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28 April 2026

Southland Wind Farm Expert
Panel
Environmental Protection
Authority
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Tēnā koutou

Southland Wind Farm FTAA-2508-1095 – Comments on Potential Minor Errors

The Department of Conservation (DOC) has reviewed the Panel's decision of 2 April 2026 in relation to the Southland Wind Farm Fast-track application.

DOC acknowledges the Panel's decision on the Concession and does not, through this correspondence, seek reconsideration of the outcome reached. Rather, we write to note potential matters requiring clarification, including in relation to some of the reasoning within the decision document, and wording of the Concession document itself. DOC suggests that the Panel may wish to address these matters under the "minor corrections" power available to it under the FTAA.

Reasoning for a 60-year concession term

Paragraphs 1016–1017 of the decision document address the appropriateness of a 60-year concession term. Section 17Z of the Conservation Act 1987 establishes a presumption that concession terms should not exceed 30 years unless the decision-maker is satisfied that exceptional circumstances exist. While the Panel clearly turned its mind to concession duration, DOC notes that the written reason for the 60-year concession may benefit from clarification to more explicitly reference the Panel's application of the statutory framework. In particular, Section 17Z, including the basis on which exceptional circumstances were considered to be present in this case.

DOC's concern is primarily one of clarity and completeness of the recorded reasons. As currently expressed, the reasoning could be read as relying on matters that are commonly present in infrastructure projects, without clearly identifying those circumstances that were regarded as exceptional for the purposes of Section 17Z. The clarification would be useful to avoid unintended ambiguity as to the Panel's reasoning and to ensure the decision accurately records the statutory basis for the duration granted. Each decision on a fast-track application will be keenly watched, and there is a risk that the 60-year term could become the accepted norm without clear statutory reasoning.

Confirmation of intended term start date

DOC notes that paragraph 942 of the decision document records the start date of concession term as "*the date of this Decision*". This contrasts with the accompanying Concession document that lists a start date of 01 January 2027. The latter of these dates was supported by both Contact Energy and DOC in Section 70 comments provided to the Panel on 23 March 2026.

We suggest that in accordance with the request from the applicant and DOC, who will be managing the Concession, the Panel confirm that 01 January 2027 is the intended term start date and the decision is amended accordingly.

Map referencing in the concession document

DOC notes that condition 1 of Schedule 1 of the concession document references the map showing the easement areas in two ways. The initial reference (relevant to the Right of Way Access) is to “See Schedule 4, Map 1”, while the second reference (relevant to the Right to Convey Electricity) is to “See Schedule 4”. Both reference the same map.

DOC requests the Panel consider amending the first reference to match the second. This eliminates the potential for future confusion, as there is only one map in Schedule 4, and it is not labelled as ‘Map 1’. The proposed tracked change can be found attached below.

Conclusion

DOC understands that the Panel may issue an amended decision to correct minor mistakes or defects within 20 working days of granting approval. DOC requests that the Panel considers the matters raised in this letter and whether there is now the opportunity to clarify parts of the decision document relating to the appropriate statutory test and the start date, and to make minor amendments to the Concession, including the reference to the map.

Please let us know if the Panel would find it helpful for DOC to further specify the aspects of the reasoning that may benefit from clarification.

Nāku noa, nā



Jenni Fitzgerald

Fast Track Applications Manager

Proposed Track Change

1	<p>Easement Land</p> <p>(burdened land - the land where the easement activity occurs)</p> <p>(Schedule 4)</p>	<p>As marked on the attached maps 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 more or less</p> <p>Legal Description: Marginal Strip – Mimihau Stream North Branch (2800026)</p> <p>Map Reference: See Schedule 4</p> <p><u>Right to Convey Electricity:</u></p> <p>Physical Description/Common Name:</p> <p>Part Mimihau North Branch Marginal Strip, and part Waiarikiki Stream, Mimihau Conservation Area</p> <p>Land Status: Marginal Strip, Stewardship Land</p> <p>Area: 2,27 ha more or less</p> <p>Legal Description:</p> <p>Marginal Strip – Mimihau Stream North Branch (2800026), Conservation Area – Waiarikiki Stream, Mimihau (2800486)</p> <p>Map Reference:</p> <p>See Schedule 4</p>
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