

Jacob Paget

From: Brigid Buckley s 9(2)(a)
Sent: Thursday, 6 April 2023 4:20 pm
To: Jess Hollis
Cc: Matthew Cleland; Fast Track Consenting; s 9(2)(a) Steve Harding; David Randal
Subject: RE: [COMMERCIAL]Southland Wind Farm Project - Clarification on RFI response

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Kia ora Jess,

Please find the additional information requested below.

If you have any further questions, please do not hesitate to contact me - I will be available over the holiday weekend.

1. Upgrades required to roading network as part of the project (regardless of permitted activity status) – please identify those state highways and other roads (preferably named and relevant administering body/TA)

Please note that the preferred Port-to-Site route follows the same route as that which is being used for the Kaiwera Downs project (located within the Gore District). The point at which the route differentiates is where Kaiwera Downs Road meets State Highway 93.

- **State Highways:** SH1, SH93, SH98 (Waka Kotahi)
- **Local roads:** Kaiwera Road, Kaiwera Downs Road (Gore District Council)
- **Please note** that the Port-to-Site route does traverse through the Invercargill City Council boundary hence the reason they have been identified in the application.

Process for undertaking works within the Council road reserve

- This simply involves a request being made to the roading engineers at council(s) to undertake the works.
- The roading engineers generally have the powers to undertake any activities within the road reserve that are consistent with the purposes of a "road". This may include maintaining its safety and efficiency (ie trimming trees, widening corners).
- Council can delegate its powers to undertake those activities to contractors and / or Contact (if it chooses).
- Contact would simply have to let the roading engineers know what we would like to do and when (via a letter) and provide a traffic management and health and safety requirements (for example) commensurate with the scale of the works.

2. Provide a start to end (including provision for appeals etc) timeline of the PWA process as referred to in the application, and detail of the impacts such a process (if needed to be used) would have on project certainty/delivery and timing. This would be useful mapped out as a timeline in relation to the FTCA legislation.

We are confident that the easements for the transmission lines (across the three routes) will be secured within the next three months. A key advantage to this process is that over the three transmission line route options there is a total of only four landowners – this is significantly less than what may be experienced for other projects. However, should we need to rely on the PWA process, we are confident that this would take between 12-18 months.

Our legal counsel (Buddle Findlay) have provided the following information in relation to the PWA process timeframes:

As set out in our primary response to the request for further information Contact is well advanced with direct negotiations with transmission line landowners, and it is very unlikely that the Public Works Act (PWA) process will need to be invoked to secure rights over the transmission line route.

In the unlikely event that a PWA process is required, a potential timeline for that process is set out below. The process set out assumes that negotiations under section 17 of the PWA are unsuccessful, and that the landowner lodges an objection to the taking of land with the Environment Court. Based on the timeline set out below, Contact would comfortably be able to implement resource consents / designations specific to the transmission line route within 2 years of the FTCA decision.

PWA process:

- *Contact applies to the Minister of Land Information (Minister), under s186 of the RMA, to have the relevant "land acquired for a project or work" (the project / work being the transmission line associated with the wind farm).*

Timing:

- if a PWA process was required, Contact would likely make this application shortly after the time of lodging its applications for resource consent and notices of requirement for the project (including the transmission line) under clause 2 of Schedule 6 of the FTCA.
 - A reasonable assumption is that the Minister would agree to that request within 1 month of it being made (there is no statutory timeframe).
 - The PWA process would then proceed in parallel with (and subsequently beyond) the consideration of the project applications under the FTCA.
- The Minister serves the landowner(s) / other registered interest holders with a notice of intention of desire to acquire the land under section 18 of the PWA.

Timing: following on from (1) above, we have assumed that would occur 6 weeks after lodgement of the FTCA applications for the Project.

- The Minister / Contact negotiates with the landowner(s) – making every endeavour to negotiate an agreement in good faith to acquire the land.

Timing: there must under section 18 be a minimum three-month period of negotiations, before the Minister can move to the next step. That period takes the process through to 4.5 months after the lodgement of the FTCA applications for the Project.

- If negotiations are not successful, the Minister the landowner(s) / other registered interest holders with a notice of intention to take the land under section 23 of the PWA.

Timing:

- the Minister may serve that notice at any time up to one year after the notice of desire (under section 18) being served. Contact would ask the Minister to serve the section 23 notice immediately following the end of the compulsory three month negotiation period.
 - A reasonable assumption is that the notice (and the accompanying Gazette notice required under section 23) would be served four months after the section 18 notice is served. That period takes the process through to 5.5 months after the lodgement of the FTCA applications for the Project.
- Any objection(s) to the notice(s) of intention to take would need to be filed with the Environment Court within 20 working days of service of the section 23 notice (as per section 23, and the form in Schedule 1 to the PWA).

Timing: following on from the above, any objections to the taking would be lodged with the Environment Court within 6.5 months after the lodgement of the FTCA applications for the Project.

- Environment Court considers and determines the objection to the taking.

