Ministry for the Environment
Manatū Mō Te Taiao

FTAA–2504–1041: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Southland Wind Farm

Date submitted:	30 July 2025	Tracking #: BRF–6573	
Security level:	In-Confidence	MfE priority:	Urgent

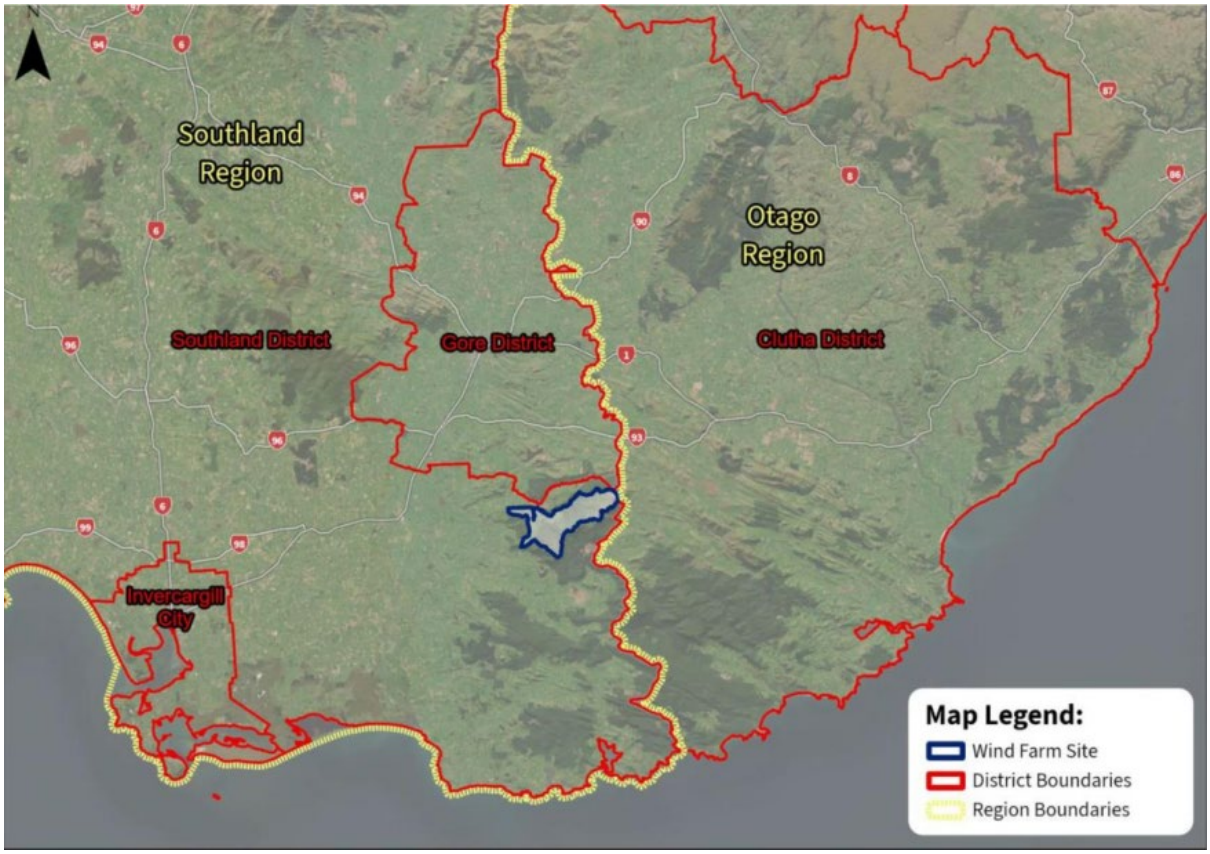
	Action sought:	**Response by:**
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	To be advised

Actions for Minister's Office staff	**Return** the signed briefing to MfE *FTAreferrals@mfe.govt.nz*. **Approved** the attached notice of decisions letter (if signed).
Number of appendices: 8	Appendices: 1. Statutory framework for making decisions 2. Application documents for Southland Wind Farm (refer File Exchange) 3. Stage 1 Briefing Note and decisions (refer File Exchange) 4. Section 18 Report on Treaty settlements and other obligations (refer File Exchange) 5. Section 19 Report on Public Conservation Land (refer File Exchange) 6. Comments received from all parties the Minister sought comments from (refer File Exchange) 7. Draft Notice of Decisions

