

## CONTACT ENERGY LIMITED – RESPONSE TO COMMENTS ON DRAFT CONDITIONS

The tables below provide a response from Contact Energy Limited (“**Contact**”) to comments on draft conditions received from specified parties under section 70 and 72 of the Fast-track Approvals Act 2024 (“**FTAA**”).

### KEY:

- > **Red underline** are additions from other parties that Contact agrees with; and
- > **Red strikethrough** are deletions from other parties that Contact agrees with.

## CONTACT’S RESPONSE TO COMMENTS ON DRAFT RESOURCE CONSENT CONDITIONS

Condition Number	Comment Summary	Contact’s Response	Proposed Condition Amendment (if any)
<b>Environment Southland</b>			
CM13A.2	Queries the certainty of the “ <i>must endeavour to</i> ” condition wording – e.g. if such contamination occurs and the “endeavours” of the consent holder are not successful. There may be potential to reword this to provide more certainty for all parties.	Contact considers the wording as drafted is appropriate.	
CM14 and CM15	Suggests that these be added to so that culvert design will also, “ <i>minimise potential for trout</i> ”	Contact disagrees with these amendments, noting the culverts where trout passage will be excluded	

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
	<i>incursion into non-migratory galaxiid habitat where practicable”</i>	are specified in Condition CM15, which will ensure these outcomes are achieved.	
DT2.3.c(i)	Wish to see an addition to this condition to ensure that <i>“topsoil and revegetation is with locally sourced material to mitigate introduced biosecurity risk”</i>	Contact agrees with this amendment.	[...]  <u>iii. Topsoil and revegetation is with locally sourced material to mitigate introduced biosecurity risk.</u>  [...]
EC8	Table states 2.5 ha of indigenous wetland, the NPS-FM 2020 natural inland wetland definitions do not require that vegetation be indigenous to be natural wetland. Reference to indigenous could be removed and the condition state “wetland”.	Contact would be comfortable with this amendment.	Delete the words ‘indigenous’ from the indigenous wetland row in the table.
EC34	Supports this condition for minimising bird collisions and interactions with the transmission line; however it is suggested that the timing of this requirement be clarified in the condition.	Contact would be comfortable with the condition specifying this will occur upon construction of the transmission line.	The Consent Holder must <u>upon construction</u> install visual deterrents (dynamic flappers) on the section of transmission line that crosses the large gully of southern rātā-kamahi forest and wetlands in the Port Blakely Forest as shown on the map

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
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included in the AMP to minimise bird collisions and interactions with the transmission line.

SC2.c

Suggests 'Regional Council' is added to this condition, along with District Council as proposed.

Contact agrees with this amendment.

[...]

c. A list of stakeholders (including the Southland District Council [and Southland Regional Council](#)) and residents who agree to be communicated with in relation to the Project activities.

[...]

### Southland District Council

Codification of numbering/format

Suggests consistency of numbering formatting across conditions document.

Contact agrees with these amendments.

Administrative changes to the following conditions for consistency of numbering formatting:

G6B, G6C, G7, G10, G11, G13 MP2, MP3, MP7, MP9A, WF17, CM5, CM13, CM14, CM20, CM21, NO5, EC4B, EC5, EC7, EC11B, EC14, EC21, EC29, EC32, EC33, EC38D, EC49, EC50, EC53, EC62, EC76, EC77,



Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
			EC79, EC79F, EC80 SC2, SC3 TR2, TR2A, TR6, TW1, TW3, TW5, TW6, TW9, TW10
RC.10	Remove reference to WF9 and include reference to CM9.	Contact agrees with these amendments.	Amend specific conditions as follows:  WF1-WF <del>8</del> , <del>WF10</del> -WF14  CM1-CM4, <del>CM9</del> , CM11-CM11A
Conditions Index	The condition index should be amended to identify Condition CM4 as relevant to territorial authorities.	Contact agrees with this amendment.	Amend the conditions index to include Southland District Council and Gore District Council as an administering authority for CM4.
Abbreviations	JPWMP Jedburgh Plateau Water Management Plan should be included in the index of definitions and abbreviations	Contact agrees with this amendment.	Add JPWMP / Jedburgh Plateau Water Management Plan into abbreviations table.
EC29A	Suggests this cross-reference should possibly be MP7 not MP8.	Contact agrees with this amendment.	[...]  5. Should any material amendments be made to the AMP, the Consent Holder must provide the draft amendments to Te Ao Mārama Incorporated (on behalf of Ngā Rūnaka Ki Murihiku) and the Department of



