



Notice is hereby given of the

Regulatory Committee

Wednesday 5 August 2026 at 10:00 am

Environment Southland Council Chamber, 220 North Road, Invercargill
26/RC/66

Committee Members

Cr Paul Evans (Chair)

Cr Lyndal Ludlow

Cr Geoffry Young

Cr Alastair Gibson

Cr Jon Pemberton

Cr Maurice Rodway

Cr Roger Hodson

Chair Jeremy McPhail (ex officio)

Agenda

*This meeting will be livestreamed through YouTube and will be available to view on our website.
<https://www.es.govt.nz/about-us/live-stream>*

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Bruce Halligan
Strategic Regulatory Advisor

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

Terms of Reference

Regulatory Committee | Whakaretea

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

1. oversight of the approval of non-notified resource consent applications;
2. the need for formal review and amendment of existing plans, strategies and by-laws;
3. oversight of 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.
8. oversight of the Environment Southland inputs to the Fast-Track Approvals Act 2024;
9. oversight of Environment Southland's regulatory responsibilities with respect to contaminated land.

The Regulatory Committee has authority, delegated by Council, to appoint hearings commissioners under S.34A of the Resource Management Act. Such appointments are made in accordance with the Policy – Resource Consent Hearings Commissioner/Panel Appointment – CP B23.0, adopted by Council on 4 November 2023.

Chairman: Cr Paul Evans

Deputy Chairman: Cr Alastair Gibson

Members: Cr Alastair Gibson, Cr Roger Hodson, Cr Lyndal Ludlow, Cr Jon Pemberton, Cr Geoffrey Young, Cr Maurice Rodway, Chairman Jeremy McPhail (ex officio)

Quorum: Four

1 Welcome I Haere mai

2 Apologies I Ngā pa pouri

At the time of the agenda closing, no apologies had been received for this meeting.

3 Declarations of interest

At the time of the agenda closing no further declarations of interest had been received for this meeting.

4 Public forum, petitions and deputations I He huinga tuku korero

At the time of the agenda closing, no public forum, petitions or deputations were received for the meeting.

5 Confirmation of minutes I Whakau korero

Attached are the minutes from the meeting held 13 May 2026.

Minutes of the Regulatory Committee - Whakaretea

Held at Environment Southland, 220 North Road, Invercargill
Wednesday 13 May 2026 at 10:00 am

Present:

Cr Paul Evans (Chair)
Cr Alastair Gibson (Deputy)
Cr Lyndal Ludlow
Cr John Pemberton
Cr Geoffrey Young
Cr Ewen Mathieson
Cr Maurice Rodway
Chairman Jeremy McPhail (ex officio)

Mr Bruce Halligan (Strategic Regulatory Advisor)
Ms Lucy Hicks (General Manager Integrated Catchment Management)
Ms Ali Flynn (Meeting Secretary)

1 Welcome I Haere mai

The chairman welcomed everyone to the Regulatory Committee meeting for 13 May 2026.

2 Apologies I Ngā pa pouri

An apology was received on behalf of Cr Hodson for this meeting.

Resolved:

Moved Cr Young, seconded Cr Gibson that apologies be accepted on behalf of Cr Hodson.

Carried

3 Declarations of interest

Cr Gibson advised the committee of a conflict of interest in relation to the Mataura Water Conservation Order.

4 Public forum, petitions and deputations I He huinga tuku korero

At the time of the agenda closing, no public forum, petitions or deputations were received for the meeting.

5 Confirmation of minutes I Whakau korero

The following two changes had been made to the minutes of 13 May 2026 in the 'present' section.

- Removed Cr Morrison and replaced with Cr Mathieson.
- Added Cr Hodson.

Resolved:

Moved Cr Pemberton, seconded Cr Young that the minutes of the Regulatory Committee meeting held on 25 February 2026 be confirmed as a true and accurate record.

Carried

6 Notification of extraordinary items/urgent business I He panui autaiā hei totoia pakihi

At the time of the agenda closing, no notifications of extraordinary or urgent business had been received for this meeting.

7 Questions I Patai

At the time of the agenda closing, no questions had been received for this meeting.

8 Chairman and councillors reports I Ngā purongo-a-tumuaki me ngā kaunihera

At the time of the agenda closing, no councillor reports were received for the meeting.

9 Reports

9.1 Compliance Division Committee Update

The purpose of this item was For the Regulatory Committee to note the compliance division report from 1 January to 31 March 2026.

Key points discussed included:

- Frequency of dairy inspections - some farmers are getting up to two per year and being charged accordingly. This was being wrongly perceived as revenue gathering. Ms Ferguson confirmed that consents officers make advisory notes on the maximum inspections per year and for some farms this is two per year but for others this can be as many as seven or eight per year. Previously, the aim had been to complete at least one inspection per year but with new resource efficiencies, the team had more capacity to revisit farms which previously had a non-compliance or those which may have a non-compliance in the near future based off of what was seen at the last inspection. There was also more opportunity to visit farms in an area where the team is doing a cluster of inspections at once.
- A question was raised regarding compliance breaches such as discharge to waterways that were hard to track in some catchments - can technology in the field be used to alert the compliance team to any issues rather than relying on the public to report breaches? Ms Ferguson confirmed that outcome updates on incidents that are reported were available on the Environment Southland website to better inform the community. There had also been some headway in potentially procuring technical field equipment to manage this issue more efficiently.
- A request was raised regarding getting a better breakdown on the number of incident/enforcements and what areas they relate to e.g. whitebaiting.
- The issue of farm plans was raised in terms of the current deadline imposed by the government of 27 May 2026. Ms Ferguson explained that this was the date staff were currently working to unless the legislation changes. The approach to non-compliance would therefore remain the same by utilising the 'education first' method.
- The provision of spatial mapping for breaches - Ms Ferguson confirmed that this information could be found in the IRIS database and hotspots could be picked up through our GIS layers but not all this information could be made public in line with the Local Government Official Information and Meetings Act.
- The issue of fuel shortages was discussed and what areas of work were classed as an essential service. Ms Ferguson confirmed that the incident response work is legislated and must continue regardless. There was also a broader incident management team focusing on the fuel shortage situation.

Resolved:

Moved Cr Rodway, seconded Cr Pemberton that Council:

- 1 Receive the report - Compliance Division Committee Update.**

Carried

9.2 Consents Division Report Q3

The purpose of this item was to note the consents division report for the **1 January 2026 to 31 March 2026** period (third quarter 2025/2026).

Key points discussed included:

- The topic of dairy conversions was raised and It was confirmed that the consents team had received applications for farmland use/dairy conversions.
- A question was raised as to whether current consent holders were taking the opportunity for the three-year extension and waiting for the new legislation or were they going for certainty now? Ms Bragg advised that this was not definitive either way.

Resolved:

Moved Cr Young, seconded Chairman McPhail that Council:

- 1 Receive the report - Consents Division Report Q3.**

Carried

9.3 Biosecurity Regulatory Committee Report Q3

The purpose of this item was to inform the Regulatory Committee of the regulatory activities carried out under the Biosecurity Act 1993 during 1 January – 31 March 2026.

Key points discussed included:

- Information on clean vessel pass non-compliance over time had been provided in the report as requested at the last meeting.
- Pest inspections depended on the species, the frequency and the significance of the incursion and were usually site-led.
- Bengal cats - was the need to have a permit nationwide or did it vary region to region? And were all the Bengal cats in Southland notified? It was advised that they were managed at a regional level and were listed in our Regional Pest Management Plan. There was currently no active surveillance regime for Bengal cats but Environment Southland would respond if alerted to them.
- The question of spatial planning for coastal areas taking into account the aquaculture that is coming to the region was discussed. It was acknowledged that the Southland Regional Coastal Plan was outdated in places with some of the content dating back to the 1990s. Environment Southland was still in the early stages of its thinking on this topic and further work was required on this in conjunction with mana whenua and agencies such as MPI and biosecurity.

