BEFORE THE SOUTHLAND WIND FARM [FTAA-2508-1095] EXPERT PANEL

In the matter of The Fast-track Approvals Act 2024

And Approvals sought under the Resource Management Act 1991, Conservation Act 1987, Heritage New Zealand Pouhere Taonga Act 2014, Wildlife Act 1953 and the Freshwater Fisheries Regulations 1983.

Record of Decisions of the Expert Panel under Section 87 of the Fast-track Approvals Act 2024

Date of Decisions: ## 2026
Date of Issue: ## 2026

Expert Panel:
Ian Gordon (Chair)
Bridget Gilbert
Dr Roger Young
Graeme Ridley
Robert van Voorthuysen

TABLE OF CONTENTS

PART A: EXECUTIVE SUMMARY 1
PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE 2
Environmental Setting 2
The Application 4
Resource consents under the Resource Management Act 5
A Concession under the Conservation Act 5
An Authority under the Wildlife Act 5
An Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act 6
A Complex Freshwater Fisheries dispensation 6
Procedure 6
PART C: LEGAL CONTEXT 8
PART D: IWI AUTHORITIES 15
PART E: ASSESSMENT OF EFFECTS 16
E1 Management Plans 18
E2 Cultural Effects 25
E3 Landscape, Visual Amenity and Natural Character Effects 28
E4 Terrestrial and Wetland Ecology Effects 52
E5 Freshwater Ecology Effects 74
E6 Erosion and Sediment Effects 80
E7 Other Construction Effects 91
E8 Hydrology Effects 94
E9 Archaeological Effects 96
E10 Traffic Effects 99
E11 Noise Effects 102
E12 Aviation and Lighting Effects 109
E13 Shadow Flicker Effects 113
E14 Radio Communication Services Effects 114
E15 National Grid Effects 115
E16 Recreation and Hunting 116
E17 Monitoring and Review 118
E18 Decommissioning 122
E19 Bonds 123
PART F: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT 125
PART G: APPROVALS THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE RESOURCE MANAGEMENT ACT 131
G1: Decision-making criteria for consents under the RMA 131
G2: Functional Need 133
G3: RMA Statutory instruments 134
G4: Regional and District planning framework 137

G5: Part 2 of the RMA 141
G6: Decisions as to resource consents 142
PART H: A CONCESSION THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE CONSERVATION ACT 142
PART I: AN APPROVAL THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE WILDLIFE ACT 145
PART J: AN AUTHORITY THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE HERITAGE NEW ZEALAND POUHERE TAONGA ACT 147
PART K: AN APPROVAL THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE FRESHWATER FISHERIES REGULATIONS 147
PART L: OTHER CONSIDERATIONS 149
International Convention on Biological Diversity 149
International Union for Conservation of Nature (IUCN) 149
PART M: OVERALL APPROACH 150
General Comments 150
The principal issues that were in contention 150
Our main findings in relation to these issues 150
The relevance of the FTAA decision-making criteria 151
Decisions 152
PART N: CONDITIONS 152
FTAA and General Requirements 152
Contact's Proposed Conditions 153
Panel's Initial Assessment 153
Panel's Draft Conditions 154
Comments on the Panel's Draft Conditions 154
Contact's Response to the s 70 Comments on the Panel's Draft Conditions 154
Panel Findings on Conditions 154
Conditions Imposed 154

APPENDICES

Appendix A: Resource consents granted
Appendix B: Resource consent conditions
Appendix C: Consent Attachments comprising:
Appendix A 'Project Site Design'
Appendix B 'Vegetation and Habitats of High Value'
Appendix C ' Culvert Locations'
Appendix D 'Offsetting and Compensation Actions'
Appendix E 'List of Dwelling owners'
Appendix D: Concession
Appendix E: Wildlife Act Authority

Appendix F Archaeological Authority

Appendix G: Freshwater Fisheries Dispensation

ACRONYMS, ABBREVIATIONS AND DEFINITIONS

Acronyms, Abbreviations and Definitions used in this Decision can be found on pages 5 to 10 of Appendix B and are not repeated here.

PART A: EXECUTIVE SUMMARY

1 This is an application for the Southland Windfarm Project (Project) or (Application) by Contact Energy Limited (Contact or the Applicant) to construct and operate an up to 380 MW wind farm at Slopedown in the Southland region.

2 As proposed, the Project will be the largest windfarm in the Southland Region and the largest nationally.

3 The Application is a referred project under the Fast Track Approvals Act 2024 (FTAA). On 5 November 2025 an Expert Panel (Panel) was appointed to determine the Application. The Panel has assessed the Application applying the relevant statutory criteria within the purpose and context of the FTAA.

4 The Panel received comments from commentors and a response to those comments from Contact. The Panel has carefully reviewed all of that information in evaluating the Application.

5 The Panel considers that, having considered all relevant matters, the Project meets the purpose of the FTAA. Consequently, for the reasons given in this Decision, the Panel grants the approvals sought, as set out in Appendices B to G of this Decision.

6 This Decision is made in accordance with section 87 of the FTAA. It covers all the approvals sought in Contact's Substantive Application and it traverses:

(a) Part A: Executive summary;

(b) Part B: An overview of the Application and the Panel's procedure;

(c) Part C: The legal context for the Application;

(d) Part D: Iwi authorities and their input to the Application;

(e) Part E: An assessment of the effects of the Project on the environment and a summary of the matters raised in the s 51 reports and s 53 comments ;

(f) Part F; The regional and national benefits of the Project;

(g) Part G: Decision making framework for the approvals that would otherwise be applied for under the RMA;

(h) Part H: Approvals relating to concessions that would otherwise be applied for under the Conservation Act;

(i) Part I: Authorities that would otherwise be applied for under the Wildlife Act;

(j) Part J: An Authority would otherwise be applied for under the HNZPT Act;

(k) Part K: Approvals relating to Complex Freshwater Fisheries;

(l) Part L: Other considerations;

(m) Part M: Overall approach; and

(n) Part N: Conditions imposed.

PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE

7 Contact Energy Limited is the authorised person for the Project as set out in Section 42 of the FTAA.

Environmental Setting

8 Contact provided a detailed description of the environmental setting (or existing environment) for the Project in s 2 of Part B of the Application, including the following key characteristics:

(a) Site Location

(b) Land Ownership and adjacent Persons

(c) Zoning and Planning Overlays

(d) Geology

(e) Landscape

(f) Cultural Values

(g) Archaeological and Heritage Values

(h) Meteorology and Climate

(i) Surface Water

(j) Terrestrial and Wetland Ecology

(k) Freshwater Ecology

(l) Roading and Traffic

(m) Noise

(n) Plantation Forestry Activities

9 We adopt that description without repeating it here.

10 In Part E we set out relevant components of that setting with respect to various effects of the Project.

11 The location of the Project is shown in Figure 1 overleaf.

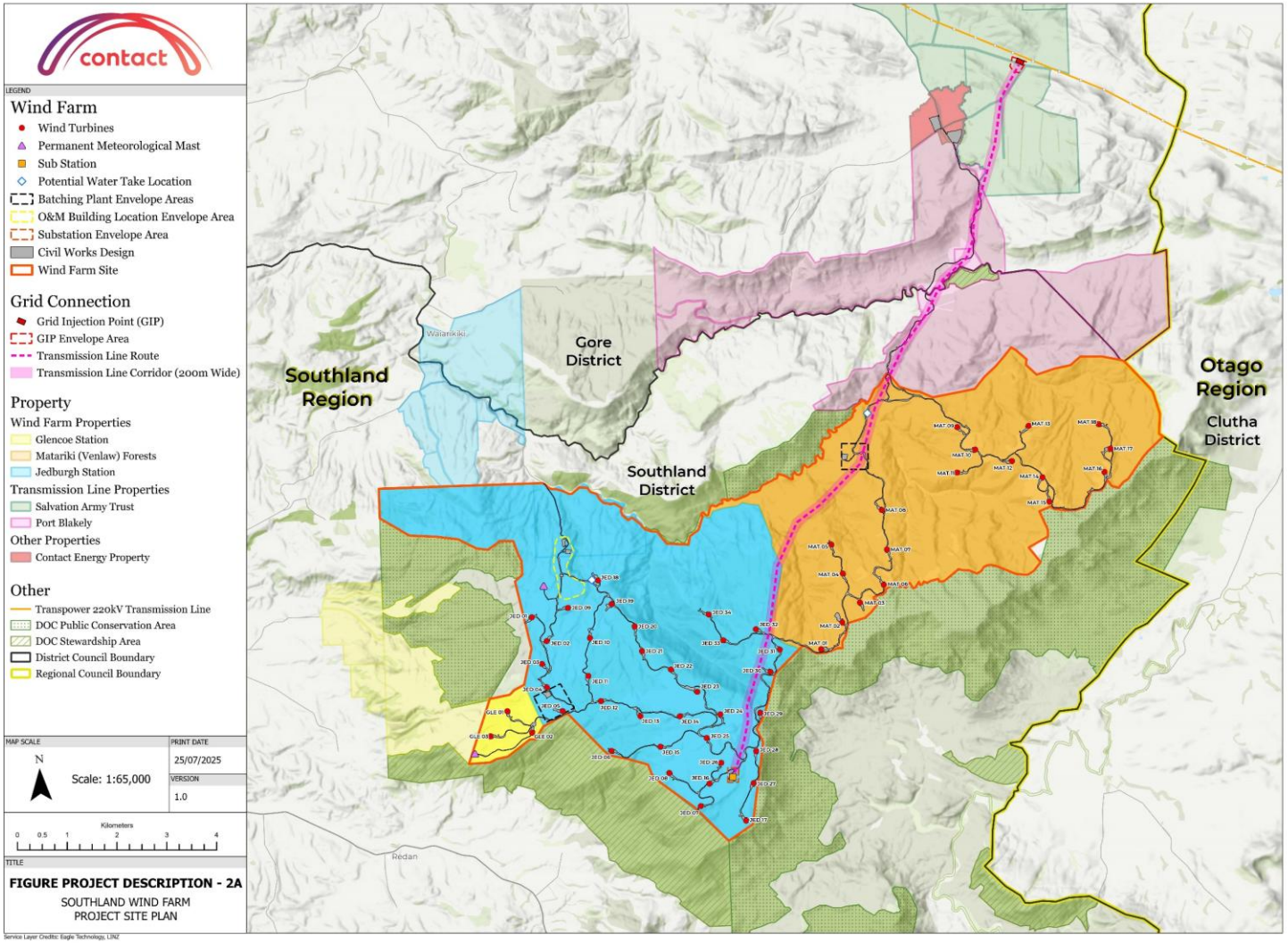

Figure 1: Southland Wind Farm Project Site

The Application

12 Contact has sought approvals for the integrated development of the Project.

13 The Project comprises:

(a) The wind farm Site, where the wind turbines, wind farm substation, and wind farm roads are to be located. This is entirely in the Southland District and the Southland; and

(b) Grid connection works, namely the infrastructure required to connect the wind farm to the Transpower National Grid. This comprises a high voltage (220kV) overhead transmission line and a switching station, also known as the grid injection point ("GIP"). From a property

14 The Project Site in its entirety comprises the wind farm Site, together with land also required for the grid connection works and the main construction access route to the wind farm Site, through the Port Blakely Forest. This area is partly in the Southland District and partly within the Gore District, and entirely in the Southland Region.

15 The wind farm Site is located on Slopedown Hill in eastern Southland, approximately 50km east of Invercargill, 30km southeast of Gore and 12km east of Wyndham. It covers approximately 58 km2 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.

16 The main components of the Project are:

(a) Construction and operation of up to 55 wind turbines, each up to approximately 7MW in capacity and a maximum blade 'tip height' of up to 220m;

(b) Electrical reticulation, providing electrical connection between the wind turbines and the wind farm substation;

(c) A wind farm substation located on Jedburgh Station to collect the power generated by the wind turbines;

(d) A switching station (also known as GIP) located adjacent to the existing Transpower 220kV circuit between Invercargill and Dunedin (the North Makarewa to Three Mile Hill A Circuit);

(e) An overhead single or double circuit 220kV transmission line between the wind farm substation and the GIP to provide connection to the Transpower National Grid;

(f) Up to two permanent meteorological masts, each up to approximately 140m in height;

(g) An operations and maintenance facility located on Jedburgh Station; and

(h) Construction of roading, turbine foundations and "hard stand" areas adjacent to each turbine.

17 Further detail on these components can be found in sections 7.2.1 to 7.2.6 of Part A of the Application.

18 The Project involves other activities including stream crossings, earthworks, water takes and water storage, concrete batching plants, temporary laydown areas, biodiversity enhancement and offset initiatives (including a 245-hectare Ecological Enhancement Area at Jedburgh Station, to be fenced to exclude deer, pigs, and farm livestock; and a 1400 ha Jedburgh Station Pest Control Area).

19 Further detail on these other activities can be found in ss 7.3 and 7.4 of Part A of the Application. We refer to various aspects of these activities in Part E of this Decision.

Resource consents under the Resource Management Act

20 Contact has applied for the resource consents listed in Appendix A. As set out in section 3 of Part B of the Application, under the relevant regional and district plans the overall activity status of the resource consents required is:

(a) Southland Regional Council - Non-complying[1]

(b) Southland District Council - Discretionary[2]

(c) Gore District Council - Discretionary[3]

21 As noted in the Application[4], under the "bundling" principle the overall activity status for the Project resource consents is a non-complying Activity.

A Concession under the Conservation Act

22 Contact has sought a concession under the Conservation Act 1987 for:

(a) 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);

(b) 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

(c) 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).

An Authority under the Wildlife Act

23 Contact has also sought a Wildlife Approval under the Wildlife Act to enable the intentional disturbance of wildlife, specifically:

(a) To catch, salvage and relocate Helms' stag beetle and lizard species (specifically tussock skink, Tautuku gecko, and, if found on site during construction, green

[1] A mix of Controlled, Restricted Discretionary, Discretionary and Non-complying.
[2] A mix of Restricted Discretionary and Discretionary
[3] A mix of Restricted Discretionary and Discretionary
[4] Part B.01, section 3.1.

skink and herbfield skink) prior to, and during, vegetation clearance and construction activities in areas that have either confirmed or expected presence of these species, and the marking[5] of lizards, for the purpose of wildlife salvage and monitoring.

(b) To incidentally harm or kill wildlife (Helms' stag beetle and lizard species) if the harm or death is not directly intended but is unavoidable and foreseeable and all reasonable effort has been made to meet the conditions in the Approval.

An Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act

24 Contact has sought:

(a) A site-wide general Archaeological Authority to authorise activities for the Southland Wind Farm Project that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act 2014

25 Contact acknowledged that there is potential for further (yet unidentified) heritage and/or archaeological values to be discovered as the Project progresses. Contact sought that the Authority be applicable to the entirety of the Project work areas.

A Complex Freshwater Fisheries dispensation

26 Contact has sought approval to:

(a) Construct culverts at two[6] stream crossings (NSC3 and NSC6) that will permanently block the passage of exotic fish, in order to protect indigenous fish species (galaxiids) upstream of those proposed culverts from predation by trout.

27 Approvals for standard freshwater fisheries activities are included in the relevant approvals relating to RMA consents for structures in the beds of lakes / rivers (RMA section 13) and damming and diversion of water (RMA section 14).

Procedure

The FTAA context

28 The Panel has been conscious of the emphasis on time limited decision-making in the present process, the purpose of the FTAA to facilitate the delivery of infrastructure and development projects with significant regional or national benefits,[7] and the procedural principles in s 10 of the FTAA that require the Panel to take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the Panel's functions, duties and powers.

Panel Convener Steps

29 The Panel was set up under s 50 of the FTAA with effect from 5 November 2025.

[5] As clarified in Contact's 14 January 2026 response to s 51 and s 53 comments (at [13.32 – 13.34])
[6] As amended in Contact's 14 January 2026 response to s 51 and s 53 comments (at [13.58]).
[7] Section 3.

Initial Panel briefing and site visit

30 The Panel attended a briefing session hosted by Contact on 26 November 2025 and undertook a site visit[8] on 27 November 2025.

Other Panel Meetings

31 Much of the Panel's correspondence, deliberations and decision-making occurred over email following the receipt of comments (including on the draft Decision and approval conditions) and the Panel's review of available documentation. Notwithstanding this, the Panel met via Teams on the following occasions:

(a) 14 November 2025;

(b) 18 December 2025;

(c) 16 January 2025;

(d) 18 February 2026; and

(e) 5 March 2026.

Comments and reports on the application

32 The FTAA does not contain a notification process and there is no obligation to hold a hearing. The primary mechanism by which third parties can provide information to a Panel is through the provision of comments (s 53 FTAA).

33 The Panel invited comments in accordance with s 53. Also considered were the reports required by ss 18 and 51 of the FTAA.

34 Under s 72 of the FTAA the Panel invited comment from the Ministers for Māori Crown Relations: Te Arawhiti and Māori Development. Comments were received from Hon Tama Potaka referring to the statutory acknowledgement over the Mataura River, and the association of Ngāi Tahu with taonga species that are found within the Project area.

35 The Panel thanks all parties who commented for their contributions and expresses its gratitude for the efforts made to properly inform us of matters arising. The matters raised in the comments are primarily discussed in Parts E and F of this Decision under the relevant effects-based headings to which the comments relate

Contact's response to invited persons comments

36 On 14 January 2025 Contact provided a response to the comments received on the Application from those persons who were invited to comment under Section 53 of the FTAA. This included, amongst other matters, an updated set of draft consent conditions. As part of their response Contact also addressed matters raised in DOC's and HNZPT's s 51 reports.

37 The Panel has considered Contact's responses, and, where appropriate, refers to those responses in Parts E to N this Decision.

[8] Panel member van Voorthuysen did not attend the site visit due to illness.

Further information

38 The Panel sought further information from:

(a) Contact on landscape matters on 4 December 2025 and 21 January 2026;

(b) The West Catlins Preservation Society on the status of the authors of their s 53 comments on 19 December 2025;

(c) Contact on the implication of the 18 December 2025 amendments to national direction instruments on 19 December 2025;

(d) Commentators on the implication of the 18 December 2025 amendments to national direction instruments on 23 January 2026; and

(e) Contact and SRC on earthworks matters on 23 January 2026[9].

39 Panel members facilitated conferencing with in person or virtually via Microsoft Teams with invited experts and council officials as to:

(a) Landscape and visual effects on 29 January 2025.

40 A draft of this Decision (including proposed conditions) was circulated to relevant parties on Monday 9 March 2026 and their comments have, where appropriate, been taken into account as outlined in Part N of this Decision.

No hearing required

41 The Panel exercised its discretion under s 56 of the FTAA to not require a hearing on any issue. The Panel was able to adequately consider all relevant issues based on the information available including the Application, the s 51 reports and s 53 comments received, Contact's responses to comments, the conferences already mentioned, the further information provided by Contact, DOC, HNZPT, the councils and invited persons, and the s 70 comments of the Panel's draft conditions.

Timing of the Panel Decision

42 In accordance with the Panel convenor minute dated 31 October 2025 the Panel was to issue its decision documents on or before 17 April 2026.

PART C: LEGAL CONTEXT

43 The purpose of the FTAA is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.[10] It is intended to be a one-stop shop[11] for a range of approvals which would otherwise need to be applied for under various legislative processes, including the RMA 1991.

[9] This was originally intended to be a Panel facilitated conference of experts, but the Panel's needs were satisfied by the experts producing an agreed Joint Witness Statement of their own volition.
[10] FTAA 2024, s 3.
[11] Section 42.

44 Mandatory provisions that apply in relation to all Fast-Track approval applications include s 81 of the Act, which provides:

> (1) A panel must, for each approval sought in a substantive application, decide whether to –
>
> (a) grant the approval and set any conditions to be imposed on the approval; or
>
> (b) decline the approval.
>
> (2) For the purpose of making the decision, the panel –
>
> (a) must consider the substantive application and any advice, report, comment, or other information received by the panel under section 51, 52, 53, 55, 58, 67, 68, 69, 70, 72, or 90:
>
> (b) must apply the applicable clauses set out in subsection (3) (see those clauses in relation to the weight to be given to the purpose of this Act when making the decision):
>
> (c) must comply with section 82, if applicable:
>
> (d) must comply with section 83 in setting conditions:
>
> (e) may impose conditions under section 84:
>
> (f) may decline the approval only in accordance with section 85.

45 Section 81(3) refers to sch 5 of the FTAA, which provides specific criteria to be considered in relation to the different types of applications that may be dealt with under the Act. This Application engages with:

> (a) for an approval described in section 42(4)(a) (resource consent), clauses 17 to 22 of Schedule 5:
>
> (b) for an approval described in section 42(4)(b) (change or cancellation of resource consent condition), in relation to a condition of a coastal permit specified under section 186H(3) of the Fisheries Act 1996, clauses 20 to 22 of Schedule 5:
>
> (c) for any other approval described in section 42(4)(b) (change or cancellation of resource consent condition), clause 23 of Schedule 5:
>
> …
>
> (f) for an approval described in section 42(4)(e) (concession), clauses 7 to 9 of Schedule 6:
>
> …
>
> (i) for an approval described in section 42(4)(h) (wildlife approval), clauses 5 and 6 of Schedule 7:
>
> (j) for an approval described in section 42(4)(i) (archaeological authority), clauses 4 and 5 of Schedule 8:
>
> (k) for an approval described in section 42(4)(j) (complex freshwater fisheries activity approval), clauses 5 and 6 of Schedule 9:
>
> …

46 Section 81(4) is pivotal and provides:

When taking the purpose of this Act into account under a clause referred to in subsection (3), the panel must consider the extent of the project's regional or national benefits.

47 Section 85 sets out the limited circumstances in which approvals must or may be declined. There are no mandatory decline matters present here that would engage subs (1) or (2). Subsections 3–5 relevantly provide:

> (3) A panel may decline an approval if, in complying with 81(2), the panel forms the view that-
>
> (a) there are 1 or more adverse impacts in relation to the approval sought; and
>
> (b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account –
>
> (i) any conditions that the panel may set in relation to those adverse impacts; and
>
> (ii) any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.
>
> (4) To avoid doubt, a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider in complying with section 81(2).
>
> (5) In subsections (3) and (4), adverse impact means any matter considered by the panel in complying with section 81(2) that weighs against granting the approval.

48 We adopt a common-sense approach to the expression "weighs against granting the approval" and interpret it as simply meaning *taking account of an impact that introduces a disbenefit that would otherwise not arise but for the project being considered*. We understand that our task is to consider all identified disbenefits[12] and weigh them against the regional or national benefits of the Application.

49 This Panel has the benefit of prior panel decisions in *Maitahi Village*[13] and *Waihi North*.[14] The make-up of those panels included retired Court of Appeal and Supreme Court judges, respectively. While *Waihi North* has been appealed, the matters of law raised in that appeal are largely confined to the way in which conditions have been structured rather than addressing the mandatory functions of an expert panel under ss 81–85 and Schedule 5 of the FTAA.

50 In its decision, the Expert Panel in *Maitahi Village* observed:[15]

---

[12] Under s 81(2).
[13] *Record of Decision of the Maitahi Village Expert Consenting Panel under Section 87 of the Fast-Track Approvals Act*, 18 September 2025.
[14] *Record of Decision of the Waihi North Expert Consenting Panel under Section 87 of the Fast-Track Approvals Act*, 18 December 2025.
[15] At [57].

When making its decision, the Panel is tasked by the FTAA with undertaking a broad evaluative exercise of weighing a range of matters identified in s 81 and s 85 of the FTAA. The starting point is that the Panel must consider the substantive application. The Panel must also consider any advice, report, comment, or other information it receives under various sections of the FTAA listed in s 81(2)(a). These provisions are designed to facilitate the gathering or obtaining of information relevant to the decision-making function.

51 The Schedules to the Act set out the relevant decision-making criteria that are to operate in respect of the different approvals that are sought. Those Schedules specify that the Panel must take into account a list of criteria. To ensure that the purpose of the Act is not subverted in its application, the Act starts each list of criteria with the "purpose of this Act" and directs the Panel to give the greatest weight to that purpose. The example given by the panel in *Waihi North* is the clause relevant to resource consents, clause 17(1) of Schedule 5, which provides:

> (1) For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the panel must take into account, giving the greatest weight to paragraph (a), –
>
> (a) the purpose of this Act; and
>
> (b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and
>
> (c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.
>
> (2) For the purpose of applying any provisions in subclause (1), –
>
> (a) a reference in the Resource Management Act 1991 to Part 2 of that Act must be read as a reference to sections 5, 6, and 7 of that Act; and
>
> (b) if the consent application relates to an activity that is the subject of a determination under section 23 of this Act, the panel must treat the effects of the activity on the relevant land and on the rights or interests of Māori as a relevant matter under section 6(e) of the Resource Management Act 1991; and
>
> (c) to avoid doubt, for the purposes of subclause (1)(b), when taking into account section 104(1)(c) of the Resource Management Act 1991, any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval is a relevant matter.
>
> (3) Subclause (4) applies to any provision of the Resource Management Act 1991 (including, for example, section 87A(6)) or any other Act referred to in subclause (1)(c) that would require a decision maker to decline an application for a resource consent.
>
> (4) For the purposes of subclause (1), the panel must take into account that the provision referred to in subclause (3) would normally require an application to be declined, but must not treat the provision as requiring the panel to decline the application the panel is considering.
>
> …

52 As this substantive Application is for resource consents, cls 17–22 of sch 5 apply. In Waihi North, the Panel identified that cls 17(3) and 17(4) are to be read in conjunction with s 85(4) such that directive policies and legislation that would usually require an application to be declined are to be taken into account in the manner outlined in clause 17(4) by recognising that:

(a) They would require the applications to be declined; but

(b) Do not require the Panel to decline the application.[16]

53 The Panel in *Maitahi Village* maintained that c 17(1) amounted to a statutory injunction and said:

> 66 With particular reference to the statutory injunction in clause 17(1) to give "the greatest weight to paragraph (a)" [the purpose of this Act], Ms Limmer KC submitted that the purpose of the FTAA differs markedly from that of both the RMA and the most recent, historic "version" of Fast Track Consenting.[17] She contended this crucial difference permeates the decision making framework of the FTAA and results in a legislative regime that may support the grant of a resource consent, even when the traditional RMA process would not.
>
> 67 The Panel accepts that, in the context of an application for approval of a resource consent, the legislation prioritises the purpose(s) in section 3 of facilitating significant regional or national benefits over other considerations.

54 At [76] of its decision, the Panel in *Maitahi Village* said:

> 76 In summary, the statutory direction for a panel to take into account key provisions of the RMA brings into focus the question of whether the Application promotes the sustainable management of natural and physical resources (s 5 of the RMA), noting that the term sustainable management is defined in the RMA at s 5(2). The panel is also required to consider how the Proposal recognises and provides for the matters of national importance in s 6(a) to (h) of the RMA. These topics are all of some relevance to the Proposal and have been evaluated by the Panel.
>
> 77 Decision makers must also take into account the matters referred to in section 7(a) to (j) of the RMA.

55 We acknowledge that ss 5, 6 and 7 of the RMA contain matters which the Panel is to weigh up when making its decision under s 81 of the FTAA and in carrying out the proportionality exercise under s 85(3).

56 In its decision, the Expert Panel in *Waihi North* observed that s 85(4) of the FTAA means that non-compliance with, say, avoidance policies that would usually preclude the granting of an approval is not of itself fatal to an application.[18] In other words, an effect that is the subject of an avoidance policy is not to trump a regional or national benefit.[19]

---

[16] *Waihi North* decision at [16].
[17] Covid-19 Recovery (Fast Track Consenting) Act 2020, s 4.
[18] *Waihi North* decision at [10].
[19] As it did in *Environmental Defence Society Incorporated v New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38.

57 As to the application of s 85(3), the Expert Panel in *Waihi North* observed:

> [11] Consistently with the approach by other Panels, we see the exercise provided for by section 85(3) as requiring assessments:
>
> (a) of the extent of WNP's regional or national benefits;
>
> (b) of the significance of adverse impacts; and
>
> (c) whether the adverse impacts are "sufficiently significant" to be out of proportion to the WNP's regional or national benefits after allowing for, amongst other things, compensation that may be provided.

We adopt that approach.

58 Section 7 of the FTAA is to be considered by us in our decision-making with the requirement that we act in a manner that is consistent with the obligations in existing Treaty settlements and recognised customary rights.

59 Section 82(3) requires the Panel to consider whether granting an approval would comply with s 7, and the Panel may set conditions to recognise or protect a relevant Treaty settlement and any obligations arising under the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 where they are relevant. Those Acts do not apply here, but the Ngai Tahu Claims Settlement Act 1998 does apply and is discussed below in section E2 of this Decision.

60 In this Application, the Applicant described the process required by the FTAA as follows:[20]

> 2.9 The purpose of 'facilitating delivery' of beneficial projects is not to say the process under the FTAA does not apply rigour to assessing a substantive application, or that an application cannot be declined. However, there is a strong starting presumption of 'facilitating delivery'; the foundational premise of the FTAA is that the delivery of infrastructure with significant regional or national benefits should be facilitated. This presumption is reflected in a number of ways throughout the scheme of the FTAA. That is:
>
> (a) A panel must give the greatest weight to the purpose of the FTAA in its decision-making, ahead of all other considerations. This deliberate aspect of the FTAA clearly intends to make decision-making more favourable to beneficial proposals than would otherwise be the case under usual (non-FTAA) processes.
>
> (b) A panel only has discretion to decline an application where "adverse impacts" are "sufficiently significant to be out of proportion to the project's regional or national benefits" (even after considering conditions). There is therefore a clear tolerance for adverse impacts, provided they are not out of proportion to the regional and national benefits (and even if they are, a panel has a residual discretion to grant approvals).
>
> (c) The 'proportionality' consideration means that the more significant the regional and national benefits of a proposal, the more significant the adverse impacts would need to be before the proposal could be declined. It was introduced to the FTAA late in the legislative process (at the Committee of the Whole House stage), in order to "clarify the high bar for declining an approval".
>
> (d) That the bar is "high" is further underscored by Parliament's choice of language in

[20] Appendix to Part A of Application Documents: Legal Analysis of Fast-track Approvals Act 2024 Framework and Application by Contact Energy Limited, 18 August 2025 at [2.9] (with footnotes omitted).

the test. A panel's discretion to decline approvals does not arise if a project's adverse effects are merely 'significant', or 'greater than' its benefits. Rather, adverse effects must be "sufficiently significant to be out of proportion to" the regional and national benefits in order for the discretion to decline to be available; this requires a panel to apply a strong presumption in favour of enabling a beneficial project (and thereby realising its benefits).

(e) Moreover, before the discretion to decline an approval is available to a panel, it must first have taken into account the full extent of its powers to impose conditions (and any conditions that may be offered by an applicant).

...

61 We accept that explanation as being generally consistent with the scheme of the FTAA, the approach of the panels in *Maitahi Valley* and *Waihi North*, and the process that we have applied in reaching the findings that are set out in this Decision.

62 As to the scope for a panel to decline an application, the Applicant said:

2.28 The only ground on which the Panel has discretion to decline an approval is if, in complying with section 81(2), it forms the view that:[21]

(a) there are one or more *"adverse impacts"*[22] in relation to the approval sought; and

(b) those adverse impacts are sufficiently significant to be out of proportion to the proposal's regional or national benefits under section 81(4), even after taking into account:

(i) any conditions that the Panel may set in relation to those adverse impacts; and

(ii) any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.

2.29 Significantly, the above threshold cannot be met solely on the basis that an adverse impact is inconsistent with or contrary to a provision of a specified Act, or any other document that a panel must take into account or otherwise consider in complying with section 81(2).[23] For example, if a relevant document directed that a particular adverse effect must be avoided, an application could not be declined on the basis of such a direction. Rather, in order for such a proposal to be lawfully declined the adverse impacts (which might include the effect directed by a relevant document to be avoided) must be sufficiently significant to be out of proportion to the Project's regional or national benefits.

2.30 Again, as noted above, this 'proportionality' consideration means that:

(a) the more significant the benefits of a proposal, the more significant the adverse impacts would need to be before the proposal could be declined; and

(b) adverse effects that merely outweigh or are greater than the regional or national benefits do not trigger the discretion to decline; adverse effects must be *"sufficiently significant to be out of proportion to"* those benefits.

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[21] FTAA, s 85(3).
[22] FTAA, s 85(5). This term is broadly defined as meaning any matter "considered by the panel in complying with section 81(2) that weighs against granting the approval".
[23] FTAA, s 85(4).

63 We accept that interpretation of the limited scope to decline an application.

PART D: IWI AUTHORITIES

64 For all referral applications, s 18(1) FTAA requires the Minister to obtain and consider a report from the responsible agency (MfE). Section 18(2) sets out the mandatory components for the report which include any relevant iwi authorities and relevant Treaty settlement entities. Iwi authority means the authority which represents an iwi, and which is recognised by that iwi as having authority to do so[24].

65 The s 18 report for this Application identifies "relevant Māori groups" listed at Attachment 3. Te Rūnanga o Ngāi Tahu is identified as an iwi authority and Treaty settlement entity. Also listed as iwi authorities are the Ngāi Tahu Papatipu Rūnanga:

(a) Hokonui Rūnanga

(b) Waihōpai Rūnaka.

(c) Te Rūnanga o Awarua, and

(d) Te Rūnanga o Oraka Aparima

66 The s 18 report also identifies Te Ao Mārama Incorporated (TAMI) as an entity owned by Ngāi Tahu Papatipu Rūnanga.

67 Attachment 4 to the s 18 report includes correspondence from Hokonui Rūnanga and TAMI confirming that the area within which the Project is to be located is an area of deep connection and long association for Ngāi Tahu.