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			<p>Conservation (Invercargill Office) for review and comment in accordance with Condition <del>MP6</del> <u>MP7</u>.</p>
EC30	Condition has been deleted, but references to EC30 remain in other conditions.	Contact agrees with these amendments, noting the pre-construction monitoring required by the previous Condition 30 has been completed and is therefore no longer relevant (as also outlined in Contact's response to the draft conditions).	<p>Delete references to Condition 30 in Condition EC29(g) as proposed in Contact's response to the draft conditions as follows:</p> <p>The final AMP must include, at a minimum"</p> <p>[...]</p> <p><del>g.-Details of any additional effects management measures that will be implemented, in accordance with Condition EC30(c), in response to the results of the pre-construction baseline indigenous avifauna population surveys required by Condition EC30(a):</del></p>
EC36	Notes that Condition EC36.2 and the advice note references the pre-construction monitoring methodology described in now removed condition EC30.	Contact considers the condition as drafted is appropriate, noting that the monitoring requirements are described in the condition, and	

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not reliant on the removed condition EC30. There is no reference to EC30 in the condition.

**Department of Conservation (DOC)**

Abbreviations	Add CPI as an abbreviation.	Contact is comfortable with this amendment.	Add CPI (Consumer Price Index) into abbreviations list.
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MP4	With regard to the Bat Management Plan, Condition MP4 refers to management plans to be reviewed by SQEP. However, for the BMP, later conditions (i.e. EC60) require this to be undertaken by the Bat Expert Panel, and this discrepancy should be corrected.	Contact agrees with this amendment.	1. Prior to the commencement of construction activities and within six months of the granting of consent, the Consent Holder must nominate Suitably Qualified and Experienced Person(s) <a href="#">or in the case of the BMP, the Expert Bat Panel</a> , to review the management plans required by Conditions MP1-MP3.  [...]
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MP6	Reference to performance standards and thresholds should be included within the condition.	Contact disagrees with this amendment and considers this additional wording is unnecessary.	
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Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
MP10	Reference to performance standards and thresholds should be included within the condition.	Contact disagrees with this amendment and considers this additional wording is unnecessary.	
MP11	Double up of "amended management plan" not required as the subject is clear.	Contact considers the wording of the condition as drafted is appropriate.	
CM2	Recommends the inclusion of additional clauses l. & m. to ensure that the management of the effects of the concession activity are clearly addressed in the CEMP.	Contact is comfortable with the suggested amendments.	<p>Add the following clauses to the condition:</p> <p>[...]</p> <p><u>l. A requirement that spill kits, that are suitable for water use when works occur in or immediately next to the Mimihau Stream, are present at all times on-site during construction on DOC-managed land.</u></p> <p><u>m. A requirement that all waste and rubbish is removed from DOC-managed land and disposed of at an appropriate facility.</u></p>
EC5	Include wording that the VMP must 'map areas of significant indigenous vegetation' and include 'timing' in (f).	Contact disagrees with the suggested amendment to include reference to mapping areas of significant indigenous vegetation, noting that the condition as	<p>[...]</p> <p>f. Staging <u>and timing</u> vegetation removal to minimise impact on terrestrial species; and</p>

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
		<p>drafted refers to Condition EC4A, which requires the mapping of significant indigenous vegetation.</p> <p>Contact is comfortable with including 'timing' in (f), noting this information is included in the VMP as drafted.</p>	[...]
EC9	A new clause is proposed to reflect a more appropriate planting and replanting season (not during summer).	Contact disagrees with this amendment and notes that flexibility of planting is required in this particular location and climate as planting during winter may not always be appropriate. These details have been considered and addressed in the draft VMP.	
EC10	Include green skink.	Contact disagrees with this amendment as this condition has been developed in accordance with expert advice based on the characteristics of Tautuku gecko habitat (woody indigenous vegetation), whereas skinks primarily prefer grassland habitat (which does not get mulched). This condition has also previously been agreed with DOC.	

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
New condition	Lizard management work needs to be undertaken in suitable conditions and appropriate seasonal timing to maximise detection and salvage efficiency.	Contact disagrees with this proposed condition as these details are more appropriately addressed in the LMP (and are provided in the current advanced version of the draft LMP).	
EC14	Include a cannot otherwise avoid response in clause (c).	Contact disagrees with this amendment as the wording of the sentence includes reference to both herbfield skink and green skink, which have different management responses in the event they are discovered within the Project footprint. Contact considers the conditions as drafted (in particular EC16) clearly require avoidance of green skink habitat as first preference and this amendment is unnecessary.	
EC15A	Include zero predator density targets within the Gecko Soft Release Pen.	Contact disagrees with this amendment. Contact notes these conditions have been informed by the advice of Wildlands, and through consultation DOC has previously confirmed it is comfortable with the condition as drafted, including the pest control targets in EC57. There is no evidential basis for the amendment sought by DOC.	