Ministry for the Environment contacts

Position	Name	Cell phone	1st contact
Principal Author(s)	Max Gander-Cooper, Julian Jackson		
General Manager	Ilana Miller	s 9(2)(a)	

Project location



Key messages

1. This briefing seeks your decisions on the application from Contact Energy Limited to refer the Southland Wind Farm project (the project) under the Fast-track Approvals Act 2024 (the Act) to the fast-track approvals process as a referred project eligible to lodge a substantive application.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first (Stage 1) briefing (BRF–6103) with your initial decisions annotated is in Appendix 3.
3. The project is to establish and operate a 250-350 megawatt (MW) wind farm covering 58 square kilometres of privately owned land on Slopedown Hill in eastern Southland, approximately 30 kilometres southeast of Gore. The project area is partly in both the Southland and Gore Districts, and entirely in the Southland Region.
4. The project includes:
    a. construction and operation of up to 55 wind turbines, each up to approximately 7MW in capacity and a ‘tip height’ of up to 220 metres
    b. electrical reticulation, consisting of underground cables and wind turbine transformers
    c. a wind farm substation to collect the power generated by the wind turbines, located at Jedburgh Station

d. a Grid Injection Point (GIP) station located adjacent to the existing Transpower 220 kilovolt (kV) circuit between Invercargill and Dunedin

e. 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

f. up to two permanent meteorological masts each up to approximately 140 metres in height

g. an operations and maintenance building

h. construction of roading, turbine foundations and "hard stand" areas adjacent to each turbine.

5. The project will require the proposed approvals:

    a. resource consents under the Resource Management Act 1991

    b. concession under the Conservation Act 1987

    c. approval under the Freshwater Fisheries Regulations 1983

    d. archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014

    e. approval under the Wildlife Act 1953.

6. We recommend you **accept** the referral application as the project meets the criteria set out in section 22 and does not appear to involve an ineligible activity.

7. We seek your decisions on this recommendation and on the proposed directions to the applicants and the expert panel, and notification of your decisions.

Assessment against statutory framework

8. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.

9. Before accepting the project, you must consider the application (in Appendix 2), the section 18 Treaty settlements report (in Appendix 4), the section 19 public conservation land report (in Appendix 5), any comments from invited parties (in Appendix), and any document that requires your consideration under section 16 and comply with any procedural requirements under section 16. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons meaning you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

10. The report identifies Te Rūnanga o Ngāi Tahu, Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, and Te Rūnanga o Ōraka Aparima as relevant Treaty settlement entities, and Te Ao Mārama Incorporated as another Māori group with relevant interests as the relevant Māori groups identified under s18(2).

11. The Treaty settlement relevant to this application is the Ngāi Tahu Claims Settlement Act 1998.

12. The settlement recognises the association of Ngāi Tahu with certain taonga species, some of which are found in the project area. Schedule 42 of the Ngāi Tahu Claims Settlement Act 1998 provides for a statutory acknowledgement over the Mataura River, which has

tributaries that emanate from the project area. Neither of these matters place any obligation on you or a panel.

13. The Minister for Māori Development and Minister for Māori Crown Relations supports the application subject to appropriate recognition of the cultural and Treaty rights of Ngāi Tahu, as well as ongoing engagement with identified Māori entities to uphold existing agreements in relation to the application.

14. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Section 16 Effects of Treaty settlements and other obligations on decision-making

15. We do not consider there are any documents that place procedural requirements on you or a panel with regard to this application.

Section 19 Report in relation to use of public conservation land

16. As the area includes public conservation land (PCL), the Director-General of Conservation has prepared a report (see Attachment 5) which sets out:

    a. The following existing arrangements for the administration, access to, or use of the Conservation Area – Waiarikiki Stream, Mimihau:

Holder	ID	Status	Description
Botany Department, University of Otago	48655-FLO	Active	Collect small quantities of Lichen - Nationwide Permit - term sought ten years
Landcare Research New Zealand Limited (National Holder)	CA-31615-OTH	Rolling on	Nationwide research and collection
Individual	71046-FAU	Active	Capture, hold, transfer, release and take samples of all types of lizard species pursuant to Section 53 of the Wildlife Act 1953.
Individual	93529-FAU	Active	Wildlife Authority application to catch and handle lizards while undertaking site management work in all private land in the South Island and all PCL in the South Island (except nature reserves and scientific reserves)
New Zealand Professional	94716-GUI	Active	Nationwide permit for guided fishing

