

Committee Members

Cr Neville Cook (Chair)
Cr Alastair Gibson
Cr Robert Guyton
Cr Peter McDonald

Cr Jeremy McPhail (Deputy)
Cr Maurice Rodway
Chairman Nicol Horrell (ex officio)



Regulatory Committee Whakaretea

Environment Southland Council Chambers
and via Zoom digital link

2.30 pm

11 May 2023

A G E N D A Rarangi Take

1. Welcome | Haere mai
2. Apologies | Ngā Pa Pouri
3. Declarations of Interest
4. Public Forum, Petitions and Deputations | He Huinga tuku korero
5. Confirmation of Minutes | Whakau korero – 15 February 2023
6. Notification of Extraordinary and Urgent Business | He Panui Autaia hei Totoia Pakihi
 - 6.1 Supplementary Reports
 - 6.2 Other
7. Questions Patai
8. Chairman and Councillors' Reports | Ngā Purongo-a-Tumuaki me ngā Kaunihera
9. General Manager, Integrated Catchment Management Report - 23/RC/33
 - Item 1 – Biosecurity Regulatory Report – January to March 20239
 - Item 2 - Consents Team Activity and Performance –12
 - Item 3 - Environmental Compliance Division Report –20
 - Item 4 – Integrated Catchment Management Group Work Plan26



10. Extraordinary and Urgent Business | Panui Autaia hei Totoia Pakihi
11. Public Excluded Business | He hui Pakihi e hara mo te iwi

A handwritten signature in black ink, appearing to read 'P L Hulse'.

P L Hulse
General Manager, Integrated Catchment Management

RECOMMENDATIONS IN COUNCIL REPORTS ARE NOT TO BE CONSTRUED
AS COUNCIL POLICY UNTIL ADOPTED BY COUNCIL



Terms of Reference Regulatory Committee

Council assigns to the Committee responsibilities from time-to-time, and the Committee provides advice and reports back to Council on:

1. the approval of non-notified resource consent applications;
2. the need for formal review and amendment of existing plans, strategies and by-laws;
3. the consideration and determination of notified consent applications that are unable to be dealt with via the existing delegations to staff (via the appointment of qualified hearing panels);
4. the appointment and performance of hearing committees/panels;
5. the implementation of NPS, frameworks, and environmental standards required;
6. the monitoring of regional plans, strategies and bylaws.
7. compliance and enforcement activities, including those relating to permitted activities, resource consents and biosecurity matters.



Confirmation of Minutes

- **Regulatory Committee Meeting – 15 February 2023**

**Minutes of the Regulatory Committee, Whakaretea,
meeting of the Southland Regional Council, held in
Regional House, corner North Road and Price Street,
Invercargill, on Wednesday, 15 February 2023, at 1.30pm**



Present: Cr N Cook (Chair)
Cr A Gibson
Cr R Guyton
Cr J McPhail
Cr M Rodway
Chairman N Horrell (ex officio)

Also Present: Cr L Ludlow
Cr E Roy
Cr P Morrison

In Attendance: Mr P Hulse (General Manager, Integrated Catchment Management)
Mrs N Sharpe (Corporate Communications Advisor)
Mr B Halligan (Consents Manager)
Mrs D Ferguson (Resource Management Manager)
Mrs E Kini (Personal Assistant)

1 Welcome | Haere mai

The Chairman welcomed members to the Regulatory Committee meeting for February 2023.

2 Apologies | Nga Pa Pouri

Resolved:

Moved Chairman Horrell, seconded Cr McPhail, that apologies be recorded on behalf of Cr McDonald.

Carried

3 Declarations of Interest

Cr McPhail declared he is currently involved in a consenting process for his existing dairy, through Environment Southland.

4 Public Forum, Petitions and Deputations | He Huinga tuku korero

There were no public forum, petitions or deputations presented to the meeting.

5 Confirmation of Minutes | Whakau korero – 16 November 2022

Resolved:

Moved Cr Gibson, seconded Cr Rodway, that the minutes of the Regulatory Committee meeting held on 16 November 2022 be taken as read and confirmed as a true and correct record.

Carried

6 Notification of Extraordinary and Urgent Business | He Panui Autaia hei Totia Pakihi

(a) Supplementary Report

There were no supplementary reports considered by the meeting.

(b) Other

There were no other items of business raised by Councillors for inclusion in the agenda.

7 Questions | Patai

There were no questions asked by members.

8 Chairman and Councillors' Reports | Nga Purongo-a-Tumuaki me nga Kaunihera

Neither the Chairman nor any Councillors presented reports.

9 General Manager, Integrated Catchment Management Report – 23/RC/08

⇒ Item 1 – Biosecurity Regulatory Report – 1 October 2022 to 31 December 2022

The purpose of this report was to inform Council of the regulatory activities within the Biosecurity Division during the reporting period from 1 October 2022 to 31 December 2022.

Resolved:

Moved Cr Gibson, seconded Chairman Horrell that Council note the Biosecurity Regulatory Report for the period 1 October 2022 to 31 December 2022 and instruct staff to:

1. Provide a report at the next meeting relating to the timeframe and implementation of the a Bluff Haul Out facility
2. Investigate if Clean Vessel Passes are available for public view and to encourage the public to check and report vessels.
3. Determine if a review of the Clean Vessel Pass programme is scheduled and provide an update of the Clean Vessel Pass integration with other regions.

