Part C

CONTACT ENERGY LIMITED

Southland Wind Farm

Approvals relating to the Conservation Act 1987

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1. INTRODUCTION

Section 43(3)(e) of the Fast-track Approvals Act 2024 ("**FTAA**" or "**the Act**") sets out that a substantive application must, for an approval for a concession, include the information required by clause 3 of Schedule 6 of the FTAA. This part of the substantive application provides the information required for the concessions sought by Contact Energy Limited ("**Contact**") to authorise activities for the Southland Wind Farm Project ("**the Project**") that would otherwise be applied for under the Conservation Act 1987 ("**Conservation Act**").

In relation to the above, Contact is seeking:

> Approval for a concession for the construction of a culvert to replace an existing ford over the Mimihau Stream North Branch (which is subject to Part 4A (Marginal Strips) of the Conservation Act) to enable construction access (and potentially ongoing maintenance access) to the Southland Wind Farm; and

> Approval for a concession for an airspace easement for a high voltage (220kV) transmission line to pass over this same marginal strip, in a different, but nearby, location to the proposed culvert. To clarify, no physical works or structures will be required for this particular concession.

In addition, a degree of 'design envelope' flexibility is proposed in relation to the alignment of the transmission line route. This design envelope is defined as a 200m wide 'corridor' (100m either side of the indicative transmission line route). The eastern edge of the corridor passes over the Department of Conservation ("**DoC**") administered Waiarikiki Stream, Mimihau Conservation Area. As such, an additional airspace easement concession is being sought for the transmission line to include the possible, albeit highly unlikely, crossing of this Conservation Area as well.

Both the location of the proposed culvert in the Mimihau Stream North Branch Marginal Strip and the airspace easements over the Waiarikiki Stream, Mimihau Conservation Area are located in close proximity to each other and are surrounded by the Port Blakely (plantation) Forest.

A description of the Project, including the Project Site, is provided in full in **Part A** to these application documents, which forms part of this application for approvals for concessions. The figures referenced in this application document are included in **Part G** to these application documents. The technical reports referenced throughout this document are include in **Part H** to these application documents.

2. EXISTING ENVIRONMENT

2.1 PROJECT SITE

The Southland Wind Farm Site is located on Slopedown Hill in eastern Southland, approximately 30km south-east of Gore and 20km east of Edendale (refer to **Figure Project Description-2 (Part G)**). The Wind Farm Site covers approximately 58km^2 of privately owned land, including land which forms part of two sheep and beef farms (Jedburgh Station and Glencoe Station), and Venlaw plantation forest owned by Matariki Forests.

The Project Site comprises the Wind Farm Site and also the land subject to the grid connection works and the main construction access track through the Port Blakely Forest. In the vicinity of the Project Site are protected areas, including stewardship land (Slopedown Conservation Area), isolated areas of the Catlins Forest Park, and areas protected by QEII covenants in the Mimihau Stream Catchment (identified on **Figure Terrestrial Ecology-6** (**Part G)**).

2.2 MIMIHAU STREAM NORTH BRANCH CULVERT CROSSING SITE

2.2.1 Location

The Mimihau Stream is serpentine in form and flows east-to-west to the north of the proposed Wind Farm Site and into the Mataura River to the north of Wyndham. It crosses pastoral farmland, with open grassed banks, interspersed with pockets of vegetation and riparian plantings, comprised of both indigenous and exotic vegetation.

The stream has two branches (North Branch and South Branch) in the upper catchment, with the South Branch being immediately north of the proposed Wind Farm Site and the North Branch being a short distance further north. The North Branch demarcates the boundary between the Southland District and Gore District. Both of these streams have Marginal Strips running alongside for most of their lengths. These Marginal Strips are administered by DoC. The confluence of these two streams is adjacent to Venlaw Road near the western entrance to the Wind Farm Site. The Marginal Strip areas and the location of the culvert stream crossing (also referred to as NSC1) over the Mimihau Stream North Branch are identified in **Figure Part C-1 (Part G)**.

The existing Mimihau Stream North Branch crossing is a ford used for the forestry access tracks (identified in **Figure 1** below). A preliminary stream crossing design assessment for the proposed crossing is included in Appendix C to Riley (2025) (attached as **Part H** to these application documents). This includes a description of the proposed culvert crossing site, identified in **Figure 2** below. The preferred culvert crossing alignment is approximately 40m

upstream of the existing ford. The geographic coordinates for this site are 4868477 N 1301522 E (NZTM).

The Mimihau Stream North Branch culvert crossing site is legally described as Crown Land Block V Slopedown Survey District – Crown Land Reserved for Sale (Marginal Strip) Section 58 Land Act 1948 (refer to the Record of Title attached as **Part L** to these application documents). The site is therefore subject to Part 4A (Marginal Strips) of the Conservation Act and is administered by DoC.

Figure 1: View of the existing ford crossing over the Mimihau Stream North Branch.

Figure 2: View of the proposed Mimihau Stream North Branch crossing site (looking upstream).

2.2.2 Freshwater Ecology Values

A description of the freshwater ecology values of the Mimihau Stream North Branch is provided in Ryder and Goldsmith (2025) (included in **Part H** to these application documents). The Mimihau Stream North Branch has a Strahler stream order of 4 with a mean flow of 487 l/s as calculated by Riley (pers. comm. Lennie Palmer (Riley, May 2025)). The rapid habitat assessment undertaken by Wildland Consultants ("**Wildlands**") at this location had a moderate score of 68. The Macroinvertebrate Community Index score at the North Branch was 93, which is interpreted as "fair" habitat quality. Fish surveys at the Mimihau Stream North Branch found the presence of Gollum galaxias and a single longfin eel.

There is an existing road crossing through the Mimihau Stream North Branch. It is currently a ford as shown in **Figure 1** above, and therefore, there is an existing physical disturbance associated with vehicles driving over the stream bed in this location.

2.2.3 Vegetation

Wildlands (2025) (included in **Part H** to these application documents) assessed the vegetation present in the area adjacent to the proposed stream crossing in the Mimihau Stream North Branch area. The vegetation at this location is identified as "Riparian

Vegetation" and has been classified as having "Negligible" value. The vegetation on the true left is dominated by abundant gorse and some broom (*Cytisus scoparius*), with exotic grasses and herbs including cocksfoot (*Dactylis glomerata*) sweet vernal, lotus (*Lotus pedunculata*), and monkey musk (*Erytranthe guttata*). Indigenous vegetation was sparse, with a single koromiko (*Veronica salicifolia*) shrub present at the edge of the stream and an approximate 1m by 30m riparian band of rautahi (*Carex geminata*) sedgeland. Vegetation on the true right of the stream and up to the current road comprises exotic grasses and herbs, with cocksfoot, Yorkshire fog (*Holcus lanatus*), Timothy (*Phleum pratense*), lotus selfheal (*Prunella vulgaris*), yarrow (*Achillea millefolium*), white clover (*Trifolium repens*), and creeping buttercup (*Ranunculus repens*).

2.3 TRANSMISSION LINE ROUTE

A new 220kV transmission line will form the connection between the wind farm substation and the switching station (also known as the Grid Injection Point ("**GIP**")). The alignment of the transmission line is indicative at this stage and will not be confirmed until after detailed design has been completed. As such, a 200m wide 'design envelope' corridor is proposed to provide for a degree of flexibility in the final alignment of the line route. Upon completion of detailed design and confirmation of the transmission line route, an airspace easement of 50m width will be required where the line passes over DoC administered land. Irrespective of the 200m wide 'design envelope' corridor, no pylon or other structure (or any physical works) associated with the transmission line will be located within DoC administered land (i.e. airspace easements for the transmission line only are what is being sought). The transmission line route is identified in the **Figure Project Description-2 (Part G)**.

