense that certifiers will need to ‘walk the farm’, how otherwise are they to judge what is required in a freshwater farm plan, it is not acceptable to accept what the farmer says on face value, as this could lead to inadequate plans. It is also common sense that certifiers can call on expert advice for matters outside their areas of expertise, as this allows a certain amount of ‘specialisation’, and it is also unreasonable to expect certifiers to be expert in all areas of farm freshwater management.”

Certifiers will need to walk the farm

(Q19) Do you agree with our preferred option? If not, what is your preference?

Submitters were asked if they agreed with the preferred option. Figure 12 shows the level of agreement overall. Table 31 shows the level of agreement by interest group.

- Among submitters who responded to this question, 78 per cent (n=59) agreed with the preferred option, while 22 per cent (n=17) disagreed.

Figure 12: Responses to (Q19) Do you agree with our preferred option?



Table 31: Responses, by interest group, to (Q19) Do you agree with our preferred option?

	Farmer or grower n = 29	Māori agribusiness owner/tangata whenua n = 7	Central government /local government n = 15	Primary sector/agri-support n = 26	Environmental group n = 7	General public n = 6	Other n = 20	Total n = 76
Yes	86% 25	86% 6	80% 12	85% 22	86% 6	67% 4	75% 15	78% 59
No	14% 4	14% 1	20% 3	15% 4	14% 1	33% 2	25% 5	22% 17

Table 32 provides a summary of the key themes identified.

The most common reasons for agreement were:

- the preferred option is more cost-effective (n=8)
- developing the plan together with the certifier limits the amount of repetition and revisions needed (n=4).

The most common reasons for disagreement were that submitters thought the approach needed to:

- allow for a period of transition from existing FEPs to FWFPs before certification (n=4)
- prevent conflicts of interest (n=4).

“Having a certifier who knows the farm and the farmers involved will be hugely beneficial. In this option, if a farm plan is missing some things, there can be an active process between farmer and certifier to fill the gaps as required without an onerous need to go backwards and forwards between people to get it completed.”

Agree with preferred option

Table 32: Themes in submissions on (Q19) Do you agree with our preferred option? If not, what is your preference?

Main theme	Sub-theme(s)	Frequency
Agree with preferred option		46
	Preferred option more cost-effective	8
	Developing the plan together limits the repetition of revisions	4
	Provides mechanism for dealing with rural constraints	3
	Provided auditors remain independent	3
	A positive farmer–certifier relationship is important	2
	Help from the certifier will lead to more realistic outcomes	1
	Robust insurance programme needed	1
	Provides more consistency	1
	Many farm operators will find difficulty creating FWFPs	1
	Concern with labour shortages	1
Preference		20
	Allow transition from FEPs to FWFPs	4
	Prevent conflict of interest	4
	A conflict-of-interest policy to be developed by national body	1
	Certifiers declare conflicts of interest (do not exclude them)	1
	FWFPs to be scrutinised at the point of certification	1
	Prefer independence between advisor and certifier	3
	Certifiers act as auditors (for plans not prepared themselves)	1
	Certifiers can share ideas but not give advice	1
	Certifiers should be farm management consultants/advisors	1
	Certifiers should vet catchment context documents	1
	Prefer farm operator self-certification	1
	Allow farm operators the choice of using certifier as advisor	1
	Local catchment groups should be used instead of certifiers	1
	Module of farm plan certified by an appropriate specialist	1
	National regulation not fit for regional/farm variations	1
	Prefer national certification framework	1
	Option 1 risks client capture	1
	Prefer farm operator led development of FWFPs	1
General comments		7
	Certifiers must be highly trained individuals	2
	Concern with amount of discretionary powers certifiers have	2
	‘Involved with the development’ is open to interpretation	1
	More detail needed on what is being certified	1
	Client capture is not a concern due to standards	1

(Q20) Should there be a limit to the number of times a certifier can re-certify a freshwater farm plan for the same farm operator?

Submitters were asked if there should be a limit to the number of times a certifier can re-certify a freshwater farm plan for the same farm operator. Figure 13 shows the level of agreement overall. Table 33 shows the level of agreement by interest group.

- Among submitters who responded to this question, 26 per cent (n=17) agreed that there should be a limit to the number of times a certifier can re-certify a freshwater farm plan for the same farm operator, while 74 per cent (n=49) disagreed.

Figure 13: Responses to (Q20) Should there be a limit to the number of times a certifier can re-certify a freshwater farm plan for the same farm operator?



Table 33: Responses, by interest group, to (Q20) Should there be a limit to the number of times a certifier can re-certify a freshwater farm plan for the same farm operator?

	Farmer or grower n = 28	Māori agribusiness owner/tangata whenua n = 3	Central government /local government n = 15	Primary sector/agri-support n = 19	Environmental group n = 6	General public n = 7	Other n = 13	Total n = 66
Yes	18% 5	0% 0	47% 7	5% 1	50% 3	71% 5	8% 1	26% 17
No	82% 23	100% 3	53% 8	95% 18	50% 3	29% 2	92% 12	74% 49

Table 34 provides a summary of the key themes identified.

The most common reasons for having no limit were:

- certifiers have standards and regulations that they need to abide by, and so this limits concerns with re-certification (n=19)
- the relationship between the certifier and the farmer is important to maintain (n=9).

The most common reasons for having a limit were:

- standardisation of rules prevents variation in interpretation (n=2)
- it limits the potential for client capture (n=2).

Table 34: Themes in submissions on (Q20) Should there be a limit to the number of times a certifier can re-certify a freshwater farm plan for the same farm operator?

Main theme	Sub-theme(s)	Frequency
No, there should not be a limit		39
	Certifiers have standards/regulations to prevent client capture	19
	Role of auditors is to ensure nothing is amiss	11
	If evidence of work is provided to regional councils	1
	Disciplinary procedures needed for improper conduct	1
	Accreditation scheme to set out code of ethics	1
	Certifier–farmer relationship is important to maintain	9
	Knowledge will be lost with a change in certifiers	9
	Limit would reduce the number of available certifiers	6
	Cost implications of familiarising a new certifier with farm	3
	Limit needs to be on the auditor	1
	Larger certification bodies can rotate personnel	1
	Limit is arbitrary, circumstances may vary	1
	Certifying will be an infrequent occurrence	1
Yes, there should be a limit		16
	Suggested times re-certification can be done by same certifier	5
	Three times	3
	Two times	1
	Certifier should not certify a farm consecutively	1
	Farm operators could reuse the same certification company	2
	Standardisation of rules prevents variation in interpretation	2
	Unless they have not been involved in the plan’s development	2
	Limits potential for client capture	2
	A change in either certifier or auditor is needed	1
	Allows for broader oversight	1
	Reduce pressure on QA system	1
General comments		4
	Re-certification only needed for major changes/poor performance	1
	FWFPs to cover circumstances that would necessitate a change	1
	Independence of certifiers is needed	1
	Re-certification not needed if accreditation is robust	1

“Limiting the number of reassessments helps ensure certifiers don’t end up being owned by the farmer whose farm they are certifying.”

There should be a limit

(Q21) What are the likely impacts and cost implications of the preferred approach?

Table 35 provides a summary of the key themes identified.

The most common cost implications submitters identified were that the preferred approach will:

- save costs for farm operators (n=10)
- involve specific costs (n=9), such as changing certifiers, which will increase costs (n=4)
- generally increase costs for both councils and farm operators (n=7).

The most common impacts submitters identified were that the preferred approach will:

- create a shortage of competent certifiers (n=7)
- likely improve results (n=3).

Table 35: Themes in submissions on (Q21) What are the likely impacts and cost implications of the preferred approach?

Main theme	Sub-theme(s)	Frequency
Cost implications of the preferred approach		29
	Preferred approach will save costs for farm operator	10
	Specific costs identified	9
	Certifier change will increase costs	4
	Costs for advice	3
	Costs of certification	1
	Costs of external experts	1
	Costs of water testing	1
	Increased costs for farm operators and councils	7
	Templates provided to farm operators would reduce costs	1
	Costs inconsequential in comparison with catchment limits	1
	Costs will remain largely static in some areas	1
	FWFPs will mitigate the higher cost of environmental impacts	1
	Costs are acceptable	1
Impacts of the preferred approach		16
	Impact of a shortage of competent certifiers	7
	Improved results	3
	Larger labour pool if certifiers develop plan	1
	Non-local certifiers would take longer to learn the farm	1
	Impact of unnecessary rules	1
	Risk of client capture	1
	Less administration time compared with Option 2	1
	Increased administration time	1
	Certifier will not know farm as well as the farm operator	1
General comments		7
	Additional certifier accreditation components	3
	Certifiers will need a regulatory authority	2

Main theme	Sub-theme(s)	Frequency
	Training provider to create a 'Code of Ethics'	1
	Periodic re-accreditation assessment	1
	Regional councils should bear the cost for the first decade	1
	National regulation not fit for regional/farm variations	1
	Clarity on certifier's relationship to plan after certification	1
	Costs of maintaining independence are also a concern	1

Certification – engaging and paying for a certifier

As part of the consultation, the Ministries proposed that each farm operator should directly engage and pay for the services of a certifier (from a list of certifiers appointed to their area).

(Q22) Do you agree with our preferred approach? If not, what is your preference?

Submitters were asked if they agreed with the preferred approach. Figure 14 shows the level of agreement overall. Table 36 shows the level of agreement by interest group.

- Among submitters who responded to this question, 73 per cent (n=55) agreed with the preferred approach, while 27 per cent (n=20) disagreed.

Figure 14: Responses to (Q22) Do you agree with our preferred approach?



Table 36: Responses, by interest group, to (Q22) Do you agree with our preferred approach?

	Farmer or grower n = 33	Māori agribusiness owner/tangata whenua n = 4	Central government /local government n = 16	Primary sector/agri-support n = 21	Environmental group n = 7	General public n = 8	Other n = 16	Total n = 75
Yes	64%	50%	94%	86%	57%	63%	75%	73%
	21	2	15	18	4	5	12	55
No	36%	50%	6%	14%	43%	38%	25%	27%
	12	2	1	3	3	3	4	20

Table 37 provides a summary of the key themes identified.

The most common reasons for agreement were:

- submitters agreed, provided the central government subsidises costs (n=14)
- the preferred approach allows flexibility for certifying groups, sectors, IAPs, schemes and/or catchments (n=7).

The most common reasons for disagreement were that submitters:

- preferred auditing certifiers (n=2)
- thought the council should pay certifiers and charge farm operators itself (n=2).

Table 37: Themes in submissions on (Q22) Do you agree with our preferred approach? If not, what is your preference?

Main theme	Sub-theme(s)	Frequency
Preferred option supported		53
	With costs subsidised/covered by central government	14
	Flexibility for groups/sectors/IAPs/schemes/catchments certifying	7
	Regional council to track status of FWFPs and amount paid	2
	Robust audit system needed to prevent client capture	2
	Farm operators do not have to pay if cannot choose certifier	1
	Client capture addressed by reducing certifier discretion	1
	Client capture is not an issue due to professionalism	1
	Costs should be scaled to size of farm	1
	However, having a preferred certifier may create backlog	1
	Most pragmatic approach	1
	Provided certifiers are well-trained	1
	Would allow certifiers to specialise	1
	Would help build relationship with certifier	1
Other preference		15
	Opposed to preferred approach	3
	Prefer auditing of certifiers	2
	Certifiers on council payroll and charged to farm operator	2
	Prefer certifiers to be appointed randomly	2
	Current environmental consultant to become certifier	1
	Allow farm operators to engage with certifiers out of region	1
	Regional councils to spot-check plans and certifiers	1
	Prefer certifiers to be appointed by independent party	1
	Flexible and context-dependent payment for certification	1
	Farm operators may choose to engage an 'advisor'	1
	Assist small operations with compliance costs	1
	Prefer certifier fees to be regulated	1
General comments		7
	Roles of certifier, auditor, regulator, etc need to be clear	3
	A reasoned cost estimate sought	1
	Competitive market for certifiers needed	1
	Templates provided to farm operators would reduce costs	1
	Client capture is a concern	1

(Q23) What are the likely impacts and cost implications of the preferred approach?

Table 38 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- increased costs for farm operators and councils (n=12)
- costs will be too high (n=3).

The most common impact submitters identified was:

- the potential shortage of skilled and competent certifiers (n=2).

Table 38: Themes in submissions on (Q23) What are the likely impacts and cost implications of the preferred approach?

Main theme	Sub-theme(s)	Frequency
Costs of preferred approach		36
Proposed methods of reducing costs		12
	Templates provided to farm operators would reduce costs	3
	With costs subsidised/covered by central government	3
	Fee cap needed dependent on farm size/complexity	2
	Reduced cost if using same certifier for other certifications	2
	Prefer certifier fees to be regulated	2
	Allow competition between certifiers to reduce cost	2
Increased costs for farm operators/councils		12
Specific costs identified		3
	Extra cost on top of rates/compliance	2
	Water testing	1
Costs will be too high		3
Costs will be site-/situation-specific		2
Reduced administrative costs for regional councils		2
May result in cost efficiencies		2
Costs will be determined by catchment limits		1
FWFPs will mitigate the higher cost of environmental impacts		1
Cost could be better spent on environment		1
General comments		10
Fixed fee for re-certification		2
Addressing shortfalls of certifiers at audit stage needed		1
Longer timeframe for lower-risk catchments		1
Opposed to preferred approach		1
Certification costs to account for accreditation/professional development costs		1
Provide incentives to certifiers to prevent client capture		1
Costs/impacts unknown until implementation		1
Audit will need specific timeframe for early assessment		1
Clarity needed on level of involvement from regional council		1

Main theme	Sub-theme(s)	Frequency
Impacts of the preferred approach		9
	Shortage of skilled/competent certifiers	2
	Commercial risk for certification services provider	1
	Provides farm operator with choice	1
	Conflict of interest may occur if certifier resides in the area	1
	Frustration	1
	Risk of client capture	1
	Reduces burden on local council	1
	Increased administration time	1

“Again, massive costs but there must be a template so the farmer owner can do a lot of pre work for a plan, so reducing the hours they need the certifier to complete the plan. The owner is the person who will know the most about his farm.”

Templates provided to farm operators would reduce costs

“More time and money/costs. You are proposing new costs of compliance to all farmers budgets. This will affect their profit or loss, bottom line not to mention any ongoing costs of on-farm actions identified. Who knows how this will be received? I’m not suggesting that it is right or wrong just a reality.”

Increased costs for farm operators/councils

“Time. There isn’t a qualified and suitably certified pool of certifiers and auditors available currently thus any projected plans to push this regulatory system through will either incur higher costs because there won’t be competition or run the risk of having people in the roles that aren’t up to standard.”

Shortage of skilled/competent certifiers

Regular review and re-certification

The regulations will need to specify how often a freshwater farm plan must be reviewed and re-certified. The discussion document presented two options for proposed timeframes.

- Option 1: Freshwater farm plans are re-certified every three years.
- Option 2: Freshwater farm plans are re-certified every five years.

The Ministries preferred Option 1.

(Q24) Do you agree with our preferred option? If not, what is your preference?

Submitters were asked if they agreed with the preferred option. Figure 15 shows the level of agreement overall. Table 39 shows the level of agreement by interest group.

