

**I MUA I TE KOOTI TAIAO
I ŌTAUTAHI ROHE**

IN THE MATTER of the Resource Management Act 1991
(the Act)

A N D

IN THE MATTER of appeals pursuant to clause 14 of the First
Schedule to the Act

BETWEEN **SOUTHLAND FISH AND GAME COUNCIL**
(ENV-2018-CHC-37)

**ROYAL FOREST AND BIRD PROTECTION
SOCIETY OF NEW ZEALAND**

(ENV-2018-CHC-50)

Appellants

A N D **SOUTHLAND REGIONAL COUNCIL**

Respondent

**STATEMENT OF EVIDENCE OF ANNA MARY WILKES
FOR RAVENSDOWN LIMITED – A SECTION 274 PARTY**

(TOPIC B, TRANCHE 1)

4 FEBRUARY 2022

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EXECUTIVE SUMMARY

1. I am employed by Ravensdown Limited (**Ravensdown**) as Environmental & Policy Manager. I participated in the farm systems expert witness conferencing in respect of the matters relevant to Ravensdown's interests. I agreed with, and still agree with, the outcomes of the expert conferencing as set out in the Farm Systems Joint Witness Statements (**Farm Systems JWS**) (22 November and 6 December 2021).
2. I support the Appendix N wording agreed in the 'Expert Conference – Planning – Joint Witness Statement' (**Planning JWS**). I consider the additional objectives, proposed by Mr Farrell to be included in Appendix N, to be inappropriate. This is because the proposed objectives are not clear or would not be easily understood by the majority of farmers. I consider the suggested changes would put at risk farmers' engagement in the process. I agree with Ms Taylor that the concepts reflected in the additional objectives proposed by Mr Farrell have already been included in Appendix N, albeit using different language.
3. I am familiar with the Farm Environment Plan (**FEP**) auditing framework that has been implemented in Canterbury. I consider that the Canterbury FEP framework shows how regular auditing of FEPs supports changes in farmer behaviour and drives continuous improvement in on-farm management practices, leading to improved environmental outcomes.
4. I also consider that implementation of Appendix N may be challenging for many farmers. However, in my opinion, Farm Environmental Management Plans (**FEMP**), prepared in accordance with Appendix N, should provide a solid foundation for pending Freshwater Farm Plan (**FFP**) regulations, and the future Southland

plan changes to give effect to the National Policy Statement for Freshwater Management 2020.

INTRODUCTION

5. My full name is Mary Anna Wilkes.

Qualifications and Experience

6. I am employed by Ravensdown as Environmental & Policy Manager. I have worked in this role since February 2020 and for three years prior I was the Environmental Policy Specialist.
7. Prior to joining Ravensdown, I was employed by Golder Associates Limited (and its predecessor Kingett Mitchell Limited) in various environmental consulting roles between 2005 and 2017.
8. I have a Bachelor of Science in Microbiology (1997) and a Master of Science with Honours in Biochemistry (2000) from the University of Canterbury. I also have a Master of Resource and Environmental Planning with Honours (2018) from Massey University.
9. I am an Associate Member of the New Zealand Planning Institute and a member of the Resource Management Law Association.
10. In my current role as Environmental & Policy Manager for Ravensdown, I manage a team of 20 in-house consultants who assist farmers with the preparation of nutrient budgets, FEPs (including auditing in Canterbury), resource consents for farming related activities and due diligence for sale and purchase of farm properties.
11. Since its formation in 2013, the consulting team has prepared FEPs required by regulation in Southland, Canterbury, Manawatu, Hawkes Bay, Gisborne and Waikato. In addition, FEPs have been voluntarily requested by farmers in the following regions: Northland, Auckland, Bay of Plenty, Taranaki, West Coast and Otago.

12. During my employment at Ravensdown, I have also been involved (including the preparation and presentation of evidence) in the following plan review or plan change processes where FEPs, in some form, have been proposed:
- 12.1 Proposed Plan Change 1 to the Waikato Regional Plan.
 - 12.2 Proposed Plan Changes 5 and 7 to the Canterbury Land and Water Regional Plan (**LWRP**).
 - 12.3 Proposed Plan Change 9 to the Hawkes Bay Regional Resource Management Plan (the 'TANK' plan change).
 - 12.4 Proposed Plan Change 2 to the Horizons One Plan.

