

Notice is hereby given of the

Strategy & Policy Committee

Thursday 20 August 2026 at 10:00 am

Environment Southland Council Chamber, 220 North Road, Invercargill
26/SP/71

Committee Members

Cr Lyndal Ludlow

Cr Eric Roy

Cr Ewen Mathieson

Cr Phil Morrison

Mr Stewart Bull (Mana Whenua Representative)

Cr Jon Pemberton

Cr Maurice Rodway

Cr Paul Evans

Cr Alastair Gibson

Cr David Rose

Cr Geoffry Young

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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Hayley Fitchett
General Manager Strategy & Regulation

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

Terms of Reference

Strategy and Policy Committee (Rautaki me Mahere)

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

- provide governance oversight of the development, review, and proposed changes to regional and organisational Strategies, Policies, Plans, and By-laws, including new legislative and regulatory framework requirements and the Long-Term Plan;
- provide governance oversight into the monitoring the efficiency and effectiveness of regional and organisational Strategies, Policies, Plans, and Bylaws;
- the appointment of hearing committees or panels to hear submissions on regional Policies, Plans and Bylaws;
- provide governance oversight into consultation, engagement and partnership by the Council, including as related to regional and organisational Strategies, Policies, Plans and Bylaws;
- provide governance oversight into science and monitoring activities and information/findings, including as used to inform Council positions at a governance level and as inputs to Council's Strategies, Policies, Plans and Bylaws This also includes the receipt, and if necessary, endorsement of, scientific studies/reports; receipt of SOE reports and/or score cards;
- the compiling of submissions to Government and other entities as needed (if the Council timetable does not provide for same); oversee Climate Change and Hazards strategic direction and resulting Science and Strategy, Policy and Planning programme of work, including integration into the Long-Term Plan and implementation of the new legislative and regulatory framework; and
- receive regular reporting from the Integrated Catchment Management Committee and the Regulatory Committee to consider insights, feedback and views on the efficiency and effectiveness of the Council's Strategies, Policies, Plans and Bylaws;
- provide regular reporting to the Finance and Performance Committee, Risk and Assurance Committee and the Council on the efficiency and effectiveness of the functions listed in 1-8 above, and provide insights, feedback and views as required on the same.

Chair: Cr Lyndal Ludlow

Deputy Chair: Cr Ewan Mathieson

Members: Cr Paul Evans, Cr Alastair Gibson, Cr Roger Hodson, Cr Ewan Mathieson, Cr Phil Morrison, Cr Jon Pemberton, Cr David Rose, Cr Eric Roy, Cr Geoffrey Young, Cr Maurice Rodway, Chair Jeremy McPhail (ex officio), Mana Whenua Representation

Quorum: Seven

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 8 July 2026

Minutes of the Strategy and Policy Committee - Rautaki me Mahere

Held at Environment Southland, 220 North Road, Invercargill

Wednesday 8 July 2026 at 10:00 am

Present:

Cr Lyndal Ludlow (Chair)
Cr Paul Evans
Cr Alastair Gibson
Cr Roger Hodson
Cr Maurice Rodway
Cr David Rose
Cr Eric Roy
Cr Jon Pemberton
Cr Ewen Mathieson
Cr Phil Morrison
Cr Geoffrey Young

In Attendance:

Mr Marcus Roy (Strategy & Policy Manager)
Mr Stewart Bull (Te Ao Mārama Representative - observer)
Mr Bruce Halligan (Acting General Manager Strategy & Regulation)
Mr David Admson (Acting Operations Delivery Manager)
Ms Lucy Hicks (General Manager Integrated Catchment Management)
Ms Karen Wilson (General Manager Science)
Ms Shana Lee (Team Leader Policy)
Mr Lindsay Roberts (Strategy and Policy Assistant)
Ms Lauren Maciaszek (Principal Regional Planner)
Ms Nicole White (Policy Analyst)
Ms Rebecca Frampton (Principal Biosecurity Officer)
Ms Kathryn McLachlan
Mrs Rebekah Pankhurst (Executive Assistant) - minutes

1 Welcome I Haere mai

The chairperson welcomed everyone to the Strategy & Policy committee meeting for 8 July 2026, and opened the meeting with a karakia.

2 Apologies I Ngā pa pouri

Resolved:

Moved Cr Rose, seconded Cr Young that the apologies be accepted on behalf of Chair Jeremy McPhail.

Carried

3 Declarations of interest

There were no declarations of interest received for this meeting.

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

There were no public forum, petitions or deputations were received for the meeting.

5 Confirmation of minutes I Whakau korero

Resolved:

Moved Cr Mathieson, seconded Cr Rodway that the minutes of the Strategy and Policy Committee meeting held on 3 June 2026 be confirmed as a true and accurate record.

Carried

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

There was no extraordinary or urgent business tabled for inclusion in the agenda.

7 Questions I Patai

There were no questions asked by the meeting.

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

Cr Roger Hodson advised he had recently attended the Making Good Decisions training, followed by the New Zealand Marine Science Conference held in Invercargill last week. The conference was an exceptional gathering that attracted international participants. Throughout the day, he engaged in sessions focused on aquaculture, estuaries, seafood, land use, policy planning, and governance, all of which hold significant relevance for the Southland region. Cr Hodson felt that the key takeaways from the event underscored the vital interconnectedness of our land and coastal environments through freshwater systems, particularly highlighting the adverse impacts of sediment loss from the landscape on nearshore coastal ecosystems.

9 Reports

9.1 Fiordland Marine Regional Pathway Management Plan Review

The purpose of this item was to update the committee on progress with the review of the Fiordland Marine Regional Pathway Management Plan, note the strategic importance of the Bluff Haul Out Facility and to consider requesting staff investigate funding options to maintain programme momentum through 2026/27.

Both Cr Evans and Cr Gibson requested a more detailed report on the current status of the Bluff Haul Out project. Lucy Hicks responded that this would be included in the September Integrated Catchment Management Committee meeting.

Resolved:

Moved Cr Rodway, seconded Cr Pemberton that Council:

- 1. receive the report - Fiordland Marine Regional Pathway Management Plan Review;**
- 2. note the Committee resolutions of 21 February 2024 and 21 August 2025 relating to the review and expansion of the Fiordland Marine Regional Pathway Management Plan;**
- 3. note staff have commenced implementation of the preferred review pathway consistent with previous Council direction;**
- 4. note the strategic importance of the Bluff Haul Out Facility as enabling infrastructure supporting marine biosecurity, vessel management and future aquaculture development;**
- 5. support staff continuing work on the Bluff Haul Out Facility business case and associated partnership discussions;**
- 6. request staff investigate options to fund the Fiordland Marine Regional Pathway Management Plan review for the 2026/27 financial year from existing reserves, project underspends or other available funding sources and report back through normal Council processes.**

Carried

9.2 Regional Forum Report - Enduring Intent and Future Application

The purpose of this item was to recap the work of the Murihiku Southland Freshwater Regional Forum, acknowledge the changed operating context since 2022, and seek Council endorsement of the enduring intent of the Forum's work to inform key upcoming strategic processes. Cr Rose advised that he had been in contact with one of the Forum's members and suggested that the operating environment now is different to what existed when the report was being prepared and that this context should be considered when using the outcomes identified in the report.

Councillors discussed the changes in policy settings and the intent of the Regional Forum work. There was some agreement with the intent and some concerns of the impacts of the recommendations. There was a request to hold a workshop with the forum members to discuss the recommendations in detail.

Resolved:

Moved Cr Roy, seconded Cr Gibson, that Council note the work and recommendations of the Regional Forum (2022).

Carried

Resolved:

Moved Cr Rose, seconded Cr Young, that Council acknowledge that the operating, regulatory and reform environment has materially changes since the Forum published its final report.

Carried

Resolved:

Moved Cr Morrison, seconded Cr Hodson, that Council note that, while the context has changed, Council considers the overarching intent, approaches and principles proposed by the Regional Forum (the enduring intent) remain relevant.

Carried

[Cr Young and Gibson voted against]

Resolved:

Moved Cr Morrison, seconded Cr Gibson, that Council agree that the enduring intent be used to inform the strategic processes below subject to further engagement with Forum members:

- **work programmes underpinning the 2026/27 Annual Plan**
- **development of the 2027-37 Long-term Plan**
- **regional spatial planning processes and the Regional combined plan processes**
- **Environment Southland's input into the Southland local government reorganisation investigation**

Carried

[Cr Rose voted against]

Resolved:

Moved Cr Pemberton, seconded Cr Morrison, that Council agree that staff progress next steps to:

- **formally advise Regional Forum members of the above, acknowledge the enduring nature of their work and thank them again for their contribution;**
- **seek feedback on how the enduring intent has been captured in this item and whether members have any further reflections they would like to provide;**
- **offer an opportunity for engagement with Council;**
- **report back to council on feedback received from Forum members, including any recommended refinements to the enduring intent.**

Carried

9.3 Super El Nino event

The purpose of this item was to advise the committee on the likely impacts of the developing "Super El Nino" event on the Southland region and the communications underway for preparedness and risk reduction.

Resolved:

Moved Cr Evans, seconded Cr Hodson that Council note the report – Super El Nino event.

Carried

9.4 Submissions on Conservation Reform

The purpose of this item was to seek Council feedback on the draft submission regarding the Department of Conservation's consultation on the proposed first New Zealand Conservation Policy Statement and to present, for information, the final Council submission on the Conservation Amendment Bill.

Resolved:

Moved Cr Rodway, seconded Cr Young that Council:

- 1. receive the report - Submissions on Conservation Reform;**
- 2. review the and make any changes to the draft submission;**
- 3. endorse the draft submission on the first New Zealand Conservation Policy Statement be lodged (noting that a full Council resolution is needed to formally “approve” the submission).**

Carried

9.5 Draft Submission on Wallaby Strategy Review

The purpose of this item was to present the Council's submission on the Aotearoa New Zealand Wallaby Strategy review.

Resolved:

Moved Cr Roy, seconded Cr Rose that Council receive the report – 2026 06 22 Submission on Aotearoa New Zealand Wallaby Strategy review.

Carried

9.6 Biosecurity Strategy

The purpose of this item was to present the Environment Southland Biosecurity Strategy 2025-30 to the Strategy and Policy Committee for endorsement.

Resolved:

Moved Cr Morrison, seconded Cr Young that Council:

- 1. receive the report - Biosecurity Strategy;**
- 2. note the updates made to the Strategy following consideration by the Integrated Catchment Management Committee on 25 March 2026;**
- 3. note that the draft strategy has been circulated to the South Island Biosecurity Alliance, Te Ao Mārama Incorporated (TAMI), and other relevant parties, with no substantive feedback received;**
- 4. endorse the Environment Southland Biosecurity Strategy 2025-30.**

Carried

9.7 Policy Monitor

The purpose of this item was to provide an overview of the current and upcoming national policy changes, with a focus on these expected to have a significant impact on Environment Southland's operations and the Southland region.

Resolved:

Moved Cr Roy, seconded Cr Mathieson that Council receive the report – 2026 06 22 Policy Monitor.

Carried

9.8 Impact Assessment of the Emergency Management Bill: Select Committee Report

The purpose of this item was to present the assessment of Environment Southland's impact on the Emergency Management Bill (No. 2) following the select committee stage.

Resolved:

Moved Cr Pemberton, seconded Cr Rodway that Council receive the report – Impact Assessment of the Emergency Management Bill Select Committee Report.

Carried

9.9 Strategy, Policy and Regional Planning Update

Lauren Maciaszek on behalf of Liz Devery spoke to their report and highlighted the following:

- Government Reform
- Navigation Safety Bylaw consultation
- Appeals to the Proposed Southland Water and Land Plan
- Plan Modification proposals
- Natural Hazards
- Discharge Agreement Reviews
- Gore District Plan Review
- Regional Spatial Planning.

Resolved:

Moved Cr Evans, seconded Cr Hodson that Council receive the Strategy, Policy and Regional Planning update report.

Carried

9.10 Update on Councillor Requests and Actions

This report captures Councillor requests and actions that have occurred during Strategy and Policy Committee meetings and provides an update on how these are being responded to.

Resolved:

Moved Cr Roy, seconded Cr Mathieson that Council receive the Update on the Councillor Requests Report.

Carried

10 Extraordinary/urgent business | Panui autia hei totoia Pakihi

There was no extraordinary or urgent business considered by the meeting.

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

There was no public excluded business considered by the meeting.

12 Termination

There being no further business, the Chair closed the meeting at 12:40 pm.

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

7 Questions | Patai

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

Chair report

Activities undertaken by Cr Ludlow since the last meeting

Bioeconomy Science Institute

Link Online Seminar – National Ecosystem Typology (NET) March 2026

The seminar provided an update on the development of New Zealand's National Ecosystem Typology (NET), a programme to establish a nationally consistent framework for classifying and mapping ecosystems. The framework is intended to support environmental planning, monitoring, conservation and reporting across central government, regional councils, iwi and the wider environmental sector.

Key Points

- The NET provides a common national framework for ecosystem classification and mapping.
- The current national ecosystem map is Version 1 and is intended as a strategic foundation rather than a detailed operational tool.
- Mapping has been completed at 100 m resolution, suitable for national reporting but not for site-specific planning or consenting.
- Current limitations include incomplete datasets ie groundwater, regional variability, coarse mapping resolution, and challenges representing rivers and mixed ecosystems.
- Future work will focus on higher-resolution ecosystem mapping (Levels 5–6), improved freshwater mapping, greater consistency across terrestrial, freshwater and marine environments, and alignment with international ecosystem standards.

Implications for Environment Southland

The NET is expected to improve national consistency in ecosystem classification and reporting but will complement, rather than replace, the detailed ecological information held by regional councils. Environment Southland's local datasets and technical expertise will continue to play an important role in planning, biodiversity management and future refinement of the national framework.

Overall Observation

The programme represents a significant step towards nationally consistent ecosystem mapping. While further work is required to improve data quality and resolution, it provides a valuable foundation for future environmental management and reporting.

9.1 Discharge Deeds of Agreement Update

Report by: Helen Brown, Senior Regional Planner

Approved by: Hayley Fitchett, General Manager Strategy and Regulation

Report Date: 20 August 2026

Purpose of the Report

To provide an update on the process of replacing Discharge Deeds of Agreement

Recommendation

That the Strategy and Policy Committee resolves to:

1. receive the report.
2. recommend that Council approve the Chief Executive Officer and Chair signing the replacement Deeds of Discharge and Agreement on behalf of Council.

Background

The existing Regional Coastal Plan for Southland, which became fully operative in 2013, allows for certain activities to be undertaken in Bluff Harbour without resource consent, if the activity operator obtains written agreement¹. The range of activities is limited and includes discharges of contaminants to air, water or land while loading, unloading, transportation, conveyance or storage of cargo; erection, maintenance, repair or removal of structures, building or equipment. Activities such as operating and discharging from a haul out facility or Syncrolift are covered by a separate rule in the Regional Coastal Plan² and are out of scope of the discharge agreements.

In 2012, South Port New Zealand Limited (South Port) and New Zealand Aluminium Smelters Limited (NZAS) both obtained written agreement by signing Discharge Deeds of Agreement with Southland Regional Council (ES). These Discharge Deeds of Agreement expire on 30 September 2026.

In early 2024, staff began formal discussions with both South Port and NZAS to support development of replacement Discharge Deeds of Agreement. At this time, drafting was also underway for a new Regional Coastal Plan. From the start of discussions, the outcome required by all parties was the provision of operational security for South Port and NZAS. If the existing Deeds of Agreement lapsed, the organisations would no longer be operating under the conditions of Rules 7.3.2.10 and 8.2, i.e. would be operating without resource consent. Environment Southland would be required to take compliance action, potentially enforcement, and both organisations would be required to apply for resource consents immediately.

By obtaining new or interim Deeds of Agreement before the existing Deeds expire, operational security would be provided for by establishing the regulatory framework under which both organisations will continue to operate, while work on a revised Regional Coastal Plan continues. No changes would be required to their operating processes until a new Regional Coastal Plan (in whatever form it takes) becomes operative.

¹ Regional Coastal Plan for Southland (2013) Rule 7.3.2.10 - Bluff Port Zone Discharges and Rule 8.2 - Discharges to Air in the Bluff Port Zone.

² Rule 7.3.8.2.6 - Port of Bluff Synchro-lift

With the development of a new planning system being developed, coastal matters will be addressed under either the Land Use or the Natural Environment Chapter of a combined regional plan. The exact process to be followed for resource consents required for existing activities will be confirmed when both the Planning Bill and the Natural Environment Bills are passed into law. The processes to notify a new regional plan are likely to be lengthy. Once a new Regional Coastal Plan becomes operative, in whatever form that may be, the agreement provides both South Port and NZAS six months to lodge applications for any resource consents they may require under the new coastal planning provisions.

Legal advice received in 2024 as part of the Regional Coastal Plan review process confirmed that the existing policy framework for activities undertaken in Bluff Harbour was no longer fit for purpose and a more robust policy structure was required. A Bluff Port Zone chapter was to be developed in the proposed Regional Coastal Plan to provide this policy framework.

Advice received recommended developing interim or replacement Deeds of Agreement as a separate planning process to the development of the proposed Regional Coastal Plan. This was to ensure that operational security for both South Port and NZAS was maintained, regardless of the time taken to progress the Regional Coastal Plan through plan making processes. This approach also removed potential impacts from delays to the development of policy direction for the proposed Regional Coastal Plan. The introduction of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 in August 2025 caused work on the proposed Regional Coastal Plan to stop ("plan stop"). The amendment however did not stop work on the progress of the Discharge Deeds of Agreement.

Regular meetings have been held throughout this process. Environment Southland and Te Ao Mārama Inc staff worked collaboratively with both South Port and NZAS from the start to ensure development of the new Deeds progressed smoothly and delays were minimised. Legal reviews of the draft Discharge Deed of Agreement wordings were completed in October 2025, and final confirmation of the Discharge Deed of Agreement wordings were reached in November 2025. At this time, Environment Southland staff also provided South Port and NZAS with an outline of the compliance information they would be required to provide to Environment Southland, in the form of an Environmental Management Plan (EMP)³.

South Port began work on their EMP in January 2026. Regular meetings with Environment Southland Compliance and Regional Planning staff have ensured this work has remained focused. NZAS have recently begun work on their EMP with a view to have the draft completed by early August.

The Discharge Deed of Agreement wordings have been socialised with and generally agreed to by both the South Port Board and NZAS management.

Replacement Deeds of Agreement

Drafting replacement Discharge Deeds of Agreement has provided an opportunity to update many aspects of the existing documents. Due to the change in format and number of changes proposed, a tracked changes version is not able to be provided. The key changes are summarised below:

- replace Code of Practice with Environmental Management Plan:

³ In an EMP, an operator outlines potential risks that may occur when authorised activities are undertaken in an area such as the Bluff Port Zone and how potential environmental impacts will be minimised, mitigated or avoided. In the event either South Port or NZAS are required to apply for resource consents in the future, the EMP will also provide a basis for any assessment of environmental effects that will be required as part of future resource consent application processes. Both South Port and NZAS are required to provide their EMPs to Te Ao Mārama Inc for review before they are lodged with ES. The EMPs are required to be provided to ES Compliance Manager for certification 4 weeks after the Discharge Deed of Agreement is signed.