Resolved:

Moved Cr Pemberton, seconded Cr Gibson that Council:

- 1 Receive the report - Biosecurity Regulatory Committee Report Q3.**

Carried

9.4 Emerging Regulatory Issues

The purpose of this item was to highlight emerging issues in the regulatory context for the Committee's information.

Key points discussed included:

- A question on fast-track consent applications was raised querying whether Environment Southland should be supporting or opposing fast-tracks or remaining neutral. It was suggested that this could create the perception that Environment Southland would be biased in subsequent compliance monitoring.

- Mr Halligan noted that, under a 'standard track' process, there is also a potential argument that perceived bias could arise where a staff member recommends approval and an Environment Southland-delegated decision-maker subsequently approves the application. It was also stated that while some councils are taking more of an objective stance to fast-track applications, ultimately, this is a decision for councillors under our current delegations.
- Mr Halligan went on to advise that our current process provided for elected representative inputs and Environment Southland was the only regional council currently doing this. There was general support for elected representatives having input rather than it being dealt with at staff level.

Resolved:

Moved Cr Young, seconded Cr Rodway that Council:

- 1 **Receive the report - Emerging Regulatory Issues.**

Carried

9.5 Appointment of Commissioner

The purpose of this item was to seek and appoint an independent decision maker as to decide upcoming consent application.

Resolved:

Moved Cr Pemberton, seconded Cr Gibson that Council:

1. **Receive the report - Appointment of Commissioner.**
2. **Appoint either of Allan Cubitt / Bianca Sullivan, independent commissioners, as the sole decision maker to determine the resource consent application by Tarora Southern Trust – APP-20233491 under s34A of the Resource Management Act 1991.**
3. **Delegates the appointee, to be confirmed from the two names in Recommendation 2 above, pursuant to s34A (1) of the Resource Management Act 1991, all the functions, powers and duties required to deal with any preliminary matters; and hear and decide the application.**

Carried

9.6 Update on Councillor Requests and Actions

The purpose of this item was to update councillors on requests and actions that had occurred during Regulatory Committee meetings and to provide an update on how these are being responded to and/or their status.

The Harbourmaster MOU was discussed and it was advised that it was now sitting with Otago Regional Council's legal review process.

Resolved:

Moved Cr Rodway, seconded Cr Pemberton that Council:

- 1 **Receive the report - Update on Councillor Requests and Actions.**

Carried

10 Extraordinary/urgent business I Panui autia hei totoia pakihi

There was no notification of extraordinary or urgent business received for this meeting.

11 Termination

There being no further business, the chairman closed the meeting at 11.31am.

6 Notification of extraordinary items/urgent business I He panui autaiia hei totoia pakihi

7 Questions I Patai

8 Chairman and councillors reports I Ngā purongo-a- tumuaki me ngā kaunihera

At the time of the agenda closing, no Councillor Reports were received for the meeting.

9 Reports

9.1 Biosecurity Report Q4

Report by: Kathryn McLachlan – Team Leader Marine
 Dave Burgess – Team Leader Biosecurity Animals
 Jolie Hazley – Team Leader Biosecurity Plants
Approved by: Bruce Halligan, Strategic Regulatory Advisor
Report Date: 5 August 2026

Purpose

The purpose of this report is to inform the Regulatory Committee of the regulatory activities carried out under the Biosecurity Act 1993 during 01 April – 30 June 2026.

Summary

The biosecurity team carries out Biosecurity Act exemptions, compliance, and enforcement activity in relation to the Southland Regional Pest Management Plan (SRPMP) and the Fiordland Marine Regional Pathway Management Plan (FMRPMP). The team remained active in the regulatory space in quarter four, completing marine and pest plant inspections.

Recommendation

It is recommended that the Regulatory Committee resolve to:

1. Receive the report – Biosecurity Report Q4

Background

Biosecurity divisional exemption activities

Exemptions to the SRPMP and the FMRPMP are processed by the biosecurity team under Sections 78 and 98 of the Biosecurity Act 1993. There were no changes to the exemption register this quarter, with the exception of a Kioere exemption that has been added in from last quarter. This exemption was granted to Zero Invasive Predators (ZIP) to live capture rats and remove them from Rakiura for the purpose of research towards Predator Free objectives. Staff were happy that discussions and conditions for this work meant there was no detrimental effect on the Island, Predator Free Rakiura or our SRPMP in granting this exemption.

Below is a summary of the current exemptions as of 30 June 2026:

Species	Total Current	Approved in Q4 2025/26	In Progress
Bengal cat	27	0	0
Wallaby	1	0	0
Kioere*	1	0	0
<i>Undaria</i>	2	0	0
Contorta pine	1	0	0
<i>Spartina</i>	2	0	0
Total	34	0	0

*The kioere exemption was granted in January 2026, relating to the Predator Free Rakiura work. This was omitted in Q3 reporting due to a filing error.

Fiordland Marine Regional Pathway Management Plan

All vessels entering the Fiordland Marine Area (FMA) must have a current clean vessel pass (CVP). Overall, CVP applications were up this quarter compared to 2024/25. This reflects the valuable education work our Marine Ambassador has been doing, along with the increase in compliance work this quarter.

The Marine Ambassador programme is a partnership between Environment Southland and Biosecurity New Zealand to promote the Protect our Paradise campaign, alongside the Southland-specific rules and messaging. The Ambassador prioritised partnership outreach and community events this quarter, with some boat ramp inspections on weekends with favourable weather and boating conditions. This programme concluded at the end of June, however, due to the widespread support and success, funding has been secured to continue in 2026/27.

	Applications received 24/25	Applications received 25/26	Change
July	26	17	▼
August	28	11	▼
September	33	16	▼
October	29	25	▼
November	50	29	▼
December	48	57	▲
January	87	88	▲
February	69	65	▼
March	55	72	▲
April	57	40	▼
May	18	33	▲
June	13	25	▲
Total	513	478	▼

Biosecurity divisional compliance activities

Compliance monitoring of the SRPMP and the FMRPMP is carried out by the biosecurity team. Below is a summary of the compliance work that was undertaken during the third quarter.

A total of 11 pest plant inspections were completed and one Notice of Direction (NOD) was given for a gorse and broom complaint. Inspections included old man's beard, gorse and broom good neighbour inspections and survey work in Te Anau.

