



PART F

CONTACT ENERGY LIMITED

Southland Wind Farm

**Approvals relating to complex
freshwater fisheries activities**

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1. INTRODUCTION

Section 43(3)(j) of the Fast-track Approvals Act 2024 (“**FTAA**” or “**the Act**”) sets out that a substantive application for approval for a complex freshwater fisheries activity must include the information required by clause 3 of Schedule 9 of the FTAA. This section of the substantive application outlines the information necessary to obtain approvals for a complex freshwater fisheries activity requested by Contact Energy Limited (“**Contact**”). It seeks authorisation under the FTAA for activities related to the Southland Wind Farm Project (“**the Project**”) that would typically require an application under regulation 42 of the Freshwater Fisheries Regulations 1983 (“**Freshwater Fisheries Regulations**”).

The definition of a complex freshwater fisheries activity in the FTAA includes an activity that includes the construction of a culvert or ford that permanently blocks fish passage.¹ Three of the ‘notable’ stream crossings² (“**NSC**”) required for the Project, will be culverts designed to permanently block passage of **exotic** fish. Two of these are on the main construction access track within the Port Blakely Forest (NSC1 and NSC6), and the other is near proposed turbine JED-18 (NSC3). Exotic fish passage (e.g. trout) will be prevented at these culvert crossings because there are populations of ‘Threatened’ indigenous fish species (Gollum galaxias or Clutha flathead galaxias) upstream of these proposed culverts, and therefore, to prevent the predation of trout on these species, it is deemed more desirable to prevent the passage of trout at these culverts to protect the indigenous fish populations living upstream. These proposed culverts are the most downstream culverts within the Project Site of each of these catchments. As such, Contact, in accordance with the advice of Ryder and Goldsmith (2025) and the Department of Conservation (“**DoC**”), is seeking approval for complex freshwater fisheries activities associated with these proposed culvert crossings under the FTAA as part of this application.

This application is supported by the freshwater ecology report prepared by Ryder and Goldsmith (2025) and the construction effects report prepared by Riley (2025), included in **Part H** to these application documents.

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 freshwater fisheries approvals. The figures referenced in this application document are included in **Part G** to these application documents.

¹ Section 4 of the FTAA.

² Being stream crossings which have catchments >40ha and required culvert diameter >1,000mm.



2. EXISTING FRESHWATER ENVIRONMENT

Two of the proposed culvert crossings (NSC1 and NSC3) are located in the Mimiha Stream catchment, and the other is located in the Kaiwera Stream catchment (NSC6). A description of the existing freshwater environment at each of these proposed culvert crossing sites (including upstream and downstream of these sites) is provided in Ryder and Goldsmith (2025) and summarised in the sub-sections below.

2.1 MIMIHAU STREAM CATCHMENT

The Wind Farm Site is predominantly located in the Mimiha Stream catchment. The Mimiha 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. This is shown in **Figure Aquatic Ecology-1 (Part G)**.

Most watercourses within the Wind Farm Site drain northwards to the Mimiha Stream South Branch. Approximately two thirds of the construction access track through the Port Blakely Forest traverses the Mimiha Stream North Branch catchment. The two branches of the Mimiha Stream join, just to the north of the Wind Farm Site, and generally flow in a westerly direction, to enter the Mataura River just north of Wyndham township.

2.1.1 Notable Stream Crossing 1 – Mimiha Stream North Branch

The location of the proposed culvert crossing over the Mimiha Stream North Branch within the Port Blakely Forest (NSC1) is identified in **Figure Aquatic Ecology-2 (Part G)**. There is an existing ford crossing at this site used by forestry related traffic (identified in **Figure 1** below). The proposed culvert would be located approximately 40m upstream of the existing ford (shown in **Figure 2** below).

The area surrounding the stream at this site is a relatively wide low-lying floodplain. The floodplain is covered in long brush. The slope of the riverbank is steep and covered with vegetation.



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



Figure 2: View of the proposed NSC1 Mimiha Stream North Branch culvert crossing site (looking upstream).