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
EC16	Amendments proposed to conditions to confirm monitoring and pest control requirements in the event green skink is found within the Project footprint.	Contact disagrees with this amendment. Contact notes these conditions have been informed by the advice of Wildlands and the effects management measures that will be implemented in the event green skink is found within the Project footprint are clearly set out in the LMP. Contact has consulted thoroughly with DOC on this condition and DOC has previously confirmed it is comfortable with the condition as drafted. There is no evidential basis for the amendment sought by DOC.	
EC31	Add 'of the survey' to (3) for clarity.	Contact is comfortable with this amendment.	[...]  3. If no active indigenous avifauna nests are found, vegetation within the surveyed area (including trees) must be cleared within two (2) working days <b>of the survey</b> .
EC37B	Add 'threatened' to table.	Contact agrees with this amendment.	Amend the row in table 5 as follows:  <b>Threatened Nationally Critical or Nationally Endangered Species</b>

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EC37D	The use of bird flappers as a deterrent for birds and to therefore mitigate effects, should be monitored and assessed for effectiveness.	Contact disagrees with this amendment, noting this mitigation measure is being implemented on the advice of Wildlands based on evidence that they are effective, as described in the Ecological Impact Assessment. DOC has not raised this in any of its previous comments.	
EC40	Recommends the inclusion of additional wording to d. to ensure that the management of the effects of the concession activity are clearly addressed in the Biosecurity Management Plan.	Contact is comfortable with this amendment.	[...]  <a href="#">d. A requirement that any general fill or organic material used on DOC managed land is sourced from within the Southland region.</a>
EC54	Requests longer time periods for the habitats identified by 2.g.i and iii, to ensure more effective control of pest and weed species.	Contact disagrees with these amendments, noting these conditions have been informed by the advice of Wildlands. DOC has not raised this in any of its previous comments.	
EC57	Amendments to pest control targets suggested.	Contact disagrees with these amendments, noting these conditions have been informed by the advice of Wildlands. Further, the green skink / herbfield skink leaky fence area is located within the Copper Tussock Enhancement and Skink Protection Area,	



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		for which pest control targets are already set in the table. There is no justification provided for these amendments and DOC has not raised this in any of its previous comments.	
EC60	Suggests using 'all reasonable efforts' instead of current wording where there are differences in opinion between the Consent Holder and Expert Bat Panel.	Contact disagrees with these amendments and considers the condition as drafted by the Panel is appropriate.	
EC66	Add flexibility to where sensors are located.	Contact disagrees with this amendment, noting the condition wording as drafted has been discussed and agreed with DOC previously.	
EC74	Typographical error.	Contact agrees with this amendment.	1. The results of the post-construction <b>monitoring</b> required by Condition EC73 must be submitted to the Expert Bat Panel required by Condition EC79A for review.  [...]

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EC75	Any modification to the spatial extent of the area should be done before implementation of predator control infrastructure.	Contact disagrees with this amendment and considers the wording as drafted is suitable to retain some form of flexibility in the event bat roosts in the area move, noting that any amendments to the area will be determined by the Expert Bat Panel in consultation with DOC.	
EC78	The term Consumer Price index should be written in full for clarity.	Contact agrees with this amendment.	[...]  2. Thereafter, the Consent Holder must pay \$150,000 per annum <u>Consumer Price Index (CPI)</u> (all groups) adjusted from 1 July 2025 to the Department of Conservation until the Project is decommissioned.
EC80	Amendment to wording proposed to align with Wildlife Act approvals.	Contact does not agree with the proposed amendments noting the wording as proposed by DOC does not make grammatical sense given the wording preceding the bullet point list.  Contact notes there is a separate typographical error in the condition as currently drafted and the word 'must' should be deleted.	[...]  b. Place birds or bats <del>must</del> in a cool, dark, material-lined box/bag by or under the direction of a Suitably Qualified and Experienced Person to ensure the bird or bat is handled appropriately.  [...]

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
EC82	The condition seems incomplete, the word 'alerting' is proposed.	Contact agrees with this amendment.	1. The Consent Holder must ensure all personnel working on-site are responsible for <b>alerting</b> the Consent Holder's Site Manager of the discovery of any injured or dead 'At Risk' or 'Threatened' avifauna or bat not otherwise identified in the AMP or BMP on the same working day as the discovery.  [...]

**Environmental Defence Society**

EC11B	Robust statistical analysis (of the 18 proposed plots) will require more than two control plots, recommends four plots in fen wetland; four plots in bog wetland; and two plots in marsh wetland.	Contact disagrees that this amendment is necessary as the condition is based on the advice received from Mr Goldwater and Mr MacGibbon, and has also been agreed by DOC and Environment Southland. However, Contact is comfortable with specifying at least one control plot must be located in fen wetland and one control plot in bog wetland.	[...]  vii. <b>At least two</b> (2) plots in control sites located in wetlands no greater than 200m away from the Project Footprint, <b>with one plot located in fen wetland and one plot located in bog wetland.</b>
EC40	The Biosecurity Management Plan should also include appropriate measures to remove plants	Contact disagrees with this amendment, noting it would be impracticable to determine whether or not a pest plant has naturalised on the site as a	

