

Notice is hereby given of the

Regulatory Committee

Wednesday 21 October 2026 at 10:00am

Environment Southland Council Chamber, 220 North Road, Invercargill
26/RC/78

Committee Members

Cr Paul Evans (Chair)
Cr Lyndal Ludlow
Cr Geoffry Young
Cr Alastair Gibson

Cr Jon Pemberton
Cr Maurice Rodway
Cr Roger Hodson
Chair Jeremy McPhail (ex officio)

Agenda

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

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Bruce Halligan

Strategic Regulatory Advisor

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

Terms of Reference

Regulatory Committee | Whakaretea

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

1. oversight of the approval of non-notified resource consent applications;
2. the need for formal review and amendment of existing plans, strategies and by-laws;
3. oversight of the consideration and determination of notified consent applications that are unable to be dealt with via the existing Delegations to staff (via the appointment of qualified hearing panels);
4. the appointment and performance of hearing committees/panels;
5. the implementation of NPS, frameworks, and environmental standards required;
6. the monitoring of regional plans, strategies and bylaws;
7. compliance and enforcement activities, including those relating to permitted activities, resource consents and biosecurity matters.
8. oversight of the Environment Southland inputs to the Fast-Track Approvals Act 2024;
9. oversight of Environment Southland's regulatory responsibilities with respect to contaminated land.

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

Chairman: Cr Paul Evans

Deputy Chairman: Cr Alastair Gibson

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

Quorum: Four

1 Welcome I Haere mai

2 Apologies I Ngā pa pouri

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

3 Declarations of interest

At the time of the agenda closing. No 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 on 5 August 2026.

Minutes of the Regulatory Committee - Whakaretea

Held at Environment Southland, 220 North Road, Invercargill
Wednesday, 5 August 2026 at 10:00 am

Present:

Cr Paul Evans (Chair)
Cr Lyndal Ludlow
Cr Jon Pemberton
Cr Maurice Rodway
Cr Roger Hodson
Cr Geoffery Young
Cr Alistair Gibson
Chair Jeremy McPhail (*ex officio*)

Also Present:

Cr Ewen Mathieson

In Attendance:

Mr Bruce Halligan (Strategic Regulatory Advisor)
Ms Hayley Fitchett (General Manager, Strategy & Regulation)
Ms Lacey Bragg
Ms Donna Ferguson
Ms Kathryn McLachlan
Ms Lucy Hicks
Ms Jolie Hazley
Mrs Rebekah Pankhurst (Meeting Secretary)

1 Welcome I Haere mai

Cr Evans declared the meeting open and welcomed members to the August meeting of the Regulatory Committee. Cr Evans noted that the Committee terms of reference provided for regular liaison with key industries and he was keen that this be progressed.

2 Apologies I Ngā pa pouri

There were no apologies received for this meeting as all members were present.

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

Resolved:

Moved Cr Young, seconded Cr Gibson that the minutes of the Regulatory Committee meeting held on 13 May 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 were no items tabled for inclusion in the agenda as items of extraordinary or urgent business.

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

Neither the Chair nor any Councillors provided reports for the meeting.

9 Reports

9.1 Biosecurity Report Q4

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

A discussion flowed from the report in relation to the adequacy of Environment Southland resourcing for the Fiordland area. Ms Fitchett and Ms Hicks advised the Committee that this would be closely scrutinised as part of the Long-term Plan process, with opportunities for Councillor input.

Resolved:

Moved Cr Ludlow, seconded Cr Hodson that Council receive the report – Biosecurity Report Q4.

Carried

9.2 Consents Division Report Q4

The purpose of this item was to inform the Regulatory Committee of the activities within the consents division during the past (fourth quarter 2025/26 year) reporting period.

Cr Rodway had a specific query in relation to the notification decision for the recent Datagrid consent, asking whether public notification was considered, noting public concerns expressed. Ms Bragg explained that this was considered, however it was determined that the application did not meet the legal tests for notification.

Resolved:

Moved Chair McPhail, seconded Cr Gibson that Council receive the report - Consents Division Report Q4.

Carried

9.3 Resource Management Division Report Q4

The purpose of this item was to inform Regulatory Committee of the activities within the compliance division.

Cr Gibson noted the extent of work being undertaken by the Resource Management team and commended them on this, which was endorsed by other Councillors.

Mr Halligan and Ms Fitchett advised the Committee that the review of the Compliance and Enforcement Policy framework was on hold briefly, pending further clarification through the reform process, of Council's role.

Resolved:

Moved Cr Rodway, seconded Cr Gibson that Council receive the report – Resource Management Division Report Q4.