Code of Conduct

13. I acknowledge that I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court updated Practice Note 2014, and agree to comply with it. I confirm that the issues addressed in this statement are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express. While I am an employee of Ravensdown, I understand this evidence is to be objective and balanced and is for the assistance of the Court.

SCOPE OF EVIDENCE

14. Ravensdown is a section 274 Party to the Royal Forest and Bird Protection Society of New Zealand Incorporated's (**F&B**) and the Southland Fish and Game Council's (**F&G**) appeals on the Proposed Southland Water and Land Plan (**pSWLP**).
15. I participated in the farm systems expert witness conferencing, insofar as the matters relevant to Ravensdown's interests. I agreed

with, and still agree with, the outcomes of the expert conferencing as set out in the Farm Systems JWS (22 November and 6 December 2021).

16. Given the context of my experience to these proceedings, I will address the following through my evidence:

16.1 I provide an overview of **FEP development** (in New Zealand) and based on my **Canterbury experience (paragraphs 19 to 37)**, including of the auditing programme. I will provide an overview of how FEPs can be used to prioritise and monitor changes in on-farm practices, as one method, that will lead to improved environmental outcomes for catchments.

16.2 I discuss **resourcing and risks of overly complex FEP (paragraphs 38 to 46)** provisions causing delays in implementation and further compounding delays in achieving any improvements in environmental outcomes.

16.3 Comments on the practicality of the implementation of **Rule 20 and Appendix N (paragraphs 47 to 57)**, as set out in the Planning JWS, and with the amendments and additions proposed by Mr Farrell in his evidence.

16.4 The impending **evolution of FEP to FFP (paragraphs 58 to 64)** and the opportunity that this presents to better contribute to the achievement of catchment level water quality outcomes.

17. For clarity, throughout this evidence where I refer to a FEP, I consider this term can be used interchangeably with other descriptors for farm plans e.g., FEMP as required by Appendix N in the pSWLP. However, it is important to note that a FEP is distinct

from a FFP required by Part 9A of the Resource Management Act 1991 (**RMA**).

18. In preparing my evidence, I have considered the requirements and/or the matters addressed within the following documents:
 - 18.1 The National Policy Statement for Freshwater Management 2020 (**NPS-FM 2020**).
 - 18.2 The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NES-F**).
 - 18.3 The four Interim Decisions¹ from the Court in relation to the Topic A provisions of the pSWLP.
 - 18.4 The now operative in part Decisions Version of the pSWLP (dated 1 March 2021).
 - 18.5 The Topic B Overview planning and supplementary evidence (dated 22 and 28 October 2021) prepared by Mr McCallum-Clark.
 - 18.6 The Will Say Statements prepared on behalf of:
 - (a) F&B and F&G by Mr Farrell and Ms McArthur (dated 5 November 2021);
 - (b) Southland Regional Council (**Council**) (Mr McCallum-Clark, Dr Monaghan, Dr Burrell and Dr Snelder (dated 11 November 2021));
 - (c) the Dairy Interests (Mr Willis, Dr Dalley, Mr Duncan and Mr Kitto (dated 29 October 2021));

¹ First to Fourth Interim Decisions which are dated 20 December 2019, 29 June 2020, 23 July 2020 and 6 November 2020 respectively.