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	<p>that have naturalised on the site as a result of wind farm development and activities.</p>	<p>result of the wind farm development (noting a large portion of the site is exotic plantation forestry).</p> <p>Contact considers the management measures required by the Biosecurity Management Plan are appropriate in minimising the potential for invasion of pest plants as a result of the construction of the wind farm.</p>	
<p>EC49</p>	<p>Include fragmentation of significant indigenous vegetation on the Jedburgh Plateau as a matter to be addressed in the HREP.</p>	<p>Contact notes the response to this suggestion as outlined in paragraphs 135 to 141, as well as the specific response provided at paragraph 165 of the evidence prepared by Mr Goldwater submitted with Contact's response to s53 comments; and the response set out in paragraphs 22 to 27 and 40 to 45 of the evidence prepared by Mr MacGibbon which also addresses habitat fragmentation effects.</p> <p>However, Contact also notes the measures that will be implemented and required by the proposed conditions and set out in the HREP already address effects of fragmentation of habitats (refer to Condition EC51), which require the assisted regeneration and enrichment planting of 8.7ha of</p>	<p>[...]</p> <p>f. Fragmentation of <b>significant indigenous vegetation, including</b> habitats of notable invertebrate species.</p>

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
		<p>existing tracks within the 245ha Jedburgh Station Ecological Enhancement Area and planting of discrete areas (totaling approximately 1.6ha) on Jedburgh Station. As such, Contact is comfortable accepting an amendment to Condition EC49(f) to reflect this.</p>	
EC51	Request a condition to exclude stock from the Jedburgh Plateau.	Contact disagrees with this amendment and agrees with the Panel's findings in the draft decision regarding stock exclusion on the Jedburgh Plateau.	
EC54(g)(iii)	Requests pest plant control within the Davidson Road Wetland Restoration Site is undertaken for the duration of the operation of the wind farm.	<p>Contact notes the condition requirement is the minimum period of time pest plant control must be undertaken. Mr Goldwater considers pest plants can be removed from the Davidson Road Wetland Restoration Site within five years and if pest plants are eradicated following the required five-year period, it is appropriate control activities are discontinued. Contact will undertake pest plant management monitoring and reporting in accordance with the methods outlined in the HREP.</p> <p>Further, Condition EC52 sets out the performance targets and includes the requirement for the</p>	

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
		removal of pest plant species from the Davidson Road Wetland Restoration Site. If this target is not achieved, Contact is required to implement further measures to achieve this, in accordance with Condition EC58A.	
EC59(2)	Requests wording is amended to include 'protected in perpetuity for nature conservation'.	Contact is comfortable with this amendment (noting it is the clear overall intention in any event).	[...]  2. The written confirmation provided under (1) must specifically describe the specific enduring legal arrangements that have been agreed to be entered into that provide for the Jedburgh Station Ecological Enhancement Area, Copper Tussock Enhancement and Skink Protection Area and Davidson Road Wetland Restoration Site to be <del>retained</del> <u>protected in perpetuity for nature conservation</u> , which and may include land purchase / ownership, agreement by providing for covenanting or similar registered title instrument.
New Condition	Reiterates its request for an adaptive management condition.	Contact disagrees with this amendment noting that the proposed management measures have been	

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informed by expert technical advice to ensure effects on the Jedburgh Plateau are appropriately managed. The ecology conditions include a range of defined outcomes and performance targets, and action to be taken where those standards are not being met (see in particular EC58A).

New Condition	Reiterates its request for a bond.	Contact disagrees with this amendment and agrees with the Panel's findings in regard to a bond set out in the draft decision.	
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**West Catlins Preservation Society**

Definitions	Various comments on the definitions	Contact does not agree that any amendments to the definitions addressed by WCPS are necessary, noting those definitions have been subject to prolonged and detailed review by experts and the Councils.	None; but Contact would be comfortable with the Panel adding a link to the Stats NZ Geographic Boundary Viewer in the definition of 'Local resident': <a href="#">Geographic data and maps   Stats NZ</a> or including reference to Image 1 of the Stakeholder Communication and Engagement Management Plan which provides a map of the defined local residents area for the purposes of the Project.
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General conditions	Various comments	<p>Contact does not agree that any amendments to the 'General' conditions sought by WCPS are necessary, noting again they have been subject to prolonged and detailed review by experts and the Councils.</p> <p>For completeness in response to WCPS's query re G3, Contact notes that the consents would lapse if not given effect to within 10 years of the date of commencement <i>of the consents</i>.</p> <p>Further, Contact notes the Community Liaison Group will be regularly informed on activities relating to the Project, including the provision of draft management plans for comment (Condition SC8).</p>	
Management Plan conditions	Various comments on the Management Plan (MP) conditions	Contact does not agree that any of the amendments to the MP conditions sought by WCPS are necessary. The MP conditions have been discussed in detail and agreed with the Councils (who will have the primary certification responsibility).	

