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Ministry for the Environment
Wellington

via Email: ndprogramme@mfe.govt.nz

Otago Regional Council Submission on proposal for enabling primary sector growth and development (Package 2)

Introduction

1. Otago Regional Council (ORC) welcomes the opportunity to provide feedback on the proposed national direction and national regulations reforms for enabling primary sector growth and development.
2. This submission reflects the views of ORC Councillors and is informed by ORC's practical experience in the management of diverse land uses and primary sector activities, as well as the views gathered through engagement with the Otago community and stakeholders on recent policy development work undertaken across the region.
3. ORC supports many proposed changes and considers there are opportunities to refine aspects of these proposals so they are more effective at delivering on the government's original intent to better reflect the interests of different primary sector industries, stakeholders and the wider community.
4. ORC's submission has two parts: key messages that apply to all aspects of the proposals, and feedback on the proposed changes to national instruments and regulations.

Key messages

Need for enduring solutions

5. ORC acknowledges that national direction needs to adapt in the face of existing challenges with the resource management system, and to better enable flexibility in light of changing situations. We recognise that effective and enduring implementation of the proposals will depend on having support for solutions that have political buy-in across party boundaries.
6. Without broad political support for the proposals, there is a risk that future governments will reverse this reform, undermining the commitment of communities, industries, agencies and local authorities to plan their future and buy into actions that achieve the desired outcomes.

7. Providing for enduring solutions requires prioritising long-term benefits over short-term ones. Setting ambitious but achievable and affordable long-term goals will give certainty for councils, industries and communities to invest wisely over time.

Simplicity and certainty

8. ORC considers that the amendments to the relevant national direction instruments and regulations should result in clear and simple standards and use unambiguous terms and concepts. This will support its effective and cost-efficient implementation.

Enabling quick and cost-effective implementation

9. The RMA requires National Environmental Standards to have immediate effect, and plan changes can be made to amend any inconsistencies with national environmental standards without using the Schedule 1 process. As a principle, ORC supports this process as assist with providing greater clarity for resource users or applicants, while also lessening the burden on councils who want to update their regional plans to be consistent with national regulations.
10. Similarly, ORC's preference is to see any changes to National Policy Statements are accommodated in existing plans without using the Schedule 1 process. This is because ORC does not see value in every council going through a Schedule 1 process to implement new national direction. Currently, none of the proposals for amending national policy statement include provisions for specific objectives and policies to be directly inserted into RMA plans. Rather, each individual national policy statement proposal directs that plan changes to implement the national policy statement are undertaken "as soon as practicable". ORC recommends that, wherever possible, Ministers consider whether provisions can be implemented through directing provisions to be inserted into plans without using Schedule 1.

Feedback on the proposed changes to national instruments and regulations

National Environmental Standards for Marine Aquaculture (NES-MA)

11. ORC supports amending the NES-MA to address the issues with the consenting process and streamlining applications for changes to consent conditions by making them controlled activities.
12. ORC also supports, in part, amending the NES-MA to better enable research and trials. ORC considers that a clear definition of 'research and trials' would improve the proposal by ensuring the scope of the activities covered is transparent for applicants and local authorities.
13. In addition, ORC recommends that cumulative effects and biosecurity risks are included as matters that must be considered as part of the consenting process for research and trials.

National Environmental Standards for Commercial Forestry (NES-CF)

14. ORC is aware of concerns within Otago's communities about the conversion of large tracts of pastoral farmland into commercial forestry and how this may affect Otago's rural

communities. It is predominantly with this lens that ORC would like to comment on various aspects of the proposed changes.

15. Council considers that afforestation plans and replanting plans are an important tool for well-managed forestry, including harvests into the future. In particular, planning forestry tracks and landing areas, and considering impacts on waterways, including potential for sedimentation during all stages of the forestry cycle, is best addressed at the afforestation / replanting stage.
16. ORC considers the preparation of afforestation and replanting plans can improve environmental outcomes for forestry, and the information in them can be used to support proactive regional planning, for example wildfire preparation and management. For these reasons ORC requests that the NES-CF requirement to prepare afforestation and replanting plans is retained, and further developed into a framework that is more similar to that for preparing Freshwater Farm Plans as this would be an efficient way of better managing and monitoring environmental risk.
17. ORC does not hold a consensus view on the proposal to reduce the ability of councils to impose stricter rules than the NES-CF, but notes that there are risks with this approach, including:
 - a. more limited ability for councils to manage forestry, particularly where information is limited, inaccurate or uncertain, for example, due to climate change (which may warrant a precautionary approach); and
 - b. no ability of councils to manage effects not associated with “severe” erosion – there can be significant effects from sediment in waterbodies even when erosion is not “severe”.
18. An additional risk for Otago lies in the fact that the Erosion Susceptibility Classification (ESC) tool used by the NES-CF to manage erosion risk, does not adequately capture soils prone to severe erosion in the region. ORC recommends that the NES-CF is amended to enable more precise erosion calculator tools or erosion/lands stability maps to be used, instead of the ESC tool referenced in the regulations.¹