68 The letter from TAMI refers to the Ngāi Tahu Claims Settlement Act 1998 and lists the key principles of that Act which TAMI say should be recognised by the Application. In respect of those principles, TAMI says:

> We can confirm that the applicant has received advice on the above and has referenced consideration of those in the continued engagement with Ngāi Tahu entities and overall design of the project during this stage in the processing of this application.

69 It is widely known and accepted by the local authorities of Te Waipounamu (South Island) that Te Rūnanga o Ngāi Tahu is the relevant iwi authority for the vast majority of the South Island, including Southland. None of the relevant local authorities referred us to the Te Puni Kōkiri directory of iwi organisations, Te Kāhui Māngai, which is a matter of public record for the purposes of the RMA and indirectly, the FTAA. The Te Kāhui Māngai directory includes the note:

> In addition to consultation with Te Rūnanga o Ngāi Tahu as "Iwi Authority" the appropriate Papatipu Rūnanga in each area should also be consulted on all natural resource (Resource Management Act) matters.

[24] Section 2 RMA.

70 In the case of Ngāi Tahu there are 18 Papatipu Rūnanga located throughout Te Waipounamu. They are the communities said to be responsible for keeping the home fires burning and are the face of Ngāi Tahu at a regional level.[25]

71 The Papatipu Rūnanga for Southland identified on the Te Kāhui Māngai directory are the same as those listed in the section 18 report which is consistent with the information set out by Te Ao Mārama Inc. (TAMI) in its 17 December letter commenting on behalf of these communities.

72 Consequently, we are satisfied that the relevant iwi authorities, Treaty settlement entities, hāpu and marae have been appropriately consulted with by Contact, and that the s53 comments provide by TAMI[26] represent the views of those iwi entities. We discuss the issues raised by TAMI in sections E2 and E9 of this Decision.

PART E: ASSESSMENT OF EFFECTS

73 Where there is contention between Contact and other parties we have addressed any potential adverse effects in more detail. In doing so we discuss the comments received, Contact's response to those comments, any relevant provisions of the statutory instruments as noted in Part G (with a focus on provisions that provide guidance on the setting of conditions), and our findings on the potential adverse effects.

74 In each of the sections in Part E we have included a heading titled "Conditions". The discussion of conditions in those sections relates to amendments that we have made to Contact's proposed conditions in response to matters raised in the s 51 reports and s 53 comments that we received from various parties. We have included that discussion so that the draft Decision that accompanied the draft conditions provided an explanation of those amendments.

75 We generally discuss further amendments made in response to the s 70 comments we received on the draft conditions in Part N of this Decision. Consequently, readers should refer to both the "Conditions" headings in the various sections of Part E and the further discussion in Part N to fully understand the rationale for the Panel's final suites of conditions for the various approvals required for the Project.

76 Schedule 5 cls 5(4) requires a consent application to provide an assessment of an activity's effects on the environment covering the information in cls 6 and 7. These matters include:

> (a) an assessment of the actual or potential effects on the environment:
>
> (b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:
>
> (c) if the activity includes the discharge of any contaminant, a description of—
>
> (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
>
> (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:

[25] Te Rūnanga o Ngāi Tahu website – "Papatipu Rūnanga"
[26] Letter from TAMI dated 17 December 2025 signed by Dean Whaanga, Kaiwhakahaere Kaupapa Taiao.

(d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity:

(e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal:

(f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision:

(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved:

(h) an assessment of any effects of the activity on the exercise of a protected customary right.

…

(a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects:

(b) any physical effect on the locality, including landscape and visual effects:

(c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity:

(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:

(e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants:

(f) the unreasonable emission of noise:

(g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.

77 Section 5 of Part B of the Application documents includes an assessment of these matters. Commentors also raised a range of actual and potential effects that were of concern to them. Our approach has been to generally use the same effects-based headings that that were used in Section 5 of Part B of the Application. Where there is general agreement between the parties as to the nature of those effects and any conditions that should be imposed on the relevant approvals then our discussion is relatively brief.

78 Prior to discussing the effects of the Project, we address the matter of management plans and their appropriate use in the approvals. This was a matter of interest to a number of parties including DOC.

79 The following actual and potential effects on the environment are then assessed:

- Cultural Effects
- Landscape, Visual Amenity and Natural Character Effects
- Terrestrial and Wetland Ecology Effects
- Freshwater Ecology Effects
- Erosion and Sediment Effects
- Other Construction Effects

- Hydrology Effects
- Archaeological Effects
- Traffic Effects
- Noise Effects
- Aviation and Lighting Effects
- Shadow Flicker Effects
- Radio Communication Services Effects
- National Grid Effects
- Recreation and Hunting
- Monitoring and Review
- Decommissioning
- Bonds

E1 Management Plans

80 Contact intends to prepare seventeen management plans to collectively manage the detailed design and construction of certain aspects of the Project together with some of the effects of those activities.

81 Management plans are routinely used for major infrastructure and construction projects. They are a suitable mechanism for ensuring that "outcome based" consent conditions are complied with, and detailed environmental effects are managed appropriately. Management plans avoid cluttering the conditions with excessive detail, particularly with regard to how certain construction works or mitigation actions will occur. The caveat is that each management plan condition must specify the purpose or objective of the plan; ideally which conditions it is designed to assist with implementing; the minimum contents of the plan; who is to prepare it; and who else should be consulted or involved in that process. If there is conflict between the management plan and the conditions, then the conditions must prevail.

82 The management plan resource consent conditions (MP1 to MP12), along with more detailed conditions addressing particular management plans in other parts of the resource consents, generally meet the above requirements.

83 It is routine for a management plan to be submitted to the appropriate council and thereafter 'certified', which for all intents and purposes is a delegated approval process. Certification of the Project management plans was largely proposed here including the provision for an independent, Suitably Qualified and Experienced Person(s) to review the management plans. However, Contact also proposes that two management plans should instead be approved by the Panel, namely the:

(a) Lizard Management Plan (LMP); and

(b) Terrestrial Invertebrate Management Plan (TIMP);

84 We found that to be a reasonably novel approach and one that the Panel did not consider to be appropriate. We prefer the more orthodox approach whereby those two management plans are submitted to the relevant council for certification. We take that view because the councils can draw on appropriate specialist expertise (whether it be inhouse, contracted, or in this case more likely in reliance on the Independent Reviewer

as provided for in Condition MP4) to determine if each management plan is 'fit for purpose'.

85 Having the councils initially certify the LMP and TIMP is also consistent with the approach to be taken whereby any material amendments to those plans will be subject to a 'recertification' by the councils. In our view it is efficient to have the councils undertake both the initial certification and any subsequent recertification.

86 Accordingly, we have required all of the Project management plans to be certified by the relevant councils, including those that Contact sought to have approved by the Panel. We do not consider that imposes an undue time or cost burden on Contact because we understand that the relevant councils (and as we discuss later, also DOC officials) are aware of their contents due to the previous extensive liaison between Contact, the councils and DOC.

Comments Received

87 Section 53 comments on the management plan approach were provided by SDC, Southland Regional Council (SRC), the Southland Conservation Board and EDS. We discuss detailed comments on particular management plans in other sections of Part E of this Decision.

(a) SDC suggested that:

(b) The management plan conditions should require the Independent Reviewer process to be completed 30 working days prior to construction commencing;

(c) Condition MP9 should be amended to ensure works proposed in the amendments are not undertaken until the certification of the amended plan has been approved;

(d) Condition MP10(c)[27] should be amended from five working days to ten working days;

(e) Condition MP11(e)[28] be clarified to ensure works proposed in an amended management plan are not undertaken until the plan has been recertified;

(f) DOC should be required to certify the Lizard Management Plan and Terrestrial Invertebrate Management Plan; and

(g) Contact should prepare a Landscape and Natural Character Management Plan (LNCMP) for the parts of the Slopedown / Mokoreta – Pukemimihau (candidate ONF) occupied by the windfarm. We address that particular matter in section E3 of this Decision.

88 SDC also queried how the Independent Reviewer would be selected. They note their understanding that there would be an independent 'certifier' on behalf of the councils, not an independent plan reviewer.

89 SRC requested that:

[27] Now MP10.3
[28] Now MP11.4.

(a) The Habitat Restoration and Enhancement Management Plan (HREP which is part of the Terrestrial and Wetland Ecological Management Plan) and the Riparian offsetting Management Plan (ROMP which is a separate management plan) be provided to the council 20 working days in advance of construction commencing instead of 15 working days;

(b) The certification timeframe for management plans and site-specific management plans be extended from 15 working days to 20 working days to allow sufficient time for processing and assessing compliance by council officers;

(c) Conditions SC1-SC10 (which address the Stakeholder Communication and Engagement Management Plan amongst other things) be linked to all SRC consent conditions; and

(d) Conditions CM12(b), (c) and (d)[29] require a Culvert and Drain Maintenance Plan to be prepared and provided to SRC at least 10 days prior to construction. Those conditions did not outline the objectives and contents of the Plan or specify procedures for amending that plan. SRC requested that the timeframe in these conditions be extended from at least 10 working days to at least 20 working days prior to construction. SRC also suggested that the construction aspects be brought into the same management plan process outlined in Conditions MP1 to MP9 for consistency.

90 The Southland Conservation Board suggest that a Concrete Washwater Management Plan should be prepared.

91 EDS has provided ecological evidence authored by Michael Harding who suggests amendments to the Habitat Restoration and Enhancement Management Plan (HREP) and Biosecurity Management Plan. We address those particular matters in section E4 of this Decision.

92 We observe that DOC did not comment on the management plan approach in its s 53 comments and nor did it suggest any amendments to Conditions MP1 to MP11 in those comments.

93 However, in its s 51 Wildlife Approval Report, DOC expresses a preference for amendments to the LMP or TIMP to go through the Wildlife Act variation process. In its s 51 Concession Report DOC states that it must have a certification role for the management plans that relate to activities that will take place on the Conservation estate, namely the:

(a) Construction Environmental Management Plan

(b) Earthworks Management Plan

(c) Riparian Offsetting Management Plan

(d) Archaeological Management Plan

[29] Now CM12.1 to 12.5.

Contact response to comments

94 Contact has not amended the conditions referred to by the SDC. It notes that the process for appointing an Independent Reviewer was set out in Condition MP4.

95 Contact has not amended the management plan lodgement timeframes referred to by the SRC, nor did it amend conditions SC1-SC10. Contact has amended Condition CM12 to refer to the objective of the Culvert and Drain Maintenance Plan.

96 On the matter raised by the Southland Conservation Board, Contact advised[30] that the need to manage concrete batching had been considered, and consent conditions specifically require the Earthworks Management Plan to set out "the specific measures to contain and manage contaminant runoff and stormwater runoff from the concrete batching plants" (Condition CM3(k)). Those measures would be subject to certification by the SRC. Consequently, Contact considers that there is no need for a 'concrete wash water management plan'.

97 Regarding DOC's suggestion for varying management plans referred to in the Wildlife Approval, Contact stated[31] that Condition 2 of Schedule 3 of that Approval set out the process for any amendments to the LMP and TIMP. That condition requires the amendments to be prepared by a Suitably Qualified and Experienced Person and submitted to DOC for certification. The LMP and TIMP show that all necessary objectives and outcomes have been carefully considered. Contact say that it is unnecessary to repeat these details in the Wildlife Approval conditions, as they are already well-explained in the RMA-related approval conditions. As such, DOC's suggested amendment to remove Condition 2 has been accepted in the updated proposed Wildlife Approval conditions.

98 Regarding DOC's requested certification role outlined in its s 51 Concessions Report, Contact observed[32] that the concessions requested by it were small and limited in scope. Once completed, they would have a minimal impact on the environment and public land management. Certain aspects of the management plans will pertain to those activities; however, they were very minor aspects. Consequently, Contact did not accept that DOC should have a role in certifying the management plans and consider it more appropriate for the management plans to be certified via the proposed certification process as set out under the RMA resource consent conditions.

99 However, Contact has suggested that Condition MP11 of the resource consents be amended to require consultation with DOC on any material amendments to the LMP and TIMP as that would ensure DOC was able to provide feedback to Contact on any material changes to the management plans as they relate to the Wildlife Approval.

Panel Findings

100 We agree that the SRC should be involved in certifying the Stakeholder Communication and Engagement Management Plan. We have amended Condition SC1.2 and the management plan framework table (now Condition MP12) accordingly.

[30] Buddle Findlay, paragraph 9.3(d).
[31] Ibid, paragraph 13.52.
[32] Ibid, paragraph 13.23.

101 In light of the Independent Reviewer process which we understand to be endorsed by the councils, we are satisfied with the management plans being provided to the certifying councils 15 working days prior to construction commencing. The Independent Reviewer process would necessarily need to be completed prior to that 15 working day period. We are also satisfied with the proposed five working day timeframe in Condition MP10.3.

102 We are also satisfied that the process for appointing an Independent Reviewer is adequately set out in Condition MP4.

103 Regarding SDC's concern that the Independent Reviewer should be an 'Independent Certifier', we note that this would, in our opinion, be an inappropriate abrogation of the Council's responsibilities. However, we have no concerns about the Council relying on the advice of the Independent Reviewer when making their decision on whether or not to certify a management plan.

104 In terms of ensuring independence, we note that the definition of the "Independent Management Plan Reviewer(s)" in the resource consent conditions states that the reviewer is to be "independent to the Consent Holder and appointed by the relevant District and Regional Councils at the cost of the Consent Holder". We are satisfied with that approach but consider that amendments are required to the conditions[33] to more fully reflect it.

105 Contact amended Condition CM12(c) to require a Culvert and Drain Maintenance Plan to be provided to SRC twenty days prior to construction commencing. We have amended Condition CM12 to instead refer to a Jedburgh Plateau Water Management Plan (JPWMP) as we consider that better reflects the intent of the document, which is to avoid or otherwise mitigate the effects of wetland dewatering or overloading on the Jedburgh Plateau, as well as maintaining the culverts and drains that will be constructed. We merged Condition CM11B into CM12 to avoid duplication regarding the clay bunds intended to prevent dewatering of the wetlands. As that is an important part of mitigating effects on the Jedburgh wetlands, we added that Plan to Condition MP2 and amended the management plan framework table accordingly.

106 Other amendments we have made to Conditions MP1 to MP11 include:

(a) Referring to 'written' certification;

(b) Amending Condition MP4A so that all management plans are certified by the relevant councils;

(c) Inserting Condition MP4B to provide a clear process for enabling DOC's input to the LMP and TIMP. In response to DOC's s 51 Concession Report and their desire to certify other management plans, we have also included the Construction Environmental Management Plan (which includes the Earthworks Management Plan) and Riparian Offsetting Management Plan in Condition MP4B. We did not include the Archaeological Management Plan as the contents of that Plan are more germane to HNZPT and TAMI;

[33] Including conditions MP4.1 and MP5.

(d) Recasting parts of Conditions MP4, MP5, MP6.1, MP10.1 and MP11.1 as Advice Notes because conditions cannot bind third parties and should not contain definitions;

(e) Amending Condition MP9 so that the input of TAMI to each management plan occurs before the plan is submitted to the Independent Peer Reviewer, because we consider that the peer review role should include checking that TAMI's issues or recommendations have been suitably incorporated into each plan;

(f) Amending Condition MP9 to clarify that activities to which a management plan relates must not commence until the management plan has been certified;

(g) Inserting Condition MP9A to require management plans submitted to the relevant council for certification to be in general accordance with the draft management plans that formed part of the Contact's FTAA Substantive Application, unless amended for specific listed reasons;

(h) Amending Condition MP11 so that material amendments to the management plans that are of interest to DOC (as listed in Condition MP4B) are provided to DOC for comments and additionally that all material amendments are provided to TAMI for comment and feedback (in accordance with Condition MP7);

(i) Amending Condition MP11.3 to require material amendments to the plan listed in Condition MP4B to follow the MP4B process;

(j) Inserting Condition MP11.6 to clarify that the activities to which the amended management plan relate must not commence until written certification of the amended management plan is obtained; and

(k) Inserting Condition MP12 to clarify the purpose of the Management Plan Framework table.

107 We amended Conditions MP2 and CM12 to refer to a Jedburgh Plateau Water Management Plan (JPWMP), instead of a Culvert and Drain Maintenance Plan, because that better reflects our understanding of the intent of that document. In light of that amendment, we deleted the subsequently redundant Condition CM11B.

108 Regarding DOC's desire to certify the four plans listed in their s 51 Concession Report, we note that the activities to which the Concession relates are minor, consisting of a culvert in one stream and an airspace easement for the transmission line over another stream. The limited scope of those activities suggests to us that DOC need not have a certifying role for those plans under the Conservation Act. Nevertheless, as outlined above, we have enabled DOC to have input to their contents by way of our new Condition MP4B.

109 However, because the LMP and TIMP are listed in the Authorised Activity section of the Wildlife Act Approval, in Schedule 3 of the Wildlife Act Approval we have required those two management plans to be certified by DOC, with any amendments to those plans being the subject of a separate variation process administered by DOC under the Wildlife Act. We consider that is an unavoidable consequence of the statutory regime applying to the Wildlife Act Approval.

110 We acknowledge that the dual certification of the LMP and TIMP has the potential to add complexity to their implementation. However, we envisage that Condition MP4B will ensure that DOC's interests in those two plans are addressed in the versions of the Plans that are provided to the councils for certification once the Independent Reviewer process has been completed. On that basis, DOC's subsequent certification of those two plans under its Wildlife Act responsibilities should be a straightforward exercise.

111 We observe that any unresolved dispute between the consent holder and a certifying council or DOC as to whether a proposed management plan should be certified, will have to be resolved by the courts as the conditions do not set out a dispute resolution process.

112 The certification of the management plans involves several sequential steps, and we set out our understanding of that sequence and timing of each step:

(a) The LMP, TIMP, CEMP and ROMP are provided to DOC for comments – to be provided within 20 working days (Condition MP4B);

(b) All other management plans are provided to TAMI for comment - to be provided within 15 working days (Condition MP7). We assume that for the LMP, TIMP, CEMP and ROMP Plans comment from TAMI occurs after DOC has provided comment on them;

(c) The plan(s) are then amended by Contact to incorporate DOC and TAMI's comments (we assume 5 working days for that to occur);

(d) Contact is then to provide the management plan(s) to the Independent Peer Reviewer and instructs the reviewer to complete their task within 15 working days (new Condition MP5.2);

(e) The plan(s) are then to be amended by Contact to incorporate the reviewer's comments (assume 5 working days for that to occur);

(f) Contact then provides the management plan(s), the comments from DOC (if applicable), and the Reviewer's Report to the relevant District and Regional Councils (Conditions MP4B.3, MP6.1 and MP7);

(g) The councils then decide whether or not to certify the plans(s) and they have 15 working days in which to do that (Condition MP6.4); and

(h) If the councils decide not to certify the plan(s) then Contact must amend the plan(s) in response to the councils' suggested changes and resubmit for certification (Condition MP9). The timeframe for that to occur is not specified but it could realistically take say, 10 working days.

113 As a consequence of the above timeline, we estimate that Contact must have 'draft final' copies of the LMP, TIMP, CEMP and ROMP prepared at least 75 working days prior to the intended date for construction commencing. All other management plans should be prepared at least 55 days prior to the intended date for construction commencing.

114 We have therefore amended Condition MP1 to incorporate a minimum 75 working day timeframe. We note that under Condition MP4 Contact has six months after the grant of consents to nominate the Independent Peer Reviewer(s).

Conditions

115 We amended the conditions of the approvals as outlined above.

E2 Cultural Effects

116 Specific to this Application it is asserted:

> In developing this Project, Contact has sought to develop genuine relationships, collaborative, respectful partnerships, and mutually beneficial outcomes for mana whenua. Since 2022, Contact has been engaging extensively with Ngāi Tahu ki Murihiku, Te Ao Marama Inc ("**TAMI**") and Te Rūnanga o Ngāi Tahu ("**Te Rūnanga**") including in relation to cultural values matters.[34]

117 And

> Under the previous Covid Fast-track Act process, Ngāi Tahu ki Murihiku (through TAMI) clearly outlined to Contact the cultural values associated with the Project Site and its surrounds, including through Ngā Hua o Āpiti Hono Tātai Hono and the Cultural Impact Assessment ("CIA") prepared by TAMI, and shared with Contact

118 Those iwi groups have confirmed that position in their responses to the invitations to comment and that the Application with the above condition set is consistent with the Ngai Tahu Settlement Deed and Act of the same name. As set out at Part D of this Decision, those iwi groups are the kaitiaki for the site. It is significant that they are satisfied that their guardianship obligations are able to be met.

119 The CIA and related evidence identifies the prominent cuesta that dominates the Project Site as Pawakataka. It is recognised as a prominent landmark with Te Ao Māori cultural connections. As with all of Southland, Pawakataka is within the Ngai Tahu takiwā, in the region known as Murihiku.

Comments Received

120 In its letter of 17 December 2025, TAMI records that the Application recognises the "foundations and guiding concepts of what the Ngāi Tahu Settlements are based on."

121 Within Appendix 2 to the TAMI letter are the proposed conditions in relation to cultural values.[35] These conditions address the impact of the proposed activity on the identified cultural values outlined in the Cultural Impact Assessment. They are said to reflect the long-term engagement and agreement that has occurred between Ngāi Tahu ki Murihiku and the applicant. We discuss the appropriate Archaeological Authority conditions in section E9 and Part J of this Decision. Suffice to say that the conditions we have imposed appropriately reflect the views of Te Rūnanga o Ngāi Tahu, Papatipu Rūnaka ki Murihiku and HNZPT.

122 In its s 53 comments WCPS (which we are advised includes Māori and non-Māori members) identified cultural connections with Pawakataka and the importance of those connections to them. For example, they say:

[34] Part A – Overarching Application Document, page 18.
[35] SWF Contact Proposed Archaeological Authority Conditions – 11 December 2025.

> It is this skyline that our members families have viewed for over 100 years. The bush clad scarp, particularly of the south /southeast sides of the Project is an important natural feature.[36]
>
> Pawakataka has strong amenity values for our members and the community. The steep slope down into the Mokoreta / Redan Valley has been used as a guiding landmark for generations.[37]
>
> Pawakataka has meaning to us, and our community. This meaning and the effects the wind farm will have on our community have been inadequately assessed,[38] and
>
> The outstanding natural landscape of Pawakataka when viewed from around Southland, and the outstanding natural feature of the bush capped hills as viewed from the South / Southeast / Southwest of the Wind Farm site is incredible.[39]
>
> Further we believe it's not just about scientific ecological values. We have ties to these hills for generations.[40]
>
> Our connections with Pawakataka are so strong, and the impacts of this Project are so significant that the adverse impacts are inherently unmitigable.[41]

Contact response to comments

123 Contact asserts that it 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 previously undertaken consenting process under the COVID-19 Recovery (Fast-Track Consenting) Act 2020.

124 Contact says that this engagement in relation to the Project has resulted in agreement, both in relation to consent conditions for the Project, and (via a confidential agreement) in relation to matters that cannot be mitigated by way of consent conditions.

125 These statements are recorded in the document attached to the section 53 comments provided by Te Ao Mārama Incorporated (TAMI) on behalf of Papatipu Rūnaka ki Murihiku in relation to the Project.[42]

Statutory Instruments

126 We outline relevant statutory provisions below.

Panel Findings

127 Regarding WCPS comments, we acknowledge that cultural connections with landscapes are not the sole domain of Māori. Such connections can arise for non-Māori who have occupied land over more recent generations. The RMA definition of environment is broadly pitched:[43]

[36] WCPS – s 53 comments, paragraph 83.
[37] Ibid, paragraph 102.
[38] Ibid, paragraph 14.
[39] Ibid, paragraph 12.
[40] Ibid, paragraph 146.
[41] Ibid, paragraph 11.
[42] Application document EO1 -Part E – Approvals relating to the Heritage New Zealand Pouhere Taonga Act 2014).
[43] Section 2 RMA 1991.

Environment includes—

(a) ecosystems and their constituent parts, *including* people and communities; and

(b) all natural and physical resources; and

(c) amenity values; and

(d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in *paragraphs* (a) to (c) or which are affected by those matters.

128 Landscapes are inarguably components of ecosystems; they are natural and physical resources, and amenity values that go to make up the definition of 'environment' as framed by the RMA definition. That definition includes 'cultural conditions' which affect ecosystems; natural and physical resources and amenity values that make up the environment.

129 It follows that cultural conditions of landscapes are part of the environment in an RMA sense, and non-Māori cultural effects can also elevate the significance of a landscape for decision-makers.

130 The question for us is whether the Project undermines and diminishes those connections so as to be a disproportionate adverse impact to be weighed against the benefits of the Project. Crucial to this assessment is the scale and significance of such effects. In this respect, guidance from Te Tangi a te Manu with respect to the associative dimension of landscape values will be germane. A discussion of these issues and an overarching finding is included in Part E3 of this Decision on Landscape, Visual Amenity and Natural Character Effects.

131 We accept that Contact has taken advice from TAMI as to the relevant principles and provisions of the Te Rūnanga o Ngāi Tahu Act 1997 and the Ngāi Tahu Settlement Act 1998. We also accept that as of 17 December 2025,[44] the Application upholds those relevant principles and provisions.

132 Although the TAMI letter does not specifically refer to the Ngāi Tahu Settlement Deed 1997, we infer from the letter's contents and its overall thrust that the Application also complies with that deed.

133 Further, we accept that the cultural values identified in the Cultural Impact Assessment have been addressed to TAMI's satisfaction such that no section 6(e), 7(a) or 8 RMA 1991 issues arise provided that the proposed Archaeological Authority Conditions dated 11 December 2025 are maintained. In this respect, we are satisfied that the application is consistent with the obligations arising under existing Treaty Settlements in a s7 FTAA sense.

134 Additionally, we accept that any Te Ao Māori cultural connections with the wider landscape that includes Pawakataka and that might be a concern for the landscape experts in the context of Te Tangi a te Manu,[45] are also resolved.

[44] The date of the written comment from TAMI.
[45] The Landscape Assessment Guidelines published by the New Zealand Institute of Landscape Architects.

135 We are satisfied that no cultural issues arise for TAMI that have not been identified and appropriately addressed. Accordingly, we are satisfied therefore that any issues arising from sections 6(e), 7(a) or 8 have been appropriately addressed.

Conditions

136 The Archaeological Authority conditions we have imposed are set out in Appendix F of this Decision. Other than that, we made no amendments to Contact's proffered conditions.

E3 Landscape, Visual Amenity and Natural Character Effects

137 Landscape, visual amenity and natural character effects are addressed in s 5.4 in Part B.01 of the Application. Contact provided technical assessments of those effects in Parts H03 authored by Braddyn (Brad) Coombs and H04 authored by Shannon Bray.

Existing Landscape, (including Visual Amenity) Values

138 Mr Coombs' evidence provided the primary assessment of landscape, visual amenity and natural character effects.

139 Mr Coombs[46] explained that the Site is part of a cuesta landform within the broader landform including a steep, bush-clad scarp sloping to the southeast and a gentler backslope (or dip slope) to the northwest that includes the Jedburgh Plateau. The backslope is a broad surface that has mixed landcover comprising pasture on the spurs, fingers of indigenous bush mainly in gullies, streams, wetland areas, plantation forestry, areas of regenerating scrubland, and areas of wild grassland along parts of the ridge.

140 The cuesta landform is known locally as Pawakataka or 'Slopedown' due to its distinctive shape and profile, particularly when viewed from the west. The highest point on the landform is Mokoreta (713m), which is not on the Site, but on adjacent DOC land. Two other prominent scarp ridgeline crest highpoints are located to the northwest of Mokoreta: Puke Mimihau (664m) and The Cairn (658m), also outside the Site on DOC land[47]. The DOC land in this area includes the Catlins Conservation Park at the eastern end of the scarp and Stewardship land (known as the Slopedown Conservation Area[48]) at the western end of the scarp[49], with the DOC land rolling over the scarp ridgeline onto the upper edges of the backslope in places. Collectively, the vegetated scarp area is referred to as the Slopedown escarpment.

141 Mr Coombs commented that the bush-clad scarp has higher landscape values compared to the back slope. Neither the scarp nor other features within or near the Project Site are identified as Outstanding Natural Landscapes (ONLs), Outstanding Natural Features (ONFs) or Visual Amenity Landscapes in the Southland District Plan.

142 Mr Coombs acknowledged the cultural importance of the entire area of Murihuku and explains that none of the named cultural features in the wider area (as identified in Application document H03 Graphic Supplement Figure 1) are within the Site[50].

[46] See Application document H03, paragraphs 4 to 6. Also, other sections of H03 discussing the existing landscape and the video overview of the Project available on Contact's Southland Wind Farm website at the following link: Southland wind farm project overview
[47] Ibid, Appendix A: Figures 41, 44 and 45.
[48] Ibid: paragraph 179.
[49] Ibid, Appendix A: Figure 3.
[50] Ibid: paragraphs 126 to 128.

Mr Coombs draws from the Cultural Impact Assessment prepared by Te Ao Marama Inc (TAMI) for the previous COVID-19 Recovery (Fast-Track Consenting) Act 2020 proposal in describing Ngai Tahu's long connections with the Site[51].

143 With respect to settlement patterns in the local area, Mr Coombs explained that the closest town is the rural service town of Wyndham, some 12km to the west of the Site. Edendale (based around the Edendale Fonterra Dairy Factory) is located approximately 17km to the west. 18km to the northwest is Mataura, and Gore (Maruawai) is located approximately 25km to the northwest.

144 The population and dwellings in the immediate surrounds of the Site are spread relatively sparsely throughout the landscape and at some distance from the Site (noting that the nearest dwelling is approximately 2.3 km from the nearest turbine[52]). Rural properties and dwellings are accessed by a roading network consisting of rural chipseal and unsealed metal roads[53].

145 Mr Coombs addressed the recreational attributes of the wider area, noting the Catlins Conservation Park to the east and southeast of the Site. The main area of contiguous forested hills and valleys associated with the Park is located approximately 10km to the southeast of the Site[54]. This includes the Rata Range, Beresford Range, MacLennan Range, Forest Range and Mt Darby. As mentioned above, the eastern portion of the vegetated scarp (and, in places, the upper edges of the backslope) along with Mt Herbert nearer to the Site form part of the Catlins Conservation Park, albeit they are separated from and sit at some distance from the main part of the Park.

146 The extract from Application document H03 Appendix A Figure 41 below depicts the spatial relationship between the Site (red linework) and the main body of the Catlins Conservation Park (dark green wash to the southwest, south and southeast of the Site). We note that the term Catlins Forest Park is used on Application document H04 Appendix A: Figure 41. It is our understanding that the use of the terms "Catlins Conservation Park" and "Catlins Forest Park" by Mr Coombs are intended to relate to the same physical area[55].

[51] Refer section E2 of this Decision.
[52] Ibid: Appendix D Dwelling Inventory.
[53] Ibid: paragraphs 135, to 138.
[54] Ibid: paragraph 63.
[55] In considering the spatial extent of the Catlins Conservation Park and its relationship to the Site, we have also carefully considered the mapping in Application document G.04 Long Tailed Bats -11, page 47, which clearly shows the spatial extent of the Catlins Conservation Park.

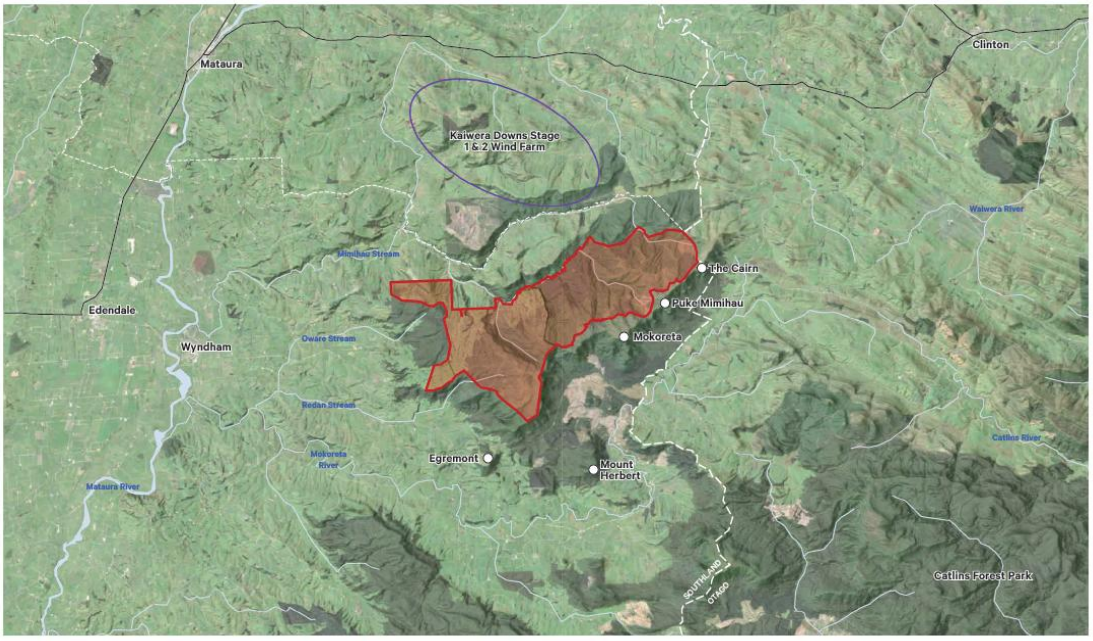

Figure 41 - Local Context Map

Scale: 1:150,000 @ A3
Basemap Source: Land Information New Zealand (Eagle Technology)

LEGEND
State Highway
Regional Boundary
District Boundary
River / Stream
Site Location
Kaiwera Downs Stage 1 & 2 Wind Farm

N
0m 1.5km 3km 7.5km

Isthmus.
Southland Wind Farm | Contact Energy | August 2025

77

147 Mr Coombs advised that tracks are concentrated on the eastern (coastal) side of the Catlins Conservation Park, with huts located at the eastern end of the Beresford Range and the MacLennan Range. Tracks tend to be short spur tracks leading to and from huts or high points from road access points. Mr Coombs commented that there are few public access tracks at the western end of the Catlins Conservation Park, and no public access walking tracks on the Slopedown escarpment. There is a road and forestry access roads across the lower slopes of the scarp and a public access easement within the Project Site itself[56].