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		<p>Contact does not agree with the WCPS view that the approach is to 'defer everything' to management plans, thereby creating uncertainty. The conditions set the purpose(s) of each management plan, the detail of what the management plans must include, and the environmental limits and thresholds that must be met. This approach is aligned with established practice for other infrastructure projects and has allowed for detailed scrutiny of the effects management approach through this FTAA process.</p>	
Wind Farm conditions	Various comments on the Wind Farm (WF) conditions	Contact does not agree that any amendments to the WF conditions sought by WCPS are necessary, noting they have been subject to prolonged and detailed review by experts and the Councils. The potential effects of the Project have been assessed by reference to the parameters set in the WF conditions.	No changes are considered necessary by Contact; but Contact would be comfortable with the Panel specifically including a requirement that the electricity substation buildings be muted recessive colours and non-reflective (WF13).
Construction Management conditions	Various comments on the Construction Management (CM) conditions	Contact does not agree that any amendments to the CM conditions sought by WCPS are necessary, noting they have been subject to detailed review by experts and the Councils, and that specific CM	No changes are considered necessary by Contact; but Contact would be comfortable with the Panel specifically adding a requirement that refuelling must take place

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
		<p>queries raised by the Panel have been addressed in expert conferencing on earthworks.</p> <p>Contact considers the water quality concerns raised by WCPS are appropriately addressed in the conditions – for example the conditions and the Earthworks Management Plan framework appropriately address the matters that WCPS considers should be covered by a new standalone 'Water Quality Management Plan'.</p>	<p>at least 20m away from streams and wetlands in CM11 (that condition currently relates only to streams).</p>
Decommissioning conditions	Various comments on the Decommissioning (DT) conditions	Contact does not agree that any amendments to the DT conditions sought by WCPS are necessary. Decommissioning has been carefully considered through this FTAA process.	
Noise conditions	Various comments on the Noise (NO) conditions	Contact does not agree that any amendments to the NO conditions sought by WCPS are necessary. The conditions have been closely informed by expert advice, and have been carefully considered by the District Councils (including SDC's technical peer reviewer).	

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
Ecology conditions	Various comments on the Ecology (EC) conditions	<p>Contact does not agree that the substantive amendments to the EC conditions sought by WCPS are necessary. The ecological effects of the Project, effects management measures and the EC conditions have been subject to particularly detailed discussion with and scrutiny by a range of parties, including the Councils and DOC (and various technical reviewers). The conditions are based on expert advice, and appropriately address the effects of the Project.</p> <p>WCPS's comments include a particular focus on bats. Contact notes the detailed analysis carried out by its technical experts in respect of bat effects and effects management measures, and the detailed engagement with DOC and its bat experts on the conditions.</p> <p>Contact specifically notes WCPS's comment seeking that EC16 requiring that "<i>contractors and staff working on the Project Site should be suitably trained in identifying the unique flora and fauna so the people know what to look out for.</i>" Training requirements are already set out in the relevant</p>	<p>Minor change to EC11(3) as follows:</p> <p>[...]</p> <p>The first annual report must be provided one (1) year after construction of the Project commences and thereafter <b>reports must be provided annually until for</b> five (5) years following completion of construction of the Project.</p> <p>[...]</p> <p>Update EC36(2)(a) as follows:</p> <p>[...]</p> <p>Completing five-minute bird count surveys across Jedburgh Station, <b>and</b> Matariki Forest <b>and Glencoe Station</b>, including areas of pine forest, exotic scrub and shrubland, indigenous broadleaved forest and scrub and mānuka/copper tussock grassland habitats;</p> <p>[...]</p>

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
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management plans (including the Lizard Management Plan, noting EC16 relates to lizards).

Contact is comfortable with a minor change to EC11(3) sought by WCPS, which would more explicitly signal that the annual post-vegetation report is to be provided every year during the construction period.

Contact is also comfortable with EC36(2)(a) being updated to specifically provide for monitoring at Glencoe Station (in addition to Jedburgh Station and Matariki Forest), as sought by WCPS.

Contact notes the WCPS query as to whether there is a Condition EC37C. To confirm, that condition was previously deleted and so there is no EC37C.

Finally, Contact notes the references to typos re condition clauses in the WCPS comments – those have been addressed in the 'minor administrative amendments' proposed below.

