

Submission to the Environment Committee

Planning Bill and Natural Environment Bill

13 February 2026



Introduction

The Timaru District Council (the Council) thanks the Environment Committee for the opportunity to submit on the Planning Bill and Natural Environment Bill. We do not wish to speak to this submission.

This submission is made by the Timaru District Council, 2 King George Place, Timaru. The submission has been endorsed by the Mayor and Councillors. The contact person for Council is Nigel Bowen, Mayor of the Timaru District, who can be contacted at Timaru District Council, phone (03) 687 7200 or PO Box 522, Timaru 7940.

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We note that this proposal is one of a suite of inter-linked and inter-dependent reforms which would, cumulatively, transform the form and function of the local government sector. It is difficult to fully comment on these interdependencies because the reforms are at different stages of development.

This submission is based on the information available at the time of lodging, and Council's views may change as more information becomes available on this and the other reforms.

It is important that the government consider all of the reforms as a cumulative package, and – when making policy decisions on them – are cognisant of their inter-dependencies and potential flow-on effects.

Overview of the Timaru District

The Timaru District Council is a local authority in the South Island serving over 50,000 people in South Canterbury. The main settlement is Timaru, with other smaller settlements of Geraldine, Pleasant Point and Temuka.

Timaru District Council is a rural-provincial council which seeks opportunities for growth through looking for ways to enable housing and businesses development. Timaru District Council is about to issue decisions on its district plan review and has taken many learnings

from this extensive process, including the restrictions that current national policy settings can place on the ability to provide for growth in a way that meets the wider community's desires.

Like many other councils, Timaru District Council has grappled with the current resource management framework and the associated high costs and time required to implement the legislation. Council is excited by the opportunity to contribute feedback to the new legislation to ensure that all places within New Zealand can adapt and implement the changes successfully.

High-Level Views on the Policy Intent (Key Features)

Timaru District Council supports the proposition of a modern planning and environmental management system. The intent to unlock growth and reduce the cost of infrastructure – whilst protecting the environment and improving resilience – is supported.

As with many such reforms the devil is in the detail and many implications of the reform will not be fully known until further information becomes available, such as additional national direction and standardised zoning chapters. Council seeks that current and future changes remain cognisant of the impacts on the ground for councils of all sizes and environments.

Council sees a key risk of the reform being a one size fits all approach, when the on-the-ground reality is that there is a huge variance in the size of urban areas and the use of rural land. Some of the problems being solved may not be applicable to all districts; there is the very real risk that the outcomes for smaller districts may be fewer desirable environments and a loss of the values which the existing community's desire.

Additionally, the timeline for transitioning to the new system is extremely ambitious and poses a significant risk to the quality of decision-making and plan development. This truncated process places considerable pressure on councils to deliver decision-making and plan development within an extremely short period of time. These pressures are compounded by other major reforms occurring simultaneously, such as the rates cap proposal and amendments to the Local Government Act 2002, which themselves demand significant attention.

The transition to the new system will impose further fiscal costs for councils. Whilst we note that the proposed framework seeks to reduce plan making costs compared to the current system, the implementation costs will still be significant. Local government is already operating within a fiscally constrained environment, with the proposed rates cap likely to further limit councils' ability to raise revenue. It is unreasonable for the full burden of these additional costs to fall on local government and local ratepayers. To ensure a smooth and effective transition, we recommend that the Government provide financial support to councils to facilitate the transition.

In examining the key features of the new system Timaru District Council makes the following comments:

Fewer Effects Managed

Council supports clearer direction around the management of effects and what can and cannot be considered when considering an application. The impact of this change will result in changes to how the public perceive the environment, especially where it results in new types of development in areas which may not have experienced that type of development previously due to existing district plan constraints. The removal of amenity controls and the like will result in development occurring in environments that have previously not anticipated them.

Specifically, we seek clarification on the intended interpretation of the 'enjoyment of land' and how this is expected to be achieved with the proposed 'out of scope effects. As drafted, the Planning Bill fails to recognise that one person's enjoyment of their land can impact on the ability of someone else to enjoy their land through the exclusion of effects that would directly impact neighbouring properties. Without the ability to regulate externalities, we cannot see how this will provide enjoyment of land for all.