- Among submitters who responded to this question, 25 per cent (n=21) agreed with the preferred option, while 75 per cent (n=63) disagreed.

Figure 15: Responses to (Q24) Do you agree with our preferred option?



Table 39: Responses, by interest group, to (Q24) Do you agree with our preferred option?

	Farmer or grower n = 35	Māori agribusiness owner/tangata whenua n = 7	Central government /local government n = 18	Primary sector/agri-support n = 25	Environmental group n = 6	General public n = 7	Other n = 20	Total n = 84
Yes	23% 8	29% 2	17% 3	24% 6	17% 1	71% 5	10% 2	25% 21
No	77% 27	71% 5	83% 15	76% 19	83% 5	29% 2	90% 18	75% 63

Table 40 provides a summary of the key themes identified.

The most common reason for agreement was:

- the preferred option ensures FWFPs are regularly updated (n=2).

The most common reasons for disagreement were submitters preferred:

- five-year reviews and re-certification (Option 2) (n=36), with criteria to shorten the time, trigger reviews or allow minor changes (n=5)
- review frequency to be performance-based (n=13).

Table 40: Themes in submissions on (Q24) Do you agree with our preferred option? If not, what is your preference?

Main theme	Sub-theme(s)	Frequency
Preference		67
	Prefer five-year reviews and re-certification (Option 2)	36
	Criteria to shorten time/trigger review/allow minor changes	5
	Required changes should be notified in a timely manner	3
	Provides operator confidence in goals to be achieved	3
	With the option for regional councils to shorten time	3
	With option to adopt three-yearly based on performance	3
	Coupled with annual telephonic reviews	1
	Would reduce costs	1
	Allows time to undertake expensive work	1

Main theme	Sub-theme(s)	Frequency
	Necessitated by catchment context	1
	Due to time it takes for environmental change	1
	Five years for low-impact farming	1
	Preference for review frequency to be based on performance	13
	Re-certification when triggers/changes occur	9
	Audits ensure requirements are met/no need for re-certification	5
	Prefer a longer review time	4
	Prefer a review time longer than five years	3
	Prefer plans to be short and concise to reduce cost	2
	Require simplification of rules/regulations and processes	2
	Against default re-certification timeframe	2
	Prefer option to resolve minor issues before full certification	1
	Incentivise best practice	1
	Consulting with a certifier should be regular	1
	Certifier discretion to determine frequency	1
	A system that prioritises upfront/proactive support is needed	1
	Consistent successful audits should reduce audit frequency	1
	Re-certification when regional plans change	1
	Three years for low risk, five years for high risk	1
	Review and re-certification to consider risk	1
	Agree with preferred option	14
	Ensures FWFPs are regularly updated	2
	Allows for legislative updates to be incorporated into plans	1
	Only for a total review	1
	Consistent with certification cycles	1
	Length of time between re-certification to increase over time	1
	Align re-auditing with upcoming industry audit date	1
	Only if sufficient funding is made available	1
	General comments	5
	Approach viewed as draconian	1
	Concerns regarding shortage of certifiers	1
	Concern there are already too many plans	1
	Consider support for Māori landowners	1
	Preferred option is onerous	1

(Q25) What are the likely impacts and cost implications of the preferred approach?

Table 41 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- increased costs for farm operators and councils (n=16)
- reduced costs with Option 2, which they preferred (n=7).

The most common impact submitters identified was:

- the possible shortage of certifiers (n=4).

Table 41: Themes in submissions on (Q25) What are the likely impacts and cost implications of the preferred approach?

Main theme	Sub-theme(s)	Frequency
Cost implications of preferred approach		36
	Increase in costs for farm operators/councils	16
	Prefer Option 2; it will also reduce costs	7
	Proposed methods of reducing the cost	6
	Scaled timeframe based on risk/compliance	6
Specific costs identified		4
	Increased administrative/labour costs	3
	Increased audit costs	1
	Costs will be site-/situation-specific	2
	Cost to benefit ratio not clear	2
	Shorter timeframes will increase costs	2
	FWFPs will mitigate the higher cost of environmental impacts	1
	Option 2 may increase costs (management/infrastructure)	1
	Initial certification is costly, with re-certification cheaper	1
Impacts of the preferred approach		7
	Shortage of competent certifiers	4
	Compliance hinders farm productivity/loss in productivity	1
	Potential cost saving	1
	Danger of review becoming a tick box	1
General comments		2
	National regulation not fit for regional/farm variations	1
	Avenues needed to facilitate purposeful farm growth	1

Certification – new plans, addendums and amendments

The discussion document proposed categories and triggers that would result in requirements to redo a freshwater farm plan, add an addendum or make amendments.

(Q26) Do you agree with the proposed categories and triggers for new freshwater farm plans, addendums and amendments? If not, what is your preference?

Submitters were asked if they agreed with the proposed categories and triggers for new freshwater farm plans, addendums and amendments. Figure 16 shows the level of agreement overall. Table 42 shows the level of agreement by interest group.

- Among submitters who responded to this question, 76 per cent (n=50) agreed with the proposed categories and triggers for new freshwater farm plans, addendums and amendments, while 24 per cent (n=16) disagreed.

Figure 16: Responses to (Q26) Do you agree with the proposed categories and triggers for new freshwater farm plans, addendums, and amendments?



Table 42: Responses, by interest group, to (Q26) Do you agree with the proposed categories and triggers for new freshwater farm plans, addendums and amendments?

	Farmer or grower n = 29	Māori agribusiness owner/tangata whenua n = 6	Central government /local government n = 13	Primary sector/agri-support n = 23	Environmental group n = 5	General public n = 6	Other n = 15	Total n = 66
Yes	76%	33%	77%	83%	100%	100%	80%	76%
	22	2	10	19	5	6	12	50
No	24%	67%	23%	17%	0%	0%	20%	24%
	7	4	3	4	0	0	3	16

Table 43 provides a summary of the key themes identified.

The most common reasons for agreement were:

- submitters agreed, on the condition that changes and triggers are further clarified/defined (n=9)
- regional councils should ensure the processes are carried out (n=3).

The most common reasons for disagreement were that submitters suggested:

- alternative triggers (n=6), such as extreme weather (n=1) or change in the crop (n=1)
- exemptions (n=2), such as not requiring re-certification for amended FWFPs (n=1).

Table 43: Themes in submissions on (Q26) Do you agree with the proposed categories and triggers for new freshwater farm plans, addendums and amendments? If not, what is your preference?

Main theme	Sub-theme(s)	Frequency
Agree with proposed categories and triggers		36
	Clarify/define changes and triggers needed	9
	Clear definition of 'change in land use'	4
	Regional councils to ensure processes are carried out	3
	Include natural disasters as a trigger	2
	Addendums external to farm area could occur during auditing	1
	Include changes in significant on-farm labour roles	1
	Provided a longer timeframe for reviews is given	1
	Provided they are reviewed and re-certified every three years	1
	Change in ownership should be a trigger	1
	Allow minor changes to be dealt with easily	1

Main theme	Sub-theme(s)	Frequency
Preference		18
	Suggested triggers	6
	Extreme weather	1
	Extraneous events causing change	1
	Trigger following a freshwater planning process	1
	Change in crop variety	1
	Efficacy of FWFPs as a trigger	1
	Change in stock type	1
	Decrease in farm area	1
	Suggested exemptions	2
	Amended FWFPs should not require re-certification	1
	Added land provided farm method	1
	Prefer farm operators to have weighted say in triggers	2
	If relevant, plan should be the responsibility of the lessee	2
	Preference for discretion to be applied to trigger events	2
	Standardised limits/data and methodologies required	1
	Merge FWFPs with FEP	1
	Prefer plans to be fit for purpose and regularly reviewed	1
	Collaborative requirement between land owner and lessee	1
	Develop low-administration streamlined process	1
	Auditor discretion of allowing action based on outcome	1
	Allow self-auditing/peer review monitoring within catchments	1
	Preference for re-certification to be based on audit schedule	1
General comments		18
	Clarity on scale/nature of change that would determine trigger	6
	Triggers need more detail	4
	General opposition to proposal and costs	2
	Relies on honesty of farmers	2
	Addenda should trigger re-certification	1
	Subsequent farm plans may change little	1
	Costs of certifier owning copyright when farm changes hands	1
	Clarity sought for incorporating/excluding lease land	1
	Tangata whenua views addressed during delay	1
	Councils lack resources to monitor changes	1

“We agree with these however there needs to be more detail as to what exactly these triggers are especially in regard to land use change.”

Agree with proposed categories and triggers

“We agree with the proposed categories and triggers for new FW-FPs, addendums, and amendments but we believe that this list is not exhaustive. Obvious things such as extreme weather conditions, climate change, biosecurity outbreaks, or force majeure situations could require a dramatic change in thinking of the farm management process and therefore trigger changes in the farm plan which will need to be recertified.”

Suggested triggers

“We agree that change in ownership is necessary to have a reassessment. New owners will need to have a new certification. However adding land doesn’t change the plan. The grower or producer already had an approved plan, he or she can easily amend that with more area. We agree to a change from say sheep and beef to dairy requires a change in certification, however a change from one type of grapes to another should not.”

Suggested exemptions

(Q27) What are the likely impacts and cost implications of the preferred approach?

Table 44 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- an increase in unnecessary costs (n=5)
- specific costs (n=5), such as the costs of lodging changed plans (n=2).

The most common impacts submitters identified were:

- an increase in labour required (n=2)
- increased workloads as new FWFPs and amendments are needed (n=2).

Table 44: Themes in submissions on (Q27) What are the likely impacts and cost implications of the preferred approach?

Main theme	Sub-theme(s)	Frequency
Cost implications of the preferred approach		15
	Increase in unnecessary cost	5
	Specific costs identified	5
	Costs of lodgement of changed plans	2
	Costs of FWFPs and required changes	2
	Prohibitive costs if farm changes manager each season	1
	Labour costs associated with farm operators completing FWFPs	1
	Minimal costs if online	1
	Depends on who is required to pay	1
	Costs will be site-/situation-specific	1
	Addendums should be used to reduce costs	1
	Costs expected to be minimal	1

Main theme	Sub-theme(s)	Frequency
Impacts of the preferred approach		7
	Increase in labour required	2
	Increased workloads as new FWFPs and amendments needed	2
	No impacts expected	1
	Regional councils' resources will be strained	1
	Makes triggers understandable	1
General comments		6
	National regulation not fit for regional/farm variations	2
	Addendum only when change occurs within the farm	1
	Concerns regarding the timeframes for changes to be made	1
	Risk management with regular monitoring approach needed	1
	Certifier well placed to update FWFPs upon change	1

Certification – dispute resolution

A dispute resolution process ensures a reasonable solution to disputes between parties. Therefore, the discussion document proposed a three-stage dispute process for consultation.

(Q28) Do you agree with our preferred approach? If not, what is your preference?

Submitters were asked if they agreed with the preferred approach. Figure 17 shows the level of agreement overall. Table 45 shows the level of agreement by interest group.

- Among submitters who responded to this question, 76 per cent (n=50) agreed with the preferred approach, while 24 per cent (n=16) disagreed.

Figure 17: Responses to (Q28) Do you agree with our preferred approach?



Table 45: Responses, by interest group, to (Q28) Do you agree with our preferred approach?

	Farmer or grower n = 24	Māori agribusiness owner/tangata whenua n = 3	Central government /local government n = 16	Primary sector/agri-support n = 24	Environmental group n = 6	General public n = 7	Other n = 15	Total n = 66
Yes	88% 21	100% 3	69% 11	75% 18	83% 5	100% 7	67% 10	76% 50
No	13% 3	0% 0	31% 5	25% 6	17% 1	0% 0	33% 5	24% 16

Table 46 provides a summary of the key themes identified.

The most common reasons for agreement were that submitters agreed, provided:

- more detail is determined for mediation and arbitration processes (n=3)
- all relevant roles are clearly defined (n=2).

The most common alternative preferences were for:

- arbitration at a regional or local level (n=6)
- informal dispute resolution (n=4).

Table 46: Themes in submissions on (Q28) Do you agree with our preferred approach? If not, what is your preference?

Main theme	Sub-theme(s)	Frequency
Agree with preferred approach		30
	More detail needed for mediation and arbitration processes	3
	Clearly define all actors' roles	2
	Lowest cost approach	1
	No alternative approach has been provided	1
	Regional council should have oversight	1
	Managed by a national certification body	1
	Allow schemes to internally facilitate dispute	1
	Farmer should be able to choose certifier/get second opinion	1
	Engaging new certifier preferred to stage 2/3	1
Preference		17
	Prefer arbitration at a regional/local level	6
	Prefer informal dispute resolution	4
	Robust process should be part of national accreditation body	2
	Dispute resolution done via the accreditation body	1
	Prefer 'appeals' process to panel of senior certifiers	1
	Option for tikanga-based process	1
	Remove arbitration from dispute resolution	1
	Arbitration needs to be standardised across the country	1
	Major disputes to be raised to accreditation/audit body	1
	Robust arbitration process needed	1
General comments		9
	Standardisation prevents variation in interpretation	2
	Will facilitate arbitration	1
	Against standardisation	2
	All roles in FWFPs need to be defined	2
	Process needed for disputes between certifier and council	2
	More information is needed around the payment of dispute	1
	More information is needed if auditor disputes are similar	1
Disagree with preferred approach		3
	Costs will be too high	2
	Disagreements with council requirements, not certifiers	1

“The dispute process needs to be available at a local level. ie if you are having problems with a FEP writer, certifier or auditor you should be able to see someone locally about the complaint and that person should be available to visit your property if need be.”

Prefer arbitration at a regional/local level

(Q29) What are the likely impacts and cost implications of the preferred approach?

Table 47 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- costs will be too high (n=3)
- increased costs for farms and councils (n=3).

The most common impact submitters identified was:

- increased complexity because a certifier would act as an advisor (n=2).

Table 47: Themes in submissions on (Q29) What are the likely impacts and cost implications of the preferred approach?

Main theme	Sub-theme(s)	Frequency
Cost implications of the preferred approach		14
	Specific costs identified	3
	Cost of attending mediation/arbitration	2
	Cost of resourcing the process	2
	Cost of lawyers	1
	Cost of documenting and reporting process	1
	Costs will be too high	3
	Increased costs for farms and councils	3
	Proposed methods of reducing the cost	2
	Costs may be reduced if regional council is allowed to mediate	1
	Costs will be reduced if done through accreditation body	1
	Local interventions will reduce costs	2
	Costs expected to be minimal	1
	Regulators will need to budget for dispute process	1
General comments		8
	More information required for accurate assessment	5
	Farm operator should only bear costs if guilty	1
	Ensure there is communication between certifiers in area	1
	National regulation not fit for regional/farm variations	1
Impacts of the preferred approach		6
	Complexity from certifier acting as advisor	2
	Resignations of farm operators and certifiers	1
	Arbitration will result in inefficiencies	1
	High demand during early implementation of FWFPs	1
	Will allow compliance and resolution resources to assist	1

Certification – complaints process

The national body would be responsible for establishing a process to resolve complaints and disciplinary matters for certifiers. However, if a national accreditation body is not the preferred option during the consultation, regional councils would manage the complaints process.