- (d) Ballance Agri-Nutrients Limited (Ms Ruston (dated 29 October 2021)); and
 - (e) Federated Farmers of New Zealand Incorporated (Mr Wilson (dated 4 November 2021)).
- 18.7 The Joint Witness Statements and appendices from the planners' expert conferencing (dated 10 December 2021).
- 18.8 The farm systems JWS (22 November 2021 and 6 December 2021) (of which I was a participant), the scientist (water quality) expert conferencing (**Science JWS**) (26 November 2021) and the ecologist expert conferencing (26 November 2021).
- 18.9 The following evidence:
- (a) Mr Farrell's planning evidence and Ms McArthur's evidence, dated 20 December 2021, on behalf of F&B and F&G;
 - (b) Planning evidence, dated 20 December 2021, prepared by Mr Willis and Mr Wilson;
 - (c) Farm system evidence, dated 20 December 2021, prepared by Dr Dalley.
 - (d) Farming evidence, dated 20 December 2021, prepared by Ms Hunt and Mr Young;
 - (e) Draft planning evidence, prepared by Ms Taylor, which is to be provided to the Court at the same time as my evidence (4 February 2022).

FARM ENVIRONMENT PLAN DEVELOPMENT AND THE CANTERBURY EXPERIENCE

19. Over the last decade, FEPs have gained traction as a useful tool to help farmers better understand environmental risks of their farming practices and identify actions that could be implemented to mitigate those risks.
20. Originally, FEPs were simply a non-regulatory aid for some farmers developed by Dairy NZ, or in a regulatory context, focussed solely on nitrogen reduction, as seen in the Lake Taupo catchment and Horizons (Manawatū-Whanganui) region. More recently, farmers, primary industry bodies, regulators and the government have progressively adopted FEPs as a valuable tool to help guide farmers to make decisions regarding on-farm practices to reduce the environmental impacts of farming activities.
21. Currently, FEPs are required by regional plans or proposed regional plans in Gisborne, Waikato, Bay of Plenty, Hawkes Bay, Horizons (Manawatū-Whanganui), Canterbury and Southland. A number of these regulatory processes only apply to specific catchments or parts of the region.
22. It is my opinion that the Appendix N requirements proposed in the Planning JWS will be the most complex of all FEP requirements nationally. This is primarily due to the requirements proposed in Policy 16 which require the FEP to effectively include a form of 'catchment context' by way of identifying whether the farming activity is in a catchment where the waterbody requires improvement. The policy also requires a linkage to be made between the on-farm management practices and how these will minimise adverse effects on water quality. Ms Taylor expands on these points in her evidence at paragraphs 22 to 25.

23. In my opinion, Canterbury has the next closest (in terms of complexity) set of FEP provisions in the LWRP. FEPs were introduced in the LWRP (notified in 2012, became operative, in part, in 2015) and advanced further within Plan Change 5 (which became operative in 2019) where the concept of Good Management Practice (**GMP**) was introduced.
24. The 'Industry-agreed Good Management Practices relating to Water Quality'², which underpinned the introduction of GMPs in Plan Change 5 to the LWRP, were prepared by a governance group comprising representatives from Environment Canterbury, Crown Research Institutes and the primary sector organisations. Engagement with farmers and rural professionals was also a part of the development of the documented GMPs. It is important to understand that the concept of GMP is intended to continue to evolve, as new technologies and products are developed. This enables GMP to guide a process of continuous improvement (i.e., the 'bar' for meeting GMP continues to rise with time), thereby guiding improved on-farm practices and leading to better freshwater outcomes.
25. In some sub-regions in Canterbury, there are additional FEP requirements (e.g., mahinga kai objectives), although these are not required in all sub-regions. Recent decisions (November 2021) on Proposed Plan Change 7³ to the LWRP have introduced a further requirement to avoid adverse effects from irrigation within Rock Art Management Areas.
26. In Canterbury, FEPs are core to the consenting requirements for any farming land use activity on an area of land greater than 10

² <https://beeflambnz.com/knowledge-hub/PDF/industry-agreed-good-management-practices-relating-water-quality.pdf>

³ Proposed Plan Change 7 to the LWRP is subject to appeal (to the High Court).

hectares, with resource consent conditions addressing the effective implementation of the FEP through an auditing framework and requiring the FEP to be prepared by a certified person. I expand below on the positive changes the auditing framework has driven in Canterbury.

27. In my opinion, the requirements of Rule 20 and Appendix N are at least as stringent as the farming land use provisions in the Canterbury LWRP and will result in a stepwise change in the approach to farm management practices in Southland which will support the achievement of improved freshwater outcomes.