Figure Part C-5 (Part G) identifies the route for the transmission line relative to the sections of the Mimihau Stream North Branch Marginal Strip and DoC Waiarikiki Stream, Mimihau Conservation Area that are subject to the concessions sought in this application.

The indicative transmission line route passes over the Marginal Strip and is adjacent to, but does not pass over, a nearby Conservation Area (Waiarikiki Stream, Mimihau Conservation Area), although the edge of the design corridor does, as addressed below.

The Mimihau Stream North Branch is described in Section 2.2 above and is therefore not repeated here. The geographic coordinate for the indicative location of the transmission line that crosses over the Marginal Strip in this location is 4868553 N 1301770 E (NZTM). As noted previously, an airspace easement width of 50m would be required.

The Waiarikiki Stream, Mimihau Conservation Area is 24.39ha in area and is legally described as Lot 1 DP 362693, classified as Stewardship Area – s.25 Conservation Act

1987.[1] The address for this site is 1425 Venlaw Road, Slopedown, Clinton. This is a relatively flat area adjoining the Mimihau Stream, with ground cover primarily comprised of low-lying bush. The vegetation in this location is primarily comprised of copper tussock / rautahi marsh.

Although the indicative alignment or the transmission line or the associated 50m wide easement area does not pass over this Conservation Area, the eastern edge of the 200m wide 'design envelope' corridor does, and as such, there is a possibility that an airspace easement may be required over this area. The geographic coordinate for a location within the relevant area of the Waiarikiki Stream, Mimihau Conservation Area where the transmission line route corridor crosses is 4868773 N 1302016 E (NZTM). However, to reiterate, the indicative route of the transmission line does not cross over this Conservation Area , and it is highly unlikely that the final design of the transmission line will.

Contact will confirm the exact alignment of the transmission line following detailed design. This is required by the proposed conditions of consent (refer to **Part I** of these application documents).

3. APPROVALS SOUGHT THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE CONSERVATION ACT

Contact is seeking approval for concessions required for the Project that would otherwise be applied for under the Conservation Act. The concession types sought are as follows:

- An easement for a right of way for the construction of a culvert stream crossing over the Mimihau Stream North Branch (subject to Part 4A (Marginal Strips) of the Conservation Act);
- An airspace easement for a right to convey electricity to permit the transmission line crossing over part of the Mimihau Stream North Branch (subject to Part 4A (Marginal Strips) of the Conservation Act); and
- An airspace easement for a right to convey electricity to permit the transmission line crossing over part of the Waiarikiki Stream, Mimihau Conservation Area (should this be required).

These approvals are described in more detail below.

[1] NaPALIS ID: 2800486.

3.1 CULVERT STREAM CROSSING – MIMIHAU STREAM NORTH BRANCH CONCESSION

The main construction access track to the Southland Wind Farm Site follows, for the most part, an existing forestry road through the Port Blakely Forest. One location where the proposed wind farm construction access track deviates from the existing forestry road is where it crosses the Mimihau Stream North Branch (which is currently via a ford across the steam bed). At this location, the current hairpin bend is too tight to accommodate the delivery of wind turbine components. As such, it is proposed to install a box culvert within the stream, approximately 40m upstream of the existing ford, which will enable a straightening of the road at this location.

Riley (2025) has prepared a preliminary stream crossing design for this culvert. The revised alignment of the road is shown in **Figure Part C-1 (Part G)** and a photo of the stream indicating the revised alignment is shown in **Figure 3** below. The indicative design of the proposed culvert is shown in Appendix A to the preliminary stream crossing design report included in Riley (2025).

The Mimihau Stream North Branch is subject to Part 4A (Marginal Strips) of the Conservation Act, and therefore, an easement for a right of way is required for the proposed culvert crossing.

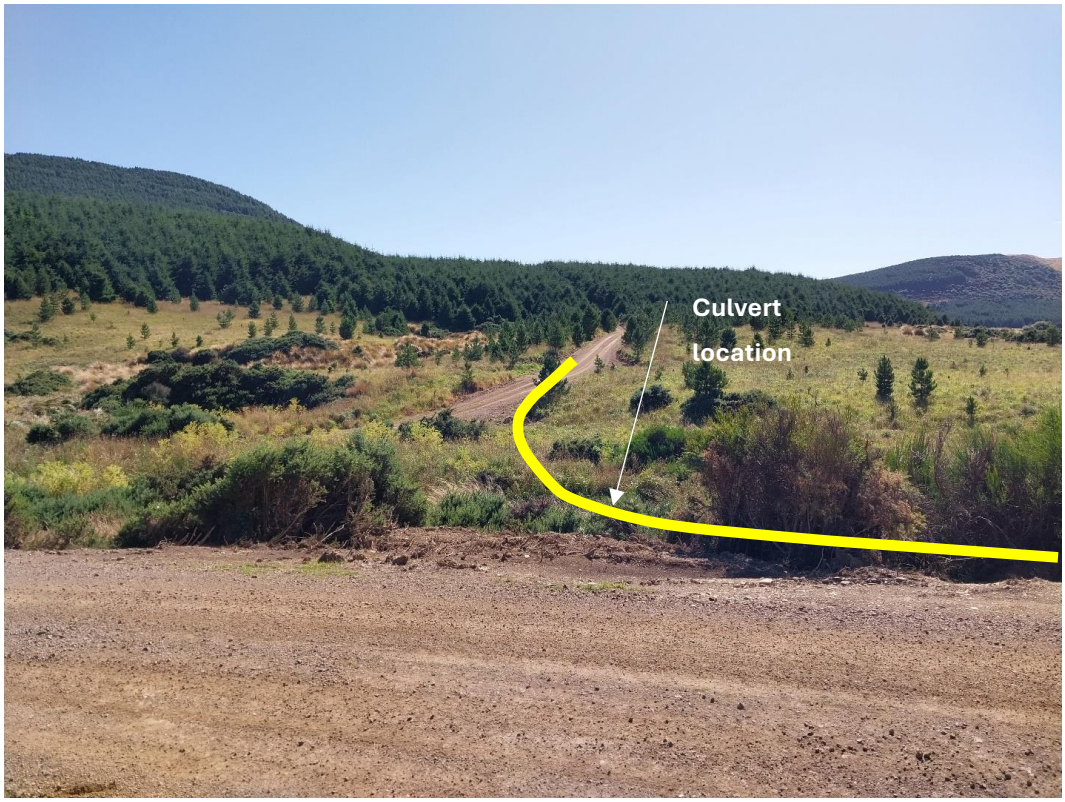

Figure 3: Proposed road realignment and culvert location over the Mimihau Stream North Branch.

3.1.1 Crossing design

The indicative design of the proposed culvert is provided in Appendix A of the preliminary stream crossing design report included in Riley (2025). Ryder and Goldsmith (2025) identified that due to the presence of threatened Gollum galaxias at the proposed culvert crossing and in the headwaters upstream of this site, the proposed crossings should be designed as an exclusion barrier to prevent the passage of predatory trout upstream of these sites to protect the threatened galaxias population. Therefore, the culvert will be designed to impede exotic fish passage, and this is shown in the indicative design in Riley (2025). This is also described further in the application for complex freshwater fisheries approvals in **Part F** to these application documents. The proposed culvert design is outlined in **Table 1** below.

Table 1: Design of the proposed culvert crossing over the Mimihau Stream North Branch.