Carried

9.4 Emerging Regulatory Issues Report

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

Councillors noted the extent of large-scale development across the country now being processed via the fast-track approvals process. Mr Halligan noted that Environment Southland's delegations under the Fast-track Approvals Act provide opportunities for elected representatives to have input to key elements such as substantive comments. This was not the case in all councils but provided an important opportunity for the elected representatives to have inputs to these applications, which often involve major projects. He also undertook to circulate the presentation from the recent Fast-track muffin talk for those councillors who were unable to attend.

Resolved:

Moved Chair McPhail, seconded Cr Ludlow that Council receive the report - Emerging Regulatory Issues Report.

Carried

9.5 New - Appointment of Commissioner

The purpose of this item was to seek and appoint independent decision makers to hear/decide upcoming consent applications.

Resolved:

Moved Cr Ludlow, seconded Cr Pemberton that Council:

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

Carried

Update on Councillor Requests and Actions

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

Resolved:

Moved Cr Ludlow, seconded Cr Gibson that Council receive the report - Councillor Requests and Actions from May 2026 meeting.

Carried

10 Extraordinary/urgent business I Panui autia hei totoia Pakihi

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

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

There was no public excluded business to be considered at today's meeting.

12 Termination

There being no further business, the chairman closed the meeting at 11:45 am.

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

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

9 Reports

9.1 Biosecurity Regulatory Committee Report

Report by: Kathryn McLachlan – Team Leader Marine
 Dave Burgess – Team Leader Biosecurity Animals
 Jolie Hazley – Team Leader Biosecurity Plants
Approved by: Bruce Halligan, Strategic Regulatory Advisor
Report Date: 22 September 2026

Purpose

The purpose of this report is to inform the Regulatory Committee of the regulatory activities carried out under the Biosecurity Act 1993 during 1 July – 21 September 2026.

Summary

The biosecurity team carries out Biosecurity Act exemptions, compliance, and enforcement activity in relation to the Southland Regional Pest Management Plan (SRPMP) and the Fiordland Marine Regional Pathway Management Plan (FMRPMP). Regulatory activity was low over the winter period, with scheduled breaks in place and programme effort focused on annual reporting, along with planning, recruitment, and procurement for the 2026/27 season.

Recommendation

It is recommended that the Regulatory Committee resolves to:

- 1 Receive the report – Biosecurity Regulatory Committee Report.

Background

Biosecurity divisional exemption activities

Exemptions to the SRPMP and the FMRPMP are processed by the biosecurity team under Sections 78 and 98 of the Biosecurity Act 1993. There were no changes to the exemption register this quarter.

Below is a summary of the current exemptions as of September 2026:

Species	Total Current	Approved in Q1 2026/27	In Progress
Bengal cat	27	0	0
Wallaby	1	0	0
Kiore	1	0	0
Undaria	2	0	0
Contorta pine	1	0	0
<i>Spartina</i>	2	0	0
Total	33	0	0

Fiordland Marine Regional Pathway Management Plan

All vessels entering the Fiordland Marine Area (FMA) must have a current clean vessel pass (CVP). Overall, CVP applications were slightly up this quarter, however, these are typically the quieter months which is

reflected in the low numbers.

The Marine Ambassador programme is a partnership between Environment Southland and Biosecurity New Zealand to promote the Protect our Paradise campaign, alongside the Southland-specific rules and messaging. Funding has been secured for the 2026/27 season, and a second ambassador has been appointed. The aim this season is to expand outreach into other regions and spend more time at boat ramps speaking directly to boaties. We hope to see an increase in CVP uptake as more marine users are reached and educated about this important programme.

	Applications received 25/26	Applications received 26/27	Change
July	17	10	▼
August	11	19	▲
September	16	—	—
October	25	—	—
November	29	—	—
December	57	—	—
January	88	—	—
February	65	—	—
March	72	—	—
April	40	—	—
May	33	—	—
June	25	—	—
Total	478	29	▲

Biosecurity divisional compliance activities

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

A single pest plant inspection was carried out under a Good Neighbour Rule, resulting in a Notice of Direction being issued. Further actions are now being considered to resolve the matter.

No marine biosecurity compliance inspections were done this quarter, and the final Notice of Direction was closed. All required actions were completed by the vessel owners, and a Long-term Marine Biosecurity Management Plan is now in place to prevent future issues.

The monthly hull inspection programme for vessels regularly travelling to Fiordland and southern Rakiura from Bluff and northern Rakiura was paused in line with the planned winter schedule. The 2026/27 inspections were scheduled to commence in late September.