We do not take issue that 'minor matters' of visual and aesthetics are not regulated, e.g. the colour of a garage or the cladding used. However, we have concerns that the visual amenity and aesthetics are unable to be managed, particularly when landowners seek to push beyond permitted activity thresholds. The obvious example would be someone building something larger than the baseline standards, as the Bill currently does not give consenting authorities the tools that enable mitigation of externalities because they are deemed out of scope. If that remains the case, then it risks increasing complaints which councils will have no means to address, or an increase in declined applications as the only tool available to councils (because effects cannot be mitigated).

Fewer Consents and More Proportionate Conditions

Council acknowledges that some activities currently require consents when there are avenues available for them to be managed outside of consent processes. As the detail around this will be mostly captured within standardised zoning provisions, the full impact on a council like ours is hard to quantify. Where consents are required, Council supports the direction around conditions needing to be proportionate to the scale of the breach. The implementation of this will need to be clearly guided, to ensure consistency across the country.

Fewer Plans and Spatial Planning

Council understands that while there will be fewer plans, each territorial authority will still have a chapter. The true impact of this change will not be fully understood until the full scope of standardised zones is known and the ability of councils to have place-specific variations is

clearly articulated. The nuance surrounding this will be further complicated by the creation of Spatial Planning Committees, and ultimately the jointly approved spatial plan which will be a higher order document (at the top of the funnel) under the new framework. This will further reduce the ability for communities to respond to on-the-ground needs in a fluid manner.

Therefore, whilst Council supports the needs for spatial plans where they enable communities to better understand the growth potential of a region and district (including constraints that are present across a region), how these documents interact with other reforms such as development levies will be critical to their success. Council would be apprehensive if the intent of these documents becomes about picking winners and losers at a regional level, where there is a risk that smaller councils lose their voice in such processes.

One potential way to mitigate this risk is for the Planning Bill to provide greater authority to councils where an issue directly affects a specific area. For example, where an issue solely affects an urban area, such as Timaru, there should be autonomy for that local authority to be the decision maker on that aspect. We recommend that this could be achieved through the establishment of decision-making principles in the legislation to guide agreement between councils on decision making rules for the spatial plans.

Spatial planning is inherently strategic, place-based and sensitive to scale. In Canterbury, the complexity of addressing planning challenges varies across districts. The infrastructure coordination, transport integration and economic development issues that operate across borders within Christchurch are far more confined within the Timaru context. Given the proposals to reform local government, we consider that the spatial planning framework retains flexibility to enable planning at the scale in which systems operate. This includes the ability to pursue sub-regional planning arrangements, rather than binding spatial planning outcomes to a single regional governance structure.

Faster Plan-Making

Council supports faster plan making. Being in the final stages of a full-review process, Council agrees that faster processes are needed to ensure quicker and more cost-effective outcomes for all involved. However, this should not be at the cost of good processes which enable communities to have their voices heard.

Under the proposed 'funnel approach', with key decisions being made earlier in the process, there are fewer opportunities for the public to revisit them at a local level. In our experience, people are far more likely to engage in the planning process when a proposal is tangible and directly affects them.

Additionally, national instruments will likely be disconnected from the local context – making it challenging for the public to engage and fully comprehend the impacts on them. We question whether the faster plan making approach as proposed enables public participation at an appropriate level. The threshold for parties to be involved at later stages – such as

consenting – is to be limited under the new system, making input at the plan development stage more important.

Standardised Zones

Council supports standardised zones to allow for streamlined decision making, however, questions whether there needs to be more than are currently proposed to better reflect the variance between existing environments that currently exist. Council is interested in what the requirements will be to allow for bespoke zoning to recognise very specific differences, or for locations that simply do not fit within the defined zoning.

The decrease in the number of zones and the prescribed nature of these may impact on smaller communities, as there will be a requirement to adopt provisions which are more reflective of larger urban environments representing a shift in built environments throughout the country. Council has concerns that the reduction in the number of zones will remove the ability for bespoke zones around major industries such a factory in the rural zone or land supporting port operations which play an important role in serving districts such as Timaru.

Two examples immediately apparent in the Timaru context are the Fonterra site at Clandeboye and the Timaru Port (and its associated infrastructure). The Fonterra site is significant to the Timaru District and the wider Canterbury Region but is in a rural environment and would likely not fit within any standardised zone. Likewise, the Port is regionally significant, but unique, with local variations meaning it would need bespoke considerations different to other ports in the country. There must be an avenue for councils to appropriately provide for these types of important activities within planning documents.