Parameter	100-Year ARI Design Flow (m^3/s)	Geometry (W X H) (m)	Existing Culvert Length (m)	Proposed Culvert Length (m)
NSC1	38.4	6.0 x 1.5	Ford	20

3.2 TRANSMISSION LINE CONCESSIONS

A new 220kV transmission line will form the connection between the wind farm substation and the switching station. The transmission line will be approximately 16km long and will be either a single or double circuit 220kV line supported on steel lattice towers or poles typically 40m in height, but up to 55m in height where necessary. Approximately 50 support structures (i.e. pylons, towers or poles) may be required for the transmission line, with a typical spacing of 300-400m. If a double circuit line is selected (which is the most likely), the towers will carry three 220kV conductors on each side plus an overhead earth wire containing optical fibre.

A 200m wide design envelope 'corridor' (100m either side of the centre line) is sought for consent to allow for tower placement micro-siting at the detailed design stage. Regardless of the location flexibility accommodated by the design envelope, no structures or any physical works will occur within DoC administered land.

3.2.1 Transmission line crossing Mimihau Stream North Branch

The transmission line will occupy air space over the Mimihau Stream North Branch, in a different, but nearby, location to the culvert described in Section 3.1. This is shown in **Figure Part C-5 (Part G)**. As the Mimihau Stream is subject to Part 4A (Marginal Strips) of the Conservation Act, Contact is seeking approval for an air space easement over the Mimihau Stream North Branch Marginal Strip. No structures required for the transmission line will be constructed within 10m of the Mimihau Stream North Branch.

3.2.2 Transmission line crossing Waiarikiki Stream, Mimihau Conservation Area

Part of the proposed 200m wide design envelope corridor for the transmission line crosses over a small portion of the Waiarikiki Stream, Mimihau Conservation Area (as shown on **Figure Part C-5 (Part G)**). Given the indicative design, it is most likely that the transmission line will not cross over this conservation area. However, Contact is seeking an approval for a

concession for an airspace easement if the final design an alignment of the transmission line requires it to pass over this area. As above, no structures will be constructed within the Conservation Area. If, following detailed design, the final transmission line does not cross over this conservation area, Contact will inform DoC that this concession is not required.

3.3 DURATION (TERM OF EASEMENT)

Clause 13 of Schedule 6 of the FTAA notes that section 17Z of the Conservation Act applies to the duration of a concession granted by a panel under the FTAA as if the references in that section to the Minister were references to a panel. In accordance with section 17Z(3) of the Conservation Act, an easement may be granted for a term not exceeding 30 years, but:

a) *In exceptional circumstances, the Minister may grant a term not exceeding 60 years;*
b) *Where the easement provides a right of way access to a property to which there is no other practical access, the term may be for such longer period as the Minister considers appropriate; and*
c) *Where the easement is for a public work (as defined in the Public Works Act 1981), the term may be for the reasonably foreseeable duration of that public work.*

In accordance with section 17Z(3)(a) of the Conservation Act, a term of 60 years from the date of the commencement of the construction of the Southland Wind Farm is requested for all concessions sought in this application to allow for the culvert and transmission line to remain in place throughout the anticipated operational lifetime of the Southland Wind Farm. Contact considers the proposed concessions should be considered as an exceptional circumstance. The proposed culvert and transmission line are both essential to enable the construction, operation and maintenance of the Southland Wind Farm.

The Southland Wind Farm will provide a regionally and nationally significant source of renewable electricity which will contribute to the New Zealand Government's goals of transitioning to a low emissions economy. It is anticipated the Southland Wind Farm will be operational for over 60 years. The Project would also result in a range of positive economic effects and enhanced environmental outcomes, as discussed in detail in **Part A** of these application documents. Therefore, it is considered that it is appropriate the easements required for the culvert and transmission line are granted for the maximum term allowable under the Conservation Act, particularly given the wind farm cannot operate without the transmission line. In addition, the culvert will remain in place to provide access to the Wind Farm Site during the operation and subsequent maintenance phase of the Southland Wind Farm. For these reasons, exceptional circumstance apply in accordance with s17Z(3)(a) of the Conservation Act, and the concessions can be granted for a period of 60 years. It is noted that this is consistent with the purpose of the FTAA.

4. CONSIDERATION OF ALTERNATIVES

4.1 MIMIHAU STREAM NORTH BRANCH CROSSING

There is an existing forestry road through the Port Blakely Forest with a ford at the Mimihau Stream North Branch crossing location that provides access for forestry trucks and related traffic to cross the stream. However, given the size and weight of the wind turbine components, passage across the stream using this ford (or the road alignment immediately on either side of it) is not feasible.

Consequently, to enable the transport of the wind turbine components, Contact is required to construct a new stream crossing over the Mimihau Stream North Branch. As there is currently no suitable crossing over the Mimihau Stream North Branch, there is no alternative crossing available and there are no other existing tracks that provide access to the Wind Farm Site through the Port Blakely Forest. Riley (2025) has completed an assessment of the proposed stream crossing and determined the preferred crossing is approximately 40m upstream of the existing ford and that a box culvert is the most appropriate structure. The proposed culvert will avoid the effects of heavy vehicles crossing an active water way, which will reduce sedimentation, bed disturbance and potential effects on fish. The proposed culvert crossing is therefore considered to be the best option to enable the construction of the Southland Wind Farm.

4.2 TRANSMISSION LINE

Contact had initially identified four potential transmission line routes to provide a connection from the Southland Wind Farm substation to the National Grid. These are identified in **Figure Part C-9 (Part G)**. Three of these routes cross over Conservation Areas, and therefore, an air space easement for the conveyance of electricity would be required for each of these options (Option A, C, and D in **Figure Part C-9 (Part G)**). Transmission line Option C was discounted due to environmental considerations, as this route would have required significant clearance of vegetation within an area of the Catlins Forest Park immediately to the south of the Wind Farm Site and also would have passed over the Dunvegan Fen Comple – an area known to have Australasian bittern present. Transmission line Option D would have required crossing over two separate sections of conservation area as well as both the Mimihau Stream South Branch and Mimihau Stream North Branch. Option B would not have required crossing of any DoC administered land, but is a longer line than Option A and was deemed to have greater potential environmental effects due to it passing through an area of bat habitat and would have also required crossing over the Dunvegan Fen complex (like Option C). As such, Option A has been identified as the preferred route over the other options.

Following this, the only other alternative is not constructing a transmission line, which is not viable as the Southland Wind Farm cannot operate without connection to the Transpower National Grid by way of a transmission line. Therefore, this option has been discounted.

Therefore, the proposed transmission line (Option A) is considered to be the best option and there is no alternative route where the potential adverse effects would be significantly less.

5. ASSESSMENT OF POTENTIAL EFFECTS

Below is an assessment of the potential effects of the proposed activities for which approvals are sought and the proposed measures to manage these effects.

5.1 MIMIHAU STREAM NORTH BRANCH CROSSING

5.1.1 Ecology

The stream crossing is required to enable access to the Wind Farm Site during construction and operation. This culvert crossing will replace an existing ford which will provide localised benefits through the avoidance of the current disturbance associated with vehicles driving through the stream bed.

The potential ecological effects of the construction of a culvert on the Mimihau Stream North Branch will primarily occur during the construction phase and include:

- Potential direct and indirect discharge of sediment to watercourses associated with short term construction activities;
- Potential effects on freshwater ecology values, including disruptions to fish passage during short term construction activities;
- Risk of contaminants and new pest species entering watercourses, with the potential to harm freshwater communities due to the presence of construction machinery; and
- Habitat loss, including clearance of approximately 350m^2 of the "Riparian Vegetation" described in Section 2.2.3.