148 Mr Coombs noted that the Mataura River, the Mokoreta River and the South branch of the Mimihau Stream are accessed for freshwater fishing[57].

149 Of potential relevance to cumulative effects, Mr Coombs described the Kaiwera Wind Farm to the north of the Site, explaining that the closest turbines are approximately 4km from the Site[58].

150 In Mr Coombs' opinion, the landscape within, and surrounding the Site is a regionally / locally typical rural landscape, characterised by farmland and forestry, with a dispersed, low-density rural population present in the surrounding areas. We understand Mr Coombs' evidence to be that this more typical 'working rural landscape' is distinct from the 'more natural' (or less modified/developed) landscape of the main part of the

[56] Ibid: paragraph 139.
[57] Ibid: paragraph 143.
[58] Ibid: paragraph 11.

Catlins Conservation Park to the east and southeast of the Site and the localised 'more natural' areas associated with the vegetated scarp and Mount Herbert nearer the Site.

151 Mr Coombs advised that the vegetated scarp and a strip of land along the top of the ridgeline is likely to qualify as a potential 'candidate ONF'[59], while the backslope landform would not, due to its lower physical values (in terms of geomorphology and ecology), its more localised aesthetic and associative values and the lack of coherence between the vegetated scarp and backslope.

Existing Natural Character Values

152 Mr Coombs explained that the consideration of natural character envisaged by s6(a) of the RMA is specific to the headwaters of the north and south branches of the upper Mimihau Stream and the wetlands that have been identified and mapped within the Project Site on the Jedburgh Plateau[60]. We agree.

153 Mr Coombs concluded that:

(a) The areas of high and very high ecological value mapped by Contact's ecologists, correspond to areas of high natural character values;

(b) The balance of the Site rates as having moderate natural character values due to the exotic landcover and, in places, grazing land use[61]; and

(c) Beyond the Site, moderate-high natural character values are identified in areas of indigenous vegetation and within and on the margins of Mokoreta River and Mimihau Stream, with the balance area rating as moderate[62].

Proposed Project

154 Mr Coombs provided a description of the Project. We understand from Mr Coombs evidence[63], Application document A02, Contact's Ecology Reports[64] and Application document G03 Figure Terrestrial Ecology 9A the following aspects to be of particular relevance to the consideration of landscape related effects:

(a) The proposed layout, form and character of the Project components;

(b) The layout of the proposed wind turbines and roading which are located outside of the steeper bush-clad scarp, however in places are closer to its crest, noting the following:

i. Turbine JED 17 is approximately 1.5km from the crest (in views from the west);

ii. Turbine MAT-06 is approximately 2km from the crest highpoint of Mokoreta;

[59] Ibid: paragraphs 90, 104 and 321.
[60] Ibid: paragraph 209.
[61] Ibid: paragraph 216.
[62] Ibid: paragraph 217.
[63] Ibid: largely paragraph 500, plus Application document H03 Appendix A.
[64] In particular Application documents H05 and H07.

iii. Turbine MAT-15 is approximately 750m from the crest highpoint of Puke Mimihau; and

iv. Turbine MAT-17 is approximately 1.3km from The Cairn;

(c) The proposed layout of turbines, substations and roading throughout the back slope are positioned to largely avoid indigenous bush and wetland features. In section E4 of our Decision we describe the areas of permanent vegetation loss that will result from the Project along with the various ecological enhancement, restoration and pest control areas that are proposed.

Landscape (including Visual Amenity) Effects

155 Mr Coombs acknowledged that wind turbines, by function of their size and location are prominent in a landscape and affect landscape values.

156 In summary, it was his opinion that the design of the Project means that there are no significant resource management issues in relation to landscape and natural character that would give rise to unacceptable adverse effects[65]. We understand the key factors that informed his opinion in this regard, include:

(a) The setback of the turbines from the scarp ridgeline edge;

(b) The configuration of the turbine and roading layout in response to the underlying landform patterns that largely avoids areas of high and very high ecological value;

(c) The routing of the transmission line to minimise its visual profile;

(d) The proposed landscape and ecological enhancement and restoration areas;

(e) The proposed Community Benefit Fund; and

(f) The contextual fit provided by the working rural landscape context of the Site and the majority of the wider area.

157 Relying on the conclusions reached in the Cultural Impact Assessment and his understanding of agreement reached between Ngāi Tahu ki Murihiku and Contact in relation to mana whenua specific consent conditions and other matters that cannot be mitigated by way of consent conditions, Mr Coombs concluded that effects on the cultural landscape are acceptable[66].

158 Relying on a series of visual simulations that illustrate the visibility of the Project (and where relevant, the extent of the consented Kaiwera Downs Wind Farm) from a range of public vantage points, Mr Coombs concluded that adverse visual amenity effects range from neutral to moderate[67]. We note that in RMA parlance[68] that equates to 'less than minor' to 'more than minor' but not 'significant'. Key factors identified in the evaluation of visual amenity effects included:

[65] Ibid: paragraph 20.
[66] Ibid: paragraphs 319 and 320.
[67] Ibid: Table 2, pages 95 and 96.
[68] The relevant RMA terminology for each effect rating has been added, drawing from the guidance in *Te Tangi a te Manu, Aotearoa New Zealand Landscape Assessment Guidelines (2022)*, page 151.

(a) The diminishing influence of distance;

(b) The moderating influence of a visually complex context;

(c) The working rural landscape context that characterises the majority of the local area;

(d) The partial obscuring effect of intervening topography and/or vegetation; and,

(e) From some orientations, the limited number of turbines seen in the outlook and/or the spacious arrangement of the turbines.

159 With respect to potential effects in relation to private residential viewing audiences, Mr Coombs identified the dwellings within a 10km radius of the Site and evaluated the adverse visual amenity effects of the Project for each dwelling.

160 Mr Coombs identified ten properties as potentially experiencing moderate-high adverse effects ('more than minor' but not 'significant'), five as experiencing moderate adverse effects ('more than minor'), 23 experiencing moderate-low effects ('minor'), 46 experiencing low effects ('minor' or 'less than minor'), 32 experiencing very low effects ('less than minor') and 48 experiencing neutral effects.

161 Mr Coombs recommended that for the 15 dwellings which may experience at least moderate adverse visual amenity effects, an offer should be made to incorporate planting into the relevant properties that could screen or integrate views of the turbines into the landscape or otherwise provide some visual amenity benefit[69].

162 For the Catlins Conservation Park context of the Site, it was Mr Coombs' opinion that the following aspects will ensure the landscape values of the majority of the Park will not be adversely affected by the Project:

(a) The remoteness and wilderness values of the Park that (in his view), distinguish it from the more working rural landscape context that dominates the more immediate context of the Site;

(b) The distance of the majority of the Catlins Conservation Park area from the Site (i.e. approximately 10km to the southeast); and

(c) The absence of track or hut facilities to support hunting or tramping in the more proximate parts of the park, including the scarp and Mount Herbert[70].

163 Notwithstanding Mr Coombs' conclusions that the back slope portion of the cuesta does not qualify as a candidate ONF, it was his view that if the scarp and back slope were confirmed to be an ONF, the Project would still be appropriate. In addition to the factors mentioned above, in his view the largely reversible nature of the Project (which includes decommissioning the Project at the end of its life), the reinforcement of the prominence of the cuesta landform in the local context by the arrangement of the skyline turbines, and the proposed Community Benefit Fund contributed an influence in this regard[71].

[69] Application document H03, paragraph 17.
[70] Ibid: paragraph 303.
[71] Ibid: paragraph 339.

164 With respect to cumulative landscape related effects[72], it was Mr Coombs' opinion that the following factors mean that such effects are not significant:

(a) The distance between the Project and the Kaiwera Downs Wind Farm;

(b) The generous spacing of the Project's turbines (as required by their large size);

(c) The diminishing influence of distance for the viewing areas where the two wind farms will be seen in sequence;

(d) The similar cuesta landform context of both wind farms; and

(e) The consistent design approach between the two wind farms in terms of setting the turbines back from the ridgeline edge and the rotor size.

165 Mr Coombs (along with other experts and invited parties) also discussed the effects of nighttime lighting in relation to landscape effects. We address that in section E12 of our Decision.

Effects on Natural Character Values

166 Mr Coombs' evaluation of effects on natural character values concluded that, overall, effects are very low with the potential for ongoing positive effects in the long term, citing the following factors in support of his assessment[73]:

(a) The careful management of works in and near streams and wetlands via the Construction Environmental Management Plan (CEMP) which includes an Earthworks Management Plan.

(b) The incorporation of a comprehensive habitat and restoration package which includes:

i. The rehabilitation and predominantly indigenous restoration of earthworks disturbance areas;

ii. Stock exclusion, fencing and pest management throughout the 245ha Jedburgh Plateau Enhancement Area;

iii. Protection of offset Copper Tussock grassland areas;

iv. Off-site wetland recreation and restoration to achieve a net gain of wetland extent;

v. Long term aerial and ground based control of mammalian pests across indigenous terrestrial and wetland habitats; and

vi. Enhancement of habitats of indigenous lizards and invertebrates.

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[72] Ibid: paragraphs 266, 270 to 276.

[73] Ibid: paragraphs 414 to 422. Contact confirmed that the description of existing natural character values at the start of Application document H03 paragraph 409 is not correct and should read: "*the natural character values are assessed at **high** across parts of the Project site and **very high** in some areas".* Refer Contact RFI Response, dated 25 November 2025, item (3).

Mr Bray's Assessment of Landscape, Visual amenity and Natural Character Effects

167 Mr Bray undertook his own separate assessment of landscape, visual amenity and natural character effects. He largely agreed with the reasoning and findings of Mr Coombs' effects assessment[74], albeit introducing a more high-level evaluation which includes commentary on the effects of the Project against several other consented wind farm developments in New Zealand. Mr Bray also described the sorts of factors that typically affect the public's perception of wind turbines[75].

168 Points of difference between Messrs Coombs and Bray were limited to Mr Bray's interpretation of wind farms as a productive use of the landscape (thereby reinforcing the contextual fit of the Project within a predominantly working rural landscape setting), and the importance of wind and energy infrastructure in shaping the local landscape[76].

169 In addition, Mr Bray was of the view that the Jedburgh Plateau does not qualify as a natural landscape due to the influence of past and present human, stock and pest animal activity. This led him to conclude that effects in relation to natural character will be overwhelmingly positive[77].

170 Mr Bray also commented that, because (in his opinion), the Project does not fundamentally alter the legibility of the cuesta landform or affect its vegetation features, if the Project was operational, the vegetated scarp would still qualify as a candidate ONF[78].

NZ Wind Farm Database Table

171 Both Messrs Coombs and Bray commented on the Project with reference to the landscape related characteristics of other consented wind farms in New Zealand.

172 In response to a request from the Panel[79] to *"prepare a landscape-focussed 'stocktake' table of the Project compared to other wind farms referenced in the landscape evidence"*, Contact provided a database of the relevant operational and consented wind farms in New Zealand (referred to as the "NZ Wind Farm Database Table")[80]. This included a clear description of the information sources, assumptions and gaps in the information set out in the Table and summarised a range of landscape characteristics (amongst other matters) of the consented wind farms referenced in Contact's landscape evidence. We found this information helpful in assisting our understanding of the typical landscape related parameters associated with wind farms that are deemed to be appropriate, including those located in high value landscape settings.

Relevant statutory context

173 We note that given that the Site does not coincide with an ONF, ONL or Visual Amenity Landscape overlay, the Project does not engage with Southland District Plan (SDP)

[74] Application document H04: paragraph 111.
[75] Ibid: Appendix 2.
[76] Ibid: paragraph 114.
[77] Ibid: paragraphs 124 and 130.
[78] Ibid: paragraph 153.
[79] Panel Minute #3, dated 4 December 2025.
[80] Contact Response to Panel Minute #3, Memorandum prepared by Paul Botha, Roaring 40s Wind Power, dated 12 December 2025.

Objectives NFL-O1 or NFL-O2, nor the two policies that give effect to these objectives (Policies NFL-P1 and NFL-P2).

174 We understand the only relevant policy that guides the management of landscape-related effects is SDP Policy NFL-P3 which seeks to avoid, remedy or mitigate adverse effects of land use and development on the Southland District's natural features and landscapes that have not been assessed by the Council for landscape values.

175 With respect to effects on natural character values, RMA s6(a) requires the preservation of wetlands, rivers and their margins, and the protection of them from inappropriate subdivision, use, and development as a matter of national importance.

Comments Received

176 Comments were provided by SRC, SDC, Waihōpai Toetoe Community Board (WTCB), TAMI, NZ Game Animal Council (NZGAC), WCPS, Hamish Robinson, Julie Clarke, Mc Donald No 2 Family Trust, Prime Range Farm Management Ltd. and Warren Ayers.

177 SRC noted that the area has been identified as an ONF in a previous Southland Regional Landscape Assessment document (SRLA); albeit that this recognition has not made its way through a First Schedule RMA process.

178 The prominence and importance of the landscape, along with the scale of the turbines and roading infrastructure are such that SRC encouraged the Panel to carefully consider landscape effects and the comments made by the Panel for the previous wind farm application under the Covid-19 Recovery (Fast track Consenting) Act 2020.

179 SDC peer reviewer Rhys Girvan explained that he undertook a site visit with Messrs Coombs and Bray on 13 November 2025.

180 Mr Girvan considered that the landscape assessments undertaken by Messrs Coombs and Bray (including the visual simulations relied on in those assessments) were largely consistent with landscape assessment best practice as guided by *Te Tangi a te Manu - Aotearoa New Zealand Landscape Assessment Guidelines (2024) (TTatM).*

181 The exception to this was Mr Girvan's query of the way that Mr Bray evaluated visual amenity effects, with Mr Bray preferring not to define whether such effects were adverse[81].

182 Mr Girvan agreed with Messrs Coombs and Bray that the scarp would qualify as a candidate ONF, however he considered that the candidate ONF extends beyond the scarp crest into parts of the back slope (including parts of the Jedburgh Plateau) as a consequence of:

(a) The legibility of the plateau as part of a coherent landform feature that includes both the scarp and backslope;

(b) The level of naturalness associated with the Jedburgh Plateau; and

[81] SDC Comments, Appendix 3: paragraph 32.

(c) The contrast in the degree of naturalness evident on the Jedburgh Plateau when compared to the more productive working rural landscape context (beyond the scarp and Jedburgh Plateau).

183 Mr Girvan explained that following his November 2025 site visit he supports the proposed ONF mapping in the SRLA[82].

184 Mr Girvan largely agreed with the Contact landscape experts' assessment of landscape related effects, including cumulative effects and visual amenity effects from public and private vantage points. He also agreed with Mr Coombs' recommendation that off-site mitigation planting should be offered to properties identified as having an adverse visual effects rating of at least moderate.

185 Mr Girvan disagreed with Messrs Coombs' and Bray's evaluation with respect to the effects of the Project on the natural character and naturalness values of the Jedburgh Plateau part of the Site, due to the extent of enabling earthworks, access formation and the potential for intensified grazing and associated degradation of natural patterns[83]. In Mr Girvan's view, such effects will be more than minor (rather than minor, less than minor or acceptable as concluded by Messrs Coombs and Bray)[84].

186 Mr Girvan explained that in his opinion the acceptability of the Project in this context turns less on relocating turbines, and more on whether sufficiently strong and enforceable landscape management controls are imposed to protect and enhance the natural character and landscape values that remain[85].

187 For this reason, Mr Girvan initially suggested an additional consent condition requiring the preparation and certification of a Landscape and Natural Character Management Plan (LNCMP)[86].

188 Mr Girvan's suggested LNCMP would correspond to the same area as the Habitat Restoration and Enhancement Management Plan (Application document J.07) and would:

(a) Seek to carefully manage landscape effects associated with earthworks;

(b) Require stock exclusion from wetland complexes, seepage areas and areas of indigenous vegetation in the southern rātā–kāmahi forest gully;

(c) Introduce grazing controls that specify maximum grazing intensity and seasonal constraints to avoid further degradation of wetland margins and regenerating shrubland and forest, with a requirement for periodic monitoring of wetland condition, indigenous vegetation condition and landscape mitigation performance; and

(d) Introduce an adaptive management clause.

[82] Ibid: paragraphs 24, 41 and 54.
[83] Ibid: paragraph 55.
[84] Ibid: Summary Table, page 5.
[85] Ibid: paragraph 51.
[86] Ibid: paragraph 52.

189 Following a landscape expert workshop on 29 January 2026 and as explained below, Mr Girvan no longer regards a LNCMP as a crucial component of any resource conditions that are imposed.

190 The WTCB provided comments as part of the SDC s 53 comments. WTCB noted that certain sectors of the community are strongly opposed to the Project due to its visual impact (including cumulative effects) and the "permanent change to the landscape". WTCB considered that opposition to be fair and reasonable. WTCB requested that a substantial community development fund be established to mitigate the long-term visual impact on the community, with careful consideration given to how such a fund is operated, recognising the effects both locally and across the wider Southland District.

191 SDC also provided comment on the proposed conditions with respect to a range of matters relevant to landscape effects, including:

(a) Seeking clarification on:

i. The definition of the Project's decommissioning;

ii. Sizing of the single and double circuitry and potential implication in terms of transmission tower size (consent condition WF8);

(b) Refinement of off-site mitigation planting (consent condition WF26), to identify the relevant dwellings in the consent condition, allow for the consultation to occur within 12 months of construction being completed with the resulting visual amenity effects assessment being required 15 months after construction is completed; and

(c) Refinement of the decommissioning requirements to define timeframes, ensure vegetation establishment and on-going management (consent conditions DT2 and DT3).

192 Comments from TAMI relevant to cultural landscape matters were generally addressed in their summary comment that "*Ngāi Tahu ki Murihiku and Te Rūnanga have no objections to this substantive application provided the substantive application continues to be made on substantially the same basis as the application made to the EPA for the Southland Wind Farm Project, originally processed under the COVID-19 Recovery (Fast Track Consenting)*".

193 TAMI advise that "*changes to <u>any</u> proposed conditions will have the potential to undermine the engagement and agreement between the applicant and Ngāi Tahu ki Murihiku to address adverse cultural effects. We therefore request that should any other changes occur Ngāi Tahu ki Murihiku is actively engaged and consulted*". (TAMI's emphasis.)

194 Hon. Mark Patterson[87] advised that he has been approached by neighbouring landowners concerned about a visual impact on what is undeniably an outstanding natural landscape, going on to comment that, on balance, it was his view that the regional and national good outweighs those concerns.

[87] Minister for Rural Communities.

195 Comments from the NZ Game Animal Council (GAC) requested that hunter access is improved as part of the Project, where possible.

196 WCPS advised that several of the WCPS members trace their connection with Pawakataka (Slopedown Hill) back to the late 19th century, and early 20th century with many people being 5th and 6th generations living on the land.

197 The WCPS comments were supported by a 'Technical Review Section' addressing, (amongst other matters), landscape related themes. WCPS clarified that the Technical Review Section was authored by WCPS.

198 For WCPS, the bush clad scarp (which forms part of the Catlins Conservation Park) contributes appreciably to their (and, in their view, the broader community's) sense of place, identity and connection with the land. A series of (anonymous) comments on people's impressions of the area along with a series of photographs of Pawakataka in a range of weather and light conditions were provided in support of their view.

199 WCPS agreed with Messrs Coombs and Bray that the scarp would qualify as an ONF; however, they considered part of the back slope would also qualify as ONF (or ONL) due to the interplay of the large-scale landform, prominent skyline, flora and fauna characteristics and uninterrupted dark night sky environment[88]. In their view, Pawakataka (including the Jedburgh Plateau) is the start of the wild and remote area of the Catlins and corresponds to a highly natural environment. In this regard, the Panel understand WCPS to support the ONF mapping in the SRLA.

200 WCPS considered that the description of the Project Site and surrounding area as a 'working rural landscape' is overly simplistic, citing the Catlins Conservation Park context (and other conservation land) as an important point of difference. WCPS also disagreed with the framing of the broader Southland landscape as an 'energy landscape'[89] and the comparisons drawn by Contact's landscape experts with respect to the appropriateness of the Project when compared to other consented wind farms in New Zealand.

201 WCPS were of the view that the visual simulations attached to Mr Coombs' evidence do not provide a true representation of the Project. They also referenced photo simulations prepared by Paul Botha of Roaring 40s which were prepared for some WCPS members' properties. It was WCPS's view that this visual material does not convey an accurate representation of the scale of the turbines. WCPS went on to query whether Contact's landscape experts have relied on Mr Botha's photo simulations in evaluating the effects of the Project. WCPS provided their own simulations in Appendix A of their s 53 comments (Images C.1 and C.2) which they consider to be a truer representation of the Project.

202 WCPS advised that an evaluation of adverse visual effects from more distant locations is required and are critical of the way that Messrs Coombs and Bray assessed effects more generally, focussing primarily on visual effects, and excluding consideration of effects on the tangible and intangible relationships between people and place (or associative landscape values).

203 In addition, WCPS considered that:

[88] Noting that this matter is addressed in section E12 of this Decision.
[89] WCPS Comments: paragraph 88.

(a) Contact's landscape experts have not adequately considered the effects of the Project on the experiential dimension of natural character values; and

(b) Mr Bray's discussion with respect to the balancing of energy demand in New Zealand against landscape effects is outside the scope of his expertise[90].

204 We largely agree with this latter point.

205 WCPS expressed concern that the elevated location of the turbines, in combination with their position and scale (i.e. size, including size relative to the scarp) will adversely impact on the distinctive natural scarp skyline as experienced by people entering the Catlins from the west (including the Redan valley), and is inappropriate in an ONF/L landscape. The Panel understand these concerns to relate primarily to adverse effects on the perceptual and associative dimensions of landscape values.

206 WCPS disagreed that the cumulative landscape related effects will not be significant and were of the view that an evaluation of effects in relation to Wyndham Cemetery is required. In addition, it was their view that consideration of the recreational values of the Pawakataka (including existing and potential future values) have been overlooked. WCPS advised that local residents and the Wyndham community are keen to reinstate recreational activities on the scarp, but DOC is not in a position to fund tracks or walkways[91].

207 With respect to the resource consent condition proposed by Contact offering off-site mitigation planting for properties with a rating of at least moderate adverse visual amenity effects, WCPS queried whether such planting could ever be effective at screening the Project given the scale of the turbines and the potential scale of the properties affected, which extends beyond the dwellings.

208 WCPS encouraged the Panel to carefully consider the work of Anne Stevens, who provided expert landscape advice to the Panel for the previous wind farm application under the Covid-19 Recovery (Fast track Consenting) Act 2020, confirming that they agree with Ms Steven's assessment. WCPS also referenced landscape expert advice that they received from Di Lucas in relation to that previous application[92].

209 Overall, WCPS disagreed with Contact's landscape expert's that the landscape effects are low to moderate. In their view, the Application should be declined for reasons including adverse landscape, visual amenity and natural character effects.

210 WCPS commented that if the Application is not declined in its entirety, the following changes to the Project should be made to better manage landscape related effects:

(a) The removal of the turbines and monitoring mast on the Glencoe Station portion of the Site;

(b) The removal of all turbines in the (candidate) ONF area; and

[90] Application document H04: 'Other key methodological considerations' section.
[91] WCPS Comments: paragraph 122.
[92] Ibid: paragraph 89.

(c) The introduction of an increased setback from the scarp for the remaining turbines and substation elements.

211 Comments in relation to adverse landscape related effects were also received from a number of local landowners: Hamish Robinson, Julie Clarke, Mc Donald No 2 Family Trust, Prime Range Farm Management Ltd. and Warren Ayers.

212 Consistent themes across these comments include:

(a) The long association of the landowners with the local area;

(b) The importance of Slopedown and its distinctive skyline as a highly scenic landmark for themselves, the local community and tourists;

(c) The dark night sky environment associated with the Site and its immediate area[93]; and

(d) Concern that the location, number, appearance and/or scale of the proposed turbines will ruin the scenic and more natural landscape qualities of Slopedown.

213 More specifically, Prime Range Farm Management Ltd and Warren Ayers expressed concern that the visual simulations relied on by Contact's landscape experts do not provide a true representation of the Project.

214 Mr Robinson observed that the location of Slopedown to the north and northeast of many viewers serves to increase its adverse visual impact. Mr Robinson also referenced an anonymous, informal survey conducted at the 2023 Wyndham A&P Show which indicates approximately 80% of the respondents to be opposed to the Project[94].

215 Contact response to comments

216 In their response to landscape related comments, Contact emphasised that, putting to one side the scheme of the FTAA, the evaluation of whether the Project is appropriate in terms of landscape (including visual amenity) and natural character effects requires consideration of the relevant planning context. We agree.

217 More specifically, Contact advised that this includes consideration of:

(a) The National Policy Statement for Renewable Electricity Generation (REG) 2011 amended December 2025 (which recognises and provides for REG that have an operational need or functional need to be in particular locations and environments and recognises that REG needs to be located where the REG resource is located and available at a viable scale and quality to sustain the REG activity);

(b) The Murihuku Regional Energy Strategy 2022-2050 (which notes that "onshore wind is likely to make up the majority of new generation" and identifies potential locations (including Pawakataka / Slopedown), all of which are on hills and/or the coast); and

[93] Noting that this matter is addressed in section E12 of this Decision.
[94] Noting that this informal survey was also referenced by WCPS and that no survey methodology was provided by either WCPS or Mr Robinson.

(c) Regional and district plans (which recognise the benefits of renewable energy and promote its development).

218 Contact noted the high level of agreement between SDC's landscape expert (Mr Girvan) and Contact's landscape experts, summarising that the area of disagreement focuses on the effects of the Project on the "natural values"[95] of the Jedburgh Plateau and how such effects should be appropriately managed.

219 With reference to SRC's comment that the previous SRLA landscape assessment "*did not make its way fully through the First Schedule RMA process*"; Contact advised that, to their knowledge, no formal steps that could properly be considered part of a First Schedule RMA process (such as consultation on a draft plan change) have been taken in respect of the landscape study, insofar as it relates to the Southland District[96].

220 Contact[97] responded to specific landscape matters raised by local landowners, largely cross referencing to Mr Coombs' assessment of visual amenity effects in Application document H03.

221 As part of Contact's response, Mr Coombs provided a detailed explanation of why he disagreed with the extent of the candidate ONF supported by Mr Girvan. In Mr Coombs' view, the differing landcover and land uses across the SRLA mapped candidate ONF lack the degree of coherence required for the area to qualify as ONF. Mr Coombs also highlighted the identification of incorrect factual matters in the description of biophysical values in SRLA landscape assessment sheet for the Slopedown / Mokoreta – Pukemimihau candidate ONF (for example, references to 'intact red tussock' and 'extensive peatlands', which the Contact ecologists have confirmed are not present in the area)[98].

222 Mr Coombs queried Mr Girvan's expectation that the Project will lead to increased grazing of stock, opining that the Project will lead to an overall reduction in the area that stock grazing can occur as a consequence of the introduction of the Jedburgh Station Ecological Enhancement Area [99]. With reference to Mr Girvan's recommendation for stock to be excluded from the Jedburgh Plateau, Mr Coombs deferred to Mr Goldwater's (Contact's ecologist) expert advice on this matter[100].

223 Mr Goldwater advised that stock do not access the large gully of southern rātā-kāmahi forest due to the very steep terrain and nor do they access the adjacent areas of indigenous forest, scrub, and shrubland directly to the north of the gully[101]. Mr Goldwater also cited the regulatory pathway for stock grazing in natural wetlands under the PSWLP and the proposed stock exclusion fencing of the Jedburgh Station Ecological Enhancement Area[102]. We understand Mr Goldwater's evidence to be that additional measures in relation to stock exclusion are not required from an ecological effects perspective.

[95] Buddle Findlay, paragraph 4.5.
[96] Ibid: paragraph 5.16.
[97] Ibid: section 10.
[98] Contact Response to Comments, Appendix 3: paragraph 17.
[99] Ibid: paragraph 28.
[100] Ibid: paragraph 44.
[101] Contact Response to Comments, Appendix 1: paragraph 59.
[102] Ibid: paragraphs 56 and 57.

224 In response to Mr Girvan's LNCMP recommendation, Mr Coombs considered this to be unnecessary. In his view, many of the matters referenced in Mr Girvan's LNCMP are addressed in other proposed management plans[103], or could be appropriately addressed via modification to the wording of other management plans[104].

225 Mr Coombs' responded to a number of detailed criticisms in the WCPS comments, largely cross referencing back to his H03 report. Mr Coombs observed that he is unable to comment on aspects of WCPS's comments that rely on advice from landscape experts Di Lucas and Anne Stevens for the previous COVID-19 Recovery (Fast-Track Consenting) Act 2020 application, as those expert assessments do not form part of the WCPS comments on the Project.[105].

226 We agree with Mr Coombs and do not take this matter further, as any expert advice from Ms Lucas or Ms Stevens in relation to the previous proposal does not form part of the current Application and we have no expert landscape advice on behalf of WCPS in relation to this Application.

227 For completeness, we note that Contact has undertaken additional ecological assessment work as part of the current Application, gained support for the Project from TAMI, amended the lighting strategy and made changes to the proposed consent conditions, which are all factors that have the potential to influence landscape related effects. Put another way, we do not consider that a landscape effects assessment of the previous COVID-19 Recovery (Fast-Track Consenting) Act 2020 proposal can be usefully applied to the current Application.

228 With respect to concerns raised by WCPS in relation to effects on recreational values, Mr Coombs commented that the Project does not prevent or limit recreational access to the scarp or to other areas of the Catlins Conservation Park. In addition, it was his view that the Community Benefit Fund, which forms part of the Project, could be used if considered a priority by the local community (and approved by relevant landowners such as DOC) for the development and maintenance of access tracks to and through the scarp and the wider area[106]. We agree.

229 In a similar vein, Mr Bray commented that the layout and design of the Project will ensure that it will not prevent recreation opportunities beyond the immediate turbine locations (which are on private property) and does not compromise the potential for people to enjoy the recreational values associated with the broader landscape[107].

230 Mr Bray's response to comments built on Mr Coombs' comments in relation to Mr Girvan's expectations that the Project will lead to an increase in stock grazing on the Jedburgh Plateau, advising that:

(a) Grazing will be managed in accordance with the relevant District Plan provisions[108];

(b) The Project does not propose grazing intensification; and

[103] Contact Response to Comments, Appendix 3: paragraphs 39 to 41.
[104] Ibid: paragraph 42.
[105] Ibid: paragraph 52.
[106] Ibid: paragraph 54.
[107] Contact Response to Comments, Appendix 4: paragraph 34.
[108] Ibid: paragraph 13.

(c) The Project will result in the exclusion of stock from some areas of the Site[109].

231 Mr Bray commented that the extent of habitat loss (less than 2%), along with the fencing, restoration planting and pest control measures that form part of the Project are such that the scale of adverse effects on natural character values do not warrant widespread land use change across the Site[110].

232 Mr Bray also responded to the criticisms of Mr Girvan with respect to his preference to not describe visual amenity effects as adverse, neutral or positive[111].

233 In response to criticism by WCPS with respect to his evaluation of associative values, Mr Bray explained his opinion that the layout of the Project to remain subservient to the scarp, avoid ridge top dominance and maintain the legibility of the scarp landform will preserve the identity of the scarp as a key feature[112].

234 Contact responded to SDC's recommended changes to the Project's proposed consent conditions as follows:

(a) With respect to SDC's request to clarify the definition of Project decommissioning, Contact considers this is sufficiently addressed and explained in consent conditions DT1-DT3, in particular that Contact "shall remove from the Project Site all turbines and other above ground structures and stabilise exposed surfaces within a period of no more than twelve (12) months";

(b) With respect to SDC's request to clarify the difference between a single and double circuit in consent condition WF8, Contact notes a single circuit has three cables which are either arranged horizontally, or two on one side and one on the other, whilst a double circuit has two groups of three cables, three on each side. Contact advised the assessments have all assessed a double circuit as this would have the largest towers (not necessarily more towers) and carry the most cables;

(c) With respect to SDC's requested refinement of the off-site mitigation planting offer (consent condition WF26) Contact have identified the relevant properties in Appendix E to the consent conditions. Contact noted SDC's comments that full visual effects will not be evident until the Project is completed. However, Contact considered consultation can commence before construction, using visual simulations. This means that if any planting is required, it can have sufficient time to establish before the turbines are constructed. Consent condition WF26 also does not prevent Contact from going back to an affected property following the completion of construction if the landowner would prefer. As such, Contact considered the drafting of this condition is suitable; and

(d) With respect to the refinement of the decommissioning requirements to define timeframes, ensure vegetation establishment and on-going management, Contact accepted amendments in relation to DT2 and DT3 to better define the Decommissioning Management Plan process and require decommissioning timeframes as part of that work. Contact did not agree that monitoring of planting for three years following the completion of decommissioning is necessary. In their

[109] Ibid: paragraph 23.
[110] Contact Response to Comments, Appendix 4: paragraphs 15 and 16.
[111] Ibid: paragraphs 10 and 11.
[112] Ibid: paragraph 32.

view the requirement to confirm compliance 3 months following decommissioning is appropriate.

