
MINUTE OF THE PANEL CONVENER

Advising of the Expert Panel Appointment
Southland Wind Farm – FTAA–2508-1095

(31 October 2025)

Summary of key points discussed

[1] Contact Energy Ltd.’s counsel, David Randal, advises that his client is:

“highly motivated for this panel to have ... the time it needs to do its job properly and to avoid any of the procedural issues that arose last time and to, to make a fair decision and to be seen to be making a fair decision.”

[2] Contact Energy’s Notice of Appeal to the High Court on the March 2025 highlights the importance of time (having enough time) and the observance of the requirements of procedural fairness and natural justice.

[3] Regarding the scale, nature and complexity of this application the following time frames, initially proposed by the Applicant,¹ are not appropriate:

- (a) Ten working days for a panel to release its draft decision.
- (b) Four working days for a panel to evaluate and decide the final form of conditions for five separate approvals together with 15 management plans and to review and finalise its decision.

[4] Where the time frame is being set by the Panel Convener, it must be **appropriate** given the nature, scale and complexity of the approvals sought as (s

¹ Contact Energy Ltd memorandum dated 10 October 2025

79(2)). The time frame is set after the Convener has consulted with the administering agencies.

[5] Section s 79(1) default time frame is not a relevant consideration when the convener is setting time under s 79 (2). The time frame set for other applications is **appropriate** for those other applications. Submissions about the percentage increase above the default time frame or the average time frame across all panels set up to date are unhelpful.

[6] Until the panel receives the applicant's response to comments made by other participants, the final form of the proposal remains unknown. This impacts the panel's ability to evaluate the proposal's expected benefits and adverse impacts.

Convener's conference

[7] A conference was held on 15 October 2025 for the purpose of informing my decisions on:

- (a) the appointment of panel members;²
- (b) the timing of the panel decision.³

[8] A list of persons attending the conference are set out in Appendix A.

Southland Wind Farm

[9] This is an application for the approvals required for all necessary approvals required to construct, operate, and maintain a wind farm (and associated infrastructure) in Slopedown, Southland.

[10] The Wind Farm will comprise up to 55 wind turbines, located over three

² FTAA, schedule 3

³ FTAA, section 79

properties, Jedburgh Station, Glencoe Station and Matariki Forests’ “Venlaw” forestry plantation. The generation capacity for the Project is intended to be between approximately 230-380MW, depending on the turbine model, with a generation output in the range of 850-1,400GWh/annum. Key elements of the application are set out in Appendix B.

[11] The applicant seeks the following approvals:

- (a) Consents
- (b) Wildlife
- (c) Complex Freshwater Fisheries
- (d) Concessions
- (e) Archaeological authority

[12] The application is set out in 92 documents comprising 2,854 pages of text. Included in the application are 15 management plans and five sets of conditions, the conditions alone run to 128 pages.

Engagement

[13] The applicant has engaged with the three local authorities, the Director-General of Conservation, Heritage New Zealand Pouhere Taonga (Heritage NZ), and the Papatipu Rūnanga over a sustained period.

[14] This is the second application lodged by Contact Energy Ltd for a wind farm at Slopedown. The first application was processed under the COVID-19 Recovery (Fast-track Consenting) Act 2020 and was declined in March 2025. Contact Energy has since worked with these participants to refine the proposal and address the information gaps identified during the processing of the declined application.

Heritage NZ

[15] Heritage NZ advised the application filed was complete. Being of low complexity, they are likely to support the approval. Contact Energy supports Heritage NZ's wish to resolve issues prior to the s 51 report being filed.

The Director-General of Conservation

[16] The Director-General flags additional wildlife approvals may be required for protected bird species and long-tailed bats if the effects on them reach the threshold for an offence (in the absence of the approval). This is a matter that the Director-General is likely to comment when invited by the panel pursuant to s 53.

[17] The Director-General observes that the Panel may need to obtain further information on the relevant bird and bat species. I cannot comment on the information the Panel may request, but I caution participants that the Act does not easily lend itself to an iterative style of issue resolution.

[18] An important matter having been raised, it is my expectation that the Applicant and Director-General meet to discuss and agree on whether there is an issue here and, if there is, what further information is to be provided and by when. Ideally, the Director-General and the Applicant will be able to comment pursuant to ss 53 - 55.

[19] Protected birds and bats aside, the Director-General regards the Wildlife Approvals sought for the four lizard species and beetle to be of medium complexity. The concessions and complex fisheries applications to be of low complexity. I note that the Director-General has sought and will be provided by the Applicant further information in relation to concessions and the final round of pre-construction bird counts by the end of October.

[20] Turning to the consent application, the Director-General says this application is of medium complexity. The principal issues that whether the reduction of wetland extent and connectivity will result in fragmentation of the ecosystem, leading to an increase in edge effects. The wetlands are important, and

provide habitat for indigenous birds, lizards and invertebrates species.

[21] The proposed conditions provided in July 2025 are largely acceptable, but the Director-General considers there is room for improvement. Again, I strongly encourage active engagement on conditions and the other matters noted before comments are filed.