Lessons Learned

28. From my experience of observing implementation of FEPs required by regulation, some lessons learned to date are:
 - 28.1 Preparation of FEPs should be a joint effort by farmers and a suitably qualified provider.
 - 28.2 An independent auditing framework is needed to monitor implementation progress and drive continuous improvement.
 - 28.3 Actions required must be practical and achievable in order to maintain farmer engagement.
 - 28.4 Appropriate resourcing is essential to achieving successful outcomes, both regulatory and non-regulatory.

Auditing of FEPs in Canterbury

29. To date, Canterbury is the only region with a regulatory auditing requirement for FEPs currently in place. Hawke's Bay Regional Council is expected to implement auditing for its Tukituki catchment FEPs in 2022, as I understand.

30. Auditing of FEPs in Canterbury has occurred as a requirement of the LWRP since 2015 (once the FEP provisions of the LWRP became operative). Audits are required within the first 12 months of a farming land use consent being granted, with subsequent auditing frequency determined by the audit grade. If a farm receives a: D grade, a re-audit is required within six months; C grade, within 12 months; B grade, within two years; and, A grade, within three years. An A or B grade indicates that the farm is compliant with the relevant conditions of its farming land use consent. The auditing framework requires continuous improvement, irrespective of the grade, even if an A grade is achieved and being maintained. Continuous improvement at A grade level is primarily driven through the evolution of GMP which allows for new technologies and advancements in farm practices to be incorporated.
31. I note, that even if an A grade has been achieved, the FEP will identify a range of actions (and timeframes) that will need to continue to be achieved, or which will need to be implemented in accordance with the timeframes identified.
32. The audit framework has driven positive change in farmers' commitment to implementation of actions identified in FEPs. While the pool of auditors is appointed by Environment Canterbury, the farmer is able to choose their auditor⁴, thus the farmer's primary relationship is with the auditor, rather than the council. The audit report that is provided with the grade helps the farmer to focus on priority actions for the implementation of GMP, or other mitigation approaches needed to improve the audit grade for future audits. Thus, the audit framework serves as a motivator for the farmer to complete actions – a 'carrot' rather than 'stick' approach.

⁴ After two consecutive audits by the same auditor, the farmer is required to choose a different auditor to minimise any bias.

33. Environment Canterbury⁵ reports that for the 1097 FEP audits completed in the 2019/20 year, 93% achieved an A or B grade with the remaining 7% achieving a C or D grade. The table below shows data provided by Environment Canterbury that demonstrates a distinct shift in the proportion of B grades to A grades.

Year	Total audits	A grade	B grade	C grade	D grade
2019/20	1097	52%	41%	6%	2%
2018/19	1129	36%	57%	6%	1%
2017/18	706	37 %	55%	7%	1%
2016/17	643	22%	65 %	11 %	2%

34. While some of this shift could be attributable to farmers becoming more familiar with a new process, I consider that it is more likely to be a more material shift in farmer behaviour. This is because those farms with a B grade in 2016/17, or 2017/18, would have been re-audited within the requisite two-year timeframe and so would also be recorded in the 2018/19 and 2019/20 data, respectively. I acknowledge that the proportion of C and D grades appears relatively static over the past three years.
35. In Canterbury, a C or D grade prompts an educational visit to the farmer from a council Land Management Advisor. Depending on the environmental risk of activities observed at the time of the visit, a further referral to Compliance and Enforcement may result.
36. It has also been observed in Canterbury that A grade audits play a role in contributing to the value of farm properties and real estate agents using the A grade as a key advertising feature for farm sales. The attraction of the A grade audit on a property appears to provide

⁵ <https://www.ecan.govt.nz/reporting-back/farm-environment-plan-audits/>

a prospective purchaser with an assurance that the farm has its environmental management obligations in order, compared with, for example, a C grade property that might require a quantum of ongoing investment to improve the audit grade.

