



Notice is hereby given that an Extraordinary meeting of Southland District Council will be held on:

Date: **Wednesday, 14 February 2024**
Time: **9.15am**
Meeting room: **Council Chamber**
Venue: **Level 2**
20 Don Street
Invercargill

Extraordinary Council Agenda

OPEN

MEMBERSHIP

Mayor	Rob Scott
Deputy mayor	Christine Menzies
Councillors	Jaspreet Boparai
	Don Byars
	Derek Chamberlain
	Paul Duffy
	Darren Frazer
	Sarah Greaney
	Julie Keast
	Tom O'Brien
	Margie Ruddenklau
	Jon Spraggon
	Matt Wilson

IN ATTENDANCE

Committee advisor	Fiona Dunlop
Chief executive	Cameron McIntosh

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Website: www.southlanddc.govt.nz
Online: [Southland District Council YouTube](#)

Full agendas are available on Council's website
www.southlanddc.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.

Health and safety – emergency procedures

Toilets – The toilets are located outside of the chamber, directly down the hall on the right.

Evacuation – Should there be an evacuation for any reason please exit down the stairwell to the assembly point, which is the entrance to the carpark on Spey Street. Please do not use the lift.

Earthquake – Drop, cover and hold applies in this situation and, if necessary, once the shaking has stopped we will evacuate down the stairwell without using the lift, meeting again in the carpark on Spey Street.

Phones – Please turn your mobile devices to silent mode.

Recording - These proceedings are being recorded for the purpose of live video, both live streaming and downloading. By remaining in this meeting, you are consenting to being filmed for viewing by the public.

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PROCEDURAL		
	Karakia Timatanga	
	Mā te whakarongo	Through listening
	Mā te kōrero	Through talking
	Mā te ngakau	From the heart
	Mā te wairua	From the spirit
	Mā te manaaki mai	Through giving
	Mā te manaaki atu	And receiving respect
	Ka puawai te maramatanga	Understanding will bloom
	Tihei mauri ora	This is the essence of life
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	Karakia Whakamutunga	
	Kia hora te marino	May peace be widespread
	Kia whakapapa pounamu te moana	May the sea be like greenstone
	Hei huarahi mā tātou i te rangi nei	A pathway for us all this day
	Aroha atu, aroha mai	Let us show respect for each other
	Tātou i a tātou katoa	For one another
	Hui e! Tāiki e!	Bind us all together!

1 Apologies

At the close of the agenda no apologies had been received.

2 Leave of absence

At the close of the agenda no requests for leave of absence had been received.

3 Conflict of Interest

Councillors are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as a councillor and any private or other external interest they might have.

4 Extraordinary/Urgent Items

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"Where an item is not on the agenda for a meeting,-

- (a) that item may be discussed at that meeting if-
 - (i) that item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."

5 Public Participation

Notification to speak is required by 12noon at least one clear day before the meeting. Further information is available on www.southlanddc.govt.nz or phoning 0800 732 732

Approval of appointment of a Commissioner to the Environmental Protection Agency expert consenting panel for the Southland Windfarm consent application

Record no: R/24/2/5635
Author: Adrian Humphries, Group manager regulatory services
Approved by: Cameron McIntosh, Chief executive

Decision

Recommendation

Information

Purpose

- 1 The purpose of the report is to approve the appointment of Rob van Voorthusyen as a Commissioner to the Environmental Protection Agency (EPA) expert consenting panel for the Southland Windfarm consent application.

Executive summary

- 2 Rob van Voorthusyen is an extremely well respected and experienced professional, ideally suited to the significance and complexity of the windfarm proposal. His CV (attachment A) shows that he has been commissioner on over 400 hearings nationwide, and that he is familiar with the COVID-19 Recovery (Fast-track Consenting) Act 2020.
- 3 Mr Voorthusyen has confirmed he is available and hold no conflicts of interest. The EPA has their own conflict of interest process for ensuring conflicts are avoided or managed.
- 4 Under the COVID-19 Recovery (Fast-track Consenting) Act 2020, the commissioner panel must consult Councils on draft consent conditions and can choose to ask other questions of Council throughout the process. As such, the Council, including planning and roading staff and advisers will have the opportunity, at the discretion of the expert panel, to input into the consent process.