Work Programme	Notice of Intent to Enter	Inspections under Section 109	New Notice of Direction	Active Notice of Direction	Completed Notice of Direction	Liens	Prosecution
Pest Animals	0	0	0	0	0	0	0
Pest Plants	0	1	1	0	0	0	0
National Pest Plant Accord	0	0	0	0	0	0	0
Marine pests	0	0	0	0	0	0	0

Fit with strategic framework

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

Attachments

Nil

9.2 Consents Division Quarterly Report

Report by: Lacey Bragg , Consents Manager}

Approved by: Bruce Halligan, Strategic Regulatory Advisor

Report Date: 17 September 2026

Purpose

For the Regulatory Committee to note the Consents division report for the **1 July 2026 to 30 September 2026** period (first quarter 2026/2027).

Summary

- The purpose of this report is to inform the Regulatory Committee of the activities within the consents division during the past (first quarter 2026/27 year) reporting period (**1 July 2026 to 30 September 2026**), with a focus on:
 - emerging consent-related issues;
 - relevant legislative reform;
 - co-ordination initiatives;
 - key challenges;
 - team resourcing.

Recommendation

It is recommended that the Regulatory Committee resolves to:

- 1 Receive the report - Consents Division Quarterly Report.

Background

Current workstreams of note

The joint Department of Conservation/Awarua Rūnaka/Environment Southland consent application relating to the Waituna lagoon has been granted by the three-commissioner hearing panel on 13 October 2025. Parties participated in Court facilitated mediation in late July 2026, discussions are progressing and ongoing.

Legislative reform

As previously communicated, at the time of writing the government remains currently committed to its programme of legislative reform in the environmental area.

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

The most recent update on this is included in the link below: <https://mailchi.mp/mfe.govt.nz/nd2-nes-edm-sep-2026-10349252?e=d0bf3a3362>

The Ministry for the Environment has released further information on the Phase 2 Resource Management Reform national direction package, including amendments to several National Environmental Standards. The

changes are intended to improve consistency, reduce regulatory barriers, and support infrastructure, telecommunications, electricity networks, environmental management, and development activities across New Zealand.

The changes support nationally consistent infrastructure delivery while the Government progresses the transition to the future resource management system.

Further guidance on implementation, transition arrangements, and the new planning system is expected from the Ministry in coming months.

Staff will continue to monitor the final requirements and assess any necessary updates to planning, consenting, and operational processes to ensure alignment with the amended national direction framework.

Co-ordination initiatives

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

- working to ensure consents staff can assist with and understand the recently- introduced fast-track approvals processes;
- a regular focus on internally joined-up approaches to planned workstreams (e.g. intensive winter grazing, wetland initiatives) involving members from policy, communications, resource management and catchment integration;
- continued participation in work streams related to the rollout of farm planning;
- consistent approaches to health and safety – use of the “Take 5” tool to encourage staff thinking in advance to mitigate health and safety risks;
- regular sense-checking of consent conditions to ensure they are effective and clear for resource management staff charged with their enforcement in the field;
- cross-divisional field visits and training opportunities;
- ongoing focus on collaboration for implementation of pSWLP provisions;
- engaging in initiatives to share and receive information directly with the policy division.

Key challenges

Workforce

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

Ongoing and interim support for consent processing is available through external consultants on an as required basis. There is considerable pressure on skilled consents staff at a national level, so attracting and retaining consents staff is an important ongoing focus.

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

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

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

Divisional activities

The activities of the consents division in the reporting period from 1 July to 10 September 2026 are summarised as follows:

General

- 63 new applications lodged;
- 86 decisions made (including incomplete returns and withdrawals);
- timeframe compliance over the period is 94% (six decisions on applications are recorded as over timeframe). This includes situations where the processing timeframe has been extended with the applicant's agreement (e.g., where draft conditions have been supplied to the applicant for feedback).
- 87.3% of applications lodged during the reporting period are being processed in-house. (*Note: twenty-four applications currently being processed are being supported by external consultants*);
- Three of the six applications that exceeded the available processing timeframe did not result in a discount in processing costs due to not meeting the requirements of the discount regulations. The exceedances related to the time taken to resolve the Maitai water allocation correction, and workloads.

Team matters

- the consents team has supported Fiordland Marine Guardians meetings and has provided regular reporting on consents activities. The next meeting is scheduled for November 2026;
- the team has continued to receive enquiries related to ongoing changes in legislative direction.
- the team has responded to a number of LGOIMA requests for consent-related information. Some of these requests have been extensive and complex and have involved considerable staff time; as was also discussed at the previous meeting of the Committee.

Applications lodged and in progress

Processing of consents has largely kept pace with the number of applications lodged. The volume of applications lodged during the period has decreased in comparison with the previous period (101).

