



Freshwater farm plan regulations: FAQ

We are consulting on freshwater farm plan regulations

We are asking for your feedback on the proposed freshwater farm plan system, the content, how to transition to the system, and how plans will be implemented.

Engagement on regulations to support the freshwater farm plan system has begun. We are accepting submissions from 26 July to 12 September 2021.

Freshwater farm plan and my farm

Question	Answer
1 What are freshwater farm plans?	Freshwater farm plans will identify solutions to improve waterways that are tailored to a particular farm’s circumstances, physical environment and what is important in the catchment that farm sits in. Freshwater farm plans are a new legal instrument established under the Resource Management Act (RMA) 1991. They are different to all farm environment plans currently being used but will build off any existing plans.
2 Why do we need freshwater farm plans?	Freshwater farm plans aim to ensure freshwater and ecosystems are protected and improved. Our long-term goal is to support NZ’s primary producers to demonstrate their environmental credentials in a global market that is increasingly values based. Over time, we expect that freshwater farm plans will be increasingly relied on, reducing the need for consents and hard-and-fast rules. They are a new legal instrument established under the Resource Management Act (RMA) 1991 and Part 9A of the RMA (sections 217A to 217M).
3 Who will need a freshwater farm plan?	All farmers with: <ul style="list-style-type: none"> • 20 hectares or more in arable or pastoral use

Question	Answer
	<ul style="list-style-type: none"> • 5 hectares or more in horticultural use • 20 hectares or more of combined use
4 When will I need to have a farm plan?	<p>Not all farmers will need a freshwater farm plan as soon as the regulations come into effect. We will take a phased approach to introducing them and are seeking your feedback in this consultation on where we should prioritise first. We propose to introduce freshwater farm plans by mid-2022. They will be built using available local information and updated when community catchment plans are finalised.</p>
5 How are freshwater farm plans more flexible than previous regulations?	<p>Freshwater farm plans will take a risk-based tailored approach to mitigating impacts on freshwater. The risk-based and tailored approach will help ensure the mitigation actions proposed will have real impact, and are effective and practical. We know that ‘one-size does not fit all’ when it comes to on-farm solutions.</p> <p>The farmer can work with the certifier and in some cases farm advisor(s) to ensure that the farmer’s vision and values are captured within the plan and the action plan reflects these values.</p> <p>Freshwater farm plans will tie into regional council plans and will be able to be used to demonstrate regulatory compliance to regional councils. Over time, they will be increasingly relied on, reducing the need for consents and hard-and-fast rules.</p>
6 Will my personal or farm information end up being shared publicly?	<p>In this consultation, we are asking for your views on what information is needed to make freshwater farm plans transparent and robust. We are aware of privacy concerns with supplying some information.</p> <p>Freshwater farm plans are likely to be provided to regional councils when certified, and some data may get aggregated and reported to ensure the freshwater farm plan system in tracking towards progress.</p> <p>Financial data will not be included in freshwater farm plans.</p>
7 Will my freshwater farm plan lock me in to farm decisions?	<p>No. Freshwater farm plans are designed to support your farming decisions.</p> <p>The current consultation will help work out what changes can be made within the existing plan, and what changes are significant enough that you will need a new certified plan.</p> <p>Freshwater farm plans will allow for on-farm actions to be delayed or modified if a recognised adverse event (ie, earthquake, drought, flood) or unforeseen change in circumstances occurs.</p>

How do freshwater farms plans fit with other regulations?

Question	Answer
8	<p>How do freshwater farm plans fit in with the wider regulatory system?</p> <p>Freshwater farm plans will be a tool to demonstrate how regulatory requirements are being met on farm, such as those from the Freshwater NES, Nitrogen-cap policy, stock exclusion regulations, regional plans, consent requirements etc. In some cases, ie for intensive winter grazing and stock exclusion above 5 degrees slope, freshwater farm plans will offer an alternative pathway to the regulations.</p> <p>Freshwater farm plans also link into the Integrated Farm Planning framework and will become a section within an integrated farm plan.</p>
9	<p>How do freshwater farm plans work with integrated farm plans?</p> <p>Integrated farm planning provides a single framework for a farmer or grower to bring together all their farm planning requirements into one place. It is not a regulatory tool.</p> <p>Taking an integrated approach to farm planning is intended to streamline compliance, reduce duplication, and provide a structured approach for farmers and growers to lift performance.</p> <p>Integrated farm planning will cover aspects such as people management; biosecurity; animal welfare; greenhouse gas emissions and freshwater.</p> <p>Freshwater farm plans will become a section within an integrated farm plan.</p>
10	<p>How will freshwater farm plans fit with the changes to the RMA?</p> <p>The freshwater farm plan system will still be fit for purpose alongside any changes made to the RMA.</p>
11	<p>How will freshwater farm plans fit with regional plans and consents?</p> <p>While farmers and growers are developing freshwater farm plans, regional councils will be developing regional freshwater plans that implement the Freshwater National Policy Statement 2020.</p> <p>Freshwater farm plans will tie into regional council plans – and will be able to be used to demonstrate regulatory compliance to regional councils. Over time, we expect that freshwater farm plans will be increasingly relied on, reducing the need for consents and hard-and-fast rules.</p> <p>This does not mean that freshwater farm plans will replace the need for resource consents or rules. These other regulatory tools are still important, and we expect councils will continue to use them where necessary.</p> <p>Regional freshwater plans need to be notified by December 2024, and we propose to begin introducing freshwater farm plans by mid-2022. The first tranche of freshwater farm plans certified would use the best local information and catchment context available at the time, recognising plans will need to be updated once regional plans are finished in 2024.</p>
12	<p>How will freshwater farm plans work with farm environment plans?</p> <p>Farm environment plans are an established tool to help farmers and growers plan their systems and practices to reduce their impact on the environment. Existing farm environment plans can be used as the basis for freshwater farm plans under the proposed regulations and may become the basis for the farm’s risk assessment.</p>