2.1.2 Notable Stream Crossing 3 - Mimiha Stream South Branch Crossing Location

The location of the proposed culvert crossing at an un-named tributary of the Mimiha Stream South Branch on Jedburgh Station (NSC3) is identified in **Figure Aquatic Ecology-2 (Part G)**. There is an existing ford crossing at this site used by farm vehicles (identified in **Figure 3** below). The ford is comprised of large gravel and cobbles. The proposed culvert would be located approximately 50m upstream of the existing ford (identified in **Figure 4** below).

The stream is typically incised, with steep banks on each side; however, immediately upstream of the existing crossing, the floodplain widens, likely because of the hydraulic influence of the ford. The floodplain is covered in dense bush.



Figure 3: Existing Mimiha Stream South Branch tributary ford crossing.



Figure 4: View of the proposed NSC3 Mimiha Stream South Branch culvert crossing site (looking upstream).

2.2 KAIWERA STREAM CATCHMENT

Approximately one third of the construction access track through the Port Blakely Forest traverses the Kaiwera Stream catchment (the remainder two thirds of the construction access track traverses the Mimiha Stream catchment). The Kaiwera Stream flows north out of the Project Site and then east, entering the Waipahi River, then the Pomahaka River, before ultimately flowing into the Clutha River / Mata-Au (see **Figure Aquatic Ecology-1 (Part G)**).

2.2.1 Notable Stream Crossing 6 – Kaiwera Stream East Branch

The location of the proposed culvert crossing over a tributary of the Kaiwera Stream East Branch (NSC6) along the existing Port Blakely Forestry Road, is identified in **Figure Aquatic Ecology-2 (Part G)**. There is currently an existing culvert under the road at this site (shown in **Figures 5 and 6** below).

The stream generally flows in a northerly direction, with highly vegetated, steep banks on each side.



Figure 5: Existing culvert under the Port Blakely Forest Road (below the road in centre of image) at NSC6 on the Kaiwera Stream East Branch (downstream to the left).



Figure 6: Existing culvert under the Port Blakely Forest Road at NSC6 on the Kaiwera Stream East Branch looking downstream.

2.3 WATER QUANTITY

A summary of the stream parameters at the proposed culvert crossing site is provided in **Table 1** below.

Table 1: Summary of stream parameters at the proposed culvert crossing sites (Riley (2025)).

Parameter	NSC1	NSC3	NSC6
Stream Order	3	3	2
Catchment Area (km ²)	17.37	4.67	1.23
Minor Catchment	Mimihau Stream North Branch	Mimihau Stream South Branch	Kaiwera Stream East Branch
Major Catchment	Mataura River	Mataura River	Clutha River / Mata-Au

A hydrological assessment of all of the notable stream crossings is described in the Preliminary Stream Crossing Design report included in Riley (2025). This utilised available flow data from the Southland Regional Council to ensure the proposed culverts are designed to withstand flood flows.

In addition, Appendix D to Riley (2025) provides a summary of the hydrological monitoring undertaken within the Mimihau Stream catchment, which includes data recorded at proposed culvert crossings NSC1 and NSC3.

2.4 WATER QUALITY

The water quality and quantity of the Project Site is described in Ryder and Goldsmith (2025) and summarised below.

Southland Regional Council regularly measures physical and chemical water quality at two sites in the Mimihau Stream catchment monthly. One location is at a tributary of the Mimihau Stream South Branch at Venlaw Road, within the general Project area (approximately 4km downstream of the location of proposed wind turbine JED-18), and the other is in the Mimihau Stream at Wyndham, approximately 20km downstream of the Project Site. The monitoring site at Venlaw Road provides a representative indication of the

freshwater environment at the proposed culvert crossing sites in the Mimiha Stream catchment.