Carried

⇒ **Item 2 – Consents Team Activity and Performance - 1 October 2022 to 31 December 2022**

The purpose of this report was to inform Council of the activities within the Consents Division during the reporting period from 1 October 2022 to 31 December 2022.

Resolved:

Moved Cr McPhail, seconded Cr Rodway, that Council note the Consents Division report for the period 1 October 2022 to 31 December 2022 and for staff to circulate the “Making Good Decisions” training to Councillors.

Carried

⇒ **Item 3 – Environmental Compliance Division Report – 1 October 2022 to 31 December 2022**

The Committee received an update of the activities within the Compliance Division during the reporting period 1 October 2022 to 31 December 2022 from Mrs Ferguson.

Resolved:

Moved Chairman Horrell, seconded Cr Rodway, that Council note the Compliance Division report for the period 1 October 2022 to 31 December 2022.

Carried

⇒ **Item 4 – Integrated Catchment Management Group Work Plan**

Mr Hulse spoke to this report which discussed details relating to the Integrated Catchment Management Group Work Plan.

Resolved:

Moved Cr Cook, seconded Cr Rodway, that Council note the Integrated Catchment Management Group Work Plan and instructed staff to:

- 1. Determine a comprehensive approach to water quality with key stakeholders including Climate Change, Strategy & Policy Committee, Iwi and Regional Forum;**
- 2. Investigate a Risk and Assurance Review and Communications Plan as a Standard Action in the presented Work Programme.**

10 Extraordinary and Urgent Business

There were no items of extraordinary or urgent business considered by the meeting.

12 Public Excluded Business

There was no public excluded business considered by the meeting.

Termination

There being no further business, the meeting closed at 2.34pm.



Matters for Information/Noting Kaupapa Whakamohiotanga/Tuhingia

Item 1 Biosecurity Regulatory Report – January to March 2023

Objective ID: A898259	Strategic Direction: Managed access to quality natural resources Diverse opportunities to make a living
Report by: Kathryn McLachlan, Acting Biosecurity & Biodiversity Operations Manager	Approved by: Paul Hulse, General Manager, Integrated Catchment Management
Executive Approval: Paul Hulse, General Manager, Integrated Catchment Management	

Purpose

The purpose of this report is to inform Council of the regulatory activities carried out under the Biosecurity Act 1993.

Summary

The biosecurity team had a busy summer, with a significant increase in pest plant and marine inspections compared to last quarter. Three new pest exemptions were processed, resulting in 31 active exemptions. One Notice of Direction remains active and no further Notices were issued.

Recommendation

It is recommended that Council resolve to note the biosecurity regulatory report for the period January to March 2023.

Report

Biosecurity Divisional Exemption activities

Exemptions to the Regional Pest Management Plan (RPMP) and the Fiordland Marine Regional Pathways Management Plan (FMRPMP) are processed by the biosecurity team under Sections 78 and 98 of the Biosecurity Act 1993. Below is a summary of the current exemptions for the quarter January to March 2023.

Species	Total current	New this quarter
Bengal cat	25	2
Wallaby	1	0
<i>Undaria</i>	4	0
<i>Contorta</i> pine	1	1

Fiordland Marine Regional Pathways Management Plan – Clean Vessel Passes

All vessels entering the Fiordland Marine Area must have a current clean vessel pass (CVP). CVP applications were up for the period January to March 2023, which coincided with an increase in communications and a greater on-water presence.



	Applications received – 2022	Applications received – 2023	Change
January	67 (47 online)	70 (52 online)	▲
February	57 (40 online)	65 (48 online)	▲
March	28 (17 online)	59 (42 online)	▲
April	40 (32 online)	–	–
May	38 (29 online)	–	–
June	15 (10 online)	–	–
July	40 (25 online)	–	–
August	27 (16 online)	–	–
September	18 (10 online)	–	–
October	25 (19 online)	–	–
November	33 (25 online)	–	–
December	35 (29 online)	–	–
Total	423 (299 online)	194 (142 online)	▲

Biosecurity Divisional Compliance Activities

Compliance monitoring of the Regional Pest Management Plan and the Fiordland Marine Regional Pathway Management Plan is carried out by the biosecurity team. Below is a summary of the compliance work that was undertaken during the January to March 2023 quarter.

Work Programme	Notice of Intent to Enter	Inspections under Section 109	New Notice of Direction	Active Notice of Direction	Completed Notice of Direction	Liens	Prosecution
Pest animals	0	0	0	0	0	0	0
Pest plants	0	146	0	1	1	0	0
National Pest Plant Accord	0	0	0	0	0	0	0
Marine pests	33	42*	0	0	0	N/A	0

*includes vessels only, data for structures and moorings was not available at time of reporting

The target species for the 146 pest plant inspections included Old man's beard, purple loosestrife, buddleia and reed sweet grass. Gunnera, willow and knotweed inspections were also undertaken at Rakiura/Stewart Island.

A cross-divisional Environment Southland compliance trip was conducted in Milford Sound in February 2023. The purpose of this trip was to assess resource management compliance, observe maritime safety and undertake marine biosecurity inspections. With regard to marine biosecurity, the compliance of 42 vessels was assessed, of which 31 hulls were inspected. No marine pests were found, however, 20 vessels did not have current CVPs. Enforcement action ranged from education, through to warning letters and cost recoveries for the inspections. A number of moorings, structures, pots and natural substrate were also inspected and no marine pests were found.