Identified effects on ecology will be managed through the proposed conditions of both the resource consents sought as part of this substantive application, and the concession, as well as the management plans that Contact will implement during construction. A number of relevant measures (for example, water quality monitoring and the recovery and translocation of any fish and/or freshwater crayfish that are disturbed by earthworks) will be detailed in the Construction Environmental Management Plan ("**CEMP**"). The water quality monitoring will ensure that the Mataura 3 receiving water standards outlined in the Proposed

Southland Water and Land Plan are met. Water quality monitoring will be undertaken upstream and downstream of the works area during construction activities. Other measures to manage the potential discharge of sediment to watercourses associated with construction activities will be managed through the implementation of an Earthworks Management Plan ("**EMP**"), which will include an Erosion and Sediment Control Plan ("**ESCP**").

The installation of a culvert will result in an open channel being modified, and as such, will result in some local habitat disturbance and loss of stream extent. The watercourse crossing is required to enable the transportation of wind farm components, and therefore, the construction of the watercourse crossing cannot be avoided. To offset effects associated with the loss of stream extent, the Stream Ecological Valuation ("**SEV**") method will be used to calculate the quantum of offsetting required. The SEV method will be used to describe the existing habitat values of the watercourse in a quantifiable way and ensure that enhancement offsets the stream crossing disturbance through increasing habitat elsewhere by a similar extent to that lost. Enhancement will be through fencing and planting to prevent stock access, restore stream shade and reduce sediment and nutrient input via run-off. This will occur at sites within the Mimihau Stream catchment, local to the Wind Farm Site. These measures will be outlined in a Riparian Offsetting Management Plan and will be required by the proposed conditions for this concession (included in **Part I**). The draft Riparian Offsetting Management Plan is attached in **Part J** of these application documents.

The CEMP and EMP will also outline the measures that will be implemented during construction to ensure that the risk of contaminants and pest introduction to watercourses is minimised. This will include the requirements that contaminants (e.g. diesel, lubricants) stored on-site should be bunded, and refuelling of machinery should take place away from watercourses. In addition, all machinery bought onto the Project Site will be thoroughly cleaned to avoid the risk of introducing weed species.

The culvert will be designed to restrict the passage of exotic fish, but will maintain passage for indigenous fish species. This is in accordance with the recommendation of Ryder and Goldsmith (2025). This is because trout predate on Gollum galaxias, which are known to be upstream of this culvert, and it is therefore considered to be beneficial for the population of Gollum galaxias to restrict the passage of trout at this site. Approval for a complex freshwater fisheries activity is being sought for this activity as part of this substantive application (refer to **Part F** of the substantive application).

Given the above, it is considered the ecological effects of the proposed crossing can be appropriately managed.

5.1.2 Landscape and Visual Effects

The proposed culvert will only be visible near the site of the crossing and will not be visible in the wider landscape. As such, the proposed stream crossing will not result in any adverse landscape or visual effects. As mentioned above, Contact will prepare and implement a Riparian Offsetting Management Plan, to provide for any loss of stream extent associated with the proposed stream crossing. Therefore, it is considered any potential landscape and visual effects associated with the proposed stream crossing will be no more than minor.

5.1.3 Historic Values

Cook (2025) confirms there are no known archaeological sites near the proposed Mimihau Stream North Branch crossing location. Therefore, the construction of the crossing of the Mimihau Stream at this site are not expected to result in any archaeological effects. Contact will implement the accidental discovery protocol in accordance with the Archaeological Management Plan (and associated Archaeological Authority that is also being sought as part of this substantive application (refer to **Part E**)) during the construction of the stream crossing if an archaeological site or feature is encountered during work.

5.1.4 Recreational Users

The subject site is identified as a Marginal Strip under the Conservation Act and is therefore administered by DoC. The proposal seeks to maintain the existing access to the Mimihau Stream North Branch marginal strip and does not seek to prevent public access beyond what is currently permitted at this site. The site has little existing public use as access to the marginal strip at this site is primarily provided through the privately owned forest.

5.2 TRANSMISSION LINE

5.2.1 Terrestrial Ecology

The section of the transmission line that will cross over the identified marginal strip and may cross over the Waiarikiki Stream, Mimihau Conservation Area will not involve the construction of any structures within the stream or conservation area. The activity will be limited to the erection of a transmission line that crosses air space over the identified areas.

Wildlands (2025) assessed the potential effects of the transmission line on terrestrial ecology. The potential effects of the transmission line crossing the areas administered by DoC are the risk of electrocution of birds interacting with transmission line infrastructure and the risk of large birds colliding with transmission lines. Wildlands (2025) considers the birds at greatest risk of strike with the transmission lines are highly mobile species such as kārearea/eastern falcon, tūī and kererū/New Zealand pigeon. The chance of migratory

species striking the transmission line is considered to be low as few birds migrate seasonally across this land. Wildlands (2025) assesses the risk of bird strike and electrocution within the easement locations as being very low, particularly noting the very small extent to which the transmission line will cross these areas.

The Avifauna Management Plan will form part of the Terrestrial Ecology Management Plan and will outline details of the methodology for collision mortality monitoring, which will include monitoring sections of the transmission line (refer to the draft Avifauna Management Plan included in **Part J** to these application documents). The Avifauna Management Plan will also outline the methodology for bird injury and mortality protocols, as well as an incidental discovery protocol. Contact will adopt an adaptive management approach to the management of effects of the transmission line on birds which will depend on the species and number of detected individuals harmed, in accordance with the Avifauna Management Plan and as required by the proposed conditions. The Avifauna Management Plan will be implemented throughout the duration of the construction and operation of the Southland Wind Farm.

In addition, Kessels and Davidson-Watts (2025) consider the potential effects of the transmission line on long-tailed bats, including the risk of collision, will be negligible. Overseas research shows bats are able to avoid power lines in flight.

Given no structures will be constructed within the conservation areas, there will be no other effects associated with the proposed activity on terrestrial ecology.

5.2.2 Landscape and Visual Effects

Coombs (2025) assessed the potential effects of the transmission line route on landscape and visual amenity values. The assessment notes that the transmission line and associated infrastructure will have limited impact on the land use, with the underlying activities remaining. In addition, the mid-grey colour of the transmission line structures is familiar in the wider rural landscape and the neutral tone assists with mitigating visual impacts. The transmission line crosses air space over only a small portion of the Mimihau Stream North Branch and potentially (but highly unlikely) over the Waiarikiki Stream, Mimihau Conservation Area, and therefore, will not significantly adversely affect the landscape values of these sites.

5.2.3 Historic Values

There are no archaeological sites within, or near, the area of the Mimihau Stream North Branch that the transmission line will cross or the Waiarikiki Stream, Mimihau Conservation Area the transmission line couple potentially cross. As no physical works are required within

either of these areas that are subject to these concession applications, the proposed concessions sought will not result in adverse effects on historic or archaeological values.

5.2.4 Recreational Users

The sites that are subject to the proposed air space easements are conservation areas administered by DoC. The transmission line will not affect existing recreational values of either the Mimihau Stream North Branch or the Waiarikiki Stream, Mimihau Conservation Area (should this area be crossed by the transmission line). The proposal seeks to enable the transmission line to cross over the sites and does not seek to prevent public access beyond what is currently permitted at these sites. No structures will be constructed within the conservation areas and there will be no occupation of the areas, with the proposed activity solely limited to the transmission line crossing over the areas. As such, there will be no adverse effects from the transmission line on recreational users of the Mimihau Stream North Branch and Waiarikiki Stream, Mimihau Conservation Area.