- a Code of Practice was a regulatory approach used when the current Deeds were drafted in 2012 but provided very limited useful information. Neither South Port nor NZAS updated their Codes of Practice in the 14 years the current Deeds have been in place.
- the EMP is a 'live' document that can be updated as required, to incorporate changes to processes or procedures (with appropriate agreement from Environment Southland) without requiring change to the umbrella Deed document.
- an EMP will likely be required as part of the proposed regulatory framework for many activities in the coastal marine area of Southland covered by the new Regional Coastal Plan (in whatever form it takes). Should South Port or NZAS require resource consents when a future regional coastal plan becomes operative, their EMPs will already be in place and functional.
- requirements important to mana whenua have been included in both Discharge Deeds of Agreement and Environmental Management Plans. There are no references to mana whenua in the current Deeds or Codes of Practice documents.
 - every step of the development of the replacement Deeds and EMPs has been undertaken in collaboration with Te Ao Mārama Inc, with the final drafts agreeable to both Te Ao Mārama Inc and Environment Southland.
- slight differences in the Deed wordings for the two separate organisations have been incorporated to reflect differences in operations undertaken by each organisation. For example, reference to 'Tiwai Wharf User' in the NZAS Deed which is not required in the South Port Deed. These differences do not impact the overall object of purpose of either Deed document.

Te Tiriti o Waitangi Implications

Staff have worked collaboratively with Te Ao Mārama Inc throughout the process of developing the replacement Discharge Deeds of Agreement. Appropriate wording reflective of mana whenua values and needs has been provided by Te Ao Mārama Inc and included in both the Discharge Deeds of Agreement and associated Environmental Management Plan documents.

Risks

Reputational Risk

Any mismanagement or perceived mismanagement of the Deed of Agreement renewal process could be detrimental to Environment Southland's public image.

There is a potential perception of bias, noting Council's shareholding/ financial interest in South Port. If an unjustified enabling regulatory approach was taken with South Port relative to other parties, intensive negative public scrutiny may result. Independent legal advice and input from Te Ao Marama Inc throughout the process has provided oversight. The process and resulting agreement with South Port has been very similar to that with NZAS. The standards expected from these organisations does not favour one over the other.

Impact on other Environment Southland work programmes

There is no relationship between the Discharge Deeds of Agreement and the current Environment Southland project looking at a potential new Haul Out facility in Bluff. While the Bluff Haul Out project is at an early stage (recently initiated the Indicative Business Case process) it falls outside the limited scope of activities covered by the Discharge Deeds of Agreement. The existing Regional Coastal Plan for Southland does not include provision for the activities carried out at a haul-out facility to be undertaken by written agreement such as a Discharge Deed of Agreement.

The Environment Southland Science team has highlighted concerns regarding identified changes in seagrass and kelp extents in Bluff marine environments:

"Monitoring of the Awarua Bay and Bluff marine environments has identified changes in primary producer communities. Recent surveys report differing patterns in seagrass extent: Roberts et al.

(2021) indicate a 12% decline across Awarua Bay since 2004, while Shaw (2024) reports an increase within the Bluff zone. These reported changes are relatively small and may, in part, reflect differences in survey methods rather than environmental change. By comparison, monitoring at Stirling Point has identified observable reductions in upper tidal zone moss coverage and subtidal kelp extent (Forrest & Stevens, 2024). However, moss coverage may be due to increase human activity causing physical damage from people walking or fishing on the rocks.

Seagrass and kelp are recognised indicators of marine ecosystem condition because they are typically sensitive to environmental stressors, including elevated water temperature and reduced water clarity. They also contribute to ecosystem function by providing habitat and supporting coastal food webs, fisheries values, and marine carbon cycling.

While kelp decline has been documented, the available information does not identify a definitive cause. As a result, the observed changes cannot be directly attributed to activities associated with the South Port Deed of Agreement. Yet those activities also cannot be ruled out as potential contributors within a broader cumulative-effects context that includes dredging, Bluff wastewater discharges, the New Zealand Aluminium Smelter, vessel traffic, marine heatwaves, and recreational activity. However, given the limited reported change in seagrass cover, the high level of water turnover in the bay, and the multiple potential stressors present, the extent to which Port discharges are influencing the Awarua Bay and Bluff Harbour environments is difficult to quantify but potentially low." ⁴

Determining the extent to which potential discharges from port activities is influencing these changes is outside the scope of the Discharge Deed Agreements. South Port currently has a monitoring programme in place which it will continue to operate. Further investigation of potential causal relationships will be considered as part of ongoing science work programmes to feed into development of the any revised Regional Coastal Plan.

Changes to planning system

The process followed to date will eliminate any potential misalignment with the new planning system currently being rolled out. Enabling infrastructure and industry to operate in within the coastal environment, removing regulatory barriers and ensuring environmental impacts are also managed are key drivers in the new planning system and are met in the process staff have followed.

Timeframe

As outlined above, the current agreement expires at the end of September 2026. While the other parties have indicated that their Boards and Management are comfortable with the draft agreements and have been engaging with staff on this matter for some time, they have not yet signed the documentation. Should an organisation not sign a revised agreement by the end of the month, they would need to review their current practices to ensure they meet the Regional Coastal Plan permitted activity provisions and engage with the Council's resource management team.

⁴ Forrest BM, Stevens LM. 2024. *Stirling Point Intertidal Rocky Shore Survey 2024 and Comparison to Baseline Surveys 2010-2012*. Salt Ecology Report 146, prepared for Environment Southland, September 2024. 38p.
 Roberts KL, Stevens LM, Forrest BM. 2021. *Broadscale Intertidal Habitat Mapping of Bluff Harbour (Awarua)*. Salt Ecology Report 072, prepared for Environment Southland, November 2021. 50p.
 Shaw, S. 2024. *Subtidal Seagrass Mapping in Bluff Harbour: A survey of current distribution and depth extent of the seagrass Zostera muelleri*. SIT report, prepared in partial fulfilment for Bachelor of Environmental Management.

Financial Matters to be considered

There could be operational and legal risks associated with this issue for South Port resulting in financial costs. Assuming Council remains a shareholder, this could impact on revenue from dividends. South Port may find grounds to pursue further legal action if the situation is mismanaged.

Next Steps

2 September – Full Council meeting - Councillors to approve the Environment Southland Chief Executive Officer and Chair signing the Discharge Deeds of Agreement with South Port New Zealand Limited and New Zealand Aluminium Smelters Limited.

Determine date for replacement Discharge Deeds of Agreement to be signed by:

- the South Port New Zealand Limited Port General Manager & Environment Southland Chief Executive Officer & Chair, and
- the New Zealand Aluminium Smelters Manager, Supply Chain & Environment Southland Chief Executive Officer & Chair

Attachments

1. 20260721 Agreement with South Port version 10 October 2025 - clean (Draft_ confidential and commerc [9.2.1 - 14 pages]
2. 20260721 Agreement with NZAS version 10 October 2025 - clean (Draft, confidential and commercially [9.2.2 - 13 pages]

DRAFT, CONFIDENTIAL AND COMMERCIALY SENSITIVE

DISCHARGE AGREEMENT PURSUANT TO RULES 7.3.2.10 AND 8.2 OF THE SOUTHLAND REGIONAL COASTAL PLAN

between

between

SOUTHLAND REGIONAL COUNCIL ▲

and

and

and

SOUTH PORT NEW ZEALAND LIMITED

DRAFT

WYNNWILLIAMS.CO.NZ

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WYNN WILLIAMS

DRAFT, CONFIDENTIAL AND COMMERCIALY SENSITIVE**Background**

- A. Southland Regional Council is the regional council for the Southland Region with various powers, duties and obligations under the RMA.
- B. South Port New Zealand Limited is a Port Company (as defined under the Port Companies Act 1988) operating in the Port of Bluff.
- C. Section 15 of the RMA prohibits the discharge of contaminants into the environment unless the discharge is (amongst other things) expressly allowed by a rule in a regional plan.
- D. The Regional Coastal Plan for Southland 2008 enables as a permitted activity:
 - i. discharges of contaminants to water within the Bluff Port Zone, and discharges of contaminants to land within the Bluff Port Zone in circumstances where they may enter water, from certain Authorised Activities; and
 - ii. discharges to air within the Bluff Port Zone from certain Authorised Activities, provided they are undertaken in accordance with a written agreement entered into with Council.
- E. The parties previously entered into a written agreement to enable South Port to discharge contaminants to the environment from the Authorised Activities in the South Port Occupation Area. This previous agreement expires on 30 September 2026.
- F. Council is preparing a new regional coastal plan to replace the Regional Coastal Plan for Southland 2008. It is anticipated that the new regional coastal plan will not include permitted activity rules enabling an agreement to authorise discharges as a permitted activity under the RMA. However, it is unlikely that the new regional coastal plan will be operative before the previous agreement expires on 30 September 2026.
- G. In the interest of enabling South Port's existing operations and avoiding inefficiency associated with South Port applying for resource consents after 30 September 2026 when the new regional coastal plan is likely to be in a state of flux, the parties wish to enter into a new written agreement to cover the period until the date South Port obtains resource consent(s) for the Authorised Activities in accordance with section 20A(2) of the RMA.
- H. South Port is working with iwi to weave mana whenua values and aspirations into the Discharge Deed of Agreement and associated Environmental Management Plan. Discussions will be ongoing.

DRAFT, CONFIDENTIAL AND COMMERCIAL SENSITIVE

DISCHARGE AGREEMENT PURSUANT TO RULES 7.3.2.10 AND 8.2 OF THE SOUTHLAND REGIONAL COASTAL PLAN

Date:

2025

1. Parties

SOUTHLAND REGIONAL COUNCIL the regional council for the Southland Region (**Council**)

SOUTH PORT NEW ZEALAND LIMITED the Port Company at the Port of Bluff (**South Port**)

2. Definitions and interpretation

Definitions

2.1 Unless the context requires otherwise:

Authorised Activities means the activities referred to in clauses 4.1(a) and 4.1(b) to which Rule 7.3.2.10 and Rule 8.2 of the RCP apply.

Bluff Port Zone means the area of the CMA within and at the entrance to Bluff Harbour as shown in Map 9c in the RCP.

Business Day means any day on which the Council reception in its main building is open to the public.

CMA means the coastal marine area within Bluff Harbour

Discharge means an incidental discharge to the Authorised Activities referred to in clauses 4.1(a) and 4.1(b).

Environmental Management Plan means the document referred to in clause 6 that is a Code of Practice for the purposes of Rule 7.3.2.10 and Rule 8.2 of the RCP.

New Regional Coastal Plan means any planning instrument that:

- (a) replaces the RCP;
- (b) applies to the coastal marine area (or equivalent area defined at law) of Southland;
- (c) includes objectives, policies, rules, or methods for managing the use, development, or protection of that area,

including any plan, combined plan, or successor instrument required or enabled by legislation to perform the same or substantially similar function as a regional coastal plan under s 43AA of the RMA, regardless of its name or the legislation under which it is prepared.

Notified Port Users means operators at the Port of Bluff who have entered into a written agreement with South Port that they will comply with the terms of this agreement.

RCP means the Regional Coastal Plan for Southland fully operative March 2013.

RMA means the Resource Management Act 1991 (or any replacement enactment that contains restrictions on the use, development, or protection of the coastal marine area).

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South Port Occupation Area (SPOA) means the Island Harbour, and those areas of the CMA in Bluff Harbour adjacent to the Island Harbour and Town Wharves more particularly described in the coastal permit under Section 384A RMA approved by the Minister of Transport on 28 July 1994.

Southland Regional Council includes Council, and where authorised, its officers, contractors, agents and appointees.

South Port means South Port New Zealand Limited.

Interpretation

2.2 Unless the context requires otherwise:

- (a) Words and terms not defined in this Agreement have the same meaning (if any) given to them in the RMA and RCP or New Regional Coastal Plan.
- (b) Clause headings and other headings are to be used in ascertaining the meaning of this agreement.
- (c) Reference to the parties is to the parties to this Agreement.
- (d) An obligation in this Agreement not to do anything shall include an obligation not to suffer permit or cause that thing to be done.
- (e) A reference to a statute or a regional plan includes reference to the statute, regulations, orders or notices and amendments made pursuant to, or in substitution for, that statute, regulation, order, notice or plan, and in the case of a regional plan also includes a proposed regional plan.
- (f) Words importing the singular number include the plural and vice versa.
- (g) A reference to:
 - (i) clauses and schedules is to clauses of and schedules of this agreement.
 - (ii) any document includes reference to it as amended, novated, or replaced from time to time.
 - (iii) a party includes:
 - (1) their executors, administrators, or permitted assigns; or
 - (2) if a company, limited partnership, or any other body corporate, its successors and permitted assigns.
 - (iv) **writing** includes words printed, typewritten, or otherwise visibly represented, copied, or reproduced including by email. **Written** has a corresponding meaning.
- (h) The provisions of this Agreement shall be interpreted so as best to ensure that its purposes are promoted.

3. Purposes of Agreement

3.1 This Agreement has the following purposes:

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- (a) To set out the respective rights and obligations of Council, South Port and its Notified Port Users in respect of the matters covered by this Agreement.
- (b) To provide methods of management within the framework of RMA that are alternatives to resource consents.
- (c) To recognise and provide for self-monitoring by South Port of the discharge of contaminants as defined by clause 4.1 and monitoring activities associated with those discharges.
- (d) To ensure the Authorised Activities continue to be authorised until such time as the New Regional Coastal Plan is made operative and South Port obtains any resource consents required for its discharges under that plan.

4. Scope of Agreement

- 4.1 This Agreement applies to discharges of contaminants into air, into water and onto land where they may enter water, within the Bluff Port Zone that are incidental to the following Authorised Activities undertaken by South Port or its Notified Port Users within or managed within the South Port Occupation Area:
- (a) the loading, unloading, transport, conveyance and storage of cargo; and
 - (b) the erection, placement, maintenance, repair, alteration, extension, removal or demolition of structures or any building, equipment, device or other facility attached to any structure including, without limitation, the use of dry abrasive blasting for the undertaking of spot repairs.
- 4.2 The discharges authorised under clause 4.1 must:
- (a) occur only in the course or as a result of the South Port or its Notified Port Users carrying out the Authorised Activities under clauses 4.1(a) and 4.1(b);
 - (b) be conscientiously carried out in accordance with a certified Environmental Management Plan; and
 - (c) not have significant or cumulative adverse effect in the receiving environment; and
 - (d) not have significant and / or cumulative effects on cultural values within the receiving environment; and
 - (e) not contain viable unwanted or pest organisms; and
 - (f) in the case of the discharge of contaminants to air, not be noxious, dangerous, offensive or objectionable; and
 - (g) in the case of dry abrasive blasting arising out of the undertaking of spot repairs, not include any extensive substantial repairs to, or renovation of structures.
- 4.3 The discharges authorised under clause 4.1 must not have the following effects in the receiving waters, after reasonable mixing, as a result of the discharge (either by itself or in combination with the same, similar, or other contaminants):
- (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or

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- (b) any conspicuous change in the colour or visual clarity; or
- (c) any emission of objectionable odour; or
- (d) any significant adverse effects on aquatic life.

4.4 Clause 4.1 is subject to clause 4.2 and 4.3.

5. Relationship to RMA and RCP

- 5.1 For so long as South Port abides by the terms of this Agreement then, by virtue of Rules 7.3.2.10 and 8.2 of RCP or existing use rights under section 20A of the RMA, there shall be no obligation on the part of South Port and its Notified Port Users to have resource consents for the discharge of contaminants of the type and to the extent described in this Agreement.
- 5.2 For the avoidance of doubt nothing in this Agreement:
 - (a) Exempts South Port or its Notified Port Users from undertaking their obligations and duties under the RMA and RCP that this Agreement does not specifically or by reasonable inference deal with.
 - (b) Permits South Port or its Notified Port Users to carry out any activity that is a prohibited activity under the RCP.
 - (c) Authorises any discharge that does not come within the scope of clause 4.
 - (d) Authorises any discharge that is regulated by a New Regional Coastal Plan, except to the extent that the activity is undertaken in accordance with section 20A of the RMA.
 - (e) Makes lawful an otherwise unlawful activity under the RMA (or any replacement or equivalent legislation).
- 5.3 The Parties intend that when Rules 7.3.2.10 and 8.2 of RCP cease to have operative effect, South Port will undertake its activities in accordance with the New Regional Coastal Plan, including obtaining any resource consents required under that plan. It is intended that section 20A of the RMA (or any successor legislation) will provide existing use rights while any application is determined.

6. Environmental Management Plan

- 6.1 South Port must prepare and obtain certification of an Environmental Management Plan in accordance with clauses 6.9 to 6.14.
- 6.2 South Port and its Notified Users must not carry out the Authorised Activities under clause 4.1 unless in accordance with a certified Environmental Management Plan.
- 6.3 It is the duty of South Port to ensure that the activities referred to in clause 4.1 are carried out by its employees and Notified Port Users in accordance with the certified Environmental Management Plan.
- 6.4 South Port will ensure that its employees and Notified Port Users carrying out activities in or adjacent to the South Port Occupation Area are aware of the contents of the certified Environmental Management Plan and will use reasonable endeavours to ensure that they comply with the certified Environmental Management Plan.

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- 6.5 South Port will ensure any Notified Port User it allows to operate under this agreement signs a contract with South Port stating that the Notified Port User will ensure its employees and subcontractors read this agreement and the certified Environmental Management Plan and will abide by all of the conditions they contain.

Purpose, objectives and requirements of an Environmental Management Plan

- 6.6 The purpose of an Environmental Management Plan is to set out South Port's duties and obligations and the duties and obligations of its employees and Notified Port Users in respect of the carrying out of any activity under clause 4.1.
- 6.7 The objective of the Environmental Management Plan is to avoid, remedy, or mitigate adverse environmental effects of incidental discharges to the Authorised Activities in order to comply with the conditions of clauses 4.2 and 4.3.
- 6.8 An Environmental Management Plan must include (but is not limited to) the following:
- (a) Processes and procedures South Port will implement to avoid, remedy or mitigate adverse environmental effects associated with incidental discharges of dust, small pieces of wood, or other particles from unloading cargo.
 - (b) The monitoring required by clause 7.
 - (c) Further requirements as agreed between Council and South Port.

Certification process

- 6.9 South Port will provide a copy of the draft Environmental Management Plan to Te Ao Marama Inc. for comment prior to submitting the Environmental Management Plan to Council for certification.
- 6.10 Within 20 working days of receipt of a draft Environmental Management Plan, Te Ao Marama Inc. will notify South Port of any changes or additional inclusions required to the draft Environmental Management Plan.
- 6.11 South Port will submit a draft Environmental Management Plan to Council's Resource Management Manager (Compliance) (or another person within Council with delegated authority to certify or approve environmental management plans) for certification within 20 working days of this Agreement or as provided by clauses 6.14 and 6.19.
- 6.12 Within 20 working days of receipt of a draft Environmental Management Plan, the Council may (at its sole discretion):
- (a) Certify the draft Environmental Management Plan as meeting the purpose and objective/s in clauses 6.6 and 6.7 and including the matters required by clause 6.8; or
 - (b) Decline to certify the draft Environmental Management Plan as meeting the purpose and objective/s in clauses 6.6 and 6.7 and including the matters required by clause 6.8.
- 6.13 Council must promptly notify South Port in writing of its decision under clause 6.12 and, if the decision is to decline to approve the draft Environmental Management Plan, the Council must provide South Port with reasons for that decision.
- 6.14 If Council declines to certify the draft Environmental Management Plan under clause 6.12(b), South Port must promptly resubmit a draft Management Plan for approval under clause 6.11 within 20 working days of receipt of Council's decision.

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- 6.15 South Port shall meet the Council's costs of approving the draft Environmental Management Plan under clause 6.12.
- 6.16 The parties may adopt a different process for certification of the Environmental Management Plan by written agreement.