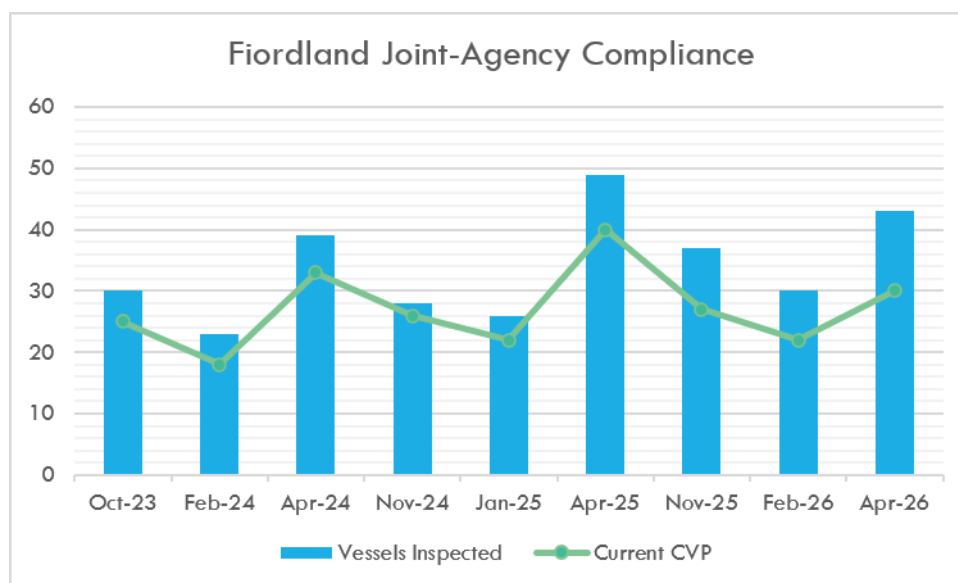
The final joint-agency Fiordland marine compliance trip for the season was undertaken this quarter, patrolling from Tamatea/Dusky Sound to Piopiotahi/Milford Sound. Divers inspected vessel hulls, structures, moorings, lines and high-risk natural substrate, whilst topside officers boarded vessels to liaise with users. This was a busy trip with 43 vessel interactions and a number of follow-ups required.

No marine pests were found, however, 10 vessels did not have a current CVP. The chart below shows the number of vessels inspected during each trip since October 2023 and the proportion of current CVPs.

Education was required for several private vessels without CVP's this trip and six vessels were investigated for breaching the Fiordland clean hull standard. Several formal warnings and cost recoveries were issued, and one of these vessels was directed to leave the Fiordland Marine Area. The CVP for this vessel was rescinded and the vessel complied with the NOD as instructed. It's not certain why there is an upward trend in non-compliance, however, trip scheduling continues to be adjusted to target as many visiting boats as possible, which means we are capturing new boats who are less familiar with the Fiordland rules.

Overall, it has been a disappointing season for marine compliance, with an increased number of fouled vessels and clean hull standard breaches. This has required significant additional time and expertise, to appropriately respond and complete the necessary paperwork. Staff are evaluating processes and looking for alternative ways to resource this workstream under increasing internal resource pressures. Ongoing resourcing to ensure biosecurity functions are resourced at appropriate levels will also be a strong focus of upcoming Long Term Plan processes.

It is hoped that the ongoing Marine Ambassador work will continue to highlight the rules and diligence required by Southland marine users. All NODs have been actioned and closed for 2025/26.



The monthly hull inspection programme of boats known to travel to Fiordland and Southern Rakiura from our major ports in Bluff and northern Rakiura continued. The number of vessels inspected this quarter was slightly lower than usual due to many vessels being at sea or out of region on survey. A total of 101, 97 and 69 were inspected from April through June and 32% of vessels were infected with *Undaria*. This is expected as *Undaria* is prolific and not controlled in the ports. As usual, vessel owners were advised on the measures needed to ensure they were clean before departing for our pristine waters. Most vessel owners now understand the requirements and are receptive and willing to ensure their vessel is clean before departing.

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	11	1	1	0	0	0
National Pest Plant Accord	0	0	0	0	0	0	0
Marine	0	302	1	0	2	0	0

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

Attachments

Nil

9.2 Consents Division Report Q4

Report by: Lacey Bragg, Consents Manager

Approved by: Bruce Halligan, Strategic Regulatory Advisor

Report Date: 5 August 2026

Purpose

For the Regulatory Committee to note the consents division report for the **1 April 2026 to 30 June 2026** period (third quarter 2025/2026).

Summary

- The purpose of this report is to inform the Regulatory Committee of the activities within the consents division during the past (fourth quarter 2025/26 year) reporting period (**1 April 2026 to 30 June 2026**), with a focus on:
 - emerging consent-related issues;
 - relevant legislative reform;
 - co-ordination initiatives;
 - key challenges;
 - team resourcing.

Recommendation

It is recommended that the Regulatory Committee resolve to:

- 1 Receive the report - Consents Division Report Q4.

Background

Current and emerging issues

The joint Department of Conservation/Awarua Rūnaka/Environment Southland consent application relating to the Waituna lagoon has been granted by the three-commissioner hearing panel on 13 October 2025. The Court has scheduled mediation for the parties to commence 31 July 2026.

Ngāi Tahu Seafoods lodged a substantive application as a listed project under the new Fast-Track Approvals Act 2024. This decision was subsequently appealed. The proposal is progressing it is final stages within the Environmental Protection Agency fast-track process. This is covered further in the “Emerging Issues” report on this agenda.

The Waikaka Gold Mines Limited consent application relating to the purpose of establishing and operating a gold mine has been granted by three-commissioner hearing panel on 27 February 2026. The matters of appeal have been resolved without court assisted mediation. A consent order was issued by the Court on 3 July 2026 confirming the previous consents subject to some amendments agreed during mediation.

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.

Consents staff are feeding into Environment Southland’s responses to the proposed changes at the relevant stages.

The most recent update on this is included in the link below: <https://mailchi.mp/mfe.govt.nz/new-rma-national-direction-edm-4june2026?e=d0bf3a3362>

The Government has approved changes to the National Environment Standards for Marine Aquaculture (NES-MA) and National Environment Standards for Commercial Forestry (NES-CF).

These amendments were notified in the New Zealand Gazette on 7 May 2026 and came into force on 4 June 2026. The NES-MA amendments aim to support aquaculture growth and innovation by simplifying consenting processes, providing greater flexibility for consent changes, and better enabling research and trial activities. The NES-CF changes seek to improve the clarity and consistency of forestry rules nationwide, reduce costs and uncertainty for operators, and focus regulation on higher risk activities to better manage environmental effects.

Proposed changes to freshwater national direction, including the National Policy Statement for Freshwater Management 2020 and National Environmental Standards for Freshwater 2020, have been deferred and are expected to be progressed under the new planning system intended to replace the Resource Management Act.

Co-ordination initiatives

There has been a focus in this quarter on continuing support across the Strategy and Regulation group model. In particular, the consents team have been working more closely together through:

- working to ensure consents staff can assist with and understand the recently- introduced fast-track approvals processes;
- a regular focus on internally joined-up approaches to planned workstreams (e.g. intensive winter grazing, wetland initiatives) involving members from policy, communications, resource management and catchment integration;
- continued participation in work streams related to the rollout of farm planning;
- 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 resource management staff charged with their enforcement in the field;
- cross-divisional field visits and training opportunities;
- ongoing focus on collaboration for implementation of pSWLP provisions;
- engaging in initiatives to share and receive information directly with the policy division.

Key challenges

Workforce

A very important ongoing focus at a managerial level remains, ensuring appropriate processing capacity and capability to process incoming consents, responding to ongoing changes within the regulatory framework and ensuring the ongoing professional and career development of team members. An external consultant is currently seconded part time into the consents team to assist in the currently vacant principal consenting role space.

Ongoing and interim support for consent processing is available through external consultants on an as required basis. 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 facing working to stay abreast of high workloads and processing times at present. However, there is limited capacity in the processing system, particularly for more complex applications, if multiple applications are lodged simultaneously.

Consents staff are involved internally across key divisions and externally through the national consents manager group to input and align with direction on implementation where appropriate.

While the consents team is seeking to ensure that it keeps abreast of this national direction, this does create an ongoing level of uncertainty for applicants who seek some greater certainty regarding what the regulatory regime may look like for future decision making.