Ten-year trend analysis (2013-2023) of the data recorded at the Mimiha Stream South Branch tributary at Venlaw Road site indicates that phosphorus, nitrogen and faecal bacteria concentrations are increasing, and water clarity is decreasing (i.e. water quality is degrading). Dissolved reactive phosphorus concentrations are within National Objectives Framework (“**NOF**”) band C, indicating ecological communities may be moderately impacted. Nitrogen and ammoniacal nitrogen concentrations fall within NOF band A, indicating current concentrations would have no observed effect on any species.

Further downstream, at the Mimiha Stream at Wyndham site, monitoring of nutrients, clarity and faecal bacteria up to 2021 indicated that water quality is improving. Nitrogen concentrations are within NOF band A, and phosphorus concentrations within NOF band B, indicating ecological communities may be slightly impacted. However, *E. coli* concentrations, although improving, are within NOF band E, which indicates a predicted average infection risk to swimmers of greater than 7%.

Overall, existing water quality monitoring indicates that the Mimiha Stream South Branch tributary is experiencing impacts from high and increasing phosphorus levels. When these high phosphorus levels are considered with the decline in water clarity, it indicates that sediment inputs to the stream are likely increasing through time. Further downstream of the proposed Project, these impacts are less apparent, although faecal bacteria levels are high, likely reflecting the influence of the agricultural land use in the lower catchment.

2.5 FRESHWATER SPECIES AND VALUES PRESENT

2.5.1 Benthic Macroinvertebrates

Benthic macroinvertebrate communities at the Mimiha Stream South Branch tributary at Venlaw Road are diverse, with high taxonomic richness and also a high percentage of sensitive EPT³ taxa. Macroinvertebrate community health index scores (Macroinvertebrate Community Index (“**MCI**”) and Quantitative Macroinvertebrate Community Index (“**QMCI**”)) indicate ‘good’ quality habitat, with NOF band B indicating mild organic pollution or nutrient enrichment. Reflecting this, another macroinvertebrate community health index, the ASPM (Macroinvertebrate Average Score Per Metric) also indicates a mild to moderate loss of

³ EPT stands for Ephemeroptera (mayfly), Plecoptera (stonefly) and Trichoptera (caddisfly), which are macroinvertebrate orders that are sensitive to water pollution.

ecological integrity. Ten-year trend analysis indicates, however, that the health of benthic macroinvertebrate communities is likely degrading at this site.

Macroinvertebrate community richness and the percentage of sensitive EPT taxa is lower further downstream in the Mimiha Stream mainstem than in the Mimiha Stream South Branch tributary. This is also reflected in lower MCI, QMCI and ASPM scores, with MCI and QMCI scores indicating mostly 'fair' quality habitat. The temporal declines in benthic macroinvertebrate communities in the Mimiha catchment are due mainly to land use activities in the catchment downstream of the wind farm footprint. Declines in water quality and ecological health at Mimiha catchment monitoring sites are most likely primarily linked to land use intensification in the mid to lower catchment.

Overall, existing monitoring of macroinvertebrate communities indicates that the Mimiha Stream South Branch tributary is experiencing the effects of mild to moderate organic pollution or nutrient enrichment, although less than that of macroinvertebrate communities further downstream. Long-term monitoring at this site, however, indicates that the health of the community, is likely degrading, reflecting the declining water quality also at this site through time.

In regard to the Kaiwera Stream catchment, macroinvertebrate community indices for the Kaiwera Stream East Branch site (site W7 on **Figure Aquatic Ecology-2 (Part G)**), downstream of proposed culvert crossing NSC6) were similar to those for the Mimiha Stream sites, with a taxonomic richness of 12, percent EPT richness of 42%, and MCI and SQMCI scores indicating 'good' and 'excellent' habitat respectively

Ryder and Goldsmith (2025) summarise the results of the surveys completed by Wildland Consultants ("**Wildlands**") for the Southland Wind Farm project in 2023. The results of the Wildland's surveys at the proposed culvert crossing sites in the Mimiha Catchment, NSC1 (Wildlands Site Number W8) and NSC3 (Wildlands Site Number W1), and in the Kaiwera Stream East Branch catchment, downstream of the proposed crossing site NSC6 (Wildlands Site Number W7), are summarised in **Table 2** below (the location of these sites are identified on **Figure Aquatic Ecology-2 (Part G)**).