6. CONSULTATION

6.1 DEPARTMENT OF CONSERVATION

Contact had previously applied for concessions for the activities subject to this application from DoC during the Covid Fast-track consenting process. Throughout the processing of the previous concession application further information was provided to DoC to provide further clarification on the proposed activities. This application largely reflects the previous application made, including the advice received from DoC in regard to the information required in the application, as well as the proposed concession conditions, which largely reflect the draft conditions DoC issued for the previous application. The previous application made has been cancelled by Contact in light of this application being made under the FTAA. Contact also consulted with DoC in relation to this application for concessions being made under the FTAA, including prior to submitting the referral application, in accordance with section 11 of the FTAA.

6.2 MANA WHENUA

Contact has been consulting closely with representatives of Te Rūnanga o Ngāi Tahu and Papatipu Rūnaka ki Murihiku in relation to the Project, including via Te Ao Marama Incorporated (who represents Murihiku Rūnaka by providing resource management engagement, taiao and cultural advice in Resource Management Act 1991 and other processes) in relation to this application for concessions. At a substantive level, Contact has a long history of engagement with Te Rūnanga o Ngāi Tahu and Papatipu Rūnaka ki Murihiku on the Southland Wind Farm Project throughout the consenting process under the

Covid Fast-track Act. This engagement has informed the Project, including the proposed management of effects and consent conditions. In addition, this engagement resulted in agreement between Te Rūnanga o Ngāi Tahu and Papatipu Rūnaka ki Murihiku and Contact, both in relation to conditions for the Project, and (via a confidential agreement) in relation to matters that cannot be mitigated by way of consent conditions. TAMI on behalf of Te Rūnanga o Ngāi Tahu and Papatipu Rūnaka ki Murihiku have confirmed that the concessions sought are appropriate and they did not raise any issues in regard to the proposed activities that are the subject of this application.

7. STATUTORY ASSESSMENT

7.1 INTRODUCTION

In assessing applications, Panels are to give the greatest weight to the purpose of the FTAA, which is "*to facilitate the delivery of infrastructure and development projects with significant regional and national benefits*". Section 81(4) of the FTAA states that, when taking into account the purpose of the FTAA, the Panel must consider the extent of the Project's regional or national benefits. Where a substantive application is made, the approval process set out in the FTAA applies instead of the processes provided for under other legislation.[2]

An assessment of the statutory provisions relevant to this application for concessions is provided in the sections below.

7.2 PURPOSE OF THE FTAA

In accordance with clause 7(1)(a)(i) of Schedule 6 of the FTAA, assessment of this application for concessions must take into account, and give the greatest weight to, the purpose of the FTAA. The alignment of the Project with the purpose of the FTAA is discussed in detail in Section 4 of **Part A** to these application documents. However, for completeness, it is noted that the Project is an infrastructure project that will have significant regional and national benefits. The Southland Wind Farm will provide a nationally significant source of renewable electricity and will contribute to achieving New Zealand's decarbonisation goals.

The concessions sought as part of this application are essential to the Project. The transmission line provides the connection between the wind farm substation and the National Grid. The concessions sought in relation to the transmission line are therefore critical to enabling the electricity generated by the Southland Wind Farm to be supplied to

[2] Section 40 of the FTAA.

the National Grid, and as such, enable the nationally significant benefits of the Project to be realised. In addition, the proposed stream crossing is required to enable the transport of wind turbine components to the Wind Farm Site. Without this crossing in place, the wind farm cannot be constructed. Thus, all of the concessions sought in this application are essential to facilitating the development of this nationally significant infrastructure, and therefore, are consistent with the purpose of the FTAA.

7.3 RELEVANT PROVISIONS IN PART 3B OF THE CONSERVATION ACT 1987

Clause 7(1)(a)(ii) of Schedule 6 of the FTAA requires the Panel to take into account Part 3B of the Conservation Act 1987 (except sections 17SB and 17U(3) of that Act) as if the application were an application for a concession under Part 3B. The relevant provisions in Part 3B are discussed below.

7.3.1 Contents of the application

Section 17S of the Conservation Act specifies the contents of an application for a concession. Clause 3(1) of Schedule 6 of the FTAA includes those requirements (as well as additional information). Section 7.4 of this application document provides an overview of where the required information is provided.

7.3.2 Matters the Panel must have regard to

As modified by the FTAA, section 17U(1) of the Conservation Act requires the Panel to have regard to a number of matters. The matters in section 17(1)(a) - (e) have been addressed in Sections 3 and 5 of this application document and the supporting technical assessments included in **Part H**. The matters included within section 17U(1)(f) and (g) are process oriented and are not relevant under the FTAA.

7.3.3 Discretion for the Panel to decline an application

As modified by the FTAA, section 17U(2) of the Conservation Act provides the Panel with discretion to decline an application if it considers that:

- There is insufficient or inadequate information to enable it to assess the effects (including the effects of any proposed methods to avoid, remedy, or mitigate the adverse effects) of any activity, structure, or facility; or
- There are no adequate methods or no reasonable methods for remedying, avoiding, or mitigating the adverse effects of the activity, structure, or facility.

The information contained in this application is adequate and sufficient for the purpose of assessing the effects of the proposed easements and any adverse effects can be avoided, remedied or mitigated.

7.3.4 Alternative locations

As modified by the FTAA, section 17U(4) of the Conservation Act provides that the Panel must not grant an application for a concession to build a structure or facility, or to extend or add to an existing structure or facility, where they are satisfied that the activity:

- Could reasonably be undertaken in another location that:
  - Is outside the conservation area to which the application relates; or
  - Is in another conservation area or in another part of the conservation area to which the application relates, where the potential adverse effects would be significantly less; or
- Could reasonably use an existing structure or facility or the existing structure or facility without the addition.

The lack of alternative locations and existing structures or facilities is addressed in Section 4 of this application document.

7.3.5 Appropriateness of grant in the circumstances

As modified by the FTAA, section 17U(8) of the Conservation Act provides that the Panel is not required to grant a concession if they consider the grant is inappropriate in the circumstances of the particular application. For the reasons set out in this application document, it is appropriate to grant these concessions. In summary:

- There is sufficient and adequate information to enable the Panel to assess the effects, which are minimal (refer to Section 5);
- There are adequate methods to avoid, remedy or mitigate the effects (refer to Section 5);
- It is not reasonable to locate the easements sought outside conservation land or waters (refer to Section 4); and
- The Panel must give the most weight to the purpose of the FTAA, which is supportive of granting these concessions (refer to Section 7.2).

7.3.6 Conservation Management Strategy

As modified by the FTAA, section 17W of the Conservation Act requires the Panel to consider the consistency of the easements sought with a relevant conservation management strategy

or conservation management plan, but does not require the Panel to decline the approval if it finds any inconsistency. There is no conservation management plan relevant to the easements sought.

Conservation Management Strategy – Southland Murihiku

The Southland Wind Farm Site is located in the Southland Murihiku Conservation Management Area and is therefore subject to the Southland Murihiku Conservation Management Strategy ("**CMS**"). The CMS became operative on 1 September 2016.

The CMS describes the conservation values present in Southland Murihiku and provides guidance for DoC's work in the form of a vision, objectives, outcomes for places, policies and milestones, translating DoC's strategic outcomes to Southland.

The Southland Wind Farm Project is located in the Lowlands Te Rā a Takitimu Place. The Lowlands Te Rā a Takitimu Place incorporates the extensive rolling downs, plains and basins of Southland Murihiku and links the hinterland to the coast. The Taringatura and Hokonui Hills of the Southland Syncline are striking features within this Place. The CMS notes the majority of land within this Place is privately owned pastoral land, dotted with small rural settlements.