Fishing Guides Association			
Ospri New Zealand Limited	64146-FAU	Active	National authorisation for trapping (leghold, kill and live capture) ferrets and possums on all land managed by the Department or the purpose of Bovine TB Eradication

b. The following existing arrangements for the administration, access to, or use of the DOC Marginal Strip – Mimihau Stream North Branch:

Holder	ID	Status	Description
Landcare Research New Zealand Limited (National Holder)	CA-31615-OTH	Rolling on	Nationwide research and collection
Ospri New Zealand Limited	64146-FAU	Active	National authorisation for trapping (leghold, kill and live capture) ferrets and possums on all land managed by the Department or the purpose of Bovine TB Eradication

17. The following risks and potential liabilities to the Crown that relate to any proposed approvals of the kind described in section 42(4)(e), (f), (l) or (m):
    a. Risk of non-completion, failure, inability to remediate land (report notes this risk is low)
    b. Frustration of pre-existing activities (report notes this risk is low)
18. There are no specific recommendations arising from the report.

Written comments received

19. Comments were received from Southland District Council, Gore District Council, Southland Regional Council, five Ministers, Department of Conservation (DOC), Heritage New Zealand Pouhere Taonga (HNZPT), Hokonui Runanga, Te Ao Marama Incorporated (TAMI), and Transpower New Zealand Limited (Transpower). The key points of relevance to your decisions are summarised in Table A.
20. The key points from the comments are:
    a. Transpower, Hokonui Runanga and TAMI supported project referral
    b. The Minister of Climate Change and Minister for Energy (joint comments from Minister) considered the project supported climate change mitigation and is new regionally or nationally significant infrastructure

c. The Minister for Regional Development considered the project would have a notable economic benefit to the Southland region and deliver regionally significant infrastructure

d. Southland Regional Council and Gore District Council did not oppose project referral and considered the project would have significant regional benefits.

e. HNZPT, DOC, the Minister for Economic Growth, Southland District Council neither supported nor opposed project referral.

f. All relevant authorities confirmed there are no competing applications.

g. DOC neither supported nor opposed project referral but considered the project would have significant adverse effects on the ecological values of the area, and suggested the applicant should provide an improved conditions package with their substantive application if the project is referred.

h. The Minister for Arts, Culture and Heritage responded with no comments on the application.

Further information provided by applicant, relevant local authorities, relevant administering agencies

21. You did not request any further information from the applicant, relevant local authorities or relevant administering agencies under section 20 of the Act.

Reasons to decline

22. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3).

23. We do not consider you must decline this application.

24. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application and these are set out in Table A.

25. We have considered the matters in section 21(4) and this is discussed in Table A, and we do not consider you should decline the project for any of these reasons.

Reasons to accept

26. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral

27. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as it:

    a. is an infrastructure or development project because it involves the development of a new wind farm

    b. it would have significant regional or national benefits because it would have significant economic benefits, will deliver new regionally significant infrastructure and will support climate change mitigation

    c. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because the project would be processed under the FTAA faster than under the standard RMA process

d. is unlikely to materially affect the efficient operation of the fast-track approvals process because the project has been through a previous consenting process under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) so are well advanced in project development and ready to lodge a substantive application.

Other matters

28. We have identified two issues further to the matters identified above and our analysis of these is in Table A.
29. DOC considered the project would have significant adverse effects on ecological values and would be inconsistent with several pieces of national direction under the RMA, including the National Policy Statement on Highly Productive Land (NPS-HPL), the National Policy Statement for Freshwater Management (NPS-FM) and the National Policy Statement for Renewable Electricity Generation (NPS-REG).
30. While section 21(5)(c) identifies that you may decline an application if you consider it would have significant adverse effects on the environment, we consider that the effects of the project are best considered by an expert panel with the benefit of a full application and assessment of environmental effects, which are required by Schedule 5.
31. We also note that substantially the same project was considered by an expert consenting panel under the FTCA and that application was declined, including because:
    a. the panel was not satisfied adverse effects on the important values on the Jedburgh Plateau could be adequately offset or compensated
    b. the project was inconsistent with the NPS-FM, the NPS-HPL and the National Environmental Standards for Freshwater.
32. A decision on this project will be made under a different assessment framework under the FTAA than was made previously under the FTCA. The panel will still be required to consider the project's effects as part of its overall weighting and decision-making.

Conclusions

33. We consider the project meets the section 22 criteria and you could accept the application under section 21 of the FTAA and refer the project to a panel with the specifications outlined below.
34. We consider that if you decide to refer the project, you should specify under section 27 of the Act the following requirements that should apply to the project:
    a. The Chief Executive of Transpower as a person from whom a panel must invite comments from in addition to those specified in section 53
35. The above restrictions are required for the following reasons:
    a. ensuring a panel seeks comments from the entity responsible for authorising the project's connection to the National Grid.