Landscape Expert Conferencing

235 A landscape expert workshop was held on Thursday 29 January 2026, attended by Messrs Coombs, Bray and Girvan. The (online) workshop was facilitated by Panel Members Rob van Vorthuysen and Bridget Gilbert, with Keely Paler from the EPA acting as scribe.

236 The topics of discussion for the workshop were circulated in Panel Minute #5, with the experts helpfully providing a draft of the Joint Statement of Experts Landscape Visual and Natural Character Effects ("Landscape JWS") in advance of the workshop session.

237 The Landscape JWS records areas of agreement, with particularly noteworthy aspects including:

(a) Agreement that a consent condition requiring a new LNCMP is not required to manage landscape and natural character effects[113]. This advice is supported by a detailed breakdown of where each of the landscape related matters outlined in Mr Girvan's recommended LNCMP are addressed in the proposed consent conditions, including agreement to a minor text change to condition CM3(5)[114];

(b) Regardless of whether the area is a candidate ONF or not, all experts agree that the Project adequately manages landscape and natural character values within the Site and its context.[115]

238 The Landscape JWS also clarifies:

(a) All of the experts have considered the s 53 comments provided by landowners and the WCPS in their evaluation of existing associative values and the effects of the development on those values that is set out in the JWS[116];

(b) The experts did not visit private properties to assist their evaluation of potential adverse visual amenity effects for private residences and have placed limited or no reliance on Mr Botha's photo simulations in reaching their conclusions on such effects[117]. For this reason, we take the methodological criticism of Mr Botha's photo simulation work raised by WCPS no further; and

(c) All of the experts have undertaken their landscape assessment in the same manner as they would for a standard RMA assessment[118].

239 In terms of the residual areas of disagreement between the landscape experts, we understand these to be limited to:

(a) A difference with respect to the identification and rating of existing experiential (natural character) values within the Jedburgh Plateau. Messrs Coombs and Bray

[113] Landscape JWS, 29 January 2026: paragraph 32.
[114] Ibid: paragraph 31. Now CM3.3.e.
[115] Ibid: paragraph 37.
[116] Ibid: paragraph 22.
[117] Ibid: paragraphs 27 to 30.
[118] Ibid: paragraph 34 and 35.

rate these as moderate to low with Mr Girvan rating them as moderate-high. We understand the key reasons for the experts' differences of opinion stem from a variance in the weight that they place on the degree of landcover and land use modification on the Jedburgh Plateau, the level of remoteness or isolation of the area and differences in opinion as to the relevance of who experiences the area in shaping natural character values;

(b) In turn, Mr Girvan's rating of the effects of the Project on the experiential (natural character) values as moderate, being slightly higher than Messrs Coombs' and Bray's rating of moderate localised effects at some wetland edges, and low effects more broadly across the Jedburgh Plateau. We understand the key reasons for the experts' differences of opinion derive from a variance in the weight that they place on the extent and patterning of higher value vegetation affected by the Project and its influence on the impression of modification and remoteness/isolation in the area;

(c) A difference with respect to the rating of effects on associative (landscape) values. Messrs Coombs and Bray rated these as low, while Mr Girvan rated these as moderate. We understand the key reasons for the experts' differences of opinion stem from a variance in the weight that they place on the role of the broader rural productive landscape setting in providing a 'contextual fit' for the Project, the importance of the legibility of the scarp as distinct from Project elements (or forming a landform plinth to the turbines) and the influence of the turbines on the memorability of the landform and skyline as a local landmark; and

(d) A residual concern of Mr Girvan as to the potential natural character effects arising from the Project enabling grazing on the Jedburgh Plateau and potentially into the adjoining rātā–kāmahi gully via the Project access. In making this comment Mr Girvan acknowledged his limited understanding with respect to planning controls that may apply to grazing in the area[119]; and

(e) A difference in opinion with respect to the mapped extent of the candidate ONF.

Statutory Instruments

240 We referred to relevant SDP provisions earlier in this section of our Decision.

Panel Findings

Landscape, visual amenity and natural character effects methodology

241 We are satisfied that all of the landscape experts have undertaken their landscape, visual amenity and natural character evaluations in accordance with landscape assessment best practice, as guided by TTatM. This includes the visual simulations prepared by Isthmus Group that form part of Application document H03. For completeness, we confirm that we verified the correctly scaled and printed visual simulations to be an accurate representation of the outlook from each viewpoint during our site visit;

242 We acknowledge the experts' advice that visual simulations of this nature are a tool to assist an understanding of visual (and landscape) effects and should not replace field

[119] Ibid: paragraph 33.

surveys. We agree and for this reason, a significant proportion of the Panel's site visit was spent driving the local road network, visiting each of the viewpoint locations, and carefully considering the location, elevation and orientation of dwellings and the road network relative to the Project Site, turbine locations and scarp;

243 We note that the experts did not visit private residences to inform their evaluation of adverse visual amenity effects. Given the distances of dwellings from the Project (noting that the closest dwelling is 2.3km from the nearest turbine), the scope of representative public vantage points modelled in the H03 visual simulations and the detailed mapping available in the Application documents that shows the location and elevation of dwellings relative to the Site, we consider this to be acceptable.

Existing landscape values

244 Landscape values embrace three overlapping dimensions: physical, associative and perceptual values. Visual amenity values typically sit within the perceptual dimension of landscape values, albeit are influenced by the physical values (i.e. the character and composition of the existing landscape elements) and associative values (i.e. the meaning that the viewer ascribes to the landscape outlook).

245 For existing landscape values (and landscape effects) where relevant, we use the seven-point scale used by the landscape experts (as recommended in TTatM)[120].

246 We consider that the vegetated scarp landform and areas of high and very high ecological value (identified by Contact's ecology experts) across the Jedburgh Plateau display high physical and naturalness values due to the scale, character and limited modification of the scarp landform, along with the composition, rarity and representativeness of the ecological features present in these areas.

247 The strong legibility and expressiveness values[121] of the cuesta landform profile of Pawakataka and its contrast with the pastoral valley floor, plains and foothills as appreciated in views from the west, along with the highly scenic, and sense of place qualities of the bush clad cuesta scarp as a local landmark (appreciated from the west, south and south east) confer perceptual and associative values that rate towards the higher end of the TTatM rating scale.

248 Overall, we agree with the landscape experts and WCPS that the vegetated scarp landform would be likely to qualify as a candidate ONF. However, we are less convinced by the evidence from Mr Girvan and comments by WCPS that the candidate ONF also includes all of the Jedburgh Plateau and farmed land to the northwest, north and northeast of the Plateau.

249 In making this finding, we are conscious that the determination of whether any of the Site and its context would qualify as an ONF at either a regional or district scale requires a relative assessment against the other landscapes and features of the region or district that is thoroughly tested by an RMA Schedule 1 process, and that no such process has been undertaken. However, for completeness, we tested the landscape experts' opinion

[120] Application document H03: paragraph 45.
[121] Expressiveness values refer to the degree to which and area or features demonstrates its formative processes. See TTatM paragraph 4.32.

on the effects of the Project were the entire Site identified as ONF during the landscape expert conferencing session, which we discuss shortly.

Existing natural character values

250 TTatM advises that current best practice in relation to natural character is to integrate and interpret natural science and experiential aspects[122]. Natural character values embrace abiotic, biotic and experiential aspects and are not the same as naturalness values (which are considered under landscape values)[123].

251 As explained earlier, the consideration of natural character envisaged by s6(a) of the RMA is specific to the headwaters of the north and south branches of the upper Mimihau Stream and the wetlands that have been identified and mapped within the Project Site on the Jedburgh Plateau.

252 We consider that the areas of high and very ecological values identified by Contact's ecology experts correspond to important areas of biotic natural character values within the Site. In terms of the abiotic dimension of natural character values, the tilted backslope cuesta landform and eroded valleys are of particular relevance.

253 With respect to the experiential dimension of natural character, we acknowledge the modification as a consequence of the long history of pastoral /production forestry land use and pest activity, but we consider that this is somewhat tempered by the impressions of wildness and isolation experienced on the Jedburgh Plateau in particular.

254 We consider that the areas of high natural character relate to the areas of high and very high ecological values identified by Contact's ecology experts, and we agree with Contact's experts that no part of the Site qualifies as having Outstanding Natural Character Values[124].

Effects on landscape values

255 We agree with Contact that wind turbines, by function of their size and location, are prominent in a landscape and affect landscape values[125].

256 We also agree that the adverse landscape (including visual amenity) effects associated with wind farms will vary depending on the viewer's sensitivity to development change of this type, with some viewers finding such change to be adverse and others who may consider wind farms to be neutral or positive in terms of landscape (including visual amenity) effects[126].

257 We note that the NZ Wind Farm Database Table we referred to earlier demonstrates that wind farms have been accepted into a wide range of New Zealand landscapes that comprise elevated and more natural (or relatively unmodified areas) rural areas, including ONF and ONL areas. From a landscape perspective, the overall appropriateness or otherwise of wind farms in such locations tends to turn on:

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[122] TTatM: paragraph 9.56.
[123] Ibid: paragraph 9.43.
[124] Application document H03: paragraph 409.
[125] Ibid: paragraph 8.
[126] Appendix 04: paragraph 11.

(a) How well the wind farm layout responds to the topography (to minimise earthworks effects, optimise the integrating influence of landform and avoid a layout that is discordant with the landform patterning);

(b) How well the wind farm layout responds to ecological features (to minimise disturbance of important ecological features and optimise the integrating influence of vegetation features);

(c) The contextual fit of the wind farm with its broader landscape setting. For example, a predominantly working rural (or production focused) landscape setting provides a better 'fit' for a wind farm than say a predominantly wilderness type landscape setting; and

(d) The proximity of nearby dwellings, public roads, walkways and cycle trails, with separation distances achieved that ensure that, taking into consideration the design and scale of the proposed turbines and the overall scale and character of the landscape context, the wind farm development minimises dominance effects.

258 We agree with Contact that the Project has been designed in a way that is reasonably sympathetic to the landform and ecological features of the Site, serving to minimise effects in relation to physical landscape values. This includes:

(a) The positioning of the wind turbines relative to the cuesta ridgeline crest and ecological features;

(b) The alignment of access roads and the configuration of construction areas in response to the topographic and ecological features and patterns;

(c) The positioning of the transmission corridor and associated infrastructure in a relatively visually discreet location;

(d) The use of consent conditions to manage the landscape related effects associated with earthworks and vegetation removal;

(e) The use of consent conditions to manage landscape restoration (including retirement from grazing) of parts of the Site (involving areas that are both disturbed and undisturbed by the Project); and

(f) The use of consent conditions to provide for the long-term management of pests both within the Site and further afield in part of the Catlins Conservation Park.

259 With respect to effects on the perceptual dimension of landscape values (including visual amenity effects), we agree with the landscape experts rating of adverse effects in relation to private and public vantage points.

260 For private vantage points, we consider that the distance of dwellings from the proposed turbines is a key factor, noting that the minimum distance between a dwelling and turbine is 2.3km[127].

[127] Application document H03: Appendix D Dwelling Inventory and Effects on Dwelling Assessment - Data.

261 We acknowledge that the Project anticipates more than minor (but not significant) adverse visual amenity effects in relation to 15 properties[128]. We consider it appropriate that off-site mitigation planting is offered to properties identified as having an adverse visual effects rating of at least moderate.

262 We agree with Contact that the working rural context of the Site provides a contextual fit for the Project, which in combination with the location of the turbines set back from the scarp crest, assists the Project's integration in terms of associative and perceptual (including as experienced from public vantage points) landscape values.

263 We note the support for the Project by TAMI discussed in section E2 of our Decision which confirms that the Te Ao Māori dimension of landscape values (including the associative component of landscape values) has been appropriately addressed.

264 As signalled in section E2, landscape is unavoidably cultural, including Te Ao Māori and Pakehā perspectives. TTatM explains that "any landscape is composed not only of what lies before our eyes, but what lies within our heads".[129]

265 We acknowledge that the Project will change the impression of the scarp as an important natural landscape feature that is memorable and is a landmark for some viewers and members of the local community. As mentioned in section E2, the question for us is whether the Project undermines and diminishes those connections in a way that is disproportionate to the benefits of the Project. Crucial to this assessment is the scale and significance of such impacts.

266 On balance and taking into account the working rural context of the Site, we consider that the sensitive positioning of the turbines relative to the cuesta ridgeline crest means that the bush clad scarp landform will remain legible as a local landscape feature in views from the southwest, south and southeast.

267 For more distant views from the west where the broader profile of the landform is legible, again the siting of turbines behind the landform crest reinforces the priority of the landform feature.

268 We consider that the distance of the majority of the Catlins Conservation Park from the Site, along with its densely vegetated character and the absence of track or hut facilities in the more proximate parts of the Park (including the scarp and Mount Herbert) mean that the landscape values of the majority of the Park will not be affected by the Project.

269 We agree with the landscape experts[130] that the cumulative effects of the Project in combination with the consented Kaiwera Wind Farm are not significant for the reasons explained by Mr Coombs in Application document H03, paragraph 17.

270 We also agree with the landscape experts that regardless of whether the area is a candidate ONF or not, the Project adequately manages landscape values within the Site and its context[131].

[128] Ibid: Table 1.
[129] TTatM: paragraph 4.24.
[130] Messrs Coombs, Bray and Girvan.
[131] Landscape JWS: paragraph 37.

271 We concur with Mr Girvan that the acceptability of the Project in this context turns less on relocating turbines, and more on whether sufficiently strong and enforceable landscape management controls are imposed to protect and enhance the natural character and landscape values that remain[132].

272 It follows that we do not accept WCPS's comments that for the Project to be appropriate from a landscape perspective, the turbines and monitoring mast on the Glencoe Station and SRLA candidate ONF portion of the Site need to be removed and an increased setback from the scarp introduced for the remaining turbines and substation elements.

Effects on natural character values

273 The extent and effects of habitat loss, and the mitigation, offsetting and compensation benefits of the Project are assessed in detail in section E4 of our Decision. That assessment is compelling and we find that the effects of the Project on the biotic dimension of natural character values are acceptable.

274 The proposed consent conditions and management plan conditions in relation to earthworks design and rehabilitation will ensure that effects in relation to the abiotic component of natural character values are acceptable.

275 In terms of the experiential dimension of natural character, we acknowledge that the introduction of turbines and roading across the Site will reduce the impression of remoteness and isolation associated with the area. However, we consider that the benefits of pest management in enhancing the impression of natural character (both on the Site and further afield within the Catlins Conservation Park) mitigates this change and such effects on the experiential component of natural character values are acceptable.

276 We agree with the landscape experts that regardless of whether the area is a candidate ONF or not, the Project adequately manages natural character values within the Site and its context[133].

277 In terms of Mr Girvan's residual concern that grazing may need to be controlled across the Jedburgh Plateau to manage natural character effects[134], we sought advice from SRC about the regulation of that under the Proposed Southland Water and Land Plan (PSWLP). The SRC response is discussed in more detail in section E4 of our Decision. In summary Jedburgh Station and Glencoe Station are required to produce Farm Environment Management Plans which may be subject to consent conditions should SRC ultimately require consents for farming. We see that as a separate management regime for natural character effects on the Jedburgh Plateau.

Conditions

278 Contact proposes a range of management plan consent conditions that relate to (amongst other matters), the management of landscape and natural character effects, via the CEMP and the TEMP. We generally agree with the wording of the landscape

[132] SDC Comments, Appendix 3: paragraph 51.
[133] Landscape JWS: paragraph 37.
[134] Landscape JWS: paragraph 33.

related aspects of the proposed consent conditions provided in Contact's s 55 response, with the exception of the following changes.

279 We agree with the landscape experts' recommendation that the wording of CM3(5) is amended as follows[135]:

> Ensure that fill disposal sites are contoured to be avoid overt linear terracing and appear consistent with the adjacent topography, and that no fill disposal occurs within wetlands, streams or areas of high or very high ecological value

280 With respect to consent condition WF26 we consider that a number of refinements are necessary to better guide the future process it specifies.

281 We agree with SDC that consent condition DT2.3 Decommissioning Management Plan matters requires refinement, as we consider that it is likely that a range of planting typologies will be required at the time of decommissioning to achieve a like for like revegetated character with the immediately surrounding area. Each planting typology may require a different plant preparation, establishment and maintenance strategy to ensure successful plant establishment. For these reasons we inserted a new clause into consent condition DT2(3)(c) as follows:

> ca Methodologies for ensuring the survival of the vegetation following the initial re-vegetation planting season;

Overall Findings

282 With respect to the landscape effects of the Project, taking into account the relevant statutory context and factoring in the conditions relevant to landscape matters (including the refinements to the landscape related conditions referenced above), we consider that the Project appropriately manages landscape (including visual amenity) effects.

283 Taking into account the statutory context that is relevant to the consideration of natural character effects for wind farm development on the site (including section 6(a) RMA), and factoring in the proposed conditions (including in relation to earthworks, ecological and landscape related matters and the refinements to the landscape related conditions referenced above), we consider that the Project appropriately manages natural character effects.

E4 Terrestrial and Wetland Ecology Effects

284 Sections 2.12 and 5.5 of Part B of the Application address existing terrestrial and wetland ecology values and potential effects. in. The Application also includes technical assessments of the effects of the Project on terrestrial and wetland ecology in the Wildlands (2025) report[136] and specifically the effects on long-tailed bats in the Kessels and Davidson-Watts (2025) assessment[137]. In addition, the Application includes a review

[135] Landscape JWS: page 13.
[136] Part H5; Southland Wind Farm Technical Assessment #5: Terrestrial and wetland ecology, Nick Goldwater and Kelvin Lloyd, Wildlands, 18 August 2025.
[137] Part H6; Southland Wind Farm Technical Assessment #6: Long-tailed bat effects, Gerardus Kessels and Ian Davidson-Watts, 18 August 2025.

of the Project's effects on terrestrial and wetland ecology and the proposed management and compensation measures in the MacGibbon (2025) report[138].

285 As part of engagement with Environment Southland on wetland related matters, Contact also provided a memorandum (Goldwater 2025)[139] summarising information on the values of, and potential impacts on, wetlands at the Project site.

286 Loss of vegetation and associated habitats, effects on wetlands, and effects on avifauna, lizards, invertebrates and long-tailed bats are identified as key terrestrial and wetland ecology effects in the Application. We agree that these are the key issues relating to terrestrial and wetland ecology. Some of these effects relate primarily to the construction phase of the Project (e.g. vegetation clearance), while others primarily relate to the operational phase (e.g. bird strike by turbines).

287 The Applicant has proposed a suite of conditions and management plans to avoid, remedy or mitigate the potential effects as outlined in the Terrestrial and Wetland Ecology Management Plan (TEMP) and specific management plans[140] including:

(a) Avifauna Management Plan (AMP);

(b) Lizard Management Plan (LMP);

(c) Terrestrial Invertebrate Management Plan (specifically including a Stag Beetle Management Plan) (TIMP);

(d) Habitat Restoration and Enhancement Management Plan (HREP);

(e) Vegetation Management Plan (VMP); and

(f) Biosecurity Management Plan.

288 There are some effects which are said to be unavoidable (e.g. wetland loss), and the Applicant has proposed compensation measures to address these effects, which are outlined in Wildlands (2025), Kessels and Davidson-Watts (2025) and the Habitat Restoration and Enhancement Management Plan.

Loss of vegetation and habitat types

289 Wildlands (2025) reports that large parts of the Project Site are comprised of exotic-dominant vegetation, including pasture and pine plantation, although indigenous vegetation types are present in various parts of the Site. The Jedburgh Plateau presents a mosaic of different habitat types, including high value wetlands.

290 Areas qualifying as having significant indigenous vegetation according to criteria in the Southland Regional Policy Statement are identified as:

[138] Part H7; Southland Wind Farm Technical Assessment #7: Review of terrestrial and wetland ecology and ecology offsetting and compensation. Roger MacGibbon, 18 August 2025.
[139] Attachment to Memorandum of Counsel for Contact Energy Limited in advance of panel briefing, 24 November 2025. Wetlands at Southland Wind Farm. Nick Goldwater, Wildlands, 10 November 2025.
[140] Which are included in Part J of the Application.

(a) the Jedburgh Plateau (including all wetlands, shrubland, and scrub), and lower mānuka stands and adjoining southern rātā-kāmahi forest;

(b) the majority of copper tussock-dominant habitats and indigenous woody habitats within Matariki Forest; and

(c) habitats of desert broom at the Mimihau crossing and copper tussock marshes at Kaiwera Downs.

291 Desert broom has a conservation status of 'At Risk – Declining'. Wildlands (2025) report that it was observed in the Mimihau Stream North Branch site within copper tussock/rautahi marsh vegetation but is not affected by any proposed roading developments.

292 While the Site includes some areas of high value terrestrial and wetland habitats, Wildlands (2025) considers that much of it has been affected by historic fires, which were used as a farming tool to clear the original cover of pāhautea forest and southern rātā-kāmahi forest, and then subsequent clearances of regenerating mānuka-dominant vegetation. The grassland and indigenous-dominant upland habitats on Jedburgh Station – including the Jedburgh Plateau - are subject to cattle grazing in winter and grazing by sheep in summer.

293 Contact purports to have undertaken an iterative design and reconfiguration process to avoid, where practicable, impacts on high and very high value habitats and associated species. This has resulted in avoidance of 100% of pāhautea /southern rātā-kāmahi forest, 100% of Indigenous broadleaved forest and scrub, 100% of Mānuka/copper tussock shrubland, and 100% of Mānuka-inaka/copper tussock marsh; more than 99% of southern rātā-kāmahi forest, over 98% of fen and bog wetlands on the Jedburgh Plateau, and 96% of mānuka-haumakaroa-mountain holly forest within the Project Site.

294 Clearance of vegetation and associated habitat within the indicative footprint of the Site was assessed in the Wildlands (2025) report where Table 4a sets out that a total area of 134.69 ha of vegetation clearance is proposed, including:

(a) 56.48 ha collectively of various types of indigenous forest and scrub;

(b) 2.03 ha of various types of wetlands;

(c) 5.24 ha of copper tussock dominant vegetation;

(d) 37.08 ha of exotic grassland; and

(e) 33.86 ha of exotic-dominant forest, scrub, shrubland and grassland.

295 For context, the total Site area is around 5649ha. The proportion of current vegetation area to be lost is also set out in Table 4a of Wildlands (2025) and Table 7 of Part B of the Application and ranges from 0.55% for indigenous forest and scrub through to 16.42% for copper tussock dominant vegetation.

296 There is also a total area of 80.97 ha of vegetation loss associated with fill disposal, that is considered temporary, which is set out in Table 4b in Wildlands (2025), including:

(a) 22.06 ha collectively of various types of indigenous forest and scrub;

(b) 0.0 ha of various types of wetlands;

(c) 1.62 ha of copper tussock dominant vegetation;

(d) 25.06 ha of exotic grassland; and

(e) 32.23 ha of exotic-dominant forest, scrub, shrubland and grassland.

297 Where indigenous vegetation is cleared or disturbed by the deposition of fill, Contact proposes to undertake remediation by replanting the affected areas with appropriate 'like for like' indigenous species, as laid out in the Vegetation Management plan.

298 MacGibbon (2025) considers that the impact of fill disposal on indigenous vegetation would be fully addressed by mitigation through rehabilitation of the fill sites. He expresses 'confidence that the vegetative cover can be reinstated effectively (i.e. remediated) on those sites provided the revegetation is managed (from clearance to maintenance) by personnel with the appropriate restoration expertise."

299 We note that detailed design has not yet been completed, and therefore, the scale of vegetation loss by type is subject to change. However, Contact has proposed to implement a set of management measures, prioritising avoidance and minimisation, that are required by the proposed consent conditions. This includes setting hard limits on the scale of vegetation clearance, through imposing fixed 'caps' on vegetation clearance of key habitat types, including:

(a) 3.65 ha of indigenous forest;

(b) 35 ha of mānuka and inaka dominant vegetation;

(c) 45 ha of mixed indigenous shrubland and scrub;

(d) 8.5 ha of copper tussock dominated vegetation; and

(e) 2.5 ha of indigenous wetland.

300 MacGibbon (2025) identified fragmentation of habitats and increased edge effects as potential adverse effects of vegetation clearance. However, he states that, "it is my opinion that the Project will not greatly reduce the ability of fauna to move around the site and therefore not result in anything other than minor additional adverse fragmentation."

301 To mitigate effects associated with the loss of indigenous terrestrial vegetation and wetlands, Contact proposes:

(a) Large-scale aerial control of introduced mammalian pests will be carried out across indigenous vegetation and habitats over a c.1,400-hectare area on Jedburgh Station, for the life of the Southland Wind Farm Project (the **Jedburgh Station Pest Control Area**);

(b) An ungulate exclusion fence to be constructed around a 245-hectare block of indigenous vegetation characterised by mānuka forest and scrub, and smaller areas of shrubland and fen and bog wetlands on Jedburgh Station (the **Jedburgh Station Ecological Enhancement Area**;

(c) An ungulate exclusion fence to be constructed and maintained for the life of the Project at an approximately 8-hectare degraded copper tussock vegetation site at Matariki Forest (the **Copper Tussock Enhancement and Skink Protection Area**;

(d) Targeted intensive ground-based predator control (minimum of 2 devices per hectare), for the life of the Project, across 55 hectares on the Jedburgh Plateau (the **Plateau Fauna Enhancement Area**;

(e) Indigenous wetland revegetation and enrichment planting to be carried out in wetlands that are currently dominated by exotic grasses on land owned by Contact at Davidson Road, approximately six kilometres north of the Project Site (**Davidson Road Wetland Restoration Sit**; and

(f) A program of targeted weed control in indigenous-dominated habitats located within 50m of all roads and structures for a minimum of three years following the commencement of the operation of the Project - which is outlined in the Biosecurity Management Plan.

Effects on wetlands

302 Of the 134.2 ha of wetlands on the Wind Farm Site, the vast majority (127.3 ha) are on the Jedburgh Plateau. Effects on these wetlands relate to direct habitat loss through vegetation clearance and disturbance to wetland hydrology associated with the development of new roads and turbine footings.

303 As described above, based on the indicative Project footprint there would be a total loss of 2.03 ha of wetlands, including fen wetlands (1.08 ha), bog wetland (0.94 ha) and copper tussock/rautahi marsh (0.01 ha). This represents proportional losses of 1.1%, 3.3% and 1.9% of those wetland types, respectively, across the Project Site. Of the 0.94 hectares of bog wetland affected, Goldwater (2025) reported that 0.3 hectares are natural bog and 0.64 hectares are induced bog.

304 Wildlands (2025) scored bog and fen wetlands as having 'Very High' ecological value based on their representativeness, rarity/ distinctiveness, diversity and pattern. However, Goldwater (2025) notes that "on reflection it would have been prudent to categorise the natural bogs as being different from the induced bogs, the latter of which are more likely to be of 'Moderate' value, not 'Very High'."

305 Goldwater (2025) reported that "the natural wetlands on the Jedburgh Plateau would have once been ecologically similar to upland wetlands in the Catlins, such as Ajax Bog and those in the McLennan Range, which share gentle topography, broad ridges, and high humidity. However, while pahautea/cedar cloud forest remains intact in these other areas, it has largely disappeared from the Jedburgh Plateau due to historic fires and grazing." Goldwater (2025)[4] considers that, "unlike natural bogs, induced bogs will ultimately revert to pahautea/cedar cloud forest if their climax community state is reached."

306 As described above, Contact has undertaken an iterative design and reconfiguration process to avoid, where practicable, impacts on high and very high value wetland habitats and associated species. They have also set a 'cap' of 2.5 ha of wetland vegetation clearance across the Project area.

307 Goldwater (2025)[4] considers that some of the wetlands present on the Jedburgh Plateau have been induced by human activity and exist where favourable hydrological conditions exist. In that context, MacGibbon (2025) concludes that the Project would have no more than minor effects on the bog and fen wetlands on the Jedburgh Plateau.

308 The surface and subsurface hydrology of the Jedburgh Plateau provide the supply of water to the bog and fen wetlands. Disturbance to the hydrology of the wetlands has been identified as a key issue that may affect wetland values, which we agree is an important matter.

309 Contact has provided a technical report which describes a hydrological model of the Jedburgh Plateau that has been used to inform both clay bund and culvert design that aims to avoid dewatering or isolation of bog and fen wetlands during and after construction (Williamson Water and Land Advisory (2025)[141].

310 Based on the indicative design, 109 culverts and approximately 1.2 km of clay bunding located at cut surfaces, will be required to maintain flows and to minimise dewatering of wetlands[6]. Based on the analysis, Williamson Water & Land Advisory (2025) anticipates only a very small area of wetland (<0.1ha) beyond that directly impacted by the Project footprint may be adversely affected in hydrological terms.

311 In his review, MacGibbon (2025)[3] considered, "the WWLA report to be thorough and comprehensive and I have confidence that the hydrological mitigation measures recommended will successfully minimise any risk of additional wetland loss occurring." Wildlands (2025) expressed a similar opinion stating that, "we have assessed the magnitude of effect on wetland hydrology as Low to Negligible".

312 As well as the steps it is proposing to avoid, remedy, mitigate and offset the Project's effects on wetlands, Contact has proposed to compensate for the loss of wetland through restoration and enhancement of an area of copper tussock-rautahi marsh wetlands, referred to as the Davidson Road wetlands. Goldwater (2025) notes that compensation is appropriate in this situation because "it is not possible (or appropriate) to recreate the types of wetlands being impacted."

313 Goldwater (2025) considered that "wetlands on the Jedburgh Plateau to not have high irreplaceability because of past land practices…" Similarly, he "does not consider the wetlands on the Jedburgh Plateau [to] have high vulnerability." MacGibbon (2025) expressed similar conclusions in relation to irreplaceability and vulnerability.

314 Goldwater (2025) considered that the ecological condition of the wetlands unaffected by the Project would improve because of the actions proposed to address residual adverse terrestrial and wetland ecology effects, such as the proposed pest and ungulate control. MacGibbon (2025) expressed a similar opinion.

315 Goldwater (2025) concluded that, "the effects of the proposed wind farm construction on the wetlands at the Project site can be appropriately managed, and residual effects offset and compensated." The modelling he has conducted indicates "that the Project

[141] Part H10; Southland Wind Farm Technical Assessment #10: Conceptual hydrological design. Brooke James and Jonathan Williamson, Williamson Water and Land Advisory, 4 July 2025

will deliver a net gain in wetland biodiversity within ten years and overall, there will be a net gain in extent of indigenous wetland habitat because of the Project."

316 In his review, MacGibbon (2025)[3] concluded that restoration and enhancement planting, plus the permanent exclusion of grazing ungulates from some wetlands on the Jedburgh Plateau, is expected to result in improved wetland condition and is "considered more than appropriate compensation" for the anticipated wetland loss.

Avifauna

317 Wildlands (2025) observed that potential effects of the Project on avifauna include disturbance to breeding birds during construction, loss of habitat from vegetation removal, and injury during vegetation removal. Direct bird mortality during operation of wind farms could occur as a result of birds striking revolving blades, towers and nacelles, and also hitting the transmission line infrastructure, and/or being electrocuted. There is also potential for increased predation risk due to increased movements by introduced predatory mammals along newly-formed roads and tracks, and potential for lighting on the turbines to have a detrimental effect on bird populations.

318 To mitigate the potential disturbance effects during construction, Wildlands (2025) recommends pre-clearance surveys and (if necessary) exclusion zones if nesting indigenous birds are detected. These measures are required in the proposed conditions of consent and described in the draft Avifauna Management Plan.

319 Wildlands (2025) considered the potential effect of habitat fragmentation associated with vegetation clearance for all bird species to be low to negligible, given they are highly mobile, and no habitats would be isolated as a result of the proposed vegetation clearance.

320 A technical report summarising the results from turbine collision risk modelling for 11 key bird species was prepared by Bluewattle Ecology (2025)[142]. Of the 11 species modelled, harrier, bellbird and black-backed gull were predicted to have reasonably common strike events, while the predicted strike risk for the other species modelled was very low. In relation to bird collision risk, Bluewattle Ecology concludes the Project to be a low-risk site.

321 Wildlands (2025) also considered the risk that the transmission line (and associated structures) would pose to avifauna. They conclude that the indigenous bird species likely to be most at risk of collision with the pylon structures and wires would be the strong fliers that fly well above the canopy, such as kārearea, kererū and tūī. In addition, the chance of migratory species striking lines was assessed as being low, with the potential exception of torea/South Island pied oyster catcher. However, modelling by Bluewattle Ecology (2025) predicts a low risk to torea/South Island pied oystercatchers travelling through the Southland Wind Farm Site.

322 Wildlands (2025) concluded that the risk of electrocution of birds at the Project was low because the cables would be widely spaced and the largest indigenous birds known to occur within the Project Site could not feasibly create a short circuit between wires.

[142] Appendix 6 of Wildlands (2025): Southland Wind Farm bird strike modelling. Derek Christie and Gerry Kessels, Bluewattle Ecology, August 2025.

323 In relation to newly formed roads and tracks providing a path for predators, Wildlands (2025) noted that farm roads and tracks are already present across much of the Site. Therefore, they anticipated that the construction of additional roads would have a Low magnitude of effect (prior to mitigation) for ground-dwelling bird species. To reduce predation pressure on indigenous fauna on the Jedburgh Plateau, a trapping programme along the wind farm road network, targeting mustelids, rats, and feral cats is required in the proposed Conditions (EC54b[143]) and described in the draft Habitat Restoration and Enhancement Plan. This trapping programme is intended to help address effects on avifauna, lizards and invertebrates.