37. I believe that over time (i.e., as farmers become more familiar with the new regional plan requirements for farming activities), the implementation of FEPs and accompanying auditing framework, as proposed in Rule 20 and Appendix N of the pSWLP, should drive similar outcomes in Southland.

RESOURCING AND RISKS OF OVERLY COMPLEX FARM ENVIRONMENT PLANS

Resourcing FEP Delivery

38. I agreed and still agree with the commentary in the Farm Systems JWS (22 November 2021) regarding capacity in the professional services sector for delivery of FEPs. In my opinion, there should not be a significant lag in implementation so long as the framework for certifying approved providers is in place in a timely manner.
39. Given the new requirements for FEPs, my observation of the professional services sector in Southland (and other regions in New Zealand), is that the market is 'gearing up' to service the needs of farmers grappling with increasingly complex environmental regulations. It is important, in my view, that Environment Southland similarly builds resourcing capability and capacity to avoid contributing to delays in implementation.

The Need for Practicality in the Regulations / Rules

40. The relevance of the Canterbury FEP (and associated auditing) framework to the Southland setting is the opportunity that FEPs provide as a means of engaging and motivating farmers to make on-farm decisions at a scale that is relatable and achievable by the

farmer. This, in my opinion, will ultimately and collectively lead to improved catchment scale water quality improvements.

41. If FEP requirements become either overly complex or too removed from the farm-scale level that farmers relate to, I consider that there is a risk of FEPs being set up to fail. If the challenge of completing a FEP is considered by farmers to be too hard, too costly, or if in implementing it there is a sense that nothing they do is good enough, then I consider there is a real risk of losing farmer engagement in the process. The key consequence of this potential scenario is further delays in achieving the improvements in environmental outcomes that wholesale buy-in of FEPs has the potential to support.
42. A further benefit of FEPs to farmers is their agility to incorporate other regulatory requirements, for example, greenhouse gases (**GHG**). He Waka Eke Noa, the primary sector partnership has a requirement for farmers to 'know their number' (GHG loss number) by the end of 2022, and by 2025 to have a written GHG reduction plan in place. Including the GHG reduction plan as a module of a FEP provides farmers with a better opportunity to address contaminant losses (N, P, *E. coli* and sediment), alongside GHGs, to allow assessment of win-win mitigations. While there are a number of tools freely available to calculate on-farm GHG loss numbers, the only tool that allows modelling of GHG reduction scenarios is OverseerFM, which is also frequently used to assess nutrient losses from a farm system. The advantage of including a GHG module in a FEP is that the farmer has a single resource to turn to for guidance on addressing environmental impacts (land, water, air) from their farming activities.
43. Preparing a robust FEP is not an exercise that can simply be 'outsourced'. Key to the successful preparation of a FEP is a farm visit

where the consultant or advisor engages with the farmer and their property, typically completing a detailed farm tour/walk-over whilst gathering information that will inform the FEP. Given the seasonality of many farming activities, there are times of the year where it can be more challenging for farmers to engage in completing their FEP. Whilst not a direct contributor to a lag in delivery, the dynamics of day-to-day farming add a layer of complexity to the completion of the FEP and implementation of its identified actions.

Farm Environment Plans as Part of the Mix

44. I agree with the Science JWS (26 November 2021) which acknowledges that Appendix N can (and perhaps should) be:

... viewed as a stepping stone to reduce contamination loss and to broaden the thinking to looking at on-farm actions to improve some attributes of hauora...⁶

45. It is important that Appendix N, and the associated implementation of FEMPs, are not considered as the 'silver bullet' to resolving water quality issues in Southland. FEMPs are one tool in the toolbox.
46. While not confining the obligation for environmental improvements to farmers alone, there are other non-regulatory tools that farmers can also use. Such tools include the work of catchment groups and in this context, I note that Southland has over 28 catchment groups, forming a network covering over 85% of Southland.⁷

⁶ 6th paragraph on p.7, of the Science JWS.