Table 2: Wildland Consultants (2023) assessment of benthic macroinvertebrate communities at the location of NSC1 and NSC3 and downstream of NSC6.

Parameter	NSC1 (W8)	NSC3 (W1)	Downstream of NSC6 (W7)
Total number of individuals	1280	274	2016
Taxonomic richness	12	12	12
Percent EPT Richness	42	42	42
% EPT of the total number of invertebrates	81	83	63
MCI score and interpretation	93 Fair	128 Excellent	104 Good
SQMCI score and interpretation	7.1 Excellent	7.0 Excellent	6.8 Excellent

Kōura / freshwater crayfish ('At Risk – Declining') have been identified in the Mimiha Stream catchment and the Kaiwera Stream catchment. This includes at the proposed culvert crossing site NSC3 and downstream of this site in the 2023 surveys completed by Wildlands Consultants. In addition, the surveys completed by Ryder in 2009 identified kōura in the headwater streams upstream of the proposed culvert crossing site NSC3.

2.5.2 Fish

2.5.2.1 Mimiha Stream Catchment

There are a total of 23 records in the New Zealand Freshwater Fish Database for the Mimiha Stream Catchment from 1981 to 2022. Tuna (longfin and shortfin eel), Gollum galaxias ('Threatened – Nationally vulnerable') and brown trout have been found in the Mimiha Stream catchment.



NSC1

The surveys conducted by Wildlands (site W8) at the proposed culvert crossing site NSC1 identified seven Gollum galaxias (shown in **Figure 7** below). In addition, a longfin eel was captured at this site also.

NSC3

Wildlands identified four Gollum galaxias during the surveys completed at the location of proposed crossing NSC3 (site W1). An environmental DNA sample was collected at the location of the proposed crossing NSC3 in September 2023 and this also confirmed the presence of Gollum galaxias, and did not identify the presence of any other rare or threatened species such as lamprey or giant kokopu.

In addition, Ryder surveyed the headwaters upstream of the proposed culvert crossing site NSC3, and unidentified galaxias were the only fish species caught. They were caught or observed at all five survey sites (identified on **Figure Aquatic Ecology-2 (Part G)**). Gollum galaxias are a non-migratory native fish species. Individuals of various lengths indicated an actively recruiting population. Ryder and Goldsmith (2025) consider it is likely that this galaxiid species is present in most of the small headwater streams within the Wind Farm Site area and possibly also in the wider Project Site area, wherever flows are sufficient enough to provide suitable habitat.





Figure 7: Juvenile galaxiids observed at the proposed Mimiha Stream South Branch tributary culvert crossing site NSC3 by Wildlands Consultants (2023).

2.5.2.2 Kaiwera Stream Catchment

There are a total of 15 records in the New Zealand Freshwater Fish Database for the Kaiwera Stream Catchment from 1981 to 2022. Four fish species have been recorded in the Kaiwera Stream catchment - longfin eel, upland bully, brown trout and Clutha flathead galaxias. All four of these species have been recorded in tributaries of Kaiwera Stream in the vicinity of the transmission line, switching station and construction access track through the Port Blakely Forest. Clutha flathead galaxias are a threatened species, with the DoC classification of 'Threatened – Nationally critical'.

NSC6

Brown trout and longfin eel were observed at the site surveyed downstream of the proposed culvert crossing NSC6 (W7).

2.5.3 Summary

Notwithstanding the apparent lack of fish diversity within the wind farm footprint, waterways impacted by the Project footprint are valued for the habitat they provide for the Gollum galaxias and Clutha flathead galaxias (and potentially other fish species) and kōura

(freshwater crayfish), mahinga kai, and their contribution to the water quality of the Mimiha, Mokoreta and Kaiwera Stream catchments.