Divisional activities

The activities of the consents division in the reporting period from 1 April to 30 June 2026 are summarised as follows:

General

- 101 applications lodged;
- 87 decisions made (including incomplete returns and withdrawals);
- timeframe compliance over the period is 96.6% (three decisions on applications are recorded as over timeframe). 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). 81.3% of applications lodged during the reporting period are being processed in-house. (Note: twenty-five applications currently being processed are being supported by external consultants);
- Two of the three applications that exceeded the available processing timeframe did not result in a discount in processing costs due to not meeting the requirements of the discount regulations. The exceedances related to delays in processing due to high workloads and the complexity of technical information requiring to be resolved.

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 August 2026;
- the team has continued to receive enquiries related to ongoing changes in legislative direction.
- the team has responded to a number of LGOIMA requests for consent-related information. Some of these requests have been extensive and complex and have involved considerable staff time.

Applications lodged and in progress

Processing of consents has largely kept pace with the number of applications lodged. The volume of applications lodged during the period was high.

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

Table 1: Summary of current and recent consent processing activity

Applications lodged 1 April 2026 to 30 June 2026	101
Applications in progress	134
Applications currently publicly notified	5
Applications currently limited notified	4
Applications limited or publicly notified under S.91A suspension	4
Applications on hold for >15 working days	71
Applications awaiting written approvals	22

Table 2: Summary of consent decisions made on applications 1 April 2026 to 30 June 2026

Non-notified decisions made	77
Limited notified decisions made	0
Publicly notified decisions made	0
Total applications withdrawn within date range	7
Total applications declined within date range	0
Incomplete applications returned	3

In addition to applications received and processed, the consents division received 365 individual enquiries for the reporting period.

Table 3: Summary of publicly and limited notified applications in progress and resolved since last quarter

Applicant	Activity	Status
S Ellis and M Kuster	Commercial surface water activity	Limited notified. Submissions closed. Awaiting hearing scheduling. On hold for deposit payment. The applicant has been advised in accordance with RMA S92AA failure to respond may result in the application being returned incomplete.
Gravity Fishing Limited	Commercial surface water activity	Publicly notified. Submissions closed on 25 August 2022. Submissions received. The processing of the application is currently on hold awaiting a hearing deposit. The applicant asked for further time before the matter proceeds. A further update has been requested. The applicant has been advised in accordance with RMA S92AA failure to respond may result in the application being returned incomplete.
C Harpur for Southwest Marine Services	Commercial surface water activity	Publicly notified. Submissions closed 17 August 2023. Two submissions received. Application suspended under s91A, staff have followed up with the applicant and are awaiting response. The applicant has been advised in accordance with RMA S92AA failure to respond may result in the application being returned incomplete.
Southland District Council – Edendale-Wyndham	Wastewater treatment plant discharge	Publicly notified. Submissions closed 30 August 2023. Four submissions received. Application suspended under s91A. The Applicant has indicated that consultation with submitters is ongoing. The Applicant is assessing the proposal following the enactment of WEPS ¹
Southland District Council – Balfour	Wastewater treatment plant discharge	Publicly notified. Submissions closed 15 September 2023. Two submissions received. Application suspended under s91A. The Applicant has indicated consultation with submitters is ongoing. The Applicant is assessing the proposal following the enactment of WEPS ²
Mary Lorio and Tarora Trustee Limited - for Tarora Southern Trust	Divert Water and Discharge to Wate	Publicly notified. Submissions closed 3 December 2024. One submission received. Application suspended under s91A. The submitter has withdrawn its submission on 15 December 2025. The application

		is progressing to decision by an independent decision-maker expected by 31 July 2026.
Meridian Energy Limited	Coastal structure	Limited notified. Submissions closed on 26 March 2025. One submission received. Staff are currently liaising with the applicant on proposed draft conditions.
Washpool Farm Limited	Dairy Farming operation	Limited notified. Submissions closed on 2 February 2026, and no submissions were received. The application was granted under delegated authority 13 July 2026.
Z Energy Limited	Industrial related activities	Limited notified. Submissions closed on 15 April 2026. One submission was received. Staff are currently liaising with the applicant on next steps.
Mitre Peak Cruises Limited	Commercial Surface Water Activity	Limited notified. Submissions closed on 4 May 2025. Three submissions were received. Processing of the application is suspended under s91A.

Timeliness of decisions

As referred to above, the division's work reported 96.6% 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			
Diverse opportunities to make a living			
Communities empowered and resilient			
Communities expressing their diversity			

Attachments

Nil

9.3 Resource Management Division Report Q4

Report by: Donna Ferguson, Resource Management Manager

Approved by: Bruce Halligan, Strategic Regulatory Advisor

Report Date: 5 August 2026

Purpose

For the Regulatory Committee to note the compliance division report from 1 April to 30 June 2026.

Summary

The purpose of this report is to inform the Regulatory Committee 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 the Regulatory Committee resolve to:

- 1 Receive the report – Resource Management Division Report Q4.

Current topical issues

Fiordland joint agency inspections

The resource management team joined the easter joint agency trip to Fiordland. A total of 52 moorings and 29 other structures (inclusive of barges, wharfs, pontoons, boat ramps) were inspected. As a result of these inspections, 21 moorings or structures were found to be non-compliant, one of which required further investigation. 10 vessels were inspected that were undertaking commercial charters or suspected of undertaking them without consent, 2 of which resulted in an ongoing investigation into suspected breaches of coastal plan rules for commercial surface water activities.

Intensive winter grazing

The first monitoring flight of the season was completed on 16 June across Northern and Western Southland. During the flight eight sites of interest were identified, and site inspections occurred the following day. Seven of the eight sites were able to be contacted prior to inspection. We held no contact details for the eighth site in our database. All eight sites had non-compliances confirmed ranging from cultivated CSA, grazed CSA and buffers, stock in waterways and two sites with self-feed silage stack issues.

We also identified several sites that had implemented best practices, and to celebrate this and share this improvement in winter grazing with the community, a post was put on Environment Southland's Facebook page. Unfortunately, due to negative and some threatening public comments, a decision was made to remove comments and prohibit further commenting on Friday afternoon. This has been referred to the General Manager Strategy and Regulation and the health and safety team.

Last year we brought in a consultant to assist with investigations for winter grazing; however, this year we have not done this, as it is an expensive option that didn't necessarily assist in getting all investigations completed in a timely manner. This year, the investigations team are standing down BAU investigations and focusing on IWG as they come in to ensure a timely response for customers. The hope is that with the

additional resource in this area due to absorption of the bylaw enforcement work and pausing BAU we will have timely outcomes for those with confirmed breaches in relation to winter grazing. The risk is that BAU investigations will experience a time delay, but these will be prioritised in the downtime from winter grazing investigations.

At the end of this reporting period there were 14 winter grazing/cultivation incidents logged for investigation and 12 have been completed. Enforcement outcomes have been letter of advice (4), formal warning (7) and infringement (1) with associated cost recoveries. Three abatement notices have also been issued during this period for winter grazing and to date, one has been cancelled after all requirements had been met.

Bore inspections

As part of the ongoing work on the current nitrates issue, the resource management team has stood up a trial of an additional piece of work. During dairy discharge inspection visits and alongside any other associated consent inspections, we will be undertaking an inspection of bores located on properties. The purpose is to check for correct wellhead protection and a concrete apron etc., to reduce infiltration of contaminants into groundwater.

The trial will run until we obtain a sufficient dataset to assess the value in the programme, which will take into consideration feedback from customers, input from science, impact on other work programmes and the level of non-compliance found.

For transparency, we will not be aiming to check each bore on each property as we go, the intent is to do this without too much additional disruption to farmers. This will mean we may pick up one of the bores on this inspection and further bores on the property at later inspections.

Monitoring officers will obtain the information in the field using our mobile inspection device, and this will sync to our database upon return. This will then create a job for our technical team to review each one, determine compliance, and respond to customers when non-compliance is found.