Next steps

36. MfE must give notice of your decisions on the referral application, and the reasons for them, to the applicant(s) and anyone invited to comment under section 17 and publish the notice on the Fast Track website.

37. If you decide to refer the project, MfE must also give notice of your decision to:
    a. the panel convener
    b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
    c. the Environmental Protection Authority (EPA)
    d. the relevant administering agencies.
38. On your behalf we will provide all of the information you received that relates to this application to the EPA and the panel convener, including:
    a. the referral application
    b. any comments received under section 17
    c. the report obtained under section 18
    d. if a report was obtained under section 19, that report.
39. We have attached a notice of decisions letter to the applicant(s) based on our recommendations (refer Appendix 7) and we will provide it to all relevant parties. We will provide you with an amended letter if required.
40. Our recommendations for your decisions follow.

Recommendations

41. We recommend that you:

a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (FTAA) requires you to decline the referral application from Contact Energy Limited if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section or if you are not satisfied that the Southland Wind Farm Project (project) meets the referral criteria in section 22 of the FTAA.

b. **Agree** that before deciding to making a decision on the application for project referral under section 21(1) of the FTAA you have considered:

i. the application in Appendix 2

ii. the report obtained under section 18 in Appendix 4

iii. the report obtained under section 19 of the FTAA (if applicable)

iv. any comments and further information sought under sections 17 and 20 and provided within the required timeframe in Appendix 6.

c. **Agree** you are satisfied the project will meet the referral criteria in section 22 of the FTAA as:

i. it is a development/infrastructure project that would have significant regional or national benefits because it:

- involves the development of a new wind farm
- will deliver new nationally significant infrastructure by providing new renewable electricity generation sufficient to power up to 150,000 homes
- will deliver significant economic benefits by providing up to $280 million to the economy and creating 160-240 direct full-time equivalent jobs
- will support climate change mitigation through the reduction of greenhouse gas emissions by the creating of new renewable electricity generation
- will support recovery from events caused by natural hazards by improving resilience in the national electricity supply.

ii. referring the project would facilitate the project and enable it to be processed in a more timely and cost-effective manner than understand process, by utilising a process which does not involve public notification and limits rights of appeal

iii. referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process because the applicant is well-advanced towards preparation of a substantive application and an expert consenting panel was already able to consider an application for substantially the same project under a previous fast-track regime.

Yes/No

d. **Agree** there is no reason the project must be declined under section 21(3)

Yes/No

e. **Agree** to accept the referral application under section 21(1) and refer all of the project to the next stage of the fast-track process as eligible to lodge a substantive application

Yes/No

f. **Agree** to specify Contact Energy Limited as the person who is authorised to lodge a substantive application for the project

Yes/No

g. **Agree** to specify under section 27(3)(b) of the FTAA:

    i. The following persons or groups from whom a panel must invite comments in addition to those specified in section 53:

        1. Transpower New Zealand Limited

Yes/No

h. **Agree** that MfE must give your notice of decisions to:

    i. anyone invited to comment on the application

    ii. the panel convener

    iii. the Environmental Protection Authority (EPA)

    iv. the following relevant administering agencies:

        1. Ministry for the Environment
        2. Department of Conservation
        3. Heritage New Zealand Pouhere Taonga

Yes/No

Signatures

Ilana Miller
General Manager, Delivery and Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

<table>
<tr><td>Recommendation</td><td colspan="3">Accept and refer</td></tr>
<tr><td rowspan="2">Project details</td><td>Project Name</td><td>Applicant</td><td>Project Location</td></tr>
<tr><td>Southland Wind Farm</td><td>Contact Energy Limited
c/- Mitchell Daysh Limited

The applicant is a legal company and eligible to apply for the relevant approvals</td><td>The project area covers 58km2 of privately owned land on Slopedown Hill in eastern Southland, approximately