(Q30) Do you agree with our preferred approach? If not, what is your preference?

Submitters were asked if they agreed with the preferred approach. Figure 18 shows the level of agreement overall. Table 48 shows the level of agreement by interest group.

- Among submitters who responded to this question, 82 per cent (n=47) agreed with the preferred approach, while 18 per cent (n=10) disagreed.

Figure 18: Responses to (Q30) Do you agree with our preferred approach?

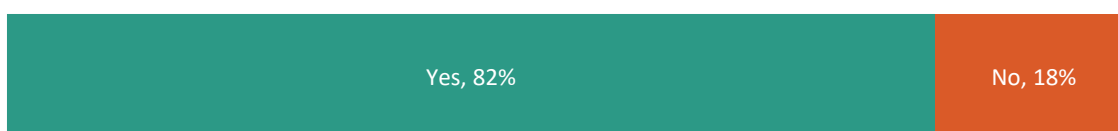


Table 48: Responses, by interest group, to (Q30) Do you agree with our preferred approach?

	Farmer or grower n = 22	Māori agribusiness owner/tangata whenua n = 3	Central government /local government n = 13	Primary sector/agri-support n = 20	Environmental group n = 5	General public n = 6	Other n = 14	Total n = 57
Yes	77% 17	100% 3	92% 12	85% 17	100% 5	100% 6	93% 13	82% 47
No	23% 5	0% 0	8% 1	15% 3	0% 0	0% 0	7% 1	18% 10

Table 49 provides a summary of the key themes identified.

The most common reasons for agreement were:

- opposition to complaints sitting at a regional level (n=4)
- preferring to have a national body to deal with complaints (n=2).

The most common reasons for disagreement were that submitters preferred:

- complaints to be dealt with at a regional or local level (n=7)
- a national approach to accreditation (n=2).

Table 49: Themes in submissions on (Q30) Do you agree with our preferred approach?
If not, what is your preference?

Main theme	Sub-theme(s)	Frequency
Agree with preferred approach		32
	Opposed to complaints sitting at regional level	4
	Best managed by national body	2
	No alternative approach has been provided	1

Main theme	Sub-theme(s)	Frequency
Preference		12
	Prefer complaints process to be at regional/local level	7
	With an option to escalate process to national level	2
	Set timeline to prevent ongoing process	1
	National approach to accreditation	2
	Regional council workloads are at capacity	1
	Random checking of certifiers for consistency	2
	Opposed to regional councils being involved	1
	Accreditation body to manage complaints	1
	Option for tikanga-based process	1
General comments		7
	More information required for accurate assessment	5
	Concerns over bureaucracy	1
	Ensure all roles are defined	1

“A complaints process is needed, and a national body makes sense, but it is difficult to determine if the preferred approach will be effective. Our understanding from other environmental personnel certification schemes is that complaints are uncommon even in instances where sub-standard practices, unethical behaviour, or conflict of interest has occurred.”

Agree with preferred approach

“Agree with the preferred approach but note that often the complaint should first be referred to regional council (unless it is about the regional council) to attempt to resolve.

If the dispute is about catchment context and regional requirements, a disciplinary step if no resolution is reached may be removal of approval to operate in the region.

If the dispute is about certifier practice set down in regulations and certification training, this would need to be addressed nationally.”

Agree with preferred approach

(Q31) What are the likely impacts and cost implications of the preferred approach?

Table 50 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- increased costs for farms and councils (n=3)
- they expected costs to be minimal (n=2).

The most common impact submitters identified was:

- increased complexity because a certifier would act as an advisor (n=2).

Table 50: Themes in submissions on (Q31) What are the likely impacts and cost implications of the preferred approach?

Main theme	Sub-theme(s)	Frequency
Cost implications of the preferred approach		9
	Increased costs for farms and councils	3
	Costs expected to be minimal	2
	Lower costs if managed by accreditation body	1
	Unable to identify costs before development of regulations	1
	Cost will be proportional to the complaint	1
	Costs reduced by avoiding duplication	1
General comments		7
	More information required for accurate assessment	6
	Prefer complaints to go to regional council	1
Impacts of the preferred approach		4
	Complexity from certifier acting as advisor	2
	Certifiers and auditors may need to record exchanges	1
	Loss of accreditation	1

“Environment Canterbury notes that the certifier acting as a farm plan advisor in addition to a certifier is likely to add complexity to the complaints process due to the breadth of the role of the certifier.”

Complexity from certifier acting as advisor

“There will be cost to a complaints system and it is unclear where these costs fall. A process to address and apportion costs will be necessary. The outcome of a complaint may be the exclusion of a Certifier from being a Certifier in the region where the complaint arises.”

Increased costs for farms and councils

Certification – removal of a certifier’s accreditation

The regulations will outline a mechanism for the removal of a certifier’s accreditation.

The discussion document included the proposals that:

- the national body is responsible for the accreditation of certifiers and has the authority to revoke this accreditation
- the national body establishes a code of conduct and professional standards for freshwater farm plan certifiers, which would establish under what circumstances a certifier’s accreditation could be revoked
- regional councils must be informed of any decision to revoke accreditation from a certifier
- regional councils may make a complaint to the national body against a certifier
- regional councils can revoke the appointment of a certifier to operate in their region.

(Q32) Do you agree with our preferred approach? If not, what is your preference?

Submitters were asked if they agreed with the preferred approach. Figure 19 shows the level of agreement overall. Table 51 shows the level of agreement by interest group.

- Among submitters who responded to this question, 88 per cent (n=49) agreed with the preferred approach, while 13 per cent (n=7) disagreed.

Figure 19: Responses to (Q32) Do you agree with our preferred approach?

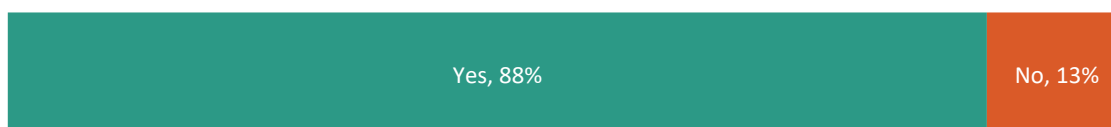


Table 51: Responses, by interest group, to (Q32) Do you agree with our preferred approach?

	Farmer or grower n = 22	Māori agribusiness owner/tangata whenua n = 2	Central government /local government n = 15	Primary sector/agri-support n = 22	Environmental group n = 6	General public n = 6	Other n = 13	Total n = 56
Yes	91% 20	100% 2	87% 13	86% 19	100% 6	100% 6	92% 12	88% 49
No	9% 2	0% 0	13% 2	14% 3	0% 0	0% 0	8% 1	13% 7

Table 52 provides a summary of the key themes identified.

The most common reasons for agreement were:

- submitters generally agreed with the approach, but asked for more detail (n=3)
- the approach allows regional councils to trigger review (n=2).

The most common reasons for disagreement were that submitters preferred:

- accreditation to be at a regional level (n=2)
- a sample of FWFPs to be used to benchmark standards (n=2).

**Table 52: Themes in submissions on (Q32) Do you agree with our preferred approach?
If not, what is your preference?**

Main theme	Sub-theme(s)	Frequency
Agree with preferred approach		31
	Agree, but more detail needed	3
	Allow regional councils to trigger review	2
	No alternative approach has been provided	1
	Agree with notification of regional councils	1
	Agree that regional councils may make a complaint	1
	Clarify roles of auditors to give effect to council as enforcer	1
	Opportunity to retain accreditation if outcomes met	1
	With consistent criteria set	1

Main theme	Sub-theme(s)	Frequency
Preference		7
	Prefer accreditation to be at a regional level	2
	Sample of FWFPs used to benchmark standards	2
	Proposal should include	1
	Certifier must have opportunity to make amends	1
	Farm operator may take complaint to national accreditation body	1
	Use existing certification body	1
	Follow principles of natural justice	1

“Agree although there needs to be more information provided regarding the ethical and professional standards, and technical competence of certifiers.”

Agree with preferred approach

“I agree with the last three points. A national body is unnecessary and the responsibility should lie with regional councils.”

Prefer accreditation to be at a regional level

(Q33) What are the likely impacts and cost implications of the preferred approach?

Table 53 provides a summary of the key themes identified.

The most common cost implications submitters identified were that they:

- expected costs would be minimal (n=2)
- suggested using fees charged for auditor accreditation to fund services (n=2).

The most common impacts submitters identified were:

- an increase in bureaucracy (n=1)
- it would be difficult to satisfy all stakeholders (n=1).

Table 53: Themes in submissions on (Q33) What are the likely impacts and cost implications of the preferred approach?

Main theme	Sub-theme(s)	Frequency
General comments		8
	More information required for accurate assessment	5
	More information is needed on where funding will come from	2
	More detail regarding certifier code of conduct	1
	Should sit with local councils and national bodies	1
	Preferred approach is inefficient/ineffective	1
	Standardisation prevents variation in interpretation	1

Main theme	Sub-theme(s)	Frequency
Cost implications of the preferred approach		7
	Costs expected to be minimal	2
	Fees for becoming accredited are used to fund services	2
	Increased costs for farms and councils	1
	Unable to identify costs before development of regulations	1
	Clarity needed on compensation for poor certification	1
Impacts of the preferred approach		4
	Increased bureaucracy	1
	Difficult to satisfy all concerned	1
	Using existing certification body would improve outcomes	1
	Removal of accreditation	1

“Removal of accreditation is a serious step and the national body and relevant regional council(s) would need to be in consultation and be clear as to why the Certifier’s accreditation is being revoked.”

Impacts of the preferred approach

Audit – process for accreditation and appointment of auditors

While there are already professional auditors across different sectors, the regulations need to outline how freshwater farm plan auditors would be accredited and appointed. The discussion document identified two options for how accreditation and appointment of auditors should take place:

- Option 1: Regional councils appoint auditors who are accredited by an existing accreditation body
- Option 2: A national accreditation system for auditors, with regional council appointment.

The Ministries preferred Option 1.

(Q34) Do you agree with our preferred option If not, what is your preference and why?

Submitters were asked if they agreed with the preferred option. Figure 20 shows the level of agreement overall. Table 54 shows the level of agreement by interest group.

- Among submitters who responded to this question, 56 per cent (n=43) agreed with the preferred option, while 44 per cent (n=34) disagreed.

Figure 20: Responses to (Q34) Do you agree with our preferred option?



Table 54: Responses, by interest group, to (Q34) Do you agree with our preferred option?

	Farmer or grower n = 25	Māori agribusiness owner/tangata whenua n = 9	Central government /local government n = 14	Primary sector/agri-support n = 27	Environmental group n = 7	General public n = 8	Other n = 24	Total n = 77
Yes	64% 16	56% 5	50% 7	52% 14	43% 3	50% 4	54% 13	56% 43
No	36% 9	44% 4	50% 7	48% 13	57% 4	50% 4	46% 11	44% 34

Table 55 provides a summary of the key themes identified.

The most common reasons for agreement were:

- auditors need to understand the local farm context (n=2)
- submitters agreed with the preferred option, provided appointments are from tangata whenua and council (n=2)
- the preferred option allows for efficiencies and integration with other auditing that needs to occur (n=2).

The most common reasons for disagreement were concerns over:

- the role of the auditor (n=18), mainly that the certifier would act as auditor as well (n=6)
- auditor skills and qualifications (n=15), mainly that auditors need tertiary qualifications and experience in the industry (n=4)
- governance and accreditation (n=11), mainly that the approach should leverage existing accreditation bodies and processes (n=5).

Table 55: Themes in submissions on (Q34) Do you agree with our preferred option? If not, what is your preference and why?

Main theme	Sub-theme(s)	Frequency
Preference		44
	Role of auditor	18
	Certifier should be an auditor as well	6
	Certifier should not audit the same farm and vice versa	1
	Role of auditors to be compliance/leave enforcement to council	3
	Use of independent auditors	3
	Distinction needs to be made between auditor and certifier	2
	Auditors to ensure plans are appropriate	2
	Auditors to check completion of actions	2
	No need for auditors	2
	Auditor skills and qualifications	15
	Auditors need tertiary qualifications/experience in industry	4
	Regular/updated training is needed for auditors	4
	Auditors need understanding of kitanga and te ao Māori	4
	Auditor training does not need to be at a high level	3
	Auditors to have the same skill set as certifiers	1
	Auditing needs no training, only a tick box exercise	1

Main theme	Sub-theme(s)	Frequency
	Governance/accreditation	11
	Leverage off existing accreditation bodies/processes	5
	Prefer regional councils to oversee auditing	3
	Conflicts of interest within regional councils	2
	Prefer national appointment of auditors	1
	Separate auditors needed for farm and council plans	1
	Regional council to appoint auditors (no accreditation needed)	1
	Auditor accreditation should be separate from certifier	1
	Prefer Option 2	4
	Auditor workforce	3
	Current auditor workforce lacking	2
	Auditor linked via catchment group	1
	Prefer minimal costs	1
	Agree with preferred option	30
	Auditors need understanding of local farm context	2
	If appointments are from tangata whenua and council	2
	Allows for efficiencies and integration of other auditing	2
	Leverage off existing accreditation bodies/processes	2
	More information required for accurate assessment	1
	Preferred option provides efficiency/consistency	1
	Auditors should be able to work across the country	1
	However, a measure of council discretion is required	1
	General comments	12
	More information required for accurate assessment	7
	Clarity needed on role of auditor	3
	Regarding pay/accreditation/disputes/role/time	2
	Regarding skill requirements for auditor	2
	General opposition to FWFPs	2
	Regional councils should have access to data on auditors	1
	High workload for initial audits	1
	If auditing constraints exist, prioritise high-risk catchments	1
	Prefer national accreditation	8
	Need specific programme for te ao Māori and mātauranga	2
	Auditors need to be separate from industry	1

(Q35) What are the likely impacts and cost implications of the preferred approach?

Table 56 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- reduced costs and reduced cost-effectiveness for farm operators and councils (n=11)
- increased costs for farms and councils (n=8).

The most common impacts submitters identified were:

- inconsistencies may result where auditors differ in their competency levels (n=2)
- a limited number of auditors will be available initially (n=2)
- having a national process would ensure consistency (n=2).

Table 56: Themes in submissions on (Q35) What are the likely impacts and cost implications of the preferred approach?

Main theme	Sub-theme(s)	Frequency
Cost implications of the preferred approach		27
	Reduced costs/cost-effectiveness for farm operators/council	11
	Increased costs for farms and councils	8
	More information required for accurate assessment	2
	Budget needed to determine cost to benefit ratio	1
	Cost should go to regional councils	1
	Cost should go to those seeking accreditation	1
	FWFPs will mitigate the higher cost of environmental impacts	1
	Costs increase when auditors act as enforcers	1
	Option 2 would be more cost-efficient	1
Impacts of the preferred approach		11
	Competency across auditors may cause inconsistencies	2
	Limited number of auditors will be available initially	2
	National audit process will ensure consistency	2
	Reduced administration	1
	Without auditors assessing content, it won't be fit for purpose	1
	Only with legal standing to enter properties can data be upheld	1
	Risk Te Mana o te Wai is not upheld	1
	Increase the initial pool of auditors	1
	Auditors will not know farm as well as farm operators	1
	Additional bureaucracy	1
General comments		4
	Council must be informed of audit results in a timely manner	2
	Informed immediately if significant non-compliance	1
	Sit with regional council/national body/accreditation schemes	1
	Should be merged with FEP	1
	Requires flexibility	1

“If a farm operator can determine the auditor for their FWFP they have some control on costs by engaging local or close by auditors.”