⁷ <https://www.thrivingsouthland.co.nz/catchment-groups/>

RULE 20 AND APPENDIX N

47. As set out in Ms Taylor’s evidence paragraphs 37 to 45, under the permitted and restricted discretionary activity rules set out in Rule 20, all farming activities on landholdings greater than 20ha are required to have prepared, certified, implemented and audited a FEMP in accordance with Appendix N.
48. I have compared the requirements of Appendix N, as agreed in the Planning JWS, and Schedule 7 of the LWRP which sets out the FEP requirements for Canterbury. There are many similarities but also some key differences.
49. Environment Canterbury requires the FEP to be prepared on a template which has been approved by the council as meeting the Schedule 7 requirements. I consider this requirement to be an unnecessary step that does not result in higher quality FEPs. My view is that the quality of a FEP should be determined partly by its content, but more so by the quality of its implementation, rather than the template on which the document is prepared.
50. The key advantage that I see Appendix N having over Schedule 7 of the LWRP is that it requires consideration of the wider environment, beyond the farm gate. Schedule 7 is very focussed on *“development of a plan that will identify actual and potential environmental effects and risks specific to the property⁸”*. Schedule 7, Part B, Clause 4A similarly requires *“an assessment of the adverse environmental effects and risks associated with the farming activities...”*. Appendix N goes ‘beyond the farm gate’ in its requirements to consider a ‘catchment context’, including identifying whether the farming activity is in a catchment where the waterbody requires improvement. The appendix also requires a

⁸ Canterbury Land and Water Regional Plan, Schedule 7, Part A Clause 2(ii).

linkage to be made between the on-farm management practices and the risks of those practices in the context of the environment, and how these risks will be management or mitigated.

51. As agreed in the Planning JWS, I consider that a FEMP required by Appendix N constitutes a transition between a traditional FEP (as required in Canterbury, for example) and the future FFP.
52. In summary, I am comfortable that Rule 20 and Appendix N, as amended in the Planning JWS, is achievable for farmers, and the accompanying auditing framework proposed will support the improvement of environmental outcomes in Southland. I also consider that the requirements of Rule 20 and Appendix N will be a stretch for some farmers. In my opinion, it is also important that the requirements remain attainable so as to avoid the risk of farmer disengagement and the resultant wholesale lack of progress that would ensue. There will always be a desire to go further and faster to achieve a greater level of environmental improvement, in a shorter timeframe, however, my view is that more can ultimately be achieved through the efforts of many.

Additional Changes Sought by F&G and F&B

53. I do not agree with Mr Farrell's suggestion (paragraph 91(b)) that the wording of Parts 5 and 6 in Appendix N require clarity.
54. I consider that if the amendments proposed by Mr Farrell requiring farmers to demonstrate (and be audited on) their **understanding** (my emphasis) of the extensive list of technical and cultural matters suggested in Part B(5)(h) and (i) of paragraph 91(b) of Mr Farrell's evidence, that would be problematic.
55. As I have outlined earlier in my evidence, I consider that it is important that farmers are actively engaged with the need for FEMPs and the requirements for a FEMP. For this reason, I consider

that the outcomes and actions required by FEMPs need to be clear so that they can easily understood and interpreted by lay people (particularly farmers). In my opinion, the list of technical and cultural matters proposed by Mr Farrell to be included in Appendix N as objectives, would not be clear or easily understood by the majority of farmers.

56. In recent years, the implementation of FEPs throughout New Zealand, whether required by regulation or sought voluntarily, has served as a key method of engaging farmers on a pathway of continuous improvement of farm management practices in order to reduce the adverse impacts of farming on the environment and lead to improvements in freshwater outcomes. Underpinning the engagement of farmers with their FEP is that its objectives and actions resonate with the farmer.
57. I consider the amendments to FEMP objectives proposed by Mr Farrell are too technical and references to being audited on their understanding of a list of technical and cultural matters risk farmer disengagement. I consider that the Appendix N wording agreed in the Planning JWS is sufficient to achieve the objectives of the pSWLP.

