Resumption of Southland Flood Control and Drainage Management Bylaw Hearing

Held in the Council Chambers, Environment Southland, on Wednesday, 15 April 2026 at 3.00 pm

Hearing Panel:

Cr Lyndall Ludlow (Chair)
Cr Paul Evans
Cr Phil Morrison

In Attendance:

Vicky Collard – Senior Regional Planner
Lauren Maciaszek – Principal Regional Planner

Welcome I Haere mai

Cr Ludlow welcomed everyone to the resumption of the Southland Flood Control and Drainage Management Bylaw Hearing.

Cr Ludlow clarified that submitters who did not speak to their submissions at the hearing on 26 March 2026 had their submissions considered equally alongside those presented in person. This had not been stated at the prior session and was acknowledged as an oversight.

Cr Ludlow also noted that, at the previous hearing, staff present in the room had been permitted to contribute verbally without being formally invited to do so. For this reconvened session, the Chair directed that any staff wishing to contribute must first seek permission and come to the table so they were visible to all attendees.

Cr Ludlow opened proceedings with a whakataukī: *E ora te tūtara ka pātū ki waho* — a problem is solved by continuing to find solutions.

Staff Report

Ms Maciaszek presented three administrative changes made in the bylaw, as recommended by the panel at the bylaw hearing held in March 2026. These changes were:

Change 1 — Explanatory Note: Code of Practice for River Works
This change arose from the Director-General of Conservation's submission (submission number 13-011.1). The panel had recommended accepting the requested amendment, with the staff recommendation being to amend the bylaw summary section to include reference to the Code of Practice for River Works. However, the corresponding wording had not been included in the recommended amendments document. Wording had subsequently been drafted and inserted as an explanatory note.

Change 2 — Footnote Additions: Invercargill City Council and Whakamana Te Waituna
Invercargill City Council (submission number 1016.2) and Whakamana Te Waituna (submission number 4013) were inserted into a footnote to acknowledge that the changes in the final paragraph on that page were informed by these submissions.

Change 3 — Terminology Consistency: Stopbank to Floodbank
A terminology check identified that the term "stopbank" in the definition of flood control works should be amended to "floodbank" for consistency throughout the document. The maps in Appendix A also used the term "stopbank" in the legend and would be updated to read "floodbank" accordingly.

The panel accepted all three administrative changes.

Ms Collard presented her recommendations on the definitions discussed at the hearing on 25 March 2026. These covered: landward, riverside, maintenance, renewal, owner, and occupier.

Landward
Some submitters had sought clarification on the meaning of "the landward side of flood control works." Staff proposed the following definition: *the side of the flood control work that faces away from a water body.* The panel agreed with this definition.

A diagram had been proposed to support understanding of landward and riverside in relation to flood control works. Staff noted that designing a diagram that accurately captured all varying types of flood control works proved difficult — a simple illustration would likely be read as depicting only a floodbank, whereas flood control works encompass considerably more than that.

Ms Collard suggested that the diagram should not be included in the bylaw itself but could be incorporated into supporting guidance documents, such as the Land Sustainability team's *Guide to Farming on Flood-Prone Land*, which already contained a diagram showing the extent of floodways. Ms Collard noted that when the bylaw was adopted, a suite of communications materials would accompany it, and the diagram could sit within those.

The panel accepted the recommendation to place the diagram in supporting guidance documents rather than within the bylaw. It noted the importance of ensuring that people were aware supporting documents existed.

Maintenance and Renewal
Ms Collard noted that there had been discussion at the prior hearing around the definition of maintenance and the potential addition of renewal activities, specifically in relation to clause 4.1 of the bylaw.

Ms Collard suggested using the National Policy Statement for Infrastructure definition of maintenance. As this definition adequately covered renewal activities, the term "renewal" did not need to be separately defined and did not need to be included in clause 4.1.

The panel supported this suggestion.

Owner and Occupier
The definition of owner in the bylaw was a shortened version of the definition contained in the Resource Management Act (RMA). Ms Collard noted that the original concern raised about the definition of owner was that it was overly complicated. She suggested that adopting the fuller RMA definition would make it more complicated, rather than less.

The panel agreed that to retain the existing bylaw definition of owner as drafted, rather than expanding it to match the fuller RMA definition.

For occupier, the RMA defined the term as *the inhabitant occupier of any property.* An alternative definition was offered in the supplementary hearing report: *a person who holds possession or control of property.* Staff had not recommended any amendment to the occupier definition.

The panel agreed that the existing bylaw definitions of owner and occupier be retained as drafted.

Page-by-page review of draft bylaw
Cr Ludlow suggested that the panel undertake a page-by-page review of the updated draft bylaw to confirm the changes that had been made.

- Page 3: No changes required.
- Definition of flood control work - accepted.
- Explanatory note: the drafted wording referencing the Code of Practice for River Works confirmed as appropriate.
- Landward definition - confirmed as above.
- Clause 4.1 - confirmed that "or renewal" be removed, consistent with the maintenance definition decision above.
- Clause 4.2 - no changes beyond administrative matters.
- Clause 5 — Applying for an Authority: the panel sought clarification that there was not automatically a fee applied to an application for an authority. Ms Collard confirmed there was no fee for an application.
- Clause 5.1: changes noted and confirmed.
- Page 9 - the addition of the word "even" confirmed.
- Compliance and enforcement/notices to remedy (clauses 8.4 to 8.6) - no changes required.
- Revocation and savings - the change to "within 20 working days" confirmed, for consistency with related provisions.
- Appendix A maps - confirmed that the term "stopbank" in the legend would be updated to "floodbank".

Resolved by consensus:

That the Hearing Panel recommend to the Council that the proposed Southland Flood Control and Drainage Management Bylaw be adopted with the amendments made following the Hearing held on 26 March 2026, including the maps shown in Appendix A.

Cr Ludlow closed the formal part of the proceedings with acknowledgement of the work undertaken throughout the hearing process.

There being no further business, the meeting ended at 3.30 pm.