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
Stakeholder conditions and Mana Whenua conditions	Various comments on the Stakeholder Communication and Engagement (SC) and Mana Whenua (TW) conditions	<p>Contact does not agree that any amendments to the SC and TW conditions sought by WCPS are necessary. These conditions have been carefully considered through this FTAA process, including by the Councils, and the TW conditions have been agreed with mana whenua.</p> <p>In particular:</p> <ul style="list-style-type: none"> <li>&gt; Contact considers that SC9 appropriately sets out who must be invited to participate in the CLG.</li> <li>&gt; Contact does not agree to the substantial increase to the Community Benefit Fund sought by WCPS.</li> </ul> <p>Given Contact's comfort with including a 'CPI' definition as sought by DOC, Contact is also comfortable with SC10(2)(a) and (b) being updated to refer to 'CPI adjusted'.</p>	<p>Minor update to SC10(2)(a) and (b) as follows:</p> <p>[...]</p> <p>a. Contribute a minimum of \$70,000 per year (<del>indexed annually for inflation</del> <u>CPI adjusted</u>) during construction and operation of the Project; and</p> <p>b. Contribute an additional \$250 per year (<del>indexed annually for inflation</del> <u>CPI adjusted</u>) to the fund for every MW above 200 MW of installed capacity.</p> <p>[...]</p>

## CONTACT'S RESPONSE TO COMMENTS ON DRAFT WILDLIFE APPROVAL CONDITIONS

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
<b>Department of Conservation</b>			
Schedule 1, Item 3	DOC has not been provided with credentials to assess whether Vikki Smith is suitably qualified to safely handle wildlife.	Contact is comfortable with this amendment.	<p><b>Personnel authorized to undertake the Authorised Activity</b></p> <p>(Schedule 2, clause 3)</p> <p>a) Samantha King;</p> <p>b) Cameron Thorp;</p> <p>c) Jade Christensen;</p> <p><del>d) Vikki Smith; and</del></p> <p>d) Additional personnel as may be approved in writing by the Department.</p>
Schedule 2, Condition 4	Require a review of the LMP and resubmission for certification at ten years following the commencement of the approval.	Contact disagrees with this amendment, noting activities that will occur after 10 years following the commencement of the approval will be limited to potential monitoring of lizards, as explained in Contact's response to s51 comments.	
Schedule 3, Condition 20	Include details of habitat enhancement, predator control, fencing and any offsetting and	Contact disagrees with this amendment and considers it is unnecessary duplication, as explained in Contact's response to s51 comments.	

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compensation measures implemented in the annual report.

### CONTACT'S RESPONSE TO COMMENTS ON DRAFT CONCESSION APPROVAL CONDITIONS

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
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#### Department of Conservation

Schedule 1, Condition 1	Minor amendments to descriptions, area of land and references.	Contact agrees with these amendments.	<p>As marked on the attached map in Schedule 4 being:</p> <p><u>Right of Way Access:</u></p> <p>Physical Description/Common Name: Part Mimihau North Branch Marginal Strip</p> <p>Land Status: Marginal Strip</p> <p>Area: 0.0555 ha <b>(more or less)</b></p> <p>Legal Description: Marginal Strip – Mimihau Stream North Branch (2800026)</p> <p>Map Reference: See Schedule 4, Map 1</p> <p><u>Right to Convey Electricity:</u></p>
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Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
			<p>Physical Description/Common Name:</p> <p>Part Mimihau North Branch Marginal Strip, and part Waiarikiki Stream, Mimihau Conservation Area <del>[depending on the final transmission line route]</del></p> <p>Land Status: Marginal Strip, Stewardship Land</p> <p>Area: <del>2.27 [to be determined when final transmission line route is determined following completion of detailed design]</del> ha <del>(more or less)</del></p> <p>Legal Description: Marginal Strip – Mimihau Stream North Branch (2800026), <del>[Conservation Area – Waiarikiki Stream, Mimihau (2800486)]</del></p> <p>Map Reference:</p> <p>See Schedule 4, <del>map 2</del></p>
Schedule 1, Condition 3	Reinstate wording to ensure clarity around the activity approved through the concession document.	Contact agrees with this amendment.	<p>a) A right of way; and</p> <p>b) A right to convey electricity.</p>

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
			<a href="#">For the purpose of construction, use and maintenance of a culvert, and installation and maintenance of overhead power lines associated with a wind farm.</a>
Schedule 1, Condition 4	Inclusion of a calendar start date.	Contact agrees with this amendment (noting Contact is seeking that the term of the concessions be amended to 60 years, as per its comments on the draft conditions).	<del>36</del> 60 years 0 months commencing on <a href="#">01 January 2027</a> <del>[date of the commencement of the construction of the Southland Wind Farm]</del>
Schedule 1, Condition 5	Inclusion of calendar expiry date.	Contact does not oppose including a calendar expiry date, however, disagrees with the 30 year term, as explained in Contact's response to the draft conditions.	<a href="#">31 December 2086</a>
Schedule 1, Condition 9	Amendment to align with calendar start date.	Contact agrees with this amendment.	<del>01 January 2030 and three-yearly thereafter 3</del> <a href="#">01 January 2030 and three-yearly thereafter</a> <del>3</del> <a href="#">yearly on the anniversary</a> (and for the duration) of this Concession.
Schedule 2, Condition 7.3	Amendment to reflect clause 14 of Schedule 6 of the FTAA.	Contact agrees with this amendment.	<del>Sections 17S to 17ZC</del> <a href="#">Clause 14 of Schedule 6</a> of the <del>Conservation Act 1987</del> <a href="#">Fast-track Approvals Act 2024</a> applies to applications for consent under this clause unless the

