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Email: ndprogramme@mfe.govt.nz

Timaru District Council Submission on Package 2 – Primary Sector

Introduction

Timaru District Council welcomes the opportunity to submit on the governments National Direction proposals. Council is supportive of the intent of many of the changes and recognise the necessity of a better developed and more comprehensive national direction package.

We address the key issues for Timaru District Council below, which focuses on the general policy intent of the instruments as proposed. Additionally, the attached Appendix 1 respond to the key questions contained within Package 2 discussion document.

Key Issues

Timaru District Council has a strong interest in matters relating to both urban development and rural land uses. Council has been consistent in making submissions to both national and regional processes, around the importance of enabling mid-sized Council's such as Timaru, the ability to be proactive and responsive to change and economic opportunities that enable us to be a district of choice and opportunity.

Clear direction that relates to Council's role in managing effects associated with the primary sector is therefore an important matter for Timaru District Council. Council fully supports the notion that New Zealand's economy has been built on our natural environment and that the primary sector is a key part of our economy, society and heritage. We address our key issues in relation to this matter below with a focus on the general policy intent of the instruments proposed for change.

We ask that the Government be cognisant of these issues when making decisions on all national direction instruments. A key failure of previous instruments has been their inability to work together in an effective manner to achieve better outcomes for communities.

Key Issue 1: Scale and pace of change creates risk of unintended outcomes or significant implementation challenges.

While many of the proposals are commendable, the immediate costs of implementing the requirements they impose may be disproportionate to the intended gains. Timaru District Council is nearing the end of a lengthy review process of its current district plan, and we are concerned that additional Schedule 1 process will be required in the near future.

We support the approach that as far as possible, requirement to consider or have regard to additional policy direction is clearly outlined, and that the national direction has clear implementation and timelines, with any 'plan making processes' deferred until the new system is in place or occurs concurrently with the transition.

Council supports clear direction around the implementation of this direction in consenting processes until such time as the new system is fully implemented.

Key Issue 2: Ensuring unresolved policy gaps and interactions across the package are resolved. If the instruments only 'talk to each other' and do not provide a hierarchy, there is an assumption that all objectives can be balanced.

The proposal responds to specific government priorities. While we recognise the need for, and indeed support, greater government direction on a range of issues, we are concerned that there will still be challenges associated with balancing and prioritising issues.

Planning as a profession, and in regulatory practice tends to fall into the trap of being 'everything to everyone'. The current national direction system has examples that cuts through this tendency, by giving decision makers clear things that they must achieve, for example, the NPS-UD.

As proposed, the national direction packages as a whole risk returning the profession to the 'everything to everyone' mentality. For example, the proposed NPS's for Natural Hazards, and Infrastructure, alongside existing direction such as the NPS for Highly Productive Land create a situation where councils are expected to enable development, while also:

- Not enabling activities which may affect infrastructure development (e.g. by resulting in reverse sensitivity effects); and
- Ensuring we do not reduce the availability of Highly Productive Land; and
- Managing or preventing activities at significant risk from natural hazards; and
- Addressing a range of worthy technical matters, for example contaminated land.

Addressing each of these matters adds cost, complexity, and time to decision making, and ultimately can restrict development.

The instruments (current and proposed) need to do more than simply 'talk to each other'. There needs to be a clear hierarchy of what objectives are more important than

others and in what situations. Ideally, this results in clear prioritisation as to when one objective falls away and is not considered, and what costs are acceptable to impose through planning provisions.

If the instruments only 'talk to each other' and do not provide a hierarchy, there is an assumption that all objectives can be balanced. In a situation where relevant instruments are not balanced, Council as a regulator, will be in the position of introducing more and more provisions to attempt to satisfy the requirement of each individual piece of national direction.

Key Issue 3: The Government's proposal will further enable large scale, unmanaged forestry, which may be of a detriment to the Timaru District.