Fit with strategic framework

Outcome	Contributes	Detracts	Not applicable
Managed access to quality natural resources	X		
Diverse opportunities to make a living	X		
Communities empowered and resilient	X		
Communities expressing their diversity			X



Views of affected parties

There are no matters in this report which require consideration under this heading.

Compliance with Significance and Engagement Policy

There are no issues within this report that trigger matters in this policy.

Considerations

Financial implications

There are no financial implications directly associated with this report. This work has all been completed within existing budgets.

Legal implications

There are no legal implications directly associated with this report.

Attachments

None



Item 2 Consents Team Activity and Performance – 1 January 2023 to 31 March 2023

Report to: Regulatory Committee	Meeting Date: 11 May 2023
MORF ID: A898811	Strategic Direction: Managed access to quality natural resources
Report by: Bruce Halligan, Consents Manager	Approved by: Paul Hulse, General Manager, Integrated Catchment Management
Executive Approval: Paul Hulse, General Manager, Integrated Catchment Management	

Purpose

For Council to note the Consents Division report for the 1 January 2023 to 31 March 2023 period.

Summary

The purpose of this report is to inform Council of the activities within the Consent Division during the past (third quarter 2022/23 year) reporting period (1 January 2023 to 31 March 2023), with a focus on:

- emerging consent-related issues;
- relevant legislative reform;
- co-ordination initiatives;
- key challenges.
- team resourcing

Recommendation

It is recommended that Council resolves to note the Consents Division report for the 1 January 2023 to 31 March 2023 period.

Report

Current and Emerging issues

The Environment Court has issued interim decisions in relation to the farming provisions of the Proposed Water and Land Plan. As the Committee will be aware, Environment Southland and some other parties have lodged High Court appeals in relation to these interim provisions. These decisions and the final shape of the relevant provisions will become highly relevant to consenting processes in the future, depending on the timing of when they become operative. Currently, Consents staff are continuing to apply pre-decision content to current applications.



Further changes to the National Environmental Standards for Freshwater Management occurred late in 2022, particularly Regulation 24, which now reads as follows:

7 Regulation 24 amended (Discretionary activities: conditions on granting resource consents)

Replace regulation 24(1) with:

- (1) A resource consent for an activity that is a discretionary activity under this subpart must not be granted unless the consent authority is satisfied that granting the consent will not result in an increase in either of the following:
 - (a) contaminant loads in the catchment, compared with the loads as at the close of 2 September 2020;
 - (b) concentrations of contaminants in freshwater or other receiving environments (including the coastal marine area and geothermal water), compared with the concentrations as at the close of 2 September 2020.

This adds to the rigour of assessing contaminant loadings in relevant consent applications. Staff have discussed this at the regular Consents Consultants forum. These amended provisions are taking effect nationwide, which requires additional information by relevant consent applicants. As can be seen from the above wording, the “must not be granted” content sets a high bar for consideration of relevant consent applications, albeit that the activity status is still discretionary. An example is the recent Fawna Farms application where Regulation 24 applied - this is discussed in the Commissioners’ decision, which can be viewed at the link below:

<https://www.es.govt.nz/repository/libraries/id:26gi9ayo517q9stt81sd/hierarchy/environment/consents/notified-consents/2022/Fawna%20Farms%20Ltd/Decision%20Documents/01%20Hearing%20Decision%20Fawna%20Farms%20Limited%20APP-20222565.pdf>

From the beginning of December 2022, the repeal of Section 104E and 104F of the Resource Management Act means that consent applicants and consent authorities need to consider the implications of the Government’s national direction on greenhouse gas emissions in resource consent decision-making. There has been limited specific guidance on this to date from the Ministry for the Environment. This is relevant to consents to undertake activities, such as industrial activities, where fossil fuels are the current and/or proposed fuel source.

As previously reported, there is ongoing interest in Fiordland-related consent matters, with a number of parties expressing their views on a range of matters, particularly those involving new activities and new structures. Councillors will be aware that a Regional Coastal Plan Change 5 relating to Commercial Surface Water Activities has been notified, which means that both the current plan provisions and the provisions of the Coastal Plan Change need to be considered in relation to this matter for future applications. Further submissions were called for from late October to early November 2022 and Regional Planning staff are working on scheduling a hearing in Te Anau in late June 2023. At the time of writing, the Section 42A staff report on this Plan Change is in the process of preparation. As previously reported, this Plan Change is having the effect on some applications that would previously have been processed non-notified, but are now publicly notified.

A number of municipal/township wastewater consents across the region are nearing expiry over the next 18 months. Staff of the relevant territorial authorities are generally being proactive in engaging with the Consents team on these well in advance. The National Policy Statement for Freshwater Management 2020 significantly elevates the regulatory bar for consideration of such applications, particularly for activities proposing discharge of wastewater to water, which are often a feature of older municipal schemes.

Groundwater nitrate levels and associated concern about adverse health and water quality effects remain a topical issue in national and local media coverage, and continue to get raised in some submissions to consent applications.



In recent months, Environment Southland, led by the Catchment Integration team, has been participating in a Certified Freshwater Farm Plan (CFFP) development trial with the Ministry for the Environment. The CFFP system is embedded in the Resource Management Act 1991 (Sections 217A to 217M) and will become an important part of the resource management system. Consents staff have been feeding into this work at relevant stages. An information session on this was held for consent consultants in March 2023, which was well attended. This is a “work in progress” and Consents staff are remaining involved and informed.

