Stephen West

From: Stephen West
Sent: Friday, 17 July 2026 1:56 pm
To: Christine McMillan
Subject: Request for further information on resource consent application - APP-20262269 Datagrid wetland works

Tēnā koe Christine

Thank you for applying for resource consent. The application to remove part of a wetland and carry out excavations within 100 metres of a wetland has been formally received. However, I will need further information from you before your application can progress.

This email outlines the information I am requesting, the reasons for the request, your options and how they affect you. **Please read the points below carefully or have someone explain them to you.**

The following information is requested under Section 92(1) of the Resource Management Act 1991. I will need the information requested below before I can make a recommendation on the consideration of the application.

1. Clarification whether the wetland where the channel widening is to occur was assessed by a suitably qualified person to determine the values of the wetland that will be affected by the excavations.

   I am requesting this because I didn't pick up discussion about the specific area in the PDP Ltd report 'wetland delineation and assessment of effects' to confirm that it had been considered in the original application. If I have missed it, please direct me to the appropriate parts of the report. The application describes the area as flaxes and exotic grasses, but I am unsure if that was confirmed by an expert as it is often difficult to identify smaller species amongst the longer grasses. (This initial assessment is also important for assessing and confirming whether the wetland loss will be compensated or offset by the new plantings.)

2. (a) Confirmation that a suitably qualified has considered the loss of the wetland area and the proposed compensation and offsetting that will occur, including the timeframe, and determined that it will meet the requirements of the effects management hierarchy under the National Policy Statement for Freshwater Management (NPSFM). Please also note that Appendices 6 and 7 of the NPSFM list principles that apply to offsetting and compensation.

   (b) Clarification of monitoring or methods to confirm that the loss of wetland is remedied, offset or compensated in accordance with Section 3.22 of the NPSFM

   This will be important to both consideration against Policy 33A of the proposed Southland Water & Land Plan and the setting of conditions that comply with Section 3.22(3)(b) of the NPSFM.

3. Clarification that the datacentre and associated activities for this application, fit with the definition of 'specified infrastructure'.

   This is critical to how the application will be considered against Policy 33A of the proposed Southland Water & Land Plan. I note that page 26 of the application affirms that it is specified infrastructure under the NES-Freshwater. Those regulations, in turn, refer to the definition under the NPSFM. While I note that this matter was covered in an earlier application, it will be helpful for the person that will ultimately decide the current application if that status as specified infrastructure is explained and confirmed in this application. In general, the application should be complete in itself without the need to consider the documents of an earlier application.

4. (a) Confirmation whether or not the works will deepen the drainage canal in addition to widening the channel.

   (b) Clarification why you do not expect the works to result in increased drainage from the nearby regionally significant wetland, the Taylor Road wetland. Please state what measures, if any, will be taken to prevent such an increase, and what monitoring, if any, is proposed to check that the water levels in the adjoining wetland are unaffected.

   I am requesting this information to ensure that the works do not adversely affect the nearby regionally significant wetland.

5. A summary of the results of consultation, if any, particularly with Te Ao Mārama Inc. and the Department of Conservation.

   The interests of these parties are most likely to be adversely affected particularly if there are impacts on the nearby Taylor Road wetland, or if there are poorly understood values within the wetland to be affected by the excavation of the drain. It will help with the determination of the application if their views about the proposal were understood.

6. Please provide a statement about whether or not the applicant has been the subject of any abatement notices, enforcement orders, infringement notices, and convictions under the Resource Management Act 1991 and, if so, please provide a summary of the matter.

   I don't believe that the company has been the subject of such enforcement mechanisms, but it is now required under Form 9 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 and past enforcement is a factor for consideration under Sections 104(2EA) and 104(6) of the Resource Management Act. Therefore, for the certainty of the eventual decision maker, it would be helpful to have a confirmation whether or not the company had any past enforcement issues under the Resource Management Act.

You must, by date **7 August 2026** either:

- Provide the information, or
- Tell us that you agree to provide the information, and propose a date to do so, along with your reasons for that date, or
- Tell us that you refuse to provide the information.

Please consider what to do carefully. Your decision is important because:

- If you provide the information by 7 August we will proceed with processing your application.
- If you tell us that you agree to provide the information and propose a date, we will consider whether that date is a reasonable time for you to provide the information, and tell you the date by which you provide the information.
- If you do not respond to this request or provide the information by 7 August or within the time set by us, we may notify you of our intention to return the application as incomplete.
- If you refuse to provide the information, or you do not provide the information before the timeframes we have set, then we must publicly notify the application. Public notification means the public may make submissions on the application and there may be a hearing to determine it. Additional payments are required for notified applications.
- We can also decline the application if we have insufficient information to grant it.

The time taken between this email and our receipt of the information will not be included in our total processing timeframes for the application.

Please note: The information received in response to this request forms part of your application. Please ensure you provide the relevant request and response information to all parties whom you have been consulting with or seeking approval from.

Please contact me if you have any questions. I can be contacted by phone at Environment Southland Monday-Friday 8.00–4.30 on 0800 76 88 45 or this email address. Otherwise, if you need more information:

- go to es.govt.nz/environment/consents or
- go to https://environment.govt.nz/publications/applying-for-a-resource-consent/

Once the information is provided I am likely to seek review of the wetland information. At this stage I anticipate that will be a check by a member of our Science team, but that will depend on availability.

This isn't part of the information request, but it may be helpful if you update section 6 of the application document which describes the applications that you are seeking, and is inconsistent with section 9.2.

Ngā mihi

Stephen West
Principal Consents Officer