Timaru District Council has concerns with the proposal to further erode the ability of a local council to control afforestation. Forestry can have impacts on the environment and in particular freshwater resources which are essential to Council's being able to provide municipal supplies.

While the government is recognising the potential impact of forestry on rural communities through amendment to the ETS, an element of local control, to manage local uses, is necessary for effective management of any environmental issue, including forestry.

Key Issue 4: The Government's proposal will require further specialist resources within local authorities.

Timaru District Council has concerns that the proposals will lead to local authorities needing further specialist resources in-house to be reactive to proposals. The removal of consenting requirements for activities such as commercial forestry and the subsequent creation of slash management protocols may increase the need for local authorities to have specialised in-house resources with limited ability to recoup costs.

Key Issue 5: National Direction Instruments can have unintended consequences for smaller Councils impacting on their ability to compete with bigger centres.

A 'one size fits all' approach inevitably does not work for all local authorities. Timaru's experience is that this type of approach will result in unintended consequences, which often disproportionately affect councils outside of larger urban centres. This creates a greater divide between rural and provincial centres versus large urban areas.

Timaru District Council has concerns that the proposals will continue to result in an inability for smaller Councils to be responsive to growth demand. The NPS-HPL has been a restrictive instrument in allowing communities within the Timaru District to grow due to requirements around demonstrating high levels of growth. Whilst removing LUC 3 classifications will create more opportunities areas of LUC 2 land will still adjoining urban boundaries creating barriers to achieving aspirational growth.

Key Issue 6: *Highly Productive Land must be allowed to be farmed in a manner that is profitable.*

A key issue with the current NPS-HPL has been the restrictiveness of its provisions on the boundaries of the rural and urban interface. The NPS-HPL limits the ability of identified land to be used for any other purpose, whilst other documents then limit the ability of landowners to make it 'highly productive'. This issue can be linked to fragmentation and smaller land holdings, which means they are now not of a size to be farmed as a going concern. Council therefore suggests that the changes to the NPS-HPL should look at land size criteria and locational constraints including other policy documents that may impact on the ability to use the land in a truly productive manner.

Key Issue 7: *Whilst not explicit in this consultation package, a previous recommendation by the Expert Advisory Group and included in the Ministry for the Environment's Blueprint for Resource Management Reform is concerning for us. The recommendation was to introduce charging for natural resource use as a means of recovering the administrative costs of the system and addressing overallocation.*

Council holds concerns that the current consultation package does not provide any further direction around the charging for natural resources. Providing clearer direction around enabling primary production will be pointless if water resources are commercialised in a manner that restricts access to those industries that require them. It is also concerning for our urban water supplies that could incur additional charges if sourced from overallocated catchments.

Conclusion

Timaru District Council is grateful for the opportunity to provide feedback and welcome the opportunity to be further involved in discussing any matters raised in our submission.

If you have any questions regarding the content of this submission, please contact Paul Cooper by email at paul.cooper@timdc.govt.nz.

Yours sincerely



Paul Cooper

Group Manager Environmental Services

e. paul.cooper@timdc.govt.nz

p. 03 687 7281

Appendix 1 – Primary Sector Questions and Responses

National Environmental Standards for Marine Aquaculture	
Question	Response
Have the key problems been identified?	Timaru District Council has no specific comments in relation to the changes proposed to the National Environmental Standards for Marine Aquaculture. Timaru District Council has not had to utilise this piece of national direction previously, however, does at a high-level support any changes that will allow for innovation and expansion of this industry into new locations.
Do the proposed provisions adequately address the three issues identified?	
What are the benefits, costs or risks of the proposed changes?	
Do you support the proposed amendments to streamline specific applications to change consent conditions by making them controlled activities?	
Should there be any further changes to the matters of control specified in attachments 2.1 and 2.1.1?	
Should any other types of changes to consent conditions be included?	

