



Environment Institute
of Australia and
New Zealand Inc.

POLICY SUBMISSION

Ministry for the Environment

8 Willis St
Wellington, New Zealand

26 July 2025

To Whom It May Concern,

SUBMISSION: Package 2 – Primary sector

This submission sets out the Environment Institute of Australia and New Zealand (EIANZ) position on the **Package 2 – Primary sector**, released 29 May 2025.

We acknowledge the effort that the Ministry for the Environment have put into seeking consultation on the document.

About EIANZ

Founded in 1987, EIANZ is a professional association of around 4,000 environmental practitioners from across Australia and New Zealand. We provide opportunities for professional and academic dialogue across all sectors of the environmental industry. The Institute membership includes specialists in a range of environmental disciplines: climate change, contaminated land, planning, engineers, law, environmental science, freshwater, marine and coastal sciences, and ecology.

A significant initiative of EIANZ is the Certified Environmental Practitioner (CEnvP) Scheme, which is Australasia's leading accreditation scheme designed exclusively for environmental practitioners and recognises environmental professionals in line with their professional counterparts from engineering, accounting, planning and architecture. Ten members residing in NZ are Fellows or Honorary Life Members of the EIANZ recognising the contributions to environmental practice over several decades. These credentials are significant in the recognition of environmental practice in New Zealand.

Our approach

The feedback expressed in this submission is formed from a consensus approach amongst practitioners within EIANZ. The main thrust of the feedback was developed from a small number of members before seeking comment from the membership at large. Accordingly, it represents a

whole of industry feedback rather than any regional or sector response. More importantly it represents the collective experience of environmental practitioners who work with and implement environmental legislation, regulations, policy as well as business and community aspirations. We emphasise that our submission is based on the clarity, consistency, and practicality of the proposed implementation of the Package 2 – Primary sector. In addition, we draw attention to areas where our experience suggests that greater direction is required within the proposed direction.

Layout of submission

This submission presents the Environment Institute of Australia and New Zealand's (EIANZ) feedback on the key national direction instruments included within Package 2 – Primary Sector. Feedback is provided only on the instruments and provisions discussed at the stakeholder workshop and those areas where EIANZ members have relevant experience or expressed specific concerns.

The submission is structured around the following topics:

- National Environmental Standards for Marine Aquaculture
- National Environmental Standards for Commercial Forestry
- New Zealand Coastal Policy Statement
- National Policy Statement for Highly Productive Land
- Multiple Instruments for Quarrying and Mining Provisions
- Stock Exclusion Regulations
- Implementation and Definitions

Each section summarises the key issues raised, identifies opportunities to improve clarity and practicality, and makes recommendations for improvement where appropriate.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Connor Whiteley', with a stylized, looped flourish at the end.

Connor Whiteley

President, NZ Chapter, EIANZ

Submission – 2 – Primary sector

Part 2.1 — National Environmental Standards for Marine Aquaculture

EIANZ supports the intent of regulatory consistency but notes that marine aquaculture activities already operate under complex ecological, cultural, and biosecurity conditions. We encourage future engagement with coastal ecologists and mana whenua when developing marine aquaculture provisions.

Part 2.2 — National Environmental Standards for Commercial Forestry

Workshop discussion and member contributions highlighted several significant issues and recommendations regarding recent and proposed amendments to the NES-CF:

1. Operational Clarity and Risk-Based Guidance

The proposed amendments to regulations 69(5)–(7) improve overall clarity and workability. However, there remains a need for the Ministry for the Environment (MfE) and Ministry for Primary Industries (MPI) to provide national **guidance on slash management**, especially:

- **How residual slash is to be measured**, considering the rapid advancements in drone and AI-based monitoring since the 2023 amendments.
- **Clear compliance and enforcement protocols** for councils.

The lack of implementation support to date has placed undue pressure on councils and forest operators navigating consenting obligations, especially in Orange ESC-zoned areas.

2. Regulation 6(4A)

The introduction of regulation 6(4A) (2023) was not considered fit for purpose. It undermines the core intent of the NES—to provide consistent national rules and investment certainty. Its removal is supported by members, who note the regulation introduced confusion and conflict with the established framework.

Reference is made to the original policy analysis by Flynn & Boothroyd (2016), which emphasised:

“The NES-PF allows for additional stringency where appropriate... [and] ensures that the NES limits the requirement for resource consent to the most severe end of the risk threshold.”

This principle is being eroded under current drafting, and clarity is needed to restore national consistency.

3. Slash Thresholds and Harvesting Practicality

The 2023 residual slash thresholds were widely considered unachievable for **cable harvesting in steep terrain**, particularly in **Orange ESC zones**. The proposed dimensional changes to slash definitions (increasing minimum length to >3m and requiring large-end diameters >10cm) are supported. These are more representative of what can physically be removed by grapple equipment during harvesting operations.

Additionally, the adoption of a **site-specific risk-based assessment framework** is strongly supported, particularly as a means to:

- Reduce unnecessary consenting in low-risk areas (e.g. stable pumice soils);
- Target high-risk zones based on actual geomorphic and storm risk factors; and
- Improve overall risk management through defensible, site-tailored assessments.