To date we have completed 43 inspections and 35 have been assessed. Of the assessed instances, 14 have been found to have issues such as cracked casing, insufficient aprons and water being taken from incorrect or unconsented bores. We have also found some that have been capped but we were unaware this had occurred. Findings are being shared with our science team to ensure data integrity and consistency across all of our teams and databases.

Synthetic Nitrogen Reporting

During this reporting period data started to slowly be submitted for 2025/2026 results for synthetic nitrogen applied. Data is once again due 31 July. Data will be entered into Council database, assessed and customers advised of their level of compliance and data will be available to our planning and science teams as needed.

Policy review

Work is progressing on the review of the monitoring and enforcement policies following the briefing held with Councillors. The next step in the process would be to hold a workshop with Councillors, which has been developed by General Manager Strategy and Regulation and Phil Maw.

Risks

There are currently several risks to the work done by the resource management team which are being considered, monitored and worked on by its leadership team. Some of the current risks are:

- Legislative change

This is being monitored by ensuring we remain aware of discussions on potential changes and considering what changes may mean in practice. We are also supporting our team members and doing our best to support them during the constant change and uncertainty they have had for some time, which doesn't appear to be ending soon, to enable them to continue to work and have job satisfaction.

- Potential fuel shortages We have contributed to an internal piece of work breaking down work programme and the requirement of fuel, either for us to do our business, for our contractors and for transport of supplies for our work. Each workstream has been broken down and reviewed closely to identify where potential risks are for us and also for our consent holders.

We continue to work as efficiently as possible with our work, doubling up on jobs while in the field to ensure we don't cross back over an area we've already worked in within a short time and to support our "up the track once" approach to see all consents at a property at the same time to reduce expenses to customers and us. This approach often finds us monitoring multiple consents under one consent inspection fee.

- Resourcing

It is important to note that the resource management team has reached capacity for resourcing versus workload.

As has been mentioned in previous reports, in the tenure of the current manager, every work programme and its processes have been reviewed seeking efficiencies and opportunities for improvement. What can be automated has been and technology is used to current capacity within in all our work programmes. Once this was done and some capacity was found it was quickly absorbed by additional work in past four years.

Additional work streams with no additional resourcing:

** indicates funding is available for the work*

- Monitoring of winter grazing consents since regulation change in 2022/2023*
- Synthetic nitrogen reporting since 2022/2023*
- Monitoring of land use consents while already on farm since 2023*
- Gravel monitoring since 2023*
- A full audit of lease land properties with no resourcing or funding in 2024/2025
- Farm plan assessment and data entry since 2025/2026*
- Bore inspections to assist with nitrates issue since 2026
- Letters of advice for farm plan requirements since 2026

Additional work with resourcing but no funding

- Enforcement of the Southland Flood Control and Drain Management Bylaw with one additional resource and no funding.

It is also important to note as regulations change and permitted activity and consents become more complex, our business as usual has become more complex and more time-consuming. Alongside this there are already areas which we have dialled back monitoring such as the Air Plan. Additionally, we continue to support Fast Track processes where the work comes with very short notice (through no fault of Environment Southland) and we continue to receive LGOIMA requests which take time to ensure we provide a full and correct response.

To ensure we are continuing to work with full efficiency a further review of all current work programmes has been done in this reporting period to see if there are work programmes that could be paused or stopped.

- Southland Flood Control and Drain Management Bylaw Elements of the operationalisation of the Bylaw have been transferred to the resource management team as previously discussed around incident response and enforcement of non-compliances. A risk had been identified about ensuring upskilling of resource management team members to ensure a consistent understanding and approach to the implementation of the bylaw. Some initial training has been provided by the ICM team and there are plans for ongoing training.

Activity of the Division

Over the last reporting period, the resource management team monitoring team's activities have included:

Type	Total	Grade 1	Grade 2	Grade 5	Grade 10
Gravel Extraction Consent Inspections	59	44	13	2	0
Gravel Wash Consent Inspections	17	17	0	0	0
Clean fill Consent Inspections	11	11	0	0	0
Truck wash Inspections	26	22	2	1	1
Dairy Discharge Consent Inspections	430	322	54	38	16
Land Use Consent Inspections	87	78	6	2	1
Intensive Winter Grazing Consent Inspections	40	27	9	3	1
Stewart Island - Coastal Structure Consent Inspections	73	58	6	2	7
South Coast - Coastal Structure Consent Inspections	47	34	3	3	7
Fiordland Lakes - Coastal Structure Inspections	17	14	2	1	0
Administrative Monitoring	503	420	83	0	0
Synthetic Nitrogen Reports	9	9	0	0	0
Bore Inspections (undertaken in conjunction with other inspections since 22 June 2026)	43				

Farm plans

During the reporting period Council received seven certified farm plans. We now hold a total of 25 certified farm plans.

As we do our business-as-usual monitoring throughout the year, we are sending letters of advice to farmers around farm plans. This letter outlines how a farmer can get started, either themselves or via a consultant and has some helpful links to resources already available on our website and it is then being used as a lead for the freshwater team for a means of engagement. This work is being done in addition to all other work and is a manual process to ensure that customers get a customised letter which will benefit them and their farm as much as possible. Since 1 June 2026, when this initiative began, resource management has sent 129 of these advice letters.

Industry monitoring

The team continued industry monitoring as usual, assessing reports and data as they came in. Industry monitoring workload is often lower in this quarter due to the seasonality of reporting dates. This allowed the team to work together on low-rate water take abstraction record submissions.

371 technical reviews were undertaken during this reporting period:

31 site inspections

243 report assessments

Enforcement

There were 228 completed enforcement outcomes for this reporting period.

ENFORCEMENT OUTCOME	NUMBER ISSUED	EXAMPLES
Letter of advice	166	Failure to supply reports required by consent condition, expired consents, outdoor burning (13), failed pond liner, failed inspection and letters of advice relating to farm plans (68)
Letter of direction	2	Over-abstraction of water
Formal warning	43	Prohibited items used as dust suppressants, over application of effluent, jet ski use in Fiordland, odour, discharge of effluent, non-supply of reports required by consent condition, cultivation of CSA, over abstraction of water, discharge to stormwater, grazed buffers for winter grazing and outdoor burning smoke nuisance
Abatement notice	14	Hippo in pond lining, silage leachate discharge, effluent discharge, effluent infrastructure in disrepair, cultivation of CSA, septic tank discharges, wetland disturbance, failed inspection of boatshed/coastal structure, grazed buffers and stock in waterways
Infringement	3	Deposition of unpermitted materials in CMA, activity in Fiordland without consents
Enforcement order	0	
Prosecution	0	

Permitted activities

During this reporting period the following permitted activities were identified:

19 silage pads

5 offal hole/farm landfill

7 calving pads

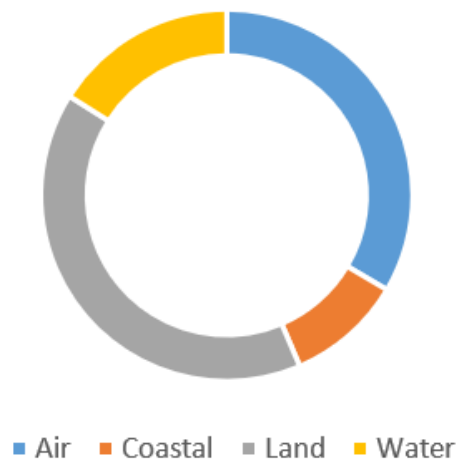
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Incident response

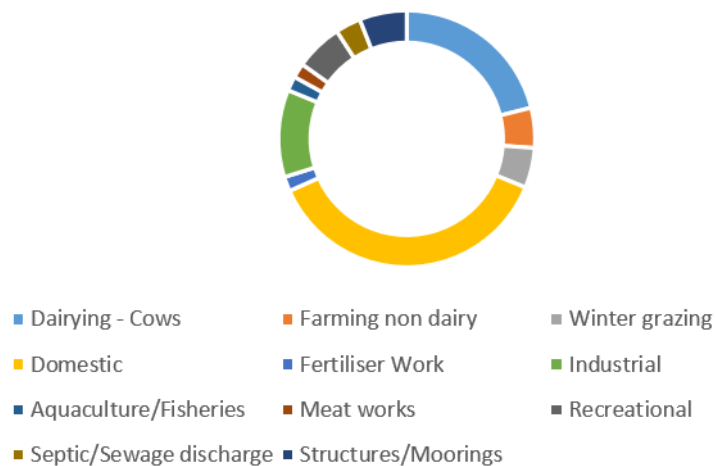
218 incidents have been recorded for the reporting period – 162 external notifications and 56 internal notifications.