Review of Environmental Management Plan

- 6.17 South Port may make amendments to the Environmental Management Plan at any time, but any such amendments do not take effect unless and until certified by the Council under clauses 6.12 to 6.16.
- 6.18 Council may initiate a review of a certified Environmental Management Plan:
 - (a) if a discharge authorised by this Agreement has an effect prohibited under clauses 4.2 or 4.3;
 - (b) if results from monitoring trigger a request to review the Environmental Management Plan;
 - (c) by agreement of the parties as a result of a meeting under 8.1(c)
 - (d) by giving written notice to South Port within 15 working days following the 12-month anniversary of the execution of this Agreement.
- 6.19 Following a review initiated under clause 6.18 Council may do one or more of the following:
 - (a) Recommend South Port make changes to its certified Environmental Management Plan; and
 - (b) Set a reasonable timeframe for South Port to submit to Council changes to its Environmental Management Plan under clause (a).
- 6.20 If the Council recommends that South Port make changes to its certified Environmental Management Plan under clause 6.19(a), South Port may, within the timeframe set by the Council under clause 6.19(b), submit those changes or alternative changes with equivalent effect to the Council for certification. Any such changes will not take effect unless and until they are certified by the Council in accordance with clauses 6.12 to 6.16.
- 6.21 If South Port chooses not to submit changes for certification, or not to submit changes of equivalent effect, it must provide the Council with written reasons for its decision.
- 6.22 If the parties continue to disagree about whether changes to the Environmental Management Plan are necessary to ensure compliance with this agreement, the dispute resolution procedures in clause 13 will apply, unless the parties agree otherwise.

7. Monitoring the effects of discharges of contaminants to water

- 7.1 In order to monitor the effects of discharges of contaminants into the CMA made in accordance with this Agreement, South Port at its cost shall carry out the monitoring specified in South Port's Environmental Management Plan in the manner and in accordance with the provisions of that EMP. Any monitoring carried out by Council in accordance with South Port's Environmental Management Plan shall be paid for by South Port.

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- 7.2 If South Port fails to complete the monitoring required by the EMP under clause 7.1, and South Port further fails to undertake such monitoring within a reasonable timeframe on written notice from the Council, then Council may undertake such monitoring at South Port's cost.
- 7.3 In order to monitor the effects of discharges of contaminants into CMA made in accordance with this Agreement, and compliance with this Agreement's conditions, any authorised officer of Council may, at any time up to 8 times per annum (i.e. period 1 July to 30 June), enter the South Port Occupation Area or its adjacent area for the purposes of conducting routine audits. South Port shall pay a monitoring charge to Council for each inspection completed.
- 7.4 The Council acknowledges that both South Port and the Council have obligations under the Health and Safety at Work Act 2015 and each party will comply with any reasonable direction that may be provided in relation to those obligations.

8. Consultative meetings and review of Agreement

- 8.1 The Parties shall meet annually in September or such other time as may be agreed to consider the following matters:
- (a) Whether the level and detail of monitoring required by this Agreement and detailed in the Environmental Management Plan should be reviewed and to what extent;
 - (b) The scope of proposed work within the area along the Island Harbour face and the coastal marine area, including the Town Wharf, for the coming 12-month period with the purpose of ensuring that the proposed work falls within the terms and conditions of this agreement, a separate resource or is a permitted activity pursuant to the RCP; and
 - (c) Whether the Environmental Management Plan is achieving its purpose and objectives.
 - (d) Any other matters of relevance or mutual interest.
- 8.2 Either Council or South Port may call a meeting at any other time for any of the purposes specified in clause 8.1.
- 8.3 Any Party may appoint a delegate or delegates to represent it at any meeting under this clause. Such appointment may be general until revoked or for a particular meeting or meetings only. An agreement or vote by the delegate or delegates shall be deemed to be an agreement or vote by the appointing party.
- 8.4 If as a result of any matter arising out of any meeting held in accordance with this clause, the Parties agree that there is a need to review this Agreement, the Parties shall use their best endeavours to agree on amendments. No such amendments shall be effective unless they are in writing and signed by both Council and South Port.
- 8.5 Any amendment made in accordance with clause 8.4 shall be binding on all the Parties to this Agreement from the date specified in the amendment.

9. Term

- 9.1 Subject to clause 10 this Agreement shall expire on the earlier of:
- (a) the date 10 years from the execution of this Agreement (and if that is not a Business Day, the next Business Day); or

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- (b) in accordance section 20A(2) of the RMA
 - (i) the date a resource consent application to authorise the discharges authorised by this Agreement is decided and all appeals determined; or
 - (ii) if South Port fails to make an application prior to the date that is 6 months after the date a rule in the New Regional Coastal Plan that regulates the discharges authorised by this Agreement is made operative pursuant to section 86F of the RMA (or any subsequent or replacement legislation), this Agreement shall terminate on that date,

provided that where the New Regional Coastal Plan requires resource consent under more than one rule and one or more of those rules are made operative while other rule(s) are not operative then this agreement shall continue to the extent that the Authorised Activity is limited to the activity which is addressed by the rule(s) yet to be made operative.

- 9.2 Except for monitoring costs accrued under clause 7, no compensation damages or other payment shall become payable or due at the end of the Term.

10. Termination for cause

- 10.1 Council shall have the right to terminate this Agreement by notice in accordance with clause 10.2 in the event of:
- (a) Default or neglect on the part of South Port in carrying out any of its obligations (including obligations not to do something) under this Agreement.
 - (b) Any material misrepresentation on the part of South Port in respect of any information which it is required to supply to Council under this Agreement.
 - (c) A significant adverse effect on the environment caused or contributed to by any discharge permitted in terms of this Agreement.
- 10.2 The notice of termination shall be in writing, shall specify the reasons for the termination and the date and time at which the termination shall take effect. Clause 13 of this Agreement shall apply to any difference or dispute as to the validity and/or reasonableness of the termination and/or the reasonableness of the date at which the termination shall take effect.
- 10.3 Where Council has the right to terminate under this clause 10 then notwithstanding the provisions of this clause 10, Council may at its option instead of terminating this Agreement, by notice to South Port specify one or more specified discharges that shall cease. Subject to clause 13, from the date specified in the notice that discharge or discharges shall cease to be covered by this Agreement.
- 10.4 In the event of termination or cessation in accordance with this clause 10, the provisions of this Agreement, except for existing obligations, or (as the case may be) the right to any specific discharge shall, subject to clause 13, cease from the date and time of termination and all of the provisions of RCP shall apply including any obligation to obtain a resource consent for any activity which would otherwise be permitted under this Agreement.
- 10.5 In the event of termination, time restrictions imposed on South Port and its Notified Port Users to gain a resource consent may be extended with the approval of Council, provided that there is evidence of significant progress towards attaining a resource consent.

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- 10.6 Except for monitoring costs accrued under clause 7, no compensation damages or other payment shall become payable or due as a result of termination under this clause.

11. Notices

- 11.1 Any notice or other communication (**Notice**) given under this Agreement must be in writing. Notices shall be addressed to the recipient at the address from time to time notified by that Party in writing to the other Party. Notices may be delivered personally, by post or email.
- 11.2 Any notice or communication sent by email shall be deemed to have been received on the day of transmission if that transmission is made before 5 p.m. on any Business Day. However, if the date of transmission is not a Business Day or the transmission is sent after 5 p.m. on a Business Day, then the notice or other communication shall be deemed to have been received at 9.00 a.m. on the next Business Day after the date of receipt. A notice or communication delivered by post shall be deemed to have been received on the fifth Business Day after posting.

12. Waiver

- 12.1 No Party shall be deemed to have waived any rights under this Agreement unless the waiver is in writing signed by that Party. Any such waiver shall not constitute a continuing waiver unless specifically expressed to be so.

13. Dispute Resolution

- 13.1 If any difference or dispute arises as to the interpretation of this Agreement or as to any other matter arising out of or in connection with this Agreement, the Parties undertake to use their best endeavours to resolve the difference or dispute between them by amicable and bona fide negotiation or by utilising appropriate dispute resolution techniques.
- 13.2 When a difference or dispute remains unresolved for 20 Business Days (or such longer time as the Parties agree upon in writing) the Parties or either of them shall be entitled to refer the difference or dispute to arbitration in accordance with the Arbitration Act 1996.
- 13.3 The decision of the arbitration shall be final and binding on the Parties.
- 13.4 Nothing in this clause shall entitle either Party to refer any matter to arbitration which is the statutory responsibility of Council to decide upon, nor any arbitrator to make any ruling in respect of such matter.

14. General

Severability

- 14.1 If any provision of this Agreement is held invalid, unenforceable or illegal for any reason, this Agreement will remain in full force apart from such provision, which shall be deemed to be deleted. The parties will co-operate to ensure that the spirit and intention of this Agreement is carried out as far as is reasonably practicable and, if necessary, amend this agreement accordingly.

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- 14.2 Each party will execute all documents and do all other things which are both reasonable and necessary and to carry out its obligations under, and the intention of, this agreement.

Costs

- 14.3 Except as otherwise provided in this agreement, the parties will meet their own costs relating to the negotiation, preparation, execution, and implementation of this Agreement.

Entire agreement

- 14.4 This agreement constitutes the entire agreement between the parties as to its subject. It supersedes and cancels any previous agreement, understanding, or arrangement whether written or oral. The parties agree that it is fair and reasonable that this clause is conclusive between them, as required by section 50 of the Contract and Commercial Law Act 2017.

Amendment

- 14.5 This agreement can only be amended in writing, signed by all of the parties.

Governing law and jurisdiction

- 14.6 This agreement is governed by the laws of New Zealand and the parties submit to the exclusive jurisdiction of the courts of New Zealand regarding any dispute or proceeding arising out of this agreement.

Counterparts

- 14.7 This agreement may be executed by each signatory in separate counterpart copies, whether originals, photocopies, or electronic copies. Each signatory must execute at least one copy for the separately signed documents to form one legally binding document.

Signed by the parties

Signed by **Southland Regional Council**
by affixing its common seal in the presence
of:

[Authorised Witness]

[Authorised Witness]

Common Seal

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Signed for and on behalf of **South Port
New Zealand Limited** as South Port by
[name of authorised officer], its duly
authorised officer in the presence of:

[name of authorised officer]

Signature of witness

Name of witness

Occupation

Address

DRAFT

DRAFT, CONFIDENTIAL AND COMMERCIAL SENSITIVE**Background**

- A. Southland Regional Council is the regional council for the Southland Region with various powers, duties and obligations under the RMA.
- B. South Port New Zealand Limited is a Port Company (as defined under the Port Companies Act 1988) operating in the Port of Bluff.
- C. Section 15 of the RMA prohibits the discharge of contaminants into the environment unless the discharge is (amongst other things) expressly allowed by a rule in a regional plan.
- D. The Regional Coastal Plan for Southland 2008 enables as a permitted activity:
 - i. discharges of contaminants to water within the Bluff Port Zone, and discharges of contaminants to land within the Bluff Port Zone in circumstances where they may enter water, from certain Authorised Activities; and
 - ii. discharges to air within the Bluff Port Zone from certain Authorised Activities, provided they are undertaken in accordance with a written agreement entered into with Council.
- E. The parties previously entered into a written agreement to enable South Port to discharge contaminants to the environment from the Authorised Activities in the South Port Occupation Area. This previous agreement expires on 30 September 2026.
- F. Council is preparing a new regional coastal plan to replace the Regional Coastal Plan for Southland 2008. It is anticipated that the new regional coastal plan will not include permitted activity rules enabling an agreement to authorise discharges as a permitted activity under the RMA. However, it is unlikely that the new regional coastal plan will be operative before the previous agreement expires on 30 September 2026.
- G. In the interest of enabling South Port's existing operations and avoiding inefficiency associated with South Port applying for resource consents after 30 September 2026 when the new regional coastal plan is likely to be in a state of flux, the parties wish to enter into a new written agreement to cover the period until the date South Port obtains resource consent(s) for the Authorised Activities in accordance with section 20A(2) of the RMA.
- H. South Port is working with iwi to weave mana whenua values and aspirations into the Discharge Deed of Agreement and associated Environmental Management Plan. Discussions will be ongoing.

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DISCHARGE AGREEMENT PURSUANT TO RULES 7.3.2.10 AND 8.2 OF THE SOUTHLAND REGIONAL COASTAL PLAN

Date:

2025

1. Parties

SOUTHLAND REGIONAL COUNCIL the regional council for the Southland Region (**Council**)

SOUTH PORT NEW ZEALAND LIMITED the Port Company at the Port of Bluff (**South Port**)

2. Definitions and interpretation

Definitions

2.1 Unless the context requires otherwise:

Authorised Activities means the activities referred to in clauses 4.1(a) and 4.1(b) to which Rule 7.3.2.10 and Rule 8.2 of the RCP apply.

Bluff Port Zone means the area of the CMA within and at the entrance to Bluff Harbour as shown in Map 9c in the RCP.

Business Day means any day on which the Council reception in its main building is open to the public.

CMA means the coastal marine area within Bluff Harbour

Discharge means an incidental discharge to the Authorised Activities referred to in clauses 4.1(a) and 4.1(b).

Environmental Management Plan means the document referred to in clause 6 that is a Code of Practice for the purposes of Rule 7.3.2.10 and Rule 8.2 of the RCP.

New Regional Coastal Plan means any planning instrument that:

- (a) replaces the RCP;
- (b) applies to the coastal marine area (or equivalent area defined at law) of Southland;
- (c) includes objectives, policies, rules, or methods for managing the use, development, or protection of that area,

including any plan, combined plan, or successor instrument required or enabled by legislation to perform the same or substantially similar function as a regional coastal plan under s 43AA of the RMA, regardless of its name or the legislation under which it is prepared.

Notified Port Users means operators at the Port of Bluff who have entered into a written agreement with South Port that they will comply with the terms of this agreement.

RCP means the Regional Coastal Plan for Southland fully operative March 2013.

RMA means the Resource Management Act 1991 (or any replacement enactment that contains restrictions on the use, development, or protection of the coastal marine area).

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South Port Occupation Area (SPOA) means the Island Harbour, and those areas of the CMA in Bluff Harbour adjacent to the Island Harbour and Town Wharves more particularly described in the coastal permit under Section 384A RMA approved by the Minister of Transport on 28 July 1994.

Southland Regional Council includes Council, and where authorised, its officers, contractors, agents and appointees.

South Port means South Port New Zealand Limited.

Interpretation

2.2 Unless the context requires otherwise:

- (a) Words and terms not defined in this Agreement have the same meaning (if any) given to them in the RMA and RCP or New Regional Coastal Plan.
- (b) Clause headings and other headings are to be used in ascertaining the meaning of this agreement.
- (c) Reference to the parties is to the parties to this Agreement.
- (d) An obligation in this Agreement not to do anything shall include an obligation not to suffer permit or cause that thing to be done.
- (e) A reference to a statute or a regional plan includes reference to the statute, regulations, orders or notices and amendments made pursuant to, or in substitution for, that statute, regulation, order, notice or plan, and in the case of a regional plan also includes a proposed regional plan.
- (f) Words importing the singular number include the plural and vice versa.
- (g) A reference to:
 - (i) clauses and schedules is to clauses of and schedules of this agreement.
 - (ii) any document includes reference to it as amended, novated, or replaced from time to time.
 - (iii) a party includes:
 - (1) their executors, administrators, or permitted assigns; or
 - (2) if a company, limited partnership, or any other body corporate, its successors and permitted assigns.
 - (iv) **writing** includes words printed, typewritten, or otherwise visibly represented, copied, or reproduced including by email. **Written** has a corresponding meaning.
- (h) The provisions of this Agreement shall be interpreted so as best to ensure that its purposes are promoted.

3. Purposes of Agreement

3.1 This Agreement has the following purposes:

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- (a) To set out the respective rights and obligations of Council, South Port and its Notified Port Users in respect of the matters covered by this Agreement.
- (b) To provide methods of management within the framework of RMA that are alternatives to resource consents.
- (c) To recognise and provide for self-monitoring by South Port of the discharge of contaminants as defined by clause 4.1 and monitoring activities associated with those discharges.
- (d) To ensure the Authorised Activities continue to be authorised until such time as the New Regional Coastal Plan is made operative and South Port obtains any resource consents required for its discharges under that plan.

4. Scope of Agreement

- 4.1 This Agreement applies to discharges of contaminants into air, into water and onto land where they may enter water, within the Bluff Port Zone that are incidental to the following Authorised Activities undertaken by South Port or its Notified Port Users within or managed within the South Port Occupation Area:
- (a) the loading, unloading, transport, conveyance and storage of cargo; and
 - (b) the erection, placement, maintenance, repair, alteration, extension, removal or demolition of structures or any building, equipment, device or other facility attached to any structure including, without limitation, the use of dry abrasive blasting for the undertaking of spot repairs.
- 4.2 The discharges authorised under clause 4.1 must:
- (a) occur only in the course or as a result of the South Port or its Notified Port Users carrying out the Authorised Activities under clauses 4.1(a) and 4.1(b);
 - (b) be conscientiously carried out in accordance with a certified Environmental Management Plan; and
 - (c) not have significant or cumulative adverse effect in the receiving environment; and
 - (d) not have significant and / or cumulative effects on cultural values within the receiving environment; and
 - (e) not contain viable unwanted or pest organisms; and
 - (f) in the case of the discharge of contaminants to air, not be noxious, dangerous, offensive or objectionable; and
 - (g) in the case of dry abrasive blasting arising out of the undertaking of spot repairs, not include any extensive substantial repairs to, or renovation of structures.
- 4.3 The discharges authorised under clause 4.1 must not have the following effects in the receiving waters, after reasonable mixing, as a result of the discharge (either by itself or in combination with the same, similar, or other contaminants):
- (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or

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- (b) any conspicuous change in the colour or visual clarity; or
- (c) any emission of objectionable odour; or
- (d) any significant adverse effects on aquatic life.

4.4 Clause 4.1 is subject to clause 4.2 and 4.3.

5. Relationship to RMA and RCP

- 5.1 For so long as South Port abides by the terms of this Agreement then, by virtue of Rules 7.3.2.10 and 8.2 of RCP or existing use rights under section 20A of the RMA, there shall be no obligation on the part of South Port and its Notified Port Users to have resource consents for the discharge of contaminants of the type and to the extent described in this Agreement.
- 5.2 For the avoidance of doubt nothing in this Agreement:
 - (a) Exempts South Port or its Notified Port Users from undertaking their obligations and duties under the RMA and RCP that this Agreement does not specifically or by reasonable inference deal with.
 - (b) Permits South Port or its Notified Port Users to carry out any activity that is a prohibited activity under the RCP.
 - (c) Authorises any discharge that does not come within the scope of clause 4.
 - (d) Authorises any discharge that is regulated by a New Regional Coastal Plan, except to the extent that the activity is undertaken in accordance with section 20A of the RMA.
 - (e) Makes lawful an otherwise unlawful activity under the RMA (or any replacement or equivalent legislation).
- 5.3 The Parties intend that when Rules 7.3.2.10 and 8.2 of RCP cease to have operative effect, South Port will undertake its activities in accordance with the New Regional Coastal Plan, including obtaining any resource consents required under that plan. It is intended that section 20A of the RMA (or any successor legislation) will provide existing use rights while any application is determined.

6. Environmental Management Plan

- 6.1 South Port must prepare and obtain certification of an Environmental Management Plan in accordance with clauses 6.9 to 6.14.
- 6.2 South Port and its Notified Users must not carry out the Authorised Activities under clause 4.1 unless in accordance with a certified Environmental Management Plan.
- 6.3 It is the duty of South Port to ensure that the activities referred to in clause 4.1 are carried out by its employees and Notified Port Users in accordance with the certified Environmental Management Plan.
- 6.4 South Port will ensure that its employees and Notified Port Users carrying out activities in or adjacent to the South Port Occupation Area are aware of the contents of the certified Environmental Management Plan and will use reasonable endeavours to ensure that they comply with the certified Environmental Management Plan.

