Minutes of the Ordinary meeting of Council - Te Huinga Tu

Held at Environment Southland, 220 North Road, Invercargill
Monday, 9 February 2026 at 2.00 pm

Present:

Chair J A McPhail
Cr P C Evans
Cr A K Gibson
Cr RJW Hodson
Cr L Ludlow
Cr E A Mathieson
Cr J Pemberton
Cr M A Rodway
Cr DPS Rose
Cr E W Roy
Cr G A Young

In Attendance:

Mr R A Phillips – Acting Chief Executive
Ms H Fitchett – General Manager, Strategy & Regulation
Ms L Hicks – General Manager, Integrated Catchment Management
Ms A Kubrycht – General Manager, People & Governance
Mr S Rossiter-Stead – General Manager, Community & Engagement
Ms K Wilson – General Manager, Science
Ms R Millar – Chief Advisor
Mr M Roy – Strategy & Policy Manager
Ms S Lee – Team Leader Policy
Mrs D O'Donnell – Governance Administrator (*Minutes)*

1 Welcome I Haere mai

The Chair welcomed everyone to the Council meeting for Monday, 9 February 2026.

2 Apologies I Ngā pa pouri

Resolved:

Moved Cr Roy, seconded Cr Hodson that apologies be accepted on behalf of Cr P Morrison (leave of absence having previously been granted).

Carried

3 Declarations of interest

There were no declarations of interest made by Councillors.

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

There were no public forums, petitions or deputations at today's meeting.

At this time the meeting moved to item 7 on the agenda.

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

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

Chair McPhail advised that there were two items tabled for inclusion in today's meeting. The reason they were not on the agenda was because they were received after the agenda was finalised and circulated and therefore could not meet the requirement for agendas to be available at least two working days before this meeting.

Consideration of these matters cannot be delayed to a later meeting because:

- Submission to the Environmental Select Committee – the closing date for the Environmental Committee to receive submissions is 13 February 2026 and this is the only Council meeting prior to that date. This submission will be discussed under item 10.6 on the agenda;
- Submission to the Government and Administration Select Committee – the closing date for the Government and Administration Select Committee to receive submissions is 15 February 2026 and this is the only Council meeting prior to that date.

Resolved:

Moved Chair McPhail, seconded Cr Ludlow that the Council receive and consider the supplementary reports titled Submission to the Environmental Select Committee and Submission to the Government and Administration Selection Committee in accordance with Standing Order 9.12.

Carried

The meeting then reverted to the order of the agenda.

5 Confirmation of minutes I Whakau korero

Resolved:

Moved Cr Rodway, seconded Cr Gibson that the minutes of the Ordinary meeting of Council held on 10 December 2025 be confirmed as a true and accurate record.

Carried

6 Adoption of committee resolutions

6.1 Adoption of committee resolutions – Chief Executive's Review Committee – 27 January 2026

Resolved:

Moved Cr Rodway, seconded Cr Ludlow that Council adopt the resolutions from the Chief Executive's Review Committee meeting held on 27 January 2026.

Carried

6.2 Adoption of committee resolutions – Integrated Catchment Management Committee – 28 January 2026

Resolved:

Moved Cr Evans, seconded Cr Gibson that Council adopt the resolutions from the Integrated Catchment Management Committee meeting held on 28 January 2026.

Carried

6.3 Adoption of committee resolutions – Strategy & Policy Committee – 29 January 2026

Cr Ludlow commented on item 9.6 Decision Report on Draft Dangerous Dams, Earthquake-prone Dams and Flood-prone Dams of these minutes, noting that the third part of the resolution is incorrect:

3. Recommend to Council that the Draft Dangerous Dams, Earthquake-prone Dams and Flood-prone Dams Policy as set out in Appendix 2 be adopted by Council.

The Committee did not resolve to do that, but sought changes to Appendix 2 before it was adopted by Council.

Cr Ludlow advised her intention to bring a notice of motion to correct the third part of the resolution to the Extraordinary Meeting of Council being held on 18 February 2026.

Resolved:

Moved Cr Ludlow, seconded Cr Mathieson that the minutes of the Strategy & Policy Committee held on 28 January 2026 be confirmed as a true and accurate record, excluding part three of the resolution to item 9.6.

Carried

8 Questions I Patai

There were no questions raised at today's meeting.

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

9.1 Chair Report

Chair McPhail took his report as read and asked for questions in relation to the report. There were no questions raised.