This is a very slight decrease on last year for the same reporting period where we logged 195 external notification and 33 internal notifications, totaling 228 incidents logged

Incidents by Resource



Incident by Industry Type



Fit with strategic framework

OUTCOME	CONTRIBUTES	DETRACTS	NOT APPLICABLE
Managed access to quality natural resources			
Diverse opportunities to make a living			
Communities empowered and resilient			
Communities expressing their diversity			

Attachments

Nil

9.4 Emerging Regulatory Issues Report

Report by: Bruce Halligan, Strategic Regulatory Advisor

Approved by: Hayley Fitchett, General Manager Strategy and Regulation

Report Date: 15 July 2026

Purpose

The purpose of this report is to highlight emerging issues in the regulatory context for the Committee's information.

Summary

This report is for information only. It aims to ensure that the Committee is informed in relation to key elements of the emerging issues/matters highlighted.

Recommendation

It is recommended that the Regulatory Committee resolve to:

- 1 Receive the report - Emerging Regulatory Issues Report.

Background

As referred to above, this report aims to raise the Committee's awareness around emerging regulatory issues or matters.

Emerging issues for this quarter's report are:

Fast Track (Fast-Track Approvals Act 2024) Consenting update:

The Fast-track Approvals Act continues to have high uptake for large scale and significant projects (e.g. housing/land, renewable energy, mining/quarrying and infrastructure), and it is becoming a preferred pathway for large scale projects. Processing times for fast-track processes have been running at circa 117 days on average, as compared to two years plus for standard-track notified resource consents considered under the Resource Management Act.

Some recent statistics (from 3 July 2026) highlighting the extent of uptake are as follows (*note - these numbers are changing regularly and there will be likely to be more decisions released between agenda closure and the date of the meeting*).

Fast-track by the numbers:

- 26 projects approved by expert panels.
- 20 projects with expert panels appointed.
- 55 projects are currently progressing through the Fast-track process. 27 active substantive and 28 referral applications.
- 56 projects have been referred to Fast-track by the Minister for Infrastructure.
- 149 projects are listed in Schedule 2 of the Fast-track Approvals Act, meaning they can apply for Fast-track approval.
- On average, it has taken 117 working days for decisions on substantive applications from when officials determine an application is complete and in-scope.

Fast-track projects approved by expert panels:

- Arataki [*Housing/Land*]

- Ashbourne [*Housing/Land*]
- Ayrburn Screen Hub [*Infrastructure*]
- Green Steel [*Infrastructure*]
- Homestead Bay [*Housing/Land*]
- Bledisloe North Wharf and Fergusson North Berth Extension [*Infrastructure*]
- Drury Metropolitan Centre – Consolidated Stages 1 and 2 [*Housing/Land*]
- Drury Quarry Expansion – Sutton Block [*Mining/Quarrying*]
- Kings Quarry Expansion – Stages 2 and 3 [*Mining/Quarrying*]
- Kaimai Hydro-Electric Power Scheme [*Renewable energy*]
- Lake Pūkaki Hydro Storage and Dam Resilience Works [*Renewable energy*]
- Māhinerangi Wind Farm [*Renewable energy*]
- Maitahi Village [*Housing/Land*]
- Milldale – Stages 4C and 10 to 13 [*Housing/Land*]
- The Point Mission Bay [*Housing/Land*]
- Pound Road [*Housing/Land*]
- Rangitōopuni [*Housing/Land*]
- Ryans Road [*Housing/Land*]
- Southland Wind Farm Project [*Renewable energy*]
- Sunfield [*Housing/Land*]
- Tekapo Power Scheme – Applications for Replacement Resource Consents [*Renewable energy*]
- Takitimu North Link – Stage 2 [*Infrastructure*]
- Waihi North [*Mining/Quarrying*]
- Waitaha Hydro [*Renewable energy*]
- Waitākere District Court – New Courthouse Project [*Infrastructure*]
- Wellington International Airport Southern Seawall Renewal [*Infrastructure*]

Expert panels have been appointed for:

- 188 Beaumont Street
- Alternative to the Brynderwyn Hills
- Auckland Prison Capacity Increase
- Bendigo-Ophir Gold Project
- Bream Bay Sand Extraction Project
- Central and Southern Block Mining Project
- Delmore
- Downtown Carpark Site Development
- Foxton Solar Farm
- Haldon Solar Farm
- Hananui Aquaculture Project
- Hunua Quarry Development
- Mt Iron Junction
- Mt Welcome, Pukerua Bay, Porirua
- Northwest Rapid Transit
- Southern Link Inland Port
- State Highway 1 North Canterbury - Woodend Bypass Project (Belfast to Pegasus)
- Stella Passage Development
- The Point Solar Farm
- Waikanae North Development

The FTAA was a key element of the government’s “Going for Growth” agenda and seeks to facilitate large scale projects of regional and national significance; with a key driver being to reduce the timeframes, complexities and costs of consenting for such projects.

The purpose of the Act as outlined in Section 3 is:

3 Purpose

The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

Environment Southland is involved with two current fast-track substantive applications as follows:

1. **Contact Energy's Southland wind farm project** - a decision granting the approvals sought has now been issued by the panel, with the appeal period to the High Court for parties running until early May 2026. No appeals have been received.
2. **Ngāi Tahu Seafoods' Hananui Aquaculture project**- at the time of writing, the EPA panel is due to issue a draft decision on this application. ES was involved in a panel-initiated workshop on 23 June to discuss various elements. By the date of this Committee meeting, a decision should be issued, and a further verbal update can be provided. The 3-person expert EPA panel has been running a thorough process.

There is a further referral application currently which ES has been requested to comment on by 20 July 2026. The EPA has advised that the details of all referral applications are confidential, so no further information is provided via this report.

To refresh, some key points to note with fast-track applications (as compared to a standard-track notified consent application which Environment Southland may process) are:

- Fast-track applications are managed nationally by the Environmental Protection Authority (EPA);
- Environment Southland is not the decisionmaker. The decisionmaker on each project is a national skills-based panel appointed by the EPA Panel Convenor (default membership of four persons although more can be appointed);
- Councils such as Environment Southland have short, discrete opportunities to provide inputs at various stages; the most important of these is the substantive comment stage. Time limits outlined in the Act are tight and no extensions are allowed;
- Unlike a standard-track application where anyone can submit, participation rights to comment are determined by the EPA panel appointed on a case-by-case basis. This is proving to be a controversial aspect as several communities across the country are pushing back against the reduction of opportunities to have input on major projects which they consider will affect them;
- The default position for a fast-track application is that a hearing is not required, although a panel can still choose to hold a hearing;
- The RMA S104D "gateway tests" do not apply to FTAA decision-making;
- Appeal rights are constrained. There is no right to appeal to the Environment Court. Rights of appeal are to the High Court on a point of law only;
- These applications are a "one stop shop" with all relevant regional and territorial consents and DOC approvals applied for via the single application.