Gore District Council

[22] Gore District Council and Contact Energy have maintained consultation following the decline of the Contact Energy's application under the COVID-19 Recovery (Fast-track Consenting) Act 2020. The Gore District Council supports the proposal, advising that the application is thorough and the Council has no significant outstanding issues. Gore District Council also notes that the application is substantial and the evidence filed proportionally complex. The position in agreement on proposed conditions reflects the substantial engagement between Contact and the District Council.

Southland District Council

[23] The key issues of interest for the Southland District Council are in relation to noise, landscape and ecology. I understand that this Council has engaged consultants to review the relevant parts of the application, but it has yet to review the application to ascertain how it has changed since the Covid fast-track proposal and secondly, has yet to assess the effects of the revised earthworks design, and any impacts resulting from changes to the proposal on Council infrastructure.

[24] Southland District Council seeks 15 working days be provided them to respond on conditions (including management plans). The District Council anticipates future discussions will focus on ensuring that the conditions are both appropriate and enforceable. Time should be factored in to allow discussions to be advanced.

[25] The Southland District Council advises that the effect on the landscape, including visual amenity, is likely to be a key issue for landowners and occupiers.

[26] Southland District Council asks that the Panel, when seeking comments, indicate the specific topics or areas of interest, so that the appropriate staff can be made available. The EPA will communicate this message to the Panel chair.

Southland Regional Council

[27] Given its potential to add significant renewable energy generation capacity, Southland Regional Council is broadly supportive of the proposal. The Regional Council's key issues are those in relation to the construction and on-going activities on the wetland complex. In contrast with Contact Energy's unsuccessful application under the Covid Fast-track Act, the Regional Council notes that the applicant has refined its understanding of the wetland complex and refined its supporting information in relation to the proposed earthworks on ecological values, waterbodies and critical source areas. The efficacy of the proposed biodiversity offsetting package will, however, require careful analysis by a panel having the appropriate level of expertise. The Regional Council notes its intention to workshop the proposed offsetting conditions with the Applicant.

[28] Finally, noting the visibility of the proposed windfarm the Regional Council informs me that there are likely to be strong views held by individual landowners and occupiers and others who are not at this conference.

Papatipu Rūnanga

[29] While invited, the five iwi authorities and treaty settlement entities did not attend the conference. I am assured by the applicant that full agreement has been reached with the Papatipu Rūnanga on the proposed conditions of consent (consent conditions include proposed management plans).

Complexity

[30] The extensive engagement between Contact Energy Ltd and the participants at this conference, and the scope of agreement reached between them to date, is an important consideration when deciding the time frame required by the panel. Also relevant is the refinement of the project in response to the March 2025 decision declining the application under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

[31] I respond briefly to matters raised by the Applicant in support of a 10-working day period for the Panel to release a draft decision. Firstly, while agreement may be reached between the participants at this conference, the Panel is required to decide the application on its merits and there will be others invited to participate (e.g adjacent landowners and occupiers). Secondly, this modified proposal is being considered by a different panel under different legislation. Finally, unlike the participants at the conference, the new panel are not familiar with the application or what transpired in the earlier proceeding.

[32] The local authorities and Director-General say aspects of this application gives rise to evidential and factual complexity. This is so, even though they have engaged extensively over a long period of time.

[33] Typical for windfarm proposals, this proposal has evidential and factual complexity. Complexity also arises because the FTAA engages with other statutory regimes for the various approvals applied for, requiring consistency between intersecting conditions and the 15 management plans (if endorsed) across those different regimes.⁴ A considerable volume of expert evidence has already been produced; with more anticipated as comments are received.

[34] I am unable to agree with the participants that the application does not involve legal complexity. As the decisions released to date attest, the Act's

⁴ Applicant's memorandum dated 10 October 2025 at [8].

processes for evaluation and decision-making are rigorous and are unlike the Resource Management Act. The expectation of all participants is high; working well under this legislation requires a focus on the matters of consequence to the decision.

[35] If the panel commences on 5 November 2025, the period for filing comments will close for the applicant on 14 January 2026. As discussed, panel members have planned holidays between 26 January to 16 February 2026. However, during this period, two panel members will be processing the application. Having canvassed the matter with Contact Energy, the decision is to proceed with the expert panel rather than engage other members. I have allowed for this in the time frame.

[36] The appointment of a panel of experts enables rapid identification of the principal issues in contention and either to make findings on those issues or direct appropriate processes to narrow or resolve differences. If there are differences, then the time frame is to be appropriate to either resolve through the processes described in the Guidance Note if necessary. A 35-working day timeframe the release of the draft decision allows for this.

[37] Note: all participants are to plan for other procedural steps being directed by the panel between 26 January to 16 February 2026 (e.g. expert conferencing, supplementary or further reports).

Decision on time frame

[38] Having considered feedback received during the Convenor's Conference, including from the relevant administering agencies, and having regard to the scale, nature and complexity of this application, and the expertise of the panel members, the decision time frame is 64 working days from the date that the applicant is to provide its comments. This is an additional 19 working days compared with the

outer range date proposed by the Applicant.⁵

[39] The panel commencement date, for the purpose of section 53 of the Act is 5 November 2025. The panel will invite comments by 19 November 2025, and comments will be due by 17 December 2025. Subject to the processing of the application being suspended for any of the reasons outlined in section 60 of the Act, the decision on the application will be due on 17 April 2026.