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

Table 1: Summary of current and recent consent processing activity

Applications lodged 1 July 2026 to 30 September 2026	63
Applications in progress	110
Applications currently publicly notified	4
Applications currently limited notified	4
Applications limited or publicly notified under S.91A suspension	3
Applications on hold for >15 working days	60
Applications awaiting written approvals	17

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

Non-notified decisions made	82
Limited notified decisions made	2
Publicly notified decisions made	1
Total applications withdrawn within date range	1
Total applications declined within date range	0
Incomplete applications returned	0

In addition to applications received and processed, the consents division received 148 individual enquiries for the reporting period.

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

Applicant	Activity	Status
S Ellis and M Kuster	Commercial surface water activity	Limited notified. Submissions closed on 11 August 2021. Two submissions received. A hearing is scheduled for 17 November 2026.
Gravity Fishing Limited	Commercial surface water activity	Publicly notified. Submissions closed on 25 August 2022. Submissions received. The processing of the application is currently on hold awaiting a hearing deposit. The applicant asked for further time before the matter proceeds. A further update has been requested. The applicant has been advised in accordance with RMA S92AA failure to respond may result in the application being returned incomplete.
C Harpur for Southwest Marine Services	Commercial surface water activity	Publicly notified. Submissions closed 17 August 2023. Two submissions received. Application suspended under s91A, staff have followed up with the applicant and are awaiting response. The applicant has been advised in accordance with RMA S92AA failure to respond may result in the application being returned incomplete.
Southland District Council – Edendale-Wyndham	Wastewater treatment plant discharge	Publicly notified. Submissions closed 30 August 2023. Four submissions received. Application suspended under s91A. The Applicant has indicated that consultation with submitters is ongoing. The Applicant is assessing the proposal following the enactment of WEPS (Water Services (Wastewater Environmental Performance Standards) Regulations 2025)
Southland District Council – Balfour	Wastewater treatment plant discharge	Publicly notified. Submissions closed 15 September 2023. Two submissions received. Application suspended under s91A. The Applicant has indicated consultation with submitters is ongoing. The Applicant is assessing the proposal following the enactment of WEPS (Water Services (Wastewater Environmental Performance Standards) Regulations 2025)

Mary Lorio and Tarora Trustee Limited - for Tarora Southern Trust	Divert Water and Discharge to Water	Publicly notified. Submissions closed 3 December 2024. One submission received. Application suspended under s91A. The submitter has withdrawn its submission on 15 December 2025. The application was granted by an independent decision-maker on 3 August 2026.
Meridian Energy Limited	Coastal structure	Limited notified. Submissions closed on 26 March 2025. One submission received. Staff are currently liaising with the applicant on proposed draft conditions.
Z Energy Limited	Industrial related activities	Limited notified. Submissions closed on 15 April 2026. One submission was received. Staff are currently liaising with the applicant on next steps.
Mitre Peak Cruises Limited	Commercial Surface Water Activity	Limited notified. Submissions closed on 4 May 2025. Three submissions were received. A hearing is scheduled for 17 November 2026.

Timeliness of decisions

As referred to above, the division's work reported 94% on time. This includes situations where applications are placed on hold at the applicant's request and where the applicant agrees to a timeframe extension, as provided for under Sections 37-37A of the Resource Management Act 1991.

Fit with strategic framework

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

Attachments

Nil

9.3 Resource Management Division Quarterly Report

Report by: Donna Ferguson, Resource Management Manager

Approved by: Bruce Halligan, Strategic Regulatory Advisor

Report Date: 22 September 2026

Purpose

For the Regulatory Committee to note the compliance division report from 1 July to 13 September 2026.

Summary

The purpose of this report is to inform the Regulatory Committee of the activities within the compliance division, with a focus on:

- current topical issues
- emerging issues
- co-ordination initiatives
- key challenges

activity of the compliance division during the past reporting period.

Recommendation

It is recommended that the Regulatory Committee resolves to:

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

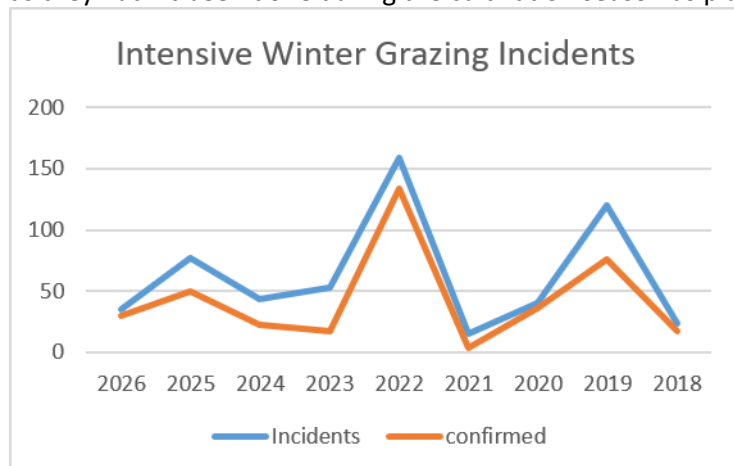
Current topical issues

Intensive Winter Grazing

During the reporting period we undertook an additional 16 consent inspections related to intensive winter grazing. We also responded to an additional 21 winter grazing-related incidents for a total of 35 so far this winter grazing season.

