

**BEFORE THE PANEL**

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

**AND**

**IN THE MATTER** of an application for resource consent approvals  
under the FTAA for the Southland Wind Farm

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**RESPONSE OF THE ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED TO  
PANEL MINUTES 7 AND 7A**

**9 February 2026**

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1. The Environmental Defence Society (**EDS**) thanks the Panel for an opportunity to comment on the relevance and application of recent changes to resource management national direction on the Southland Wind Farm Project (**Project**).
2. EDS has read the Panel's Minutes 7 and 7A and the responses published on the fast-track website from the Gore District Council, Southland District Council and the Southland Regional Council. It has also read the evidence of Claire Hunter and Megan Hankey (planning) on behalf of the Applicant which addresses the amended national direction package.<sup>1</sup>
3. EDS's response is as follows:
  - a. The only national direction amendment applicable to the Project is the National Policy Statement for Renewable Electricity Generation Amendment 2025 (**NPS REG**):
    - i. The National Policy Statement on Indigenous Biodiversity (**NPS IB**) does not apply to renewable electricity generation (**REG**). No policy intention contained within the NPS IB, as originally drafted or as amended, should be carried over to REG activities.
    - ii. The National Policy Statement for Freshwater Management Amendment 2025 (**NPS FM**) and the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025 (**NES-F**) only apply to quarrying activities and the extraction of minerals and ancillary activities. The Project does not include these activities.
  - b. Policy F of the NPS REG is relevant to the Project given part of it is located within an area of ecological significance. It states that decision-makers must enable REG assets and activities in all locations and environments, but that when those assets and activities are located in, or likely to have adverse effects on, section 6<sup>2</sup> values, the Policy must be "read alongside" other relevant planning instruments.
  - c. The direction to "read alongside" has been constructed to ensure that the effects management provisions in other planning instruments, including other national direction and regional and district planning documents, are retained. This means that the direction in Policy F to enable REG assets and activities does not override any "avoid" or other directive provisions in other instruments. Rather, structured analysis of the plan provisions (as per the Supreme Court's *East West* decision) is required.

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<sup>1</sup> Paragraphs [76] – [103]

<sup>2</sup> Resource Management Act 1991, s 6

- d. Once the outcome of that structured analysis undertaken under clause 17 of Schedule 5 of the Fast-track Approvals Act 2024 (**FTAA**) is complete, the results form part of the proportionality assessment in section 85(3) of the FTAA.
- e. In this case, because the avoid directives (ie where a consenting pathway is not available<sup>3</sup>) prevail as part of the structured analysis, that forms one reason to decline the relevant part of the Project, noting that it cannot be sole reason for decline.<sup>4</sup>

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<sup>3</sup> See EDS's s53 comments on the Project, at [36] – [38]

<sup>4</sup> FTAA, s 85(4)