Cost implications of the preferred approach

“A well trained and competent Auditor appointed to a Local Body may cause embarrassment to either party if the competency of one is markedly different to the other.”

Competency across auditors may cause inconsistencies

Audit – determining audit frequency

Regulations will set the required frequency of audit. The discussion document proposed a risk-based approach for setting audit frequency.

(Q36) Do you agree with our proposed approach for determining audit frequency? If not, what is your preference and why?

Submitters were asked if they agreed with the proposed approach for determining audit frequency. Figure 21 shows the level of agreement overall. Table 57 shows the level of agreement by interest group.

- Among submitters who responded to this question, 50 per cent (n=37) agreed with the proposed approach, while 50 per cent (n=37) disagreed.

Figure 21: Responses to (Q36) Do you agree with our proposed approach for determining audit frequency?



Table 57: Responses, by interest group, to (Q36) Do you agree with our proposed approach for determining audit frequency?

	Farmer or grower n = 29	Māori agribusiness owner/tangata whenua n = 3	Central government /local government n = 15	Primary sector/agri-support n = 26	Environmental group n = 6	General public n = 6	Other n = 19	Total n = 74
Yes	38%	67%	40%	69%	17%	83%	42%	50%
	11	2	6	18	1	5	8	37
No	62%	33%	60%	31%	83%	17%	58%	50%
	18	1	9	8	5	1	11	37

Table 58 provides a summary of the key themes identified.

The most common reasons for agreement were that submitters supported:

- a risk-based approach, provided that it had a clear description (n=5)
- the extended timelines for compliance (n=2).

The most common reasons for disagreement were that submitters preferred audit frequency to be:

- based on performance/risk (n=26)
- longer than the timeframe proposed (n=12).

Table 58: Themes in submissions on (Q36) Do you agree with our proposed approach for determining audit frequency? If not, what is your preference and why?

Main theme	Sub-theme(s)	Frequency
Preference		45
	Preference for audit frequency to be based on performance/risk	26
	Preference for audit frequency to be longer than proposed	12
	Flexibility is needed	3
	Frequency should be determined by the council	3
	Random auditing	2
	Evidence of action should be provided to auditor	2
	Audit frequency should be prescribed and standardised	1
	First audit to not affect perception of risk	1
	Issues found during audit to be resolved in a month	1
	Greater regulatory oversight	1
	Annual audits needed to maintain certification	1
	Prefer to utilise resource consenting	1
	Prefer a percentage of farms audited per year	1
	Opposed to all farms being regarded as high risk	1
	Prefer a graded system	1
	Auditing is not necessary after certification	1
	Auditing fees should be based on farm size/requirements	1
Prefer proposed approach		28
	Support risk-based approach (subject to clear description)	5
	Support extended timelines for compliance	2
	Audit regularly and review when necessary	1
	Provided auditing role is clearly defined	1
	If auditing constraints exist, prioritise high-risk catchments	1
General comments		4
	Concerns over adequate numbers of auditors	2
	Concerns about continuing validity of current audits	1
	General opposition to proposal	1

“There is an opportunity to reward farmers willing to comply with FW-FPs by adopting a performance-based audit frequency, however the Council recommend this must only be used in conjunction with a risk-based approach.”

Preference for audit frequency to be based on performance/risk

(Q37) What are the likely impacts and cost implications of the preferred approach?

Table 59 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- reducing the costs through methods submitters proposed (n=8), which most commonly involved reducing audit frequency (n=6)
- increased costs for farms and councils (n=8)
- additional costs for risk areas, which submitters suggested councils should meet (n=4).

The most common impact submitters identified was:

- reducing audit frequency would incentivise compliance (n=2).

Table 59: Themes in submissions on (Q37) What are the likely impacts and cost implications of the preferred approach?

Main theme	Sub-theme(s)	Frequency
Cost implications of the preferred approach		27
	Proposed methods of reducing costs	8
	Less frequent auditing will reduce costs	6
	Using existing audit processes will reduce costs	2
	Offsite auditing will reduce costs	1
	Increased costs for farms and councils	8
	Additional costs for risk areas to be met by regional councils	4
	Inequitable costs for low-risk/compliant farms	2
	Share costs with community	1
	Proposed approach cost-effective	1
	Costs will be similar to other primary sectors	1
	FWFPs will mitigate the higher cost of environmental impacts	1
	More information required for accurate assessment	1
	Minimal additional costs to council	1
Impacts of the preferred approach		7
	Reducing frequency of audits for compliance provides incentive	2
	FWFPs viewed as a system to penalise farm operators	1
	Will necessitate push towards corporate farming	1
	Frustration among farmers	1
	Mutual monitoring allows for auditing of FWFPs based on risk	1
	Adds unnecessary level of compliance	1
	Alignment of capability	1
General comments		4
	More detail required	2
	More detail on what constitutes 'significant non-compliance'	1
	More auditing for high-risk/non-compliant farm operators	2

Audit – engaging and paying for an auditor

As part of the consultation, the Ministries proposed that each farm operator should directly engage and pay for the services of auditors (from a list of auditors appointed to their area).

(Q38) Do you agree with our proposed approach? If not, what is your preference and why?

Submitters were asked if they agreed with the proposed approach. Figure 22 shows the level of agreement overall. Table 60 shows the level of agreement by interest group.

- Among submitters who responded to this question, 60 per cent (n=36) agreed with the proposed approach, while 40 per cent (n=24) disagreed.

Figure 22: Responses to (Q38) Do you agree with our proposed approach?



Table 60: Responses, by interest group, to (Q38) Do you agree with our proposed approach?

	Farmer or grower n = 24	Māori agribusiness owner/tangata whenua n = 1	Central government /local government n = 14	Primary sector/agri-support n = 22	Environmental group n = 5	General public n = 7	Other n = 12	Total n = 60
Yes	54% 13	100% 1	79% 11	64% 14	40% 2	57% 4	33% 4	60% 36
No	46% 11	0% 0	21% 3	36% 8	60% 3	43% 3	67% 8	40% 24

“We agree that farmers should engage and pay auditors, although there needs to be the ability for engagement by other organisations e.g. irrigation schemes, on behalf of their members.”

Support proposed approach

“The Council does not agree with the proposed approach. as noted earlier, farmers on the Chatham islands face financial difficulties as a result of their isolation. If their FW-FPs need to be audited as required by Central Government, then this process should be funded by Central Government.”

Cost sharing/subsidisation/support

Table 61 provides a summary of the key themes identified.

The most common reasons for agreement were:

- submitters supported the approach, provided it includes guidance and streamlining of costs across New Zealand (n=3)

- submitters supported the approach, provided it includes robust training and oversight (n=2)
- the process is similar to the current approach in the primary sector (n=2).

The most common reasons for disagreement were that submitters preferred:

- cost-sharing, subsidisation and financial support (n=7)
- farm operators to choose the organisation to undertake the audit, rather than choosing the individual auditor (n=4)
- the process to be flexible with the use of current industry programmes (n=3).

Table 61: Themes in submissions on (Q38) Do you agree with our proposed approach? If not, what is your preference and why?

Main theme	Sub-theme(s)	Frequency
Support proposed approach		28
	With guidance and streamlining of costs across New Zealand	3
	Robust training and oversight required	2
	Similar to that taken in other primary sectors	2
	Provided pricing is at a standard rate	1
	Consider some government support	1
	Allow schemes to organise/pay/coordinate process	1
	Provides flexibility for farm operator	1
Preference		21
	Cost sharing/subsidisation/support	7
	Farm operator should not choose an auditor (only an organisation)	4
	Flexibility with current industry programmes	3
	Merge audit of FWFPs with existing audit programmes	2
	Regional body to administer audit fees	2
	Certifiers paid for by council and charged to farm operator	1
	10-year rotation	1
	Opposed to the use of auditors	1
	Preference for using local auditors	1
	Audit times should not be up to auditor	1
	Flexible and context-dependent pay for auditing	1
Opposition to proposed approach		7
	Proposed approach will increase costs to farm operators	3
	Proposed approach compromises impartiality	1
	General opposition to FWFPs	1

(Q39) What are the likely impacts and cost implications of the preferred approach?

Table 62 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- increased costs for farms and councils (n=13)
- minimal costs (n=3).

The most common impacts submitters identified were:

- having auditors with local knowledge would be useful (n=3)
- a shortage of competent and skilled auditors (n=3).

Table 62: Themes in submissions on (Q39) What are the likely impacts and cost implications of the preferred approach?

Main theme	Sub-theme(s)	Frequency
Cost implications of the preferred approach		23
	Increased costs for farms and councils	13
	Costs will be minimal	3
	Costs will be similar to other primary sectors	1
	FWFPs will mitigate the higher cost of environmental impacts	1
	More information required for accurate assessment	1
	Should be less expensive than certification	1
	Cost could be better spent on environment	1
	Create a template for audits to reduce costs	1
	Cap/regulate fees	1
	Costs will become part of farm operation	1
Impacts of the preferred approach		9
	Local knowledge from auditors would be helpful	3
	Shortage of competent/skilled auditors	3
	No impact	1
	Confusion as farms are already audited under FEP	1
	Risk of 'shopping around' for auditors	1
General comment		2
	More information required for accurate assessment	1
	Opposed to auditing	1

“There will be a cost to auditing. We feel the incentive to minimising this cost will be in aligning the steps outlined in the Action Plan with the time-frames. This maximises the time between audits and would avoid any offences and associated costs outlined later in the document.”

Cost implications of the preferred approach

Quality assurance of freshwater farm plans

The quality assurance mechanism is a key part of the freshwater farm plan system. Its purpose is to ensure that certified freshwater farm plans are acceptable to achieve the intended freshwater outcomes.

The Ministries proposed that a national public entity, such as a ministry or other Crown entity, should oversee the freshwater farm plan quality assurance mechanism, in partnership with regional councils and tangata whenua representatives.

(Q40) Do you think quality assurance should be undertaken by a national body, with checks undertaken regionally?

Submitters were asked if they think quality assurance should be undertaken by a national body, with checks undertaken regionally. Figure 23 shows the level of agreement overall. Table 63 shows the level of agreement by interest group.

- Among submitters who responded to this question, 71 per cent (n=42) agreed that a national body should undertake quality assurance, with checks undertaken regionally, while 29 per cent (n=17) disagreed.

Figure 23: Responses to (Q40) Do you think quality assurance should be undertaken by a national body, with checks undertaken regionally?



Table 63: Responses, by interest group, to (Q40) Do you think quality assurance should be undertaken by a national body, with checks undertaken regionally?

	Farmer or grower n = 20	Māori agribusiness owner/tangata whenua n = 4	Central government /local government n = 14	Primary sector/agri-support n = 24	Environmental group n = 6	General public n = 7	Other n = 15	Total n = 59
Yes	55% 11	75% 3	100% 14	67% 16	100% 6	100% 7	53% 8	71% 42
No	45% 9	25% 1	0% 0	33% 8	0% 0	0% 0	47% 7	29% 17

Table 64 provides a summary of the key themes identified.

The most common reasons for agreement were:

- submitters agreed, provided information is shared with a national or local government body (n=2)
- regional councils are better equipped to understand local variations (n=2).

The most common reasons for disagreement were that submitters preferred:

- QA to be undertaken regionally (n=3)
- limited involvement of central government (n=3).

Table 64: Themes in submissions on (Q40) Do you think quality assurance should be undertaken by a national body, with checks undertaken regionally?

Main theme	Sub-theme(s)	Frequency
Agree QA undertaken nationally, regional checks		31
	Provided information shared with national body or local council	2
	Regional council better equipped to understand local variations	2
	Proposed approach allows for consistency	1
	However, inappropriate for expectations of tangata whenua	1
	However, concerned that inappropriate for catchment context	1
	Subject to clarity on funding and support	1
	Provided QA is paid for by central government	1
	Smaller regional councils cannot resource	1
	Provided there is a trigger or reason for QA	1
Other preference		19
	QA should be undertaken regionally	3
	Regional council must be allowed to trigger a QA	1
	Limited central government involvement	3
	QA should be part of accreditation scheme	2
	QA should be done by a group of auditors	2
	Prefer existing QA through IAP	2
	QA independent of regional council to prevent capture	1
	No need if quality assurance measures are already in place	1
	QA should include industry/government/iwi representatives	1
	QA should not be undertaken by regional councils	1
	Peer review of farms with FWFPs by certifiers	1
	Councils should be able to recover costs (compare with RMA section 36 charges)	1
	Interested and affected parties to be consulted	1
General comments		12
	Clear guidance as to what success would be	3
	Auditing is unnecessarily complex and costly	2
	General opposition to FWFPs	2
	Systems need to be effective/efficient	1
	QA role informed by regulation	1
	QA should not be undertaken onsite	1
	QA is a duplication of auditor role	1
	Opposed to QA process as unnecessary	1

(Q41) What should the triggers be for quality assurance checks?

Table 65 provides a summary of the key themes identified.

The most common triggers that submitters thought should be considered were:

- poor performance and audit results (n=20)
- disputes and complaints (n=14).

Other submitters thought there should be no triggers; instead, QA should be based on random selection (n=12).

Table 65: Themes in submissions on (Q41) What should the triggers be for quality assurance checks?

Main theme	Sub-theme(s)	Frequency
Suggested triggers		42
QA should be triggered by poor performance/audit results		20
	Non-compliance	3
	Poor farming practice	2
	Poor farm performance consistent with same certifier	2
	Inadequate/unrealistic actions	1
	Where there is evidence of failure	1
Triggers linked to disputes and complaints		14
	Concerns/complaints by third party (neighbours/growers)	4
	Complaints about auditor/certifier	3
	Unusually high proportion of disputed outcomes	1
Random selection (to ensure fairness)		12
Regional council to trigger QA if concerned about standard of FWFPs		6
	Engage regional council when detailing triggers	1
	From regular reviews	4
	Concerning variations between farms should be a trigger	2
	Concerns from tangata whenua/stakeholders/industry body	2
	Plans completed by a newly certified certifier	2
	A regional plan RMA section 35 process	1
	Implementation of regional plan requirements	1
	Presence of subsurface drains	1
	Moderation across catchments	1
	FWFPs compiled by existing certifiers to uphold standard	1
	Change in farm practice	1
	Significant increase in water quality	1
	Trigger when auditor is giving out a percentage of good grades	1
	Certifiers to submit plans for QA	1
	Requests for quality assurance	1
	Inadequate/inaccurate content	1

Main theme	Sub-theme(s)	Frequency
General comments		10
	Clarification on QA role sought	2
	Transparency required around expectations/time	2
	National accreditation body responsible for QA of certifiers	2
	Should be completed as part of FEP audit	1
	QA is done as part of certification, no repeat needed	1
	Regional council responsible for QA of regionally based assessors	1
	General opposition to FWFPs	1
	Concern with water quality being a trigger given lag time	1

(Q42) What are the likely impacts and cost implications of the proposed approach?