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- 6.5 South Port will ensure any Notified Port User it allows to operate under this agreement signs a contract with South Port stating that the Notified Port User will ensure its employees and subcontractors read this agreement and the certified Environmental Management Plan and will abide by all of the conditions they contain.

Purpose, objectives and requirements of an Environmental Management Plan

- 6.6 The purpose of an Environmental Management Plan is to set out South Port's duties and obligations and the duties and obligations of its employees and Notified Port Users in respect of the carrying out of any activity under clause 4.1.
- 6.7 The objective of the Environmental Management Plan is to avoid, remedy, or mitigate adverse environmental effects of incidental discharges to the Authorised Activities in order to comply with the conditions of clauses 4.2 and 4.3.
- 6.8 An Environmental Management Plan must include (but is not limited to) the following:
- (a) Processes and procedures South Port will implement to avoid, remedy or mitigate adverse environmental effects associated with incidental discharges of dust, small pieces of wood, or other particles from unloading cargo.
 - (b) The monitoring required by clause 7.
 - (c) Further requirements as agreed between Council and South Port.

Certification process

- 6.9 South Port will provide a copy of the draft Environmental Management Plan to Te Ao Marama Inc. for comment prior to submitting the Environmental Management Plan to Council for certification.
- 6.10 Within 20 working days of receipt of a draft Environmental Management Plan, Te Ao Marama Inc. will notify South Port of any changes or additional inclusions required to the draft Environmental Management Plan.
- 6.11 South Port will submit a draft Environmental Management Plan to Council's Resource Management Manager (Compliance) (or another person within Council with delegated authority to certify or approve environmental management plans) for certification within 20 working days of this Agreement or as provided by clauses 6.14 and 6.19.
- 6.12 Within 20 working days of receipt of a draft Environmental Management Plan, the Council may (at its sole discretion):
- (a) Certify the draft Environmental Management Plan as meeting the purpose and objective/s in clauses 6.6 and 6.7 and including the matters required by clause 6.8; or
 - (b) Decline to certify the draft Environmental Management Plan as meeting the purpose and objective/s in clauses 6.6 and 6.7 and including the matters required by clause 6.8.
- 6.13 Council must promptly notify South Port in writing of its decision under clause 6.12 and, if the decision is to decline to approve the draft Environmental Management Plan, the Council must provide South Port with reasons for that decision.
- 6.14 If Council declines to certify the draft Environmental Management Plan under clause 6.12(b), South Port must promptly resubmit a draft Management Plan for approval under clause 6.11 within 20 working days of receipt of Council's decision.

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- 6.15 South Port shall meet the Council's costs of approving the draft Environmental Management Plan under clause 6.12.
- 6.16 The parties may adopt a different process for certification of the Environmental Management Plan by written agreement.

Review of Environmental Management Plan

- 6.17 South Port may make amendments to the Environmental Management Plan at any time, but any such amendments do not take effect unless and until certified by the Council under clauses 6.12 to 6.16.
- 6.18 Council may initiate a review of a certified Environmental Management Plan:
 - (a) if a discharge authorised by this Agreement has an effect prohibited under clauses 4.2 or 4.3;
 - (b) if results from monitoring trigger a request to review the Environmental Management Plan;
 - (c) by agreement of the parties as a result of a meeting under 8.1(c)
 - (d) by giving written notice to South Port within 15 working days following the 12-month anniversary of the execution of this Agreement.
- 6.19 Following a review initiated under clause 6.18 Council may do one or more of the following:
 - (a) Recommend South Port make changes to its certified Environmental Management Plan; and
 - (b) Set a reasonable timeframe for South Port to submit to Council changes to its Environmental Management Plan under clause (a).
- 6.20 If the Council recommends that South Port make changes to its certified Environmental Management Plan under clause 6.19(a), South Port may, within the timeframe set by the Council under clause 6.19(b), submit those changes or alternative changes with equivalent effect to the Council for certification. Any such changes will not take effect unless and until they are certified by the Council in accordance with clauses 6.12 to 6.16.
- 6.21 If South Port chooses not to submit changes for certification, or not to submit changes of equivalent effect, it must provide the Council with written reasons for its decision.
- 6.22 If the parties continue to disagree about whether changes to the Environmental Management Plan are necessary to ensure compliance with this agreement, the dispute resolution procedures in clause 13 will apply, unless the parties agree otherwise.

7. Monitoring the effects of discharges of contaminants to water

- 7.1 In order to monitor the effects of discharges of contaminants into the CMA made in accordance with this Agreement, South Port at its cost shall carry out the monitoring specified in South Port's Environmental Management Plan in the manner and in accordance with the provisions of that EMP. Any monitoring carried out by Council in accordance with South Port's Environmental Management Plan shall be paid for by South Port.

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- 7.2 If South Port fails to complete the monitoring required by the EMP under clause 7.1, and South Port further fails to undertake such monitoring within a reasonable timeframe on written notice from the Council, then Council may undertake such monitoring at South Port's cost.
- 7.3 In order to monitor the effects of discharges of contaminants into CMA made in accordance with this Agreement, and compliance with this Agreement's conditions, any authorised officer of Council may, at any time up to 8 times per annum (i.e. period 1 July to 30 June), enter the South Port Occupation Area or its adjacent area for the purposes of conducting routine audits. South Port shall pay a monitoring charge to Council for each inspection completed.
- 7.4 The Council acknowledges that both South Port and the Council have obligations under the Health and Safety at Work Act 2015 and each party will comply with any reasonable direction that may be provided in relation to those obligations.

8. Consultative meetings and review of Agreement

- 8.1 The Parties shall meet annually in September or such other time as may be agreed to consider the following matters:
- (a) Whether the level and detail of monitoring required by this Agreement and detailed in the Environmental Management Plan should be reviewed and to what extent;
 - (b) The scope of proposed work within the area along the Island Harbour face and the coastal marine area, including the Town Wharf, for the coming 12-month period with the purpose of ensuring that the proposed work falls within the terms and conditions of this agreement, a separate resource or is a permitted activity pursuant to the RCP; and
 - (c) Whether the Environmental Management Plan is achieving its purpose and objectives.
 - (d) Any other matters of relevance or mutual interest.
- 8.2 Either Council or South Port may call a meeting at any other time for any of the purposes specified in clause 8.1.
- 8.3 Any Party may appoint a delegate or delegates to represent it at any meeting under this clause. Such appointment may be general until revoked or for a particular meeting or meetings only. An agreement or vote by the delegate or delegates shall be deemed to be an agreement or vote by the appointing party.
- 8.4 If as a result of any matter arising out of any meeting held in accordance with this clause, the Parties agree that there is a need to review this Agreement, the Parties shall use their best endeavours to agree on amendments. No such amendments shall be effective unless they are in writing and signed by both Council and South Port.
- 8.5 Any amendment made in accordance with clause 8.4 shall be binding on all the Parties to this Agreement from the date specified in the amendment.

9. Term

- 9.1 Subject to clause 10 this Agreement shall expire on the earlier of:
- (a) the date 10 years from the execution of this Agreement (and if that is not a Business Day, the next Business Day); or

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- (b) in accordance section 20A(2) of the RMA
 - (i) the date a resource consent application to authorise the discharges authorised by this Agreement is decided and all appeals determined; or
 - (ii) if South Port fails to make an application prior to the date that is 6 months after the date a rule in the New Regional Coastal Plan that regulates the discharges authorised by this Agreement is made operative pursuant to section 86F of the RMA (or any subsequent or replacement legislation), this Agreement shall terminate on that date,

provided that where the New Regional Coastal Plan requires resource consent under more than one rule and one or more of those rules are made operative while other rule(s) are not operative then this agreement shall continue to the extent that the Authorised Activity is limited to the activity which is addressed by the rule(s) yet to be made operative.

- 9.2 Except for monitoring costs accrued under clause 7, no compensation damages or other payment shall become payable or due at the end of the Term.

10. Termination for cause

- 10.1 Council shall have the right to terminate this Agreement by notice in accordance with clause 10.2 in the event of:
- (a) Default or neglect on the part of South Port in carrying out any of its obligations (including obligations not to do something) under this Agreement.
 - (b) Any material misrepresentation on the part of South Port in respect of any information which it is required to supply to Council under this Agreement.
 - (c) A significant adverse effect on the environment caused or contributed to by any discharge permitted in terms of this Agreement.
- 10.2 The notice of termination shall be in writing, shall specify the reasons for the termination and the date and time at which the termination shall take effect. Clause 13 of this Agreement shall apply to any difference or dispute as to the validity and/or reasonableness of the termination and/or the reasonableness of the date at which the termination shall take effect.
- 10.3 Where Council has the right to terminate under this clause 10 then notwithstanding the provisions of this clause 10, Council may at its option instead of terminating this Agreement, by notice to South Port specify one or more specified discharges that shall cease. Subject to clause 13, from the date specified in the notice that discharge or discharges shall cease to be covered by this Agreement.
- 10.4 In the event of termination or cessation in accordance with this clause 10, the provisions of this Agreement, except for existing obligations, or (as the case may be) the right to any specific discharge shall, subject to clause 13, cease from the date and time of termination and all of the provisions of RCP shall apply including any obligation to obtain a resource consent for any activity which would otherwise be permitted under this Agreement.
- 10.5 In the event of termination, time restrictions imposed on South Port and its Notified Port Users to gain a resource consent may be extended with the approval of Council, provided that there is evidence of significant progress towards attaining a resource consent.

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- 10.6 Except for monitoring costs accrued under clause 7, no compensation damages or other payment shall become payable or due as a result of termination under this clause.

11. Notices

- 11.1 Any notice or other communication (**Notice**) given under this Agreement must be in writing. Notices shall be addressed to the recipient at the address from time to time notified by that Party in writing to the other Party. Notices may be delivered personally, by post or email.
- 11.2 Any notice or communication sent by email shall be deemed to have been received on the day of transmission if that transmission is made before 5 p.m. on any Business Day. However, if the date of transmission is not a Business Day or the transmission is sent after 5 p.m. on a Business Day, then the notice or other communication shall be deemed to have been received at 9.00 a.m. on the next Business Day after the date of receipt. A notice or communication delivered by post shall be deemed to have been received on the fifth Business Day after posting.

12. Waiver

- 12.1 No Party shall be deemed to have waived any rights under this Agreement unless the waiver is in writing signed by that Party. Any such waiver shall not constitute a continuing waiver unless specifically expressed to be so.

13. Dispute Resolution

- 13.1 If any difference or dispute arises as to the interpretation of this Agreement or as to any other matter arising out of or in connection with this Agreement, the Parties undertake to use their best endeavours to resolve the difference or dispute between them by amicable and bona fide negotiation or by utilising appropriate dispute resolution techniques.
- 13.2 When a difference or dispute remains unresolved for 20 Business Days (or such longer time as the Parties agree upon in writing) the Parties or either of them shall be entitled to refer the difference or dispute to arbitration in accordance with the Arbitration Act 1996.
- 13.3 The decision of the arbitration shall be final and binding on the Parties.
- 13.4 Nothing in this clause shall entitle either Party to refer any matter to arbitration which is the statutory responsibility of Council to decide upon, nor any arbitrator to make any ruling in respect of such matter.

14. General

Severability

- 14.1 If any provision of this Agreement is held invalid, unenforceable or illegal for any reason, this Agreement will remain in full force apart from such provision, which shall be deemed to be deleted. The parties will co-operate to ensure that the spirit and intention of this Agreement is carried out as far as is reasonably practicable and, if necessary, amend this agreement accordingly.

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- 14.2 Each party will execute all documents and do all other things which are both reasonable and necessary and to carry out its obligations under, and the intention of, this agreement.

Costs

- 14.3 Except as otherwise provided in this agreement, the parties will meet their own costs relating to the negotiation, preparation, execution, and implementation of this Agreement.

Entire agreement

- 14.4 This agreement constitutes the entire agreement between the parties as to its subject. It supersedes and cancels any previous agreement, understanding, or arrangement whether written or oral. The parties agree that it is fair and reasonable that this clause is conclusive between them, as required by section 50 of the Contract and Commercial Law Act 2017.

Amendment

- 14.5 This agreement can only be amended in writing, signed by all of the parties.

Governing law and jurisdiction

- 14.6 This agreement is governed by the laws of New Zealand and the parties submit to the exclusive jurisdiction of the courts of New Zealand regarding any dispute or proceeding arising out of this agreement.

Counterparts

- 14.7 This agreement may be executed by each signatory in separate counterpart copies, whether originals, photocopies, or electronic copies. Each signatory must execute at least one copy for the separately signed documents to form one legally binding document.

Signed by the parties

Signed by **Southland Regional Council**
by affixing its common seal in the presence
of:

[Authorised Witness]

[Authorised Witness]

Common Seal

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Signed for and on behalf of **South Port
New Zealand Limited** as South Port by
[name of authorised officer], its duly
authorised officer in the presence of:

[name of authorised officer]

Signature of witness

Name of witness

Occupation

Address

DRAFT

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DISCHARGE AGREEMENT PURSUANT TO RULES 7.3.2.10 AND 8.2 OF THE SOUTHLAND REGIONAL COASTAL PLAN

between

SOUTHLAND REGIONAL COUNCIL

and

NEW ZEALAND ALUMINIUM SMELTERS LIMITED

DRAFT, CONFIDENTIAL AND COMMERCIALY SENSITIVE**Background**

- A. Southland Regional Council is the regional council for the Southland Region with various powers, duties and obligations under the RMA.
- B. New Zealand Aluminium Smelters Limited (**NZAS**) is the operator of the Tiwai Point Aluminium Smelter, located on Tiwai Peninsula in Southland.
- C. Section 15 of the RMA prohibits the discharge of contaminants into the environment unless the discharge is (amongst other things) expressly allowed by a rule in a regional plan.
- D. The Regional Coastal Plan for Southland 2008 enables as a permitted activity:
 - i. discharges of contaminants to water within the Bluff Port Zone, and discharges of contaminants to land within the Bluff Port Zone in circumstances where they may enter water, from certain Authorised Activities; and
 - ii. discharges to air within the Bluff Port Zone from certain Authorised Activities, provided they are undertaken in accordance with a written agreement entered into with Council.
- E. Council is preparing a new regional coastal plan to replace the Regional Coastal Plan for Southland 2008. It is anticipated that the new regional coastal plan will not include permitted activity rules enabling an agreement to authorise discharges as a permitted activity under the RMA.
- F. In the interest of enabling NZAS's existing operations and avoiding inefficiency associated with NZAS applying for resource consents for the brief period between now and the new regional coastal plan becoming operative, the parties wish to enter into a new written agreement to cover the period until the date NZAS obtains resource consent(s) for the Authorised Activities in accordance with section 20A(2) of the RMA.
- G. NZAS is working with iwi to weave mana whenua values and aspirations into the Discharge Deed of Agreement and associated Environmental Management Plan. Discussions are ongoing.

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DISCHARGE AGREEMENT PURSUANT TO RULES 7.3.2.10 AND 8.2 OF THE SOUTHLAND REGIONAL COASTAL PLAN

Date:

2025

1. Parties

SOUTHLAND REGIONAL COUNCIL the regional council for the Southland Region (**Council**)

NEW ZEALAND'S ALUMINIUM SMELTER the operator of the Tiwai point Aluminium Smelter (**NZAS**)

2. Definitions and interpretation

Definitions

2.1 Unless the context requires otherwise:

Authorised Activities means the activities referred to in clauses 4.1(a) and 4.1(b) to which Rule 7.3.2.10 and Rule 8.2 of the RCP apply.

Bluff Port Zone means the area of the CMA within and at the entrance to Bluff Harbour as shown in Map 9c in the RCP.

Business Day means any day on which the Council reception in its main building is open to the public.

CMA means the coastal marine area within Bluff Harbour

Discharge means an incidental discharge to the Authorised Activities referred to in clauses 4.1(a) and 4.1(b).

Environmental Management Plan means the document referred to in clause 6 that is a Code of Practice for the purposes of Rule 7.3.2.10 and Rule 8.2 of the RCP.

New Regional Coastal Plan means any planning instrument that:

- (a) replaces the RCP;
- (b) applies to the coastal marine area (or equivalent area defined at law) of Southland;
- (c) includes objectives, policies, rules, or methods for managing the use, development, or protection of that area,

including any plan, combined plan, or successor instrument required or enabled by legislation to perform the same or substantially similar function as a regional coastal plan under s 43AA of the RMA, regardless of its name or the legislation under which it is prepared.

RCP means the Regional Coastal Plan for Southland fully operative March 2013.

RMA means the Resource Management Act 1991 (or any replacement enactment that contains restrictions on the use, development or protection of the coastal marine area).

Southland Regional Council includes Council, and where authorised, its officers, contractors, agents and appointees.

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Tiwai Wharf means the wharf at Tiwai Peninsula in the Bluff Port Zone used by NZAS under licence from South Port New Zealand Limited.

Tiwai Wharf User means a person (including a legal person) who is not an employee of NZAS that undertakes Authorised Activities within the Bluff Port Zone as an agent of or on behalf of NZAS.

NZAS means New Zealand Aluminium Smelters Limited.

Interpretation

2.2 Unless the context requires otherwise:

- (a) Words and terms not defined in this Agreement have the same meaning (if any) given to them in the RMA and RCP or New Regional Coastal Plan.
- (b) Clause headings and other headings are to be used in ascertaining the meaning of this agreement.
- (c) Reference to the parties is to the parties to this Agreement.
- (d) An obligation in this Agreement not to do anything shall include an obligation not to suffer permit or cause that thing to be done.
- (e) A reference to a statute or a regional plan includes reference to the statute, regulations, orders or notices and amendments made pursuant to, or in substitution for, that statute, regulation, order, notice or plan, and in the case of a regional plan also includes a proposed regional plan.
- (f) Words importing the singular number include the plural and vice versa.
- (g) A reference to:
 - (i) clauses and schedules is to clauses of and schedules of this agreement.
 - (ii) any document includes reference to it as amended, novated, or replaced from time to time.
 - (iii) a party includes:
 - (1) their executors, administrators, or permitted assigns; or
 - (2) if a company, limited partnership, or any other body corporate, its successors and permitted assigns.
 - (iv) **writing** includes words printed, typewritten, or otherwise visibly represented, copied, or reproduced including by email. **Written** has a corresponding meaning.
- (h) The provisions of this Agreement shall be interpreted so as best to ensure that its purposes are promoted.

3. Purposes of Agreement

3.1 This Agreement has the following purposes:

- (a) To set out the respective rights and obligations of Council, NZAS and its Tiwai Wharf Users in respect of the matters covered by this Agreement.

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- (b) To provide methods of management within the framework of RMA that are alternatives to resource consents.
- (c) To recognise and provide for self monitoring by NZAS of the discharge of contaminants as defined by clause 4.1 and monitoring activities associated with those discharges.
- (d) To ensure the Authorised Activities continue to be authorised until such time as the New Regional Coastal Plan is made operative and NZAS obtains any resource consents required for its discharges under that plan.