3. APPROVALS SOUGHT THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE FRESHWATER FISHERIES REGULATIONS

3.1 COMPLEX FRESHWATER FISHERIES ACTIVITY

Ryder and Goldsmith (2025) consider that due to the presence of threatened Gollum galaxias at proposed culvert crossings NSC1 and NSC3 and the headwaters upstream of these sites, and the presence of threatened Clutha flathead galaxias within the vicinity of proposed culvert NSC6, 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 galaxiid populations. Both Gollum galaxias and Clutha flathead galaxias are non-migratory species and therefore will not be impacted by the exclusion barriers. It is considered likely that natural or other barriers may exist in the river system downstream of the Project site, currently preventing trout from accessing upstream reaches, considering the evidence of galaxias in this area.

Despite this, Contact is taking a conservative approach to ensure protection of the galaxias, and is seeking approvals for complex freshwater fisheries activities related to the construction of culverts at the aforementioned three locations, which will be designed to prevent the passage of exotic fish.

This is consistent with the direction provided in Section 6 of the New Zealand Fish Passage Guidelines, which notes that Gollum galaxias and Clutha flathead galaxias could have increased protection from a barrier to exclude undesirable fish (i.e. exotic species), and clause 3.26 of the National Policy Statement for Freshwater Management 2020 (“**NPS-FM**”).

The remaining culverts required for the Southland Wind Farm will be designed, installed and maintained in accordance with the New Zealand Fish Passage Guidelines.

3.2 PROPOSED CULVERTS

Riley (2025) prepared a preliminary design assessment for the proposed culvert crossings that are the subject of this application, and this includes the indicative design of each of these culverts⁴ (refer to **Part H** of these application documents).

⁴ Noting that these will be finalised during detailed design.



The proposed design for the culverts is outlined in **Table 3** below.

Table 3: Design of Proposed Culverts.

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
NSC3	13.4	3.0 x 1.5	Ford	26
NSC6	4.6	2.0 x 1.0	10	20

The proposed culverts will be raised so the culvert invert is 1m above the stream bed, creating a 1m vertical drop/barrier at the downstream end. This design has been informed by the guidance provided in Section 6 of the New Zealand Fish Passage Guidelines and will ensure that passage for trout is prevented. Passage for climbing indigenous species is maintained, likely through the installation of an orifice at each of the culverts (as shown on the culvert designs included in the Preliminary Stream Crossing Design Report included in Riley (2025)). It is also noted the Ryder and Goldsmith (2025) confirm that upstream passage for non-migratory Gollum galaxias does not need to be maintained at these structures.

During the construction of the proposed culverts Contact will implement a Construction and Environmental Management Plan (“**CEMP**”), including an Earthworks Management Plan (“**EMP**”) and an Erosion and Sediment Control Plan (“**ESCP**”), which will be prepared in accordance with industry best practice, as required by the proposed conditions (refer to **Part I** of these application documents). Draft versions of these management plans are included in **Part J** to these application documents. These will also outline the requirements recommended by Ryder and Goldsmith (2025) to appropriately manage potential effects on freshwater values and habitat, including water quality monitoring requirements. Implementation of the EMP and ESCP will ensure the relevant Proposed Southland Water and Land Plan (“**SWLP**”) water quality standards⁵ are met and the existing freshwater ecology values within these streams are protected.

⁵ Appendix E – Receiving Water Quality Standards, SWLP. The Wind Farm Site is classified as ‘Mataura 3’ and part of the Project Site is classified as ‘Lowland Soft Bed’.



In addition, the measures outlined in the CEMP (including the EMP and ESCP), as well as the Biosecurity Management Plan (which forms part of the Terrestrial and Wetland Ecological Management Plan), will ensure that the risk of contaminant and pest introduction to watercourses is minimised. This will include that all machinery brought onto the Project Site will be carefully inspected, to avoid the risk of introducing weed species.

Once constructed, Contact will ensure the barrier to trout passage is maintained at these locations. This will include monitoring the structure following extreme flow events to detect whether any invasive fish have breached the barrier. In the event it is detected that trout have breached the barrier, Contact will engage a Suitably Qualified and Experienced Person to remove the trout and ensure the key features that prevent passage are maintained. These management measures have been informed by recommendations from DoC and are required by the proposed approval conditions included in **Part I** to these application documents.