Table 66 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- increased costs for farms and council (n=14)
- increase in unnecessary costs (n=4)
- minimal costs (n=2).

The most common impacts submitters identified were:

- QA would likely deter and confuse farm operators (n=2)
- a regular QA process would raise and maintain the standard (n=1)
- the standardisation of limits used would be beneficial to the process (n=1).

“A national body will likely impose extra cost. More value in monitoring WQ [water quality] outcomes than the quality of farm plans.”

Cost implications of the proposed approach

Table 66: Themes in submissions on (Q42) What are the likely impacts and cost implications of the proposed approach?

Main theme	Sub-theme(s)	Frequency
Cost implications of the proposed approach		23
	Increased costs for farms and councils	14
	Increase in unnecessary cost	4
	Costs expected to be minimal	2
	Costs will be reduced if QA is built into accreditation scheme	1
	Avoid unnecessary costs/maintain minimal costs	1
	Cost implications of incapable certifiers	1
	Costs will be high if a new entity is made	1
	FWFPs will mitigate the higher cost of environmental impacts	1

Main theme	Sub-theme(s)	Frequency
General comments		11
	More information required for accurate assessment	4
	Streamlined, simple and flexible QA process needed	3
	Identify features that cause plans to be different	1
	Prefer a focus on water quality rather than farm plans	1
	Re-certification should be free if required due to a fault of the certifier	1
	Process should be centrally funded as benefits are national	1
	Consult certifiers on what best works for them	1
Impacts of the proposed approach		6
	Deter/confuse farm operators	2
	Regular QA would raise/maintain standard	1
	Standardised limits would benefit process	1
	Effective system will ensure consistency/provide education	1
	Poor decision-making/contextually inappropriate	1
	System not fit for purpose	1
	Upskilling of regional staff needed	1

“Staff undertaking quality assurance checks of freshwater farm plans would need to be suitably upskilled to critically review and assess whether a freshwater farm plan is appropriately achieving the regulated outcomes and meeting all necessary regulation. Regional council staff are likely to need to do this upskilling and capacity building anyway as a part of their enforcement and catchment support roles.”

Upskilling of regional staff needed

“The best outcome will be to get consistency and identify the features that may justify different plans/processes.”

Streamlined, simple and flexible QA process needed

Enforcement mechanisms

The regulations will outline how the enforcement mechanisms of the freshwater farm plan system will operate.

The discussion document contained the proposed roles of auditors, regional councils and what proposed offences would be along with the fee for non-compliance.

(Q43) Are the proposed offences and infringement fees appropriate? If not, what would be appropriate?

Submitters were asked if the proposed offences and infringement fees were appropriate. Figure 24 shows the level of agreement overall. Table 67 shows the level of agreement by interest group.

- Among submitters who responded to this question, 26 per cent (n=18) agreed that the proposed offences and infringement fees are appropriate, while 74 per cent (n=52) disagreed.

Figure 24: Responses to (Q43) Are the proposed offences and infringement fees appropriate?



Table 67: Responses, by interest group, to (Q43) Are the proposed offences and infringement fees appropriate?

	Farmer or grower n = 22	Māori agribusiness owner/tangata whenua n = 5	Central government /local government n = 17	Primary sector/agri-support n = 25	Environmental group n = 5	General public n = 7	Other n = 20	Total n = 70
Yes	27% 6	40% 2	29% 5	32% 8	40% 2	14% 1	20% 4	26% 18
No	73% 16	60% 3	71% 12	68% 17	60% 3	86% 6	80% 16	74% 52

“Infringement fee range should depend on how much it will cost a farmer to produce a Fresh water plan. If its going to cost \$5k to produce a plan then it’s cheaper for a farmer to keep prevaricating and pay the fine.”

Appropriate infringement fees

Table 68 provides a summary of the key themes identified.

The most common comments on the infringement fees were that submitters:

- suggested increasing the fees (n=21)
- expressed support for the proposed fees (n=17)
- suggested that all fees should be subject to regional council discretion (n=9).

The most common comments on the offences were that submitters:

- suggested exempting non-compliance resulting from hardship or unforeseen circumstances (n=9)
- suggested that a shortage of certifiers and auditors should not be used as a trigger for offences (n=8)
- asked for clarification of the terms ‘serious’ and ‘significant’ (n=2).

Table 68: Themes in submissions on (Q43) Are the proposed offences and infringement fees appropriate? If not, what would be appropriate?

Main theme	Sub-theme(s)	Frequency
Appropriate infringement fees		47
	Fees should be increased	21
	Fees should be higher than cost to implement plan	7
	Ongoing non-compliance should increase fees	6
	Fees are inadequate (in relation to profit margins)	4
	Infringement fees should be equivalent to cost of work not done	1
	Support proposed fees	17
	All fees should be subject to regional council discretion	9
	Dependent on time allowance and farm operator’s knowledge	2
	Align fees with minor offending under RMA	2
	Fees are reasonable as a fixed once-off rate	1
	Reduced fees for natural persons	1
	Fees to be in line with RMA section 360(1)(bb) maximum offences	1
	Reduce fees for not having plan in time	1
	Removal of certification is biggest deterrent	1
	Tiered approach needed with fees as last resort	1
General comments		47
	Prefer education/leadership/incentives/grading system	16
	More information is needed	11
	Need to finalise FWFPs before deciding on penalties	3
	The rate needs to be clarified (daily/weekly/monthly)	2
	Clarification needed on standing of RMA provisions	1
	Appropriateness subject to definition of reasonableness	1
	More information on the process of non-compliance management	1
	Action timeframes need to be appropriate	5
	Opposed to councils being responsible for enforcement	4
	FWFPs system needs to be robust and transparent	3

Main theme	Sub-theme(s)	Frequency
	General opposition to FWFPs	3
	Prefer building trust through auditor/certifier visits	2
	Appropriate for councils to enforce compliance	2
	Accountability for poor performance placed on individual	2
	Opposed to auditing	1
	Reduce pay of certifiers/auditors based on local infringements	1
	Auditors to act as witnesses to non-compliance	1
	Regional council should be enforcer or mediator, not both	1
	Not needed for industries where appropriate systems exist	1
	Overseen by national entity, local council and tangata whenua	1
	Standardisation/framework is needed to enable compliance	1
	Empathy is needed for rural challenges	1
	Funds from penalties should be used for education/training	1
	Non-compliance won't necessarily be environmentally adverse	1
	Auditors should report non-compliance to IAP	1
<hr/>		
Appropriate offences		21
<hr/>		
	Exempt non-compliance from hardship/unforeseen circumstances	9
	Shortages of certifiers/auditors should not trigger offences	8
	Clarification sought on 'significant' and 'serious'	2
	Offences are appropriate	2
	Attempts at compliance should not be fined	1
	Offences should align with existing structures in local government	1
	Require a threshold at which offences will be triggered	1
	Involve auditor/certifier in non-implementation offences	1
	Classified as infringement offences only	1
<hr/>		

“If non-compliance is due to actions not being implemented in time, we believe there is a need for both the Auditor and Certifier to be involved in determining whether an offence has occurred. It may be that a certain action was not implemented but another action in its place achieved the desired outcome. In these circumstances flexibility is needed for all parties to agree that non-compliance should not be enforced.”

Appropriate offences

Implementation options

Phasing and staging

Freshwater farm plans will not be required across the country all at once. It will also take time for every farm in New Zealand to have a certified freshwater farm plan, due to the limited capacity of certifiers, auditors, advisors and regional councils to implement the freshwater farm plan system.

The discussion document proposed two options for the roll-out of freshwater farm plans:

- Option 1: Catchment-by-catchment prioritisation
- Option 2: Prioritisation by farm characteristics and risks.

The Ministries preferred Option 1.

(Q44) Do you agree with our preferred option? If not, what is your preference and why?

Submitters were asked if they agreed with the preferred option. Figure 25 shows the level of agreement overall. Table 69 shows the level of agreement by interest group.

- Among submitters who responded to this question, 74 per cent (n=59) agreed with the preferred option, while 26 per cent (n=21) disagreed.

Figure 25: Responses to (Q44) Do you agree with our preferred option?



Table 69: Responses, by interest group, to (Q44) Do you agree with our preferred option?

	Farmer or grower n = 28	Māori agribusiness owner/tangata whenua n = 4	Central government /local government n = 19	Primary sector/agri-support n = 28	Environmental group n = 9	General public n = 8	Other n = 22	Total n = 80
Yes	79% 22	75% 3	68% 13	79% 22	67% 6	63% 5	77% 17	74% 59
No	21% 6	25% 1	32% 6	21% 6	33% 3	38% 3	23% 5	26% 21

Table 70 provides a summary of the key themes identified.

The most common reasons for agreement were:

- submitters agreed with the preferred option, provided it allowed regional council discretion and used their input to determine the roll-out (n=13)
- the preferred option allows at-risk catchments to be targeted first (n=8)
- a phased introduction will allow for more time to upskill workers and resource the implementation (n=3).

The most common reasons for disagreement were that submitters preferred:

- a more practical and targeted approach to be used (n=17)
- a blend of the options proposed (n=8)
- FWFPs to include a winter grazing module (n=3).

Table 70: Themes in submissions on (Q44) Do you agree with our preferred option? If not, what is your preference and why?

Main theme	Sub-theme(s)	Frequency
Support preferred approach		51
	Councils to retain regional discretion/input into roll-out	13
	At-risk catchments targeted first with regional council advice	9
	At-risk catchments should be targeted first	8
	Phased implementation allows more time for upskilling/resources	3
	Allows for grassroots approach	3
	Catchment groups to work with council/tangata whenua	1
	Will embed catchment context into farm planning	3
	Larger catchments may require sub-catchment approach	2
	Aligns better with Te Mana o te Wai	1
	Provided longer timeframes for lower-risk properties	1
	Catchment coverage definition needed	1
	Provided farmer is not penalised for upstream pollution	1
	If implementation is balanced across sectors	1
General comments		32
	Field testing for FWFPs is needed before implementation	21
	FWFPs should be the responsibility of lessee	18
	General opposition to FWFPs	2
	Rural capacity limitations	2
	National environmental standards required farm plans	1
	Concerned with the process being rushed	1
	Catchment by catchment would pressure certifiers in one area	1
	Catchment prioritisation infers FWFPs are about catchments	1
	Lag time associated with benefits must be incorporated	1
	First tranche should proceed without catchment context	1
Preference		30
	More practical targeted approach needed	17
	Implement into existing FEPs	7
	Allow farmers to use FEPs until FWFPs are finalised	1
	Prefer Option 2 (more targeted)	4
	Larger farms should be treated as a single 'catchment' area	1
	Incentives for high-risk to adopt early	1
	Prioritise catchments with no plans	1
	Prefer regulated outcomes with no discretion	1
	If better control needed for adverse effect on freshwater	1
	Prefer blend of options	8
	At council discretion	6

Main theme	Sub-theme(s)	Frequency
	Council involved in roll-out prioritisation based on performance	2
	Prefer mandatory FWFPs to be brought in regionally	1
	Defer until regional councils have gathered information	1
	Allow regional councils to decide how to phase in FWFPs	1
	Attention and effort should be risk based	2
	FWFPs must include intensive winter grazing module	3
	Smaller farms should be exempt	2
	Timeframes must allow systems to be in place before deadlines	2
	Clear roadmap of policy and criteria needed	2
	Delay requirement for certification until NPS-FM implemented	2
	Phasing to be randomised based on capacity constraints	1
	Agile system where either can be used (context dependent)	1
	Allow biosecurity risks to overwrite environmental risks	1
	Align FWFPs reporting with greenhouse gas reporting	1

“We strongly support a catchment-by-catchment roll-out of the freshwater farm planning system. The benefits of this approach include alignment with our collaborative Whaitua processes and action planning under the NPS-FM, the ability to target training needs for establishing industry services, the delivery of catchment-level community outreach by regional councils, and the recognition of the need for a catchment approach to environmental improvements. Prioritising catchments will need to be done in consultation with regional councils, taking into account the existing activities, mana whenua capacity and data availability in each catchment.”

Support preferred approach

(Q45) Should we explore whether it should be possible for farmers and growers to opt into the freshwater farm plan system?

Submitters were asked if the Ministries should explore whether it should be possible for farmers and growers to opt into the freshwater farm plan system. Figure 26 shows the level of agreement overall. Table 71 shows the level of agreement by interest group.

- Among submitters who responded to this question, 89 per cent (n = 66) would like the Ministries to explore whether it is possible for farmers and growers to opt into the freshwater farm plan system, while 11 per cent (n=8) would not.

Figure 26: Responses to (Q45) Should we explore whether it should be possible for farmers and growers to opt into the freshwater farm plan system?

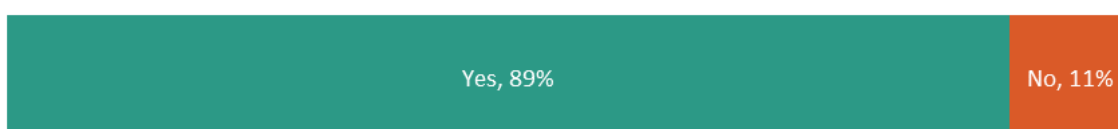


Table 71: Responses, by interest group, to (Q45) Should we explore whether it should be possible for farmers and growers to opt into the freshwater farm plan system?

	Farmer or grower n = 30	Māori agribusiness owner/tangata whenua n = 24	Central government /local government n = 15	Primary sector/agri-support n = 22	Environmental group n = 6	General public n = 6	Other n = 20	Total n = 74
Yes	93% 28	100% 24	80% 12	91% 20	67% 4	67% 4	80% 16	89% 66
No	7% 2	0% 0	20% 3	9% 2	33% 2	33% 2	20% 4	11% 8

Table 72 provides a summary of the key themes identified.

The most common reasons for supporting exploration of the opting in approach were that it:

- should be used for making a transition from using existing farm plans to using freshwater farm planning (n=25)
- should be used as an alternative pathway to resource consent (n=6)
- would likely facilitate earlier compliance (n=2).

The most common reason for opposing exploration was:

- FWFPs should be mandatory (n=8).

Table 72: Themes in submissions on (Q45) Should we explore whether it should be possible for farmers and growers to opt into the freshwater farm plan system?

Main theme	Sub-theme(s)	Frequency
Yes, support exploration		56
	Allow transition from FEPs to FWFPs when FWFPs become available	25
	FWFPs should be an alternative pathway to resource consent	6
	May align with other compliance schemes	1
	Would facilitate earlier compliance	2
	Incentive of showing positive change	2
	For smaller operations	1
	It would enable farmers and growers to have options	1
	Assist in delivering FWFPs	1
	Consider issues of fairness for early adopters	1
	Where regulations of FWFPs interact with other regulations	1
	Early investigation of challenges of opting into system	1
	Could risk fracturing catchment focus	1
	Provided there are enough resources for high-risk areas	1
No, do not support exploration		8
	FWFPs system should be mandatory	8
	If optional, farmers unlikely to opt in	3
	Until compliance is met	1
	Set timeframes for various priority groups	1
	Voluntary measures in the past have not improved water quality	1

Main theme	Sub-theme(s)	Frequency
General comments		8
	Catchments to opt in instead of farms	2
	General opposition to FWFPs	2
	The legitimacy of choice is questionable	2
	Set timelines and provide support	1
	Provide farm operators with options to improve environment	1
	Some farm operators are addressing environmental concerns	1

“For landowners, farmers and growers who have an existing ‘approved’ Farm Environmental Plan there should be a transition period before a plan under the new regulation is required to be certified.”