Legislative reform

As previously communicated, at the time of writing the Government remains currently committed to its programme of legislative reform in the environmental area and it is anticipated that some substantial progress on this will be made in 2023. The overall proposed changes are explained at the link below:

<https://environment.govt.nz/assets/publications/Our-future-resource-management-system-materials-for-discussion.pdf>

It is very important for the Consents team to stay across this crucial legislative reform, which has been described as the most significant environmental reform in a generation, in order to position the Consents function effectively for the future. The Consents team is also looking to ensure ongoing participation (usually virtually) in relevant forums, including discussions across the regional councils, to ensure awareness of best practice and general consistency of approach. At the time of writing, there has been no further update on legislative reform progress from the previous updates provided to previous Committee meetings, although it appears that the proposed reforms have survived largely intact, relative to some other previous government reform initiatives which have been amended or deferred post-Christmas 2022.

Councillors will be aware of the recently released exposure draft of the National Policy Statement for Indigenous Biodiversity. Environment Southland lodged a submission on this, which was endorsed by the Council on 13 July 2022. Depending on where this lands, it could have a significant impact on consenting workloads for all councils. Some recent Environment Court enforcement decisions relating to biodiversity matters have highlighted the regulatory challenges in this area for all councils. There has been no further recent update on progress, although again there has been no indication that there is any intention not to proceed with progressing this NPS-IB initiative although timing is unclear.

Co-ordination initiatives

There has been an ongoing focus in early 2023 on supporting the Integrated Catchment Management model. In particular, the Consents and Compliance teams have been working more closely together through:

- ongoing focus on intensive winter grazing and compliance;
- regular fortnightly leadership catch-ups;
- consistent approaches to health and safety – use of the “Take 5” tool to encourage staff thinking in advance to mitigate health and safety risks;
- regular sense-checking of consent conditions to ensure they are effective and clear for Compliance staff charged with their enforcement in the field;
- cross-divisional field visits and training opportunities, in particular, there are some combined dairy training opportunities pending.



Key challenges

- **Workforce**

A very important ongoing focus at a managerial level remains, ensuring appropriate processing capacity and capability to process incoming consents. Approximately 5% of consents are currently outsourced to external consultants for processing, reflecting team capacity and experience levels in some types of more specialised applications.

There is considerable pressure on skilled consents staff at a national level, so attracting and retaining Consents staff is an important ongoing focus.

Staff are staying abreast of workloads and processing times at present. However, there is very limited capacity in the processing system, particularly for more complex applications, if multiple applications get lodged simultaneously.

- **Uncertainties of future legislative reform and providing definitive advice in that context**

As referred to above and in previous reporting, the Government has a strong programme of legislative reform, which is currently progressing with some haste and, as reported above in relation to Regulation 24 for example, ongoing changes occurring. While the Consents team is seeking to ensure that it keeps abreast of this national direction, this does create a level of uncertainty for applicants who seek some certainty regarding what the regulatory regime may look like in, for instance, three years' time when their farming consents may come up for renewal. There are limits to what Consents staff at the coalface can do about that, however, other than qualify any advice accordingly. The same also applies to the future shape/content of Environment Southland's own planning documents.

Divisional activities

The activities of the Consents Division in the reporting period from 1 January 2023 to 31 March 2023 are summarised as follows:

General

- 141 applications lodged.
- 144 decisions made (including incomplete returns and withdrawals).
- Timeframe compliance over the period is 100%. This includes situations where the processing timeframe has been extended with the applicant's agreement (e.g. where draft conditions have been supplied to the applicant for feedback). 100% of applications lodged during the reporting period are being processed in-house. *(Note: Several larger applications currently being processed are being supported by external consultants, usually where the required competencies are not held in the in-house team.)*
- It is worth noting, however, that 10 applications remain on hold relating to Mataura Water Conservation Order reallocation processes, which are in train via a dedicated project team. Section 124 rights apply to those applications so the consent holders can continue to operate under their current consents. Review notices have been issued for consents affected by the Mataura over-allocation. These do not include the current on-hold replacement applications, as review notices cannot be issued for expired consents, and the solution to the over-allocation will be applied through the replacement consent process.



Team matters

- The Consents team has supported Fiordland Marine Guardians meetings and has provided regular reporting on consents activities. The next meeting is scheduled for 9 May 2023.
- The regular Consents Consultants' Working Group meetings have continued via Zoom in this quarter on a monthly basis. This remains a very useful forum for dialogue and feedback on the Consents Division's processes and other related issues.
- The ongoing progression of the review of the Maitua Water Conservation Order consents referred to above will create some additional processing pressures on the team over the coming months.
- The team has been receiving a small number (approx. 60, including applications for deemed permitted activities) of intensive winter grazing consents to date, which is currently manageable within the team resource. The anticipated influx of large numbers of intensive winter grazing (IWG) consents has not eventuated to date. However, recent aerial and on the ground monitoring of practices by the Compliance and Catchment Integration staff has shown generally good practice with IWG preparation for the coming winter. This is also covered in the Resource Management Manager's report. There has been some increase in recent intensive winter grazing enquiries as the 1 May 2023 implementation date for the relevant regulations approaches.
- A part-time secondment to Environment Canterbury by a Senior Consents Officer, supporting Environment Canterbury in the processing of more complex farming consents, is continuing until mid-2023. This secondment is a great professional development opportunity for the staff member, as well as an opportunity to strengthen the networking across the two organisations. However, with the resourcing pressure referred to above, the intention is that the secondment will conclude as scheduled, and the staff member will return to the ES Consents team full time in July 2023.