Each year at the end of the intensive winter grazing season we do a debrief on the season and begin planning for the next season. As part of this, we have pulled some statistics on incidents logged compared with incidents that have been confirmed as a breach.

The noticeable peak in 2022 was when the resource management team did proactive roadside assessments, as they hadn't been done during the cultivation season as planned.



Compliance Monitoring Report

The Resource Management team has been compiling our annual Compliance Monitoring Report. The report includes performance summaries for individual significant industries and specific activity types, as well as summaries of some of the work undertaken by the Resource Management Team, including incident response and enforcement. This will be presented to Council in either October or November.

Whitebait Stand Inspections

The team completed the bulk of the whitebait structure inspections the week of the 7 September, with inspections on the Awarua and Hollyford Rivers being completed on 17 September. These inspections, while graded low-risk, ensure that the structures are maintained to a state of good repair, appearance and condition and that the structures have the required details prominently displayed. This is important as whitebait stands are not solely used by the consent holder and any member of the public can access and use these if the consent holder is not present.

This year NZ Police did not attend the inspections on Hollyford and Awarua Rivers so we took the opportunity of a spare seat and took the Chief Executive on these inspections with us to see work done and some of the varied terrain we get to work in at times. It was an early start with a drive to Te Anau, helicopter and jet boat rides and some rough tramping but all inspections were completed and everyone returned safely and on schedule.

At the end of the inspections 92% of the consents inspected were fully compliant.



Synthetic Nitrogen Reporting

The team have received and assessed 941 synthetic nitrogen application submissions, of these 39 were non-compliant for late submission and three were non-compliant for overapplication, the highest recording of which was 210.88kg/ha/yr

As of the date of submission, 23 properties had not supplied their data and were sent a reminder with two additional weeks to do so. Following this reminder eight consent holders provided their data leaving 15 consent holders with data outstanding who were issued non-supply of data fees with one week to provide the data. Following the issuing of the non-supply of data fee an additional nine consent holders provided their data. The remaining six have been referred to the enforcement team and are under investigation.

Activity of the Division

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

Type	Total	Grade 1	Grade 2	Grade 5	Grade 10
Dairy discharge consent inspections	295	245	23	23	4
Land use consent inspections	227	191	12	22	2
Winter grazing consent inspections	16	13	1	2	0
Administrative monitoring	361	311	50	0	0
Whitebait structure inspections	635	584	0	27	24
Synthetic nitrogen reports	941	899	42	0	0
Bore inspection	300				
Certified farm plans	4 (29 total)				
Farm Plan advice letters	215				

* Grade 1 is fully compliant. Grade 2 is low-risk non-compliance. Grade 5 is moderate non-compliance. Grade 10 is significant non-compliance.

Industry monitoring

The first quarter is a busy period for the technical team. Many of the consents we monitor have annual reporting requirements due in July each year. The team have been busy working through these. We also do annual assessments of high-rate water takes while finishing up assessing low-rate water take submissions. Our high-rate monitoring programme was completed. All high-rate water takes that required it had their 2025-2026 abstraction records assessed and reviewed. Compliance rates were high with 71% fully compliant for the year.

304 technical reviews were undertaken during this reporting period:

17 site inspections

287 report assessments

Report assessments are the reading and assessing of all reports submitted by consent holders as required by their consent and site inspections are to check all the physical things that require monitoring and to ensure that what is in the written reports is in place on site.

Enforcement

There were 71 completed enforcement outcomes for this reporting period.

ENFORCEMENT OUTCOME	NUMBER ISSUED	EXAMPLES
Letter of advice	18	indoor burning, outdoor burning, burning of baleage wrap, non-supply of data, IWG, discharge to water, illegal coastal structure
Letter of direction	1	Wetlands
Formal warning	40	IWG breaches for slope, insufficient buffers and cropped and grazed CSA, ongoing failed dairy consent inspections, non-supply of data, coastal structures in disrepair, use of unconsented feed pad

Abatement notice	6	Unconsented water take, permitted activity breach for feed pad, vegetation clearance within 10m of a wetland, discharge to land, overland flow from irrigation
Infringement	5	Outdoor burning, ongoing non-supply of data, over application of dairy effluent, and overland flow from irrigation
Enforcement order	1	
Prosecution	0	

The enforcement order noted in the table above is the Interim Enforcement Orders, which were granted to Council on 7 September 2026 by the Environment Court, and have raised media and social media commentary and are aligned with a current prosecution which is before the Court. As this is before the court we are limited in what we can say to ensure natural justice for all parties involved.