Yes, support exploration

(Q46) What are the likely impacts and cost implications of the preferred approach?

Table 73 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- increase in costs for farms and councils (n=4)
- specific costs (n=3), such as the cost to the council of preparing catchment context (n=3)
- costs cannot be identified before regulations have been developed (n=3).

The most common impacts submitters identified were:

- unnecessary negative impacts for regional councils (n=3), such as the pressure for councils to provide the catchment context (n=1)
- the limited number of certifiers and auditors will impact the implementation of FWFPs (n=3)
- the impacts on farm operators (n=2), such as the negative impact on the mental health of farm operators (n=1).

Table 73: Themes in submissions on (Q46) What are the likely impacts and cost implications of the preferred approach?

Main theme	Sub-theme(s)	Frequency
Cost implications of the preferred approach		16
	Increased costs for farms and councils	4
	Specific costs identified	3
	Cost to council of preparing catchment context	3
	Certification of the plan/re-certification	2
	Enforcement/compliance by councils	1
	Information management/reporting by councils	1
	Recording and reporting implementation progress	1

Main theme	Sub-theme(s)	Frequency
	Auditing and QA	1
	Reviews/amendments	1
	Preparation of the FWFPs	1
	Unable to identify costs before development of regulations	3
	Māori/small land owners will need assistance	2
	Most cost-effective	2
	Greater cost for those who opt in early	1
	Cost-effective for some areas to initiate plans simultaneously	1
	Preference for a tiered costing approach (size/risk factors)	1
	Costs are too high	1
	Impacts of the preferred approach	15
	Unnecessary negative impacts for regional councils	3
	Pressure put on councils to provide catchment context	1
	Inequitable increase in councils' resources and staffing	1
	Limited certifiers/auditors will impact implementation	3
	Impacts on farm operator	2
	Impact on farm operators' mental health	1
	Impacts on farm operators' choice	1
	Low-risk operations will be captured	2
	Requires strong leadership within community	1
	Allows for whole community resourcing	1
	Impacts are unknown	1
	Slow uptake as potential for regulation change	1
	More efficient roll-out	1
	Catchment context documents potentially not ready in time	1
	Catchment documents will provide contextual clarity	1
	General comments	5
	Recognise FEPs and other pre-existing plans	3
	Incentives will be necessary	1
	Involve farms in determining prioritisation in catchment	1

Understanding catchment values and context

If incorporating catchment context in freshwater farm plans is to be practical, there needs to be a process to bring the relevant information together in an accessible format for farm operators and certifiers. We think regional councils partnering with tangata whenua are best placed to achieve this.

We also do not consider that individual farmers or growers should shoulder the burden of identifying catchment values and context. It is not reasonable to expect farm operators and/or certifiers to assimilate such a vast amount of information to incorporate into a freshwater farm plan.

Initially, regional councils will need to collate the best available information and make it accessible for farm operators and certifiers. The information should be clearly expressed and easy for farmers and other stakeholders to understand.

Farm operators and certifiers would then refer to the relevant catchment context information when designing and certifying freshwater farm plans.

Over time, this collated catchment context information could become a one-stop-shop for farmers to understand their catchment's values and the related prioritisation of actions needed at the farm level. It would bring together updated regional plans, action plans, catchment data analysis and community priorities.

Making catchment context information publicly available will help make the freshwater farm plan system transparent and trusted.

(Q47) Should we consider any other ways to support farmers, growers and certifiers to understand and incorporate catchment values and context?

Table 74 provides a summary of the key themes identified.

The most common suggested support measures were for support with:

- the method of data gathering (n=33); for example, through engagement and workshops with farm operators and certifiers (n=16)
- the responsibility of data gathering (n=23), with the most common suggestion being to support and incentivise catchment groups to gather the data (n=11)
- the use of catchment context when developing FWFPs (n=14); for example, developing the context with other legislation in mind makes it easier to include it (n=4).

Table 74: Themes in submissions on (Q47) Should we consider any other ways to support farmers, growers and certifiers to understand and incorporate catchment values and context?

Main theme	Sub-theme(s)	Frequency
Other ways		63
	Method of data gathering	33
	Engagement/workshops with farm operators/certifiers	16
	Meaningful engagement with local catchment groups	8
	Standardised limits/data and methodologies required	6
	Include tangata whenua	2
	Through subsidising costs	1
	Use New Zealand Institute of Primary Industry Management membership networks	1
	Employ environmental specialists at regional level	1
	Responsibility for data gathering	23
	Support and incentivise catchment groups to gather data	11
	Catchment groups may still create own plans/FWFPs reflect these	2
	Data should be accessible and easily understandable	6
	Support resources for regional councils to gather catchment data	4
	Fund/work with industry groups	2
	Government to establish/recruit an organisation to provide data	2
	Guidance is needed in use of third-party data	1
	Guidance is needed for data capturing and use	1

Main theme	Sub-theme(s)	Frequency
	Use of catchment context in FWFPs	14
	Must be developed with other legislation in mind	4
	Catchment scale must be useful in the local context	3
	Consideration for catchment-scale interventions over farm-scale	2
	Allow exceptions for those with biosecurity risks	1
	Mandatory resourcing of extension capability	1
	Review catchment standards every 10 years	1
	Regional/Te Mana o te Wai standards based on outcomes	1
	Catchment context needs to be transferrable to FWFPs	1
	Implementation when comprehensive catchment context available	1
	Support collaboration between certifiers in catchment areas	1
	Dissemination of data	6
	Facilitate farmers with an understanding of catchments	5
	Catchment context documents to assess adequacy of actions	1
	Allow for focus on ecological health	1
	Educate farmers on the use of macroinvertebrate community index	1
	Provide clarity on catchment context and regulated outcomes	1
	Concerns	10
	Concern with catchment focus	2
	Timeframe concerns	2
	An understanding is needed for the lag time from changes	1
	Impact on timelines due to added consultation	1
	Concern that tangata whenua are not collecting enough data	1
	Collecting data will require inequitable work between regions	1
	Should be incorporated in second iteration if unavailable	1
	More regulation before results of current actions is concerning	1
	May provide means to ignore basic poor practice	1
	Unclear how it will be linked to activity in regulatory process	1
	Support identifying and agreeing to catchment values	9
	Regional council partnered with tangata whenua best placed	3
	General comments	1
	General opposition to FWFPs	1

“I agree that regional councils, partnering with tangata whenua, are best placed to collate the best available information and make it accessible for farm operators and certifiers. However, a standard set of criteria needs to be applied country-wide to ensure consistency, and these criteria must be set by a national body independent of regional councils, farmers and growers.”

Standardised limits/data and methodologies required

Reporting and review

Data from freshwater farm plans could inform environmental reporting and allow farmers and growers to assess the success of their actions on-farm to improve freshwater. Over time, this will enable farmers, growers and regional councils to refine their actions to improve water quality further.

Reporting on the impact of the freshwater farm planning system will be of interest to many, including tangata whenua, farmers and growers, industry bodies, catchment groups, consumers in New Zealand and overseas, and the financial sector. In addition, it will help regional and central government as regulators.

We propose that a review of the freshwater farm plan system takes place in five years.

Collection of data from freshwater farm plans

A key question is what data could be collected from the freshwater farm plan certification and audit process to ensure councils have the information they need to undertake compliance, monitoring and enforcement, and help report on and evaluate the system.

The discussion document presented three broad areas for data collection, along with four possible priority areas. However, work is needed to identify how precisely any such indicators could be specified.

(Q48) 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?

Table 75 provides a summary of the key themes identified.

Generally, the most common comments were that the proposed approach:

- needs to have standardised limits, data and methodologies (n=11)
- should follow strict processes to protect sensitive data (n=10)
- needs to make measuring and reporting achievable and not burdensome (n=5).

The most common other indicators that submitters thought should be considered were:

- indicators to monitor improvements (n=14), specifically water quality in catchments (n=12) and ecosystem health in each catchment (n=10)
- indicators to monitor nutrient inputs (n=3), specifically stocking rates (n=1), fertiliser applications (n=1) and spray applications (n=1)
- a nutrient loss indicator (n=2).

Table 75: Themes in submissions on (Q48) 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?

Main theme	Sub-theme(s)	Frequency
General comments		44
	Standardised limits/data and methodologies required	11
	Strict adherence to protection of sensitive data needed	10
	Measurement and reporting should not be burdensome	5
	National regulation not fit for regional/farm variations	4
	Prefer digital FWFPs — aids data collection and feedback	4
	More information/clarification/consultation needed	4
	Provision for lag times necessary	3
	Proposed indicators are ineffective	3
	Indicator areas should show outcomes	2
	Centralising systems/tools/data is not always appropriate	2
	Cost to benefit ratio questionable	2
	Government to provide templates for FWFPs	2
	Councils are already gathering a large data sets	1
	Auditing should be constructive	1
	Indicators need to be based on sound principles	1
	Involve tangata whenua in data collection and reporting	1
	General opposition to FWFPs	1
	Prefer a grading system	1
	Concerns regarding council funding and staffing to do work	1
	Information about waterways should not be private	1
	Five-year review too short for quantifiable improvements	1
	Aspirational targets likely to be omitted — fear of enforcement	1
Other indicator areas		25
To monitor improvements		14
	Monitor water quality within catchments	12
	Monitor ecosystem health within catchments	10
Nutrient inputs		3
	Stocking rates	1
	Fertiliser applications	1
	Spray applications	1
Need to report on indicators with a negative status		2
	Length of waterways without stock excluded	2
	Length of waterways without riparian areas planted	1
	Untreated erodible land	1
	Unprotected wetlands	1
	Nutrient loss indicator	2
	Water flow	1
	EEL targets need to be set	1
	Addition of 'restoration of wetlands' as a key indicator	1
	Sward type/maintenance	1

Main theme	Sub-theme(s)	Frequency
	Community feedback of the state of Te Mana o te Wai	1
	Turbidity	1
	Non-agricultural pressures	1
	Whether speed of change is averting tipping points	1
	Extent priority area has not been achieved	1
	Extent of other mitigations applied	1
	Support outcome-based reporting	1
	Monitor economic impacts	1
	Cultural monitoring indicators	1
	Behaviour change	1
	Support the proposed indicator areas	10

“Common/standardised reporting measurement metrics/indicators need to be created to facilitate consistent reporting of action on farm to report and benchmark actions both within and between sectors.”

Standardised limits/data and methodologies required

“Support the ability to gather information in actions and timeframes from FW-FPs but must ensure that farm operator’s private information is protected. Support the need for further work on identifying how precisely proposed FW-FP indicators (or others) can be specified.”

Strict adherence to protection of sensitive data needed

“These indicators do not record improvements in water quality or ecosystem health – they record farmers actions not the impacts of those actions. Only water testing and waterway ecological assessments or similar can be used as indicators of improvements. It is not just farmers who impact on waterways.”

Monitor water quality within catchments

“I’d rather you assessed MCI [macroinvertebrate community index] and the ecosystem health. We are interested in outcomes, not GMPs [good management practices].”

Monitor ecosystem health within catchments

(Q49) What other information should we consider, and why?

Table 76 provides a summary of the key themes identified. The main theme indicates why submitters included the information, while the sub-themes contain the suggested information to be included.

The most common other information that submitters thought we should consider related to:

- the need for a robust, cost-effective and efficient system (n=21)
- factors focused on privacy concerns (n=15), such as information being accessible under the Official Information Act 1982 (OIA) (n=3)
- other indicators that might be included (n=13); for example, indicators for monitoring water chemistry and quality (n=6).

Table 76: Themes in submissions on (Q49) What other information should we consider, and why?

Main theme	Sub-theme(s)	Frequency
Other information to consider and why		70
	Will require a robust/cost effective/efficient system	21
	Privacy concerns	15
	Wary of information being accessible under OIA	3
	Concerns about Māori sovereignty over whenua data	2
	Only essential information should be collected	2
	Data to be held by farm operator and not publicly accessible	2
	Setting out clear guidance for privacy data	1
	Other indicators	13
	Monitor water chemistry/quality	6
	Monitor ecosystem health within catchments	3
	Fertiliser applications	2
	Add flooding support to data collected (high ground/materials)	1
	Spray applications	1
	Sward type/maintenance	1
	Stocking rates	1
	Cultivation practices and timings	1
	Type/number of plant species farmed	1
	Critical source area management	1
	Herbicides/pesticides	1
	Indicators relevant to on-farm practice/not catchment	1
	Socio-economic indicators of farmers engaged in process	1
	Actions achieved ahead of time	1
	Achieving standards of practice	1
	Audit grades/results	1
	Accessible data system	7
	Develop templates/requirements for ease of use	2
	Online data repository/digital platforms to support roll-out	2
	Data must be easily accessible for councils to inform policy	2
	Payment needed for reports to fund data collection	1

Main theme	Sub-theme(s)	Frequency
	National regulation not fit for regional/farm variations	5
	Not enough focus on measuring outcomes	4
	Treated erodible land should be considered an output	1
	Potential for catchment groups to gather/provide information	3
	Identify non-farm-related sources of pollution	2
	Recognise lag time between change and outcomes	2
	Monitor data in relation to State of the Environment	2
	Catchment-specific measurables	2
	Tangata whenua participation in data collection and reporting	1
	Current technology cannot capture changes on farm	1
	Develop evaluation plan to identify benefits/timeframes	1
	Opportunity to profile risk on catchment scale	1
	Each mitigation will need clarity around effectiveness	1
	Regional councils to collect data in Appendix 1	1
	Capture existing data from dairy industry	1
	Number of hectares of farmland covered by the FWFPs	1
	Climate and weather/climate change and sea-level rise	1
	Include positive farming practices	1
	The potential benefits of geospatially mapping data	1
	Digitisation for efficiency/privacy/cost reduction	1
General comments		8
	FWFPs can only be used as a data source for	1
	Enforcement of RMA Part 9A provisions	1
	Enforcement of regulations	1
	Collaborate with stakeholders to develop robust indicators	2
	Not enough certifiers/advisors to capture data	1
	Cost to benefit ratio questionable	1
	Concerns regarding council funding and staffing to do work	1
	General opposition to FWFPs	1
	Only consider what is necessary	1
	Section 9a of RMA is not yet developed	1

(Q50) What are the likely impacts and cost implications of this approach?

Table 77 provides a summary of the key themes identified.

The most common cost implications submitters identified were:

- increased costs for farms and councils (n=7)
- a questionable cost to benefit ratio (n=4).

The most common impacts submitters identified were the impacts of:

- reporting on privacy concerns (n=6)
- using an unreliable indicator, namely stock exclusion (n=2).

Table 77: Themes in submissions on (Q50) What are the likely impacts and cost implications of this approach?