4. Scope of Agreement

- 4.1 This Agreement applies to discharges of contaminants into air, into water and onto land where they may enter water, within the Bluff Port Zone that are incidental to the following Authorised Activities undertaken by NZAS or its Tiwai Wharf Users or managed by NZAS at Tiwai Wharf:
- (a) the loading, unloading, transport, conveyance and storage of cargo; and
 - (b) the erection, placement, maintenance, repair, alteration, extension, removal or demolition of structures or any building, equipment, device or other facility attached to any structure including, without limitation, the use of dry abrasive blasting for the undertaking of spot repairs.
- 4.2 The discharges authorised under clause 4.1 must:
- (a) occur only in the course or as a result of the NZAS or its Tiwai Wharf Users carrying out the Authorised Activities under clauses 4.1(a) and 4.1(b); and
 - (b) be conscientiously carried out in accordance with a certified Environmental Management Plan; and
 - (c) not have significant or cumulative adverse effect in the receiving environment; and
 - (d) not have significant and / or cumulative effects on cultural values of the receiving environment; and
 - (e) not contain viable unwanted or pest organisms; and
 - (f) in the case of the discharge of contaminants to air, not be noxious, dangerous, offensive or objectionable; and
 - (g) in the case of dry abrasive blasting arising out of the undertaking of spot repairs, not include any extensive substantial repairs to, or renovation of structures.
- 4.3 The discharges authorised under clause 4.1 must not have the following effects in the receiving waters, after reasonable mixing, as a result of the discharge (either by itself or in combination with the same, similar, or other contaminants):
- (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
 - (b) any conspicuous change in the colour or visual clarity; or
 - (c) any emission of objectionable odour; or
 - (d) any significant adverse effects on aquatic life.

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4.4 Clause 4.1 is subject to clauses 4.2 and 4.3.

5. Relationship to RMA and RCP

- 5.1 For so long as NZAS abides by the terms of this Agreement then, by virtue of Rules 7.3.2.10 and 8.2 of RCP or existing use rights under section 20A of the RMA (or any replacement or equivalent legislation), there shall be no obligation on the part of NZAS and its Tiwai Wharf Users to have resource consents for the discharge of contaminants of the type and to the extent described in this Agreement.
- 5.2 For the avoidance of doubt nothing in this Agreement:
- (a) Exempts NZAS or its Tiwai Wharf Users from undertaking their obligations and duties under the RMA and RCP that this Agreement does not specifically or by reasonable inference deal with.
 - (b) Permits NZAS or its Tiwai Wharf Users to carry out any activity that is a prohibited activity under the RCP.
 - (c) Authorises any discharge that does not come within the scope of clause 4.
 - (d) Authorises any discharge that is regulated by a New Regional Coastal Plan, except to the extent that the activity is undertaken in accordance with section 20A of the RMA.
 - (e) Makes lawful an otherwise unlawful activity under the RMA (or any replacement or equivalent legislation).
- 5.3 The Parties intend that when Rules 7.3.2.10 and 8.2 of RCP cease to have operative effect, NZAS will undertake its activities in accordance with the New Regional Coastal Plan, including obtaining any resource consents required under that plan. It is intended that section 20A of the RMA (or any successor legislation) will provide existing use rights while any application is determined.

6. Environmental Management Plan

- 6.1 NZAS must prepare and obtain certification of an Environmental Management Plan in accordance with clauses 6.9 to 6.14.
- 6.2 NZAS and its Tiwai Wharf Users must not carry out the Authorised Activities under clause 4.1 unless in accordance with a certified Environmental Management Plan.
- 6.3 It is the duty of NZAS to ensure that the activities referred to in clause 4.1 are carried out by its employees and Tiwai Wharf Users in accordance with the certified Environmental Management Plan.
- 6.4 NZAS will ensure that its employees and Tiwai Wharf Users carrying out activities within the Bluff Port Zone are aware of the contents of the certified Environmental Management Plan and will use reasonable endeavours to ensure that they comply with the certified Environmental Management Plan.
- 6.5 NZAS will ensure any Tiwai Wharf User it allows to operate under this agreement signs a contract with NZAS stating that the Tiwai Wharf User will ensure its employees and subcontractors read this agreement and the certified Environmental Management Plan and will abide by all of the conditions they contain.

DRAFT, CONFIDENTIAL AND COMMERCIAL SENSITIVE**Purpose, objectives and requirements of an Environmental Management Plan**

- 6.6 The purpose of an Environmental Management Plan is to set out NZAS's duties and obligations and the duties and obligations of its employees and Tiwai Wharf Users in respect of the carrying out of any activity under clause 4.1.
- 6.7 The objective of an Environmental Management Plan is to avoid, remedy, or mitigate adverse environmental effects of incidental discharges to the Authorised Activities in order to comply with the conditions of clauses 4.2 and 4.3.
- 6.8 An Environmental Management Plan must include (but is not limited to) the following:
- (a) Processes and procedures to avoid, remedy or mitigate discharges of dust, small pieces of wood, or other particles from unloading cargo.
 - (b) The monitoring required by clause 7.
- [Further requirements as agreed between ES and NZAS]

Certification process

- 6.9 NZAS will provide a copy of the draft Environmental Management Plan to Te Ao Marama Inc. for comment prior to submitting the Environmental Management Plan to Council for certification.
- 6.10 Within 20 working days of receipt of a draft Environmental Management Plan, Te Ao Marama Inc. will notify NZAS of any changes or additional inclusions required to the draft Environmental Management Plan.
- 6.11 NZAS will submit a draft Environmental Management Plan to Council's Resource Management Manager (Compliance) (or another person within Council with delegated authority to certify or approve environmental management plans) for certification within 20 working days of this Agreement or as provided by clauses 6.14 and 6.16.
- 6.12 Within 20 working days of receipt of a draft Environmental Management Plan, the Council's Resource Management Manager (Compliance) (or another person within Council with delegated authority to certify or approve environmental management plans) may (at their sole discretion) :
- (a) Certify the draft Environmental Management Plan as meeting the purpose and objective/s in clauses 6.6 and 6.7 and including the matters required by clause 6.8; or
 - (b) Decline to certify the draft Environmental Management Plan as meeting the purpose and objective/s in clauses 6.6 and 6.7 and including the matters required by clause 6.8.
- 6.13 Council must promptly notify NZAS in writing of its decision under clause 6.12 and, if the decision is to decline to approve the draft Environmental Management Plan, the Council must provide NZAS with reasons for that decision.
- 6.14 If Council declines to certify the draft Environmental Management Plan under clause 6.12(b), NZAS must resubmit a draft Management Plan for certification under clause 6.11 within 20 working days of receipt of Council's decision.
- 6.15 NZAS shall meet the Council's costs of certifying the draft Environmental Management Plan under clause 6.12.

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- 6.16 The parties may adopt a different process for certification of the Environmental Management Plan by written agreement.

Review of Environmental Management Plan

- 6.17 NZAS may make amendments to the Environmental Management Plan at any time, but any such amendments do not take effect unless and until certified by the Council under clause 6.12 to 6.14.
- 6.18 Council may initiate a review of a certified Environmental Management Plan:
- (a) if a discharge authorised by this Agreement has an effect prohibited under clauses 4.2 or 4.3;
 - (b) by agreement of the parties as a result of a meeting under 8.1(b);
 - (c) by giving written notice to NZAS within 15 working days following the 12-month anniversary of the execution of this Agreement.
- 6.19 Following a review initiated under clause 6.18 Council may do one or more of the following:
- (a) Recommend NZAS make changes to its certified Environmental Management Plan; and
 - (b) Set a reasonable timeframe for NZAS to submit to Council changes to its Environmental Management Plan under clause (a).
- 6.20 If the Council recommends that NZAS make changes to its certified Environmental Management Plan under clause **Error! Reference source not found.**, NZAS may, within the timeframe set by the Council under clause **Error! Reference source not found.**, submit those changes or alternative changes with equivalent effect to the Council for certification. Any such changes will not take effect unless and until they are certified by the Council in accordance with clauses 6.12 to 6.16.
- 6.21 If NZAS chooses not to submit changes for certification, or not to submit changes of equivalent effect, it must provide the Council with written reasons for its decision.
- 6.22 If the parties continue to disagree about whether changes to the Environmental Management Plan are necessary to ensure compliance with this agreement, the dispute resolution procedures in clause 13 will apply, unless the parties agree otherwise.

7. Monitoring of effects of discharges of contaminants to water

- 7.1 In order to monitor the effects of discharges of contaminants into the CMA made in accordance with this Agreement, NZAS at its cost shall carry out the monitoring required by the Environmental Monitoring Plan in the manner and in accordance with the provisions of that Environmental Management Plan.
- 7.2 If NZAS fails to complete the monitoring required by the EMP under clause 7.1, and NZAS further fails to undertake such monitoring within a reasonable timeframe on written notice from Council, then Council may undertake such monitoring at NZAS' cost.
- 7.3 In order to monitor the effects of discharges of contaminants into CMA made in accordance with this Agreement, and compliance with this Agreement's conditions, any authorised officer of Council may, at any time up to 8 times per annum (i.e. period 1 July to 30 June), enter Tiwai Point or its adjacent area for the purposes of conducting routine audits. NZAS shall pay a

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monitoring charge to Council for each inspection completed to enable the Council to recover its costs in relation to undertaking such audits.

- 7.4 The Council acknowledges that both NZAS and the Council have obligations under the Health and Safety at Work Act 2015 and each party will comply with any reasonable direction that may be provided in relation to those obligations.

8. Consultative meetings and review of Agreement

- 8.1 The Parties shall meet annually in September or such other time as may be agreed to consider the following matters:
- (a) Whether the level and detail of monitoring required by this Agreement and detailed in the Environmental Monitoring Plan should be reviewed and to what extent;
 - (b) Whether the Environmental Management Plan is achieving its purpose and objectives.
 - (c) Any other matters of relevance or mutual interest.
- 8.2 In addition to the meetings required by clause 8.1, either Council or NZAS may call a meeting at any other time for any of the purposes specified in clause 8.1.
- 8.3 Any Party may appoint a delegate or delegates to represent it at any meeting under this clause. Such appointment may be general until revoked or for a particular meeting or meetings only. An agreement or vote by the delegate or delegates shall be deemed to be an agreement or vote by the appointing party.
- 8.4 If as a result of any matter arising out of any meeting held in accordance with this clause, the Parties agree that there is a need to review this Agreement, the Parties shall use their best endeavours to agree on amendments. No such amendments shall be effective unless they are in writing and signed by both Council and NZAS.
- 8.5 Any amendment made in accordance with clause 8.4 shall be binding on all the Parties to this Agreement from the date specified in the amendment.

9. Term

- 9.1 Subject to clause 10 this Agreement shall expire on the earlier of:
- (a) the date 7 years from the execution of this Agreement (and if that is not a Business Day, the next Business Day); or
 - (b) in accordance section 20A(2) of the RMA (or any subsequent or replacement legislation):
 - (i) the date a resource consent application to authorise the discharges authorised by this Agreement is decided and all appeals determined; or
 - (ii) if NZAS fails to make an application prior to the date that is 6 months after the date a rule in the new regional coastal plan that regulates the discharges authorised by this Agreement is made operative pursuant to section 86F of the RMA (or any subsequent or replacement legislation), this Agreement shall terminate on that date,

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provided that where the new regional coastal plan requires resource consent under more than one rule and one or more of those rules are made operative while other rule(s) are not operative then this agreement shall continue to the extent that the Authorised Activity is limited to the activity which is addressed by the rule(s) yet to be made operative.

- (c) The date that NZAS no longer holds a licence or other arrangement from South Port New Zealand Limited that permits the use of Tiwai Wharf.

9.2 Except for monitoring costs accrued under clause 7, no compensation damages or other payment shall become payable or due at the end of the Term.

10. Termination for cause

- 10.1 Council shall have the right to terminate this Agreement by notice in accordance with clause 10.2 in the event of:
 - (a) Default or neglect on the part of NZAS in carrying out any of its obligations (including obligations not to do something) under this Agreement.
 - (b) Any material misrepresentation on the part of NZAS in respect of any information which it is required to supply to Council under this Agreement.
 - (c) A significant adverse effect on the environment caused or contributed to by any discharge permitted in terms of this Agreement.
- 10.2 The notice of termination shall be in writing, shall specify the reasons for the termination and the date and time at which the termination shall take effect. Clause 13 of this Agreement shall apply to any difference or dispute as to the validity and/or reasonableness of the termination and/or the reasonableness of the date at which the termination shall take effect.
- 10.3 Where Council has the right to terminate under this clause 10 then notwithstanding the provisions of this clause 10, Council may at its option instead of terminating this Agreement, by notice to NZAS specify one or more specified discharges that shall cease. Subject to clause 13, from the date specified in the notice that discharge or discharges shall cease to be covered by this Agreement.
- 10.4 In the event of termination or cessation in accordance with this clause 10, the provisions of this Agreement, except for existing obligations, or (as the case may be) the right to any specific discharge shall, subject to clause 13, cease from the date and time of termination and all of the provisions of RCP shall apply including any obligation to obtain a resource consent for any activity which would otherwise be permitted under this Agreement.
- 10.5 In the event of termination, time restrictions imposed on NZAS and its Tiwai Wharf Users to gain a resource consent may be extended with the approval of Council, provided that there is evidence of significant progress towards attaining a resource consent.
- 10.6 Except for monitoring costs accrued under clause 7, no compensation damages or other payment shall become payable or due as a result of termination under this clause.

DRAFT, CONFIDENTIAL AND COMMERCIAL SENSITIVE**11. Notices**

- 11.1 Any notice or other communication (**Notice**) given under this Agreement must be in writing. Notices shall be addressed to the recipient at the address from time to time notified by that Party in writing to the other Party. Notices may be delivered personally, by post, or by email.
- 11.2 Any notice or communication sent by email shall be deemed to have been received on the day of transmission if that transmission is made before 5 p.m. on any Business Day. However, if the date of transmission is not a Business Day or the transmission is sent after 5 p.m. on a Business Day, then the notice or other communication shall be deemed to have been received at 9.00 a.m. on the next Business Day after the date of receipt. A notice or communication delivered by post shall be deemed to have been received on the fifth Business Day after posting.

12. Waiver

- 12.1 No Party shall be deemed to have waived any rights under this Agreement unless the waiver is in writing signed by that Party. Any such waiver shall not constitute a continuing waiver unless specifically expressed to be so.

13. Dispute Resolution

- 13.1 If any difference or dispute arises as to the interpretation of this Agreement or as to any other matter arising out of or in connection with this Agreement the Parties undertake to use their best endeavours to resolve the difference or dispute between them by amicable and bona fide negotiation or by utilising appropriate dispute resolution techniques.
- 13.2 When a difference or dispute remains unresolved for 20 Business Days (or such longer time as the Parties agree upon in writing) the Parties or either of them shall be entitled to refer the difference or dispute to arbitration in accordance with the Arbitration Act 1996.
- 13.3 The decision of the arbitration shall be final and binding on the Parties.
- 13.4 Nothing in this clause shall entitle either Party to refer any matter to arbitration which is the statutory responsibility of Council to decide upon, nor any arbitrator to make any ruling in respect of such matter.

14. General

Severability

- 14.1 If any provision of this Agreement is held invalid, unenforceable or illegal for any reason, this Agreement will remain in full force apart from such provision, which shall be deemed to be deleted. The parties will co-operate to ensure that the spirit and intention of this Agreement is carried out as far as is reasonably practicable and, if necessary, amend this agreement accordingly.

Further assurance

- 14.2 Each party will execute all documents and do all other things which are both reasonable and necessary and to carry out its obligations under, and the intention of, this agreement.

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- 14.3 Except as otherwise provided in this agreement, the parties will meet their own costs relating to the negotiation, preparation, execution, and implementation of this Agreement.

Entire agreement

- 14.4 This agreement constitutes the entire agreement between the parties as to its subject. It supersedes and cancels any previous agreement, understanding, or arrangement whether written or oral. The parties agree that it is fair and reasonable that this clause is conclusive between them, as required by section 50 of the Contract and Commercial Law Act 2017.

Amendment

- 14.5 This agreement can only be amended in writing, signed by all of the parties.

Governing law and jurisdiction

- 14.6 This agreement is governed by the laws of New Zealand and the parties submit to the exclusive jurisdiction of the courts of New Zealand regarding any dispute or proceeding arising out of this agreement.

Counterparts

- 14.7 This agreement may be executed by each signatory in separate counterpart copies, whether originals, photocopies, or electronic copies. Each signatory must execute at least one copy for the separately signed documents to form one legally binding document.

Signed by the parties

Signed by **Southland Regional Council**
by affixing its common seal in the presence
of:

[Authorised Witness]

[Authorised Witness]

Common Seal

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Signed for and on behalf of **New Zealand Aluminium Smelters Limited** as NZAS by [name of authorised officer], its duly authorised officer in the presence of:

[name of authorised officer]

Signature of witness

Name of witness

Occupation

Address

DRAFT

9.2 Policy Monitor

Report by: Nicole White, Policy Analyst

Approved by: Hayley Fitchett, General Manager Strategy and Regulation

Report Date: 20 August 2026

Purpose

To provide an overview of the current and upcoming national policy changes, with a focus on those expected to have a significant impact on Environment Southland's operations and the Southland region.

Summary

The key Central Government-driven policy developments that occurred since the last committee meeting include the following. Please refer to the Executive Summary and the relevant sections of the Policy Monitor for more details on each matter.

- Select Committee report on RMA Replacement Legislation
- Local Government Reform
- Climate Change Response Amendment Bill
- Offshore Renewable Energy Act 2026
- Government response to National Infrastructure Plan

Recommendation

It is recommended that the Strategy and Policy Committee resolve to:

- 1 Receive the report – 2026 08 06 Policy Monitor.

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

1. 2026 08 06 Policy Monitor - agenda version [9.3.1 - 21 pages]

Policy Monitor

Updated: **06 August 2026**

This monthly document monitors the most significant of the policy and legislation changes the coalition government is driving across various areas. All information is publicly available or received via formal channels such as letters from ministries and correspondence from LGNZ, Taituarā, and Te Uru Kahika. To make it easier to follow, updates to the previous version have been marked in red.

Executive Summary – Key Legislative and Policy Developments (July 2026)

RMA Replacement Legislation

The Environment Committee has reported the Planning Bill and Natural Environment Bill back to Parliament, recommending a range of amendments while retaining the core architecture of the proposed replacement planning system. Key changes include extended implementation timeframes, retention of first-in, first-served resource allocation, simplified freshwater farm plan requirements, stronger integration with climate adaptation planning, and confirmation that greenhouse gas emissions will be managed primarily through the Climate Change Response Act and NZ ETS. The Bills passed their second reading on 4 August 2026 and are now expected to be enacted between mid-August to mid-September 2026.

Local Government Reform

The Government's Simplifying Local Government reform programme is progressing alongside the Local Government Commission's investigation into potential reorganisation of Southland's councils. The Southland District Council initiated the Local Government Commission process in 2025, seeking a two-unitary authority model for the region. Invercargill City Council has confirmed its preferred approach of a single Southland-wide unitary authority, which Environment Southland has indicated support for, while Gore District Council is considering its position. Participating territorial authorities are required to submit their proposals to the central government by 9 August. The Cabinet is expected to make decisions in principle by end of September 2026.

Climate Change Response Amendment Bill

The Climate Change Response Amendment Bill was introduced to Parliament on 15 July 2026. The Bill proposes significant changes to New Zealand's climate change framework, including new requirements for councils to prepare climate adaptation plans for priority locations exposed to climate-related natural hazards. It also includes changes relating to governance of the NZ Emissions Trading Scheme, carbon removal activities, industrial allocation settings, and wider administrative provisions. Environment Southland is likely to submit on the Bill through the select committee process given its significant organisational and regional implications.

Offshore Renewable Energy Act 2026

The Offshore Renewable Energy Act 2026 received Royal Assent on 9 July 2026, establishing New Zealand's first regulatory framework for offshore renewable energy developments, including offshore wind, solar, wave, and tidal projects. The Act introduces a two-stage permitting process comprising feasibility and commercial permits and includes provisions relating to safety zones and decommissioning requirements. Environment Southland has submitted on this matter in February 2025.