30km southeast of Gore. The project area is partly in both the Southland and Gore Districts, and entirely in the Southland Region.</td></tr>
<tr><td>Project description</td><td colspan="3">The project is to establish and operate a 250-350 megawatt wind farm, which is expected to generate sufficient electricity to power 110,000-150,000 households annually.
The project includes:
a. construction and operation of up to 55 wind turbines, each up to approximately 7MW in capacity and a ‘tip height’ of up to 220m
b. electrical reticulation, consisting of underground cables and wind turbine transformers
c. a wind farm substation to collect the power generated by the wind turbines, located at Jedburgh Station
d. a switching station (also known as Grid Injection Point (“GIP”)) located adjacent to the existing Transpower 220kV circuit between Invercargill and Dunedin
e. 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
f. up to two permanent meteorological masts each up to approximately 140m in height
g. an operations and maintenance building
h. construction of roading, turbine foundations and “hard stand” areas adjacent to each turbine

The project will require the following approvals
a. resource consents under the Resource Management Act 1991 (RMA)
b. concession under Conservation Act 1987
c. approval under the Freshwater Fisheries Regulations 1983
d. archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014
e. approval under the Wildlife Act 1953.</td></tr>
<tr><td rowspan="2">Minister invites comments / requests information</td><td colspan="2">Comments from invited parties</td><td>Further information from applicant, relevant local authorities, relevant administering agencies</td></tr>
<tr><td colspan="2">Local authorities
Southland Regional Council
Southland Regional Council (SRC) noted it was closely involved in the previous application under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) and the current application is substantially unchanged from that application.
SRC confirmed there are no competing applications that it is aware of, and no resource consents where sections 124(1)(c) or 165ZI of the RMA would apply.
SRC considered the project is likely to have significant regional and/or national benefits through the provision of additional renewable energy generation capacity; and the flow-on socio-economic opportunities that such additional capacity may enable - including opportunities for existing industries to commence or continue decarbonisation initiatives.
SRC considered that the project generally aligns with the renewable energy provisions of the operative Southland Regional Policy Statement but also noted that there are some elements of the existing regional planning and policy framework which a new panel would need to consider closely, particularly those provisions relating to ecology, wetlands and landscape.
Southland District Council
Southland District Council (SDC) noted there are no competing applications that it is aware of and no consents under sections 124(1)(c) or 165ZI of the RMA.
SDC noted it neither supports nor opposes project referral, reflecting the mixed views of Southland residents and the restriction the FTAA has on the notification process. SDC’s neutral position is based on the understanding the effects of the proposal can be managed, the anticipated local economic and social benefits the development and ongoing operation of the windfarm will provide for the district, and the contribution additional sources of renewable energy will make to reducing carbon emissions.
Gore District Council</td><td>N/A</td></tr>
</table>

	Gore District Council (GDC) noted there are no competing applications it is aware of, nor are there any consents under sections 124(1)(c) or 165ZI of the RMA. GDC considered the project would have regional or national benefits and align with the Southland Regional Policy Statement, National Policy Statement for Renewable Electricity Generation, Operative Gore District Plan and Proposed Gore District Plan. GDC also noted the Construction Traffic Effects Assessment provided by the applicant with their FTCA application refers to a route to deliver the turbines which would not be feasible due to the dimension of the turbines and should be updated. *Ministers* **Minister for Regional Development** The Minister for Regional Development considered the project will deliver new regionally or nationally significant infrastructure and will deliver significant economic benefits. The Minister noted the regional – and potentially national – significance of the infrastructure would likely come from the opportunity it poses to attract and support wider investment and industry, for example ongoing discussions of a large data centre near Invercargill which would require significant energy input. The Minister also noted an increase in generation capacity could have positive implications regionally by increasing the supply and reducing the cost of power for consumers. **Minister of Climate Change/Minister of Energy** The Minister of Climate Change and the Minister of Energy provided combined comments and considered the project would support climate mitigation and would make a significant contribution to renewable energy supply and add resilience to the energy system. The Minister(s) considered the project would deliver new regionally or nationally significant infrastructure. **Minister for Economic Growth** The Minister for Economic Growth noted the project would be the largest wind farm planned in New Zealand to date, and referred to the economic benefits of job creation, contribution to GDP, and the impact increasing energy supply would have on creating downward pressure on prices. **Minister for Arts, Culture and Heritage** The Minister for Arts, Culture and Heritage responded with no comment on the application. *Māori Groups* **Te Ao Mārama Incorporated** Te Ao Mārama Incorporated (TAMI) provided comments on behalf of Ngāi Tahu ki Murihiku, and supported project referral provided the application is on the same basis as the application made under the FTCA. TAMI also noted the project site is in an area of deep connection and association for Ngāi Tahu, and that Ngāi Tahu ki Murihiku and the applicant have reached agreement on consent conditions and matters which cannot be mitigated by consent conditions. **Hokonui Rūnanga** Hokonui Rūnanga supported project referral on the same basis as TAMI and noted the same agreements have been reached with the applicant. *Administering agencies* **Heritage New Zealand Pouhere Taonga** Heritage New Zealand Pouhere Taonga (HNZPT) noted an archaeological authority is required for the project and requested that HNZPT is invited to provide comment on a substantive application. We note the FTAA would already require this so no specific direction is required. **Department of Conservation** The Department of Conservation (DOC) did not comment on whether it supported project referral but provided extensive comments. DOC referred to the previous decision under the FTCA and noted that the expert consenting panel in that case declined the project, including because of: • the impact on the Jedburgh wetland which could not be offset or compensated for • the significant value of the Slopedown Outstanding Natural Feature (ONF) • the failure to meet the tests in section 104D of the RMA. DOC also provided comments on a range of adverse effects, including effects on: • avifauna, noting an Avian Management Plan should be provided with a substantive application and stating that the applicant's proposed mitigation measures will not mitigate risks such as bird collision and pest impacts • bats, noting the applicant's proffered conditions would avoid, remedy, mitigate and compensate for effects on long-tailed bats • invertebrates, noting the project would have adverse effects on stag beetles and recommending further surveys and baseline data is collected • herpetofauna, noting if Green skink (Threatened – Nationally Critical) or Tautuku gecko (At Risk – Declining) are found, they will need full protection for each individual – such as the development of a fully pest-free fenced enclosure of at least 5ha of suitable habitat while the wind farm is operative, or translocation to a suitable pest-free offshore island. A wind farm footprint (not envelope) approach should also be undertaken in order to have more certainty about avoidance and minimisation of potential effects on herpetological values	