324 In relation to the effects of turbine lighting on bird populations, Contact proposes to use small flashing red lights (which are less attractive to birds than white light) on just the 16 wind turbines that are required to be lit. This enables Wildlands (2025) to conclude that the overall effect of lighting on birds will be very low. We discuss lighting effects further in section E12 of this Decision.

325 Wildlands (2025) described post construction avifauna monitoring to be conducted to provide data on the effects of the construction and operation of the Project on avifauna. This will include seasonal monitoring of bird presence/abundance and collision mortality monitoring. Any results from the monitoring that exceed the compensation triggers set in the conditions of consent would require further compensation to be initiated.

Lizards

326 Wildlands (2025) reported that there is a depauperate lizard fauna at the Project Site, with only tussock skink (At Risk – Declining) and Tautuku gecko (At Risk – Declining) having been detected. Green skink (Threatened – Nationally Critical) and herbfield skink (At Risk – Declining) have not been recorded at the Site, although Wildlands (2025) considers that it is possible they are present in low numbers.

327 Potential effects of the Project on lizard populations primarily relate to the loss of habitat and reduced habitat connectivity, as well as direct effects such as accidental injury and/or death associated with disturbance from earthworks and vegetation clearance. Vibration and noise may cause stress, disrupt thermoregulation behaviour, and deter basking, feeding, or movement through disturbed areas. The risk of newly formed roads and tracks providing a path for predators, as described above, is also relevant to lizards.

328 Wildlands (2025) highlighted that Aotearoa New Zealand's lizards are slow-breeding reptiles and are not very mobile and are therefore less capable of avoiding the effects of vegetation clearance. They are also highly vulnerable to predation. That assessment considers the pre-mitigation magnitude of effect of vegetation clearance on tussock skink and Tautuku gecko to be Moderate, and potentially Moderate and High respectively for herbfield skink and green skink if they are discovered.

329 However, in terms of fragmentation, Wildlands (2025) considered the pre-mitigation magnitude of effect of fragmentation on tussock skink and Tautuku gecko to be Low.

330 Given that the construction footprint occupies a relatively small, defined area and the activities are temporary, Wildlands (2025) considered the magnitude of effect of noise and vibration on lizards would be Low should the Project be constructed.

[143] Now EC54.2.b.

331 Measures to mitigate the effects of vegetation clearance on lizards focus on salvage and relocation and outlined in the Lizard Management Plan. The trapping programme mentioned above will also help address the effects of predation on lizards.

Invertebrates

332 Wildlands (2025) reported that the Project Site supports a relatively high diversity of invertebrates at all trophic levels, including moths, spiders, wētā, and beetles. Ten notable invertebrate species were found, including Helms' stag beetle which are protected under the Wildlife Act. However, the authors consider that an intact invertebrate assemblage is unlikely to be present due to past habitat modifications and uncontrolled mammalian herbivores and predators.

333 Wildlands (2025) considered potential effects of the Project on notable terrestrial invertebrates to include loss of invertebrate habitat associated with the vegetation clearance, fragmentation of habitat, disturbance, death, injury and displacement during construction, and newly formed roads and tracks providing a path for predators that could prey on invertebrates.

334 Wildlands (2025) concluded that the pre-mitigation magnitude of effect of the Project for less mobile invertebrate species is likely to be Low to Moderate, while for more mobile species the magnitude of effect is likely to be Low.

335 Measures to mitigate the potential effects of the Project on invertebrates are focussed on salvage and relocation as outlined in the Terrestrial Invertebrate Management Plan (TIMP) and the specific Stag Beetle Management Plan, which is included within the TIMP. The predator trapping programme mentioned above will also help address the effects of predation on invertebrates.

Long-tailed bats

336 The long-tailed bat / pekapeka has a conservation status of Threatened – Nationally Critical.

337 Kessels and Davidson-Watts (2025) found that the Project Site is used for foraging and commuting by long-tailed bats but consider that it is not likely to be core habitat for a local maternity population.

338 They identified that potential adverse effects from the Project include habitat removal, habitat displacement, turbine strike and/or barotrauma. They considered that adverse effects from construction are likely to be negligible as the Site is only occasionally used by bats and unlikely to contain roosting habitat.

339 Kessels and Davidson-Watts (2025) concluded that the risk of blade strike over the majority of the Project Site is very low due to the low bat activity and the high altitude of the turbine locations. However, they considered that there is a moderate strike risk at nine of the proposed turbines in an area along the escarpment between Matariki Forest and the adjacent Catlins Conservation Park where measured bat activity was focussed. They classified this area as the 'Bat Risk Area'.

340 They also reported that bat activity is highest over the autumn months of mid-February to mid-April and found that bat activity declined in wet, windy and cold conditions.

341 Kessels and Davidson-Watts (2025) recommended a curtailment regime for the nine turbines within the Bat Risk Area, an extensive scheme to provide compensation for any residual effect of turbine strike or habitat displacement on long-tailed bats; and post-construction monitoring of bat populations. These measures are outlined in the Bat Management Plan.

342 Overall, Kessels and Davidson-Watts (2025) concluded that "the effects of the wind farm on long-tailed bats are localised, likely to be low and able to be mitigated" (with residual effects able to be appropriately compensated). They consider that the "combination of effects management tools, and an extensive animal pest control program to address residual effects, will ensure that the potential adverse effects of the construction and operation of the Southland Wind Farm on long-tailed bats and their habitat are no more than minor." They also consider that due to the proposed predator control measures "there will also likely be a net gain outcome for long-tailed bats in the Catlins."

Management of residual effects

343 Wildlands (2025) (and Kessels and Davidson-Watts (2025) in relation to long-tailed bats) considered that some residual adverse effects associated with the Project will remain following the implementation management measures to avoid, remedy or mitigate effects. These residual effects cover aspects relating to vegetation/habitats, avifauna, lizards, invertebrates and bats.

344 Contact is proposing to offset and compensate for these residual terrestrial and wetland effects. The details of the proposed offsetting and compensation measures are contained in Wildlands (2025), Kessels and Davidson-Watts (2025) and MacGibbon (2025) and are to be managed and implemented in accordance with the Habitat Restoration and Enhancement Plan, Bat Management Plan, Riparian Offsetting Management Plan, Lizard Management Plan and Terrestrial Invertebrate management Plan.

345 The Application states that the overarching goal of the residual effects management package for the Project is to achieve Net Gain or Net Positive outcomes for indigenous biodiversity. Biodiversity offsetting and compensation will involve pest and predator control within the Project Site, enrichment planting and fencing, habitat restoration and enhancement, and funding of predator control within the 10,000ha area in the Beresford Range for the life of the Project.

346 In his review of the proposed offsetting and compensation measures, MacGibbon (2025) concluded that "I remain of the view that the offset and compensation measures offered by the Applicant have a high likelihood of achieving an overall net gain for biodiversity."

<u>Comments Received</u>

347 Terrestrial and wetland ecology effects were raised in comments from DOC, Environment Southland, Southland District Council, Southland Conservation Board, EDS, PCE, WCPS, Minister Bishop, Minister Hoggard, Janet and Murray McDonald, Prime Range Farms, Tim Story and Hamish Robinson.

348 In its s 53 comments, DOC indicated that it is "broadly comfortable with the application and the conditions as proposed by Contact" and is of the view that "Contact has been diligent in addressing the environmental effects of this proposal".

349 In general, DOC is satisfied with the ecological assessment of values and effects undertaken by the Applicants' ecologist because additional data collected since the earlier application[144] had improved the mapping of the wetlands and the understanding of potential effects of the Project on wetland values. The proposed biodiversity compensation actions would be beneficial for the wetland, shrubland and forest ecosystems given their current state which is grazing by cattle and sheep, browsing and pressures from feral deer, pigs and possum, weeds, and mammalian predators.

350 DOC considers that under the National Policy Statement for Indigenous Biodiversity (NPS-IB), the Jedburgh Plateau ecosystem meets the criteria for irreplaceability because of its uniqueness and contribution to Southland region's biodiversity. It also meets the vulnerability definition due to its susceptibility to land-use change (e.g., farming, forestry, infrastructure). Other wetlands on Plateau at similar altitudes have already been highly modified, highlighting its fragility.

351 While the NPS-IB does not apply to renewable energy generation developments, the Panel nevertheless acknowledges the high ecological value of the Jedburgh Plateau ecosystem.

352 DOC also notes that the National Statement for Freshwater Management (NPS-FM) requires councils to avoid any further loss or degradation of wetlands and streams, and to map and restore wetlands. Policy 3.22 outlines that natural inland wetlands and indigenous vegetation areas are irreplaceable. Therefore, DOC considers that avoidance is key and offsetting or biodiversity compensation is not appropriate.

353 DOC also observes that the Southwest corner of the Plateau has an area identified as a threatened environment under the Threatened Environments Classification with <10% indigenous cover remaining, and there will be eight wind turbines and roads constructed in this threatened environment, potentially leading to further indigenous vegetation cover loss.

354 DOC recommends a robust mapping and hydrological monitoring programme as outlined in Goldwater (2025) to ensure that any cumulative effects of the proposal on wetlands can be managed. That programme would need to focus on wetland fragmentation and hydrological alterations caused by the Project development, and on any changes caused by the wind turbines on the wetland vegetation, to ensure the health of the wetland could be measured and sustained. In light of this, DOC proposed amendments to resource consent condition EC11B.

355 DOC notes that the landowner will continue to graze 300 head of cattle for three months each winter and sheep in summer within the remaining wetland complex. It is widely known that grazing stock particularly cattle in wetlands leads to increased pugging, sedimentation, fragmentation of fragile plant communities, increased nutrient loading, spread of weed seeds and a decline in wetland ecosystem function and health.

356 DOC observes that the Applicant had undertaken a thorough and detailed study of birds at the Site. Despite this, however, there were still thought to be some potential gaps in the studies, mainly for birds that use the Site intermittently or annually, including the

[144] Under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

South Island Pied Oystercatcher (SIPO), where it is now known that some pairs are likely to be resident for 2-3 months while breeding.

357 DOC also notes that if migratory birds (such as the sooty shearwater) are not calling as they pass over the recorders placed out at the proposed turbine sites then they would not be detected. Sooty shearwater is considered by DOC to be the species with the greatest potential to pass through the Site. Given the fine detail of their migratory flight paths and flight heights are unknown in this location, it is uncertain to what extent they may be affected by the Project. DOC considers that undertaking mortality surveys during the first few years of operation of a consented wind farm would be essential in determining any impact on this species.

358 DOC's technical advice recommends that monitoring for key bird species that have been observed flying within the rotor strike zone would be prudent. The species include SIPO, tui, kahu/swamp harrier, kererū and korimako/bellbird.

359 DOC is of the view that the proposed consent conditions require some improvement to adequately address lizard predation by cats. DOC seeks changes to the conditions to reflect the outcomes of initial discussions on this matter with Contact.

360 DOC says that the proposed conditions adequately address terrestrial invertebrates.

361 Regarding rotor curtailment to reduce risk to bats, DOC is of the view that Contact's proposed options of both live and modelled curtailment should be retained in the conditions.

362 We note that a Wildlife Authority is sought for Helms' stag beetle and lizards. We assess that matter in Part I of this Decision, including the content of DOC's s 51 report that addressed that application.

363 SRC recognised that the Project Site encompassed a large area that previously had limited amounts of pest and weed control. This, combined with ongoing livestock grazing, is thought to be adversely affecting/eroding the ecological and biodiversity values of the area over time. SRC has reviewed the information on proposed pest and predator control, habitat enhancement and restoration and considers that Contact's proposed measures collectively represent a significant biodiversity and ecological commitment.

364 SRC emphasised that adequate deer and feral pig control is imperative, as these pests are likely to be key contributors to the decline of ecological values at the Project Site. SRC also pointed out that the proposed off-site restoration and predator control programmes and associated funding should manifest as additional measures rather than replacement funding for existing programmes run by other agencies.

365 SRC also noted Contact's proposed "firm limit on impact" of 2.5 hectares of wetland loss and consider that to be a useful reference point by which to assess impacts on wetland resources. It also emphasised that Contact's proposed off-site compensation for loss of wetland resources on the Jedburgh plateau and proposed wetland restoration and enhancement at the Davidson Road wetlands are not "like for like".

366 SRC recognised the significant research and effort that has been undertaken to further refine earthworks and infrastructure effects, such as culvert design and clay bunding alongside earthworks areas to minimise potential for drying effects on wetland areas.

367 SRC also highlighted the effects of fragmentation on habitat values and emphasise that these should be considered alongside habitat loss in any assessment of effects. SRC considers there is a lack of data in the Application about the differences and value of high-altitude bog and fens versus their lowland counterparts.

368 SRC recognised that the Jedburgh Plateau has been deforested, but emphasises that mountain cedar has a wetland indicator rating of facultative. That means that the areas may have historically been wetlands, and have just changed vegetation or type, rather than being dryland that has transitioned to wetland: "The fact it was forest does not mean it was not bog."

369 SRC considered that wetland vegetation monitoring over two years could easily miss medium to long term changes in vegetation from either weeds or dryland invasion (including natives). It is suggested that longer term monitoring would be more appropriate, with 5 yearly monitoring intervals after the initial 2-years of monitoring.

370 SRC also observed that statements regarding the benefit of stock removal from the wetlands need to be considered in the context that the PSWLP normally requires a resource consent for stock grazing in a natural wetland. It also considered that it is important to mitigate the potential for adverse effects on ephemeral wetlands and seepage streams from the dumping of spoil. It noted that ephemeral waterbodies and seepage should be factored into wetland and earthworks considerations.

371 SDC expressed satisfaction that the Project is broadly consistent with the objectives and policies of the Southland District Plan (SDP) and is satisfied that environmental effects could be appropriately managed.

372 SDC helpfully commissioned a peer review of Contact's terrestrial and wetland ecology assessment by Glenn Davis of e3Scientific. It found that the work undertaken by Wildlands and Mr Kessels and Dr Davidson-Watts was comprehensive and the characterisation of the ecological values provided a strong basis for understanding the potential ecological effects of the Project and the management measures required to mitigate, offset and compensate for ecological effects that would occur.

373 Mr Davis considered that it would be helpful to have a plan which spatially shows the areas of habitat quality for both lizard species recorded or possibly present. He agreed with Wildlands (2025) that reinstatement of cleared vegetation within 12 months of Site construction would mitigate the effect of vegetation loss. However, he considers it would be dependent upon rehabilitation work being completed to a high level and that performance criteria for plantings should be established and rehabilitation should be monitored.

374 The Habitat Restoration and Enhancement Management Plan ('HREP') proposes a 90% target survival after 10 years. However, Mr Davis suggested that target should be bought forward to 5 years. Mr Davis endorsed all of the measures set out in the HREP and agrees that significant ecological benefits to the flora and fauna within the Project Site could be achieved through implementation of that management plan.

375 SDC aid that it remains unclear whether Contact intends to enable any grazing within the Jedburgh Station Pest Control Area. SDC considers the enhancement of ecological values and natural character within that area through the removal of pest species might be compromised if grazing was to continue, and consequently the benefits identified may be less certain.

376 Mr Davis reviewed the draft management plans and considered the identified measures largely appropriate to mitigate construction effects. He recommends the inclusion of an additional measure to mitigate the risk of adverse effects on lizards and invertebrates, namely that the location of areas of high value habitat for Tautuku gecko in proximity to the areas of works should be identified and the mulching of vegetation precluded within those areas during construction.

377 In respect of the operational effects of the Project, Mr Davis considered management responses to the risks associated with the wind turbines and transmission lines to have been "well thought through and the mitigation proposed is of a very high standard."

378 Mr Davis agreed with Contact's experts that the operational effects of the wind farm on birds and bats could be managed such that a low level of effect can be achieved and the proposed pest control in the Beresford Range would "make a significant contribution to protecting long tailed bat and wildlife in general."

379 Overall, Mr Davis is of the opinion that, "the suite of measures set out in the offset and compensation package are considerable and can result in the Project achieving a net positive benefit for most of the ecological values recorded across the site."

380 The Southland Conservation Board raised concerns regarding major risks to wetlands, hydrological systems, and soil integrity; impacts on the critically endangered long-tailed bat; risks to migratory and threatened birds; potential harm to threatened reptiles, freshwater species (including Clutha flathead galaxias), endemic invertebrates and threatened flora; insufficient survey effort and high residual uncertainty; and reliance on offsetting where effects are not offsetable.

381 The Board is not confident that the effects on wetlands can be avoided or mitigated, particularly within sensitive wetland mosaics and steep gullies.

382 The Board considered that the effort spent on bat surveys does not meet DOC's best-practice requirements for wind farm developments affecting nationally threatened species. The Board also considered that collision-risk modelling lacks radar data, seasonal flight-path monitoring, and modelling of low-visibility flight behaviour, and therefore may underestimate effects.

383 The Board expressed concerns regarding oversight and enforceability of the Wildlife Act in relation to threatened reptiles, invertebrates and plants and considered any habitat loss for a nationally critical freshwater fish to be unacceptable. It also considered offsetting to be inappropriate where effects are irreversible or impact on species with high extinction risk.

384 In relation to terrestrial and wetland ecology, the Board seek:

(a) Requirements that multi-year, multi-season bat and bird surveys be aligned with DOC and international best practice;

(b) A full hydrological assessment addressing earthworks, road alignments, groundwater, surface-water connectivity, and cumulative effects on wetland systems be undertaken;

(c) A redesign to avoid all wetlands and wetland catchments, including the Jedburgh Plateau wetland mosaic;

(d) Evidence that no feasible lower-impact alternative layout is tenable;

(e) Application of the precautionary principle wherever wetlands or nationally threatened species may be affected;

(f) Strengthening of the proposed Wildlife Act conditions, including mandatory pre-construction surveys with GPS-verified search evidence for sensitive species; and.

(g) confirmation that freshwater culvert designs will protect native fish movement while blocking invasive species.

385 EDS's overarching concern relates to uncertainty with how the Project's infrastructure would adversely impact the Jedburgh Plateau, including its extensive wetland network, and the associated adverse impacts on biodiversity values of national importance.

386 EDS considers the wetlands to be lost during development of the Project are irreplaceable and emphasises that replacement of 'like for like' is not achievable. EDS considers that protecting the few remaining wetlands is a matter of national significance under the RMA. In addition to direct wetland losses, EDS also express concern about fragmentation of the entire significant natural area (SNA) of the Jedburgh Plateau.

387 EDS queried whether Contact's 'reductionist' approach to mapping wetlands is adequate for assessing fragmentation effects on the contiguous SNA. It also queried Contact's claim that the Jedburgh Plateau is already a fragmented landscape such that new fragmentation is unlikely to materially worsen existing conditions.

388 EDS produced a statement of evidence relating to terrestrial ecology prepared by Michael Harding. We note that Mr Harding had prepared independent terrestrial ecology advice to assist the expert panel considering Contact's earlier application for the Southland Wind Farm under the Covid-19 Recovery (Fast-track Consenting) Act 2020 (CFTA).

389 Mr Harding noted that mapping of ecosystems as 'vegetation types' is inherently difficult. He identified inaccuracies in the maps submitted for the earlier application. He acknowledges the more recent vegetation surveys but says he has not had an opportunity to ground truth the new mapping. He recommends that the mapping should be reviewed by an independent expert.

390 Mr Harding considered that construction of roads and turbine platforms would fragment the Jedburgh Plateau. He observed that effects of fragmentation could include the creation of barriers to movement/dispersal of ground-based fauna, altered hydrology such as through diversion and discharge of stormwater from impermeable surfaces, increased vulnerability to plant and animal pest invasion, and exposure of vegetation to edge/offsite effects such as wind, light and temperature.

391 Mr Harding considered Contact's claim that the Jedburgh Plateau vegetation/habitat is already fragmented by the effects of grazing and pests to be misleading. He also believes that the adverse effects of construction would be of a much greater magnitude and permanence than the effects of grazing and pests. He identified limitations in data on the indigenous species, vegetation/habitat and Jedburgh Plateau ecosystem which he considers cause considerable uncertainty about the effects of fragmentation.

392 Mr Harding disagreed with Contact's assessment of irreplaceability and vulnerability but accepts that management of residual adverse effects on the Jedburgh Plateau requires compensation, not offsetting. He stated, "proposed compensation appears generous but uncertainty about the effects of the activity (notably fragmentation of the ecologically significant Jedburgh Plateau ecosystem) means it is difficult to determine whether that compensation is adequate."

393 Mr Harding considered that most adverse effects of the Project could be avoided if the Jedburgh Plateau was excluded from the Project footprint. However, he recommended that if the Application is approved in its present form, the Jedburgh Plateau should be legally protected in perpetuity for nature conservation.

394 Due to uncertainty about the effects of the Project on the wetland values of the Jedburgh Plateau, EDS's primary relief is that the 14 wind turbines be removed from the Plateau.

395 However, if the Application were to be granted, EDS supports Mr Harding's recommendations for amendments to conditions of consent relating to monitoring, increased weed and pest control, fragmentation effects, and legal protection for the Jedburgh Plateau.

396 The PCE highlighted the importance of how the ecology of the Jedburgh Plateau should be conceptualised. In one view, the Jedburgh Plateau could be considered as a complex connected mosaic where any disturbance to any part of the system might risk the values of the area as a whole. The alternative conceptualisation is where there are separate higher value and lower value areas within the Jedburgh Plateau and therefore the Project could be designed to avoid the high value areas as much as possible and thus limit adverse effects.

397 The PCE also highlighted the importance of distinguishing between whether the current ecological trajectory of the Jedburgh Plateau is undermined due to grazing from stock and wild animals, or whether it was still undergoing slow evolution towards another ecological state. He considered that if the ecological trajectory of the Plateau was currently halted then there would be significant benefits of the proposed pest and animal control. However, if the area was still evolving, the anticipated benefits of control measures would be more limited.

398 The West Catlins Preservation Society provided detailed comments including a range of matters relating to terrestrial and wetland ecology.

399 Overall, the members of the society consider that the unique flora and fauna on the Site, and the ecosystems they are a part of, will be severely affected by the Project and they dispute that relocation, offsetting and compensation would adequately compensate for the adverse effects.

400 They identified a range of specific concerns including:

(a) inadequate data across multiple seasons to accurately account for the effects on birds and bats;

(b) no mention of kereru as noted avifauna. Over 100 kereru are said to visit the valley in the spring;

(c) the effects of turbine lighting on bats and birds;

(d) curtailment of the wind turbines during certain conditions is insufficient to offset the effects on long tail bats;

(e) vegetation clearance effects on bat populations;

(f) inadequacy of the lizard mitigation package;

(g) an absence of fencing at the Jedburgh Plateau skink release area;

(h) the focus on salvage in the invertebrate mitigation framework;

(i) restoration of the wetland at Davidson Road was not like for like offsetting of wetland loss; and

(j) proposed offsets and compensation relating to wetland loss failed to address functional and structural losses, leaving severe, long lasting residual impacts.

401 The WCPS comments included a multi-page 'technical review' but included no details about the qualifications and experience of the person or people preparing the technical review. We queried that omission and the WCPS advised,[145] "Our comments, including the technical review component (pages 65–90), was made by the WCPS as a collective and reflects its considered position." We acknowledge the work of the WCPS to provide us with comprehensive comments. Clearly a lot of effort has gone into the exercise, however, we are not able to afford the same weight to the 'technical review' that we might afford to a review by an independent expert or experts.

402 We note that the 'technical review' reiterated many of the points raised in the WCPS submission including:

(a) The construction methodology will expose the wetlands to significant hydrological and physical disruption. The concept-level mitigation provides limited assurance that the natural hydrological regime and associated ecological values of the Jedburgh Plateau would be maintained;

(b) The bat assessment overstates certainty, underestimates ecological risk, and provides insufficient safeguards against potentially irreversible harm to long-tailed bats;

(c) The bird strike-risk assessment is methodologically weak, selectively interpreted, and insufficient to justify the claim of "managed" strike risk;

(d) The bat management plans protocols for removing potential high-risk bat roost trees are fundamentally inadequate and reactive rather than protective;

(e) The proposed live-curtailment framework to protect bats is overly experimental and structurally unreliable as the primary mitigation for turbine strike;

(f) Small, fragmented, or degraded patches of vegetation could not be assumed to retain ecological function;

[145] By way of email to the EPA.

(g) Reliance on offsets and compensation underscores that avoidance is partial at best, leaving residual effects that are significant, cumulative, and largely unmitigated;

(h) The effects of fill disposal sites are neither minor nor readily remediable;

(i) The assessment of wetland loss and hydrological effects on the Jedburgh Plateau dramatically underplays ecological significance;

(j) The assumption that effects could be "fully remediated" within 5–15 years is not supported by ecological evidence and fails to account for irreversible functional losses;

(k) The proposed avifauna monitoring framework accepts harm as inevitable and only measures it after birds have been injured or killed; and

(l) The proposed offsetting and compensation approach conflates enhancement of degraded habitat with genuine replacement of lost ecological function.

403 The WCPS concluded that the most effective way to avoid the adverse effects on the taonga species of flora and fauna at the Project Site was to locate the wind farm elsewhere.

404 Comments were received from Hon Chris Bishop[146] and Hon Andrew Hoggard[147].

405 Hon Chris Bishop noted that "the proposal may not be consistent with the aquatic offsetting and compensation principles of the National Policy Statement for Freshwater Management 2020." However, he "understands the panel will consider all information available to them in order to inform their decision."

406 Hon Andrew Hoggard noted Contact's agreement to undertake offsite wetland restoration to compensate for the permanent loss of 2.5 ha of wetland. He considered that the "expert panel should ensure that the total area of restored wetlands equals or exceeds the area lost."

407 Comments from Janet and Murray McDonald, Prime Range Farm Management Limited (Matt and Joe McRae) and Tim Story address ecological matters.

408 Janet and Murray McDonald own property potentially affected by the Project and expressed concerns that it would harm wildlife that ventured from the adjacent Catlins Conservation Park and designated scenic area. They also expressed concerns related to the potential for turbines to affect wildlife directly via collisions, as well as indirectly due to noise and light pollution, habitat loss, and reduced reproduction.

409 Prime Range Farm Management Ltd manage Mt Egremont, which is a property adjacent to the Project. It noted that some of the bat monitoring had been done from the back of their farm. It wondered "… what impact the turbines will have on the bat population" and consider that "offsetting in a different area doesn't give credit to this area that the bats have decided to call home."

[146] Minister Responsible for RMA Reform and Minister for infrastructure.
[147] Associate Minister for the Environment.

410 Tim Story is the current owner of Jedburgh Station, one of the properties upon which the Project is located. He highlighted the range of activities that his family had undertaken on the property to improve conservation and emissions outcomes. In respect of Contact's proposed offset and compensation measures, he viewed the wind farm as a means of improving the land. He highlighted the pest animal issues (deer, pigs, possums) on Jedburgh Station and the surrounding area that appear to be getting worse, despite employing two hunters fulltime since March 2025 to boost their on-going pest control efforts. Mr Story considers that the Project would lead to further significant effort going into reducing pest numbers that will, "provide significant benefit to the environment."

Contact response to comments

411 Contact provided a general response[148] to s 53 comments, including matters relating to terrestrial and wetland ecology. It also provided further expert evidence from Mr Goldwater[149] and Mr MacGibbon[150] responding to specific ecological comments.

412 Contact volunteered some refinements to conditions of consent in response to comments received from various parties and based on the advice of Mr Goldwater and Mr MacGibbon. These include changes to conditions relating to wetland monitoring in response to comments from DOC, SRC and EDS, vegetation mulching and lizard compensation in response to comments from SDC, bat compensation in relation to comments from WCPS, and cat control and avifauna monitoring in response to comments from DOC.

413 In relation to concerns about the Davidson Road wetland not being 'like for like' compensation, Contact emphasised that it has always acknowledged that the wetland restoration site at Davidson Road is not 'like for like' in terms of compensation for wetland loss at the Plateau. However, Contact considers that, "this does not mean the proposal is not appropriate or is not consistent with the principles for offsetting and compensation in the NPS-FM."

414 In relation to concerns about net ecological benefits of the Project, Contact reiterated that "the Panel can be confident that the net ecological benefits position will be realised, bearing in mind the fulsome monitoring, reporting and performance target requirements set out in the conditions."

415 In relation to comments from DOC and SRC about the irreplaceability and vulnerability of the wetlands on the Jedburgh Plateau, Contact reiterated that Mr Goldwater and Mr MacGibbon are firmly of the view that the wetlands that will be lost are not irreplaceable and do not meet the definition of vulnerability.

416 In response to EDS seeking removal of turbines from the Jedburgh Plateau, Contact asserted that there is no sound basis for the deletion of the significant portion of the Project to be sited on the Jedburgh Plateau, and to do so would jeopardise the delivery of the Project. Contact reiterated its proposed suite of consent conditions will address

[148] Buddle Findlay 2026. Response by Contact Energy Limited to comments from invited persons and Section 51 reports. 14 January 2026.
[149] Goldwater 2026. Appendix 1 - Statement of evidence of Nicholas Paul Goldwater (Terrestrial and Wetland Ecology) on behalf of Contact Energy Limited. 14 January 2026.
[150] MacGibbon 2026. Appendix 2 - Statement of evidence of Roger John MacGibbon (Review of Terrestrial and Wetland Ecology and Ecology Offsetting and Compensation) on behalf of Contact Energy Limited. 14 January 2026.

effects on the Jedburgh Plateau. It says, requiring the omission of those turbines would be "more onerous than necessary in terms of section 83 of the FTAA, would not be reasonable or appropriate, and would be inconsistent with the purpose of the FTAA."

417 Similarly, Contact considered that there is no effects basis for requiring the removal of stock from the Jedburgh Plateau, as suggested by EDS. It says that stock access and grazing is an existing dynamic to be managed by the landowner, noting the existing obligations under the PSWLP.

418 In response to the PCE comments, Contact reiterated the significant, expert-led work that has gone into devising the integrated scheme of measures to address ecological effects; the monitoring and reporting requirements in respect of those measures, and the stringent performance standards set out in consent conditions. Contact disagrees that the success of restoration efforts is fairly be described as uncertain.

419 Contact noted that the SCB's comments appear to be made without any expert input and are generally contrary to the overall view of DOC and its expert advisors.

420 Contact also observed that the WCPS comments on ecological matters appeared to be made without any apparent expert input and are generally contrary to the overall view of DOC, SDC and SRC and their expert advisors. However, it provided a table[151] responding to specific points raised about by WCPS. The responses reiterated that vegetation clearance and wetland loss has been focussed on lower value areas, vegetation loss in fill disposal areas is temporary, that potential effects on bats and avifauna have been assessed using robust data, that removal of ungulates and assisted regeneration would help reduce current habitat fragmentation, and conclude that, "Contact is proposing to implement a range of measures that will address potential effects of the Project, and a comprehensive offsetting and compensation programme to address residual effects that is expected to result in a net ecological gain."

Statutory Instruments

421 We discuss the NPS-FM in Part G.3 of this Decision. We conclude that it does not weigh against granting the approvals sought.

422 In Part G.4 we note that Policy 33 of the PSWLP seeks to prevent the reduction in area, function and quality of natural wetlands, and Policy 32 seeks to protect significant indigenous vegetation and significant habitats of indigenous fauna and maintain indigenous biodiversity associated with natural wetlands, lakes and rivers and their margins. However, as specified infrastructure, the Project qualifies as an exception to those provisions under Policy 33.2 which was inserted directly into the PSWLP, as directed by clause 3.22 of the NPS-FM.

Panel Findings

423 We find that Contact has adequately identified and assessed the potential adverse effects of the Project on terrestrial and wetland ecology. Concerns with the robustness of data collection were raised in comments from some parties however, we note that DOC, SRC, SDC and their experts consider that the approaches used, and data collection conducted, were appropriate for this Application. Based on our own experience of the mapping

[151] Appendix 13 - Contact Energy Response to West Catlins Preservation Society Technical Table.

accuracy during our site visit, alongside evidence provided, we are satisfied that shortcomings in wetland vegetation mapping that were identified in the previous consenting process for this wind farm site have been adequately addressed by subsequent data checking and further data collection.

424 We consider that the key issue of vegetation clearance and loss of habitat has been addressed to some extent by avoiding as much as possible areas that are considered to have high values. We note that 134.69 ha of vegetation and habitat will still be permanently lost, including 56.48 ha of various types of indigenous forest and scrub, 2.03 ha of various types of wetlands and 5.24 ha of copper tussock dominant vegetation. However, this makes up a relatively small proportion of the habitats on the 5649 ha Project Site and we find that the mitigation and compensation activities proposed by Contact will largely address the effects of this vegetation clearance.

425 We note the contrasting views about the permanence of vegetation and habitat loss in areas used for fill disposal. However, there appears to be agreement among experts that rehabilitation of these areas is possible but will take time and needs to be done rigorously to ensure that rehabilitation occurs as quickly as possible. We consider the Vegetation Management Plan outlines what is required and includes relevant monitoring and response requirements that will ensure rehabilitation goals are achieved in a timely fashion.

426 Effects on the Jedburgh Plateau wetlands were a key issue of concern in the previous consenting process for this wind farm site. However, we have proceeded to assess this Application on its merits in light of the evidence and comments provided and the requirements of the FTAA.

427 We acknowledge the perspective of Mr Harding that the wetlands on the Jedburgh Plateau are an interconnected mosaic that should be considered holistically. However, we consider that the wetland mapping that has been conducted on the Plateau enables the Project to be iteratively designed to avoid the highest values areas as much as possible.