National Infrastructure Plan

The Government released its formal response to the National Infrastructure Plan on 16 June 2026, supporting all 16 recommendations (three in principle) and confirming action on all 10 priority areas identified by the Infrastructure Commission, highlighting the significant role the Commission plays in shaping New Zealand's infrastructure policy and investment settings. The Government noted that 11 recommendations align with work already underway and committed to further work on land transport funding, long-term investment planning, infrastructure data quality, and public sector project leadership.

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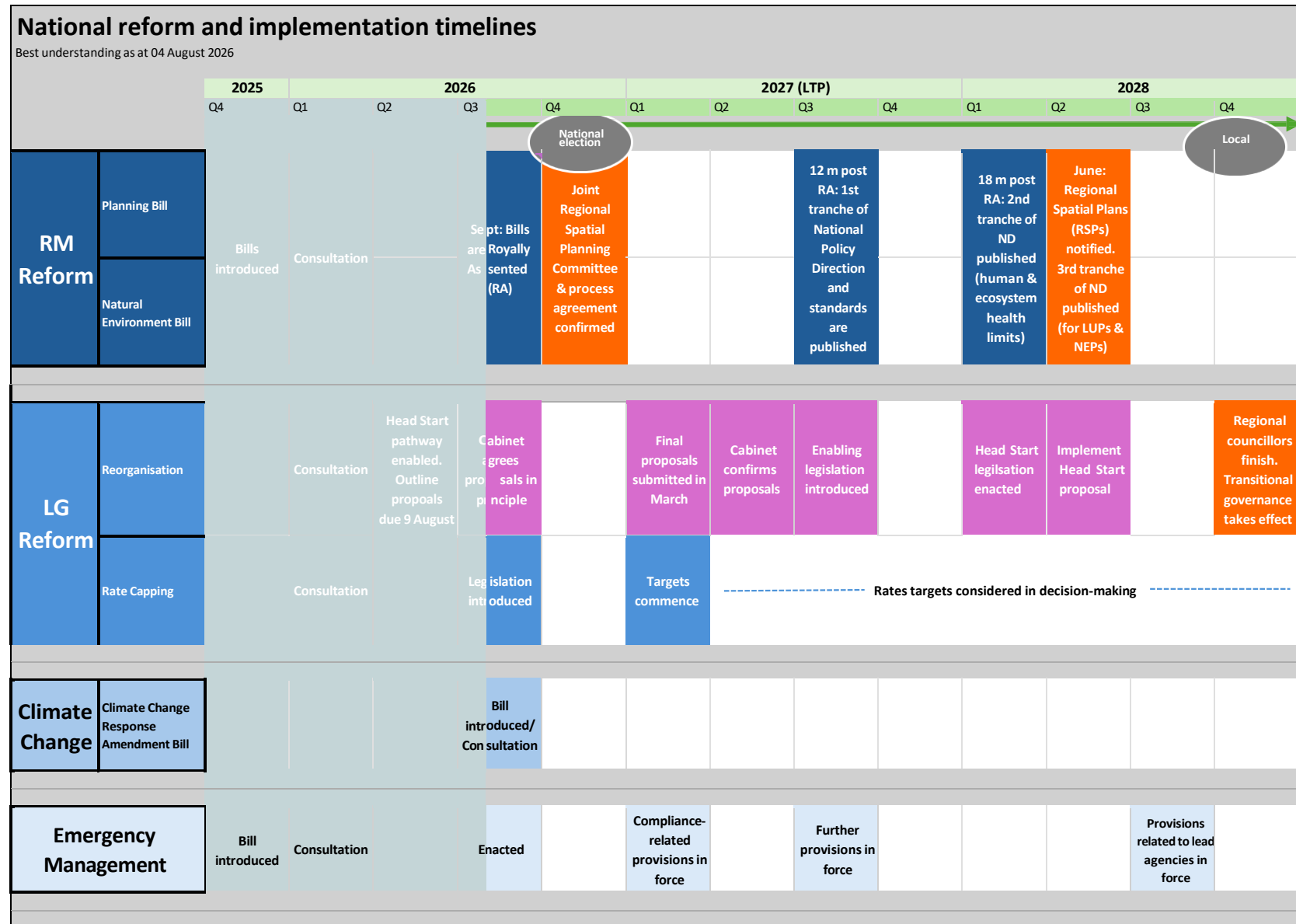
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The following colour coding is used throughout:

Resource Management /Coastal

Climate Change and Biosecurity

Transport and other Infrastructure

Primary Industries

Other topics

Te Tiriti/Te Ao Māori

The format is as follows:

Policy area	
Legislation/policy name	Announcements, dates, and signals
	ES staff involvement, implications, and next steps

Updates

Resource Management

<i>RMA replacement legislation (Phase 3)</i>	In December 2025, the Government introduced the Planning Bill and the Natural Environment Bill to replace the Resource Management Act 1991 (RMA). The Bills aim to simplify the planning system by consolidating more than 100 existing plans into 17 regional combined plans.
<i>Planning Bill</i>	The two Bills are expected to operate in tandem, with the Planning Bill focused on land use, urban development, and infrastructure, while the Natural Environment Bill governs environmental protection, resource management, and setting ecological limits.
<i>Natural Environment Bill</i>	Enactment is expected in August – September 2026 , with the first suite of national direction instruments expected within 12 months of enactment, with draft regional spatial plans to be notified within 21 months and draft natural and environment and land use plans to follow (likely around December 2029) as part of the transition to the new planning system.

Below are the links to the various press releases relevant to this Bill:

- [Implementation/Transition](#)
- [Infrastructure](#)
- [Housing Growth](#)
- [Economic Growth](#)
- [Renewable Energy](#)
- [System Overview](#)

See also [here](#) for the relevant press release to this Bill.

The Bills, [passed its first reading](#) on 16 December 2025 and **were referred to** the Environment Committee. The relevant consultation closed on 13 February 2026. The Committee released an [interim report](#) on 29 January 2026 and [reported the Bills back to Parliament on 20 July 2026.](#)

The [Committee recommended](#) a range of amendments while retaining the core architecture of the proposed planning system, including:

- extending implementation timeframes
- retaining first-in, first-served resource allocation
- simplifying freshwater farm plan requirements, including reducing audit requirements for lower-risk farms
- strengthening links between spatial planning and with climate adaptation planning under the Climate Change Response Act (CCRA)

	- confirming GHG emissions will be managed primarily through the CCRA and the NZ ETS, rather than the planning system - largely retaining existing responsibilities for environmental monitoring, consenting, compliance, and enforcement, while introducing some additional monitoring requirements. The Government has also signalled further amendments to the Bills, including: - Cabinet agreeing that existing and initiated Mana Whakahono ā Rohe agreements will not transfer into the new system - the Government intending to provide further specificity regarding some Treaty settlement provisions through an Amendment Paper. The Bills passed their second reading on 5 August 2026 and now proceed to Committee of the Whole House. A number of amendment papers are expected. The select committee recommendations are not final, and further changes may be made before enactment.
	The reforms introduced through these two Bills are expected to result in significant changes to the resource management system in New Zealand. Key shifts include the introduction of spatial planning, environmental limits, changes to the role of mana whenua, introduction of regulatory relief, reduced opportunities for public participation in some processes, and increased centralisation and standardisation of planning frameworks. Environment Southland will need to closely monitor the development of national instruments and proactively engage with central government agencies and the regional sector. Early and sustained engagement will be important to help shape the development of national direction, seek clarity on implementation requirements, and advocate for appropriate funding and support arrangements to assist councils with transition and delivery. Environment Southland submitted on the bills (Objective ID: A1425408) and presented an oral submission to the select committee on 18 March 2026. Council's oral submission can be watched here.
<i>Resource Management (Consenting and Other System Changes) Amendment Act 2025</i>	Passed into law on 20 August 2025, this Act introduced targeted changes to the Resource Management 1991 ahead of its full replacement by two new Act expected later this year. See here for the Beehive release. Key changes include: - A temporary halt on council plan and policy development, (with limited exemptions) until the end of 2027. - New ministerial intervention powers, allow the Minister for the Environment to direct councils to prepare or amend planning documents or use specific process, where there is demonstrated non-compliance with a national policy statement. - Broadened discharge rule provisions under section 70 of the RMA, enabling councils to permit discharges that impact aquatic life, water clarity or colour, and stock drinking water, provided those effects already exist and the relevant plan will improve the within 10 years. The requirement to consider the effects of floatable or suspended materials for permitted activities has been removed. - Councils' ability to review marine farm consent conditions will also be constrained until September 2030. A summary of the Amendment Act, including changes introduced in the final stages of the process is available here. Also, the MfE has published a series of factsheets relating to the Act.
	Council provided a submission to the select committee (Objective ID: A1221000) and spoke to the committee during a formal hearing on 13 March 2025.
<i>Resource Management (Duration of Consents)</i>	On 9 December 2025, the Government introduced and passed this Bill under parliamentary urgency, enabling expedited passage without select committee review. Royal Assent was achieved on 16 December. The Bill extends the duration of existing or recently expired resource

<i>Amendment Act</i>	consents (excluding water and wastewater) until 31 December 2027. This measure is intended to provide certainty for consent holders during the transition to the new planning system. See here for the relevant press release.
	The extension is intended to reduce immediate pressure on councils and consent holders to reapply during the transition period. Councils will need to update consent registers and communicate changes to affected parties. Transitional planning is important to manage administrative processes and prepare for the new framework under the Planning and Natural Environment Bills. In the Southland region, 469 current authorisations issued under the Resource Management Act were affected.
<i>National Direction Programme</i>	Since mid-2025, the Government has developed and introduced a range of changes to national direction under the Resource Management Act (RMA). Although these changes have been progressed under the existing RMA framework, the Government has signalled that many of the underlying policy approaches and substantive provisions are likely to be carried through into the reformed resource management system. In the meantime, the amended national direction instruments will remain operative under the RMA and are expected to continue applying until the new system replaces the RMA, which is currently anticipated to occur after December 2030. New national policy statements and national environmental standards include the following: June 2026 • Resource Management (National Environmental Standards for Papakāinga) Regulations 2026 December 2025 • Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025 • National Policy Statement for Natural Hazards 2025 • National Policy Statement for Infrastructure 2025 Amended national direction instruments include the following: May 2026 • Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 • Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 April 2026 • Resource Management (Stock Exclusion) Amendment Regulations 2026 • Resource Management (National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026 December 2025 • National Policy Statement for Highly Productive Land Amendment 2025 • New Zealand Coastal Policy Statement Amendment 2025 • National Policy Statement for Indigenous Biodiversity Amendment 2025 • National Policy Statement for Freshwater Management Amendment 2025 • Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025 • National Policy Statement for Renewable Electricity Generation Amendment 2025 • National Policy Statement for Electricity Networks Amendment 2025

	Freshwater-related changes are no longer expected to be advanced under the RMA. Instead, these are now anticipated to be progressed through the new planning system, once the two Bills replacing the RMA have been enacted. The Ministry for the Environment have the links to each of the national direction instruments, notices, and recommendations and decisions reports. The changes are intended to support infrastructure planning and delivery and enable growth in the primary sector.
	Staff have undertaken substantial work to assess the implications of the new and amended national direction instruments and to ensure Council is well positioned to comply with their requirements. This work continues to inform relevant work programmes and planning processes. Staff will continue to monitor any further national direction changes, including freshwater-related updates, and assess any implications for Council.
<i>Freshwater Farm Plans</i>	In October 2024, the Government paused the rollout of freshwater farm plans. With the withdrawal of the national regulation, regional rules took centre stage, requiring Southland farmers to have a certified Southland Farm Plan by 27 November 2024 (six months following the Southland Water and Land Plan becoming operative). On 21 November 2024, the Government announced that it is applying an alternate national timeline in Southland, giving farmers further 18 months to comply with the Southland Water and Land Plan rule for certified Southland Farm Plans (until mid-2026). On 18 May 2026, Cabinet announced a Southland-specific amendment to the Resource Management (Freshwater Farm Plan) Regulations, providing a further extension for certification of Farm Plans in the region. The certification deadline will now be November 2027. Through the Resource Management (Consenting and Other Matters) Amendment Act, the Select Committee has introduced changes to reduce the number of farms required to have a Freshwater Farm Plan and to take a risk-based approach to the need for certification. See here for more information. Freshwater Farm Plans would, however, remain within the system as a tool to manage environmental impacts. In reporting back on the Planning Bill and Natural Environment Bill, the Environment Committee recommended a range of changes to freshwater farm plan requirements, including reducing audit and compliance requirements for lower-risk farms and further simplifying plan administration. These recommendations are not final and remain subject to Parliamentary consideration and any further amendments made during the remaining stages of the legislative process. The Ministry for the Environment are working with industry, sector groups and councils to finalise the changes through updated regulations, progressed through the government's RMA reform process.
	Farm plans have long been a cornerstone of Southland's conceptual approach to managing environmental contamination risks associated with farming activities and are a key tool in the Southland Water and Land Plan. To comply with the Plan, Southland farmers carrying out activities that fall under the Freshwater Farm Plan provisions of the RMA have until November 2027 to get their farm plan certified. The outcome of the Government's review of national policies on farm plans could potentially affect the implementation of regional farm plan rules in Southland, depending on the specifics of the proposals. Following amendments to the RMA, smaller farms (generally between 20-50ha) are now only managed through the SWLP and not the Order in Council. They are required to have a certified farm plan to retain permitted activity status under a number of provisions. The Ministry for the Environment has commissioned an investigation report under s360I of the RMA to consider modifying the Southland Water and Land Plan in relation to the certification timeframe requirements for these smaller land holdings. Once this report is finalised, should the Minister for Resource Management Reform determine the proposal meets the criteria, there will be a consultation process. The message to the community remains that farm plans are seen as an important tool for managing the effects of activities on the region's waterways, and more specifically on the

	waterways within their catchments. Documenting what actions are proposed to address risks in our catchments is a valuable exercise. Rural landholders are encouraged to commence the development of their farm plan. There is catchment context information available on Environment Southland's website. Environment Southland staff have met with the existing approved certifiers to progress practical farm plan development and certification matters. Guidance material is being progressed, and staff are available to assist with questions. The interface between the government regulated freshwater farm plans and the Farm Environmental Management Plans required by the Southland Water and Land Plan is a matter that is at the forefront of staff's mind and will inform any feedback provided to the relevant Ministry. Our guidance materials are now developed and available for public use of the Environment Southland website. Staff understand that the Ministry for the Environment is not yet able to provide timeframes or detail on any potential changes to the Freshwater Farm Plan requirements, and that decisions on next steps remain under ministerial consideration. Environment Southland will maintain a watching brief and seek further clarity as formal information becomes available.
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Coastal

Offshore Renewable Energy Act	The Offshore Renewable Energy Act 2026 received Royal Assent on 9 July 2026, establishing NZ's first regulatory framework for offshore renewable energy developments, including offshore wind, solar, wave, and tidal projects. The legislation delivers on the Government's commitment under Electrify NZ to provide greater certainty for investment, enable the selection of developments that best serve NZ's national interests, and manage risks to Crown and the public arising from offshore renewable energy activities. The Act introduces a two-stage permitting regime. Developers must first obtain a feasibility permit to investigate a proposed site before applying for a commercial permit to construct and operate offshore renewable energy infrastructure. The framework also includes provisions for safety zones around developments and requires developers to decommission infrastructure at the end of its operational life. During the legislative process, the Government has amended the Bill in response to submissions from offshore wind developers, concerning seabed mining. The amendments enable designated marine space for offshore renewable projects while pausing new permit grants for seabed mining under the Crown's Mineral Act. The Government has indicated that officials will provide advice on the timing of the first permit tender round, which is expected to commence in the coming months. MBIE is continuing to develop regulations that will support implementation of the new regime. Please refer to this link for an overview of the proposed regulatory regime. Further information is also available here.
	Offshore renewable electricity generation within the Southland region is likely to have a substantial impact on the management of marine resources within Southland's coastal waters, with implications for the review of the regional coastal plan. Environment Southland provided a written submission (Objective ID: A1230000) and delivered an oral submission to the Select Committee on 13 March 2025.
New Zealand Aquaculture Development Plan 2025-2030	A new plan to grow the aquaculture industry has been released by the Oceans and Fisheries Minister on 8 March 2025. The relevant announcement can be accessed here. The Aquaculture Development Plan is intended to be the roadmap for growing New Zealand's aquaculture industry to \$3 billion in annual revenue by 2035, as set by 2019 Government Aquaculture Strategy. The industry currently generates \$760 million in annual revenue and employs more than 3000 people.

	While aquaculture provides the potential to generate regional economic benefits, the relative lack of knowledge regarding the intricate dynamics within the ocean ecosystems, and the open nature of the ocean environment present significant environmental risks, which must be addressed early and effectively. While the Plan does not set out any requirements for Environment Southland, it is expected to inform the development of national policies impacting on aquaculture activities within Southland's coastal areas.

Climate Change

<i>Climate Change Response Amendment Bill</i>	The Bill was introduced to Parliament on 15 July 2026 and is awaiting its first reading. The stated aim of the Bill is to improve efficiency and effectiveness of the Climate Change Response Act 2002 through targeted changes relating to climate adaptation planning, governance of the NZ Emissions Trading Scheme (NZ ETS), industrial allocation settings, carbon removal activities, and other administrative and operational provisions. A key component of the Bill is the introduction of requirements for councils to prepare climate adaptation plans for priority locations that face significant climate-related natural hazard risks. The Bill also proposes changes to support the operation of the NZ ETS, including enhanced market governance arrangements, a mechanism to add new emissions sources and carbon removal activities to the scheme, and amendments intended to reduce duplication and complexity within the existing legislative framework. The Government has stated that the changes do not alter the core architecture of NZ's climate change framework or its statutory emissions reduction targets.
	These proposals have the potential to influence how Environment Southland plans for and responds to climate-related risks. Given the regional significance of these changes, staff are undertaking analysis of the Bill and are likely to prepare a submission during the select committee process. Consultation will open after the first reading of the Bill.
<i>Amendments to Second Emissions Reduction Plan 2026-30 (ERP2)</i>	Final amended ERP2 and addendum were published on 29 January 2026. It confirms the decision not to proceed with an on-farm agricultural emissions pricing system by 2030, opting instead for a technology-led approach. 11 emission reduction tools are expected to be rolled out by 2030. A discussion document was published in November 2025 to support public consultation. Cabinet is still scheduled, in May 2026, to receive a progress update on agricultural emissions reductions to assess whether the revised approach remains on track for the 2026-2030 emissions budget.
<i>Review of biogenic methane targets</i>	In December 2025, the government legislated the new biogenic methane target of 14-24% below 2017 levels by 2050 in the Climate Change Response (2050 Target and Other Matters) Act, which passed through Parliament under urgency. This is a reduction from the previous target of 24-47%. It appears that the government has shifted focus to supporting technology driven reduction initiatives, including research to improve monitoring and measurement.
	Environment Southland has an interest in supporting effective climate change response within Southland and has been cooperating with territorial authorities through the Regional Climate Change Working Group to develop regional strategies and a framework for action. Environment Southland did not have the opportunity to submit on this matter, as the relevant legislation was passed under urgency.