EVOLUTION OF FARM ENVIRONMENT PLANS TO FRESHWATER FARM PLANS

58. In July 2020 amendments were made to the RMA, including the insertion of Part 9A which requires the use of certified and audited FFPs to better control the adverse effects of farming on freshwater and freshwater ecosystems. The regulations that will prescribe the content of FFPs, the processes for certification and auditing, and the timeframes and priorities for the roll-out are yet to be

determined and released by the Ministry for the Environment (MfE). These details are expected to be revealed in 2022.

59. I support the proposed amendment at the front of Appendix N that recognises that a FFP will, in time, supersede the requirement for a FEMP.
60. I also acknowledge, as stated in the front part of Appendix N, that a FFP in Southland will need to provide additional information, or components, to address the specific mapping or aerial photograph requirement of a FEMP and to ensure that mitigations are adopted to reduce the discharge of contaminants when a farm is located in a Schedule X catchment. I consider that these Southland specific requirements are appropriate. However, I also consider that it is important that farmers only require one FFP or FEMP to meet both the national and regional requirements. In other words, it is important to avoid unnecessary duplication.
61. My understanding is that no FEP or FEMP in its current form will meet the future requirements for a FFP. When first promulgated as part of the Essential Freshwater package of provisions⁹ in 2019, the FFP was described as a 'module'. MfE proposed requiring "*all farmers to have a farm plan with a freshwater module*", as it was recognised that many farmers and growers were already using farm plans to understand and respond to the risks on their properties. MfE also acknowledged the commitment by leading primary sector organisations to all farmers and growers having a plan by 2025 as part of efforts to reduce climate emissions. This approach has the advantage of recognising the efforts made by farmers and the primary sector industry bodies to complete existing FEPs and

⁹ Ministry for the Environment. 2019. Action for healthy waterways – A discussion document on national direction for our essential freshwater. Wellington: Ministry for the Environment.

minimising the additional resource and effort needed to evolve a FEP into a FFP.

62. One of the key differences between a FEP and a FFP is that a FFP requires an assessment of the catchment context to be embedded within the plan. In my opinion, this will be a valuable addition to the FEP which to date are elsewhere entirely focussed at the farm scale. The recent Freshwater Farm Plan Discussion Document¹⁰ indicated that regional councils will be responsible for preparing and supplying the catchment context, in partnership with tangata whenua.
63. Requiring catchment scale considerations to be included as part of the FFP will enable a broader view of catchment priorities (e.g., priority contaminants and catchment values) to be brought into the FFP. This will achieve a consistency in prioritisation of actions on farms within a catchment, which should drive a greater collective environmental benefit than the current farm-scale approach seen in many regions.
64. Although MfE has yet to clarify the specific requirements for FFPs, I expect that a FEMP prepared in accordance with Appendix N, as proposed in the Planning JWS, should satisfy many of the likely FFP requirements and require less additional work than those FEPs prepared in other regions. The basis for my view is that there are requirements in Appendix N that extend beyond the farm boundary (e.g., Parts B 3(m), 5(f)) that require consideration of significant values and environmental risks in the nearby or general vicinity of the farm. In addition, Appendix N also includes the need to consider FEMP objectives that are relevant to both the physiographic zone and whether the farm is located in a catchment

¹⁰ Ministry for the Environment and Ministry for Primary Industries. 2021. Freshwater farm plan regulations: Discussion document. Wellington: Ministry for the Environment

where the waterbody requires improvement begins to introduce the 'catchment context' that we know FFPs will require. I am not aware of any FEP requirements elsewhere in New Zealand that currently extend to this level of detail.

CONCLUSION

65. While the amendments agreed to Rule 20 and Appendix N in the Planning JWS will be challenging for many farmers to comply with, I consider them to be a practical and achievable means to meet the objectives and policies of this interim plan, pending FFP regulations and the future proposed plan/plan change in order to give effect to the NPS-FM 2020.
66. I consider the additional amendments proposed by Mr Farrell to be inappropriate as they are uncertain and they potentially undermine the ability of the FEMP to serve as the primary tool that farmers rely on to drive environmental improvements on their farms (and the nearby environment).

DATE: 4 February 2022



Ms Anna Wilkes