	• Indigenous vegetation and wetlands, noting the project would result in the fragmentation and loss of complex ecologically significant indigenous vegetation and wetlands including bog and fen wetland on the Jedburgh Station plateau. Avoidance and minimisation need to be properly assessed before biodiversity offsetting can be proposed. The applicant has proposed to minimise the effects on bog and fen wetland, however there will still be a loss of 0.72 ha of bog wetlands and 1.97 ha of fen wetlands. However, the applicant has not proposed to compensate for this loss and have instead proposed biodiversity offsetting. Proposed enhancement of copper tussock wetlands is inadequate as it would not be a "like for like' offset. The applicant needs to reassess the ecological / biodiversity values on site and reconsider how the applicant will avoid, minimise, compensate and possibly offset for the loss of these values. DOC noted the project will not be inconsistent with the provisions of the Southland Murihiku Conservation Management Strategy provided there are no adverse effects on threatened or at-risk species. DOC noted the project is inconsistent with the National Policy Statement for Freshwater Management (NPS-FM) and the National Policy Statement for Highly Productive Land (NPS-HPL) under the RMA. DOC considered the project would have significant adverse effects on the ecological values of the area, and the applicant should provide an improved conditions package with a substantive application for the project. *Other persons or groups* **Transpower New Zealand Limited** Transpower New Zealand Limited (Transpower) supported the project as it proposes renewable electricity generation and will support climate mitigation. The project will also deliver new regionally or nationally significant infrastructure. Transpower noted the applicant proposes to connect to the National Grid via a Grid Injection Point adjacent to the North Makarewa to Three Mile Hill A line, and have agreed this is an acceptable connection arrangement. Transpower is not aware of any barriers to the applicant delivering the project.	
The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]	Based on the information in the application, we consider the project is eligible for referral because: • it would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title and consultation with iwi authorities • it would not occur in a customary marine title area or protected customary rights area as it is not in the common marine and coastal area • it is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because it will not occur in the common marine and coastal area • would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not require an access arrangement • would not be prevented by section 165J,M, Q, ZC or ZDB of the RMA <because it will not occur in the common marine and coastal area • would not occur on Schedule 4 land as confirmed by the records of title • would not occur on a national reserve as confirmed by the records of title • would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the record of title • is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA as it does not involve any of the relevant activities • is not for the purpose of an offshore renewable energy project because it will not occur offshore. No comments raised by parties invited to comment have indicated that the project would be ineligible for referral.	
The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]	We consider you have sufficient information to inform your referral decision.	
Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coast Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]	N/A	