<i>Climate Change Response (Emissions Trading Scheme – Forestry Conversion) Amendment Act 2025</i> <i>Limiting farm to forestry conversions entering the ETS</i>	This Act was passed into law in September 2025. Its primary objective is to restrict wholesale conversions of farmland to exotic forestry. See here for the press release. The law will: • Restrict farm conversions to exotic ETS forests on high-to-medium versatility farmland (LUC classes 1-6). • A limit of 15,000 hectares per year for exotic conversions on medium versatility farmland (LUC class 6). • The annual limit of 15,000 hectares for LUC 6 farmland will be allocated by a ballot process, including a reserved quota for small block holders, with the first ballot proposed to be held in mid-2026. • Allow for up to 25% of a farm's LUC 1-6 land to still be planted in exotic forestry for the ETS, ensuring farmers retain flexibility and choice. • Protect specific categories of Māori-owned land, in line with Treaty obligations. • The Bill proposes time-limited transitional exemptions in rare cases for people who were in the process of afforestation prior to these changes originally being announced on 4 December 2024. • To be eligible for a transitional exemption, applicants need to show sufficient evidence that they made a qualifying forestry investment before 4 December 2024. • Transactions that commenced after this date will not be eligible to register in the ETS. • The applicant will need to demonstrate that the investment relates to the specific Land Use Capability (LUC) class 1–6 land they are applying to register in the ETS. • Registry of 25% of LUC 1-6 land will be registered against the properties title to restrict further planting as a result of subdivision. On 22 January 2026, the Ministry for Primary Industries consulted on proposed changes to forestry-related Emissions Trading Scheme cost recovery settings, with submissions closed on 13 February 2026. Following consultation, the Government confirmed that changes to fees and charges would take effect from 1 July 2026. This includes: • reducing the annual charge for post-1989 forest land in the ETS from \$14.90 to \$10.28 per hectare • introducing a reduced and time-limited annual charge for mature forests • implementing a range of new and updated service fees intended to better align costs with the services provided. The Government has stated that these changes will reduce compliance costs for forestry participants while maintaining the effective operation of the ETS. See here for further details.
	Conversion of farmland to forestry is a topic of significant interest in Southland, with the community recognising both opportunities and risks associated with it.
<i>Emergency Management Bill (No 2)</i>	A comprehensive overhaul of its emergency management system is being progressed, focusing on strengthening disaster resilience and improving response capabilities, based on the recommendations of the North Island Severe Weather Events Inquiry and other reviews. More details can be accessed here. This Bill will be replacing the Civil Defence Emergency Management Act 2002. 21 policy proposals for the reform, as communicated in August 2025, are as follows: • Clarify who is in control during emergencies (particularly when undeclared) and clarify accountabilities at the local level. • Improve how Civil Defence Emergency Management Group plans are developed and with whose input, given they drive change on the ground. • Provide for representation of iwi Māori, rural communities and the wider community on Coordinating Executive Groups. • Expand the tools available to improve assurance of the system, e.g. through rules or Compliance Orders. • Expand the lifeline utilities/essential infrastructure providers that can be recognised under the legislation (e.g. certain digital services and solid waste). The Emergency Management Bill (No 2) was released on 9 December 2025 with the consultation by the select committee running until 3 February 2026.

	See here for more details. The select committee has released its final report to the House on 5 June 2026. The Committee has proposed a number of changes in response to submissions, including: • enabling additional members with relevant skills and experiences to be co-opted onto Emergency Management Committees • introducing liability protections for precautionary actions taken prior to a formal declaration • strengthening links between regional emergency management plans and Long-Term Plans • requiring consideration of how functions under other legislation (e.g. RMA) support emergency management responsibilities • strengthening engagement requirements with iwi, Māori, rural communities, and disproportionately affected groups in national strategy development • clarifying roles, powers, and delegation arrangements within the system. The Government intends to progress the Bill through the remaining stages this term.
	Given Southland's exposure to multiple natural hazards including flooding, Environment Southland has a high stake in the reform of the system to ensure it is fit for purpose. Emergency Management Southland provided a written submission during the early public engagement in 2025, while participating in the development of a submission by the regional sector group (Objective ID: fA73336). Environment Southland has submitted on the Emergency Management Bill (Objective ID: A1425408) and presented an oral submission to the select committee on 25 February 2026. Staff have produced an impact assessment on the Committee's final report.

Biodiversity & Biosecurity

<i>Amendments to the Biosecurity Act</i>	The Ministry for Primary Industries (MPI) ran a consultation on this matter in December 2024. More details are available here. While the Government has not yet introduced the associated legislation, a Biosecurity Amendment Bill may be introduced before the 2026 General Election.
	Environment Southland's submission was provided to the Ministry within the consultation timeframe (Objective ID: A1208835). It is likely to be participating in the select committee's formal consultation process once the relevant bill becomes available.
<i>Conservation system reform</i> <i>Conservation Amendment Bill</i> <i>National Conservation Policy Statement</i>	The Department of Conservation led a public consultation on proposals to explore charging for access to some public conservation land and streamline concessions and planning processes and enable more flexibility around land exchange and disposals. The consultation web page includes more details on the relevant proposals. The public submission closed on 28 February 2025. A relevant press release can be accessed here. The Conservation Amendment Bill has been introduced to Parliament on 7 May 2026 and the Environment Select Committee have opened for consultation until 2 July 2026. Key proposals: • clearer rules for granting concessions – certain activities would be pre-approved activities e.g. taking water samples for scientific research • develop a new document (a National Conservation Policy Statement) to manage all conservation land (replacing existing, separate management plans for conservation land and national parks) • introduce access fees for international visitors at a small number of highly visited sites (e.g. Milford Sound)

	make it easier to exchange or dispose of public conservation land - over half of New Zealand conservation land will be eligible for land exchange and disposal under the new settings. Parallel consultation has opened on a National Conservation Policy Statement to sit under the amended Act once finalised, closing 10 August 2026. This will set national direction for conservation land through a new planning hierarchy, including visitor zoning, activity status (e.g., exempt and pre-approved activities), and standardised concession frameworks.
	Environment Southland's submissions were provided to the Department of Conservation in February 2025 (Objective ID: 1236427 and 1236547). The submissions for the Bill and the National Conservation Policy Statement were both lodged within their consultation timeframes (Objective ID: A1519995, A1506580) Furthermore, Environment Southland has been invited to speak to Select Committee regarding the Conservation Amendment Bill.
<i>Implementing New Zealand's biodiversity Strategy 2025-2030</i>	The Department of Conservation led a public consultation on the next implementation plan for New Zealand's Biodiversity Strategy, with submissions closed on 30 June 2025. The discussion documents and other supporting materials can be viewed here. Following consideration of submissions, a new implementation plan, Action for Nature, was developed and approved by Cabinet. The plan was publicly released by the Minister of Conservation. It sets out the Government's priorities and actions to restore biodiversity and support nature to recover over the coming period, and forms New Zealand's implementation plan under the Convention on Biological Diversity.
	Environment Southland's submission was provided to the Department of Conservation within the consultation timeframe (Objective ID: A1303998) in June 2025. Staff reported to the Strategy & Policy Committee regarding impact of submission on 3 June 2026.
<i>Predator Free 2050 Strategy Review</i>	The Department of Conservation had conducted a public consultation on the review of Predator Free 2050 strategy. Predator Free 2050 is an ambitious, nationwide goal to eradicate our most harmful predators from all of New Zealand. Submissions closed on 30 June 2025. The discussion documents and other supporting materials can be viewed here. The public input informed the drafting of a refreshed Predator Free 2050 Strategy (2025-2030) that the Government considered in late 2025. In March, DoC announced a new Strategy: Innovate for a predator-free New Zealand and action plan, to guide work towards the Predator Free 2050 goal until 2030. The new strategy and action plan can be viewed here. As announced previously, the target species list includes rats (Norway rats, ship rats and kiore), possums and mustelids (weasels, ferrets and stoats) and has been expanded in this strategy to include feral cats.
	Environment Southland's submission was provided to the Department within the consultation timeframe (Objective ID: A1304000) in June 2025. Staff reported to the Strategy & Policy Committee regarding impact of submission on 3 June 2026.
<i>Game Animal Council (Herds of Special Interest) Amendment Act</i> <i>Fiordland Wapiti Herd of Special</i>	On 12 May 2025, the Minister for Hunting and Fishing announced consultation on a proposal to designate the Fiordland wapiti as New Zealand's first Herd of Special Interest (HOSI) under the Game Animal Council Act 2013. The HOSI framework allows specified game animal herds to be managed for hunting purposes while remaining consistent with New Zealand's wider conservation framework, including the protection of indigenous habitats and natural features.

<i>Interest Herd Management Plan</i>	To support the proposal, the Government introduced the Game Animal Council (Herds of Special Interest) Amendment Bill which clarified that HOSI can be established within national parks. The Bill received Royal Assent on 30 June 2026, confirming that the National Parks Act 1980 requirement to exterminate introduced animals as far as possible does not apply to designated HOSI. Following this, the Minister for Hunting and Fishing formally designated the Fiordland wapiti herd as a NZ's first HOSI on 13 July 2026. The designation enables the herd to be managed for its hunting values through a hunter-led management framework, while maintaining conservation oversight and environmental monitoring within Fiordland National Park.
	Environment Southland participated in both targeted and public consultation on the draft herd management plan led by the Department of Conservation to ensure that the proposed design does not pose unacceptable risks. Environment Southland submitted on DOC's Draft Herd Management Plan for Wapiti on 8 December 2025. (Objective ID: A1376055) and participated in follow-up engagement.

Primary Industries

<i>Minerals Strategy for New Zealand to 2040</i>	The Ministry of Business, Innovation and Employment published Minerals Strategy for New Zealand to 2040 on 31 January 2025. The goal is specified as doubling the value of New Zealand's mineral exports to \$3 Billion by 2035.
	Policy changes on the extraction of minerals could potentially have a substantial impact on Southland's economy, environment as well as Environment Southland's operations. Regional safeguards could play a key role in ensuring that any economic gains from potential expansion of mining in Southland do not come at the disproportional cost in other areas.
<i>Amendment to the Crown Minerals Act 1991</i>	On 26 September 2024, the Government introduced a Bill encompassing a package of changes to the Crown Minerals Act 1991 to address gas security challenges and increase revenue from mining activities. The package includes the reverse of the 2018 ban on new petroleum exploration outside onshore Taranaki, changes to how petroleum exploration permits are allocated, streamlining of regulations for recreational gold mining, and other changes to signal to the international market that New Zealand is 'open for business'. The Bill passed its third reading on 31 July 2025 and formally passed into law on 5 August 2025. Notably, the Act amends the decommissioning regime by introducing Ministerial discretion to assign liability to former permit holders or those who held an interest in a permit. More details are available here.
	The potential impact of the proposals on Southland and Environment Southland's operations remains unclear, as it will be influenced by multiple factors, including market demands, and the cost of production.

Te Tiriti & Te ao Māori legislation

References to Te Tiriti in legislation

The National-NZ First coalition agreement promises to review all legislation, aside from Treaty settlements, that include reference to the “principles” of the Treaty of Waitangi. The agreement also includes a pledge to replace all such references with specific words relating to the relevance and application of the Treaty or repeal the references.

The Government begun this process in 2025, with a review panel in place that will assess 19 Acts across 11 agencies. See [here](#) for more information.

A letter dated 2 April 2026, signed by ministers Paul Goldsmith and Shane Jones, outline Cabinet’s decision to repeal, amend or consolidate references to the Treaty/te Tiriti of nine acts.

References to be repealed:

1. Education and Training Act
2. Energy Efficiency and Conservation Act
3. Land Transport Management Act
4. Organic Products and Production Act
5. Smokefree Environments and Regulated Products Act
6. Crown Pastoral Land Act
7. Plant Variety Rights Act

References to be amended:

8. Data and Statistics Act
9. Hazardous Substance and New Organisms Act

Cabinet has also agreed on 10 acts that should have no higher standard than “take into account”. Additionally, Ministers have decided the Treaty of Waitangi and Te Tiriti o Waitangi should be referenced together to reduce uncertainty.

It is expected that the affected legislation will be introduced before the general election, where each of the acts will go through the select committee process.

See [here](#) for the relevant beehive press release.

The proposed review of Treaty references in legislation is likely to significantly impact local government operations. Staff will monitor this matter closely with a view to facilitate Council feedback once the detail of the Bills relevant to the Council becomes available.

Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Act

This Act was passed into law on 24 October 2025.

It affirms that Coastal Marine Titles, which gives holders the power to refuse certain resource consents, should only be granted where continuous exclusive use since 1840 can be proven.

Key change include:

- Overturning the legal reasoning in *Re Edwards* decision
- Clarifications to section 58, defining "exclusive use and occupation" and "substantial interruption"
- Amending section 106 to reinforce the original evidentiary threshold (stricter threshold)
- Clarified interpretation of the Act’s preamble, purpose, and Treaty sections to ensure section 58 is applied as originally intended.

The changes will apply to judgments made after 25 July 2024 and all undecided applications in the Court of Crown engagement pathways. Up to \$15 million will support affected groups.

See below for relevant Beehive Press releases:

<https://www.beehive.govt.nz/release/restoring-test-customary-marine-title>

	Latest updates on identification of customary marine titles within Southland's coastal and marine areas are available on Environment Southland's website .
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Water Services Infrastructure

<i>Local Water Done Well</i>	The first Bill of the Government's Local Water Done Well initiative repealed the legislation intended to introduce the three waters scheme. The second Bill, the Local Government (Water Services Preliminary Arrangements) Bill, was passed into law in August 2024. It provided the framework and transitional arrangements for the new water services system, including a requirement for local authorities to submit a water services delivery plan within 12 months. The third Bill, the Local Government (Water Services) Bill set out details relating to the water services delivery system, economic regulation and consumer protection regime and changes to the water quality regulatory framework. It is significant for regional councils as it proposes to introduce new national standards for wastewater and stormwater environmental performance among other things. This Bill was enacted in August 2025. More information on the water services legislation changes is published on the Taumata Arowai website.
	Environment Southland submitted on this matter (Objective ID: 1233315) and orally presented to the committee during a formal hearing in March 2025.
<i>Water Services (Wastewater Environmental Performance Standards) Regulations</i>	The Water Services Authority Taumata Arowai ran a public consultation on wastewater environmental performance standards in April 2025. The proposed standards are expected to: - improve consenting efficiency for wastewater treatment plants and support the upcoming wave of re consenting - set consistent treatment expectations while balancing upgrade costs with public health and environmental outcomes - support national consistency and improved performance data to inform planning and community engagement The regulations are now in force, except for overflow and bypass requirements, which take effect from December 2028 to align with future stormwater and wastewater risk management plans. See here for the relevant press release.
	The proposed standards are expected to have a significant impact on Environment Southland's operations as well as Southland's natural environment and communities. With the right settings, efficiency improvements and cost savings are achievable. However, depending on their final form, the proposals may lead to an overly simplified approach to managing wastewater treatment and discharge, potentially creating challenges for integrated water resource management, and increased disparities among different user groups. Environment Southland's submission outlining the regional regulator's perspective in detail was lodged with the Water Services Authority – Taumata Arowai on 24 April 2025 (Objective ID: A1265043).

Transport	
<i>Transport Government Policy Statement (GPS)</i>	The Government Policy Statement (GPS) on land transport guides the NZ Transport Agency (NZTA), KiwiRail and local authorities on land transport investment. A final GPS was released in June 2024. It prioritises roads – including an overhauled Roads of National Significance programme – and reduced funding in real terms for public and active transport. The GPS expects that local government will seek additional revenue from public transport fares and other third-party revenue. Development of the next Government Policy Statement on Land Transport (GPS) is underway. Consultation timing remains uncertain following machinery-of-government changes associated with the establishment of the Ministry for Cities, Environment, Regions and Transport, and officials have not yet confirmed when a draft GPS will be released.
	The South Island Regional Transport Committee Chairs Group and the Otago and Southland Regional Transport Committees submitted on the draft GPS with input from Environment Southland staff. Staff have undertaken the necessary modifications to align the Regional Land Transport Plan with the final GPS. Uncertainty regarding the timing and content of the next GPS may affect preparation of the next Regional Land Transport Plan (RLTP). As the RLTP must give effect to the GPS, the Regional Transport Committee may need to retain flexibility around investment priorities, programme sequencing, and funding assumptions until further direction is released.
<i>2024-2027 National Land Transport Programme</i>	NZ Transport Agency Waka Kotahi (NZTA) released the 2024–27 National Land Transport Programme (NLTP), to meet the Government’s strategic priorities set out in the Government Policy Statement on Land Transport (GPS) 2024. The National Land Transport Programme is a three-year programme of prioritised activities with a 10-year forecast of revenue and expenditure. It is prepared by NZTA to give effect to the GPS and reflects a partnership between NZTA (which invests National Land Transport Fund funding on behalf of the Crown), and local government (which invests on behalf of ratepayers). Regional summaries are available of the NLTP forecast investment. Otago/Southland regional summary – NLTP 2024-27 [PDF, 142 KB]
<i>Amendments to the Public Works Act</i> a) Public Works (Critical Infrastructure) Amendment Act b) Public Works Amendment Bill	On 25 February 2025, Land Information Minister Chris Penk announced the reform of the Public Works Act (PWA), aiming to expedite infrastructure development in New Zealand. Key changes include delegating land acquisition to government agencies, enabling collaboration between agencies, simplifying the relocation of infrastructure, and clarifying the role of the Environment Court. Additionally, mediation will be required for compensation disputes, and Transpower will be allowed to acquire land more easily for energy infrastructure. A further announcement was made on 10 March 2025, advising that the PWA is being amended to accelerate the acquisition of land needed for the public projects that are listed in Schedule 2 of the Fast-track Approvals Act, and the Roads of National Significance listed in the Government Policy Statement on Land Transport 2024. It is intended that amendments will come into force six months before wider PWA review amendments. The amended legislation will feature: landowners who voluntarily sell their land before a Notice of Intention is issued will receive an additional premium payment equal to 15 percent of their land’s value, capped at \$150,000.

	• All landowners whose land is acquired under the accelerated process will receive a five percent recognition payment, capped at \$92,000. • Landowners who object to land acquisition for critical infrastructure projects will no longer go through the Environment Court. They will instead submit their objections directly to the relevant decision-maker, either the Minister for Land Information or the local authority, for faster resolution. Public Works (Critical Infrastructure) Amendment Bill was passed into law in August 2025. It inserted a new Part 2A into the Public Works Act 1981, creating an accelerated land acquisition process for a limited class of projects. The Public Works Amendment Bill passed its first reading on 9 December 2025 and the Transport and Infrastructure Committee reported back to the House on 18 February. See here for the relevant press release. This Bill represents the next phase of reform, proposing broader and more structural changes, see here for more information.
	As a public entity responsible for key public works such as flood risk management, Environment Southland is likely to be affected by the proposals. Staff will continue to monitor the relevant developments.

Other Infrastructure

<i>National Infrastructure Plan</i>	The Infrastructure Commission released the final National Infrastructure Plan on 17 February 2026 following consultation on the draft in 2025. It appears that the Plan provides a system-wide assessment of infrastructure pressures and outlines a practical pathway for improving how NZ plans, funds, maintains and delivers infrastructure. Key themes include improving asset management, prioritising cost-effective projects, and strengthening resilience in response to demographic change, climate impacts and ageing infrastructure. See here for the beehive press release. Notably, the final plan places a much stronger emphasis on flood infrastructure compared with the draft plan. The Plan identifies 16 system-wide recommendations and 10 priority actions for the next decade. On 16 June 2026, the Government released its formal response, supporting all 16 recommendations (three in principle) and confirming action on all 10 priority areas identified by the Commission. The Government noted that 11 of the 16 recommendations align with work already underway, including: • integrated spatial planning • implementation of the National Adaptation Framework • time-of-use pricing • road pricing reform • infrastructure investment improvements. In addition, the Government committed to four further actions: 1. reviewing the land transport funding system 2. legislating for departments and Crown entities to publish long-term investment plans and report on asset management 3. strengthening participation and data quality within the National Infrastructure Pipeline 4. improving public sector infrastructure project leadership and capability. The Government's response is available here.
	The national plan is expected to have a significant impact on the national infrastructure policy which would in turn affect Environment Southland's operations and the broader Southland region.