Permitted activities

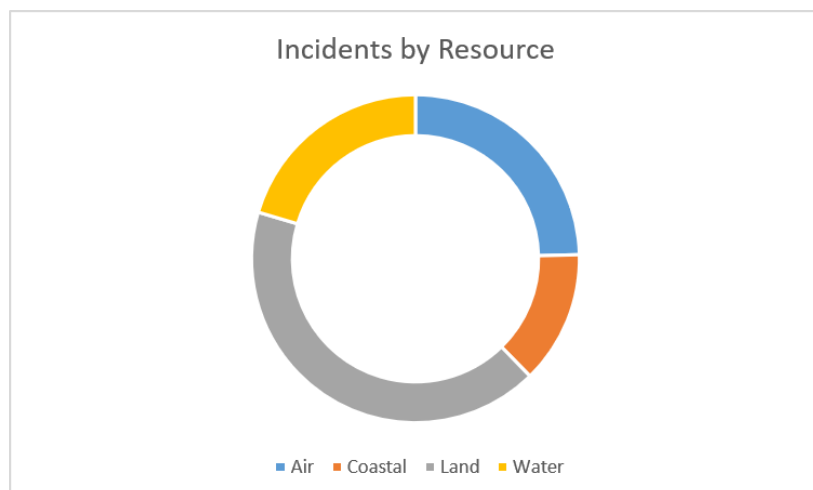
During this reporting period the following permitted activities were identified:

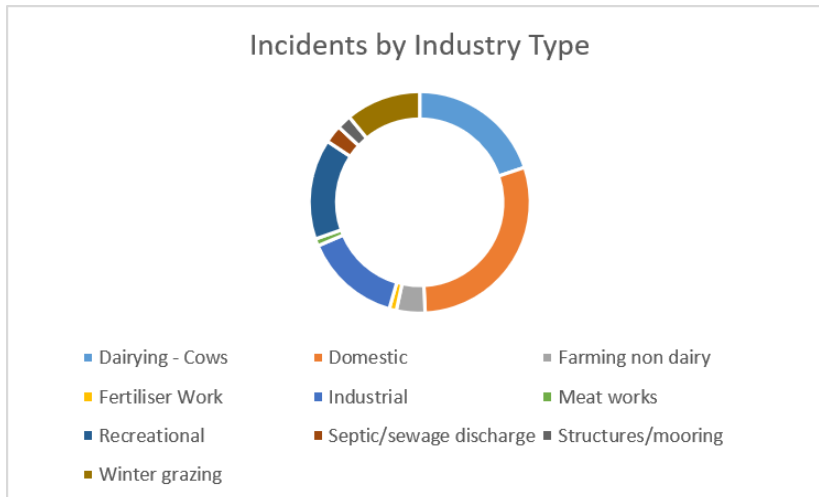
- 19 silage pads
- 4 offal hole/farm landfill
- 13 calving pads
- 2 mooring

Incident response

191 incidents have been recorded for the reporting period – 127 external notifications and 64 internal notifications.

This is an increase on last year for the same reporting period where we logged 140 external notification and 25 internal notifications, totalling 165 incidents logged





**Domestic includes indoor and outdoor burning and odour complaints*

Fit with strategic framework

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

Attachments

Nil

9.4 Emerging Regulatory Issues Quarterly Report

Report by: Bruce Halligan, Strategic Regulatory Advisor

Approved by: Hayley Fitchett, General Manager Strategy and Regulation

Report Date: 24 September 2026

Purpose

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

Summary

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

Recommendation

It is recommended that the Regulatory Committee resolves to:

- 1 Receive the report – Emerging Regulatory Issues Quarterly Report.

Background

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

Emerging issues for this quarter's report are:

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

The Fast-track Approvals Act continues to have high uptake for large scale and significant projects (e.g. housing/land, renewable energy, mining/quarrying and infrastructure), and it is becoming a preferred pathway for large scale projects. Processing times for fast-track processes have been running at circa 118 days on average, as compared to two years plus for standard-track notified resource consents considered under the Resource Management Act.