The Catlins Conservation Park crosses the boundary between Southland Murihiku and Otago and is an integral feature of The Catlins Te Akai tai tonga area.

Vision for Southland Murihiku – 2006

The vision of the CMS sets the long-term picture for the conservation of natural and historic resources of Southland Murihiku. The vision for 2066 includes the following relevant outcomes:

> The commitment and active involvement of the communities of Southland Murihiku demonstrate that the intrinsic and cherished natural heritage values of Southland Murihiku are fundamental to their identity and lifestyle;

> The contribution of Ngāi Tahu resources, knowledge and values to conservation is recognised, and Ngāi Tahu will actively engage in decision-making and management processes;

> More conservation is achieved by working cooperatively with Ngāi Tahu, communities businesses and other agencies, resulting in new, innovative and enduring conservation outcomes;

> The natural biodiversity of Southland Murihiku is restored, healthy and functioning, benefiting ecosystem services and underpinning the region's ecological wealth, which

agriculture and other industry sectors depend upon, and showing the way for conservation throughout New Zealand;

> Rivers run clean and migratory species, are abundant and their habitats are protected and enhanced;

> The landscapes, natural environment, and historic and cultural heritage of Southland Murihiku are valued for their connections with past ways of life, defining who we are; and

> By demonstrating a long-term commitment and delivering a measurable benefit to conservation, the commercial use of public conservation lands and waters contributes to the regional and national economies.

The proposed activities are consistent with the outcomes sought above because:

> The Southland Wind Farm Project, including the proposed transmission line and stream crossing for which concessions are sought, have been designed to ensure that the natural values of the Project Site are protected, and where practicable, enhanced;

> Contact has engaged with representatives of Te Rūnanga o Ngāi Tahu and Papatipu Rūnaka ki Murihiku in relation to the Southland Wind Farm Project, including the concessions sought in this application, to ensure cultural values associated with the Project Site are provided for;

> During the construction of the proposed stream crossing over the Mimihau Stream North Branch, Contact will implement erosion and sediment control measures, including an EMP to ensure the relevant Proposed Southland Water and Land Plan water quality standards are met and the existing freshwater ecology values are protected;

> The proposed culvert will be constructed to impede fish passage for exotic fish to protect the upstream Gollum galaxias population (approvals are being sought for this this is described in more detail in **Part F** of this substantive application);

> The archaeology assessment prepared for the Project (Cook (2025)) has identified the archaeological sites within the wider Project Site. The proposed easements will not directly impact any known sites of significance, however, a precautionary approach to discovery will be implemented, in particular during the physical construction works associated with the culvert;

> Coombs (2025) considered the potential effects of the transmission line route that is the subject of this application and concluded that it is consistent with the surrounding

working rural landscape and will not detract from the landscape or natural character values of the environment; and

> As discussed in detail in this substantive application (in particular refer to Section 5 and 6 of **Part B** to these application documents and in Wildlands (2025) and MacGibbon (2025)), the Southland Wind Farm Project, of which the concessions sought will enable, will involve an extensive ecological enhancement programme, including extensive predator control and enhancement of degraded habitats, which will contribute positively to the natural biodiversity of the area. These will be monitored to ensure the long-term benefits are realised.

Lowlands Te Rā a Takitimu Place Outcomes

The outcomes sought for this Place outlined in the CMS of most relevance to this application include:

> The indigenous ecosystem remnants within the pastoral lands of the Place are valued and respected as all that is left of the original bush-covered landscape and their viability is being improved through focused management and community support that prevents their degradation by stock, pests and wild animals;

> Historical and cultural values within the Lowlands Te Rā a Takitimu Place are largely cared for by Ngāi Tahu and local communities;

> Archaeological sites are better understood and protected; and

> Structural development does not detract from important indigenous ecosystem, landscape and recreation values.

In accordance with the outcomes sought above, the proposed transmission line will avoid locating any structures within the conservation area or marginal strip that are the subject of this application. Contact will ensure the values of these conservation areas are maintained. In addition, the proposed predator control that is being proposed as part of the offsetting and compensation package for the broader Project will contribute to enhancing the biodiversity in the surrounding area. Contact has formed a relationship with TAMI and is committed to ensuring the cultural values associated with the Project Site are appropriately identified and managed. These measures are secured by the proposed conditions of consent.

Development of the transmission line and stream crossing will not detract from the indigenous ecosystem, landscape or recreation values that are existing at the site.

As such, it is considered the proposal is consistent with the outcomes sought for this Place in the CMS.

Activities provided for by the CMS

Concessions can be granted to enable appropriate use of public conservation land where the activity is consistent with relevant legislation and policy, the protection of natural resources and historic and cultural heritage, and the recreational settings and planned outcomes and policies for specific Places.

The CMS defines a structure as any building, equipment, device or other facility made by people and which is fixed to land; and includes any raft.[3] Of particular relevance to structures and utilities, the CMS notes utilities are facilities that provide essential public services, such as energy generation and transmission. Structures and utilities can be temporary or intended for long-term use.

Policy 2.7.7 of the CMS is considered to be relevant to the concession activities that are the subject of this application, stating that DoC:

> *May grant authorisations for structures and utilities within the Lowlands Te Rā a Takitimu Place where:*
>
> *a) The criteria in Policy 3.10.1 are complied with;*
>
> *b) The structure or utility is consistent with the outcome for this Place;*
>
> *c) There are no adverse effects on threatened or at risk species, significant landscapes (as identified in Appendix 9 of the CMS), ecological areas or priority ecosystem units (as identified in Appendix 4 of the CMS); and*
>
> *d) The structure or utility complements the cultural values present, such as wāhi tapu, wāhi taonga and whenua tupuna.*

In accordance with the above, an assessment of the consistency of the proposal with Policy 3.10.1 is provided below and the proposed transmission line and stream crossing are considered to be consistent with the outcomes sought for this Place, as noted above.

Wildlands (2025) assessed the potential effects of the proposed activities on terrestrial ecological values. Noting that there will be no vegetation clearance associated with the transmission line crossing over the conservation areas, and while there is a potential risk of collision of avifauna with the transmission line that crosses the conservation area, Wildlands (2025) considers this risk to be very low.

[3] Consistent with the definition of structure in section 2 of the RMA.

In addition, Ryder and Goldsmith (2025) concluded that the proposed stream crossing over the Mimihau Stream North Branch will positively enhance ecological values at this site due to the cessation of forestry vehicles driving through the stream via the existing ford. Contact will ensure the appropriate management measures are in place during construction to protect the values of the watercourse. Any loss of stream extent associated with the construction of the culvert will be appropriately offset, in accordance with the Riparian Offsetting Management Plan.

Further, through the ongoing engagement and collaboration with mana whenua on the proposed activities, Contact will ensure the proposed activities complement the cultural values associated with the sites.

It is therefore considered the proposed activities are consistent with Policy 2.7.7.

As noted in the policy above, Policy 3.10.1 is also relevant to the proposed air space easements for the transmission line and right of way for the stream crossing:

> Apply the following criteria when considering applications to erect or retain structures or utilities on public conservation lands and waters:

a) The purposes for which the land concerned is held;

b) The outcomes and policies for the Place where the activity is proposed to occur;

c) Whether the structure could reasonably be located outside public conservation lands and waters;

d) Whether the structure adversely affects conservation, including recreational, values;

e) Whether the structure is readily available for public use;

f) Whether the structure is consistent with the visitor management zone on Map 3 and as described in Appendix 12 of the CMS;

g) Whether the activity promotes or enhances the retention of a historic structure;

h) Whether the activity is an adaptive reuse of an existing structure;

i) Whether the policies for private accommodation and related facilities should be applied (see Policies 3.11.1-3.11.7); and

j) Whether any proposed road in the Fiordland National Park is provided for by the Fiordland National Park Management Plan 2007.