Timing:

- a reasonable assumption is that this process will take approximately 12 months. That time frame may be able to be reduced by seeking that the Environment Court deal with the application on a priority basis (reference would be made to 'Fast-Tracked' nature of the Project).
 - Following on from the above, and assuming a 12 month Court process, that would take the process through to 17.5 months after lodgement of the FTCA applications for the Project.
 - o Appeals against the Environment Court decision are in theory possible – but only on points of law. We do not think it is necessary / reasonable to build in time for a hypothetical point of law appeal to the High Court in this process (and of course FTCA decisions are also in theory amendable to point of law appeals).
- Proclamation issued and taking / acquisition complete

Timing:

- This would occur on recommendation of the Minister, soon after the Environment Court decision.
- A reasonable assumption is that this would occur within 1 month of the Environment Court decision.
- **Following on from the above, that would mean the process would be complete within 18.5 months after lodgement of the FTCA applications for the Project.**
- **Assuming that a FTCA decision was made on the Project 5 months after applications were lodged with the EPA, that would mean the PWA process would be complete within 13.5 months of the FTCA decision.**

Again, based on the timeframes above, Contact would comfortably be able to implement resource consents / designations specific to the transmission line route within 2 years of the FTCA decision.

3. Clarify that the expected wind farm output is 300 Megawatt peak (MWp)

- The expected wind farm output will be dependent on the wind turbine model that is selected for the site. This won't be confirmed or known until after tendering and procurement is completed.
- The wind turbine models being considered range from 4.2MW to 6.6MW.
- Based on 55 wind turbines, this gives a wind farm peak output range of 231 - 363MW.
- We have indicated a midpoint figure of 300MWp when discussing the size of the project.

4. Clarify whether any aspects of the project will extend across the QEII covenant areas identified in the instrument analysis, and if so - any additional approvals required and impacts on project delivery or timing.
- **Transmission Line Option B** would pass over a small QEII covenant area on Title No OT18C/600 (owned by Cairn Flat Holdings Ltd). Please note that this is our least preferred option of the three provided.
 - This QEII covenant area is an 'Open Space covenant' with low lying vegetation.
 - There will be no physical impact of the transmission line on this QEII covenant area, and an airspace easement will only be required.
5. Confirm whether any additional approvals are required from DOC (Conservation Act etc) for the proposed NOR corridor across DOC administered land (included in Option A – preferred option)?
- For Option A, an airspace easement will be required from DOC where the transmission line would pass over the Marginal Strip over the Mimihau Stream North Branch.
 - This will be sought concurrently with the rights to physically cross the Mimihau Stream (with traffic) which is the subject of a concession application that Contact are currently discussing with DoC.
 - The 400m wide corridor indicated around the transmission line routes (200m either side of the indicated routes) have not been constrained by DoC land, and part of the corridor does extend over the DoC administered land (Title No. 255757) but we can confirm that there will be no physical impact on this land with any pylons – i.e. the line route would be constrained to physically avoid the DoC land – however an airspace easement may be required (although this is considered unlikely).
 - Please note that we are seeking a DoC concession to upgrade the culvert across the Mimihau Stream in one place. We have had initial conversation with DoC staff, and both parties consider that the upgrading will result in positive ecological benefits, and well as improve the safety and efficiency of the access track. DoC's easement concession number is R249709, and this is underway.
6. Provide an update of the land area covered by the project footprint (inclusive of transmission routes and additional Contact land). An updated 'project site area' (Figure 1 in the application document) would also be useful.
- **Wind farm project Site Area:** 5528ha
 - **Transmission line Option A** (outside of wind farm site area): 36ha [based on easement width of 50m]
 - **Transmission line Option B** (outside of wind farm site area): 30ha based on easement width of 50m]
 - **Transmission line Option D** (outside of wind farm site area): 54ha (23ha of this area is coincident with Option A) based on easement width of 50m]
 - **Switching Station Option 1** (Salvation Army Trust property): 1.5ha
 - **Switching Station Option 2** (Cairn Flat Holdings Ltd property): 1.5ha
 - *NOTE: Only one transmission line option and one switching station option will be required.*
 - **Site Access road through Port Blakely Forest:** 10ha
 - **Contact Energy property (adjacent to Port Blakely forest):** 90ha

We have attached the map from last week which shows the site area (where the boundary of the wind farm), and transmission line routes. If you require this map to be updated, we can do this over the weekend and have it you early next week (Tuesday).

Ngā mihi,

Brigid Buckley
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From: Jess Hollis s 9(2)(a)
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To: Brigid Buckley s 9(2)(a)
Cc: Matthew Cleland s 9(2)(a) Fast Track Consenting
<fasttrackconsenting@mfe.govt.nz>; s 9(2)(a) ; Steve Harding
s 9(2)(a) ; David Randal s 9(2)(a)
Subject: [COMMERCIAL]Southland Wind Farm Project - Clarification on RFI response
Importance: High

Hi Brigid

Thanks for your time just now. Follow up points as discussed below:

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2. Provide a start to end (including provision for appeals etc) timeline of the PWA process as referred to in the application, and detail of the impacts such a process (if needed to be used) would have on project certainty/delivery and timing. This would be useful mapped out as a timeline in relation to the FTCA legislation.
3. Clarify that the expected wind farm output is 300 Megawatt peak (MWp)
4. Clarify whether any aspects of the project will extend across the QEII covenant areas identified in the instrument analysis, and if so any additional approvals required and impacts on project delivery or timing.
5. Confirm whether any additional approvals are required from DOC (Conservation Act etc) for the proposed NOR corridor across DOC administered land (included in Option A – preferred option)?
6. Provide an update of the land area covered by the project footprint (inclusive of transmission routes and additional Contact land). An updated 'project site area' (Figure 1 in the application document) would also be useful.

As discussed, can you please get back to me on the above this afternoon to enable our stage 1 briefing to move through the process early next week.

Ngā mihi

Jess Hollis

*Senior Policy Analyst (Contractor) | Kaitātari Kaupapa Here Matua
Fast Track Consenting Team*

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