Applications Lodged and in Progress

Processing of consents has kept pace with the number of applications lodged. The volume of applications lodged is trending slightly upward by 3.7% (141 vs 136 last quarter) on the last reporting quarter.

Table 1 below summarises the current consent processing activity. (*Note: Applications can require the auditing of up to 10 different activities per single application*).

Table 1: Summary of current and recent consent processing activity

Applications lodged 1 January 2023 to 31 March 2023	141
Applications in progress	199
Applications currently publicly notified	3
Applications currently limited notified	11
Applications limited or publicly notified under S.91A suspension	5
Applications on hold for >15 working days	107
Applications awaiting written approvals	36

**Table 2: Summary of consent decisions made on applications 1 January 2023 to 31 March 2023**

Non-notified decisions made	127
Limited notified decisions made	3
Publicly notified decisions made	0
Total applications withdrawn within date range	7
Total applications declined within date range	3
Incomplete applications returned	0

(Note: In relation to the three “declined” applications, these were all applications for Certificates of Compliance, which were technically declined but then Deemed Permitted Activity approvals were issued).

In addition to applications received and processed, the Consents Division received 325 individual enquiries for the reporting period. The volume of enquiries for this reporting period is similar to the previous period.

Publicly Notified and Limited Notified applications

Table 3: Summary of publicly and limited notified applications in progress

Applicant	Activity	Status
The Alpine Group	Coastal occupation with a structure at Cascade Cove, Dusky Sound	Amended application lodged and limited notified. Submissions received. Hearing was held and adjourned late March 2022, reconvened on 30 May 2022. Application declined by Independent Commissioner. Appeal lodged, mediation attended in December 2022 in Dunedin. There have been ongoing constructive discussions between the parties since then, however, at the time of writing, the appeal remains live.
Suelen Properties Limited x2	Coastal application for aquaculture at Stewart Island	Hearing to be scheduled.
S Ellis and M Kuster	Commercial surface water activity	Submissions closed. Awaiting hearing scheduling. On hold for deposit payment.
Real Journeys Ltd (APP-20221882)	Commercial surface water activity	Limited notified. Submissions closed 6 April 2022. One submission received. Application on hold awaiting hearing deposit payment.
Ewen Pirie for the Lake Waituna Control Association	Permits associated with the artificial opening to the sea	Publicly notified. Submissions closed 13 July 2022. Application withdrawn by the applicant.
Real Journeys Limited (APP-20221951)	Commercial surface water activity	Limited notified. Submissions closed 1 July 2022. Two submissions received. Application suspended under s91A.



Applicant	Activity	Status
Real Journeys Limited (20221947)	Commercial surface water activity	Limited notified. Submissions closed 28 June 2022. Two submissions received. Application suspended under s91A.
Fulton Hogan Limited	Gravel extraction activity	Limited notified. Submissions closed 27 September 2022. Submission received and later withdrawn. Application granted under delegated authority.
Gravity Fishing Limited	Commercial surface water activity	Publicly notified. Submissions closed 25 August 2022. Submissions received. Application suspended under s91A.
Kanadale Limited	Dairy farming related activities	Publicly notified. Submissions closed 8 November 2022. Submission received. Application suspended under s91A.
Capil Grove Limited	Dairy farming related activities	Publicly notified. Submissions closed 17 November 2022. Submission received. A hearing is scheduled for 23 May 2023.
Fawna Farms Limited	Dairy farming related activities	Publicly notified. Submissions closed 14 December 2022. Submissions received. A hearing was held on 21 March 2023. The application was granted on 13 April 2023 by an independent Panel.
Blue Sky Meats	Industrial related activities	Publicly notified 20 January 2023. Submissions closed 20 February 2023. Submissions received. Staff liaising with applicant on next steps, technical review continues.
Fiordland Discovery Limited	Commercial surface water activity	Limited notified. Submissions closed 18 April 2023. No submissions received. Application progressing for decision under delegated authority.
Roger & Marilyn Olsen	Coastal protection	Limited notified. Submissions closed 23 March 2023. One submission received. Application suspended under s91A.
Mount Linton Station	Intensive winter grazing	Limited notified. Submissions closed 3 April 2023. No submissions received. Application progressing for decision under delegated authority.
South Pacific Meats	Industrial related activity	Limited notified. Submissions closed 17 April 2023. No submissions received. Application progressing for decision under delegated authority.
Deep Cove Outdoor Education Trust	Discharge to CMA	Limited notified. Submissions close on 16 May 2023.



Other applications/matters of note

Blue Sky Meats has applied for a suite of consents for its Morton Mains processing site, to replace current consents, which are nearing expiry. This is currently at the technical review stage. The applicant has requested public notification of the application, and three submissions have been received.

Timeliness of decisions

As referred to above, the division's work reported 100% on time. This includes situations where applications are placed on hold at the applicant's request and where the applicant agrees to a timeframe extension, as provided for under Sections 37-37A of the Resource Management Act 1991.

Fit with strategic framework

Outcome	Contributes	Detracts	Not applicable
Managed access to quality natural resources	X		
Diverse opportunities to make a living			X
Communities empowered and resilient			X
Communities expressing their diversity			X

Views of affected parties

There are no matters in this report which require consideration under this heading.