To date, Environment Southland has managed to meet the time limits for fast-track inputs.

The large-scale nature of these projects means that providing meaningful and robust input on behalf of Environment Southland is normally likely to require inputs from multiple internal departments, and sometimes external consultants. Skills-specific project teams are required for each fast-track project. Environment Southland's fast-track resourcing envelope is small, and it is important to seek to ensure appropriate resourcing resilience and grow the Environment Southland internal knowledge base while noting other BAU and projects.

Fast-track inputs are cost-recoverable by councils from applicants under the FTAA, provided that relevant EPA cost recovery processes are followed.

Fast-track consenting is a rapidly evolving area, and it is important that Environment Southland stays abreast of emerging developments. In this regard, the author is part of a national monthly inter-council forum, coordinated through Environment Canterbury, which provides some excellent learnings and exchange of best practice. All councils that participated commented at the June 2026 session on their busy/ growing fast-track workloads. Auckland Council has appealed a recent EPA panel fast-track decision to the High Court, and the outcome of this could have some broader implications so is of high interest. It is anticipated that this will not be heard until late 2026 at the earliest.

The new Ministry of Cities, Environment, Regions, and Transport is organising a series of practitioner workshops in various centres around NZ. The closest of these is Queenstown and it clashes with this meeting. However, ES will stay connected to access the learnings from this.

National Direction - Ministry for Regulation and the Regulatory Standards Act 2025 - establishment of Regulatory Standards Board:

The Ministry for Regulation was established in March 2024, with the Regulatory Standards Act enacted on 18 November 2025. This Act *“establishes a benchmark for good regulation through a set of regulatory principles based on good law-making and economic efficiency.”*

The purpose of the Ministry is to *“strengthen the New Zealand Regulatory Management System and to improve regulatory quality, including the experience that New Zealanders have of complying with regulation”*

Recently, the Regulatory Standards Board has been established, see press release below from 1 July 2026:

<https://www.beehive.govt.nz/release/regulatory-standards-act-takes-effect-board-ready-work>

It is worth keeping a strong watching brief on the Ministry's work programme. Attached is information on focus areas to date:

<https://www.regulation.govt.nz/our-work/what-weve-done/>

National Direction Changes - general

As committee members are very aware, the government's "Going for Growth" initiatives include a significant programme of regulatory reform which will inform and shape the delivery of regulatory functions when enacted. The Strategy and Policy team is strongly focused on monitoring national reform and associated changes and had previously coordinated an ES submission on this legislation

Environment Southland has been very engaged in relation to proposed regulatory reforms and is seeking through the submission process to ensure that any future regulatory regime is framed in such a way as to be appropriate for the context of the Southland region. This reform programme is well advanced and moving rapidly through select committee processes etc. and therefore changes from the status quo seem inevitable.

To avoid duplication, it is not intended to repeat the extensive material which has been presented to councillors via the Strategy and Policy Committee and full Council agendas on this reform programme status and Council's submissions thereto.

However, the regulatory function managers are strongly focused on staying abreast of these reform processes so as to be as informed and future fit/ready to hit the ground running as possible for if and when

these reforms are enacted. On 20th July the government made further announcements following the Select Committee process on the national direction of travel, see below:

<https://www.beehive.govt.nz/release/better-planning-growth-and-environment>

<https://www.beehive.govt.nz/release/select-committee-report-natural-environment-bill-and-planning-bill-welcomed>

New Ministry:

The Ministry for the Environment has recently become part of the new “super-ministry” (the Ministry of Cities, Environment, Regions, and Transport from 1 July 2026. Attached is a message from the MCERT Chief Executive, Jeremy Lightfoot:

<https://www.mcert.govt.nz/news/a-message-from-our-chief-executive-jeremy-lightfoot/>

Critical Minerals:

Mining has had significant recent coverage across national media in a range of contexts. While by no means a new activity in the New Zealand context (e.g., gold mining in Central Otago dates from the 1860s), there is currently strong interest in mining activities in several areas of New Zealand. Locally, ES has recently been involved in the processing of the Waikaka Gold application.

The Minister for Regional Development and Resources has made some recent mineral-related press releases since the last reporting cycle:

<https://www.beehive.govt.nz/release/govt-backs-nz-critical-minerals-processing>

<https://www.beehive.govt.nz/release/progress-supercritical-geothermal-forges-ahead>

Fuel situation and implications for ES regulatory functions

The regulatory teams have been strongly focused on the fuel supply/price situation, driven by global geopolitical tensions/conflicts. While internationally this situation changes daily with a lot of uncertainty, locally, Environment Southland staff are conscious of the additional pressures which this situation is placing on our customers and communities.

An in-house regulatory managers’ team has been planning and discussing how we may be able to provide some regulatory flexibility if this situation worsens, without compromising our overall regulatory responsibilities. For context, some flexibility has been shown around some regulatory aspects during the previous Covid-19 lockdown, flood, and wind events which were well received. Direct contact has also been made with a range of major customers and stakeholder agencies to gain situational awareness of how this situation is affecting them and potential future issues which could arise with regulatory implications. No specific requests have been received to date, and since the last report, there has been some minor easing of the fuel supply and price pressures. An ES staff member has also been involved in a national forum coordinated through the Ministry of Regulation on this.

Regional regulatory collaboration

Second tier regulatory managers meet regularly across the four Southland councils via the 2TEG group, and third tier regulatory managers also connect regularly across a range of forums. Managers are conscious of the opportunities for increased regulatory collaboration (e.g., shared training opportunities, process consistency where appropriate), and the associated opportunities that this can unlock. This is consistent with the strong drive from central government for greater local government collaboration and efficiency.

Harbourmaster / Maritime:

The harbourmaster/maritime team is maintaining a strong watch on projected cruise ship activity in the 26/27 season. At this stage, there is a forecasted upward trajectory of cruise ship visits with the 26/27 season up slightly on 25/26. However, the international geopolitical climate and associated fuel impacts could yet have impacts for cruise ship numbers visiting southern New Zealand.

A Joint Ministerial statement on the cruise industry was released in late May 2026, which can be viewed here:

https://mcusercontent.com/69c26d7187cc7b971773e809c/files/9469eb6a-7383-982a-9349-c45d36e812b0/Joint_Ministerial_Statement_Cruise_Tourism.pdf

The harbourmaster is continuing to seek to progress the Memorandum of Understanding with the Otago Regional Council. This is currently going through legal review by both ORC and ES.

The maritime team continues to focus on proactively raising awareness of water safety aspects through partnership with Maritime NZ for the 26/27 season. The recreational boating off season provides an opportunity to undertake maintenance on Council vessels, safety equipment, and Aids to Navigation. The team will partnership with local schools to provide onsite boating safety awareness to students during this period.

There have been some national developments on vessel tracking technology, and the harbourmaster is currently working with contractors to install Automatic Identification Systems (AIS) on two sites in Fiordland to monitor vessel traffic in particular cruise ships remotely. This is weather-dependent and would be likely to occur over the 2026/2027 summer. The Southland Coastal Marine Area (CMA) is very large, and this could assist with ongoing situational awareness across the CMA.

Water Quality and Nitrate

As discussed at the Council briefing and workshop in March and April 2026, concerns relating to nitrate levels and associated health effects, while not new, are a strong regional and national issue.