All other culverts that will be constructed for the Southland Wind Farm will be designed, installed and maintained in accordance with the New Zealand Fish Passage Guidelines.

4. CONSULTATION

4.1 DEPARTMENT OF CONSERVATION

Contact has consulted with the DoC freshwater fisheries team in relation to the proposed complex freshwater fisheries activities that are the subject of this application document. DoC agreed that impeding fish passage for exotic fish species at the three identified culverts is preferable, based on the results of the freshwater fish surveys. DoC advised that as there are existing galaxiid populations within streams within the Project Site, it is likely that there is an existing barrier to exotic fish passage downstream of these waterbodies. However, to provide additional protection to these non-migratory galaxiid populations, DoC advised that Contact should prevent trout passage at the three locations identified in this application to confirm that the appropriate barriers exist. This feedback has therefore informed the proposed approvals sought in this application.

DoC confirmed that all other proposed culverts within the Project Site can be designed in accordance with the New Zealand Fish Passage Guidelines, whereby if there is existing fish habitat upstream of a proposed culvert, fish passage should be maintained, and if there is no fish habitat upstream of a proposed culvert, fish passage can be impeded.



In addition, DoC advised that Contact should record the proposed culvert crossings in the Fish Passage Assessment Tool⁶ to assist others with understanding why these culverts have been designed to restrict fish passage. DoC also provided advice on maintaining the barrier to fish passage and suggested conditions for the approvals sought by Contact. These recommendations have informed the proposed approval conditions included in **Part I** to these application documents.

4.2 MANA WHENUA

Contact has informed Te Ao Marama Inc (“**TAMI**”) of the complex freshwater fisheries activities it is seeking in this application. TAMI understood the intent and did not raise any concerns.

5. STATUTORY ASSESSMENT

5.1 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.⁷

An assessment of the provisions relevant to this application for complex freshwater fisheries activities is provided in the sections below.

5.2 PURPOSE OF THE FTAA

In accordance with clause 5(a) of Schedule 9 of the FTAA, assessment of this application for approval for a complex freshwater fisheries activity 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** of 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 proposed culvert crossings are required to enable the transport of the wind turbine components within the Project Site and are therefore

⁶ <https://niwa.co.nz/freshwater/fish-passage/fish-passage-assessment-tool>

⁷ Section 40 of the FTAA.



necessary to enable the construction of the Southland Wind Farm. The complex freshwater fisheries approvals sought in this application document relate to protecting the populations of Gollum galaxias and Clutha flathead galaxias that are present upstream of the proposed culvert crossings, and therefore, will result in a positive impact on these species, protecting them from trout predation. As such, the proposed approvals sought are consistent with the purpose of the FTAA.

5.3 REQUIREMENTS FOR A SUBSTANTIVE APPLICATION FOR A COMPLEX FRESHWATER FISHERIES ACTIVITY

Clause 3 of Schedule 9 of the FTAA sets out the information requirements for an approval for a complex freshwater fisheries activity. Applications must include the following information:

- > In relation to the structure and any fish facility:
 - A description of the type of structure or fish facility:
 - The dimensions of the structure or fish facility:
 - The design of the structure or fish facility:
 - The placement of the structure or fish facility:
 - The water flows:
 - The operating regime:

This is addressed in Section 3 of this application document and in Riley (2025) and Ryder and Goldsmith (2025) contained in **Part H** to these application documents.

- > The freshwater species and values present (with particular focus on threatened, data-deficient, and at-risk species as defined in the New Zealand Threat Classification System):

This is addressed in Section 2 of this application document. These matters are also addressed in Ryder and Goldsmith (2025) which is contained in **Part H** to these application documents.

- > The water quality and quantity in the surrounding habitat (at the proposed structure location, upstream and downstream):

Section 2 of this application document provides an overview of water quality and quantity of the waterbodies within the Project Site, including those relevant to the proposed culvert crossing sites. These matters are also addressed in Ryder and Goldsmith (2025) which is contained in **Part H** to these application documents.