National Standards

Council supports the proposition of national standards, as this will mean councils do not need to litigate matters on a case-by-case basis. The implementation of these standards will need to be supported by government, and Council would be concerned if the standards were to constantly change without specific evidence to support the changes. This would undermine the intent of the reform, which is to provide certainty to users and those implementing the legislation. As the use of national standards will inevitably reduce the opportunities for public participation and local decision-making, ensuring all 'standards' are based on robust evidence and sound analysis will be critical to the success of the proposed system.

Regulatory Relief

Council does not support the concept of regulatory relief as there is a lack of understanding of the costs associated with this. Requiring ratepayers to compensate landowners for values which are required (by legislation) to be recognised will have a disproportionate effect on smaller communities which often have higher values associated with landscapes and biodiversity. This proposition is put forward whilst rates capping is also being proposed,

creating a situation where economics becomes the determining factor with the environment being an afterthought.

While the Bill does not require that mandatory relief be monetary compensation, there is likely to be extensive and costly litigation as plans are developed due to the regulatory relief framework. At a minimum, Council believes the values identified as being subject to regulatory relief should be managed by a single authority. Council is of the belief that this is best managed at a regional level to ensure consistent application and the apportionment of the associated costs across a larger ratepayer base. This further aligns with Council's desire to see no disproportionate effect on smaller councils.

Additionally, Council wishes to outline that it does not support any further expansion of this concept or 'creep' that sees the concept being applied to all values that are perceived to impact on the value of someone's property. Council is concerned that this will be the first step towards compensation being applied to those who perceive themselves as being affected by adjoining development or mapping, with councils being a funder for resolving neighbour disputes.

Clearer Consultation Requirements

Whilst specific consultation requirements will be welcomed, making this process clear for all users will ensure thorough practices. The proposed provisions and approach will shift the nature of relationships between councils and different groups. Instead of partnerships, relationships will be based on specific circumstances. This risks processes becoming more insular, increases risks of litigation and lack of community buy-in, and should be considered carefully when finalising legislation as it relates to consultation requirements.

Faster Conflict Resolution

Council supports a process for faster conflict resolution. This will save time and costs for all parties and create greater certainty within the industry, allowing for better decision making. As noted previously, the ambitious implementations timeframe will result in truncated processes potentially decreasing the ability of communities to have in-put into the new system. The need for conflict resolution processes would be lessened if timeframes allowed for better engagement at the start of plan making processes.

Clear Environmental Limits

Council supports clear environmental limits to support community decision making. Key to implementing this will be ensuring that the limits are set in a timely manner and are then maintained, rather than being constantly changed, which would undermine the policy intent of setting them at a national level. These limits must be based on science and applied in a consistent manner.

Council seeks further direction around managing the timing of regional spatial plans, the natural environment plans and the role of environmental limits within these processes. Council is concerned that the regional spatial plan will be required to make trade-offs between land use and the environment before the natural environment plan is developed. In doing so, it may fail to push councils to identify and comprehensively evaluate options that might better achieve or not compromise environmental limits; i.e. decisions will be made without comprehensive assessment and robust evaluation of appropriate evidence.

Better, More Consistent Enforcement

Council supports the requirement for better enforcement, and this will be critical to implementing the new system given that it will be more regulated. The need for councils to have an effective enforcement toolbox will be a key feature of the new system and its successful implementation. This will be a shift for many councils and place a lot more responsibility on territorial authorities. In the context of wider local government reform, suitable time and resource needs to be provided to all councils to establish necessary processes and systems to implement the new legislation, without adding additional rates costs and level of service requirements that are at this stage largely unknown.

Feedback on the Interaction Between the Bills

Whilst Council supports the intent of the two Bills, the allocation of responsibilities raises several questions. As noted previously, the overall impact of this approach will not be known until further detail is released in the form of national direction and environment limits.

Managing the Environment

Goals of the Planning Bill include protecting from inappropriate development identified values and characteristics, including the natural character of waterbodies and outstanding natural features and landscapes; whilst a goal of the Natural Environment Bill is to achieve no net loss of indigenous biodiversity. Council's experience is that these matters are often interrelated with indigenous biodiversity being present in natural character areas and outstanding natural features and landscapes.

Having multiple pieces of legislation managing the same areas for different purposes creates duplication and conflict, leading to challenges in implementing effectively and multiple processes seeking to address the same underlying values. Clearer direction is needed as to how such challenges will be managed to ensure no conflicts arise.