The proposed transmission line and stream crossing are assessed against the criteria of Policy 3.10.1 below.

In accordance with the above, the following are relevant to the transmission line:

- The purpose of the conservation area and marginal strip that the proposed transmission line is proposed to cross will not be affected by these structures as there will be no structures located within these areas, only the transmission line will cross air space over the area;
- As discussed above, the activity has been assessed as consistent with the relevant outcomes and policies for the Lowlands Te Rā a Takitimu Place;
- Contact has engaged technical experts to determine the possible transmission line routes to connect the Southland Wind Farm substation to the National Grid. The selected route is anticipated to have lower construction costs and overall lower environmental effects due to its shorter length and a route which traverses lower value ecological areas;
- As discussed above, the proposed transmission line route has been assessed as having no more than minor adverse effects on the conservation values of the conservation area and marginal strip, including ecological, landscape, historic and recreational values;
- The proposed transmission line will enable the electricity generated from the Southland Wind Farm to be transmitted to the National Grid, where it will then be distributed and used as electricity; and
- The proposed transmission line will not result in any structures being located within the conservation area or marginal strip and therefore will have no effect on any unknown archaeological material within these areas.

In addition, the following criteria of Policy 3.10.1 are relevant to the proposed stream crossing:

- The Mimihau Stream North Branch is subject to Part 4A (Marginal Strips) of the Conservation Act which seeks to protect the margin and water quality of the stream and enable public access to the marginal strip for recreation purposes. The proposed stream crossing will not result in any change to the existing access to the Mimihau Stream North Branch, noting there is little current public use of this area of the Mimihau Stream North Branch, and it is not anticipated that temporary limitation of access during construction will adversely affect any users. Further, Contact will implement appropriate erosion and sediment control measures to protect the existing values of the stream, as concluded in the technical assessments commissioned for the Project;
- As discussed above, the proposed activity has been assessed as being consistent with the outcomes and policies for the Lowlands Te Rā a Takitimu Place;

- The proposed culvert stream crossing is required to enable the transport of wind turbine components and other equipment to the Wind Farm Site. There is currently no crossing over the Mimihau Stream North Branch that is suitable to enable the equipment to be transported over this stream. Further, given the Mimihau Stream North Branch is subject to Part 4A of the Conservation Act, there is no alternative section of the Mimihau Stream North Branch where the crossing could be located. As such, there is no alternative to the proposed stream crossing that would be suitable for the Project and enable the construction of the Southland Wind Farm;
- The proposed culvert stream crossing has been assessed to not result in adverse effects on ecological, historic, landscape or recreational values, as discussed above;
- The proposed culvert stream crossing will not result in any changes to the existing public access and use of the site; and
- Cook (2025) did not identify any archaeological sites near the proposed culvert crossing of the Mimihau Stream North Branch. However, Contact will implement the recommendations outlined in Cook (2025) and implement the accidental discovery protocol should any archaeological material be discovered during the proposed works, in accordance with the Archaeological Authority that is also being sought as part of this substantive application.

Given the assessment provided above, it is considered that the proposed transmission line and stream crossing are consistent with the policy direction of the CMS for structures within conservation land or waters.

Historic and Cultural Heritage

The relevant objectives of the CMS seek to:

- Value historic and cultural heritage on public conservation lands;[4]
- Understand the location, value, significance and condition of historic places on public conservation lands and waters and ensure that records of the location, value, significance and condition of these places are up to date;[5] and
- Understand the expectations of Ngāi Tahu, the community and others regarding the conservation and management of historic places on public conservation lands.[6]

[4] Objective 1.5.2.1, Southland Murihiku Conservation Management Strategy 2016.

[5] Objective 1.5.2.2, Southland Murihiku Conservation Management Strategy 2016.

[6] Objective 1.5.2.5, Southland Murihiku Conservation Management Strategy 2016.

In accordance with the above, Contact will ensure the values of the historic and cultural heritage present near the proposed activities are retained. Cook (2025) completed a survey of the Project Site and identified the archaeological sites that are present. As discussed above, none of these known sites will be directly impacted by these easements. Contact will however implement best practice and adopt a precautionary approach during the proposed works to ensure any archaeological material that is encountered is appropriately identified and managed.

Further, Contact acknowledge that it is in no position to conclude how the proposed activity will affect cultural values. However, Contact has engaged closely with representatives of Te Rūnanga o Ngāi Tahu and Papatipu Rūnaka ki Murihiku in relation to the Project, including in relation to the concessions sought, as described in Section 6 above. This engagement has informed the Project, including the proposed management of effects and consent conditions.

7.3.7 Conditions

As modified by the FTAA, section 17X of the Conservation Act provides that the Panel may impose such conditions as they consider appropriate, provided they are no more onerous than necessary.[7] Section 17X provides a non-exhaustive list of conditions that may be imposed including:

- The payment of specified rent, fees and royalties (not compulsory under the regime as modified by the FTAA, compared to section 17Y of the Conservation Act);
- A requirement at the end of the term to remove any structure or vest the structure in the Crown; and
- Periodic reviews of terms and conditions including rent.

Contact has prepared a set of conditions for the concessions being sought in this application and these are included in **Part I** to these application documents. The reasonable fee for the easements sought has been informed by the fees that were proposed by DoC as part of Contact's previous concession application, in particular having regard to (in accordance with s 17Y(2) of the Conservation Act):

- The circumstances relating to the nature of the activity;
- The effects of the activity on the purposes of the area affected; and

[7] Sections 81(2)(d) and 83; Clause 8, Schedule 6 of the FTAA. Clause 8(3) applies instead of section 17Y(1) of the Conservation Act 1987.

> Any contractual conditions, covenants, or other encumbrances placed upon intrinsic resource, natural resources, or historic resources by the concession.

7.3.8 Term sought

The term sought, and the reasons why the Panel should be satisfied that there are exceptional circumstances as required by section 17Z(3)(a) of the Conservation Act, are discussed above in Section 3.3.

7.3.9 The purpose for which the land is held, status, ownership and administration of the land

Clause 7(1)(a)(vi) of Schedule 6 of the FTAA requires the Panel to take into account the purpose for which the land is held. In addition, Clause 7(1)(a)(x) of Schedule 6 of the FTAA requires the Panel to take into account the status, ownership, and administration of the land that would be subject to a concession. Under the standard concession process, section 17U(3) of the Conservation Act requires the Minister to decline an application if the proposed activity is contrary to the purposes for which the land is held. As noted above, the FTAA specifically disapplies section 17U(3) from the Panel's assessment of the application. The purpose for which the land subject to the proposed concessions is held, and the status, ownership and administration of the land is discussed below.

Mimihau Stream North Branch

The area of the Mimihau Stream North Branch that is subject to the application for an easement for a right of way and an air space easement for the conveyance of electricity is subject to Part 4A (Marginal Strips) of the Conservation Act. Marginal strips are parcels of Crown-owned conservation area land, administered by DoC, generally 20m wide, adjoining some parts of the coast, lakes larger than 8ha and rivers wider than 3m. Marginal strips provide public walking access and access to the water.