Chair McPhail congratulated Cr Ludlow on achieving recertification of her Hearing Commissioner Chair endorsement.

9.2 Councillors Reports

Cr Ludlow advised that she had represented the Chair at the memorial service held for Tim Shadbolt. Chair McPhail recognised the work Tim Shadbolt had undertaken for Southland during his tenure as Mayor of the Invercargill City Council.

Resolved:

> **Moved Chair McPhail, seconded Cr Ludlow, that Council receive the Chairman and Councillors reports.**

Carried

10 Reports

10.1 Chief Executive's report

Mr Phillips spoke to his report, where the purpose was to provide Council with a governance overview of current matters within the organisation. Mr Phillips highlighted the following:

- a strong focus on government reforms had kept staff busy for the last few months, and this work was expected to continue for some time to come. Staff are working fast to understand the reforms and how they impact on the organisation, aligning with partners and stakeholders;
- staff are delivering on core work programmes, such as environmental monitoring. The recreational water testing programme is particularly important during the boating season;
- there has been significant engagement with farmers, including providing winter grazing advice and the delivery of farm plan sessions across Southland;
- biosecurity staff continue to focus on the seasonal control programmes across animal, plant, freshwater and marine environments;
- catchment and drainage operations have been significantly influenced by the spring storm and flood events, with a strong focus on recovery, resilience and routine maintenance;
- Kānoa-funded flood resilience projects are continuing with multiple tranches, with progress generally tracking well;
- there has been strong engagement with communities in regard to water safety over the summer holiday season;
- recruitment is progressing in the priority areas.

There were some questions from the meeting in regard to the current situation for farm plans. Staff advised that they were awaiting an update from central government as to the future direction of these. There was no deadline for receiving this update, but it was anticipated that it would be received in the next couple of months.

In response to a question regarding Kānoa funding, Ms Hicks advised that the Tranch 2 agreements had been signed last week and sent to Kānoa this morning. Ms Hicks was working with the Communications team to create some proactive messages for Field Days.

Cr Rodway noted the commissioning for the Stead Street Pump Station had been completed and asked if the pump station had a back-up generator. Ms Hicks advised that this was currently being sourced and a request for Kānoa funding will be made. The acquisition of a generator for the pump station would be a priority, depending on the availability of funding.

Resolved:

Moved Cr Ludlow, seconded Cr Young that Council receive the report.

Carried

10.2 Local Government NZ Zone 5 and 6 meeting attendance

This item sought Council approval for the appointment of Council representatives at the Local Government New Zealand joint zone 5 and 6 meeting, scheduled to be held in Christchurch on 30 April and 1 May 2026.

Ms Kubrycht advised she would take the report as read, noting that there was provision in the budget for the Chief Executive and two Councillors to attend this meeting.

Chair McPhail suggested that, put in the context of the changes being made to local government, this was an opportunity to talk to other councils and that more than two Councillors could attend if there was interest.

Chair McPhail expressed his interest in attending and advised that the Deputy Chair, Cr Morrison, had also expressed an interest in attending.

Cr Ludlow, Cr Rose, Cr Young, Cr Gibson and Cr Hodson expressed an interest in attending.

Cr Ludlow queried whether seven attendees were too many, noting that two nights accommodation would be required.

Chair McPhail, Cr Young, Cr Hodson and Cr Gibson advised that they would not need accommodation booked for them.

Cr Gibson advised that he would not require flights to Christchurch.

Chair McPhail moved the following amended recommendation:

Resolved:

Moved Chair McPhail, seconded Cr Pemberton, that Council:

1 receive the report – Local Government NZ Zone 5 and 6 Meeting Attendance;

2 **appoint the Chief Executive and Chair McPhail, Cr Morrison, Cr Young, Cr Gibson, Cr Rose, Cr Ludlow and Cr Hodson as its delegates to the Combined Zone 5/6 meeting to be held in Christchurch on Thursday, 30 April and Friday, 1 May 2026;**
3 **meet the associated costs of travel, accommodation and meals for those delegates attending the meeting, as required.**

Carried

10.3 Council meeting schedule

The purpose of this item is for Council to consider and approve the meeting schedule as shown on the following pages. It also provides an opportunity for Councillors to seek formal leave of absence from Council activities, if required.