[40] Appendix C sets out the possible timing and sequencing of statutory processes. I provide this to assist participants in understanding my rationale for the time frame. Subject to the timeframes imposed under the Act, it is a matter entirely for the Panel as to how to use the time allocated.

Skills, qualifications and experience of expert panel

[41] Having canvassed the matter with participants at the Convener's Conference I have decided that it is desirable to increase the number of members of the panel, taking into consideration the circumstances set out in clause 3(7)(c) and (e) of Schedule 3.

[42] I appoint the following persons:

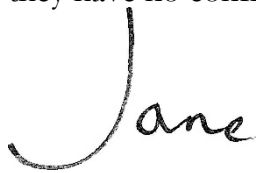
- (a) Ian Gordon (chair)
- (b) Bridget Gilbert
- (c) Dr Roger Young
- (d) Graeme Ridley
- (e) Robert van Voorthuysen (local authority nominee)

[43] The local authorities encountered difficulties identifying a civil engineer to be nominate, nominating instead two experienced resource management

⁵ Based on the applicant's 70-80 working day timeframe I calculate a range of 29-39 days from the date the applicants' comments were received. See Contact Energy memorandum at [45].

consultants. I will appoint their nominee, Mr Robert van Voorthuysen. Given their desire that an engineer also be appointed, I followed up with the local authorities on 28 October 2025. They confirmed the desirability to appoint a member with a strong understanding in earthworks and civil works. I appointed Graeme Ridley.

[44] I have considered the skill set and experience required for the Panel. I have satisfied myself that the panel collectively understands te ao Māori and Māori development (clause 7 of Schedule 3). The panel members have satisfied me that they have no conflict of interests.

A handwritten signature in black ink, appearing to read 'Jane', with a large, stylized initial 'J'.

Jane Borthwick

Panel convener for the purpose of the Fast-track Approvals Act 2024

Appendix A: Persons attending the Convener's Conference

Organisation	Name	Title
Contact Energy Limited (Applicant)	Chris Drayton	Consenting Manager (Contact Energy)
	Steve Harding	Director (Roaring 40s Wind Power)
	Dave Randal	Applicants Counsel (Buddle Findlay)
	Thad Ryan	Applicants Counsel (Buddle Findlay)
	Claire Hunter	Project Planner (Mitchell Daysh)
Ministry for Environment	Alison McLaughlin	Principal Advisor
Heritage New Zealand Pouhere Taonga	Mel Russell	Chief Legal Advisor
Department of Conservation	Asher Cook	Senior Permissions Advisor
	Matt Pemberton	Senior Solicitor
Environment Southland	Bruce Halligan	Strategic Regulatory Advisor
	Lacey Bragg	Consents Manager
Gore District Council	Mishka Banhidi	Senior Planner
Southland District Council	Elizabeth Hovell	Manager Resource Consent Processing and Acting Group Manager Regulatory Services
	Neroli Van Zoelen	Senior Resource Management Planner Consents
	Ralph Henderson	Senior Principal Planner

Appendix B – project description

The Southland Wind Farm Project will include the following key components:⁶

- (a) Construction and operation of up to 55 wind turbines, each up to approximately 7MW in capacity and a maximum blade ‘tip height’ of up to 220m;
- (b) Electrical reticulation, providing electrical connection between the wind turbines and the wind farm substation;
- (c) A wind farm substation to collect the power generated by the wind turbines. This will be located on Jedburgh Station;
- (d) A switching station (also known as GIP) located adjacent to the existing Transpower
- (e) 220kV circuit between Invercargill and Dunedin (the North Makarewa to Three Mile Hill A Circuit);
- (f) An overhead single or double circuit 220kV transmission line between the wind farm substation and the GIP to provide connection to the Transpower National Grid;
- (g) Up to two permanent meteorological masts, each up to approximately 140m in height;
- (h) An operations and maintenance facility located on Jedburgh Station; and
- (i) Construction of roading, turbine foundations and hard stand areas adjacent to each turbine.

⁶ Pt A, AEE, Section 7 at [7.2].

Task	Working Days	Date
Panel commencement	n/a	5 November 2025
Invite comment from invited participants	10 w/d later	19 November 2025
Comments close for participants (ss 53 & 54)	20 w/d	17 December 2025
Comments close for applicant (s 55)	5 w/d later	14 January 2026
Any other procedural steps, evaluation, and decision writing		To be directed by the panel
If draft decision is to approve		
Draft decision and conditions to Ministers (s 72)	35 w/d from receipt of applicant's comments	5 March 2026
Response from Ministers (s 72)	10 w/d later	19 March 2026
Draft conditions and decision to participants		5 March 2026
Participant comments on draft conditions	10 w/d later	19 March 2026
Applicant response to participants on conditions (s 70(4))	5 w/d later	26 March 2026
Applicant response to Ministers comments (if any)		
Evaluate and finalise decision and conditions and release final decision	14 w/d later	17 April 2026