Main theme	Sub-theme(s)	Frequency
Cost implications of the preferred approach		19
	Increased costs for farms and councils	7
	Cost to benefit ratio questionable	4
	Digitise FWFPs from the outset to save costs	2
	Costs are acceptable	2
	Low-cost waterway monitoring is needed	1
	FWFPs will mitigate the higher cost of environmental impacts	1
	Costs will be site-/situation-specific	1
	Rural broadband coverage	1
	Building on existing FEPs will reduce costs	1
Impacts of the preferred approach		16
	Reporting and privacy concerns	6
	Monitoring stock exclusion is not a reliable indicator	2
	Impacts will be site-/situation-specific	1
	Collecting data will require inequitable work between regions	1
	A greater focus on bureaucracy	1
	Impact of lag time on deterring consumers	1
	Impact on/concern for farm operator privacy	1
	A national repository will allow monitoring and comparison	1
	Disuse of heavily invested industry programmes	1
	Training needed to use digital systems	1
	Will need specific planning of budget/resource allocation	1
	Standardisation can hinder innovation	1
General comments		11
	Concerns regarding council funding and staffing to do work	2
	Definitions and measurements need to be specific/standardised	2
	Need a national system for reporting	1
	Data are already being collected and should be used	1
	Prefer education/engagement/leadership to regulation	1
	Cost of data collection should be for local/central government	1
	Develop an application that can update data in real time	1
	Indicators should not be costly or burdensome	1
	Better to digitise the entire process from the outset	1

“A national system for reporting and managing farm plan information will reduce costs and improve consistency and accuracy of data collected.”

Cost implications of the preferred approach

What regional councils report publicly

The Ministries proposed that regional councils will report selected information to show the progress of the freshwater farm plan system. This transparency will help build confidence in the system among tangata whenua, the public and consumers.

Disclosure of any information will be consistent with the obligations under the Privacy Act 2020, the Official Information Act 1982 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

To protect the privacy of farm operators, data that are reported publicly will be aggregated where possible. This could include aggregating data down to groups of farms by catchments or regions.

(Q51) Do you agree with our preferred approach? If not, what is your preference and why?

Submitters were asked if they agreed with the preferred approach. Figure 27 shows the level of agreement overall. Table 78 shows the level of agreement by interest group.

- Among submitters who responded to this question, 66 per cent (n=39) agreed with the preferred approach, while 34 per cent (n=20) disagreed.

Figure 27: Responses to (Q51) Do you agree with our preferred approach?



Table 78: Responses, by interest group, to (Q51) Do you agree with our preferred approach?

	Farmer or grower n = 17	Māori agribusiness owner/tangata whenua n = 3	Central government /local government n = 12	Primary sector/agri-support n = 21	Environmental group n = 6	General public n = 8	Other n = 19	Total n = 59
Yes	71% 12	67% 2	92% 11	76% 16	83% 5	38% 3	79% 15	66% 39
No	29% 5	33% 1	8% 1	24% 5	17% 1	63% 5	21% 4	34% 20

Table 79 provides a summary of the key themes identified.

The most common reasons for agreement were:

- it would protect culturally sensitive data (n=2)
- support for reporting priority areas (n=1).

The most common reasons for disagreement were that submitters:

- had security concerns that need to be addressed (n=22), mainly through withholding private and identifiable information (n=11)
- preferred to have non-compliers named to enforce compliance (n=2)
- preferred to have good water quality and ecosystem gains published as examples (n=2).

Table 79: Themes in submissions on (Q51) Do you agree with our preferred approach? If not, what is your preference and why?

Main theme	Sub-theme(s)	Frequency
Preference		35
	Security concerns	22
	Private/identifiable information should be withheld	11
	Data aggregation will not be fully private	2
	Maintaining privacy builds trust	1
	Data to be aggregated at all times/not where possible	1
	Data availability may negatively affect farms	1
	Preference for only aggregated data to be released	1
	FWFPs should not be subject to LGOIMA	1
	FWFPs should not be made public	1
	Naming non-compliers will lead to compliance	2
	Cases of good water quality/ecosystem should be published as examples	2
	Prefer a grading system	1
	Mitigation actions should be reported	1
	Disclosure of current pollution before launch of FWFPs	1
	Water-quality and ecosystem health should be reported	1
	Utilising Dairy Tomorrow's reporting agreements	1
	Consistent progress reporting	1
	Ensure adequate access to relevant/essential information	1
	Freshwater management units to aggregate data	1
	Prefer reporting at a national level	1
	Report on greater catchment information	1
	Industry/government to set an example of transparency	1
	Farm plans should be living documents	1
	Data can only be released subject to farmer consent	1
Support preferred option		23
	Protects culturally sensitive information	2
	Need to recognise and value efforts made on farms	1
	Supports reporting on priority areas	1
	Facilitates pressure to support change	1
General comments		10
	More detail is needed	5
	More detail needed on 'selected information'	2
	Clarity needed on what will and will not be reported	1
	More detail needed on how data will be aggregated and reported	1
	General opposition to FWFPs	1
	Most information is not private	1
	Impact of lag time on deterring consumers	1
	Communicate requirements and implications	1
	Data required must be justifiable	1

“As tangata whenua we agree with the preferred approach for reporting with publicly shared data aggregated by catchment or region. This will protect exposure of cultural information specific to a farm location and reduce the ability of data exposure specific to an individual farm operation. We suggest tangata whenua are engaged in determining the types of data incorporated in reporting and the scope of public data reporting.”

Support preferred option

“Freshwater farm plans should be publicly available, with commercially sensitive information redacted, to prevent information asymmetry.”

Private/identifiable information should be withheld

(Q52) Is there any information in a freshwater farm plan that you would not want to be shared publicly? For what reason?

Table 80 provides a summary of the key themes identified. The sub-theme indicates why submitters wanted the information withheld.

The following were the most common reasons for withholding information.

- The nature of data is private (n=27). Given the confidential nature of data, submitters felt entire FWFPs should be withheld, adding that the plan will be the property of the farm (n=8).
- To prevent harassment (n=22), submitters suggested that private, identifiable details should be either withheld or not collected at all (n=18).
- To support farmers in improving farm practice (n=2), all data should be withheld (n=2).

Table 80: Themes in submissions on (Q52) Is there any information in a freshwater farm plan that you would not want to be shared publicly? For what reason?

Main theme	Sub-theme(s)	Frequency
Information requested to be withheld		45
	Private nature of data	27
	Information in FWFPs should be withheld/is property of farm	8
	Data are commercially sensitive	4
	Farms are homes and therefore private	4
	More detail of the processes for maintaining privacy of data	3
	Ensure reports comply with Privacy Act 2020/practices on privacy	2
	Consent needed for personal/private/commercial information	2
	Anything specific to a property	2
	Uncomfortable/disconcerting to have information released	2
	Financial information should be withheld	2
	Process needed to apply for non-disclosure of information	1
	Preference for only aggregated data to be released	1

Main theme	Sub-theme(s)	Frequency
	To prevent harassment	22
	Private/identifiable details should be withheld/not collected	18
	Commercially sensitive data should be withheld/not collected	3
	Farms can be identified within catchments	2
	Data should be withheld as criminals can access it	1
	Audit grades	1
	To improve farm practice	2
	Data should be withheld	2
	Data that can be misinterpreted	1
	Stocking rates	1
	Information that could be made public	13
	No need to withhold information/transparency sought	4
	Overall catchment plan put together by regional council	2
	Any information councils redact	2
	Evaluation of on-farm mitigations	1
	Determine level with councils/tangata whenua/primary sector	1
	Public reporting remain consistent with implementation progress	1
	Statistical analysis	1
	Water quality outcomes	1
	Risks and actions	1
	Contextualise data with catchment information	1
	Support aggregating data	8

“We would not think you should be able to share any specific Freshwater farm plan. They will be specific to the land owner / manager and specific to what they can achieve physically and financially and should be private unless they agree otherwise. Regional councils may be able to put together an over all Catchment plan to share publicly.”

Information in FWFPs should be withheld/is property of farm

“Farm specific information within farm plans should be kept confidential. It is critical to a constructive relationship between regional councils and farmers that information can be shared freely without fear of disclosure or intellectual property issues.”

Private/identifiable details should be withheld/not collected

“Want to make sure that any individuals and organisations that fail to comply with regulatory requirements or processes or act inconsistently or unethically due to vested interests are held accountable in public to the public and are seen to be dismissed with no golden handshakes.”

No need to withhold information/transparency sought

“Crude data such as stocking rate which can be mis construed and is hard to compare eg what is a Stock Unit, how long does an animal have to be on the farm etc. Better to focus on WQ [water quality] outcomes or changes through the catchment than statistics about land management. Also N [nitrogen] leaching values could be misleading, again better to monitor WQ outcomes for a catchment.”

Data that can be misinterpreted

Initial regulatory impact analysis of the proposed options

The initial regulatory impact analysis assessed the proposed options in the discussion document on freshwater farm plan regulations against the criteria that each option: is effective; is practical; gives effect to Te Mana o te Wai; and considers the Treaty of Waitangi (Te Tiriti o Waitangi).⁴

(QA) Do you agree with our impact and benefit assumptions? If not, what is incorrect?

The impact analysis asked submitters if they agreed with the impact and benefit assumptions. Figure 28 shows the level of agreement overall. Table 81 shows the level of agreement by interest group.

- Among submitters who responded to this question, 25 per cent (n=6) agreed with the impact and benefit assumptions, while 75 per cent (n=18) disagreed.

Figure 28: Responses to (QA) Do you agree with our impact and benefit assumptions?



Table 81: Responses, by interest group, to (QA) Do you agree with our impact and benefit assumptions?

	Farmer or grower n = 12	Māori agribusiness owner/tangata whenua n = 1	Central government /local government n = 3	Primary sector/agri-support n = 7	Environmental group n = 2	General public n = 5	Other n = 3	Total n = 24
Yes	25% 3	0% 0	0% 0	14% 1	0% 0	40% 2	67% 2	25% 6
No	75% 9	100% 1	100% 3	86% 6	100% 2	60% 3	33% 1	75% 18

“Farming activities that can take place as a permitted activity are thus considered to be lower risk farms. In these situations, we agree with the assumption that farm operators are likely to be able to meet FW-FP requirements by expanding the scope of their current farm planning activities.”

Agree with assumptions

⁴ Ministry for the Environment and Ministry for Primary Industries. 2021. *Freshwater farm plan regulations: Initial regulatory impact analysis of the proposed options*. Wellington: Ministry for the Environment.

Table 82 provides a summary of the key themes identified.

The most common reasons for disagreement were:

- the cost to benefit ratio is unacceptable (n=4).
- impacts are not currently discernible (n=2)
- costs have been underestimated (n=2).

The most common reasons for agreement were:

- low-risk farms will meet the requirements by expanding the scope (n=1)
- farm operators who are not engaged in the plans will find FWFPs challenging (n=1).

Table 82: Themes in submissions on (QA) Do you agree with our impact and benefit assumptions? If not, what is incorrect?

Main theme	Sub-theme(s)	Frequency
Incorrect benefit assumptions		9
	Cost to benefit ratio not acceptable	4
	Need to focus on wellbeing of people and land	1
	Underestimated gains from empowering catchment groups	1
	Cannot assess benefit assumptions without details on outcomes	1
	FWFPs will be less beneficial than FEPs	1
	Unable to identify cost to benefit ratio – broad nature of proposal	1
Incorrect impact assumptions		8
	Impacts are not currently discernible	2
	Unable to identify impacts with broad nature of proposal	1
	Cost to benefit ratio is unknown	1
	Costs have been underestimated	2
	No allowance for amending current farm plans for compliance	1
	FWFPs will significantly impact New Zealand farming	1
	FWFPs should be voluntary	1
	The rate of change will lead to mistakes	1
	Adding administration has potential for prohibitive costs	1
	Not all farm operators will meet FWFPs by expanding scope	1
General comments		5
	Need for FWFPs to be based on performance	1
	Does not abide by Te Tiriti o Waitangi	1
	More information is required	1
	FWFPs to be merged with existing plans	1
	Already have environmental controls in place	1
Agree with assumptions		2
	Agree with estimated cost	1
	Low-risk farms will meet requirements by expanding scope	1
	Farm operators not engaged in plans will find FWFPs challenging	1

(QB) What other information should we consider, and why?

Table 83 provides a summary of the key themes identified. The sub-themes contain the information to be included and submitters' reasons for including it.

The most common suggestions for other information that submitters thought should be considered were:

- high-level goals (n=2)
- the limited availability of skilled staff to undertake work (n=2)
- concerns about remedial legislation without full costing (n=2).

Table 83: Themes in submissions on (QB) What other information should we consider, and why?

Main theme	Sub-theme(s)	Frequency
Other information		15
	High-level goals are needed	2
	Include adaptation to climate change	2
	Long-term plans are needed	1
	Limited skilled staff	2
	Immigration policy	1
	Educational failure for school leavers	1
	Assess capabilities of current certifiers	1
	Remedial legislation without full costing is concerning	2
	Full cost estimation needed	2
	Risk of extreme weather	1
	Climate change adaption	1
	Industry group submissions do not represent members	1
	Freshwater is not just a rural issue	1
	Viability of smaller farm operators	1
	Quantify the reduced annual farm exports	1
	Quantify future stocking rates	1
	Farm operators have already invested in FEPs	1
	National regulation not fit for regional/farm variations	1
	Education around reasons to change behaviour	1
	Working at a grassroots level with catchment groups	1
	FWFPs build a complex, qualitative picture of environment health	1
	Regional councils need time to develop processes	1
	Forestry activities	1
	Potential co-benefits/unintended consequences	1
	Resourcing to undertake requirements	1
More information is needed		6
	Clarify the integration of FWFPs with regional planning system	2
	Need more detail around Te Tiriti o Waitangi and Te Mana o te Wai	1
	Cannot assess benefit assumptions without details on outcomes	1
	Lack of understanding regarding the primary goal of FWFPs	1
	Details on support readily available	1

Main theme	Sub-theme(s)	Frequency
To realise Te Mana o te Wai		2
	Concern that farm operators hold power over Māori land owners	1
	Everyone involved must understand Te Mana o te Wai in practice	1
	Tangata whenua need to be a part of all stages of FWFPs	1

“We note that climate change adaptation has not been included in the FW-FP discussion document. Climate change brings with it an increase in heavy rainfall and flooding, droughts, increased fire risk, increased air and water temperatures, and high winds. These factors will affect our farmers more as climate change intensifies.

Our farmers need a mechanism in their farm plans that enables them to plan in measures for adaptation to climate change – farm resilience. FW-FP guidance could require farm plans to include climate change predictions for the region the farm is in, ask that the farm plan describes how these predictions will affect their farm, and shows how farm plans will deal with them. FW-FP guidance can also flag current farm practices that are at a high risk of being maladaptive to climate change, in the sense that they decrease farm resilience in the face of climate change.”

Climate change adaption

“Fresh water is more than just a rural issue – are the same stringent proposals going to be imposed on urban businesses? What would the response be from city dwellers if they were required to produce a certified environmental plan, audited every three years for their residence? Not needed you say, but what about their garden sprinklers picking up weed killer residuals running off and ending up in natural drains. What about the Sunday car wash? What about the wet and forget spray residuals? What about the residuals from oil and tires in everyday use of the urban motor vehicle? My point is, if fresh water is the goal, then we need a fair, equitable and efficient regime for all New Zealanders – not just one target group.”