The concessions sought by Contact relevant to the Mimihau Stream North Branch involve the construction of a stream crossing to replace an existing ford, which will have localised benefits for the stream, including for the upstream Gollum galaxias population and on water quality, removing the existing disturbance from vehicles. In addition, the transmission line that will cross over the Mimihau Stream North Branch does not involve any physical disturbance works within the stream. Therefore, excluding temporary restrictions on public access during the construction of the culvert crossing and transmission line, the activities proposed by Contact will not prevent public access or access to the water, and as such, are consistent with the purpose of the land.

Waiarikiki Stream, Mimihau - Conservation Area

The land is a stewardship area, which under the Conservation Act must be managed so that its natural and historic resources are protected. In this case, 'protection' means "its maintenance, so far as practicable, in its current state; but includes (a) its restoration to some former state; and (b) its augmentation, enhancement or expansion."

The activities required for the transmission line air space easement over the stewardship area have been designed to avoid environmental effects as far as practicable on the stewardship area. No physical works will occur within the stewardship area; the transmission line will only pass over this area. Any potential effects will be managed as described in Section 5 and 6 of this application document. With these measures in place, it is anticipated this will maintain the existing state of the stewardship area and it is considered that the proposed concession is not incompatible with the 'stewardship area' classification of the land.

7.3.10 Existing arrangements that create obligations in relation to the land

Clause 7(1)(a)(xi) of Schedule 6 of the FTAA requires the Panel to take into account existing arrangements that create obligations in relation to the land. There are no existing arrangements (including concessions or resource consents) that create obligations in relation to the land that is the subject of this application.

7.3.11 Legal and financial liabilities

Clause 7(1)(a)(xii) of Schedule 6 of the FTAA requires the Panel to take into account the legal and financial liabilities associated with decisions on leases, licences to occupy land, and easements. Contact agrees to utilise such land in accordance with any appropriate terms and conditions, as set out in Schedule 2 of the proposed conditions (refer to **Part I** to these application documents). This includes details relating to the legal and financial liabilities, including the concession fees.

7.3.12 Conferral of an interest in land that is incompatible with an existing interest in land

Clause 7(3)(b) of Schedule 6 of the FTAA requires the Panel to decline the approval if giving effect to it would result in the conferral of an interest in land that is incompatible with an existing interest in land. The proposed activities are not incompatible with an existing interest in the land that is the subject of this application.

7.4 REQUIREMENTS FOR A SUBSTANTIVE APPLICATION FOR A CONCESSION

Schedule 6 of the FTAA sets out the information requirements for approvals required under the Conservation Act, with Part 1 specifically addressing concessions. Clause 3 sets out the

information requirements for applications for concessions. The relevant information requirements for the concessions sought are:

- A description of the proposed activity:

  This is addressed in Section 3 of this application document.

- A description, maps, and GPS co-ordinates identifying the places where the proposed activity will be carried out (including the classification of those places, the ownership and management arrangements, and, if applicable, the name, of the places):

  This is addressed in Section 2 of this application document and in **Figures Part C-1 and Part C-5 (Part G)**.

- Information about whether the project could reasonably be undertaken in another location, or in another conservation area or another part of the conservation area, where the potential adverse effects will be significantly less.

  This is addressed in Section 4 of this application document.

- Information about the extent to which the project is consistent with:
  - The relevant conservation management strategy and conservation management plan; and
  - Any conservation management strategies or conservation management plans that have been co-authored, authored, or approved by a Treaty settlement entity.

  This is addressed in Section 7.3 of this application document.

- Information about the extent to which the project is in keeping with the purposes for which the land is held, status, ownership and administration:

  This is addressed in Section 7.3.9 of this application document.

- A description of—
  - The potential effects (positive and negative) of the proposed activity:
  - Any actions that the applicant proposes to take to avoid, remedy, mitigate, offset, or compensate for any adverse effects of the proposed activity: and
  - Details of the type of concession for which the applicant is applying.

  The potential effects of the activities associated with the concessions sought and the proposed measures to avoid, remedy, mitigate, offset or compensate for any adverse effects are detailed in Section 5 of this application document.

In respect to the type of concessions sought, this is described in Section 3 of this application document.

- A statement of—
  - The proposed duration of the concession; and
  - The reasons for the proposed duration:

  This is addressed in Section 3.3 of this application document.

- Relevant information relating to the applicant, including any information relevant to their ability to carry out the proposed activity (including whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence or has any current criminal charges pending before a court):

  As outlined in **Part A** of these application documents, Contact has been a major operator of large power stations since 1996. Contact has an extensive portfolio of electricity generation assets and has a proven track record of environmental compliance in relation to Contact's operation of these sites. Contact has a strong commitment to the environment and robust processes to ensure compliance with the approvals it holds. Contact has 11 generation sites located throughout New Zealand. Contact has reliable and regularly reviewed and audited systems in place to ensure adherence to the conditions of the approvals it holds. This includes a regular environmental monitoring programme, effective site management, public disclosure of compliance in annual integrated reports, and effective policies and procedures.

  Contact, or any company director, trustee, partner or anyone else involved with this application, has not been convicted of any offence or has any current criminal charges pending before a court.

- If the applicant applies for a lease, a licence granting an interest in land, or an easement:
  - Reasons for the request; and
  - Sufficient information to satisfy the panel that it is appropriate under section 81 of the FTAA to grant the lease, licence, or easement (as the case may be):

  The three concessions sought by Contact are easements. The reasons for the request are documented in Section 3 of this application document and the information contained in Sections 5 of this application document outline the potential effects of the easements sought, and the effects management measures that are proposed which

have been informed by the advice received by the relevant technical experts. This is considered to be sufficient information to satisfy the panel that it is appropriate under section 81 of the FTAA to grant the easements sought.

> Full details of any consultation undertaken with relevant iwi and with reserve owners and managers:

This is addressed in Section 6 of this application document.

> Information about financial and legal liabilities and obligations associated with the land;

Contact understands there are financial and legal liabilities and obligations associated with using the land associated with the easements sought in this application. Contact agrees to utilise such land in accordance with any appropriate terms and conditions, as set out in Schedule 2 of the proposed conditions (refer to **Part I** to these application documents).

Should any further information on the financial and legal liability and obligations associated with the land be required, Contact can provide this as and if necessary.

> Confirmation that the applicant has written agreement from the holder of a right of first refusal or right of offer or return to waive that right for the purposes of any lease proposed in the application if—

- The proposed lease will be for a term (including any renewals) that will or is likely to be more than 50 years; and
- The granting of the lease will trigger the right of first refusal or right of offer or return.

Contact is only seeking approvals for easements in this application, not a lease, and therefore this is not relevant to this application.

8. CONCLUSION

As part of the Project, Contact is seeking approval for two air space easements associated with the proposed transmission line which will cross over a section of the Mimihau Stream North Branch (subject to Part 4A (Marginal Strips) of the Conservation Act) and may cross over part of the Waiarikiki Stream, Mimihau Conservation Area. In addition, Contact is required to construct a stream crossing over the Mimihau Stream North Branch to enable the transportation of wind turbine components and other equipment to the Wind Farm Site. As such, Contact is also seeking approval for a concession for a right of way to enable the construction of a culvert stream crossing over this stream.

This application document provides a description of the proposed activities, the existing environment, consideration of alternative options, an assessment of the environmental impacts and proposed management measures, details of consultation undertaken and an assessment of the relevant objectives and policies of the CMS. This assessment demonstrates that all potential adverse effects of the proposed activities are anticipated to be appropriately managed.

The proposed activities have been assessed as being consistent with purpose of the FTAA, noting that the concessions will enable the development of the nationally significant Southland Wind Farm. The activities are also consistent with relevant parts of the CMS – Southland Murihiku.