Recommendation

That the Council:

- a) **receives the report titled “Approval of appointment of a Commissioner to the Environmental Protection Agency expert consenting panel for the Southland Windfarm consent application”.**
- b) **determines that this matter or decision be recognised not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **agrees to appoint Rob van Voorthusyen as an appointee to the Fast Track Consenting Expert Panel for the Southland Wind Farm.**

Background

- 5 Contact Energy has applied to the Environmental Protection Agency (EPA) for a resource consent under the COVID-19 Recovery (Fast-track Consenting) Act 2020 for a windfarm in the Southland District. In their application, they have called the windfarm the “Southland Windfarm”.
- 6 Under the COVID-19 Recovery (Fast-track Consenting) Act 2020, an expert consenting panel of Commissioners is appointed for each application to process and decide upon the application. The panel must include one person nominated by the relevant local authorities. In this case, the relevant local authorities are Southland District Council (SDC), Environment Southland (ES), and Gore District Council (GDC).
- 7 Once the EPA direct, Councils will have a limited duration of time (five or ten working days) to confirm who is recommended.
- 8 As the majority of the project is within the Southland District, SDC has taken a lead on choosing an appropriate commissioner they would recommend to the EPA. The appointment recommendation is Rob van Voorthusyen. GDC and ES Councils have approved this nomination already.

Issues

- 9 A Commissioner must be appointed.

Factors to consider

Legal and statutory requirements

- 10 The Commissioner represents SDCs interests on the panel.

Community views

- 11 The Community will be consulted via the panel.

Costs and funding

12 Costs will be recovered from the Environmental Protection Agency.

Policy implications

13 There are no policy implications.

Analysis

Options considered

14 Effectively we have one option. SDC are required to appoint a panel member and this is the way in which the Council are represented.

Analysis of Options

Option 1 – Appoint Mr Voorthusyen.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">Southland District Council complies with law and has representation on the panel	<ul style="list-style-type: none">Nil

Option 2 – Do not make an appointment.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">Nil	<ul style="list-style-type: none">We are acting outside of the legal requirement and have no representation on the panel

Assessment of significance

15 Low.

Recommended option

16 Option 1 - appoint Mr Voorthusyen.

Next steps

17 Once an appointment has been made the, Environmental Protection Agency, Gore District Council and Environment Southland will be informed.

Attachments

A Rob van Voorthusyen CV



ROB VAN VOORTHUYSEN

Rob has been the Director of van Voorthuysen Environmental Limited since July 2008.

Qualifications

Master of Public Policy (Distinction)
Victoria University of Wellington, 1992

Bachelor of Engineering (Agricultural - 1st Class Honours)
University of Canterbury, 1983

Management Diploma
New Zealand Institute of Management, 1989



Affiliations

Resource Management Law Association (Member)

Previous Employment History

Environmental Management Services Ltd
Director (July 1998 to June 2008)

Hawke's Bay Regional Council
Group Manager Environmental Management (August 1992 to July 1998)

Waikato Regional Council
Senior Planner (January 1990 to August 1992)

Department of Conservation
Senior Conservation Officer (April 1987 to January 1990)

Ministry of Works and Development
Assistant Engineer and Economic Analyst (December 1983 to March 1987)

Current Practice and Experience

Governance and Reviews

- Chair of the "RM System Efficiency Working Group" convened by MfE to conduct an independent review of the efficiency and effectiveness of the Spatial Planning Bill (SPA) and the Natural and Built Environment Bill (NBA) in 2022 / 2023.
- Member MfE Governance Board for COVID-19 Recovery (Fast-track Consenting) Act 2020
- Review of flood events (Ngongotahā and Manawatu-Whanganui) and SmartGrowth Strategy governance (Bay of Plenty)

Hearings Commissioner

Rob primarily acts as an Independent Hearings Commissioner nationwide, having served on over 405 hearings and acted as chairperson for more than 300 of them. First completed MfE's Making Good Decisions training in 2005 and renewed his Chair's endorsement in 2022.