Freshwater is not just a rural issue

“Consideration needs to be given to adding another layer to an already complicated system. Only corporate operators will be able to keep up with the changes.”

Viability of smaller farm operators

Additional information

Any other feedback on the proposals

Submitters were able to provide any additional information they wished on the proposals. Table 84 provides a summary of the key themes identified.

The most common other feedback from submitters that they thought should be considered related to:

- alternatives to and improvements on the proposals (n=25), with the most common suggestion being to have FWFPs as living documents for farm operations (n=9)
- a range of concerns raised (n=31), which most commonly focused on the consultation itself (n=20) and the need for more consultation (n=7)
- the need for more information and clarity (n=18), particularly to clarify who owns the plan with the suggestion that it should be farm operators (n=5).

Table 84: Themes in submissions giving any other feedback on the proposals

Main theme	Sub-theme(s)	Frequency
Suggested alternatives/improvements		48
	FWFPs and environmental monitoring	25
	FWFPs must be living documents	9
	Planning of FWFPs to be comprehensive/account for all variables	5
	Monitor outcomes over actions	2
	Remove grandparenting	2
	Utilise polluter pays principle	1
	Consider how well FWFPs will meet requirements for greenhouse gas reporting	2
	Support FWFPs	2
	Prototype of FWFPs needs to be developed	1
	Provision should be made for forced vacating if necessary	1
	FWFPs will be insufficient to address water quality issues	1
	Farm plans should be required for all farms	1
	Quantitative approach rather than qualitative risk assessment	1
	Comments on stock exclusion regulations	9
	New low slope map is not accurate	3
	Support stock exclusion low-slope map changes	2
	Should be a 400 m altitude rather than 500 m	1
	Education and support for farmers needed	9
	Prefer education/engagement/leadership to regulation	3
	Provide farmers with tools to identify need and make changes	2
	Smaller farms will be affected more than commercial farms	1
	Government funding is needed for fencing/riparian planting	1
	Utilise bottom-up approach	1

Main theme	Sub-theme(s)	Frequency
	Governance of FWFPs	7
	Allocation of responsibility for FWFPs needs to be clear	2
	Need a national body to take on all relevant roles	2
	FWFPs should only be required where there is a need	1
	Implementation of and compliance with FWFPs to be legally robust	1
	Certification every five years	1
	Implementation should be at regional level	1
	Allow auditor to identify issues and ensure they are corrected	1
	General comments	6
	Acknowledge aspects of FWFPs that will be useful	1
	Farm planning is ongoing progression with consultants	1
	Technocratic input desired for practical outcomes	1
	Prevent exploitation by for-profit companies	1
	Media should report on progress positively	1
	A need to clearly differentiate farmland from public land	1
	Ensure rules have merit/trust/acceptance from farm operators	1
	Concerns with managing intensive winter grazing	4
	Support 5 m stock exclusion boundary (not 10 m)	1
	A threshold of 10 degrees should be used	1
	The statement 'where practicable' may be unenforceable	1
	Increase the minimum land size for inclusion	1
	Ensure Te Tiriti o Waitangi is honoured	4
	More analysis of implications for Māori needed	2
	Collaboration between lessees and Māori landowners needed	1
	Recognise/adapt pre-existing plans	3
	Farm operators have already invested in FEPs	1
	Allow bypassing of certification if part of IAP	1
	Replace current farm planning systems	1
	Concerns raised	31
	Concern with consultation	20
	More consultation is required	7
	Concern around timing/length of consultation	3
	'General guidance' document needed to accompany regulations	2
	Discussion document is not consistent in messaging	1
	Concern around approach to hearing and appeal	1
	Concern over the costs associated with FWFPs	5
	Concern over the amount of regulation changes proposed	4
	Concern over timeframe for implementation/compliance	3
	Cost to benefit ratio of FWFPs questionable	2
	Privacy concerns will limit disclosure	2
	Concern over the amount of regulation changes for farms	1
	New low-slope map is inaccurate	1
	Some proposals do not build trust with farm operators	1
	Concern over the loss of productive land	1
	FWFPs will be over-prescriptive/limit farm operator engagement	1

Main theme	Sub-theme(s)	Frequency
Further information/clarity required		18
	Farm operator should own the plans	5
	Implementation issues/costs need to be considered/transparent	3
	More information on phased roll-out needed	2
	Full cost estimation required (include all legislation changes)	2
	Outcomes need to be set	2
	Clarify relationship with farm environmental management plans	2
	Detail is needed about how the legislation will be funded and regulated funding of legislation	1
	Needs to be clear where regional plans prevail over farm plans	1
	Consultation does not include how FWFPs will integrate	1
	Lack of detail around architecture of FWFPs	1
	The term 'cost effective' is confusing and needs to be clarified	1
	More detail on how industry assurance programmes deliver FWFPs	1
Compliments on proposal and consultation		1

“The Farm Plan process must foremost be a ‘living document’ which is empowering, uplifting, informative, reflective, educational, and provide encouragement with extended support.”

FWFPs must be living documents

“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.”

Planning of FWFPs to be comprehensive/account for all variables

Appendix 1: Ministry for the Environment's online survey interface questions

Your details

1. What is your name? (Required)
2. What is your email address? (Required)
3. Which region are you in? (Required)
4. Are you submitting as an individual or on behalf of an organisation? (Required)
5. If on behalf of an organisation, what is its name?
6. Which group(s) best describes your interest: (pick any) (Required)

Consent to release your submission

1. Do you consent to your submission being published on this website? (Required)
2. If yes to the above, clearly state if there are parts of your submission that you do not want published.

Section 2: Overview

- Q1. What other information should we consider about how the freshwater farm plan system fits with regional council planning processes, and why?
- Q2. What information should we consider regarding the role of tangata whenua in the freshwater farm plan system?
- Q3. 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?
- Q4. What are the likely impacts and cost implications of the proposed approach?
- Q5. Do you agree with our proposed approach for transitioning to a fully implemented system? If not, why not?

Section 3.1: Regulated outcomes

- Q6. Do you agree with the preferred option for how regulated outcomes could be described in regulations? If not, what is your preference?
- Q7. What are the likely impacts and cost implications of the preferred approach?

Section 3.2: Farm planning

- Q8. 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?
- Q9. What are likely impacts and cost implications of the proposed requirements in Appendix 1?

Risk/impact assessment

- Q10. Do you agree with our preferred option? If not, what is your preference?
- Q11. What information should be included in the guidance to inform the risk/impact assessment, and why?
- Q12. What are the likely cost implications of a risk/impact assessment? Is a flexible approach more cost-effective?

Identifying actions to avoid, remedy or mitigate risks/impacts

- Q13. Do you agree with our preferred option? If not, what is your preference?
- Q14. What are the likely impacts and cost implications of the preferred option?

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

- Q15. Do you agree with our preferred approach? If not, what is your preference?

Section 3.3: Certification

- Q16. Do you agree with our preferred option? If not, what is your preference?
- Q17. What are the likely impacts and cost implications of the preferred approach?

More detail around the role of the certifier

- Q18. 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.
- Q19. Do you agree with our preferred option? If not, what is your preference?
- Q20. Should there be a limit to the number of times a certifier can re-certify a freshwater farm plan for the same farm operator?
- Q21. What are the likely impacts and cost implications of the preferred approach?

Engaging and paying for a certifier

Q22. Do you agree with our preferred approach? If not, what is your preference?

Q23. What are the likely impacts and cost implications of the preferred approach?

Regular review and re-certification

Q24. Do you agree with our preferred option? If not, what is your preference?

Q25. What are the likely impacts and cost implications of the preferred approach?

When a farm would need a new freshwater farm plan; When an addendum would be needed; Amending details in a freshwater farm plan

Q26. Do you agree with the proposed categories and triggers for new freshwater farm plans, addendums and amendments? If not, what is your preference?

Q27. What are the likely impacts and cost implications of the preferred approach?

Dispute resolution

Q28. Do you agree with our preferred approach? If not, what is your preference?

Q29. What are the likely impacts and cost implications of the preferred approach?

Complaints process

Q30. Do you agree with our preferred approach? If not, what is your preference?

Q31. What are the likely impacts and cost implications of the preferred approach?

Removal of a certifier's accreditation

Q32. Do you agree with our preferred approach? If not, what is your preference?

Q33. What are the likely impacts and cost implications of the preferred approach?

Section 3.4: Audit

Process for accreditation and appointment of auditors

Q34. Do you agree with our preferred option? If not, what is your preference and why?

Q35. What are the likely impacts and cost implications of the preferred approach?

Determining audit frequency

Q36. Do you agree with our proposed approach for determining audit frequency? If not, what is your preference and why?

Q37. What are the likely impacts and cost implications of the preferred approach?

Engaging and paying for an auditor

Q38. Do you agree with our proposed approach? If not, what is your preference and why?

Q39. What are the likely impacts and cost implications of the preferred approach?

Section 4: Quality assurance of freshwater farm plans

Q40. Do you think quality assurance should be undertaken by a national body, with checks undertaken regionally?

Q41. What should the triggers be for quality assurance checks?

Q42. What are the likely impacts and cost implications of the proposed approach?

Section 5: Enforcement mechanisms

Q43. Are the proposed offences and infringement fees appropriate? If not, what would be appropriate?

Section 6.1: Phasing and staging

Q44. Do you agree with our preferred option? If not, what is your preference and why?

Q45. Should we explore whether it should be possible for farmers and growers to opt into the freshwater farm plan system?

Q46. What are the likely impacts and cost implications of the preferred approach?

Section 6.2: Understanding catchment values and context

Q47. Should we consider any other ways to support farmers, growers and certifiers to understand and incorporate catchment values and context?

Section 7.1: Collection of data from freshwater farm plans

Q48. 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?

Q49. What other information should we consider, and why?

Q50. What are the likely impacts and cost implications of this approach?

Section 7.2: What regional councils report publicly

Q51. Do you agree with our preferred approach? If not, what is your preference and why?

Q52. Is there any information in a freshwater farm plan that you would not want to be shared publicly?

Initial regulatory impact analysis of the proposed options

QA. Do you agree with our impact and benefit assumptions? If not, what is incorrect?

QB. What other information should we consider, and why?

Additional information

Any other feedback on the proposals

Upload supporting documentation

Appendix 2: Organisations that submitted

- Agri Magic Limited
- ANZCO Foods
- Aqualinc
- Ara Poutama Aotearoa, the Department of Corrections
- Ashburton Lyndhurst Irrigation Limited (ALIL)
- AsureQuality
- Atihau Whanganui Inc
- Awhina Group
- Ballance Agri-Nutrients Limited
- Barrhill Chertsey Irrigation Limited
- Bay of Plenty Regional Council
- Beef + Lamb New Zealand (B+LNZ)
- BioGro New Zealand
- Breach Oak Farm
- Canterbury Irrigation Scheme's Environmental Managers Group
- Canterbury Regional Council (Environment Canterbury)
- Central Otago Winegrowers Association
- Chatham Islands Council
- Choose Clean Water, Environmental Defence Society Inc, Royal Forest & Bird Protection Society of New Zealand, Greenpeace Aotearoa, Fish and Game Council
- Coles Farm Ltd
- DairyNZ
- Ellesmere Sustainable Agriculture Inc
- Environment Southland
- Environmental Law Initiative trust
- Environs Holdings Limited
- Farmers 4 Positive Change (F4PC)
- Federated Farmers of New Zealand
- Fonterra Co-operative Group Limited
- Gisborne District Council
- Golden Valley South Ltd
- Greater Wellington Regional Council
- Groland Trust
- Groundtruth Ltd
- Hawke's Bay Regional Council
- Hawke's Bay Winegrowers Association
- High Country Accord Trust
- Hort NZ
- Hurunui District Landcare Group
- IrrigationNZ
- KapAg Ltd
- King Country River Care Incorporated
- Kiwifruit Industry Water Strategy Partners
- Local Government New Zealand
- Manaaki Whenua – Landcare Research
- Manuhaea Ahu Whenua Trust
- Marlborough Chilean Needle Grass Action Group
- Marlborough District Council
- Mercury Bay branch - Royal Forest & Bird Protection Society
- MHV Water Limited
- Nelson Winegrowers
- New Zealand Association for Impact Assessment (NZAIA)
- New Zealand avocado industry
- New Zealand Good Agricultural Practice (NZGAP)
- New Zealand Pork

- New Zealand Walking Access Commission Ara Hīkoi Aotearoa
- New Zealand Winegrowers
- Newhaven Farms Ltd
- Ngai Tukairangi Trust
- Ngāti Rārua Ātiawa Iwi Trust Board (NRAIT)
- Ngāti Tahu–Ngāti Whāoa Rūnanga Trust; Tutukau East Z Trust; Tauhara North 2 Trust; Paeroa South B2B1 Trust; Ngāti Tahu Tribal Trust; Tahorakuri A1 sec 33B Trust
- NIWA
- Northland Regional Council
- New Zealand Deer Farmers Association and Deer Industry New Zealand
- Open Country Dairy
- Otago Regional Council
- Overseer Limited
- Pāmu (Landcorp Farming Limited)
- Pomahaka Water Care Group
- Project Rerewhakaaitu Inc
- Pukahukiwi Kaokaoroa No2 Block Incorporation
- Pukekohe Vegetable Growers Association
- Rangitikei Rivers Catchment Collective
- Ranui Station Ltd
- Ravensdown Ltd
- ReconAg Ltd
- Redmetal Vineyards
- Rural Advocacy Network and Groundswell NZ
- Rural Women New Zealand
- Tairāwhiti Whenua
- Tamumu Farming Company Limited
- Tapuaetahi Incorporation
- Taranaki Regional Council
- Tararua Federated Farmers
- Tasman District Council
- Te Ao Marama Inc
- Te Awahohonu Forest Trust
- Te Awanui Huka Pak Limited
- Te Rūnanga o Ngai Tahu
- Te Rūnanga o Ngāti Manawa
- Te Tumu Paeroa – The Office of the Māori Trustee
- Te Uranga B2 Incorporation
- Te Whāi Ao Group Limited
- Te Whakakitenga o Waikato Incorporated (Waikato–Tainui)
- The AgriBusiness Group
- The Fertiliser Association of New Zealand Incorporated
- The New Zealand Merino Company
- The Proprietors of Hauhungaroa 1c Incorporation
- Tiroa E and Te Hape B Trusts incorporating Tiroa Te Hape Limited Partnership
- Townshend Group
- Tuwharetoa Farm Collective
- Wagon Track Farm Ltd
- Waihi Pukawa Ahu Whenua Trust
- Waikato Regional Council
- Wairarapa Moana Incorporation
- Waitaki Irrigators Collective Limited
- Wakatū Incorporation
- Wenua Rangatira
- West Coast Regional Council
- Westland Dairy Company Limited t/a Westland Milk Products
- Westwood Organics Ltd
- Whakapoungakau 4K2A 4K2C 5B5A Aggregated Trust
- Whenuatupu-Ohinemoa Trust
- Wise Response Society Inc