428 We believe that any wetland loss is a significant concern and should be avoided where possible, as required by the NPS-FM and PSWLP. However, as we discuss in Part G.2 of this Decision, taking in account Policy C of the NPS:REG we are satisfied that there is both a functional and operational need for the Project to be sited in the locations proposed in the Application. In that regard we consider that the scale of wetland loss is relatively low, and we accept that the values of some parts of the wetland area have been degraded due to historical vegetation clearance, stock grazing and the presence of deer, pigs and other ungulates. Therefore, we consider that while the Project will have adverse effects on wetlands, the proposed mitigation and compensation activities are appropriate ways to address that impact.

429 As highlighted in various comments and by Contact, we acknowledge that the proposed Davidson Road wetland restoration is not a 'like for like' compensation for the loss of fen and bog wetlands within the Project Site. Nevertheless, in the context of this Application we find that this initiative is still appropriate as a compensation measure given the paucity of remaining wetlands of all types throughout Aotearoa New Zealand.

430 Comments relating to the potential for hydrological disturbance of the wetlands were well made and we share these concerns. However, we are reassured that this risk has been appropriately addressed in the report by Williamson Water and Land Advisory

(2025)[152]. While based on an indicative Project design, we agree with Mr MacGibbon's assessment that "the hydrological mitigation measures recommended will successfully minimise any risk of additional wetland loss occurring."

431 We agree with comments from SRC, DOC and EDS that on-going grazing by stock within the wetlands on the Plateau is not desirable and risks further degradation of these wetland ecosystems. We note that stock and other ungulates will be excluded from the 245 ha Jedburgh Station Ecological Enhancement Area and animal control on the 1400 ha Jedburgh Station Pest Control Area will also help address the effects of grazing and pugging of wetlands by animals.

432 Regarding grazing of the wider Site, we sought advice from SRC about the regulation of that under the Proposed Southland Water and Land Plan (PSWLP). In its response, SRC advised[153] that while Jedburgh Station and Glencoe Station are existing well established farming operations, the landowners need to conduct intensive winter grazing and pasture-based wintering in accordance with the permitted activity criteria of Rules 20, 20A and 20B of the PSWLP. Under those rules, both farms need a certified Farm Environmental Management Plan (FEMP) prepared in accordance with Appendix N of the PSWLP which will require an assessment against the permitted activity criteria. Those FEMPs are due by the end of May 2026.

433 Consequently, grazing is managed under a separate regulatory process. As a result, we see no merit in attempting to address grazing in any conditions of consent that we might impose, as doing so could well end up being inconsistent with the contents of the FEMP's that Jedburgh Station and Glencoe Station will produce and any consent conditions that SRC might impose should consents to farm ultimately be required.

434 In relation to EDS' comments that no turbines should be sited on the Plateau due to the high ecological values present, we accept Contact's s 55 response that the proposed mitigation and compensation will address effects on the Jedburgh Plateau. As we discussed in Part F of this Decision, we consider that deletion of the portion of the Project to be sited on the Jedburgh Plateau, "would be more onerous than necessary in terms of section 83 of the FTAA, and would not be reasonable or appropriate, and would be inconsistent with the purpose of the FTAA."

435 Accepting the comments provided by DOC, we are also comfortable with the proposed conditions relating to the potential effects of the Project on long-tailed bats.

436 Similarly, we are comfortable with the approach proposed for managing potential effects on Avifauna. In its s 55 response, Contact refined some of its initially proposed consent conditions relating to bird monitoring to reflect comments from DOC and we support those modifications.

437 We also consider that the approach proposed for managing effects of the Project on lizards and invertebrates is appropriate. In that regard we refer to the Wildlife Authority required for the Project and our discussion of that application in Part I of this Decision.

438 We acknowledge that there are some residual ecological effects of the Project that cannot be avoided, remedied or mitigated. However, we find that taking into account Contact's

[152] Part H10; Southland Wind Farm Technical Assessment #10: Conceptual hydrological design. Brooke James and Jonathan Williamson, Williamson Water and Land Advisory, 4 July 2025
[153] Response by SRC to request for further information from the Panel. 4/2/2026.

proposed off-setting and compensation measures, those residual adverse impacts are not sufficiently significant to be out of proportion to the Project's regional and national benefits such that the Application should be declined. We are satisfied that the conditions of consent that will be imposed are suitable for addressing these residual effects in a clear, certain and readily enforceable manner.

Conditions

439 Contact proposes a range of monitoring, mitigation, and compensation/offsetting conditions. We consider those conditions to adequately address both the likely scale of effects on terrestrial and wetland ecology and any residual uncertainty about those effects. We support and accept Contact's 55 refinements to the initially proposed conditions in response to the range of s 53 comments received. We also note the agreements on conditions relating to wetland monitoring in the Joint Statement of Experts: Earthworks[154]. Consequently, we have made only a small number of relatively minor clarifying amendments to the resource consent conditions set out in Appendix B of this Decision.

440 We have made some amendments to the conditions proffered by Contact for Schedule 2 of the Concession and Schedule 3 of the Wildlife Approval in response to DOC's s 51 reports. Those approval documents are set out in Appendices D and E respectively of this Decision.

441 The amendment to Schedule 2 of the Concession relates to erecting signposts warning the public of any dangers they may encounter because of the Concessionaire's operations.

442 As we discussed in Part E1, we amended Schedule 3 of the Wildlife Approval to insert a certification process for the Lizard Management Plan and the Terrestrial Invertebrate Management Plan. Those additional conditions also address the process for certifying any subsequent amendments to those plans.

443 We have also inserted conditions relating to salvage and release compliance reporting for any relocated Helm's Stag Beetles.

E5 Freshwater Ecology Effects

444 The Application set out effects on Freshwater Ecology at ss 2.13 and 5.6 of Part B. Contact also provided a technical assessment of those effects in Ryder & Goldsmith 2025)[155].

445 Discharge of sediment to waterways associated with construction activities, effects associated with the extraction of water, effects associated with the construction and placement of new stream crossings, and elevated risk of contaminants and new pest species entering waterways were identified as the key freshwater ecology effects in the Application. We agree that these are the key issues relating to freshwater ecology.

[154] Joint Statement of Experts: Earthworks. 16 February 2026.
[155] Part H08; Southland Wind Farm Technical Assessment #8: Freshwater Ecology, Greg Ryder and Ruth Goldsmith, 18 August 2025.

446 The ecological effects of water extraction are discussed below, but the hydrological effects of extraction of water are discussed further in Section E8 of this Decision.

Freshwater ecological values within the Project Site

447 The Project Site includes the headwaters of three catchments: the Mimihau Stream, the Mokoreta River and the Kaiwera Stream. The first two waterways drain into the Mataura River Catchment, while the Kaiwera Stream drains into the Pomahaka and Clutha River catchments.

448 Ryder & Goldsmith (2025) signalled that the Mimihau Stream catchment has the potential to be the most impacted, as it drains the majority of the Project Site and the Application seeks to take water from streams within this catchment during the construction of the Project.

449 Ryder & Goldsmith (2025) reported that the existing freshwater ecology values within the Site are generally high, with benthic macroinvertebrate communities containing a large percentage of sensitive taxa. Periphyton cover levels are generally very low throughout all sites, again indicating healthy ecological conditions.

450 They also reported that water quality monitoring within the Site indicates that the Mimihau Stream has relatively good water quality, although there is evidence of deteriorating quality over the last decade for phosphorus and water clarity. Further downstream of the Project Site, water quality declines with higher concentrations of nitrate nitrogen and faecal bacteria and reduced water clarity. Ryder & Goldsmith (2025) concluded that the downstream decline in health likely reflects the influence of more intensive agricultural land use in the lower parts of the Mimihau and Mokoreta catchments.

451 The New Zealand Freshwater Fish Database records show longfin and shortfin eels, Gollum galaxias and brown trout have been found in the Mimihau Stream catchment, while longfin eel, giant kōkopu, Gollum galaxias, lamprey, common bully, redfin bully, upland bully and brown trout have been found in the Mokoreta River and its tributaries. Four fish species have been recorded in the Kaiwera Stream catchment; longfin eel, upland bully, brown trout and Clutha flathead galaxias. Kōura (freshwater crayfish) have been recorded in all three catchments. Freshwater fish diversity generally reduces with altitude and Ryder & Goldsmith (2025) reported that the waterways on the Plateau are likely to support only Gollum galaxias and kōura.

452 Lamprey and Clutha flathead galaxias are considered to be 'Threatened – Nationally Vulnerable' in the latest DOC threat classification[156] which has been updated after Ryder & Goldsmith (2025). Longfin eel, Gollum galaxias and giant kōkopu are considered to be 'At Risk – Declining' while upland bully and redfin bully are considered to be 'At Risk – Naturally uncommon'. Shortfin eel are considered to be 'Not Threatened.' Kōura are considered to be 'At Risk – declining'[157].

[156] Dunn NR, Allibone RM, Closs GP, Crow SK, David BO, Goodman JM, Griffiths M, Hicks AS, Hickford MJH, Jack DC, Kitson JC, Ling N, Waters JM, Wylie MJ, Hitchmough RA, Makan T 2025. Conservation status of New Zealand freshwater fishes, 2023. New Zealand Threat Classification Series 24. Department of Conservation, Wellington.

[157] Grainger, N., Harding, J., Drinan, T., Collier, K., Smith, B., Death, R., Makan, T., and Rolfe, J. 2018: Conservation status of New Zealand freshwater invertebrates, 2018. New Zealand Threat Classification Series 28. Department of Conservation, Wellington. 25 p.

453 Ryder & Goldsmith (2025) noted that the Water Conservation (Mataura River) Order 1997 includes the Mimihau Stream and the Mokoreta River and each of their tributaries. However, they conclude that that "this does not have any material consequence to the Project, given that the outstanding fisheries and habitats that the Order seeks to protect are not directly within the Project Site, but are in the lower reaches of the waterways, and will not be affected by the Project".

Effects of construction activities

454 Contact has proposed that potential effects associated with construction activities will be managed in accordance with proposed consent conditions and by implementation of an Earthworks Management Plan (EMP), which would include an Erosion and Sediment Control Plan (ESCP), and form part of the Construction Environmental Management Plan (CEMP). Site Specific Management Plans for discrete areas of earthworks would be adopted during construction. The proposed consent conditions include water quality monitoring requirements that are incorporated into the consent conditions (see Condition CM7A).

455 Contact also indicated that erosion control would be implemented at fill disposal sites to ensure that sediment mobilised by stormwater run-off is minimised with a reduced risk that it then enters waterways downstream. The fill disposal sites would also be rehabilitated as quickly as possible to help minimise the potential for sediment runoff.

456 Ryder & Goldsmith (2025) considered that "the Project's proposed conditions appropriately address potential sedimentation and runoff effects".

Effects of water takes

457 The Application seeks permission for a water take during the construction phase (approximately 24-30 months) of the Project at two preferred sites (M1 & M2) in the Mimihau Stream Catchment[158]. Ryder & Goldsmith (2025) reported that habitat and macroinvertebrate assessments at these sites are indicative of excellent ecosystem health. Gollum galaxias have been recorded at both sites and kōura have been found at site M1.

458 Ryder & Goldsmith (2025) reported that water level recorders have been installed at these sites since March 2023 and estimates of key flow statistics for each site have been calculated.

459 Contact proposed a maximum water take of 5 L/s at M1 and M2, but restricted at low flows (Q95[159] or lower) meaning those takes are compliant with the PSWLP. Ryder & Goldsmith (2025) reported that "based on this concept and the calculated Q95 flows, the water take would never exceed 8% of the stream flow at M1 and 6% of the stream flow at M2."

460 The Application indicated that water storage tanks or ponds are proposed in order to store water during periods of low demand and draw down the storage when periods of high demand coincide with periods of low stream flow.

[158] Identified as M1 and M2 in Part G Figure Aquatic Ecology-2, page 52.
[159] Flow exceeded 95% of the time.

461 Contact would install fish screening devices on the water intake structure, as required by the PSWLP.

462 The hydrological effect of these proposed water takes are discussed further in Section E8 of this Decision.

Effects of stream crossings

463 The Application indicated that nine notable[160] stream crossings[161] are required to enable access to and within the Site during construction. All stream crossings will be culverts (either replacing existing culvert or ford crossings), except for one (NSC2) which will be a bridge (to replace an existing bridge in the Matariki Forest).

464 The PSWLP requires that fish passage is not impeded by culvert or bridge construction. However, Ryder and Goldsmith (2025) noted that at three sites (NSC1, NSC3 and NSC6) there are potential benefits in preventing passage of trout, to protect the native fish populations upstream (Gollum galaxias upstream of NSC1 and NSC3 and Clutha flathead galaxias upstream of NSC6). This recommendation is consistent with Clause 3.26 of the NPS-FM. Subsequent eDNA surveys indicate that trout are likely present at NSC1, so Goldsmith & Ryder (2025)[162] provided an updated recommendation that trout passage should be prevented at just NSC3 and NSC6.

465 The Application recognised that installation of new watercourse crossings will result in some local habitat disturbance. Ryder & Goldsmith (2025) reported that the total stream length impacted by stream crossings and other earthworks has been estimated at up to 769 m and recommend that 1-2 km of stream length will likely need to be enhanced as an offset for the unavoidable habitat disturbance associated with installation of notable crossings and other earthworks.

466 The details of the proposed offsetting were outlined in the draft Riparian Offsetting Management Plan (ROMP)[163] and involves fencing and riparian planting to prevent stock access, restoring stream shade and reducing sediment and nutrient inputs via run-off.

Risk of contaminants and new pest species

467 Contact asserts that the measures outlined in the ESCP and CEMP will ensure that the risk of contaminant and pest introduction to watercourses is minimised. These plans include the following requirements:

(a) That contaminants (e.g. diesel, lubricants) stored on-site should be bunded, and refuelling of machinery should take place away from watercourses;

(b) To isolate and capture runoff from the concrete batching plants and pass it through buffer strips before discharging to land to prevent runoff from entering watercourses;

[160] Defined as having a catchment area greater than 40 ha.
[161] Shown in Part G Figure Aquatic Ecology-2, page 52.
[162] Ruth Goldsmith & Greg Ryder 2025. Appendix 14 – SWF eDNA sampling memo. 9 December 2025.
[163] Part J14; Draft Southland Wind Farm Riparian Offsetting Management Plan, Ruth Goldsmith and Greg Ryder, 2025.

(c) To either remove waste from ablution facilities from the Project Site or treat the waste from ablution facilities to ensure untreated wastewater does not enter watercourses; and

(d) All machinery brought onto the Project Site will be thoroughly cleaned, to avoid the risk of introducing weed species.

Comments Received

468 Comments on freshwater ecology were received from SRC, SCB, Minister Potaka[164] and WCPS.

469 SRC indicated that it is generally comfortable with the suite of conditions proposed to manage construction effects. It considers that appropriate riparian protection is particularly important to fully realise the biodiversity gains sought by the Project and to maintain water quality. It acknowledges that "the Riparian Offsetting Management Plan is an important component of the application", "as is ensuring that the measures outlined will be fully implemented."

470 SCB highlighted the potential harm to freshwater species associated with construction effects, raise concerns about proposed water-take conditions and considered that the minimum flow requirements were insufficiently described or absent. SCB also suggested that the Application does not provide adequate assurance that cement washwater can be fully contained or prevented from entering wetlands or waterways. It considered that any habitat loss for a nationally critical freshwater fish is unacceptable. SCB seek to ensure that freshwater culvert designs protect native fish movement while blocking invasive species. It also suggested that a concrete washwater management plan demonstrating zero discharge, full containment, and safe off-site disposal is required.

471 Hon Tama Potaka encouraged the Expert Panel to consider the statutory acknowledgement over the Mataura River, and whether it should be extended to the tributaries relevant to the Project area – Mimihau Stream and Mokoreta River.

472 WCPS highlighted concerns about effects of construction activities on water quality, benthic macroinvertebrates and fish communities downstream of the works area. They also emphasise that any effects on the waterways within the Project Site could impact values downstream, including the Toetoes Harbour. WCPS also query whether the proposed riparian enhancement plans should be something that the landowners are required to do via the PSWLP and therefore not appropriate for offsetting of effects.

473 The WCPS 'technical review' discussed in E4 of our decision also raised concerns about effects of construction on sediment inputs to waterways, potential short-term and longer-term effects of the proposed water takes, and the short-term flow record used to estimate flow statistics for the potential take sites. Their review highlights that "diesel, lubricants, sewage, concrete washout, and Didymo introduction could cause irreversible impacts on sensitive headwater streams, particularly where threatened galaxiids and other low-flow species are present." Concerns with the proposed riparian offset plans were also raised and it was suggested that Contact is relying on "assumed "perfect" ESCP/CEMP implementation" to manage effects of construction.

[164] Minister of Conservation and Minister for Māori Crown Relations.

Contact response to comments

474 In relation to SRC's comments about the importance of implementing conditions and Management Plans, Contact agrees that "it is important these conditions are given effect to."

475 In response to SCB's concerns, Contact reiterates that "minimum flow requirements for the proposed water take are clearly set out in proposed conditions." In relation to concerns about concrete batching washwater management, they state that proposed conditions specifically require the Earthworks Management Plan to manage runoff from the batching plants. They also note that "culvert design will protect native fish movement while blocking invasive species at specific locations, as sought by SCB."

476 In response to Hon Tama Potaka's query about whether the statutory acknowledgement over the Mataura River should be extended to the tributaries relevant to the Project area, Contact refers to its response to the Panel's RFI #3. This response stated that while not directly applying to the Project site, if a holistic view is taken the statutory acknowledgement for the Mataura River does have some relevance to the Panel's decision-making. They emphasise that "the agreement reached between Contact and the Ngāi Tahu entities confirms Ngāi Tahu's comfort with the application's approach to cultural and ecological values".

477 In response to WCPS comments on the effects of construction, Contact highlighted that measures to address these potential effects "are clearly set out in the proposed consent conditions and will be implemented through the various construction management plans. If it is evident that the water quality standards are not being met, any necessary maintenance and/or other appropriate measures will be undertaken immediately to ensure the ongoing and future effectiveness of water quality controls." Contact believes that these measures will "appropriately address any potential effects on water quality."

478 In relation to concerns about the effects of stream crossings, Contact noted that replacement of the existing fords with culvert crossings will provide localised positive benefits by removing the existing disturbance associated with vehicles driving over the stream bed. It also highlighted that the culverts will be "deployed so that they are consistent with the NZ fish passage guidelines" apart from two culverts which will be designed to prevent the passage of trout in order to protect threatened galaxias populations upstream.

479 In relation to concerns about water takes, Contact highlighted that water quality, including water temperature, will be monitored during abstraction to confirm that there are no ecological effects downstream. It also emphasised the temporary nature of the water takes which will only be required during the construction phase of Project. Contact reiterated that intake pipes will be screened to prevent fish from entering the pipe.

Statutory Instruments

480 We referred to PSWLP and NPS-FM provisions earlier in this Part of our Decision and expand on relevant matters in Part G.

Panel Findings

481 We find that Contact has adequately identified and assessed the potential adverse effects of the Project on freshwater ecology.

482 We have no ability to extend the statutory acknowledgement over the Mataura River to the tributaries relevant to the Project area, that being a matter for Parliament. However, we note that Ngai Tahu appear comfortable with the Project proceeding, as evidenced by their s 53 comments.

483 Like SRC, we are satisfied that effects of construction will be adequately managed via the proposed range of consent conditions and management plans. The management plans will all be subject to review by the Independent Management Plan Reviewer and thereafter to council certification. It is well established case law that decision-makers such as ourselves are to assume that any conditions of consent that are imposed will be monitored and implemented appropriately.

484 We discuss the hydrological effects of the proposed water takes further in Section E8 of this Decision, but we find that the proposed maximum rate of take, take restrictions during low flow, and requirements for fish screening on the takes are appropriate ways to minimise effects.

485 We recognise the value of installing culverts at existing fords to avoid the disturbance associated with vehicles running over the riverbed. We also support the approach of designing the culverts to prevent trout passage at NSC3 and NSC6, in order to help protect the native galaxias populations upstream. This is reflected in the Complex Fisheries Activity Approval for the Project (set out in Appendix G of this Decision) and is addressed in Part K.

486 We are comfortable with Contact's proposed approach to managing the risks of contaminants and new pest species on freshwater ecology as outlined in the ESCP and CEMP.

487 We acknowledge that there are some residual effects of habitat disturbance associated with the installation of stream crossings and other earthworks. However, we find that that proposed Riparian Offsetting Management Plan is a suitable approach to compensate for these effects.

Conditions

488 We find Contact's proposed conditions to be generally appropriate, but we have made numerous amendments to improve their clarity and certainty, and to reflect the outcomes of the JWS on earthworks

E6 Erosion and Sediment Effects

489 The Application discusses the Project construction in Section 3 of Part A.01 of the Application including an overview of the overall earthwork and surplus fill disposal activities. Part H Technical Assessment # 9 addresses erosion and sediment control and associated effects and includes Annexures B to F[165] which provide further background information and investigation outcomes associated with construction.

[165] Annexure B: Riley Geotechnical Assessment, Ref 220372-B (Issue 3.0) / Annexure C: Preliminary Design Report Stream Crossing, Ref 220372-C (Issue 3.0) / Annexure D: Riley Hydrology Assessment - Mimihau Stream Catchment (construction water supply), Ref 220372-D (Issue 2.0) / Annexure E: Stormwater Culverts Calculations / Annexure F: Riley Sediment and Erosion Control Calculations.

490 The Application also includes civil design drawings with Parts K17 and K18 containing specific culvert designs, stream diversion details and erosion and sediment control measures. Drawing numbers 220372-1130 to 1160 provide this detail.

491 Contact proposed a suite of consent conditions[166] including a management plan framework to avoid, remedy or mitigate the potential effects. These management plans include:

(a) Construction Environmental Management Plan (CEMP)

(b) Earthworks Management Plan (EMP)

(c) Flocculation Management Plan (FMP)

492 The EMP includes an Erosion and Sediment Control Plan (ESCP) with draft plans provided within the Application in Parts J8 to J10.

493 The Project includes provision for approximately 72.8 km of access tracks to be constructed or upgraded to provide access to turbine locations. A further 5.4 km of tracks are required to provide access to the transmission line structures. Each turbine will feature a permanent hardstand and temporary laydown areas.

494 The indicative proposed earthworks cover 161 ha for the wind farm and 5.3 ha for transmission infrastructure. Estimated volumes for the wind farm and transmission line include 1.92 million m³ of cut and 770,000 m³ of fill, resulting in a surplus fill of 1.15 million m³.

495 The Application confirms that during the detailed design stage and following finalisation of turbine locations through any necessary micro-siting, the track alignment and hardstand levels and gradients will be revised and optimised again to minimise total earthwork volumes and disturbance areas.

496 Aggregates will be needed for constructing access tracks and hardstand pavements, and for batching concrete for turbine foundations. Pavement aggregates are expected to be sourced from nearby quarries or generated on-site through excavation and processing of less-weathered / stronger rock encountered during bulk earthworks excavations. Concrete aggregates will be imported from off-site quarries.

497 The Project adopts erosion and sediment control measures aligned with Auckland Council's GD05 guidelines[167]. These include minimising soil disturbance, diverting clean water, treating sediment-laden runoff, and implementing dust control measures.

498 The Application confirms that earthworks will be carried out in a staged manner across sub-catchments to minimise exposed soil areas and reduce erosion risk.

499 The Project proposes to use Site Specific Management Plans (SSMP) that will form part of a final CEMP. The SSMPs will apply the principles of the EMP, and detail the location-specific erosion and sediment control measures to be implemented at each stage of earthworks.

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[166] In particular consent conditions CM1 to CM21.
[167] Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region.

500 The Application confirms that bench testing of representative soil samples[168] collected from the Project is yet to be undertaken. Based on bench testing that has been prepared for other wind farm projects in the wider region, the Application confirms flocculation options exist and also that natural settlement of sediment (with no chemical treatment) has been previously observed for some soils.

501 Following earthworks, general disturbance areas and fill batters will be stabilised by respreading locally stockpiled topsoil and applying grass seed (or hydro seed). The steeper cut batters will be stabilised with hydro seed (no topsoil), including polymer additives for erosion control where required.

Jedburgh Plateau

502 Fourteen turbines are proposed to be located on the Jedburgh Plateau, which hosts a mosaic of wetland and shrubland habitats (approximately 127 ha of wetland habitat of the 530ha total area of the Plateau). Extensive design refinements have minimised the impacts of earthworks on the Plateau, limiting direct wetland disturbance to approximately 2 ha,[169] with an additional 1.7 ha of earthworks occurring within 10m of wetland features.

503 The Application includes a hydrological design report[170] that provides assessment of flow conditions in specific areas adjacent to wetlands (bogs and fens); and confirms design to minimise hydrological impact on the wetlands and/or to maintain water balance neutrality. These measures include culverting beneath tracks and hardstands within the Plateau to maintain hydrological connectivity between and to wetlands, as well as formation of low permeability clay bunds where earthwork cuts are proposed adjacent to wetlands.

Spoil Sites

504 Surplus fill will be deposited at designated Surplus Fill Disposal (SFD) sites within the Project Site, avoiding sensitive areas such as wetlands and maintaining hydrological neutrality. An indicative total of 101 SFD sites with a total footprint of 81.9 ha have been identified. The fill sites comprise the following types:

(a) Blanket Fills: 1 to 3m depth of fill spread over gentle slopes, located near to access tracks;

(b) Shoulder Fills: Placed directly adjacent to tracks or hardstands on gentle to moderate slopes, typically <5m fill depth, with structural fill toe support; and

(c) Gully Fills: Located in gully heads (only in Matariki / Venlaw Forest), up to 10m fill depth with structural fill toe, and engineered drainage channels to divert surface runoff around the fill.

505 The Application further confirms that SFD will be located close to areas of large cuts and will be subject to the following exclusions / constraints:

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[168] For the purpose of determination of specific flocculation product details and specific dose rates and application methodologies.
[169] Comprising 1.42ha of cut and 0.6ha of fill with no surplus fill sites within wetlands. Application document H9, paragraph 111.
[170] Application documents H10a and H10b.

(a) No disposal will take place into any areas identified as wetlands (or within a 10m setback from wetlands), or high value vegetation;

(b) No disposal will take place into any permanent or intermittent rivers or streams; and

(c) No disposal will place into very steep slopes >45 degrees (such as at gully side slopes).

506 Within the Jedburgh Plateau two blanket fills and six shoulder fills have been designed, with a total storage capacity of approximately 165,000 m^3 and a total footprint of 8.2 ha. The Plateau SFD's have been carefully located to avoid impacts on wetlands and high value vegetation.

507 Based on the storage estimates outlined above, not all the identified SFD's will be required or the full storage capacity of each SFD may not be utilised. The Application confirms that other suitable SFD sites may be identified during detailed design or the Project's pre-construction phase. An important exception is that no additional SFD sites will be identified and utilised on the Jedburgh Plateau.

Streamworks

508 The Application[171] confirms that the Project tracks and hardstands will intercept surface water runoff and thus have the potential to affect existing drainage patterns. An indicative location and design of proposed stormwater culverts has been provided which will minimise the impacts on existing drainage patterns.

509 The primary purpose of the stormwater culverts as outlined in the Application is to:

(a) Keep pavements free from surface water;

(b) Maintain flow to streams and wetlands where earthworks intersect existing flow paths, thus maintaining the natural hydrology of the streams and wetlands; and

(c) For crossings of perennial and intermittent streams - maintain fish passage where fish passage is desirable.

510 The Project access identifies a total of nine notable stream crossings having catchments greater than 40 ha.

511 The draft EMP[172] provides construction methodologies for establishment and construction of the culvert structures.

Monitoring

512 The Application[173] contains details of the proposed monitoring to be undertaken with a focus on the earthwork activities. The monitoring is focused on:

[171] Application document H9, paragraphs 141 to 166.
[172] Application document J9.
[173] Ibid.

(a) Routine site inspections during installation and post installation of erosion and sediment control devices;

(b) Inspections of all erosion and sediment control devices and chemical treatment once rainfall-activated chemical treatment is in effect;

(c) Weekly site walkovers to inspect all erosion and sediment control devices including prior to rainfall events; and

(d) Regular clarity, temperature, and pH monitoring for outflows from sediment retention devices (at the mixing points with natural water bodies).

513 Weather forecasts will be checked daily and if forecasts predict a rainfall trigger event the Project will implement a series of pre-trigger event procedures including:

(a) Inspections of the erosion and sediment control devices to ensure that these devices are performing adequately;

(b) Depending on the site-specific circumstances and erosion and sediment control devices in place, consideration of limiting or ceasing earthwork activities ahead of trigger events; and

(c) As far as practicable, stabilising disturbed areas and employing additional short-term measures.

514 The Application includes consent conditions[174] that require specific water quality monitoring and includes details of actions required if there is any evidence that the water quality standards downstream of an earthwork site are being exceeded and the exceedance is attributable to the Project construction activities.

Comments Received

515 Specific erosion and sediment control effects were raised in comments by SCB, SRC and WCPS.

516 The SCB expressed concern that the Project introduces substantial hydrological risks, including:

(a) Sediment runoff into wetland catchments during earthworks;

(b) Drainage modification from elevated road profiles, side-cast material, cut-to-fill earthworks and culverts.; and

(c) Groundwater disruption from excavation and soil compaction.

517 The SCB considered that the management of 1.1 million m³ of surplus earth presented risks including informal wetland infilling, slope instability and erosion, redirection of overland flows and soil profile mixing and soil-structure degradation.

[174] Consent conditions CM7 and CM7A.

518 The SCB considered that on-site batching introduced a significant contamination risk and that the Application does not provide adequate assurance that cement wash water can be fully contained or prevented from entering wetlands or waterways.

519 The SCB recommended that, in addition to a full hydrological assessment, that a concrete wash water management plan be prepared demonstrating zero discharge, full containment, and safe off-site disposal.

520 SRC confirmed in principle support for the Project and noted that it is generally comfortable with Contact's proposed suite of conditions in relation to construction effects. Emphasis was placed on the requirement for as-built plans to ensure that SRC has a clear as-built reference point on which to assess any future compliance issues for the lifespan of the Project.

521 SRC further requested that the submission deadline for management plans should be extended from 15 working days to at least 20 working days prior to construction to allow sufficient time for processing and assessing compliance and that construction aspects be brought into the same management plan process outlined in Conditions MP1 to MP9 for consistency.

522 WCPS noted that of the 1.8 million m^3 of fill that is to be relocated, 1 million m^3 is going to be spread over 162 hectares at slopes of less than 45 degrees which could have adverse effects.

523 WCPS state that in the absence of a catchment-scale sediment effects analysis, explicit treatment of uncertainty and a long-term monitoring framework, the Application does not demonstrate how sediment-related risks will be identified, tracked, or responded to over time.

524 WCPS consider that the placement of surplus fill poses substantial and unquantified risks to freshwater ecosystems through sediment mobilisation, altered flow paths, and disruption to riparian connectivity. In particular, they consider the Application does not account for extreme rainfall events, potential erosion-control failure, or cumulative effects from multiple gully fills and relies on generic management plan measures while ignoring peak-event sediment pulses and extreme rainfall.

525 WCPS notes that construction materials and machinery can release pollutants, mobilise sediment, and introduce invasive species. They say that relying on assumed "perfect" ESCP and CEMP implementation in a catchment already trending downwards in terms of water quality is ecologically untenable.

Contact response to comments

526 In response to the Panel's Minute 3[175] Contact confirmed[176] that consent condition CM5(d) refers to the stabilisation of all exposed areas associated with internal roading and hardstand platforms. Contact advised that the placement of the pavement hardfill material will be effective in stabilising these areas and this will be undertaken within five working days of the completion of establishment works in areas located within the

[175] Request for further information under s 67(3) of the FTAA.
[176] Memorandum of Counsel for Contact Energy Limited in Response to Minute 3 of The Expert Panel dated 12 December 2025.

Jedburgh Plateau within 50m of a downstream waterbody, and as soon as practicable for all other areas within the Project Site.

527 Consent condition CM5(e) refers to the stabilisation of all exposed landscape areas (excluding proposed roads and platforms, and excavations in rock) which will be applied within ten working days of completion of works in these areas that are located within the Jedburgh Plateau and within 50m of a downstream waterbody.

528 For other landscaped areas within the Project Site, stabilisation will be undertaken as soon as practicable.

529 Contact further advised that during high intensity rainfall events it is possible that the water clarity standards specified in the consent conditions will be unable to be met. As a result, Contact suggested that high intensity rainfall events should be considered as a 'natural cause' and that during such events water clarity standards would not apply.

530 In its s 55 response Contact provided a general response to the s53 comments[177], including matters related to erosion and sediment control.

531 Regarding the SCB, Contact confirmed that earthworks and fill disposal effects have been carefully assessed and will be addressed through a detailed condition and management plan regime.

532 SCB's concern regarding the on-site concrete batching has been further considered, and the consent conditions specifically require the EMP to set out the specific measures to contain and manage contaminant runoff and stormwater runoff from the concrete batching plants. Those measures will be subject to certification by SRC. Contact suggests that a separate concrete wash water management plan is not necessary.

533 Regarding SRC, Contact noted its general comfort with the Project which confirms the care taken in its design and the effects management measures to be implemented. Contact noted agreement as to the importance of the consent conditions and giving effect to these, and also noted the detailed monitoring and reporting requirements included in the conditions.