	Environment Southland's submission, provided to the Commission in August 2025, advocated for increasing focus on flood mitigation infrastructure amongst other things (Objective ID: A1314818). The Plan's focus on improved asset management, greater transparency, and long-term investment planning is expected to have implications for reporting, programme sequencing and funding expectations. Staff will continue to monitor implementation of the government's response to the Commission's recommendations.
<i>Regional Infrastructure Fund</i>	The RIF delivers on the Government's promise to address the regional infrastructure deficit. It will help boost the New Zealand economy, increase regional prosperity, and create jobs. The RIF, \$1.2 billion over three years, is administered by Kānoa – Regional, Economic Development & Investment Unit (Kānoa – RD). The RIF is a capital fund. Funding support is primarily provided through a mix of loan and equity investments. The RIF will invest specifically in regional infrastructure, making investments in projects that boost regional growth, resilience, and productivity. This includes building new infrastructure and improving existing structures to benefit regional businesses, organisations, and communities. More information is available here.
	For Southland, the RIF co-investment scheme currently supports various projects across the region. - A suspensory loan of up to \$15.35m has been made available to Southland District Council to build the first stage of a solar farm, and network upgrades to replace diesel-generated electricity for Rakiura/Stewart Island's 494 permanent electricity connections. More details are available here. Click here for the SDC webpage on Rakiura energy solutions. - \$14.9 million will support a new package of work designed to further reduce flood risk for Invercargill City, Gore and Mātaura, and for communities in the lower Ōreti catchment. More details can be found here. - It was announced on 14 November 2025 that the Government is investing a \$2.2 million RIF funding loan towards the development of an aquaculture centre of excellence in Southland at the Ocean Beach site near Bluff. - On 21 January 2026, the Government announced a \$3.1 million loan through the RIF to initiate an industrial subdivision near Gore. Construction is expected to commence in mid-2026. See here for more details.
<i>Infrastructure Funding and Financing Amendment Act</i>	On 26 November 2025, the Government introduced this Bill as part of Pillar 2 of its Going for Housing Growth programme. The Bill amends the Infrastructure Funding and Financing Act 2020 to broaden the scope of levy-funded projects beyond housing-related infrastructure to include transport and water services. It also removes barriers to levy use, enables levy deferrals to improve affordability, and streamlines approval processes to accelerate urban development. The Bill completed its passage through Parliament on 28 July 2026 and has received Royal assent. The Government has stated that the amendments will provide councils and infrastructure providers with greater flexibility to fund and finance infrastructure required to support housing growth and urban development, while reducing reliance on upfront rates funding and development contributions. Key changes include: • Broadening the range of infrastructure projects eligible for levy funding, including transport and water infrastructure. • Enabling levy deferrals to improve affordability for households. • Simplifying and streamlining the approval process for levy-funded projects.

	Improving the flexibility and attractiveness of the Infrastructure Funding and Financing regime for councils, developers, and infrastructure providers.
	Environment Southland will continue to monitor implementation of the amendments.

Other Topics

<i>Simplifying Local Government proposal</i>	On 25 November 2025, the Government announced proposals to reform local government, including replacing regional councils with Combined Territorial Boards responsible for regional functions such as environmental management, transport planning, and emergency management. The reform programme includes the voluntary "Head Start" pathway, which allows groups of territorial authorities and/or unitary authorities to submit proposals for local government reorganisation before 9 August 2026. The proposals would represent a significant change to local government structures and the delivery of regional functions. Legislative pathways, governance arrangements, transition processes, and the future allocation of responsibilities remain under development. The Government's reform programme is occurring alongside the Local Government Commission's investigation into potential reorganisation of Southland's councils. Southland District Council initiated the Local Government Commission reorganisation process in 2025, seeking a two-unitary-authority model for the region. Invercargill City Council has confirmed its preferred approach of a single Southland-wide unitary authority, which Environment Southland has indicated support for, while Gore District Council is currently considering its position. Cabinet is expected to make decisions in principle later in 2026, with final decisions and enabling legislation proposed in 2027 ahead of the 2028 local elections. Councils that do not participate in the Head Start pathway are expected to be subject to a future "backstop" reorganisation process, although the details of that process are yet to be confirmed.
	The Government's local government reform programme and the Local Government Commission's investigation into Southland local government reorganisation could have significant implications for governance arrangements and the future delivery of regional functions. The Commission's investigation was initiated by Southland District Council in 2025 through a proposal seeking a two-unitary-authority model for the region. Environment Southland lodged its submission on the Government's reform proposals on 20 February 2026 and continues to engage with territorial authorities, iwi partners, central government agencies, and the Local Government Commission. Environment Southland has also publicly expressed support for Invercargill City Council's development of a one Southland-wide unitary council model. Staff will continue to monitor developments and provide advice to Council as decisions are made and the future reform pathway becomes clearer.
<i>Crown Land Legislation Amendment Bill</i>	In April 2026, the Government introduced the Crown Land Legislation Amendment Bill, which proposes changes to how Crown pastoral lease land in the South Island High Country can be used. The Bill would allow pastoral leaseholders to continue farming while also undertaking a wider range of additional activities, such as farm shops, small-scale hospitality, horticulture and cropping, and renewable energy projects, subject to approvals.

	The Bill is intended to give leaseholders greater flexibility to diversify their income, streamline approval processes, and reduce compliance requirements, while maintaining or enhancing the inherent values of High Country land. The Bill has been introduced to Parliament and will proceed through the Select Committee process, including public submissions.
	Southland contains 13 active Crown pastoral leases. Staff will continue to assess the implications of the proposals for these lease areas and the wider region.
<i>Local Government (Port Companies Accountability) Amendment Bill</i>	The Port Companies Accountability Bill was introduced to Parliament on 22 May 2025, with consultation having closed on 2 July 2026. The Bill seeks to increase accountability and transparency requirements for port companies, which are currently excluded from the Local Government Official Information and Meetings Act (LGOIMA). The Bill proposes that, while port companies would not formally become council-controlled organisations (CCOs), they would be treated as if they were CCOs for select purposes. This includes: • Being subject to public information and disclosure requirement under LGOIMA • Being required to act as a good employer and exhibit social and environmental responsibility • Being required to take into account the relationship between Māori and land and water when making significant decisions. The Bill is currently before the Transport and Infrastructure, which is expected to present its final report by 20 November 2026.
	The proposal creates a degree of ambiguity by requiring port companies to operate with some obligations of CCOs, while not formally being classified as CCOs. This may introduce uncertainty around governance expectations and accountability settings. For port companies, this represents a shift toward incorporating broader social and environmental considerations alongside commercial objectives. For councils with ownership interests, this could have implications for investment returns and commercial decision-making, particularly where ports are expected to operate with a stronger public interest focus. Staff will be monitoring the Bill's progression and consider any implications.
<i>Rates capping announcement</i>	On 1 December, the government announced plans to introduce a variable rates cap to limit annual local authority rates increases to a target band of 2-4% per capita, excluding water charges and non-rates revenue. A regulator appointed by central government will oversee exemptions in exceptional circumstances such as natural disasters. Targeted consultation ran until early February, and the enabling legislation is expected during 2026. The transition period begins on 1 January 2027, with full implementation by 1 July 2029. Councils will be required to report new affordability and performance metrics in Long-Term Plans from 2027.
	The proposal will require councils to integrate capped rates into long-term planning and adopt new affordability and performance reporting frameworks. Processes for seeking regulatory approval to exceed the cap will need to be developed, and transitional planning will be essential to maintain service delivery while meeting compliance requirements. Environment Southland submitted on this proposal (Objective ID: A1417886).
<i>Local Government (System Improvements) Bill</i>	On 7 February 2025, the Department of Internal Affairs proactively released a Cabinet paper on Local Government System Improvements , outlining the Government's next

	steps for progressing its 'back to basics' improvements for the local government system announced in December. The Local Government (System Improvements) Amendment Bill was introduced on 14 July 2025. Its first reading passed on 17 July 2025 and the Select Committee Report was published in November 2025. The Bill passed its second reading on 30 June 2026 and is currently before Committee of the Whole House. The government also announced its intention to amend the Bill to restrict voting rights on council committees to elected members only. Under the proposed change, unelected appointees would no longer be able to vote on council committees unless their appointment is required under statutory or Treaty settlement-based arrangements. This bill sought to reduce pressure on council rates by: • Refocusing the purpose of local government through removal of the four well-beings • New financial measuring and publicising council performance • Mandatory disclosure of contractor and consultant spending • Prioritising core services in council spending • Strengthening council accountability and transparency • Providing regulatory relief to councils.
	Environment Southland's submission was provided to the Department on 27 August 2025 (Objective ID: A1321306) and orally presented to the Select Committee.
<i>Regulatory Standards Act</i>	The Regulatory Standards Bill was introduced to Parliament on 19 May 2025 and was assented on 18 November 2025. This Act seeks to improve transparency and accountability in regulation by requiring legislation to be assessed against a set of regulatory principles relating to matters such as the rule of law, individual liberties, property rights, taxation, and the role of courts. It also established an independent Regulatory Standards Board to review legislation and investigate complaints about inconsistency with those principles. While the Board was appointed in April 2026, it became fully operational on 1 July 2026 when the remaining provisions of the Act came into force, enabling it to receive complaints, review legislation, and publish findings. See here for the latest newsletter from the Ministry for Regulation.
	Environment Southland is concerned with its potential to undermine the protection of public interest and weaken partnerships with mana whenua. We had submitted written feedback during both the initial consultation led by the Ministry of Regulation (Objective ID: A1207544) and the recent formal consultation conducted by the Select Committee (Objective ID: A1288251). Staff is working on the analysis of immediate implications and indirect consequences of the implementation of this Act.

9.3 Strategy, Policy and Regional Planning Update

Report by: Liz Devery, Regional Planning Manager

Approved by: Hayley Fitchett, General Manager Strategy and Regulation

Report Date: 20 August 2026

Purpose

This report is an update on the work being carried out by the strategy and policy, and regional planning teams.

Recommendation

It is recommended that the Strategy and Policy Committee resolve to:

- 1 Receive the Strategy, Policy, and Regional Planning Update Report.

Background

The Strategy and Policy team is responsible for:

- Developing clear strategy, corporate plans and defined priorities;
- Providing coordination and support for the management and successful performance of the organisation's key groups of activities/portfolios – air quality, biosecurity and biodiversity, climate change and community resilience, coast and marine, regional leadership, and water and land;
- Leading the generation and reporting of data and insights;
- Providing policy advice;
- Monitoring plan effectiveness;
- Managing the review of, and Council's response to, national direction and reform.

The Regional Planning team is responsible for:

- Developing resource management and regional plan and policy development;
- Providing drafting leadership.

Matters of Interest

Information about national and regional matters of interest that have arisen since the last Strategy and Policy Committee meeting and Council meeting at the end of 2025 is outlined below.

National

Government reform

The Select Committee has provided its report to the house on the two Bills (Planning Bill and Natural Environment Bill) that will replace the Resource Management Act 1991. This is a significant milestone for this coalition government as it has been one of the main areas of focus this triennium. The Bills have had their second reading and amendment papers are being prepared to make changes to the legislation to align with Cabinet's ambitions for the legislation. It is expected that the legislation will be enacted in early September as the last sitting day for the house is 24 September prior to the central government elections in November.

With the parliamentary term coming to an end and the replacement RMA legislation now being more certain, the team are focusing their efforts on implementation of the new system and ensuring that as an organisation we are understanding the transitional legislative requirements and adapting our systems and processes to meet the new expectations.

Regional

Navigation Safety Bylaw – Hearing

A reconvened Hearing on the Navigation Safety Bylaw was held on 4 August 2026. The purpose of this Hearing was to hear from submitters as part of the further consultation process on proposed changes to speed uplift areas. In total 66 submissions were received on the speed uplift areas, and seven submitters presented their submissions to the Hearing Panel. Following the Hearing the Hearing Panel continued their deliberations. The Hearing Panel have adjourned the Hearing again, to be reconvened on 20 August. This next step is to confirm the position of the panel and to ensure that the draft decision documentation reflects the recommendations discussed. It is proposed that the recommendations will be brought to Council for consideration at the next Full Council meeting in September.

Appeals to the Proposed Southland Water and Land Plan

Decision on Rule 24

On 21 July, the Environment Court issued its decision on Rule 24 of the Proposed Southland Water and Land Plan. Rule 24 relates to incidental discharges from farming activities. The Environment Court hearing was held over several days in October 2025 where Environment Southland presented both planning and scientific evidence.

The Court determined that the amended rule was within the scope of the appeals. It considered the rule in the context of the wider Plan and found that Rule 24 meets the requirements of section 70(3) of the Resource Management Act 1991.

Section 70(3) enables a regional council to provide for certain discharges as permitted activities where:

- the relevant adverse effects already exist in the receiving environment;
- the rule includes appropriate standards; and
- those standards will contribute to a reduction in adverse effects within a period of no more than 10 years from the date the rule becomes operative.

As approved by the Court, Rule 24 permits the discharge of certain contaminants, provided the relevant provisions of the Plan are met and the discharge is managed so that, after reasonable mixing, it does not result in conspicuous oil or grease films, scums, or foams.

In practical terms, the decision means that incidental discharges from farming activities in the Southland region will be able to continue as permitted activities, provided the rule's conditions are met and farm management practices contribute to a reduction in adverse effects over time. Resource consent will not be required for these discharges where the permitted activity conditions are complied with.

There is now a 15 working day appeal period during which any party may appeal the decision to the High Court.

Decision on Rule 78 and next steps

The High Court has issued its decision on an appeal relating to Rule 78 of the Proposed Southland Water and Land Plan, which addresses weed and sediment removal associated with drainage maintenance. The appeal concerned the Environment Court's decision to retain the 2018 decisions version of Rule 78 and introduce a new Rule 78A specific to local authorities.

The High Court's role was limited to determining questions of law arising from the Environment Court's decision. The Court found that the Environment Court had erred in law and referred the matter back to the Environment Court for reconsideration in light of its findings.

Environment Southland has worked with the other parties to reach agreement in principle on revised wording for Rule 78. In its decision, the High Court acknowledged the "...lengthy and commendable period of consultation between the parties...".

The matter has now been referred back to the Environment Court. The next reporting date is the end of this month. It is proposed that Environment Southland seek directions under section 293 of the Resource Management Act 1991 to amend the Plan to reflect the outcome of the collaborative work undertaken by the appeal parties to date. The section 293 process is not affected by the current plan-making restrictions.

Plan Modification proposals

Not long after amendments to the Resource Management Act were made introducing ministerial powers to direct changes to planning documents, Environment Southland approached the Minister for Resource Management with suggested changes to the proposed Southland Water and Land Plan. These related to farm plan provisions, as well as provisions intending to enable positive actions such as wetland construction and sediment mitigation, and gravel management to protect infrastructure. In early November 2025, the Minister for Resource Management Reform wrote to Environment Southland agreeing that these would be appropriate for considering for the modification or removal through these processes. Since then, investigation reports have been drafted, assessing proposed changes against the s360I criteria.

Section 360K of the Resource Management Act requires that the Minister is to provide the report to the local authority as soon as practicable after completing the investigation. Council will have 20 working days to provide feedback. Within 10 working days of providing Council with notice the investigation reports are to be published and will be made available on the Ministry for Cities, Regions, Environment and Transport (MCERT) website. The Minister is also obliged to consult with any parties likely to be affected by the modifications.

At the time of writing this report, the investigation reports have not yet been released by the Minister for Resource Management Reform for feedback. We have been advised by MCERT officials that the documentation and process has had a legal review and depending on the outcome of that review, the Minister for Resource Management Reform was to have received a briefing prior to the official release.

The timeframe to get the plan modifications through the Resource Management Act process and then for the Minister to make regulations to effect any resulting changes prior to the election period is now extremely tight.

Natural Hazards

Since the start of this financial year, as at 10 August 2026, Regional Planning staff have fielded 35 natural hazard enquiries. This is an increase on the same time last year. Some involve multiple follow up interactions, and some have required detail to address the Council's obligations under the National Policy Statement for Natural Hazards. These enquiries were from members of the public and organisations seeking information to inform potential subdivision and building consents, or to answer questions people have received from insurance and finance companies

Regional Spatial Planning

The Planning Bill and Natural Environment Bill were reported back from the Select Committee in July, with a number of changes recommended. The overall transition timeframe for implementation of the new planning system has been extended, although the proposed framework continues to require regional spatial planning to occur early in that process. The Government has indicated its intention to pass the legislation before Parliament rises on 24 September, ahead of the general election.

There remains some caution across the region about progressing too far ahead of the legislation being enacted, including the potential implications of a change of government. However, staff consider the risk of continuing preparatory work to be relatively low. Spatial planning has support across the two major political parties, and much of the work underway will have value regardless of the final legislative framework. Staff from across Southland and Otago attended the Taituarā Spatial Planning workshop in late July, where the clear message was to start now or risk running out of time once the legislation is in place.

The regional evidence commissioning process is continuing, primarily to identify new information and evidence gaps since the initial stocktake. This will help establish the evidence base for the first Regional Spatial Plan and identify areas where further research may be required over time.

Regional discussions are now progressing towards a joint workshop involving all Southland councils and Te Ao Mārama in December. The intention is to collectively agree key aspects of the programme ahead of establishing the Spatial Planning Committee. This is expected to include regional direction, governance arrangements and committee nominations, programme costs and funding shares, and the skills and resourcing required for the programme secretariat.

In preparation for this, work is progressing on the proposed joint governance agreement and broader programme structure. Local authorities will have an opportunity to consider the relevant matters through their own governance processes ahead of the joint workshop. One of these matters will be approaching Te Runanga o Murihiku to confirm their involvement throughout the regional spatial planning process.

Communications planning is also underway to ensure a consistent regional approach, particularly as Invercargill City Council and Southland District Council progress their own local spatial planning work.

Overall, staff are continuing with low-regret preparatory work while retaining flexibility to respond to the final legislation. This balances the current uncertainty against the risk of delaying work until the legislative framework is confirmed.

Gore District Plan Review

Pre-mediation correspondence is occurring between Gore District Council, Groundswell and Environment Southland on the flood plain regulations in the proposed Gore District Plan. This work is seeking to clarify and narrow the scope of the issues prior to formal mediation occurring. A mediation date has yet to be set.

Invercargill Plan Change 2

On 13 July Invercargill City Council released their decision on Plan Change two which proposed an intensification of residential dwellings close to the city CBD. Environment Southland submitted largely in support of the plan change but did not support the intensification rules in areas identified as being prone to inundation from the Otepunui Creek. Our view was that addition dwellings in identified natural hazard areas did not align with the direction provided in the Southland Regional Policy Statement. The released decision has adopted a precautionary approach and altered the proposed rules to ensure that natural hazard risk is a matter of discretion within the rule framework for new dwellings in the area subject to the plan change.

Long Term Plan

Our 2027-37 LTP documents are being prepared for Council workshops in November. Activity Management Plans (AMPS) are being prepared across our council functions to assist with compiling a detailed overview of the organisational requirements and how we intend to respond to these over the next 10 year planning horizon. It is clear that there are a number of moving parts within the local government sector at the moment

and planning for changes and uncertainty is a key component to the LTP work. Having AMPs will assist with analysing and implementing changes as our sector changes over the coming years.

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

10 Extraordinary/urgent business | Panui autia hei totoia pakihi

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