Section 22 assessment criteria	
The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]	The Minister may consider any of the following matters, or any other matters the Minister considers relevant. *Assess the factors that are relevant to the application. How is the factor relevant and is it being met by the project?* *The project has been identified as a priority project in a central or local government, or sector plan or strategy or a central government infrastructure priority list [s22(2)(a)(i)]* While the project has not specifically been identified as a priority project in a strategy or plan, the applicant considers that the project will contribute to New Zealand's climate change targets that are set out in central government policies and plans, including assisting the New Zealand government to meet: • the emissions reduction target established by the Climate Change Response Act 2002 of reducing New Zealand's greenhouse gas emissions (except biogenic methane) to net zero by 2050 • the targets for the energy system set out in the Emissions Reduction Plan, including the Government's target of reaching 50% of total final energy consumption from renewable sources by 2035 and the aspiration of transitioning to 100% renewable energy generation by 2030 • the target of doubling New Zealand's renewable generation capacity as set out in the National Party's 'Electrify NZ Policy'. We do not consider this satisfies section 22(2)(a)(i) and you should not use this as a basis for referral. *Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]* The generation capacity for the project is intended to be approximately 250-350MW with a generation output in the range of 900-1,200GWh/annum, which is sufficient electricity to power 110,000-150,000 households. On this basis, the applicant considers that this infrastructure project will deliver a new nationally significant source of renewable electricity. SRC, Transpower and the Minister of/for Regional Development, Energy and Climate Change agreed with this assessment. *Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]* The applicant notes that while the project does not directly contribute to the supply of housing, and is not located within an urban environment, it would provide access to secure, sufficient, affordable and reliable renewable electricity. As sufficient electricity generation will be required to support the projected increase in housing supply in Southland and New Zealand, the applicant therefore considers that the project is of critical importance to meeting housing needs and to the functioning of urban environments. We do not consider this satisfies section 22(2)(a)(iii) and you should not use this as a basis for referral. *Will deliver significant economic benefits [s22(2)(a)(iv)]* The applicant considers that the project will bring significant economic benefits to local communities and New Zealand, adding an estimated $230 million to $280 million to the economy. It will create 160-240 direct jobs in Southland during construction, equivalent to 80-120 annual jobs, and 10-14 full-time operational roles post-commissioning. Additional contractor roles will support various maintenance and operational activities. The project is expected to spend $8 million to $12 million annually on operations, with over half spent locally. It will enhance the resilience and diversity of New Zealand's electricity supply, support local industries transitioning from fossil fuels, and help reduce electricity costs. For these reasons, the applicant considers the project's contribution to renewable electricity will deliver significant economic benefits. The Ministers for Regional Development and Economic Growth, SDC and SRC agreed with this assessment. *Will support primary industries, including aquaculture [s22(2)(a)(v)]* The applicant considers the commercial viability of New Zealand's primary industries is underpinned by having a reliable and efficient supply of electricity, with its long-term sustainability dependent on increasing the supply of electricity. The applicant notes Transpower and the Energy Efficiency & Conservation Authority have undertaken considerable analysis confirming that the primary sector and other businesses in Southland will increasingly convert to using more renewable electricity in the future. Relying on this analysis, Transpower has identified that the Otago-Southland region has many industries with considerable potential to decarbonise, which would increase electricity demand. The applicant considers new renewable generation is needed in Southland to support this transition, and therefore the project will contribute to supporting primary industries. No parties commented on this matter, and without quantification of the benefits to the primary sector we do not consider you should use this as a basis for referring the project. *Will support development of natural resources, including minerals and petroleum [s22(2)(a)(vi)]* The project will utilise a natural resource (wind) to generate electricity. Due to the quality of the wind resource at the site, the applicant expects the wind farm to be generating electricity for about 92% of the time. As such, the applicant considers that the project will enable the use of this natural resource to ensure it is used in the most efficient way and meet the electricity needs of New Zealanders. *Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]* The applicant considers that the project will positively contribute to New Zealand's efforts to mitigate climate change by providing a new source of renewable energy and provide a significant contribution to reducing greenhouse gas emissions. The key reasons for this consideration by the applicant are: • the project supports New Zealand's targets of achieving 50% renewable energy consumption by 2035 and net zero carbon emissions by 2050. This aligns with the broader national strategy for climate change mitigation • the project aims to electrify sectors currently dependent on fossil fuels and develop new renewable energy sources, specifically wind farms. This shift aims to reduce greenhouse gas emissions compared to electricity generated through non-renewable sources • the project contributes to the required 5,700MW of new wind generation capacity needed to reach net zero by 2050 • the project is expected to break even in carbon terms within a few years of commissioning, meaning it will offset the carbon emissions from its creation relatively quickly. SDC, SRC and the Ministers for Energy and Climate change agreed with this assessment. *Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]*