The following leave of absence requests had been lodged at the time the agenda was prepared:

Cr L Ludlow – 10-16 March 2026
Cr R Hodson – 9-11 March 2026

The following leave of absence requests were made at the meeting:

Cr R Hodson – 16-20 February
Cr E Mathieson – 4-5 March
Cr G Young – 16-20 March

Chair McPhail advised that, while he had leave of absence 14-26 February, he would be contactable and would attend meetings online where possible.

Resolved:

Moved Cr Ludlow, seconded Cr Gibson, that Council:

1. **receive the report;**
2. **appoint members to represent the Council at the meetings as marked on the schedule;**
3. **approve the leave of absence requests as listed in the report and/or as made verbally at the meeting;**
4. **pay meeting fees and/or allowances in accordance with its policy and as detailed on the schedule.**

Carried

10.4 Common Seal

The purpose of this item is for Council to note the documents to which the Common Seal has been placed, under delegated authority, as required by Council's Governance policies.

Resolved:

> **Moved Cr Roy, seconded Cr Pemberton, that Council note the documents to which the Common Seal has been affixed under approved delegation.**

Carried

10.5 Correction to appointment of the Southland Regional Transport Committee – Gore District Council Representation Change

The purpose of this report is to request a change of Regional Transport Committee representation for the Gore District Council.

Ms Devery explained that this was an administrative matter. Gore District Council had advised that their representative to this committee would be Cr Paul McPhail, however this was incorrect. Gore District Council requests that their representative to the Southland Regional Transport Committee be confirmed as Deputy Mayor Joe Stringer. There is no change to the previously advised alternate representative.

Resolved:

Moved Cr Evans, seconded Cr Gibson, that Council:

1. **receive the report;**
2. **confirm the appointment of Deputy Mayor Joe Stringer as the Gore District Council Representative on the Southland Regional**

Carried

10.6 Key Points of Environment Southland Submission on Natural Environment Bill and Planning Bill

The purpose of this item was to seek Council's approval to progress the drafting of Environment Southland's submission on the Natural Environment Bill and the Planning Bill, based on the key points outlined in this report and subject to further refinements for the reasons described.

Council was reminded that this submission had been the subject of a recent Council Workshop.

It was noted that the supplementary report Submissions to the Environmental Select Committee was also to be discussed under this item. The agenda report would be discussed first.

Resolved:

Moved Cr Pemberton, seconded Cr Evans, that Council receive the report.

Carried

Mr Roy and Ms Lee took the meeting through the agenda report. Key topic covered in the submission were:

- broader framework of the legislation;
- spatial planning;
- environmental limits;
- private property rights;
- rights and interests of Māori;
- centralisation - specific recommendations;

- consenting framework;
- implementation.

Mr Roy read out each of Environment Southland's recommendations, as stated in the report.

Spatial Planning – there was some discussion regarding the wording of the submission under this heading, in particular the third bullet point. Cr Rodway suggested a change to indicate limiting ministerial intervention so that local government democracy and decision making is maintained. Cr Rodway to email wording for an amendment to Mr Roy.

Environmental Limits - discussion included how the provisions for limit setting would be decided. It was suggested that competitiveness in international markets was not the core business of Council. Comments were made that the government is very focussed on economic growth and development and that international markets could be in danger if New Zealand was not meeting its environmental obligations.

Te Tiriti o Waitangi and Māori Rights and Interests – staff advised that the Te Rōpū Taiao Pou had provided draft recommendation to all councils and Te Rōpū Taiao.

There was discussion regarding the changes to the consenting process and how these risk excluding mana whenua. It was noted that delays to consent approvals in the past had been due to capacity issues and that these issues were being resolved.

Centralisation – it was suggested that the first bullet point be amended to read "reducing the limits *and limit to a defined role*..."

Consenting framework – discussion re the third bullet point - question whether "interest groups" have a genuine interest – can this be defined better? It was noted that some national organisations don't have offices based in Southland. It was noted that limiting submissions could reduce the number of vexacious sumissions that were received.

Resolved:

Moved Cr Evans, seconded Cr Young, that Council:

2. **approve the development of Environment Southland's submission on the Natural Environment Bill and Planning Bill based on the key points outlined in the report;**
3. **adopt the Environment Southland recommendations in the report below and acknowledge that further improvements will be added to the final submission as more analysis is developed.**

Carried

Staff had suggested a change to the fourth recommendation to accommodate councillors providing feedback on the draft submission contained in the supplementary report.

