

10 October 2025

Jane Borthwick

Panel convener for the purpose of the Fasttrack Approvals Act 2024 (FTAA)

Kia ora Jane,

Minute No. 2 of the Panel Convenor – FTAA-2508-1095 – Southland Wind Farm - Notification of Convenor's Conference Date

Thank you for your minute dated 3 October 2025 concerning the Southland Wind Farm proposal.

Southland District Council (SDC) confirms that the representatives listed below will be available to attend the Convenor's Conference on 15 October 2025.

- Elizabeth Hovell (*Manager Resource Consent Processing and Acting Group Manager Regulatory Services*)

[REDACTED]

- Neroli Van Zoelen (*Senior Resource Management Planner Consents*)

[REDACTED]

- Ralph Henderson (*Senior Principal Planner*)

[REDACTED]

Please find below SDC's response to the request outlined in the above-referenced minute regarding Schedules 1 and 2. SDC trusts that this information will assist the Panel Convenor in making determinations pursuant to Schedule 3 and section 79 of the FTAA. Please advise if you require any further clarification on the matters raised in this response. We look forward to working with you at the convener's conference.

Nāku noa, nā



Elizabeth Hovell

Acting Group Manager Regulatory Services

FTAA-2508-1095 - Response to Minute 2 - Southland Wind Farm (3 October 2025)

Schedule 1 – Matters to consider when preparing for conference

Approvals

[1] The number and range of approvals sought.

One approval is sought for activities described in Section 9 of the Resource Management Act 1991 (RMA), which would ordinarily be subject to Southland District Council's consent process.

Land Use Consent to enable the construction, operation and maintenance of the Southland Wind Farm, including:

- a. Clearance of approximately 64ha of indigenous vegetation
- b. To construct a new transmission line
- c. To construct new transformers, substations and switching stations that distribute electricity
- d. Earthworks that exceed 1000m² in a 12-month period, works within riparian margins, the discharge of cleanfill and the alteration of ground level by more than 5m in depth or 2m in height
- e. Other activities not provided for in the General Rural Zone

Complexity

[2] The level of complexity will have a bearing on the appropriate frame for decision making and may include:

(a) Legal Complexity: novel or difficult legal issues –

- (i) involve untested law or interpretation of statute;*
- (ii) involve application for multiple approvals;*
- (iii) interface with two or more statutes; and*
- (iv) engage constitutional law and public law.*

(b) Evidentiary Complexity: stemming from the volume, type, or technical nature of evidence –

- (i) include challenges like managing expert reports or dealing with conflicting factual or opinion evidence; and*
- (ii) often involve technical or scientific analysis.*

(c) Factual Complexity: arises from the volume and nature of evidence –

- (i) requires careful management of extensive information or reports, including expert opinion in specialised fields; and*
- (ii) necessitates analysis if technical, scientific, or highly specialised subject matter are involved.*

2(a)(i) SDC doesn't not believe the proposal involves untested law or interpretation of statute.

2(a)(ii) There are several activities within the approval, as described in [1] above.

2(a)(iii) The FTAA requires consideration of regulations and legislative documents established under the RMA, with the following of relevance to the proposal:

- 1) National Policy Statement for Renewable Electricity Generation 2011
- 2) National Policy Statement for Freshwater Management 2020
- 3) National Policy Statement for Highly Productive Land 2022
- 4) Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The applicable regional and district policy statements and plans for classifying the proposed activities are:

- 1) Southland Regional Policy Statement
- 2) Proposed Southland Water and Land Plan (Partially Operative)
- 3) Regional Air Plan 2016
- 4) Operative Southland District Plan

2(a)(iv) SDC does not believe that the proposal will engage constitutional law and public law.

2(b)(i) SDC acknowledges that support for the proposal has been provided by several key parties. While generally supportive, SDC anticipates that its experts may have varying perspectives on some potential effects and may seek further information or discussion regarding the proposed mitigation measures.

2(b)(ii) Thirteen technical reports were lodged supporting the application, each addressing a specific potential effect of the proposal. Topics include:

- 1) Electricity system benefits,
- 2) Economic framing and impacts,
- 3) Landscape and visual assessment,
- 4) Terrestrial and wetland ecology,
- 5) Long tailed bat effects,
- 6) Freshwater ecology,
- 7) Construction effects,
- 8) Noise,
- 9) Transport,
- 10) Archaeology.

The technical documents were reviewed by SDC to enable them to comment on the completeness check required at the time the substantive FTAA application was lodged. However, they have not been examined in depth. SDC acknowledge that since the applicant has lodged its application under the COVID-19

Recovery (Fast-track Consenting) Act 2020 they have incorporated previous concerns raised by the panel decision regarding landscape and visual issues. See [3] for further discussion on this.