The proposed **cutover definition** is also supported as it increases clarity.

4. Afforestation and Replanting Plans

Members support the proposed **removal of the requirement to prepare replanting plans** when the same species is replanted in existing forestry blocks. This requirement has added procedural burden and cost without corresponding environmental benefit.

However, there is strong support for requiring **afforestation plans for new plantations**, particularly where:

- Wilding conifer risk may arise;
- Road shading effects are possible; and
- Natural features such as wetlands, streams, or SNAs may be impacted.

Afforestation plans should be limited to essential environmental matters (e.g. wilding spread risk assessment, shading analysis, and mapping of sensitive natural areas) and not impose unnecessary administrative overhead.

Part 2.3 — New Zealand Coastal Policy Statement

Functional and Operational Need

The proposal to introduce an “**operational need**” test alongside the current “**functional need**” requirement was a significant focus of workshop discussion. Members were concerned that this change:

- **Dilutes existing environmental protections**, particularly in the coastal marine area (CMA);
- **Lacks clarity**, introducing ambiguity for applicants, planners, and regulators;
- Risks expanding development into sensitive or marginal areas under a broad “operational” rationale.

The existing “functional need” test is already fit for purpose for activities such as ports, aquaculture, and shipping infrastructure. Introducing operational need risks **removing the strong justification standard** currently applied to development in the CMA.

EIANZ recommends:

- Retaining “functional need” as the primary test in the NZCPS;
- Avoiding additional terminology unless clearly necessary and well-defined; and

- Ensuring alignment between the NZCPS and other national instruments without weakening existing protections.

Policy 11 – Indigenous Biodiversity

Members supported retaining **Policy 11** without amendment. It is considered one of the most robust and defensible protections for coastal biodiversity, especially dune systems and habitat for threatened species. Case law has supported its implementation, and current interpretation already allows for balancing effects without undermining ecological integrity.

EIANZ recommends:

- Leaving Policy 11 unchanged; and
- Providing guidance rather than reform where clarification is needed.

Part 2.5 — Multiple Instruments for Quarrying and Mining Provisions

The workshop addressed proposed changes to quarrying, particularly the inclusion of “**operational need**” as a new criterion. Members considered this **unnecessary and potentially confusing**, as:

- Quarry location is already constrained by the **physical presence of mineral deposits**, which provides a clear functional need;
- **Ancillary activities** (e.g. overburden, access roads, processing) are already covered by the current definitions.

Adding an operational test is viewed as adding **regulatory complexity** without clear benefit.

EIANZ recommends:

- Maintaining current functional need provisions and definitions;
- Avoiding the introduction of vague or redundant criteria; and
- Supporting quarrying design that minimises ecological impacts while enabling resource access.

Part 2.6 — Stock Exclusion Regulations

EIANZ supports strong stock exclusion requirements to protect freshwater values, including wetlands and small streams. Any proposed amendments should align with the National Policy Statement for Freshwater Management and be based on robust ecological thresholds.

Part 3: Implementation Questions

A recurring theme across the workshop was the concern over **regulatory ambiguity** and **poorly defined terminology**. The introduction of overlapping or subjective tests—such as “functional need,” “operational need,” and “to the extent practicable”—was seen as likely to increase rather than reduce consenting delays.

Members stressed that:

- **Definitions must be clear, unambiguous, and consistently applied** across all national instruments;

- Flexibility should not come at the cost of **certainty**, particularly where technical, ecological, or legal interpretation is required; and
- Legislative drafting should be **evidence-based and practically grounded**, with input from practitioners who implement and enforce these rules.

EIANZ strongly recommends that the Ministry ensures:

- Robust definitional clarity in all reforms;
- Streamlining and certainty through **clear rules**, not flexible but vague language; and
- Ongoing engagement with experienced practitioners during drafting and implementation phases.

Conclusion

The Environment Institute of Australia and New Zealand (EIANZ) appreciates the opportunity to contribute to the consultation on Package 2 – Primary Sector. Our submission draws on the experience and insight of professional environmental practitioners who work at the interface of policy, planning, and implementation across a range of sectors affected by these proposals.

We acknowledge the government's intent to improve regulatory efficiency and certainty. However, we caution that the proposed changes, particularly the increasing use of undefined or flexible terminology (e.g. "operational need", "to the extent practicable"), risk undermining clarity and consistency—key principles for effective regulation and implementation. Where existing provisions (such as functional need tests or slash management thresholds) are already fit-for-purpose, amendments should be evidence-led and avoid unnecessary complexity or subjectivity.

In areas such as commercial forestry and quarrying, members support targeted refinements that improve practicality—especially where risk-based or site-specific approaches can be implemented alongside national-level guidance. However, this support is contingent on the provision of clear regulatory definitions and central guidance to support councils and practitioners alike.

We urge the Ministry to continue working closely with sector experts and practitioners to ensure the final policy framework provides a balanced, implementable, and ecologically defensible basis for managing primary sector activities across Aotearoa New Zealand. EIANZ would welcome the opportunity to provide further input through technical working groups, peer review, or presentation to Select Committee if that would be of assistance.