Compliance with Significance and Engagement Policy

There are no issues within this report which trigger matters in this policy.

Considerations

Financial implications

There are no financial implications directly associated with this report. However, the flow of work in the Consents team has broader financial implications for Environment Southland's broader budget, which will be reflected in quarterly budget reporting.

Legal implications

This report and the associated recommendations comply with the appropriate statutory requirements placed upon the Council, including the requirement of Council under Section 35 of the RMA to gather information, monitor and keep records of the exercise of functions and powers.

Attachments

None



Item 3 Compliance Division Report – 1 January to 31 March 2023

MORF ID: A901799	Strategic Direction: Managed access to quality natural resources
Report by: Donna Ferguson, Resource Management Manager	Approved by: Paul Hulse, General Manager, Integrated Catchment Management
Executive Approval: Paul Hulse, General Manager, Integrated Catchment Management	

Purpose

For Council to note the Compliance Division report for the 1 January to 31 March 2023 period.

Summary

The purpose of this report is to inform Council of the activities within the Compliance Division, with a focus on:

- current topical issues;
- emerging issues;
- co-ordination initiatives
- key challenges;
- activity of the Compliance Division during the past reporting period.

Recommendation

It is recommended that Council resolve to note the Compliance Division report for the 1 January to 31 March 2023 period.

Report

Current topical issues

- **Synthetic nitrogen reporting**
Central government has advised that synthetic nitrogen reporting is due on 31 July 2023. Last year was a learning year for councils. An advice and education approach was taken by Environment Southland. Staff have been working on a strategic plan for this season, which will hopefully see Environment Southland take a wider approach than advice and education for non-compliance and follow-up with non-supply of data now that an understanding on reporting requirements has been clarified.
- **IWG 2023**
In early May 2023, the team will undertake some roadside assessments of properties that have been reported or identified as potential issues for winter grazing. The standard incident response process will be followed for these visits and all properties will be inspected at the time. If a property is found to be non-compliant with the rules, it will be recorded as non-compliant. Staff will use their discretion to determine the outcome of that non-compliance. This is in accordance with the monitoring and enforcement policy and outcomes of any potential enforcement will include consideration of any identified or potential environmental impacts.



- **Coastal inspections**
The team has undertaken the south coast structure inspections this summer, with a number of discharge pipes, wharves, jetties and boat sheds being visited for the first time in a few years. Compliance level was moderate and non-compliances are being followed-up.
- **Fiordland monitoring**
The trip into Milford Sound with the Biosecurity/Biodiversity team gave staff the opportunity to carry out consent monitoring. Overall, the compliance levels were moderate, with a number of consents failing their inspection due to numbers and tonnage not being clearly identified. The non-compliances are being followed-up.
- **Annual reporting (MfE, CME report)**
The team is currently preparing for its end of year reporting with quality assurance checks. This has started early so that staff will have more capacity in June and July due to winter grazing. This reporting becomes part of public documents and is shared nationwide so it is important to ensure complete and correct data is provided.
- **Moving day**
Moving day is a busy time of year, as staff receive a number of transfer requests when properties are sold, farms change milk suppliers resulting in a number of updated person in charge reports. This incoming information is vital for effective monitoring for officers in the coming season and keeps the regulatory administration team very busy for a number of weeks. For the 2022/23 season, 692 notifications of person in charge changes were received.

Emerging issues

- **Grass based wintering**
During the cultivation flights conducted by the Catchment Integration team, it was noted there was a lack of crop in the paddocks, but an increase in baleage on-farm. This leads staff to believe there will be an increase in grass-based grazing this winter period. However, if this not managed well it could lead to sediment discharges. This will be monitored during the wintering flights and winter inspections.
- **Gravel monitoring**
As from 1 April 2023, the Compliance team has picked up the monitoring of gravel extraction consents from the Catchment Operations team. A monitoring strategy is currently being developed and it is anticipated that the first inspections will begin in June 2023.

This will be a change for the consent holders so staff are working with our Communications team to ensure that all consent holders are advised of the change prior to officers arriving on-site.

Co-ordination initiatives

- **Fortnightly regulatory leadership meetings**
The consents and resource management leadership teams meet fortnightly to discuss current issues, plan for work projects and to ensure a joint approach towards work programmes.



- **Winter grazing**
An internal working group, which consists of resource management, consents, communications and catchment integration staff, periodically meet to discuss their respective team's efforts in the winter grazing space.
- **Farm plans**
The team has been included in the loop on work being undertaken by the Catchment Integration team on freshwater farm plans. However, at this stage the team remains in a holding pattern regarding the regulatory response and the resourcing required to undertake this work.
- **NES-PF (*National Environmental Standard for Plantation Forestry*)**
The team is working alongside the Catchment Integration team in the processing of NES-PF notifications. The regulatory administration team enters all notifications as they are received and meets regularly with Catchment Integration to discuss forestry. No non-compliance incidents have been referred to compliance to investigate.
- **Abstraction data**
The team is working with the Science team in the creation of the streamlined and increased monitoring programme.
- **Fiordland monitoring**
The team is working with the Biosecurity team on joint trips into Fiordland to map permitted activities and monitor consents.
- **Invercargill City Council**
Monthly meetings are held with the Invercargill City Council to discuss topical issues and areas where staff can work together to improve customer service and advice and education to the community.