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
			Grantor, in the Grantor's discretion, decides otherwise.
Schedule 3, Condition 1	Delete condition.	Contact disagrees with this amendment and requests no changes are made to this condition, noting this is a commonly used condition.	
Schedule 3, Condition 2	Include wording from the note at the start of Schedule 3 in this condition.	Contact disagrees with this amendment and considers the conditions as drafted are appropriate.	
Schedule 3, Condition 10	Delete condition.	Contact is comfortable with this amendment.	
Schedule 3, Condition 11	Include reference to EC2(3)(b) in the condition.	Contact agrees with this amendment.	The Concessionaire must comply with Conditions <a href="#">EC2 (3)(b)</a> and EC40-EC42 of the resource consent approval conditions regarding the Biosecurity Management Plan and response in the event didymo or myrtle rust is discovered when undertaking the Concession Activity.
Schedule 3, New	Include condition detailing hazardous substance spill response.	Contact agrees with this amendment.	The Concessionaire must comply with the Construction Environmental Management Plan, including the Earthworks Management



Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
Condition (13)			<p>Plan in accordance with Conditions CM1-CM3 of the resource consent approval conditions, including the protocols outlining the management of fuels, hazardous materials, chemicals and waste.</p> <p><u>In the event of any hazardous substance spill the Concessionaire must:</u></p> <ul style="list-style-type: none"> <li>a) <u>Take all practicable measures to stop the flow of the substance and prevent further contamination onto the Land or water;</u></li> <li>b) <u>Immediately contain, collect and remove the hazardous substances and any contaminated material, and dispose of all such material in an appropriate manner / authorised facility;</u></li> <li>c) <u>Notify the Grantor as soon as practicable;</u></li> <li>d) <u>Undertake any remedial action to restore any damage to the soil; and</u></li> <li>e) <u>Take all measures to prevent any reoccurrence.</u></li> </ul>

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
Schedule 3, New Condition (14)	Require notification to DoC within 48 hours of discovery.	Contact agrees with this amendment and considers it can be included in Condition 13.	The Concessionaire must comply with Condition CM23 of the resource consent approval conditions regarding the discovery of any unidentified kōiwi tangata (human skeletal remains), taonga, or archaeological artefacts. <a href="#">The Concessionaire must notify the Grantor within 48 hours of any such discovery.</a>

### CONTACT'S RESPONSE TO COMMENTS ON DRAFT FRESHWATER FISHERIES CONDITIONS

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
<b>Department of Conservation</b>			
New Condition	Add condition to confirm absence of invasive fish upstream of the culverts prior to construction.	Contact disagrees with this amendment, noting this information has already been confirmed at the relevant culverts, as explained in Contact's response to s51 reports.	

## CONTACT'S RESPONSE TO COMMENTS ON DRAFT ARCHAEOLOGICAL AUTHORITY CONDITIONS

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
<b>Heritage New Zealand Pouhere Taonga</b>			
Authority Number	Insert authority number.	Contact agrees with this amendment.	Authority Number: <del>FBC</del> 2026-602
1	Amendments to require the AMP to be submitted to HNZPT for certification.	Contact is generally comfortable with the amendments sought by HNZPT, however, notes that it has not been able to specifically discuss these amendments with Te Ao Mārama.	
3	Include reference to G46/17 in condition.	Contact is generally comfortable with the amendments sought by HNZPT, however, notes that it has not been able to specifically discuss these amendments with Te Ao Mārama.	
4	Minor amendments to condition to reflect actual practice.	Contact is generally comfortable with the amendments sought by HNZPT, however, notes that it has not been able to specifically discuss these amendments with Te Ao Mārama.	

Condition Number	Comment Summary	Contact's Response	Proposed Condition Amendment (if any)
New condition (6)	New condition to reflect longer term, requiring annual reporting on progress of the Project and archaeological results.	Contact is generally comfortable with the amendments sought by HNZPT, however, notes that it has not been able to specifically discuss these amendments with Te Ao Mārama.	

#### MINOR ADMINISTRATIVE AMENDMENTS IDENTIFIED BY CONTACT

Contact has identified additional minor administrative errors in the draft resource consent conditions that primarily relate to cross-referencing of conditions. These are identified in the table below.

Condition Number	Administrative amendment identified by Contact
MP10(4)	[...]  4. If, within five (5) working days of submitting the amended management plan(s) to the relevant District or Regional Council(s), the Consent Holder is notified in writing by the relevant District or Regional Council(s) that the proposed amendment is a material amendment in accordance with Condition MP11(a), the Consent Holder must consider and progress the amendment in accordance with Condition MP11.
CM12(4)	[...]  4. The final design of the water management system must be provided to the relevant District and Regional Councils in accordance with Condition G6A and CM3(i). [...]