National Environmental Standards for Commercial Forestry	
Question	Response
Does the proposed amendment to 6(1)(a) enable management of significant risks in your region?	Council is concerned that removal of controls in relation to freshwater may impact on key infrastructure and in particular drinking water supplies which are sourced from different geographical locations within the Timaru District.
Does the proposal provide clarity and certainty for local authorities and forestry planning?	The proposals allow for more certainty for forestry planning, but it is questionable whether it gives more certainty for local authorities. The ability of local authorities to achieve certainty in relation to the location of forestry will be eroded with the ability to manage effects not identified removed.
How would the removal of 6(4A) impact you, your local authority or business?	The proposal would mean Council will have to be more proactive in managing

	forestry i.e. monitoring its use and impacts on key infrastructure as it will not be required to go through a consenting process to front foot the management. There will be a reliance on the wider industry to better follow regulations which will add additional costs to Council's if the industry does not follow the legislation.
Do you support amendments to regulations 69(5-7) to improve their workability?	Timaru District Council has no specific comments on the management. Overall, examples from the North Island highlights that there needs to be better management of slash and that a nationally consistent approach needs to be applied which mitigates risk for downstream communities. The development of further forestry will result in slash management becoming a national issue if it is not appropriately regulated.
Do you support a site-specific risk-based assessment approach or a standard that sets size and/or volume dimensions for slash removal?	
Is the draft slash mobilisation risk assessment template (provided in attachment 2.2.1 to this document) suitable for identifying and managing risks on a site-specific basis?	
Should a slash mobilisation risk assessment be required for green-zoned and yellow-zoned land? If so, please explain the risks you see of slash mobilisation from the forest cutover that need to be managed in those zones?	
If a risk-based approach is adopted which of the two proposed options for managing high-risk sites, do you prefer (ie, requiring resource consent or allowing the removal of slash to a certain size threshold as a condition of a permitted activity)?	
For the alternative option of setting prescriptive regulations for slash management, is the suggested size and/or volume threshold appropriate?	
Do you support the proposed definition of cutover to read "cutover means the area of land that has been harvested"?	
Do you support the proposed removal of the requirement to prepare afforestation and replanting plans?	

Do you support the proposed minor text amendments?	Yes.
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New Zealand Coastal Policy Statement	
Question	Response
Would the proposed changes achieve the objective of enabling more priority activities and be simple enough to implement before wider resource management reform takes place?	Yes, Council supports the intent to provide greater policy direction around enabling priority activities in the coastal environment.
Would the proposed changes ensure that wider coastal and marine values and uses are still appropriately considered in decision-making?	There are always challenges around balancing competing factors in any environment. Council believes the additional direction will still allow for the wider coastal and marine values to be considered.
Are there any further changes to the proposed provisions that should be considered?	Council has no additional comments to make.

National Policy Statement for Highly Productive Land	
Question	Response
Should LUC 3 land be exempt from NPS-HPL restrictions on urban development (leaving LUC 3 land still protected from rural lifestyle development) or, should the restrictions be removed for both urban development and rural lifestyle development?	The removal of lifestyle development from consideration if on LUC 3 land should be linked to whether the use for lifestyle land is supported by a suitable statutory document or zoning. Unplanned lifestyle development can be prohibitive to achieving well planned urban environments.
If the proposal was to exempt LUC 3 land from NPS-HPL restrictions for urban development only, would it be better for this to be for local authority led urban rezoning only, or should restrictions also be removed for private plan changes to rezone LUC 3 land for urban development?	It should be removed from both. If it was not removed from private plan changes it would limit the ability of the wider community to respond in an effective manner to changes which may be appropriate but outside of a local authorities existing work program.
If LUC 3 land were to be removed from the criteria for mapping HPL, what, other	Any changes to the mapping criteria need to be made in a manner that is