This is further exacerbated due to the two Bills having different applications for the term 'environment'. Adverse effects are only relevant to an application where they impact a person or the defined environment – specifically, 'the built environment' for planning consents and 'the natural environment' for permits. This approach presents challenges, for example, land use activities that have significant adverse effects on the natural environment may not

require a separate permit under the Natural Environment Bill, creating gaps in considering effects as only effects on the built environment can be considered under the Planning Bill.

While the intention is that regional spatial plans will provide for land uses in a way that does not breach environmental limits, there needs to be mechanisms to address environmental harms caused by development where there are higher than expected adverse impacts. The current approach – as discussed above – creates considerable risk that environmental effects will not be adequately assessed or managed across the two Bills, with the potential for local councils – as the infrastructure providers in urban areas – to have to address any effects that are not captured.

Qualified Residents of a District or Region

Council questions the notion of only qualified residents of a district or region being able to submit on notified consents and permits, and how this will be implemented. The concept will reduce the number of submitters but will be challenging for councils to implement if there is not very specific guidance.

Reconsenting Municipal Infrastructure

Council seeks changes across both Bills to ensure that the reconsenting of municipal infrastructure becomes far more streamlined, without the need for multiple consents under multiple plans and legislation. Council is of the belief that if the infrastructure provider can demonstrate historical and existing compliance, there should be no requirement for costly re-consenting processes.

Comments Specific to the Planning Bill

Resetting Out of Scope Effects

As discussed previously, Council supports clearer direction around what can be regulated and what effects are out of scope. Whilst stipulating what is out of scope will streamline processes, there will be effects on communities which are currently not understood. The removal of matters as they relate to amenity and the effects on views from private property/ internal to a site, will result in different types of development, and over time a loss of design elements that are valued by communities and individuals. Whilst this seems to be an accepted outcome, the long-term effects on the qualities of our urban areas will create issues for future generations.

Additionally, Council questions the removal of retail distribution effects as a matter that can be assessed. Previous direction has been for councils to facilitate well-functioning urban environments, and this often involved identifying the best place for certain activities. Removing this element will create the potential for greater growth of

commercial activities but may be at the cost of existing town centres which will have an impact on existing retailers and the existing urban environments.

The removal of retail distribution effects as a matter of consideration will undermine the implementation of spatial plans, which fundamentally should consider the best place for this type of activity. Drawing demand away from existing centres dilutes private and public investment, leads to less efficient infrastructure networks and greater costs for infrastructure delivery. Council believes that the way that retail distribution is managed within the new system should be reconsidered.

Comments Specific to the Natural Environment Bill

Allocation of Natural Resources

Council questions the use of auctions and tenders to allocate natural resources and the lack of detail surrounding this proposition. Council relies on natural resources to provide services to our communities and the monetising of these resources through auctions and tenders will result in additional costs being passed on to the end user. Concerns are also held as to how this new approach will be implemented when some resources are already over allocated.

Examples from Australia show that there are consequences with an approach that seeks to monetise resources, such as water. In their experience, there environmental issues remained unresolved and there were increased costs for government in having to buy back water rights for environmental outcomes. Turning the environment into a traded commodity reshaped agriculture uses, intensified regional inequality and sparked ongoing conflict over environmental recovery, compliance and market fairness.

This proposition is made without evidence or data around what such a system would look like and how it will affect communities. This will then need to be played out through implementing the new legislation, with the top-down approach leaving small councils and regions with unknowns around delivering key services and what the associated costs will be. This will occur within an environment where rate capping is proposed, adding further pressures to a system which is going through a generational change process.

Conclusion

Thank you again for the opportunity to submit on these Bills. While we support the underlying drivers of the reforms and agree with many of the aspects of the proposed legislation, we consider there are multiple areas that require review and change for a more effective and balanced resource management system. We seek changes to the transition period to align with wider local government reform, whilst ensuring all timeframes are achievable. Without changes, there is significant risk that the benefits of reform are lost and results in a cycle of consistent change to ensure this reform aligns with other reforms under consultation currently.

This is a once-in-a-generation opportunity, and it is necessary to ensure that the legislation will deliver for the well-being of present and future generations.

Please do not hesitate to contact us if you have any questions or wish to discuss aspects further.

Ngā mihi

A handwritten signature in blue ink, appearing to read 'Nigel Bowen', with a small dot at the end.

Nigel Bowen
Mayor