Resolved:

Moved Cr Evans, seconded Cr Hodson, that Council amend recommendation 4 of item 10.6 to read:

Delegate the Chief Executive of Environment Southland authority to make amendments to the final submission based on council feedback on the draft submission contained in the

separate supplementary item. This feedback is to be provide by the close of play on Wednesday, 11 February 2026.

Carried

10.7 Retrospective approval for rates capping proposal

The purpose of this item was to get retrospective approval for Council's submission on the rates capping proposal.

Resolved:

Moved Cr Roy, seconded Cr Pemberton, that Council:

3. receive the report;

4. retrospectively approve Environment Southland's submission on the rates capping proposal.

Carried

11 Extraordinary/urgent business I Panui autia hei totoia pakihi

11.1 Submission to the Government and Administration Select Committee

The purpose of this item was to seek approval from Council to lodge the proposed submission to the Government and Administration Select Committee.

The Government and Administration Select Committee was consulting the public on changes to the Emergency Management Bill. Consultation will close on Sunday, 15 February 2026.

As Councillors had only been provided with a copy of the submission today, Mr Phillips suggested the meeting be adjourned for 15 minutes to allow councillors to read the submission.

3.40 pm – meeting adjourned
3.57 pm – meeting resumed

Mr Roy thanked the meeting for considering this supplementary paper, noting that this was the only available opportunity to put the submission in front of Council.

The key points covered in the submission were:

- essential infrastructure – ensure the definition captures flood protection works, including flood banks and the flood plain between the river and flood bank – all aspects of councils flood works. The need to clarify that flood infrastructure was essential infrastructure was noted;
- animal welfare powers – councillors questioned the situation in regard to animal welfare/business responsibilities and whether this point referred to privately owned animals. Mr Roy noted that the current emergency management act referred to risk of life first, risk to property second and risk to animals third – the new act was trying to provide authority to prevent unnecessary suffering to animals, whether pets, stock or wildlife. Cr Pemberton noted that this area could take a lot of resourcing and suggested more clarity was required. Ms Hicks clarified that the animal welfare as an

emergency response role sat with MPI – the bill was trying to create more powers, clarifying roles and responsibilities in relation to animals in need (domestic or otherwise);

- seeking clarification on who pays for monitoring and coordination of slow building events, i.e. the work done before a declaration is made – "emerging emergencies". It was entirely on local government to meet these costs. The cost to local government in the for recent events had been $82M – this needed to be mentioned in the context of rate capping.

Resolved:

Moved Cr Ludlow, seconded Cr Mathieson, that Council:

1. **receive the report;**
2. **direct staff to draft and submit Environment Southland's submission to the Government and Administration Select Committee based on the key points as outlined in this report and as discussed at the meeting.**

Carried

12 Public excluded business I He hui pakihi e hara mo te iwi

Resolved:

Moved Chair McPhail, seconded Cr Ludlow, that, in accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest/s protected by section 7 of that act, the public be excluded from the following parts of the proceedings of this meeting, namely:

- **Confirmation of public excluded minutes – Ordinary meeting of Council held on 10 December 2025 with the public excluded.**
- **Confirmation of public excluded minutes – Chief Executive's Review Committee held on 27 January 2026 with the public excluded.**
- **Confirmation of public excluded minutes – Integrated Catchment Management Committee held on 28 January 2026 with the public excluded.**

The general subject matters to be considered while the public is being excluded, the reason for this resolution in relation to the matter, and the specific grounds for excluding the public, as specified by Section 48(1) of the Local Government Official Information and Meetings Act 1987 are set out below:

General Subject Matter	Reason for Passing the Resolution	Grounds under Section 48(1)
Confirmation of public excluded minutes 10 December 2025	To protect the privacy of natural persons. To allow Council to carry out negotiations, including commercial and industrial negotiations, without prejudice or disadvantage. To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	S.7(2)(a) S.7(2)(h) S.7(2)(h)

General Subject Matter	Reason for Passing the Resolution	Grounds under Section 48(1)
Adoption of public excluded committee resolutions – Chief Executive’s Review Committee – 27 January 2026	To protect the privacy of natural persons.	S.7(2)(a)
Adoption of public excluded committee resolutions – Integrated Catchment Management Committee – 28 January 2026	To maintain legal professional privilege.	S.7(2)(g)

Carried

Resumed in Open Meeting

Termination

There being no further business, the meeting closed at 4.36 pm.