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

- 34 projects approved by expert panels.
- 17 projects with expert panels appointed.
- 68 projects are currently progressing through the Fast-track process. 34 active substantive and 34 referral applications.
- 68 projects have been referred to Fast-track by the Minister for Infrastructure
- 149 projects are listed in Schedule 2 of the Fast-track Approvals Act, meaning they can apply for Fast-track approval.

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

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

3 Purpose

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

Locally, since the last report to this Committee, the Ngai Tahu Seafoods Hananui Aquaculture Project approvals have been granted-see link below, being the first aquaculture decision under the FTAA:

<https://www.fasttrack.govt.nz/projects/hananui-aquaculture-project/the-decision>

Also, as councillors have been previously advised on 18 August, the Minister for Infrastructure has accepted the referral application of the Hokonui Energy Partnership for a proposed wind farm of up to 83 turbines with associated 30-hectare mixed use industrial area and other associated elements. Therefore, this can now progress by the substantive fast track application pathway, with the applicant having a two-year period to lodge this application. The relevant information can be found here:

<https://www.fasttrack.govt.nz/projects/hokonui-wind-farm>

Also, the Pioneer Energy Group Partnership has applied for fast-track approval for a proposed 8-turbine wind farm in eastern Southland –see link to the application below.

<https://www.epa.govt.nz/fast-track-consenting/nbea-fast-track-projects/jericho-wind-farm>

The Council considered a draft submission on this at a workshop on 23 September 2026, noting that ES FTAA delegations require all fast-track submissions to be approved by the Council, and requested some strengthening changes, which were made. This fast-track process is moving through the system, and ES staff will continue to monitor progress and engage with the panel where necessary.

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

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

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

Fast-track consenting is a rapidly evolving area, and it is important that Environment Southland stays abreast of emerging developments. In this regard, the author is part of a national monthly inter-council forum, coordinated through Environment Canterbury, which provides some excellent learnings and exchange of best practice.

The South Island EPA FTAA panel convenor recently organised an on-line discussion with southern councils in early September 2026. This was well attended and was a useful discussion, with the convenor providing some very useful insights.

The FTAA remains contentious, with several parts of New Zealand dealing with large numbers of these applications and expressing strong concerns about impacts on planning, infrastructure, and future costs. In recognition of this, the Government has enacted changes to the Local Government (Systems Improvement) Amendment Act. These enable councils to make changes to their development contributions regimes to provide additional powers to require development contributions from developers, to offset such costs and to mitigate the potential for ratepayers to bear an undue cost burden from new fast-track developments.

<https://www.beehive.govt.nz/release/development-contributions-strengthened-recover-fast-track-infrastructure-costs>

Public Works Act amendments:

Amendments have been made to the Public Works Act

<https://www.beehive.govt.nz/release/modernising-public-works-act>

The Act has been amended to assist with infrastructure roll out and upgrading and to provide a framework for more negotiated outcomes. This could reduce the need for compulsory acquisition processes, which can sometimes be lengthy and adversarial.

National Direction Changes - general

As committee members are very aware, the government's "Going for Growth" initiatives include a significant programme of regulatory reform which will inform and shape the delivery of regulatory functions. The Strategy and Policy team is strongly focused on monitoring national reform and associated changes and had previously coordinated ES submissions on this legislation. ES has been seeking through the submission process to ensure that any future regulatory regime is framed in such a way as to be appropriate for the context of the Southland region.

On 22 September, the replacement Bills passed their third reading in the house and are hence now moving into law and should have gained royal assent by the date of this meeting. This is captured in the attached Beehive press release from 22 September:

<https://www.beehive.govt.nz/release/rma-era-ends-new-system-passes-parliament>

These amendments are likely to be discussed in more detail in the Strategy and Policy Committee, so it is not intended to duplicate that in this report.

However, it is crucial to ES's regulatory and customer service delivery that ES is proactive and ready in relation to this reform. This is captured in the ES "Regulatory Transformation" Strategic Priority which Hayley Fichett GM Strategy and Regulation is leading. As indicated in the above press release, this reform is by no means a tweaking of the status quo. Rather, it is a fundamental legislation rework of our key environmental statute into new pieces of legislation, which provide, amongst other matters, for greater national standardisation, focus on regional spatial planning, streamlining of planning documents, and more emphasis on permitted activities (*this is not an exhaustive list of key elements*).

Hence, this Regulatory Transformation strategic priority seeks to ensure that ES is fully prepared for this reform and can give full effect to its legislative responsibilities under the new legislation. The reform also changes elements of cost recovery, and this will need to be factored into financial planning.

As indicated in the press release, this resource management system reform transition will take several years to fully embed, as different elements kick in at differing stages. The Committee will be kept informed on progress to implementation as it relates to ES's regulatory functions in future updates.