534 Contact provided a detailed technical review[178] relating to the 'technical review' comments provided by WCPS.

535 Contact's erosion and sediment control expert[179] confirms that water quality will be monitored at regular intervals during earthworks to ensure that erosion and sediment controls are performing as intended, that the receiving water quality standards are being met, and that existing freshwater ecology values are protected. Water quality monitoring will include measurements of water clarity, fine sediment deposition and ecosystem health.

[177] Buddle Findlay 2026. Response by Contact Energy Limited to comments from invited persons and Section 51 reports. 14 January 2026 including Contact Energy Response to West Catlins Preservation Society Technical Table.
[178] Ibid.
[179] Mr Luke Gordan, Riley Consultants.

536 If the water quality standards are not being met, any necessary maintenance or other appropriate measures will be undertaken immediately to ensure the ongoing and future effectiveness of water quality controls.

537 Contact's erosion and sediment control expert notes the Project is to use culverts at stream crossings (except for one bridge) which, once established and operational, will minimise disturbance to the stream bed and avoid sediment disturbance to downstream reaches. Appropriate erosion and sediment control measures will be implemented during the construction of the stream crossings to minimise stream disturbance to the extent practicable.

538 Careful consideration has been given to the location of SFD areas to ensure that the risk of sediment mobilisation has been minimised. Surplus fill disposal will not take place in any permanent or intermittent rivers or streams.

539 Erosion and sediment control measures will be monitored to ensure appropriate performance and to identify any issues that arise. If the monitoring indicates that sediment or other potential contaminant control measures are not working appropriately, then maintenance or other appropriate measures will be undertaken to ensure the ongoing and future effectiveness of the control measure in question.

540 The SFDs will comprise heavily compacted 'engineered fill' only at the structural fill toe supports (which apply to shoulder and gully head types only). Most of the shoulder and gully type fill sites (and all of the blanket type fill sites) will comprise lightly compacted fill, which will support infiltration and subsurface flow. The structural fill toe, along with sub soil drainage, will ensure hill slope stability.

541 Contact's erosion and sediment control expert confirmed the suitability of consent conditions CM7 and CM7A that regulate the water quality monitoring requirements and quality of surface water discharges during construction. The water quality within water bodies will be monitored at the nearest mixing zone directly downstream of the relevant earthworks sub-catchment.

Panel Minutes 6 and 6A

542 In response to the Panel's Minutes 6[180] and 6A[181] a Joint Witness Statement (JWS)[182] was provided.

Stabilisation

543 The JWS confirms that the EMP will include details of ground stabilisation measures and measures to ensure all disturbed worked areas are progressively rehabilitated and revegetated as soon as practicable following earthworks.

544 The Application's consent conditions set out a series of requirements relating to stabilisation of earthworks that must be complied with during construction of the Project. This includes timing requirements and progressive rehabilitation of exposed areas.

[180] Minute 6 of the Expert Panel Earthworks Expert Conferencing Session Southland Wind Farm [FTAA-2508-1095] dated 23 January 2026
[181] Minute 6a of the Expert Panel Earthworks expert conference Southland Wind Farm [FTAA-2508-1095] 10 February 2026.
[182] Joint Statement of Experts: Earthworks 16 February 2026.

545 The JWS confirms that the intention of the SSMPs is to ensure that construction management measures are appropriate for the different areas across the Project Site where works will occur. This includes the specific erosion and sediment control measures that will be applied to each stage of earthworks within discrete areas of the Site and details of stabilisation measures. The CEMP and EMP must be certified by SRC and SDC before construction begins.

546 The JWS concluded that in order to provide additional certainty that earthwork areas will not be left exposed for long periods of time, it is appropriate to amend consent condition CM7(d)[183] to specify a stabilisation timeframe. This specifies that i*f an area is not subject to earthworks activity (including cut and fill batters) for a period of 14 days, or a time otherwise specified within a SSMP, the area shall be stabilised.* All JWS experts agree this amendment provides greater certainty as to the stabilisation timeframes.

Water Quality Standards

547 The JWS confirmed the desire to align the water quality monitoring standards in the consent conditions with the standards set out in Appendix E of the PSWLP, including the exception for 'natural causes'. However, the experts agreed it was appropriate to omit the reference to 'natural causes' and instead specify a heavy rainfall event when the relevant water quality standards are not required to be met. A 2-year Average Recurrence Interval (ARI) rain event is proposed as this aligns with the expected period over which the earthworks associated with the construction of the Project will occur.

548 The proposed approach following a rain event, is such that where discharges from a sediment control device (or devices) exceed the relevant water quality standards outlined in the consent conditions, an assessment will be undertaken to determine whether the rain event met, or exceeded, the definition of a 2-year ARI at the specific location. If the rainfall recorded on site exceeds that threshold, then the event will be considered a 'heavy rainfall event' and the discharges that exceeded the water quality standards will not be treated as a breach of the consent conditions.

549 The JWS participants agreed that the standards initially listed in conditions CM7A and CM7B should be refined to more specifically relate to factors most relevant to the Project.

550 The JWS also gave further consideration to whether the refined water quality standards should apply at all times, or to also include an exception for a 2-year ARI rain event or greater, as proposed for consent condition CM5(g)[184]. In that regard the buildup of fine sediment on the bed is more a measure of cumulative effects on the substrate of a stream bed over time as a result of the potential discharges. Monthly monitoring would be used to determine whether any build-up of fine sediment downstream of the discharge point results from the Project's construction or from natural causes. Taking this into account, the JWS participants are of the view that an ARI rain event exception is not applicable in this circumstance.

551 However, it would be logical that the water quality standard relating to a downstream percentage change in clarity should have the 2-year ARI (or greater) exclusion because that parameter may be more difficult to achieve following a high rainfall event. The JWS recorded that that suggestion was based primarily on the potential for higher variability

[183] Now CM7.1.d.
[184] Now CM5.h.

in water clarity upstream and downstream of the discharge point, compared with more frequent rainfall events, where sediment can be accommodated by the sediment control devices.

Response to Monitoring

552 The JWS noted s 53 comments suggesting more regular monitoring and reporting for water quality and wetland monitoring. Water quality monitoring and wetland monitoring are two separate matters and should be addressed independently. Water quality monitoring is largely to address effects during construction whilst the wetland monitoring is primarily a post-construction monitoring measure to confirm effects of the Project on wetlands do not exceed what is anticipated.

553 Conditions require monthly monitoring during construction of the Project to confirm that if there is evidence of the relevant water quality standards downstream of the site not being met then immediate actions are required.

554 The JWS concluded that the current condition framework is adequate in this regard but suggested minor amendments to condition wording to clarify the monitoring frequency

Statutory Instruments

555 The PSWLP sets out water quality outcomes and water quality standards[185] that may apply to activities. We are satisfied that the consent conditions (including relevant management plans) have appropriately incorporated those outcomes and standards and that the PSWLP does not weigh against granting of the approvals sought.

Panel Findings

556 The Application includes 166.3ha of earthworks and we find that to be a substantial area of earthworks requiring careful management and a detailed approach to erosion and sediment controls. This extent of earthworks forms a key background focus of our decision making.

557 We find that Contact has adequately identified and assessed the potential effects of the Project on erosion and has proposed effective sediment control measures.

558 We accept the JWS conclusions that we referred to earlier, in particular the stabilisation of earthworks and the management responses that will be triggered by monitoring data. These are key aspects of successful erosion and sediment control. Provision for a 14-day maximum period by which time the subject area must be stabilised, is a key means of ensuring stabilised surfaces are achieved as soon as practicable. Combined with management plan provisions this provides confidence that a progressive stabilisation approach, and consequential reduction in sediment generation and discharge, will occur.

559 Monitoring is proposed whereby sampling will occur at a minimum of monthly intervals during construction to determine compliance with water quality standards specified in consent conditions. In addition, SRC will have the ability to undertake water quality sampling at any time as part of its compliance role.

[185] PSWLP, Appendix E Receiving Water Quality Standards.

560 If water quality sampling reveals an issue, and this is attributable to rainfall events, then Contact will be required to undertake any necessary maintenance of the erosion and sediment control features, or take other appropriate measures, in order to ensure the ongoing and future effectiveness of the Project's water quality controls.

561 The JWS suggested that the water quality standards specified in consent conditions would apply up until a 2-year ARI rain event occurs. We support that approach for the specific discharges from sediment devices. However, we do not consider it is appropriate for water quality monitoring associated with determining a water clarity percentage change from upstream to downstream of an earthworks area. The reason being that if rain related discharges from sediment devices result in a reduced water clarity, this will be matched by a corresponding upstream reduction in water clarity and therefore the 20% change at the reasonable mixing zone downstream will still be able to be achieved. If the allowable 20% change in water clarity is exceeded, then this indicates potential issues with the erosion and sediment control measures which in turn should necessitate remedial measures being implemented.

562 Notwithstanding the s 53 comments from SCB and WCPS, we find that the erosion and sediment control approach proposed for the Project is robust and reflects best practice. In particular, compliance with the conditions of consent will ensure that the matters of concern to those commentors will be adequately addressed.

563 We find that the management plan process for erosion and sediment control is a critical element and needs to be supported by a set of robust conditions. This includes the provision for independent reviews and certification of these management plans.

564 The management plan process and conditions[186] set a clear objective for the EMP and the EMP must also achieve a set of specified outcomes.

565 We are satisfied that the conditions of consent imposed (including the independent review and subsequent council certification of the CEMP, EMP and ESCP) will result in potential erosion and sediment control effects being addressed in a robust and enforceable manner.

Conditions

566 Contact proposed a range of consent conditions associated with erosion and sediment control including a management plan framework, earthworks stabilisation, water quality monitoring and the specification of water quality outcomes. We found the conditions to generally be appropriate; however we made numerous amendments to improve their clarity and certainty, including consent conditions CM1 to CM8 with respect to earthworks, consent conditions CM7 and CM7A with respect to monitoring and consent condition CM13 with respect to works in streams.

567 Overall, we find that potential erosion and sediment impacts do not weigh against granting the approvals sought.

[186] Consent condition CM3.

E7 Other Construction Effects

568 The Application[187] confirms that due to the large volumes of concrete required to construct each wind turbine foundation, up to two temporary concrete batching plant facilities will be established on the Project Site during construction. Indicative locations of those facilities are shown on Drawings 220372-1125 and 1126[188], with the final locations within the two identified envelope areas to be confirmed as part of detailed design.

569 Specific perimeter controls will be implemented at the concrete batching plant facilities to capture surface water, sediment and contaminant runoff during the operation life of the facilities. The batching plants will have a stabilised earth bund constructed around their perimeter to divert and contain clean water runoff.

570 That containment area will be lined to prevent any water seepage into the natural ground. Runoff will be diverted to a constructed pond and the outlet from that pond will be controlled by a manually operated valve. If there is spilling of cement in the concrete batching plant area, the valve will be temporarily shut until the spillage is removed. The concrete batching plant pond's discharge water will be tested and its pH measured and if required, the water will be chemically treated to reduce the pH to acceptable discharge levels.

571 The Application includes consent conditions[189] that require the EMP to confirm the location of the concrete batching facilities within the Project Site and the specific measures to contain and manage contaminant runoff and stormwater runoff from the concrete batching plants.

572 The Application states[190] that a secure enclosed facility for the storage of hazardous substances will be established. Prior to any hazardous substances being brought to the Site, any specific requirements in relation to the storage, use and disposal of the substances, will be confirmed and implemented.

573 All personnel using hazardous substances are to be suitably trained and qualified. This is to ensure that appropriate personnel are trained in the storage as well as disposal of such substances. Daily or weekly inspections of the hazardous substance control measures are to occur as appropriate and in the surrounding vicinity, in order to confirm that the measures are achieving their purpose.

574 The Application includes a consent condition[191] that requires any hazardous substances stored on site to be appropriately stored in a bunded location (if required due to the nature of the substance), in accordance with the Hazardous Substances and New Organisms Act 1996; and any refuelling of machinery shall take place at least 20m away from a stream.

575 Flocculants may be used for water quality improvement in sediment control ponds. A separate Flocculation Management Plan[192] will require specific bench test results and,

[187] Application documents J8 and J9.
[188] Application document K17.
[189] Consent condition CM3.
[190] Section 2.6 of Application documents J8.
[191] Consent condition CM11.
[192] Consent condition CM3B.

dependent upon the nature of the flocculant to be used, the details of optimum dose rates. The FMP will include a flocculant spill contingency plan.

576 The Application states that dust can be created during the construction phase of the Project and can affect vegetation, be a nuisance to personnel, and contribute to sediment loads. Activities considered likely to generate dust include:

(a) Vehicle movements;

(b) Removal and replacement of topsoil;

(c) Excavation of material;

(d) Stockpiles, especially uplifting of material from stockpiles;

(e) Loading of vehicles;

(f) Site clearance;

(g) Track construction; and

(h) Foundation construction.

577 In the event of dust generation becoming obvious, appropriate measures to reduce the dust will be implemented. These include:

(a) Ensuring the track surface remains in a damp condition utilising water trucks as necessary until exposed earthworks are stabilised;

(b) Limiting Site traffic speed to reduce the production of dust;

(c) Staging earthworks during construction in order to isolate and reduce the area of exposed earthworks and re-vegetating exposed surfaces as soon as practical;

(d) Implementing stabilised Project Site and fill disposal site entrance and entry and exit points and providing a wheel wash at the main Site entrance;

(e) Covering fill sites in more sensitive locations;

(f) Reduced stockpile height and slopes to reduce the wind entrainment of dust;

(g) If necessary, limiting earthwork activities in specific areas during periods of high wind and in the extreme event that remedial measures are found to be ineffective for the control of dust, works may be suspended as a precautionary measure until conditions are suitable for resumption.

578 The Application includes consent conditions[193] requiring dust management procedures to be developed and incorporated into the EMP, including specific dust control measures to be applied to each stage of earthworks and fill disposal sites.

[193] Consent conditions CM3 and CM19 to CM21.

Comments Received

579 General construction effects were raised in comments by SCB, SRC and WCPS and we outlined the nature of those comments in section E6 of our Decision.

Contact response to comments

580 Contact responded to specific comments[194] as outlined below.

581 To control the spread of invasive species, appropriate controls will be put in place including the implementation of a Biosecurity Management Plan as well as measures set out in the CEMP. The objective of the Biosecurity Management Plan is to establish protocols for the management of invasive species, including didymo, intended to protect the surrounding waterways.

582 The Project will also rely on physical controls as the primary method for avoiding adverse environmental outcomes during construction. Those physical controls will be reinforced by procedural controls, including responses to accidental spills and discharges.

583 Sewage (during construction) is to be limited to staff facilities at appropriately located Site compound areas and will be disposed of off-site.

584 Concrete pours for the turbine (and transmission pylon) foundations will be self-contained within below ground excavations. As we discussed in section E6, the concrete batching plants themselves will also have robust physical controls in place to prevent the release of contaminants.

Statutory Instruments

585 No relevant statutory instruments were brought to our attention.

Panel Findings

586 We find that Contact has adequately assessed potential adverse construction effects, including the concerns expressed by the s 53 commentators. These effects are also addressed in section E6 of this Decision which has a primary focus on erosion and sediment control.

587 The use of management plans is an important means of managing the potential effects of construction activities. We address the management plan approach in section E1 of this Decision. We support the requirement for a Flocculation Management Plan and incorporating details of concrete batching plant design and containment systems in the CEMP.

588 We find that subject to the imposition of appropriate conditions of consent, that potential construction related adverse effects will be suitably avoided, remedied or mitigated. Consequently, construction effects do not weigh against a grant of consent.

Conditions

[194] Contact Energy Response to West Catlins Preservation Society Technical Table. Appendix 13 of Buddle Findlay 2026.

589 Contact proposed a suite of conditions specific to construction activities (CM9 to CM12), along with condition CM3 requiring details to be provided of the location of the concrete batching facilities within the Project Site and the specific measures to contain and manage contaminant runoff and construction stormwater runoff from the concrete batching plants.

590 Conditions CM19 to 21 provide for dust management and that there will be no discharge of dust from the Project Site that is noxious, offensive or objectionable to such an extent that it has an adverse effect on the environment. In particular condition CM20 includes a set of measures that will be implemented to manage dust and includes:

(a) Utilisation of a water truck to dampen exposed surfaces until exposed earthworks are stabilised;

(b) Limiting site traffic speeds;

(c) Staging earthworks to isolate and reduce the area of exposed earthworks and re-vegetate exposed surfaces as soon as practicable;

(d) Stabilising entrances at the entry and exit points of the Project Site, and providing a wheel wash at the main entrance to the Project Site; and

(e) Limiting earthwork activities in specific areas during high winds

591 We find Contact's proposed conditions to be generally appropriate, and we have largely adopted these conditions subject to a number of amendments to improve their clarity and certainty.

E8 Hydrology Effects

592 The Application sets out effects of proposed water takes on Hydrology at s5.8 of Part B.01.

593 We note that the Project also has potential effects on the hydrology of the wetlands on the Jedburgh Plateau. We discuss those effects in Part E4 of our Decision.

594 Contact indicated that the Project would require water during construction for activities such as earthworks, concrete batching and dust suppression. They estimated that the maximum daily water volume required would be up to 500 m^3. However, demand would likely be between 250-350 m^3 per day. To meet this demand, Contact seeks to take water from two sites within the Wind Farm Site, one site on a tributary to the Mimihau Stream South Branch (M1) and the other on the Mimihau Stream South Branch (M2)[195].

595 Contact provided an analysis of a 2-year (2023-2025) flow record at the two proposed water take locations (Riley 2025)[196] and an analysis of existing flow data from the Mimihau Stream catchment and neighbouring areas (Palmer 2025)[197].

[195] Identified as M1 and M2 in Part G Figure Aquatic Ecology-2, Page 52.
[196] Part H09; Southland Wind Farm Technical Assessment #9: Construction Effects, Luke David, Gordon Ladley, Vaughan Martin and Lennie Palmer (Riley), 18 August 2025.
[197] Part H09d; Southland Wind Farm Technical Assessment #9: Construction Effects - Annexure D. Hydrology Assessment Mimihau Stream Catchment, Lennie Palmer, 5 August 2025.

596 We queried whether the 2-year record of measured flows at the proposed take sites was representative of flows that are likely to be experienced over a longer period (Minute 3, Question 11). Contact responded to our query with a Memorandum (Harding 2025)[198] which stated that based on longer-term flow and rainfall records at nearby sites, the 2023-2025 period was slightly (1.6-3.0%) wetter than normal. However, Mr Harding noted that this is a relatively small difference and concluded that the record is "essentially representative of the long-term record."

597 Contact is seeking a water take of a maximum of 5 l/s at each site M1 and M2, but restricted when stream flows are Q95 (or lower), at which point the water take would need to comply with the permitted activity limits set in the PSWLP.

598 The Application indicated that water storage tanks or ponds are proposed in order to store water during periods of low demand and draw down the storage when periods of high demand coincide with periods of low stream flow.

599 Ryder and Goldsmith (2025)[199] reported that based on this approach, the water take would "never exceed 8% of the stream flow at M1 and 6% of the stream flow at M2." They consider that these flow allocation and minimum flow limits will be "sufficient to maintain existing stream ecosystem values."

Comments Received

600 Comments on hydrology were received from SCB and WCPS.

601 SCB raised concerns about proposed water-take conditions and considered that the minimum flow requirements were insufficiently described or absent.

602 WCPS noted that low flows potentially intensify thermal stress, reduce dissolved oxygen and contract habitat availability. They consider that the two years of flow data at the proposed take sites is an insufficient baseline to describe a long-term flow regime. They highlighted that "if the dataset contains no true low-flow periods, then ecological risk is systematically underestimated." They also consider that the implications for downstream flows, habitat availability, and ecological resilience are not assessed and that the application does not provide evidence that the system will recover between low-flow events.

Contact response to comments

603 In response to SCB concerns, Contact reiterated that "minimum flow requirements for the proposed water take are clearly set out in proposed conditions."

604 In relation to WCPS comments, Contact's experts reiterated that water takes during periods of low flow would represent <8% of the flow at M1 and <6% at M2. They stated that these changes in flow would be "barely detectable by flow gauging and would result in only small changes in water depths and velocities." They also highlighted that "water quality, including water temperature, will be monitored during abstraction to confirm that there are no ecological effects downstream." They reiterated that the water supply

[198] Memo to Expert Panel: Southland Wind Farm – stream flows at water take locations. Steve Harding, 9 December 2025.
[199] Part H08; Southland Wind Farm Technical Assessment #8: Freshwater Ecology, Greg Ryder and Ruth Goldsmith, 18 August 2025.

will only be required during the construction phase of the wind farm and therefore consider that "potential effects of downstream flow reductions are temporary only and not long-term."

Statutory Instruments

605 We referred to PSWLP provisions earlier in this Part of our Decision and expand on relevant matters in Part G.

Panel Findings

606 We initially shared WCPS's concern about the relatively short hydrological record at the proposed water take sites. However, Contact's response to our query satisfied us that the estimated flow statistics are reasonably representative of a longer-term flow record for these sites.

607 We agree with Drs Ryder and Goldsmith that the proposed flow allocation and minimum flow limits are relatively conservative and, based on relevant national and regional guidance, will be sufficient to maintain existing stream ecosystem values.

608 We note that the combination of the two takes will have a small cumulative effect on flows below the confluence of the streams where the takes are proposed. However, the potential combined effects of the two takes will quickly reduce further downstream with the flow contribution from other tributaries. This means that there will be negligible effects of the takes on the downstream values recognised by the Mataura Water Conservation Order.

Conditions

609 We find Contact's proposed conditions on water takes to be appropriate.

E9 Archaeological Effects

610 The Application addresses archaeological and historic heritage effects in ss 2.9 and 5.9 of Part B, as well as in Part E and Technical Assessment 13 authored by Russell Cook (2025)[200]. Part E of the Application included the information required by cls 2 of Sch 8 of the FTAA. The record of Titles and landowner consent for the proposed Archaeological Authority was provided in Parts L and N (document N03) of the Application.

611 Two archaeological sites were identified within the Project Site (sites G46/13[201] and G46/17[202]). While the Project will not disturb those sites, there was the potential for Project earthworks to result in the accidental discovery of archaeological material (most probably related to historical mana whenua land use) on other parts of the Site. Accordingly, Contact seeks a general Site-wide Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). Contact also prepared an Archaeological Management Plan (ArMP) that was contained in Part J of the Application. The ArMP details procedures that would be implemented to manage archaeological material discovered during Project earthworks and construction activities, monitoring of earthworks within a 100m buffer zone around the site marker and stream crossing

[200] Part H; Southland Wind Farm Technical Assessment #13: Archaeology, Russell Cook 18 August 2025.
[201] An artefact (adze) find that was examined by Cook and no archaeological material was found.
[202] The location of two musterer's huts that relate to the historic function of the property as part of the Venlaw Run.

location for site G46/13, and the involvement of Te Ao Mārama Inc (TAMI) for mana whenua sites.

612 As would be expected, Contact discussed the Application and Archaeological Authority (including conditions) with TAMI and provided the draft ArMP to them. Contact advised that TAMI were comfortable with Contact seeking an Archaeological Authority for the whole Site.

Comments Received

613 Heritage New Zealand Pouhere Taonga (HNZPT) provided a report under s 51(2) of the FTAA. That report addresses s 59(1)(a) of the HNZPTA, the matters set out in cls 3 and 4 of Schedule 8 of the FTAA, and the "Statement of General Tauākī Mātai Whaipara, Archaeology Statement" included in "He Tauākī Kaupapahere Whānui, Statements of General Policy" dated October 2025. HNZPT advise that granting the Archaeological Authority, subject to appropriate conditions, would be consistent with the matters set out in s 59(1)(a) of the HNZPTA and the objectives and policies of the Statement of General Policy.

614 HNZPT reviewed the proposed mitigation measures included in the ArMP and agreed they would mitigate potential adverse effects on the archaeological values within the Site. HNZPT recommend that the Archaeological Authority be granted, subject to conditions set out in their s 51 report.

615 Section 53 comments or responses on archaeological and historic heritage were provided by the Minister for Culture and Heritage, SDC, HNZPT, West Catlins Preservation Society, and TAMI.

616 The Minister for Culture and Heritage responded that he had no comments.

617 SDC noted that s 8.20.9 of the Application addresses the relevant objectives and policies of SDP Chapter 2.5 Historic Heritage. It noted Contact had undertaken an assessment of the historic heritage values of the Site and had proposed measures to avoid any direct effects on those values. SDC consider that the Project to be consistent with the SDP Historic Heritage objectives and policies.

618 WCPS queried whether the Project would affect site G46/17.

619 TAMI addressed amendments to the Archaeological Authority conditions that HNZPT had recommended in their s 51 report. TAMI did not support those recommendations. They advise that:

(a) Ngai Tahu ki Murihiku had actively engaged with Contact regarding the contents of the HNZPT's s 51 report and had proposed amendments to Contact's Archaeological Authority conditions to address HNZPT's issues; and

(b) Ngai Tahu ki Murihiku supported updated Archaeological Authority conditions[203] proposed by Contact. Those conditions took into consideration the HNZPT

[203] Attached Appendix 2 to the TAMI's 53 comments.

comments and reflected the long-term engagement and agreements that had occurred between Ngai Tahu ki Murihiku and Contact.

620 HNZTP advised there are no listed heritage places located within the Project Site. They again recommend that the Archaeological Authority be granted subject to recommended conditions and that the Authority be issued for site G46/13 and potential sites that were as yet unrecorded. It had reviewed the December 2025 conditions proposed by Contact (the conditions referred to by TAMI) and recommended some further amendments to them (noting the amendments set out in their s 53 comments superseded those set out in Appendix B of the HNZTP's s 51 report).

621 HNZTP continued to advise that G46/17 be excluded from the Authority as it would not be impacted by the proposed works. They recommended that the expiry date for the Authority be 5 years after the date of grant, consistent with s 54(4)(b) of the HNPZT Act.

Contact response to comments

622 Regarding WCPS, Contact responded that G46/17 will not be affected as, while it is only approximately 30m from the route of the indicative transmission line, it is over 200m from the nearest indicative transmission line tower and it is the tower where the physical works would be located. Additionally, site G46/17 is in a valley between two hills, and it would not be sensible to locate any towers in the valley (the optimal design is to have the towers on hills so that the line straddles over the valleys).

623 Nevertheless, Contact wish to retain site G46/17 in the Archaeological Authority.

624 On the matters raised by HNZPT, as part of Contact's s 55 response Ms Hunter and Ms Hankey for the Applicant advised that Contact's 14 January 2026 version of the Archaeological Authority conditions was prepared in consultation with TAMI. The conditions largely reflected HNZPT's suggested standard conditions, however, they had been refined to ensure TAMI was comfortable with the conditions and that cultural values were properly provided for.

625 In terms of the duration of the Archaeological Authority, Contact considered that it would be appropriate for the Authority to be granted for a duration of 10 years which aligned with the Project construction period. Contact observed that 10 years is much shorter than the maximum 35-year term provided for in clause 6(2) of Schedule 8 to the FTAA.

Statutory Instruments

626 Apart from the provisions of the SDP referred to by SDC and the legislative provisions addressed by HNZTP, no other statutory instruments were brought to our attention.

Panel Findings

627 We find that:

(a) Contact has adequately assessed potential adverse effects of the Project on archaeological and historic heritage resources. Subject to the imposition of the Archaeological Authority conditions recommended by Contact in their s 55 response, we are satisfied that any such potential adverse effects will be suitably avoided or mitigated;

(b) It is appropriate that TAMI (representing mana whenua) is comfortable with the final form of the Archaeological Authority conditions;

(c) We are content to retain site G46/17 in Archaeological Authority and observe doing so creates no mischief; and

(d) The duration of the Archaeological Authority should be 10 years for the reasons outlined in Contact's s 55 response; and

(e) The Archaeological Authority should be granted subject to the conditions set out in Appendix F of this Decision.

Conditions

628 We discussed the Archaeological Authority conditions above.

629 We observe that the Application (s 5.9 of Part B) notes that Contact supports TAMI's preference for the inclusion of resource consent conditions to address archaeology, in addition to conditions on the Archaeological Authority. While our general approach is to avoid duplicating conditions across the various approvals, in this case we are content with the approach preferred by TAMI and Contact.

E10 Traffic Effects

630 Traffic effects are addressed in ss 2.14 and 5.10 of Part B of the Application. Contact also provided a technical assessment of those effects undertaken by Chris Rossiter (2025)[204].

631 Construction of the Project is expected to take around 24 to 30 months to complete and will involve the transportation of people and windfarm components along public roads to the Site and the construction of access roads within the Site. The earthworks associated with access roads within the Site are addressed in section E6 of this Decision.

632 There are two access routes to the Project Site. The northern access route is via SH93 and Kaiwera Downs Road. The southern access route follows rural roads from Wyndham to the Wind Farm Site, including Mimihau School Road, Waiarikiki Mimihau Road and Venlaw Road. The proposed route for over-weight and over-dimension loads was designed in consultation with GDC, SDC and Invercargill City Council, taking into consideration the transport route used for the Kaiwera Downs Wind Farm.

633 Transporters carrying over-weight and over-dimension loads will likely depart from South Port between 1:00am and 3:00am. Special vehicle permits will be obtained from NZTA, Invercargill City Council, SDC and GDC. Rossiter (2025) undertook vehicle tracking, based on the longest of the heavy vehicle loads (the longest tower section) and the blade transporters, to identify where mobile road closures will be required to minimise conflict with general traffic. Rossiter also identified where other works would be required to enable the transport of the over-weight and over-dimension loads.

634 Signals on narrow sections of the road or passing bays are proposed to enable two-way movement along the parts of the access routes that are unsealed.

[204] Part H, Southland Wind Farm, Technical Assessment #12: Transport, Chris Rossiter, 18 August 2025.

635 Before commencing construction works, Contact is to record the existing state of the public roads to be used in a Base Condition Report. Contact will also identify reasonably foreseeable pavement wear issues that might arise from the overweight loads and provide that information to the road controlling authorities (NZTA, South Roads, GDC). At the completion of construction, or when an issue arises, another inspection will be undertaken to determine what Contact needs to do to remedy the Project's adverse effects on road pavements. During construction, Contact will also carry out regular maintenance of the unsealed pavements on Kaiwera Downs Road, Waiarikiki Mimihau Road and Venlaw Road.

636 These measures are to be outlined in the Construction Traffic Management Plan (CTMP). A draft of the CTMP was included in Part J of the Application. We have reviewed that draft document and find that it suitably addresses the expected range of matters arising[205]. The draft CTMP will be finalised in consultation with stakeholders and the councils during detailed Project design. The CTMP will address any potentially sensitive land uses along the access routes, such as schools, and provide flexibility to accommodate rural-related activities. The CTMP will be provided to stakeholders, including residents close to the construction vehicle access routes and the Community Liaison Group, to ensure they are informed on how the Project will affect the roads they use.

637 We note that Rossiter (2025) considered that the construction traffic would not contribute to any noticeable effects on the operation of the wider roading network. With the above measures in place, he considers the Project would not have a significant impact in terms of delays, safety of the road network or pavement damage.

638 Once the Project is operational around 10 to 14 full time staff will be employed, traveling to the Site in light vehicles. At times additional maintenance staff will generate less than 20 additional light vehicle movements per day. Rossiter (2025) considers the operational transport effects of the Project to be negligible and would not contribute to noticeable effects on the roading network.

Comments Received

639 Comments on traffic effects were provided by GDC, SDC, SDC's Waihōpai Toetoe Community Board (WTCB), the West Catlins Preservation Society (WCPS) and Warren Ayers. Notably, no comments were provided by the New Zealand Transport Agency (NZTA).

640 GDC suggested amended wording for consent condition TR3 that more clearly sets out the need to obtain approval from the relevant road controlling authority for any physical roading works (including replacement or upgrading of existing bridges and culverts which do not currently have the capacity to carry the proposed loads) that would be undertaken (and funded by) contact.

641 SDC considered that Contact's assessment of effects adequately identified issues likely to affect the roading network and the proposed consent conditions and CTMP would enable SDC's roading requirements or issues to be addressed. SDC advised that the

[205] Including site access, travel routes; traffic volumes and timing of movements; managing over-weight and over-dimension loads; driver protocols; road improvements and pavement maintenance and monitoring, temporary traffic management controls; reducing conflict with stock droving students travelling to and from school; and communication and complaints protocols.

Application had been provided to relevant Council departments for comment on roading and transportation issues. Nick Lewis (SDC Roading Contract Manager) did not identify any significant concerns but provided comments on the relevant conditions and management plans. Mr Lewis suggested that:

(a) condition TR2(g) be amended to include the SDC and Invercargill City Council;

(b) SDC should be consulted regarding the appropriate dimensions of passing bays to be formed on roads within the District; and

(c) the intersection of Ferry Street and Balaclava Street be included in this list of locations where roading and intersections may require temporary works to enable the movement of over-dimensional loads.

642 WTCB was concerned about increased vehicle movements and their impact on local roading infrastructure, particularly gravel roads. It also suggested that traffic management plans be implemented for farmers moving stock on the proposed access roads.

643 WCPS queried the proposed road pavement within the Site, the effects of road traffic on fauna, and the effects of new road construction on predator movements. We address the latter two matters in section E4 of this Decision.

644 Warren Ayers expressed concern about the state of the Waiarikiki – Mimihau Road and its use as a school bus route and for stock movements. He considered Contact should consult with farmers residing on the Waiarikiki – Mimihau Road and prepare a traffic management plan that covered livestock movements. He also suggested that Contact instal underpasses to provide for the safe movement of stock and people in locations identified by landowners or occupiers.