Question	Answer
	Farmers and growers should continue to use any existing farm environment plans to manage environmental risks until the freshwater farm plan system applies to their farm.
13 How will freshwater farm plans work with existing industry assurance programmes?	<p>Freshwater farm plans will build on the work many farmers and growers are already doing to manage the risks and impacts of farming activities on freshwater quality and ecosystems.</p> <p>The primary sector has played a leadership role in the development of industry assurance programmes (IAPs) such as Synlait's Lead With Pride, NZGAP, or the red meat sector's New Zealand Farm Assurance Programme (NZFAP). Many of these have an environmental component.</p> <p>These programmes would need to be updated or adapted if they are to deliver a freshwater farm plan that meets the requirements of Part 9A of the RMA.</p> <p>We propose a system where industry programmes and possibly council programmes can be assessed and recognised as being appropriate to deliver a freshwater farm plan that meets the requirements of the RMA.</p> <p>Once the regulations are developed, more work will be required to determine the details of a programmes' integration.</p>

Who will be involved in making freshwater farm plans and what will they cost?

Question	Answer
14 Who will actually write the freshwater farm plan?	<p>Freshwater farm plans will be written by individual farmers. They can use the support of, for example: catchment group peers, advisors, and primary sector groups.</p> <p>Once prepared the freshwater farm plan will need to be certified by a qualified 'certifier' who then advises the regional council when the plan has been certified.</p> <p>This consultation asks whether you think the certifier should help you to write the freshwater farm plan.</p>
15 How will we know how to give effect Te Mana o te Wai on our farms?	<p>Under the Freshwater NPS, regional councils will involve tangata whenua, as well as others, in the regional freshwater planning process. Freshwater farm plans will then reflect these regional plans when they are finalised. Regional plans might include, for example, what are the main issues that need to be addressed, what mahinga kai values/locations need to be protected or what particularly important sites need protection or restoration.</p> <p>We do not propose a system where individual farmers and growers would be required to identify and engage relevant tangata whenua about their freshwater farm plan. That would risk placing an unreasonable burden on both tangata whenua and farmers</p>
16 What role will catchment groups play	Catchment groups will work with regional councils to identify their catchment priorities. They will also play a key role in supporting the

Question	Answer
in freshwater farm plans?	uptake of freshwater farm plans, sharing best practise and evaluating farm plans to ensure continuous environmental improvement.
17 Are there enough freshwater farm plan advisors and certifiers?	We're working on it. It will take time to build up the resources, capacity and capability needed. Freshwater farm plans will start to be introduced mid-2022 but we intend for them to be phased in over time.
18 How much will freshwater farm plans cost?	We will not know the full costs until we establish the system. We estimate costs could range between \$1,500 – \$10,000 per farm, with an average of \$3,500 – \$5,000. The audit process could cost between \$1,200 to \$1,500 per assessment.

Freshwater farm plans – what next?

Question	Answer
19 When is the consultation, and what happens next?	<p>The proposed timeline is:</p> <ul style="list-style-type: none"> • The consultation document was published on 14 July 2021. • Public consultation runs from 26 July until 12 September 2021. • A summary and submissions will be published on our website before the end of 2021. • Refining options and regulation development from the end of consultation to early 2022. The Government will continue to seek feedback and input from key representatives). • The proposed regulations would come into force in the first half of 2022, if agreed by Ministers. • The freshwater farm plans will be gradually rolled out across New Zealand – the exact date farmers require certified freshwater farm plans may vary across the country.

Have your say

We are accepting submissions online from 26 July until 12 September 2021. Read the full discussion document and have your say at <https://consult.environment.govt.nz/>.

For more information, contact freshwaterfarmplans@mfe.govt.nz.