Key challenges

- **Resourcing**
The division has increased its staffing level by four roles over the last year. However, with the impending workloads of synthetic nitrogen reporting, freshwater farm plans and gravel monitoring, staff levels are being reviewed to ensure there is sufficient staff to undertake all work to the highest standard possible.

Activity of the Division

Over the last reporting period, as outlined above, the Compliance team's activities have included:

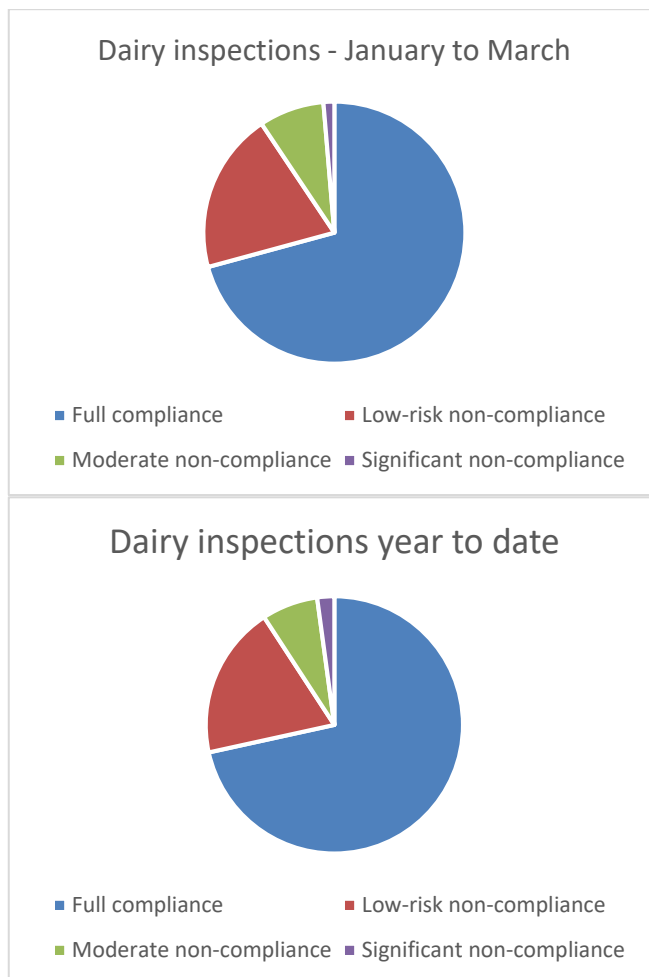
General

- **Dairy inspections**
Standard dairy inspections are wrapping up for the season and winter inspections are due to start. Monitoring staff are completing inspections on-site.



373 dairy discharge permit inspections for this quarter (201 site inspections and 172 aerial inspections):

- 264 full compliance
- 74 low-risk non-compliance
- 30 moderate non-compliance
- 5 significant non-compliance



837 dairy discharge permit inspections for this quarter (665 site inspections and 172 aerial inspections):

- 599 full compliance
 - 161 low-risk non-compliance
 - 59 moderate non-compliance
 - 18 significant non-compliance
- **Industry monitoring**
274 technical reviews were undertaken during this reporting period:
 - 21 site inspections
 - 253 report assessments



- **Enforcement**

35 completed enforcement outcomes for this reporting period:

- 6 Letters of Direction
- 7 Formal Warnings
- 20 Abatement Notices
- 2 Infringement Notices

- **Permitted activities**

During this reporting period, the following permitted activities have been identified:

- 12 silage pads
- 14 offal hole/farm landfill
- 5 calving pads

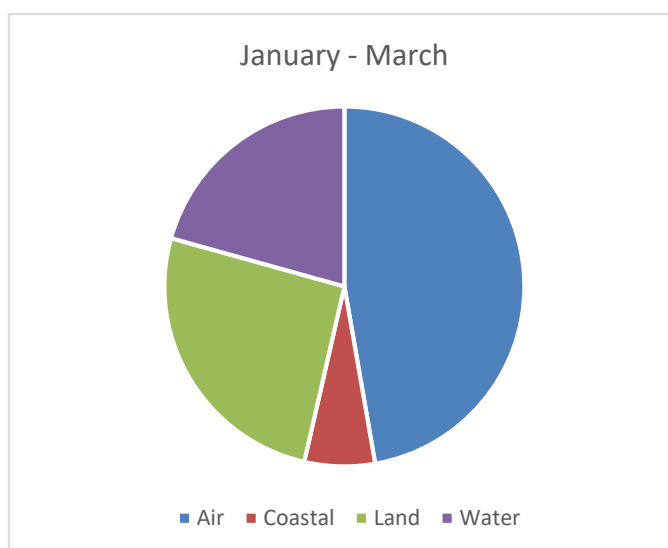
The permitted activities are being logged at the same time as the monitoring activities are being undertaken. This will help build a picture of what is happening within Southland.