	The applicant considers that the project will be critical in the recovery from natural hazard events, as the project will contribute to strengthening New Zealand's resilience by increasing the supply and diversity of electricity generation sites. *Will address significant environmental issues [s22(2)(a)(ix)]* The applicant acknowledges that climate change is a significant environmental issue that New Zealand faces. The applicant considers that the project will provide a major new source of renewable electricity, which is needed in New Zealand to support the decarbonisation of New Zealand's economy and reduce reliance on coal. *Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]* A high-level assessment of the local and regional planning documents relevant to the project has been provided with the application. The applicant considers the project is consistent with the Southland Regional Policy Statement, Southland Water and Land Plan, Southland District Plan, and Gore District Plan, because these planning documents recognise the value and importance of renewable electricity generation activities at a local, regional and national level. The relevant authorities generally agreed with this assessment.
Referring the project to the fast-track approvals process [section 22(1)(b)	*Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]* In mid-2023, Contact Energy Limited applied to the Minister for the Environment for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020 ("Covid-19 Fast-track Act"). Later that year, Contact submitted its substantive application to the EPA for resource consents for the Southland Wind Farm project under the Covid-19 Fast-track Act. This process concluded with a decline of consent, which the applicant states has resulted in significant delays to project delivery dates. The applicant considers using the fast-track approvals process will expedite the project more effectively than under standard processes under the RMA and other legislative requirements. *Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)* The applicant has indicated that, due to their prior application under the Covid-19 Fast-track Act, they are well advanced in project development. They have prepared a resource consent application, including supporting technical assessments. Consequently, the applicant considers that the project will not significantly impact the efficiency of the fast-track approvals process.
Reasons to decline	
Minister <u>must</u> decline [section 21(3)]	**Minister may decline [section 21(4) and 21(5)(a-h)]**
The Minister <u>must</u> decline a referral application if: *The application may not be accepted under subsection 1 (meets referral criteria)* We consider the project meets the referral criteria. *The Minister is satisfied the project involves an ineligible activity* We have not identified any ineligible activities included in the project scope. *The Minister considers that they do not have adequate information to inform the decision under this section* We consider you have adequate information to inform your referral decision. We **do not** consider that you must decline the application under this section.	*The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.* *Reasons to decline a referral application under subsection 4 include, without limitation:* *The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement* Neither the section 18 report nor any comments from Māori groups indicate this would be the case. *It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts* No comments provided by parties invited to comment indicate this would be the case, and we note an application for substantially the same project has been considered under an alternative fast-track regime, albeit with a decline decision being issued. *The project may have significant adverse effects on the environment* DOC considered the project would have significant adverse effects on ecological values, and this appears to be consistent with the findings of the previous expert consenting panel which considered the application under the FTCA. However, we consider that an expert panel is best placed to consider the adverse effects of the project, as it will have the benefits of a full assessment of environmental effects including assessment of ecological effects and updated conditions. A panel will also be able to consider whether options are available to avoid, remedy, mitigate, offset or compensate for adverse effects. We also note an expert panel appointed under the FTAA will be deciding under a different statutory framework than the previous panel under the FTCA. We therefore do not consider you should decline the application on this basis. *The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals* No comments from invited parties identified this is as a potential reason why you should decline the application. *The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes* This matter was not raised by the Minister for Treaty of Waitangi Negotiations under the previous FTCA application. *The project includes an activity that is a prohibited activity under the Resource Management Act 1991* The project does not include any prohibited activities under the RMA. *A substantive application for the project would have one or more competing applications.* No authorities or agencies have identified any competing applications, and we note the EPA will check this prior to providing a substantive application to the panel convener. *In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a* No relevant authorities have identified this as the case. We **do not** recommend you decline the application.

Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Man Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
    a. Give the document the same or equivalent effect through this process as it would have under any specified Act; and
    b. Comply with any applicable procedural requirements.
3. You must decline a referral application if:
    a. you are satisfied the project does not meet the referral criteria in s22
    b. you are satisfied the project involves an ineligible activity (s5)
    c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in s21(5) and even if the application meets the s22 referral criteria.
5. You can decline an application before or after inviting comments under s 17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at this initial stage you must copy the application to, and invite written comments from:
    a. the relevant local authorities,
    b. the Minister for the Environment and relevant portfolio Ministers
    c. the relevant administering agencies
    d. the Māori groups identified by the responsible agency
    e. the owners of Māori land in the project area:
    f. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.