MCERT has also provided the attached implementation-focused update to Councils which also includes some timing elements:

<https://mailchi.mp/mcert.govt.nz/enactment-edm-6-10349698?e=8c71d9464b>

Fuel situation and implications for ES regulatory functions

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

An in-house regulatory managers' team has been planning and discussing how we may be able to provide some regulatory flexibility if this situation worsens, without compromising our overall regulatory responsibilities. For context, some flexibility has been shown around some regulatory aspects during the previous Covid-19 lockdown, flood, and wind events which were well received. Direct contact has also been made with a range of major customers and stakeholder agencies to gain situational awareness of how this situation is affecting them and potential future issues which could arise with regulatory implications. No specific requests have been received to date. Since the May report, while the price pressure on fuel eased somewhat for a period, at the time of writing prices have risen again significantly recently driven by further tensions in the Middle East. An ES staff member has also been involved in a national forum coordinated through the Ministry of Regulation on this.

Regional regulatory collaboration

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

Harbourmaster / Maritime:

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

Staff are continuing to seek to progress the Memorandum of Understanding with the Otago Regional Council. This is currently going through legal review by both ORC and ES, with the remaining issues having been narrowed. It is hoped that these can be resolved promptly and this can be progressed to a conclusion. This will formalise, and give more structure to, existing informal collaborative arrangements and improve combined resilience.

The maritime team continues to focus on proactively raising awareness of water safety aspects through partnership with Maritime NZ for the 26/27 season. The recreational boating off season provided an opportunity to undertake maintenance on Council vessels, safety equipment, and Aids to Navigation. The focus of ES boating safety education in the next quarter will be ensuring that owners bringing vessels out of winter retirement are checking all systems including safety systems and maintaining or replacing these where necessary; and also focusing on the Super El Nino and the associated potential for boating/ weather conditions to change very quickly.

There have been some national developments on vessel tracking technology, and the harbourmaster is currently working with contractors to install Automatic Identification Systems (AIS) on three sites in Fiordland to monitor vessel traffic in particular cruise ships remotely. This is weather-dependent and hence will be likely to occur over the summer of 2026/2027. The Southland Coastal Marine Area (CMA) is very large, and this could assist with ongoing situational awareness across the CMA. Equipment has been procured and is currently being calibrated prior to installation. A further AIS site is proposed in the near future for Omaui.

Recent reform has been enacted to legislation relating to the use of Lifejackets in order to provide national consistency in relation to requirements. This is not a major change for ES as our bylaw already emphasised this, but should assist with compliance consistency for vessels traversing into the Southland Coastal Marine Area from other regions. See link below:

<https://www.beehive.govt.nz/release/new-lifejacket-legislation-save-lives>

Water Quality and Nitrate

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

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

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

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

As part of this Healthy Catchments work, ES has also been working closely with the Gore District Council in relation to enhancing Science knowledge of the Gore community water supply source.

ES also remains connected to the national discussion on this issue and regional forums.

Biosecurity

The biosecurity team remains connected to national emerging biosecurity issues, with these being covered in the separate biosecurity report on this agenda. Obviously, bird flu remains an ongoing strong focus both nationally and regionally currently.

Fit with strategic framework

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

Attachments

Nil

9.5 Update on Councillor Requests and Actions

Report by: Bruce Halligan, Strategic Regulatory Advisor

Approved by: Hayley Fitchett, GM Strategy and Regulation

Report Date: 24 September 2026

Purpose

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

Summary

Date	Councillor Request/Action	Update
5 August 2026	A discussion flowed from the report in relation to the adequacy of Environment Southland resourcing for the Fiordland area. Ms Fitchett and Ms Hicks advised the Committee that this would be closely scrutinised as part of the Long-term Plan process, with opportunities for Councillor input.	Ms Fitchett and Ms Hicks advised the Committee that this would be closely scrutinised as part of the Long-term Plan process, with opportunities for Councillor input. This remains a strong consideration for the LTP and associated budgetary processes.
5 August 2026	Mr Halligan and Ms Fitchett advised the Committee that the review of the Compliance and Enforcement Policy framework was on hold briefly, pending further clarification through the reform process, of Council's role.	It is still intended to progress this review as part of the broader "Regulatory Transformation" strategic priority. Greater clarity around legislative responsibilities post royal assent of the relevant reform Bills will assist with that. The Committee will be updated on timing in due course.

Recommendation

It is recommended that the Regulatory Committee resolve to:

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

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		

Considerations

Financial implications

Legal implications

Attachments

Nil

10 Extraordinary/urgent business I Panui autia hei totoia pakihi

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