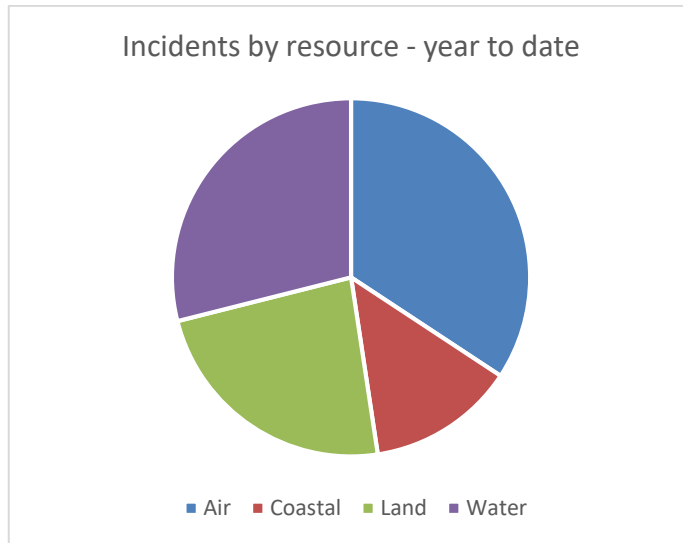
This information will be available to other staff across the organisation. An improved understanding of the spatial distribution and extent of permitted activities will be valuable context when considering scientific assessments of variation in regional water quality and when exploring possible opportunities to make improvements toward identified goals for freshwater.

- **Incident response**

237 incidents have been recorded for the reporting period:

- 217 external notifications
- 20 internal notifications





Above figure shows total incidents (internal and external)

Fit with strategic framework

Outcome	Contributes	Detracts	Not applicable
Managed access to quality natural resources	X		
Diverse opportunities to make a living	X		
Communities empowered and resilient	X		
Communities expressing their diversity			X

Views of affected parties

There are no matters in this report which require consideration under this heading.

Compliance with Significance and Engagement Policy

There are no issues within this report which trigger matters in this policy.

Considerations

Financial implications

There are no financial implications directly associated with this report. However, the flow of work in the Consents team has broader financial implications for Environment Southland’s broader budget, which will be reflected in quarterly budget reporting.

Legal implications

This report and the associated recommendations comply with the appropriate statutory requirements placed upon the Council.

Attachments

None



Item 4 Integrated Catchment Management Group Work Plan

MORF ID: -	Strategic Direction:
Report by: Integrated Catchment Management Team	Approved by: Paul Hulse, General Manager, Integrated Catchment Management
Executive Approval: Paul Hulse, General Manager, Integrated Catchment Management	

Purpose

For Council to note the Integrated Catchment Management Group work plan (attached), which will be updated for each Regulatory Committee meeting.

Background

The work plan provides Councillors with a summary of the work priorities, resource implications and project progression for the Integrated Catchment Management Group.

Recommendation

It is recommended that Council resolve to note the Integrated Catchment Management Group Work Plan.

Attachments

1. Integrated Catchment Management Group Work Plan

Group Work Programme Update (as at 1 May 2023)

Overview

The Integrated Catchment Management Group is responsible for:

- undertaking regulatory functions on behalf of the Council in line with the applicable Act, existing plans, strategies and by-laws
- acting in a fair and reasonable manner with regards to the implementation of the Council's regulatory function;
- identifying and managing strategic relationships and partnerships with other relevant regulatory bodies;
- aligning the Council's regulatory functions with non-regulatory activities across catchments;
- supporting the formal review and amendment of existing plans, strategies and by-laws;
- undertaking compliance, monitoring and enforcement activities in relation to permitted activities, resource consents, biosecurity and biodiversity matters, river and flood management and the Harbourmaster.

Matters of interest

A table of current work streams appended for Councillors' information.

Group Work Programme Update (as at 1 May 2023)

Summary

Project / programme	Key objectives
1. Regulatory Reports	Provide regular reports to the committee from the Consents, Compliance and Biosecurity divisions and from the Harbour Master and Catchment Operations when relevant.
2. Operational Regulatory Framework	The Operational Regulatory framework will be discussed with the Committee and implementation updates provided throughout 2023.
3. Permitted Activities Monitoring Programme	A permitted activities monitoring will be developed and discussed with the Committee mid-2023.
4. Annual Compliance, Monitoring and Enforcement (CME) Report	Annual CME report to be presented to the Committee post the 22/23 financial year.
5. Annual Compliance, Monitoring and Enforcement Priorities	Annual CME priorities to be endorsed by the Committee mid-2023 in time for implementation in the 2023/24 financial year
6. Annual national reporting	Annual reporting of compliance monitoring and enforcement to the compliance and enforcement special interest group (CESIG). Annual reporting of council activities to NMS

Group Work Programme Update (as at 1 May 2023)

2022/23 'Action Ahead' summary

	Next milestones	Status	Relevant dates
1. Regulatory Reports	Regular agenda item from Consents, Compliance and Bio-security. Activity specific updates from Harbourmaster and Catchment Operations to be undertaken when relevant	In progress	Ongoing
2. Operational Regulatory Framework	Update provided to Committee on the framework	In progress	August 2023 & Regular implementation updates throughout 2023
3. Permitted Activities Monitoring Programme	Update provided to Committee on the programme prior to implementation for the 2023/24 financial year	In progress	August 2023
4. Annual Compliance, Monitoring and Enforcement Report	Presentation of the Annual CME report for 2022/23 to the Committee for endorsement.	Not started (data will only be analysed in July 2023)	October 2023
5. Annual Compliance, Monitoring and Enforcement Priorities	Endorsement of Annual CME priorities for 2023/24 by the Committee	In progress	17 May 2023 (Council Workshop)
6. Annual national reporting	Annual reporting of compliance monitoring and enforcement to the compliance and enforcement special interest group (CESIG). Annual reporting of council activities to NMS	Not started (data will only be compiled at end of financial year)	Reporting begins 1 July 2023 with report due to be released November 2023 Reporting begins 1 July 2023 with report due to be released early 2024