New Zealand Coastal Policy Statement (NZCPS)

19. ORC generally supports the proposed changes to the NZCPS and acknowledges that the Government wants to better enable priority activities (i.e., specified infrastructure, renewable electricity generation, electricity transmission, aquaculture and resource extraction), while still managing the effects of these activities on the environment.
20. ORC disagrees that resource extraction in the coastal marine area should be a ‘priority activity’ and is also concerned about potential effects on marine wildlife, in particular protected species.
21. ORC notes that its framework for managing the coastal marine area in the proposed Otago Regional Policy Statement (pORPS) has been amended to reflect the Supreme Court’s decision

¹ In [Otago, an alternative erosion mapping tool could be used instead of the ESC tool referenced in the regulations. This tool would be based on technical information developed for the Hill Country Erosion Programme \(HCEP\) whereby hill country is first spatially defined by slope, elevation, land use and land cover first after which sediment loss estimates from the SedNetNZ model are applied to this area.](#) LiDAR could then be used to get more accurate slope values and flow direction could be calculated to determine which areas are more connected to waterways than others.

in the Port Otago case, and therefore the proposal to amend the NZCPS to give effect to the decision is also supported.²

National Policy Statement for Highly Productive Land (NPS-HPL)

22. ORC generally supports the proposed changes to the NPS-HPL. Councillor views were mixed as to whether restrictions for rural lifestyle development on LUC 3 may still be required to prevent ongoing fragmentation. It was acknowledged that subdivision restrictions can limit landowners' choices and a strategic approach to lifestyle subdivision may be able to largely maintain productive capacity.
23. ORC notes that the NPS-HPL enables regional councils to map land that is not LUC 1-3, if the land is highly productive for land-based primary production. This feature of the existing NPS is important for Otago as there is a significant amount of highly productive land in the region (for example, for horticulture and viticulture) that is not LUC 1-3.
24. It is not clear how the existing ability to map highly productive land outside of LUC 1-3 is different to (or may be affected by) the introduction of 'Special Agricultural Areas'. While the discussion document refers to key food growing areas like Pukekohe and Horowhenua (in terms of LUC 3), ORC questions whether another category of land is required if the proposed NPS-HPL maintains councils' ability to map land outside LUC 1-2 as highly productive land (having regard to the soil type, physical characteristics of the land and soil, and climate of the area).
25. In terms of the timeframes for mapping in the NPS-HPL, ORC recommends that the mapping requirements be suspended so that it can be done through the new resource management system (i.e. regional spatial plan).

Quarrying and Mining

26. ORC generally supports the proposals to amend multiple national direction instruments to better enable quarrying and mining than the current national framework. In particular, ORC notes the significant transportation costs of aggregate and considers consistency in definitions, provisions and consent pathways across all these instruments would be an improvement.
27. Some concern was expressed about the removal of the 'public' benefit test, although it was acknowledged that private benefits may be significant in some situations.

Resource Management (Stock Exclusion) Regulations

28. ORC generally supports the amendments to the Stock Exclusion Regulations. ORC appreciates that in some areas (for example, the South Island High Country), there is the real potential for the benefits of excluding stock from wetlands to be disproportionate to the cost. In addition, light grazing of wetlands with exotic species can be beneficial, especially for pest control.

² [Port Otago Limited v Environmental Defence Society Incorporated \[2023\] NZSC](#)

29. ORC supports the ongoing ability of local authorities to provide additional protection for specific wetlands, for example, to save critically endangered species.

Conclusion

30. Thank you for taking the time to consider ORC's submission.

Yours sincerely



Gretchen Robertson
Chairperson