Also, the Ministry for the Environment recently released the “Our Freshwater 2026” report, which highlighted the state of, and pressures on, groundwater and surface water resources:

<https://environment.govt.nz/news/our-freshwater-2026/>

Effects on our water resources are a very important ongoing focus for the Environment Southland regulatory teams, particularly in the consents and resource management/compliance areas. This work will be progressed in 2026/2027 and beyond as part of the “Healthy Catchments” strategic priority.

Biosecurity

The biosecurity team remains connected to national emerging biosecurity issues, with these being covered in the separate biosecurity report on this agenda.

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

Attachments

Nil

9.5 New - Appointment of Commissioner

Report by: Lacey Bragg, Consents Manager

Approved by: Hayley Fitchett, General Manager Strategy and Regulation

Report Date: 5 August 2026

Purpose

To seek and appoint independent decision makers to hear/decide upcoming consent applications.

Summary

The consents team is seeking Regulatory Committee approval to appoint the respective parties outlined below for the upcoming consent decision-making processes also outlined below, as per the adopted Hearing Commissioner Appointment Policy.

It is recommended that the matters be considered by an independent decision-makers rather than by staff or by a council committee, in order to ensure objectivity in the decision-making process.

Further background to the applications and recommended decision makers to be appointed is outlined in the background and notification sections of this report below.

Recommendation

It is recommended that the Regulatory Committee resolve to:

1. Receive the report - New - Appointment of Commissioner.
2. Appoint **Sharon McGarry** independent commissioner as decision maker to hear and/or determine the resource consent application by **Sean Ellis & Maria Kuster – APP-20211024** under s34A of the Resource Management Act 1991.
3. Appoint **Sharon McGarry** independent commissioner as decision maker to hear and/or determine the resource consent application by **Mitre Peak Cruises – APP-20262029** under s34A of the Resource Management Act 1991.
4. Appoint **Hugh Leersnyder** independent commissioner as decision maker to hear and/or determine the resource consent application by **Datagrid NZ Limited Partnership – APP-20262269** under s34A of the Resource Management Act 1991.
5. Delegates the appointees pursuant to s34A (1) of the Resource Management Act 1991, all the functions, powers and duties required to deal with any preliminary matters; and hear and decide the application.

Background

Sean Ellis & Maria Kuster – APP-20211024

The application is for a coastal permit to operate a new commercial surface water activity within the coastal waters of Fiordland/Te Mimi o Tū Te Rakiwhānoa.

Mitre Peak Cruises – APP-20262029

The application is for a coastal permit to undertake a commercial surface of the water activity (of an increased scale) which will supersede coastal permit 20191120.

Datagrid NZ Limited Partnership – APP-20262269

The application is for land use permits related to the partial removal of an area of wetland and earthworks within 100 metres of a wetland.

Notification

The s95 notification report details a full description of the application, consultation undertaken, legal and planning matters, as well as the recommendations, and decisions for notification.

Sean Ellis & Maria Kuster – APP-20211024

The application was limited notified on 14 July 2021. Four submissions were received. The application has been on hold awaiting payment of a hearing deposit. A hearing is to be scheduled.

Mitre Peak Cruises – APP-20262029

The application was limited notified on 1 April 2026 and three submissions were received. A hearing is to be scheduled.

Datagrid NZ Limited Partnership – APP-20262269

The consider for the recommendation on notification is proposed to be delegated to the independent commissioner sought in this report.

Proposed Hearing Commissioner Appointments:

Council's Hearing Policy outlines the criteria for selection of hearing commissioners:

- scale, complexity and nature of the hearing;
- suitable experience;
- ability to understand and evaluate the key issues associated with the application;
- availability for hearing and decision-making;
- no conflict of interest;
- Ministry for the Environment (MfE) Making Good Decisions Accreditation.¹

Having considered this policy and the importance of objectivity in decision-making, Environment Southland has given close consideration to ensuring the makeup of the hearing panel and independent commissioner is consistent with the policy, conflicts of interest are avoided/or links to the applicant organisations are managed. The listed commissioners have the ability to consider and evaluate the key issues, and any relevant effects, as well as to ensure a robust decision, and have confirmed that they have no conflicts of interest with the parties. It is therefore recorded that the following persons be appointed:

Sean Ellis & Maria Kuster – APP-20211024 & Mitre Peak Cruises – APP-20262029

Sharon McGarry

Sharon is a certified and experienced RMA Hearing Commissioner (Chair endorsement) with nearly 30 years of experience in environmental planning, policy, consents and compliance monitoring. She has 18 years of statutory decision-making experience throughout NZ under the RMA, Local Government Act, Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 and the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Sharon holds a Bachelor of Science degree in Zoology (with a focus on freshwater and marine biology) and a Master of Science (Honours) degree in Resource Management. She has particular experience in coastal management, aquaculture, discharges, water takes, renewable energy and mining.

She has no conflict with parties and is available to hear and/or determine the application.

Datagrid NZ Limited Partnership – APP-20262269

Hugh Leersnyder

Hugh is an accredited RMA Commissioner (since 2009) and an experienced resource management scientist and planner with over 40 years' experience in applied resource management. His expertise includes soil and water management and coastal planning, with detailed knowledge of local government resource management responsibilities. He has held senior leadership roles, including Manager, Coastal Environment at Auckland Regional Council, and has worked across consultancy and major infrastructure projects in environmental management, planning and stakeholder

¹ <https://environment.govt.nz/what-government-is-doing/areas-of-work/rma/about-the-making-good-decisions-programme-certification-for-rma-decision-makers/certificate-holders-non-local-body-elected-members/>

engagement. Hugh has acted in resource consent processes representing both applicants and regulators and has presented expert evidence at council hearings and Environment Court proceedings. He is fully conversant with the relevant planning and legislative framework.

He has no conflict with parties and is available to hear and/or determine the application.

Implications/risks

Legal implications

Section 100 of the Resource Management Act 1991 (RMA) provides an obligation to hold a hearing when a person who has made a submission in relation to an application or the applicant has requested to be heard.

S34A of the RMA allows Council to delegate functions to hearing commissioners appointed by the Southland Regional Council. A hearing may also be held when considered necessary by the consent authority.

The Regulatory Committee appoints hearing commissioners in relation to consent authority matters under the RMA, in accordance with the adopted Hearing Commissioner Appointment Policy.

Financial implications

Processing of resource consent applications, including the decision-making process, is at cost to the applicant, and the RMA provides financial penalties to apply should the application not be processed within the required timeframe.

Next steps

When appointed, and the necessary arrangements made to schedule the application for decision/hearing, the appointed commissioners would then hear/determine the applications.

Views of affected parties

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

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

Attachments

Nil

9.6 Update on Councillor Requests and Actions

Report by: Bruce Halligan, Strategic Regulatory Advisor

Report Date: 17 July 2026

Purpose

This report captures Councillor requests and actions that have occurred during Regulatory Committee meetings and provides an update on how these are being responded to and /or their status.

Date	Councillor Request/Action	Update
13 May 2026	Cr Pemberton- request for further information on councillors' roles under the Fast-track approvals Act 2024.	• Further information included in the "Emerging Issues "report on the 5 August agenda • If desired, a fast-track refresher/ update session can be organised for the councillors – updating the March 2026 muffin talk

Recommendation

It is recommended that the Regulatory Committee resolve to:

- 1 Receive the report - Councillor Requests and Actions from May 2026 meeting.

Attachments

Nil

10 Extraordinary/urgent business | Panui autia hei totoia pakihi

11 Public excluded business | He hui pakihi e hara mo te iwi