<p>consequential amendments will be needed? For example, would it be necessary to:</p> <ul style="list-style-type: none"> a. amend 'large and geographically cohesive' in clause 3.4(5)(b) b. amend whether small and discrete areas of LUC 3 land should be included in HPL mapping clauses 3.4(5)(c) and (d) c. amend requirements for mapping scale and use of site-specific assessments in clause 3.4(5)(a), and amend definition of LUC 1, 2 or 3 land d. remove discretion for councils to map additional land under clause 3.4(3). e. use more detailed information about LUC data to better define HPL through more detailed mapping, including farm scale and/or more detailed analysis of LUC units and sub-classes. 	<p>cognisant of the outcome sought, and changes to all elements should be considered at the same time.</p>
<p>Given some areas important for foods and fibre production such as Pukekohe and Horowhenua may be compromised by the removal of LUC land, should additional criteria for mapping HPL be considered as part of these amendments?</p>	<p>Yes, the balancing of urban growth and agricultural activities should be assessed at the time of mapping to ensure the social, economic and cultural effects of a community are considered. Decisions need to also consider whether there are tools available to enable land that is deemed to be highly productive to be intensified in a manner that results in profitable outcomes.</p>
<p>If so, what additional criteria could be used to ensure areas important for food and fibre production are still protected by NPS-HPL?</p>	<p>This could be considered in future spatial planning requirements.</p>
<p>What is the appropriate process for identifying special agricultural areas? Should this process be led by local government or central government?</p>	<p>There may be a need for these to be considered at a level higher than local government, and it may be appropriate to consider at a regional and national level based on a suitable hierarchy of importance.</p>
<p>What are the key considerations for the interaction of special agriculture areas with other national direction – for example, national direction for freshwater?</p>	<p>It is important that other national direction does not work in counter to the NPS-HPL and that they interact in a clear way for effective implementation at all levels.</p>

<p>Should timeframes for local authorities to map highly productive land in regional policy statements be extended based on revised criteria? Alternatively, should the mapping of HPL under the RMA be suspended to provide time for a longer-term solution to managing highly productive land to be developed in the replacement resource management system?</p>	<p>The current approach is challenging to implement and the immediate removal of LUC 3 from the interim definition is supported. The deferral of mapping to coincide with the implementation of the new system is supported.</p>
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Multiple Instruments for Quarrying and Mining Provisions

Question	Response
<p>Do you support the proposed amendments to align the terminology and improve the consistency of the consent pathways for quarrying and mining activities affecting protected natural environments in the NPS-FM, NES-F, NPSIB and NPS-HPL?</p>	<p>Yes, Council supports integration of terminology across all national direction documents.</p>
<p>Are any other changes needed to align the approach for quarrying and mining across national direction and with the consent pathways provided for other activities?</p>	<p>Council has not identified any additional changes but has not had the time to assess all relevant documentation at a granular level.</p>
<p>Should “operational need” be added as a gateway test for other activities controlled by the NPS-FM and NES-F?</p>	<p>Council can see benefit in this approach, especially as it appears to be a term that is being utilised more predominantly within the proposed national direction documents.</p>

Stock Exclusion Regulations

Question	Response
<p>Do you agree that the cost of excluding stock from all natural wetlands in extensive farming systems can be disproportionate to environmental benefits?</p>	<p>Yes, the scale of farming activities in some environments such as the high-country mean that the cost of fencing can be prohibitive, and that in many cases the farming approach will not have changed for 100 years or more.</p>

Implementation of Primary Sector Instruments

Question	Response
Does “as soon as practicable” provide enough flexibility for implementing this suite of new national policy statements and amendments?	This approach can create ambiguity as the terminology can be interpreted more broadly than anticipated.
Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient? a. If not, what would be better, and why? b. If yes, what time period would be reasonable (eg, five years), and why?	Timaru District Council strongly suggests any ‘plan making processes’ that require a Schedule 1 process should be deferred until the same time as the new system is implemented.
Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review?	Only if the requirement relates to reviews notified after the new national direction comes into effect. It will be prohibitive for reviews to implement changes if the plans have already been notified.
Are there other statutory or non-statutory implementation provisions that should be considered?	Council has no suggestions at this time.