Condition Number	Administrative amendment identified by Contact
CM17	<p>1. The water take authorised by these resource consents must comply with the following:</p> <p>[...]</p> <p>c. In the event the minimum flow of the stream, as measured at the point of the water take, is a Q95 flow or lower, Condition CM17(1)(b)(a) does not apply, and the water take must instead comply with the permitted activity limits set in Rule 49 in the Proposed Southland Water and Land Plan;</p> <p>[...]</p>
NO6	<p>[...]</p> <p>2. The report must:</p> <ul style="list-style-type: none"> <li>a. Demonstrate compliance with Condition NO5;</li> <li>b. Detail any wind turbine controls necessary to achieve compliance with Condition NO5(a)(b) at neighbouring dwellings;</li> <li>c. Include the 35dBA contour for the proposed wind turbines and identify any sensitive receivers located within that contour; and</li> <li>d. Provide manufacturer test reports that demonstrate special audible characteristics will be avoided.</li> </ul> <p>3. Any wind turbine controls necessary to achieve compliance with Condition NO5(a)(b) at all neighbouring dwellings must be implemented before the wind turbines commence operation.</p>
EC2	<p>[...]</p> <p><del>a) 4</del> The TEMP must include detail of the methods by which the objective in Condition EC2.2 will be achieved, including:</p> <ul style="list-style-type: none"> <li>a) Ecological management during construction and operation of the Project;</li> <li>b) Management of effects on lizards;</li> <li>c) Management of effects on bats;</li> </ul>

Condition Number	Administrative amendment identified by Contact
	<ul style="list-style-type: none"> <li>d) Management of effects on avifauna;</li> <li>e) Management of effects on terrestrial invertebrates;</li> <li>f) Management of effects on terrestrial and wetland habitats;</li> <li>g) Areas of any habitat restoration;</li> <li>h) Offsetting and compensation actions;</li> <li>i) Weed and pest control; and</li> <li>j) Ecological monitoring and ongoing management requirements.</li> </ul> <p>b) 5 The Consent Holder must implement the methods specified in the TEMP.</p>
EC36	<p>[...]</p> <p>5 Annually for three (3) years following the commissioning of wind turbines, and once every five (5) years thereafter, the Consent Holder must engage a Suitably Qualified and Experienced Person to prepare a compliance monitoring report in accordance with the requirements of the AMP outlining the results of the post-construction avifauna monitoring surveys.</p> <p>[...]</p>
EC38D	<p>[...]</p> <p>b. The provision of advice and assistance in the event one or more of the compensation triggers listed in Condition EC37B is equalled or exceeded, including:</p> <ul style="list-style-type: none"> <li>i. Reviewing and providing comments on the draft report prepared in accordance with Condition EC37E(2)(b); and</li> <li>ii. Providing input on the compensation measures that the Consent Holder will implement in accordance with EC37(3)(b)(b)(ii).</li> </ul>
SC10	<p>1 Prior to commencement of Project construction, the Consent Holder must establish a Community Benefit Fund with an initial contribution of \$200,000 for the purpose of providing grants for the benefit of the local community.</p>

Condition Number	Administrative amendment identified by Contact
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2 The Consent Holder must:

- a. Contribute a minimum of \$70,000 per year (indexed annually for inflation) during construction and operation of the Project; and
- b. Contribute an additional \$250 per year (indexed annually for inflation) to the fund for every MW above 200 MW of installed capacity.

~~2.3~~ The Consent Holder may distribute grants from the Community Benefit Fund following consultation with the Community Liaison Group.

~~3.4~~ The Consent Holder must give priority consideration to projects or people residing within the Waimumu-Kaiwera, Clinton and Wyndham-Catlins statistical area as identified on the Statistics New Zealand Geographic Boundary Viewer.

~~4.5~~ The Consent Holder must not unreasonably withhold distribution of grants that are recommended by the Community Liaison Group.

~~5.6~~ The Consent Holder must ensure that at least 70% of the funds accumulated are distributed each calendar year, unless otherwise agreed with the Community Liaison Group.

~~6.7~~ The Consent Holder must provide a summary of the details of the distribution of the Community Benefit Fund for the period 1<sup>st</sup> July – 30<sup>th</sup> June to the relevant District and Regional Councils and Community Liaison Group, by the 30<sup>th</sup> of September each year during the construction and operation of the Project.

TR5

[...]

5 Any separate wind turbine component transport Base Condition Report must be provided to the relevant District Council and Waka Kotahi NZ Transport Agency a minimum of twenty (20) working days prior to the arrival of wind turbine components at the Project Site and be subject to the review and written certification process set out in TR5~~(1)(a)~~ above.