Appointed as a Freshwater Commissioner by the Minister for the Environment under Clause 65 of Schedule 1 to the RMA in 2020.

Appointed as an Expert Panel Member (3 times) and as a Conditions Advisor (twice) for applications under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Appointed to the Selwyn District Council (chair) and Rotorua District Council (panel member) Independent Hearings Panels deciding intensification planning instruments (IPI) under the intensification streamlined planning process (ISPP) set out in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

Hearing commissioner roles with:

- Auckland Regional Council
- Bay of Plenty Regional Council
- Canterbury Regional Council
- Far North District Council
- Greater Wellington Regional Council
- Horizons Regional Council
- Horowhenua District Council
- Mackenzie District Council
- Manawatu District Council
- Marlborough District Council
- Masterton District Council
- Napier City Council
- Northland Regional Council
- Otago Regional Council
- Palmerston North City Council
- Rangitikei District Council
- Ruapehu District Council
- Southland Regional Council
- South Wairarapa District Council
- Tararua District Council
- Taranaki Regional Council
- Taupo District Council
- Tauranga City Council
- Tasman District Council
- Waikato Regional Council
- Waipa District Council
- Waitakere City Council
- West Coast Regional Council
- Whanganui District Council
- Whakatane District Council

Rob has acted as a commissioner on hearings for regional policy statements, regional plans and district plans:

- Bay of Plenty Regional Council's second generation Regional Coastal Environment Plan (independent chairperson)
- Bay of Plenty Regional Council's second generation RPS
- Canterbury Regional Council's Hurunui Waiau River Regional Plan; Land and Water Regional Plan; and Variation 1 (Selwyn/Waihora); Variation 2 (Hinds/Ashburton); PC4 (Omnibus), PC5 (nutrient management and Waitaki catchment) and PC7 (Omnibus and Orari-Temuka-Opihi-Pareora sub-region) to the Land and Water Regional Plan and PC2 to Waimakariri River Regional Plan;
- City of Napier District Plan changes (independent chairperson)
- Horizons Regional Council One Plan
- Horowhenua District Plan review
- Mackenzie District Council District Plan review (independent chairperson)
- Otago Regional Policy Statement change (independent chairperson)
- Regional Plan for Northland (independent chairperson)
- Selwyn District Council District Plan review (independent chairperson)
- Southland Water and Land Regional Plan (independent chairperson)
- Tasman Resource Management Plan changes (independent chairperson)
- Taupo District Plan changes (independent chairperson)
- Wairarapa Combined District Plan changes (independent chairperson)
- West Coast Regional Policy Statement review (independent chairperson)
- Whakatane District Plan changes (independent chairperson)
- Whanganui District Plan changes (independent chairperson)

The policy and plan hearings required interpretation and giving effect to national policy statements (including NZCPS, NPS-FW, NPS-UD, NPS-HPL, NPS-RE), national environmental standards and the National Planning Standards. They also required considering iwi submissions in accordance with tikanga Māori, including hearings on marae.

Activities covered in resource consent and NOR hearings include industrial and agricultural discharges to land, water and air; surface water and groundwater takes; deemed mining permits, urban wastewater and stormwater discharges to land and water; methyl bromide log fumigation; harbour and lagoon dredging; urban earthworks; forestry harvesting; mangrove removal; marine farms; seawalls; flood control works; wharves and boat ramps; reclamations; wetland and land drainage works; lake restoration works; water storage reservoir and dams; sediment traps; stream works; rat poison drops; aquatic herbicide spraying; crematoriums; landfills; clean fills; timber treatment plants; apartment buildings; film studios, heritage building alterations and demolitions; airport runway expansions, power transmission lines; geothermal power stations; retirement complexes, arterial roads and urban subdivisions.