2(c)(i) Factual complexity arises from the volume and nature of evidence lodged and will require careful management of extensive information and reports, in addition some of the subject matter is highly specialised and requires analysis which may not be possible for Councils experts in the limited time available.

Issues

[3] Issues identified by the applicant and other participants:

(a) during consultation; and

(b) any disputed fact or opinion, or legal issue, that is or is likely to be of consequence to the determination of the application.

3(a) Potential issues identified during the previous COVID-19 Fast-Track application included acoustic management, as well as concerns about whether the application had adequately identified and mitigated ecological and landscape effects. The status of landscape values at the site was also a matter of contention at that time. SDC acknowledges that the applicant has continued to develop and refine its approach to ecological, biodiversity, and landscape matters since then.

3(b) The effects of the revised earthworks design, and any impacts resulting from changes to the proposal on Council infrastructure, have not yet been assessed.

Panel membership

[4] Consider:

(a) the knowledge, skills and expertise required to decide the application under clause 7(1) of Schedule 3

(b) whether there are factors that warrant the appointment of more than four panel members, such as:

(i) the circumstances unique to a particular district or region; or

(ii) the number of applications that have to be considered in that particular district or region; or

(iii) the nature and scale of the application under consideration; or

(iv) matters unique to any relevant iwi participation legislation.

In respect of 4(a), key skills or awareness that SDC expects would be beneficial to be included within the Panel include:

1) Legal and RMA knowledge given the issues raised above.

2) Understanding of condition drafting to ensure proposal is issued with conditions that are monitorable and enforceable.

- 3) Infrastructure and renewable energy expertise
- 4) Expertise in landscape and ecology
- 5) Cultural understanding – however acknowledging the support for the application by Te Rūnanga o Ngāi Tahu and Papatipu Rūnaka ki Murihiku, SDC are happy for direction on such skills to be provided by these parties.

4(b) SDC considers that no more than four panel members are necessary. Furthermore, if recommendations for panel members are required from SDC, the authority to make such decisions lies with the Group Manager, Regulatory Services, in accordance with SDC's delegations.

Tikanga

[5] Iwi authorities and Treaty settlement entities are invited to advise:

- (a) whether tikanga is relevant to any aspect of the applications for approval.*
- (b) how the panel might receive assistance on those matters.*
- (c) the time required to adequately respond.*

SDC understands that the applicant has undertaken lengthy consultation with Te Ao Marmara during the COVID-19 fast track consenting process. SDC deems it applicable for Te Ao Marmara to lead the advice on this section.

Procedural requirements

[6] Consider and prepare to indicate:

- (a) willingness to engage directly with the panel as necessary to advance progress of the application efficiently (briefings, meetings, conferencing).*
- (b) the timing of expert conferencing or wānanga;*
- (c) the referral of two or more participants or topics to mediation;*
- (d) the requirement for any form of hearing process including:*
 - (i) disputed facts or opinions;*
 - (ii) proposed conditions; or*
 - (iii) legal issues.*

SDC is willing to engage with the Panel as required. Given the range of potential effects associated with this proposal, SDC would appreciate any indication from the Panel of specific topics or areas of interest, so that the appropriate staff can be made available. SDC is happy to engage and discuss matters with the applicant in more detail. SDC has also provided comment on the proposed conditions and acknowledges that the applicant has addressed this feedback in the revised proposal.

SDC considers that much of the focus of upcoming discussions should be on ensuring that the conditions are both appropriate and enforceable. In the context of any hearing process, SDC considers it would be beneficial to allow time for discussion of key matters. The time required will depend on factors such as the number of questions from the Panel, whether evidence is taken as read, and whether, for example, an executive summary is required to be read aloud.

Anything else?

[7] Is there any other information needed to decide time frames or panel composition?

SDC's primary areas of concern relate to noise, infrastructure, associated earthworks, landscape, and ecology. Accordingly, SDC supports the inclusion of a panel member with expertise in Infrastructure/Engineering and Visual Amenity.

Based on previous experience, community sentiment has largely been driven by concerns regarding the visual impact of the proposal. It is therefore essential that the Panel is satisfied that the proposed infrastructure is appropriate for the site, as this is a key factor influencing the 'Visual Amenity' outcomes.

Schedule 2: Participants' estimated timeframe

SDC acknowledges the merit in determining these dates collectively; however, in the interest of providing an initial response to the referenced minute, SDC emphasises that, with respect to providing comments on the draft conditions, a period of 15 working days is requested to ensure adequate time for review by the relevant technical and compliance staff.

There are other sections that SDC think that the applicant would be better placed to comment on whether the timeframes are suitable. SDC are prepared to work with the applicant throughout the process on conditions which may help expediate this process.