- > How the passage of fish will be provided for or impeded:

As detailed earlier in this report (Section 3), the proposed culverts for which approvals are being sought will be designed to impede fish passage for exotic fish. This is based on the advice received from Ryder and Goldsmith (2025), who consider it is appropriate to impede fish passage at these culvert locations to protect the known population of Gollum galaxias upstream of the proposed culverts at NSC1 and NSC3 and the assumed presence of Clutha flathead galaxias upstream of the proposed culvert at NSC6. This is also in accordance with the policy direction outlined in the NPS-FM. The culvert levels are approximately 1m above the natural bed levels to prevent the passage of trout. The design of each of the proposed culverts, which shows how fish passage for exotic fish will be impeded, and passage for climbing indigenous fish will be provided for, is included in Riley (2025).

5.4 CRITERIA FOR ASSESSMENT OF APPLICATIONS FOR COMPLEX FRESHWATER FISHERIES ACTIVITY APPROVAL

Clause 5 of Schedule 9 of the FTAA sets out the criteria for assessment of applications for complex freshwater fisheries activity approval. The Panel must take into account, giving greatest weight to the purpose of the Act:

- > The purpose of this Act:

This is addressed in Section 5.2 of this application document.

- > The alignment of the proposed activity with best practice and the New Zealand Fish Passage Guidelines:

This is addressed in Section 3 of this application document and in Ryder and Goldsmith (2025) and Riley (2025).

- > How the proposed activity will manage risks to freshwater values or habitat, including prevention of access to or spread of invasive species:

This is addressed in Section 3 of this application document and in Ryder and Goldsmith (2025). These management measures are also required by the proposed consent conditions included in **Part I** to these application documents. The draft ESCP, which forms part of the EMP, is included in **Part J** to these application documents.

- > The availability and quality of the habitat upstream and downstream of the proposed activity:

This is addressed in Section 2 of this application document and in Ryder and Goldsmith (2025).

- > The presence of threatened, data-deficient, or at-risk species under the New Zealand Threat Classification System in the vicinity of the proposed activity:

This is addressed in Section 2 of this application document and in Ryder and Goldsmith (2025).

- > The advantages and disadvantages of providing fish passage upstream or downstream of the proposed activity:

Contact is seeking approval for a complex freshwater fisheries activity to prevent the passage of exotic fish species at three proposed culvert crossings (NSC1, NSC3, and NSC6). This is in accordance with the recommendations of Ryder and Goldsmith (2025), and also DoC, who consider it will be advantageous for the population of Gollum galaxias and Clutha flathead galaxias that are upstream of these proposed culverts to prevent the passage of trout, which prey on these species. There are no anticipated disadvantages associated with this activity. The proposed barriers to fish passage will provide an additional layer of protection for these threatened species. All other culverts associated with the Project will be designed to allow for fish passage in accordance with relevant guidelines.

6. CONCLUSION

In summary, Contact is seeking approvals for complex freshwater fisheries activities as part of this substantive application for the Southland Wind Farm Project under the FTAA. In accordance with the recommendation of Ryder and Goldsmith (2025), and also DoC, Contact is proposing to construct three culverts (NSC1, NSC3 and NSC6) within the Project Site that will restrict fish passage for exotic species, in particular trout, to protect the known population of Gollum galaxias upstream of the proposed culverts at NSC1 and NSC3 and the assumed presence of Clutha flathead galaxias upstream of the proposed culvert at NSC6 (and likely benefiting from already natural impediments restricting exotic fish access to these headwaters). These proposed culvert crossings are the most downstream culverts that are proposed to be constructed within each of these catchments as part of the wind farm construction. Therefore, to ensure the necessary barrier to fish passage is in place to prevent trout gaining access to the headwaters higher up in the catchment, these culverts will be designed to restrict passage for exotic fish species. This is in accordance with the New Zealand Fish Passage Guidelines and the NPS-FM.