

BEFORE THE PANEL CONVENER

IN THE MATTER of the Fast-track Approvals Act 2024 (**FTAA**)

AND

IN THE MATTER of an application by Contact Energy Limited under section 42 of the FTAA for the Southland Wind Farm

APPLICATION NO. FTAA-2508-1095

**MEMORANDUM FROM THE DIRECTOR-GENERAL OF CONSERVATION
RESPONDING TO MINUTE OF THE PANEL CONVENER**

10 October 2025

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Introduction

1. This memorandum has been prepared on behalf of the Director-General of Conservation (**D-G**). It responds to Minute 2 of the Panel Convener dated 3 October in respect of the Southland Wind Farm application (the “Minute”).
2. The Minute refers to an upcoming conference, to gather participant views, that will inform decisions of the Convener regarding:
 - a) Appointment of panel members.
 - b) The timing of the panel decision.
3. This memorandum addresses the matters identified in Schedules 1 and 2 of the Minute, as relevant to the two decisions required of the Panel Convener set out at paragraph 2 of the Minute.
4. The memorandum focuses on the approvals sought under section 42(4) of the Fast-track Approvals Act 2024 (FTAA) being:
 - a) A concession (section 42(4)(e);
 - b) A wildlife approval (section 42(4)(h)); and
 - c) A complex freshwater fisheries activity (section 42(4)(j)).

Complexity

5. The D-G has reviewed the matters in Schedule 1 of the Minute and considers that the concession component of this Project is of relatively low complexity.
6. The D-G has reviewed the matters in Schedule 1 of the Minute and considers that the wildlife approval component of this Project is of medium complexity because of the potential number of species involved given that approvals have been sought to handle, salvage and relocate lizards and Helm’s stag beetle. Further additional approvals may be required, see para 8 below.
7. The D-G has reviewed the matters in Schedule 1 of the Minute and considers that the complex fisheries activity approval component of this Project is of relatively low complexity.
8. The D-G considers that additional wildlife approvals may be necessary. Protected bird species and long-tailed bats are present in the project area

and (in the absence of required approvals) the proposed actions related to birds and bats could reach the threshold required for them to otherwise be an offence under the Wildlife Act 1953.

9. The D-G wishes to raise this now as this is a new evidentiary/factual concern with the application, and the D-G considers the Panel may need to obtain further information regarding this potential wildlife approval to inform their decisions about the Project
10. In relation to the concession application, the D-G has requested to see further information regarding:
 - a) Whether vegetation will need to be kept away from powerlines during their lifetime.
 - b) In relation to Schedule 6, Clause 3(1)(d)(i) of the Act, consideration of remaining relevant policies within the Southland Murihiku CMS, including those from: 2.7 Lowlands Te Rā a Takitimu Place, 3.1 General and 3.2 Vehicles.
 - c) In relation to Schedule 6, Clause 3(1)(f) of the Act, consideration of the conservation purposes and recreational reasons for which marginal strips are held outside of walking and water access (S24C of the Conservation Act).
11. In relation to the wildlife application, the D-G requests to see further information regarding the final round of pre-construction bird counts conducted in August 2025.
12. The D-G considers the complexity of the resource consent component of the Project is of medium complexity.
13. The D-G considers that the principal issues in contention for the resource consent component are likely to be that there is a loss of extent (area) and connectivity of bog and fen wetlands by this activity. The reduction in wetland extent and connectivity will result in fragmentation of the ecosystem, leading to an increase in edge effects such as weed incursions, drying out, and erosion and potentially impact hydrology. Not only are wetlands important, but they also provide habitat for indigenous birds, lizards and invertebrate species.

14. Contact's drafting of the consent conditions provided to DOC dated 15 July 2025 are broadly acceptable to the D-G, however the D-G believes that improvements could be made through this process.

Appointment of panel members

15. In terms of the D-G's interests, key matters to be considered in this application are effects on absolutely protected wildlife, fish passage, conservation matters dealt with as part of the proposed resource consents (such as lizards, avifauna, bats and wetlands) and the concession.
16. The D-G considers it is appropriate that the Panel Convener appoints a panel that contains relevant ecological expertise, albeit recognising that the Panel would be guided by reports and advice from the D-G and others.
17. An understanding of effects on wildlife and biodiversity values that would be required to assess resource consent issues associated with this project is likely to be sufficient to enable appropriate decision making on the wildlife approval.
18. The D-G considers that, in terms of the D-G's interests, appointing more than the default number of panel members is not required. The D-G recognises that matters outside of the D-G's interests may warrant appointment of additional members.

Issue (b) – Timing of panel decision

19. The D-G agrees that the relevant matters for setting an appropriate time frame for consideration of this Project are the scale, nature, and complexity of the approvals sought, and any other matter raised by the application.
20. The D-G notes further information is required from the applicant regarding the proposed actions related to the birds and long-tailed bats. If a wildlife approval for birds and/or bats is ultimately required, this may impact timeframes for the Panel.
21. Options the Panel may like to consider:
 - (i) the applicant can contact the Department of Conservation (Department) and seek advice on next steps, which may include completing a wildlife approval application through the Department's standard process i.e. not through the FTAA. This is unlikely to delay commencement of the Project and

would mean this issue can be addressed without impacting timeframes for Panel decision making; or

(ii) If a further wildlife approval is required for the Project, the process in section 62 of the FTAA may be appropriate.

22. The D-G recommends that the timeframe for the Panel accommodate any procedural steps that may be necessary to accommodate these options.

Conclusion

23. The D-G's representatives will be happy to elaborate further on any of the above points at the conference set for 15 October at 3:30pm.
24. The D-G's representatives have engaged directly with the applicant to request the further information identified during the completeness assessment and have provided feedback on the resource consent conditions. The D-G confirms ongoing willingness to engage with the applicant and Panel as necessary to advance the progress of the application.
25. The D-G's representatives will attend the conference.

Matt Pemberton
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