Contact response to comments

645 In its s 55 response Contact advised:

(a) It agrees with the amended version of condition TR3 suggested by GDC;

(b) SDC has suggested minor amendments to the conditions (which had been largely accepted) and edits to the Construction Traffic Management Plan (CTMP). The CTMP is to be updated in discussion with SDC as necessary through the post consenting management plan certification process;

(c) Regarding the WTCB, Contact agreed that effects on local road infrastructure should be assessed, addressed and reflected in the CTMP. Conditions to that end have been proposed and agreed with GDC and SDC (noting minor updates Contact had proposing in response to SDC's comments); and

(d) On Mr Ayer's concerns, condition TR2(n) already requires the CTMP to include details of the management practices to be adopted to reduce conflict with stock droving on the relevant roads and minimise any risk to students travelling to and from school. Condition TR6 addresses roading maintenance, repair or reconstruction, including the maintenance of unsealed sections of local roads used by Project.

Statutory Instruments

646 Apart from the district plans that we address in Part G3 of this Decision, no other relevant statutory instruments were brought to our attention.

Panel Findings

647 We find that Contact has adequately assessed potential adverse traffic effects, including the concerns expressed by the s 53 commentators. We find that subject to the imposition of appropriate conditions of consent, those potential adverse effects will be suitably avoided, remedied or mitigated. Consequently, traffic effects do not weigh against a grant of consent.

Conditions

648 Contact's Application includes a suite of conditions specific to construction traffic management (TR1-TR8), including the requirements for a CTMP (including certification and consultation requirements), as well as base and post-construction roading condition reports and assigning financial responsibility for roading improvements and maintenance occasioned by the Project.

649 We find Contact's proposed conditions to be generally appropriate, but we have amended Conditions TR2(e), TR2(g) and TR2 (j) in response to the suggestions of SDC's Roading Contract Manager. We do not consider those amendments to be unduly onerous.

E11 Noise Effects

650 Construction and operational (turbine and non-turbine) noise is addressed in ss 2.15 and 5.11 in Part B of the Application. Contact provided a technical assessment of those effects in Halstead (2025)[206]. The Panel notes the author of that assessment, Miklin Halstead of Marshall Day Acoustics Ltd, has suitable credentials for this work. In 2008 Mr Halstead chaired the working group that authored the New Zealand Standards "Acoustics – Measurement of Environmental Sound NZS 6801:2008" and "Acoustics – Environmental Noise NZS 6802:2008". In 2010 he served on the committee which drafted "NZS 6808:2010 Acoustics – Wind Farm Noise".

651 Mr Halstead's 38 years of practical experience includes assessments of other windfarms including Te Apiti, West Wind, Pohokura, Castle Hill, Te Rere Hau, Kaiwaikawa, Waipipi, Kaiwera Downs, Mt Munro, Huriwaka, Harapaki and Pahiatua windfarms. He prepared the acoustic assessment for the previous Covid Fast-track consenting process for the Project.

652 Mr Halstead's assessment records the relevant district plan standards and applicable NZ Standards. It then identifies and considers the potential noise sources of the Project.

653 We note that to ensure compliance with the noise limits outlined in the relevant NZ Standards, Contact intends to prepare a final Operational Noise Assessment Report prior to the construction of the Project once the final wind farm layout is confirmed.

[206] Part H11; Southland Wind Farm Technical Assessment #11: Noise, Miklin Halstead, 18 August 2025.

654 Relevantly for our assessments that follow, Halstead (2025) advises that the daytime background sound level at neighbouring residential sites was measured during August and September 2023 and was typically around 30 dB L_{A90}.

Construction Noise

655 Construction noise was modelled for significant construction activities[207] at nine dwellings near the Project Site that will receive the greatest noise levels. Generally, the construction noise effects were considered to be minor as they equalled or were very close to the typical level of daytime noise, and not more than ten decibels above the "calm conditions" background noise level. Mr Halstead advised that noise levels that are ten decibels above a background sound level were generally considered acceptable, because construction noise is tolerated at higher levels due to its temporary nature.

656 For the closest dwellings, while initial entrance and road construction will cause a noticeable increase in daytime noise levels, the noise will be below the SDC[208] and GDC[209] District Plan daytime permitted activity noise limits and comply by a large margin with construction noise limits for long-term construction activities in NZ Standard 6803:1999 Acoustics – Construction Noise ("NZS6803:1999").

657 At all dwellings external to the Project, construction activities (including blasting within the Site and construction of the transmission line towers and GIP) were predicted to comply with daytime and night-time permitted activity limits (and with NZS6803:1999 at all times) and therefore, would have a negligible adverse noise effect.

658 Construction noise, including blasting, will be managed by a Construction Noise Management Plan (CNMP) that will be prepared in accordance with NZS6803:1999 and form part of the CEMP, as well as compliance with the proposed conditions of consent. A draft CEMP was included in Part J of the Application, and it appropriately addresses the matters that we would expect to see in such a document[210].

Construction Traffic Noise

659 Halstead (2025) suggested that NZS6803:1999 was also the relevant standard against which to assess potential traffic noise.

660 There will be elevated traffic noise, particularly for residents along Venlaw Road (by around 6 dB there), when aggregate is being brought to the Site. However, that effect

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[207] Construction of turbine foundations and platforms (involving a large bulldozer or scraper, loader, dump trucks, small cranes, delivery trucks, concrete delivery trucks and pumping); construction of the transmission line and GIP; operation of the concrete batching facilities required for construction; blasting (if required) for foundation excavation; construction of internal roads within the Project Site; and construction traffic noise on internal Site roads.

[208] Southland District Plan noise limits when measured at the boundary: Daytime – 65 dB LAeq and 85 dB LAFmax and Night-time – 45 dB LAeq and 70 dB LAFmax and at the notional boundary: Daytime – 50 dB LAeq and 75 dB LAFmax and Night-time – 40 dB LAeq and 70 dB LAFmax.

[209] Gore District Plan noise limits when measured at the notional boundary: Daytime – 55 dB LAeq and Night-time – 40 dB LAeq and 75 dB LAFmax.

[210] Including operating hours; details on the machinery and equipment to be utilised during the construction works and mitigation measures associated with that machinery and equipment; noise predictions; managing complaints; Project construction noise standards in accordance with NZS6803:1999; identification of dwellings within the 35dBA noise contour; a hierarchy of management and mitigation options and the BPO; monitoring and reporting; dealing with exceedances; communication and engagement with nearby residents and stakeholders.

is temporary and will cease once these construction activities are completed. Consequently, Mr Halstead considers no mitigation is necessary.

661 Overweight and over-sized wind turbine components would be transported through residential areas during the night-time. Mr Halstead considers that might potentially result in momentary noise levels of around 65 to 70 dB LAeq. He considered the frequency of those vehicle movements would not be dissimilar to forestry vehicle movements and so they did not represent a significant change or noise effect. This aspect of the Project is able to be managed through the CTMP required by condition TR2.

Operational Noise – Wind Turbine Noise

662 Wind turbine noise has historically been an issue for windfarm operations.

663 Noise generated from wind turbines is assessed under NZS6808:2010 which requires that all dwellings within the 35 dBA noise contour are investigated to determine the background noise environment. This forms the basis for setting the noise limits and determining the contribution of turbine noise to the overall noise levels when measuring post-construction compliance. The aim is to avoid sleep disturbance and maintain reasonable amenity at residential dwellings.

664 NZS6808:2010 requires that noise emissions from the operation of the Project do not exceed a limit of 40 dB LA90 or the background noise level + 5 dB, whichever is greater.

665 Marshall Day prepared and operated a noise model in accordance with NZS6808:2010[211]. Halstead (2025) set out the assumed characteristics of the Vestas V162 6.2MW turbine which was said to be a worst-case turbine with noisier characteristics than "…a number of turbines of similar capacity, suitable for installation at the site… ." Mr Halstead explained that the noise model did not include sources other than the wind turbines. It did not, for example, include the noise of wind in trees or around structures near the modelled locations, but it did predict cumulative noise inclusive of the adjacent Kaiwera windfarm with its 66[212] consented wind turbines.

666 Halstead (2025) identified six dwellings near the site which "…collectively are the most exposed to wind farm noise and are representative of other dwellings nearby[213]." The noise modelling demonstrated that no dwellings would receive a cumulative noise level greater than 35dBA. Importantly, no existing dwellings are situated within the noise model's predicted 35dBA contour.

667 Table 11 in s 2.11.3 of Part B of the Application set out the predicted noise level generated by the Project turbines as well as the cumulative noise level arising from both the Project and Kaiwera Downs Wind Farm turbines at the six sites[214] referred to above where background noise measurements were also recorded. The highest noise level associated with both the Project in isolation and the Project and Kaiwera Downs Wind Farm in combination 34 dB LAeq. The largest increase above background noise was 4 dB LAeq.

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[211] Halstead (2025), paragraph 85.
[212] As varied by a 2023 consent for that project but not yet completed.
[213] Halstead (2025), Table 5 titled Predicted Turbine Noise Levels.
[214] 267 Venlaw Road, 696 Woods Road, 1403 Wyndham-Mokoreta Road, 1542 Wyndham-Mokoreta Road, 1380 Slopedown Road and 1288 Slopedown Road.

668 Mr Halstead advised that while noise from the wind turbines is likely to be somewhat audible at low to moderate wind speeds (7 to 12m/s) at the nearest dwellings, the cumulative turbine noise from the two wind farms would comply with the NZS6808:2010 noise limit at all wind speeds. Additionally, the cumulative noise level would be less than the SDP night-time permitted activity noise limits and also meet the WHO recommendations for a sleeping environment with windows open.

669 Mr Halstead noted that this level of noise was consistent with or lower than SDP limits for "…noise sources such as water pumps, heat pumps, spa pools, and other noise sources that could impact on a dwelling." He concluded that turbine noise emanating from the Project would not cause adverse amenity effects for existing dwellings located around the Project Site.

Operational Noise – Non-Wind Turbine Noise

670 Mr Halstead opined[215] that non-turbine operational noise (Project substation and GIP, Operations and Maintenance facilities[216] and operational road traffic from internal and external roads [217]) would be negligible and less than the existing background noise level at all dwellings.

Comments Received

671 Comments on noise were received from SDC, Janet McDonald, Prime Range Farms, Hamish Robinson and WCPS.

672 SDC provided a peer review of Contact's noise assessment undertaken by Jeremy Trevathan of Acoustic Engineering Services. Mr Trevathan had reviewed the previous application and was familiar with the Marshall Day methodology and conclusions reached by Mr Halstead in his Noise Effects Assessment.

673 Mr Trevathan considered that Contact's operational wind turbine noise and construction noise modelling approach are in line with standard industry practice, and the predicted noise emissions are generally reasonable. He said the proposed consent conditions for noise are generally in line with standard practise and would ensure noise effects arising from the construction and operation of the Project could be adequately managed. Mr Trevathan reviewed the draft CNMP and considers it to be generally appropriate, subject to being updated to refer to final consent conditions and activity descriptions.

674 However, Mr Trevathan suggested several amendments to Contact's proposed consent conditions including:

(a) requiring the CNMP and CEMP to be provided to the councils 30 days (not 15) prior to construction commencing and not allowing construction to proceed until those plans are certified or recertified if amended (conditions MP1 and MP2) ;

(b) requiring the final Operational Noise Assessment Report to address the actual of turbines and transformers selected if different turbine models or wind farm layouts are adopted (condition WF3);

[215] Halstead (2025), paragraph 134.
[216] Ibid, paragraph 135.
[217] Ibid, paragraphs 138 – 142.

(c) clarifying that condition NO5 refers to turbine noise rather than the Project as a whole

(d) while currently a staged approach has not been proposed, adding a requirement for separate compliance assessments at the completion of each stage, should a staged approach be adopted (condition NO8);

(e) imposing a timeframe for mitigation to be implemented where non-compliances are identified (condition NO8);

(f) amending condition TR2(e) to include a sub-point relating to the management of noise emissions from nighttime wind turbine component deliveries, along with reference to any specific mitigation measures to be adopted for those deliveries; and

(g) clarifying that the O&M facility doors should generally be closed.

675 Mr Trevathan was particularly concerned about the potential effect of night time heavy vehicle movements along the transportation route to the Site, especially through populated areas. He estimated there would be 662 deliveries over 180 days and sought further clarification of the delivery schedule and proposed noise mitigation measures.

676 The SDC comments referred to the SDP noise rules, noting that while the Project was located in the General Rural Zone the relevant provisions were contained in the NOISE chapter. SDC accepted that turbine noise could comply with the permitted activity rule NOISE-R8. That rule requires that wind farm noise must conform to NZS6808:2010 Acoustics – Wind Farm Noise which we addressed earlier in this section of our Decision. SDC considered that should the proposed turbines be substituted for an alternative design it may be necessary to confirm continued compliance with that rule. SDC confirm that construction noise could comply with permitted activity rule NOISE-R12.

677 Ms McDonald referred to noise pollution affecting fauna. Prime Range Farms expressed concern about turbine noise within its property and the effect of that noise on staff retention. Mr Robinson referred to the "whining sound of wind turbines" overwhelming the sound of nature.

678 WCPS considered the turbine noise, while complying with NZS6808:2010, would nevertheless adversely affect amenity. They also queried why noise was only assessed at dwellings (and not in the wider rural environment) and suggested that August and September were not an adequate time of year to monitor noise. WCPS also expressed concern for the effect of noise on habitat displacement and fauna (including bats). We discuss bats in section E4 of this Decision.

Contact response to comments

679 Regarding SDC's concern about turbine substitution, Ms Hunter and Ms Hankey (the planners for Contact) advised that condition WF4 delineated restrictions on the extent to which the wind farm may be "redesigned," confining such changes to the Turbine Envelope Zone as specified in the Application documentation. On that basis they did not anticipate any issues with continuing to achieve compliance with rule NOISE-R8 in the SDP once the wind farm is operational. We agree.

680 Contact's s 55 response included a statement of evidence from Mr Halstead[218].

681 On the issue of nighttime heavy vehicle movements along the transportation route to the Site, Mr Halstead said he has reviewed the specific tracking paths required for turbine blade deliveries. The nearest vehicle movement to a dwelling occurred at the junction of Blackwater Street (SH1) and Shannon Street in Bluff, where traversing the roundabout brings the vehicle within 10 metres of the dwelling at the corner. He based his assessment of the worst noise effects on that situation. At other dwellings the delivery vehicles would not approach the dwellings that closely, and so the noise levels were 5 – 10 decibels lower than those calculated for that particular dwelling.

682 Mr Halstead noted that major changes to road features such as movement of power lines had already been made to accommodate deliveries of the Kaiwera Downs turbine components, minor changes such as the removal and reinstatement of streets signs were relatively fast and unintrusive activities, and cranes and basket lifts were not expected to be needed. He maintains his view that the nighttime deliveries would result in only minor adverse noise effects, but he agrees that there would be value in Contact providing further clarification of the delivery schedule and any necessary mitigation measures, as part of the CTMP. He noted that condition TR2(e)(iv) specifically required consideration of such mitigations.

683 Regarding the O&M facility, we understand Mr Halstead's advice to be that even with its doors open, given the distances between the facility and dwellings are around 1800 m, the resulting noise at those dwellings was calculated to be 20 dB LAeq, discounting any additional topographic attenuation that may occur. That noise level is compliant with applicable noise limits, and unlikely to be audible, particularly during daytime hours.

684 Mr Halstead comprehensively addressed the concerns expressed by the WCPS. We note his more salient points:

(a) The noise modelled at 1403 Wyndham-Mokoreta is reasonable because the L90 parameter, as required by NZS6808:2010, is generally not influenced by occasional traffic, but was controlled by noise from wind in local vegetation;

(b) Rural land is generally considered to be a working environment, and it is generally inappropriate to restrict rural production activities. However, within the rural environment there are areas of residential sanctuary, where noise protections similar to those offered in a residential zone should be provided, namely within the "notional boundary" of a dwelling;

(c) The NZ noise standards are not antiquated and do not need to be updated for larger wind turbines. The latest standard was written in the context of turbines of similar size to the present turbines. Larger turbines do not make more noise, and they have been shown to be quieter per unit of energy produced, and with less audible character as their technology has matured;

(d) Halstead (2025) only included consideration of noise during night-time periods. Generally night-time measurements avoid influence from stock and farm vehicle activity and the LA90 parameter is not influenced by occasional sheep bleating or similar noises at night. Consequently, while there may be valid seasonal

[218] Statement of Evidence of Miklin Halstead (Noise Effects) on behalf of Contact Energy Limited, 14 January 2026.

variations in daytime activity relating to farming intensity, that does not invalidate the noise measurements undertaken by Marshall Day in August and September 2023;

(e) While it is true there are properties slightly closer to the turbines than those where noise measurements were taken, in general it is only necessary to measure noise at representative locations and not all locations, or even at the closest locations; and

(f) Regarding a farm's ability to retain staff, he assumed that related to matters other than noise effects on dwellings as those effects were addressed in Halstead (2025). The effects of wind farm noise on the working rural environment were not within the scope of that assessment, although Mr Halstead notes that there are many farming activities that are significantly noisier than wind turbines, including farm vehicles, stock, tractors and handheld machinery.

685 Contact's s 55 response additionally noted in response to the comments from Prime Range Farms:

(a) The dwellings at 1623 Wyndham Road (Prime Range Farms) will be well outside the 35dBA noise contour for the Project. The noise experts are agreed that any operational noise effects that might be discerned at that location would be acceptable[219]; and

(b) There is no evidence to suggest the aspirations of Prime Range Farms in respect of recreation and tourism would be prevented by the Project, and in any case luxury accommodation was not part of the existing environment.

Statutory Instruments

686 We referred to relevant NZ Standards and SDP noise provisions earlier in this section of our Decision.

Panel Findings

687 We are satisfied that Contact has adequately assessed the construction and operational noise likely to emanate from the Project and that their s 55 response adequately addresses matters raised in the s 53 comments. We note that apart from the SDC, the s 53 commentators who were concerned about noise levels did not provide any expert acoustic evidence that contested the conclusions reached in Halstead (2025). Importantly from our perspective, SDC's noise expert is generally satisfied with that Mr Halstead's assessment.

688 Having considered the s 53 comments and Contact's s 55 response, we find that adherence to NZS6803:1999 for construction noise, the SDP's NOISE chapter's permitted activity noise standards for operational noise, and the consent conditions relating to noise is appropriate and doing so will ensure the effects of noise associated with the Project will be no more than minor, including in open rural farmland.

[219] Paragraph 10.6.

Conditions

689 As noted above SDC's peer review suggested amendments for several of Contact's proposed conditions. In their s 55 response Contact accepts suggested amendments for conditions NO5, NO8 and TR2.

690 Contact did not amend conditions MP1 and MP2, but we are satisfied that providing the CNMP, CEMP and associated Independent Management Plan Reviewer's report to the councils 15 working days prior to construction commencing is adequate.

691 Contact did not amend condition WF3 either, but we are satisfied that condition NO6 as amended by us) adequately deals with the final Operational Noise Assessment Report and the actual turbines that will be installed and assessed in the final Report.

E12 Aviation and Lighting Effects

692 Aviation and lighting effects are addressed in s 5.12 in Part B of the Application. Contact provided a technical assessment of those effects in Leading Design Professionals (2024) (the LDP report). H03 also addressed lighting related effects.

693 The LDP report was not included in the Application documents (although was referenced in B01[220] and H03[221]) but was provided in Appendix 5 of the Contact's s55 Response to Comments.

694 Contact explained that they have engaged closely with the Civil Aviation Authority (CAA) to determine the turbine lighting requirements to ensure that risks to aircraft will be suitably minimised. The CAA determination in Appendix C to the LDP Report confirms that 16 of the 55 proposed wind turbines are required to be fitted with an Aviation Obstruction Warning Light System. This system includes a single, medium intensity, red, LED light that will minimise light going below the horizontal plane.

695 More specifically, the CAA determination requires that the 13 turbines around the perimeter of the site are to be lit, along with turbines # 23, 45 and 53. The lights are to flash between 20 and 60 times per minute and be coordinated so that they flash simultaneously. The lights are to be located on or above the nacelle.[222]

696 The LDP report assessed the effects of aviation lighting for residential audiences, motorists and biota. It explains that each light will include optical control to reduce light intensity at angles below horizontal and that this is superior to physical shielding[223].

697 Effects in relation to residential audiences are evaluated in terms of the potential change to sky glow[224], light spill[225], glare[226], amenity[227] and health[228]. For motorists, effects in

[220] Page 65.
[221] Paragraph 283.
[222] Ibid: page 34.
[223] Appendix 05 of the Contact Response to Comments.
[224] Relates to the scattering of light in the atmosphere which can reduce the visibility of the night sky.
[225] Relates to direct light trespass, as measured in lux, typically at the window of a dwelling.
[226] Relates to the brightness of a light source when viewed in contrast to the immediate surrounds.
[227] Relates to views of the night sky.
[228] Relates to sleep disturbance and seizures.

relation to glare[229] and distraction[230] are assessed. For biota, effects on bats[231], birds[232] and insects[233] are evaluated.

698 Applying a seven-point effects rating scale[234], the LDP report concluded that potential adverse effects for all of these factors rate as 'very low' to 'low' (less than minor), excepting effects in relation to residential amenity, which is rated as 'low-moderate' (minor).

699 In considering the matter of residential amenity, the LDP report explained that in views towards the site, the intermittently flashing lights will compete with less bright stars. Any such effects will lessen as the viewer rotates away from the direction of the wind farm and will be non-existent when looking directly away from the windfarm[235].

700 For Contact, Brad Coombs acknowledged that adverse effects associated with lighting will be higher when lighting is viewed within a dark sky setting. We understand Mr Coombs' evidence to be that the influence of intervening or other light sources in much of the local area, contributes a moderating influence in this regard[236]. Overall, Mr Coombs confirms that he agrees with the assessment of effects in relation to aviation lighting in the LDP report[237].

701 Mr Coombs also commented on the effects of additional lighting that will be required during construction of the wind farm, advising that such effects will be temporary and focused on the areas of active construction which will shift across the Project Site as construction progresses. In addition, lighting will be oriented internally within the Site[238] as required by resource consent condition WF21.

702 Mr Coombs acknowledged that hazard lighting may be required on the meteorological masts to comply with CAA requirements and advises that could be shielded from views below[239].

703 In relation to the effects of turbine lighting on bird populations, Contact propose to use small flashing red lights (which are considered less attractive to birds than white light) on just the 16 wind turbines that are required to be lit. This enabled Wildlands (2025)[240] to conclude that the overall effect of lighting on birds will be very low.

704 We understand the relevant policies that guide the management of the effects of nighttime lighting to be: SDP Policy EM P1 (which seeks to enable electricity generation in a manner that avoids, remedies or mitigates the adverse effects on the environment); and SDP Policy EM-P6(2) which provides for the recognition of the technical practicalities

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[229] Relates to the relative brightness of a light source in the driver's field of view and the potential of this to affect vision.
[230] Relates to the potential for a flashing red light to distract the driver's attention.
[231] Relates to the potential for lighting to discourage roosting and foraging and potential habitat displacement
[232] Relates to the potential for lighting to disrupt instinctive flight paths and increase risk of bird strike.
[233] Relates to the potential for insects to be attracted to the lighting and thereby attract predators.
[234] 'Very high' to 'very low', with RMA terminology clarification provided for each effects rating.
[235] Appendix 05 of the Contact Response to Comments, page 16.
[236] Mitchell Daysh Letter, dated 25 November 2025, Item 4.
[237] H03: paragraph 284.
[238] Ibid: paragraphs 290 to 293.
[239] Ibid: paragraph 294.
[240] Part H5; Southland Wind Farm Technical Assessment #5: Terrestrial and wetland ecology, Nick Goldwater and Kelvin Lloyd, Wildlands, 18 August 2025

associated with developing, operating and maintaining renewable electricity generation activities.

Comments Received

705 For Southland District Council (SDC), peer reviewer Rhys Girvan agreed with Mr Coombs that, on the basis that aviation related lighting is shielded from view below the horizontal and construction related lighting is oriented internally, adverse lighting effects will be acceptable[241].

706 The Waihōpai Toetoe Community Board (WTCB) provided comment as part of the SDC s 53 response. The Board expressed concern with respect to the prominence of the aviation related lighting, referencing the prominence of lighting on the Kaiwera Wind Farm turbines. It requested consideration be given to reducing the impact of the lighting by directing them vertically rather than horizontally[242].

707 SDC also provided comments on the proposed resource consent conditions with respect to a range of matters of relevance to lighting effects, including seeking clarification on GIP lighting requirements (WF15) and refinements to WF13 to require substation lighting to be oriented downwards[243].

708 Comments on aviation and lighting effects were also received from WCPS and Warren Ayers.

709 WCPS[244] explained that the Catlins is investigating accreditation with Dark Sky International. In their view, the wind farm lighting is of a scale that could undermine that outcome.

710 WCPS queried whether the lighting associated with the wind farm would affect the ability of night sky viewers to see the Aurora Australis / Southern Lights and considered that it would detract from the impression of wilderness associated with the area due to the existing absence of nighttime lighting on Slopedown. WCPS also stated, by reference to an internal CAA policy, that turbines over 150m would require additional lighting.

711 In their comments, WCPS referenced the assessment undertaken by Mr Coombs for the previous fast track application.

712 WCPS noted that lit turbines can attract birds and stated that "just because Contact will use red lights rather than white as required by CAA doesn't simply mean they can state the overall effect of lighting on birds is considered low." They also queried whether lighting on the turbines would affect bats.

713 Mr Ayers[245] raised concerns about lighting, stating that he understood there would be 50 wind turbines with two red lights shining from each of them

[241] SDC Comments, Appendix 3: paragraph 46.
[242] Ibid. Appendix 4: pages 2 and 3.
[243] Ibid, Appendix 5.
[244] WCPS Comments, paragraphs 170 to 182.
[245] W Ayers Comments: paragraph 3.

Contact response to comments

714 In response to SDC's request that condition WF13 be amended to require substation lighting to be pointed downwards, Contact commented that the limited duration of use of such lighting (i.e. only when staff are present), the safety and operational needs of the lighting and the requirement for all lighting to comply with the permitted activity standards of the SDP mean that such a control is not required. We agree.

715 Contact confirmed that lighting associated with the GIP would be operated in a similar manner to the wind farm substation as outlined above. On this basis, we agree that no further change to condition WF15 is required in this regard.

716 In response to the lighting concerns raised by WTCB and Mr Ayers, Contact outlined the thorough process that they had worked through with CAA to reduce the impact of turbine lights.

717 With respect to the matters raised by WCPS, Contact explained that the assessment undertaken by Mr Coombs' referenced in the WCPS comments related to the previous Covid—19 Fast track application. That application included a quite different aviation lighting proposal comprising medium intensity red lights on or above the top of the nacelle, as well as an array of three intermediate low intensity lights at around half the nacelle height on all 55 turbines.

718 In response to the comments from WCPS relating to effects of lighting on birds, Mr Goldwater[246] emphasised that "while white lights strongly attract and disorient migratory birds, red lights are significantly less disruptive, with some studies even showing birds avoid them." The LDP report also concluded that the effects of lighting on bats, birds and insects will be very low.

719 Contact described the changes to the aviation lighting strategy worked through with the CAA, cross referencing to the LDP Report and appended CAA determination. Contact noted that while it is generally the case (albeit not a compulsory requirement) that turbines over 150m high require additional lighting, in this instance the CAA has determined that no intermediate low intensity lights are required.

720 Contact noted that navigation aids that comply with maritime or civil aviation requirements are often not required to comply with relevant rules in respect of dark sky areas, citing as examples, the relevant district plan rules for the Stewart Island / Rakiura Dark Sky Sanctuary and the Wairarapa Dark Sky Reserve

Statutory Instruments

721 We referred to relevant SDP provisions earlier in this section of our Decision.

Panel Findings

722 We acknowledge the thorough efforts by Contact to minimise the effects of aviation lighting in seeking a determination by the CAA on aviation lighting requirements.

[246] Goldwater 2026. Appendix 1 - Statement of evidence of Nicholas Paul Goldwater (Terrestrial and Wetland Ecology) on behalf of Contact Energy Limited. 14 January 2026.

723 We note that, apart from SDC, commentators concerned about nighttime lighting effects did not provide expert evidence that contested the conclusions of the LDP report or Mr assessments by Mr Coombs or Mr Goldwater.

724 We are satisfied that Contact has adequately assessed the aviation lighting and other lighting effects and agree that effects in this regard will be no more than minor.

725 We are satisfied that the lighting proposed for the Project is consistent with the outcomes sought to be achieved by SDP Energy and Minerals policies EM P1, EM-P6(2), EM-P4[247] and EM-P8[248].

Conditions

726 Subject to some minor clarifying amendments made by us as set out in Appendix B to this Decision, we are satisfied that conditions WF13, WF21 and WF25 as proposed by Contact appropriately manage nighttime lighting effects

E13 Shadow Flicker Effects

727 Shadow flicker is addressed in s 5.13 in Part B of the Application. Contact referenced an assessment of potential shadow flicker effects undertaken by Roaring40s Wind Power[249] and the results of that assessment as mapped in Part G: Figure Shadow Flicker – 1.

728 Contact explained that shadow flicker effects occur as shadows of rotating wind turbine blades create shadows which move across the ground. When the shadows pass over buildings, the limited scope of the incident light source within the building means that they can create a flickering effect each time a moving shadow passes over a window. This can lead to annoyance effects on affected parties, or, in extreme scenarios, adverse health effects. The same potential for annoyance effects does not apply outdoors because the incident light source is from many different directions. [250]

729 The Figure Shadow Flicker-1 mapping showed that no dwellings in the vicinity of the site will experience shadow flicker effects.

730 We understand the relevant policies which guide the management of the effects of shadow flicker to be: SDP Policy EM P1 (which seeks to enable electricity generation in a manner that avoids, remedies or mitigates the adverse effects on the environment); and SDP Policy EM-P6(2) which provides for the recognition of the technical practicalities associated with developing, operating and maintaining renewable electricity generation activities.

Comments Received

731 Comments on shadow flicker were received from WCPS.[251]

[247] We address functional need in Part G2 o this Decision.
[248] We discuss offsetting in section E4.
[249] Titled *'Southland Wind Farm, Shadow Flicker Assessment'*, prepared by Roaring40s Wind Power, dated 11 December 2023.
[250] Application document B01, section 5.13 and Response to Comments, Legal Submissions, paragraph 12.50.
[251] WCPS Comments, paragraph 292.

732 WCPS acknowledged the assessment of shadow flicker in relation to dwellings. They queried whether the effects of shadow flicker (and shading) on species within the Catlins Conservation Park had been considered.

Contact response to comments

733 Contact advised that there are no scientific studies or evidence from wind farms in New Zealand or overseas that shadow flicker may affect plants or animals.

Contact also drew the Panel's attention to their observation that animals appear to be undeterred by moving shadows associated with operating wind farms in New Zealand and stock is known to shelter behind turbines to avoid sun or adverse weather.[252] We accept those observations.

Statutory Instruments

734 We have referred to relevant SDP provisions earlier in this section of our Decision.

Panel Findings

735 We find that the Project's distance from dwellings and population centres means that potential adverse effects of shadow flicker will be suitably avoided.

736 With respect to the potential effects of shadow flicker and shading on plants and animals, we note that no such concerns were raised in the ecological assessments undertaken by Contact's suitably qualified and experienced experts. Consequently, while acknowledging WCPS's concerns, we find there is no evidential basis that would lead us to conclude that additional conditions of consent should be imposed to address shadow flicker and shading on plants and animals.

Conditions

737 No conditions are proposed in relation to this matter and nor do we consider any conditions to be necessary.

E14 Radio Communication Services Effects

738 Potential effects on radio communication are addressed in s 5.14 in Part B of the Application. Kordia assessed the effect of the Project on licensed radio communication services. That assessment concludes that the Project is not expected to cause any harmful interference effects to licenced radio communication services operating in the vicinity of the Project Site.

739 Nevertheless, Contact agreed to inform the nearby operators identified by Kordia of the Project, including the operator of a nearby VHF radio link, the operator of two wide area coverage services and any Wireless ISPs in the area. Contact would also provide the final Project layout to Airways Corporation of NZ to allow them to undertake their own assessment and update their RADAR signatures if required.

[252] Contact Response to Comments, dated 14 January 2026: paragraphs 12.49 to 12.51.

Comments Received

740 No comments were received on effects on radio communication

Contact response to comments

741 Not applicable.

Statutory Instruments

742 No specific statutory instrument provisions were brought to our attention by commentators.

Panel Findings

743 We are satisfied that any potential adverse effects on radio communication will be avoided.

Conditions

744 We have reviewed the conditions in light of Contact's intentions to inform radio service users and Airways Corporation as outlined above. Conditions WF24 and WF24B require Contact to advise Civil Aviation Authority (CAA) of the turbine locations and heights. We have added Airways Corporation of NZ to that condition. We have also inserted condition G6C requiring Contact to inform the operators of VHF radio links, wide area coverage services and Wireless ISPs about the Project.

E15 National Grid Effects

745 Potential effects on the National Grid are addressed in s 5.15 in Part B of the Application. It says Contact has been liaising with Transpower about the Project since 2022, with the Connection Application for the Project being lodged in February 2023, and accepted into the connection queue in March 2023.

746 The Application also says the Project aligns with Transpower's "Guidance for developers establishing Wind Farms near Transpower Assets" document and their project specific studies. The Project design was optimised in consultation with Transpower and their design consultants to ensure the wind farm, Grid Injection Point configuration and location minimise any potential adverse impacts on National Grid assets and reliability.

Comments Received

747 Comments addressing the National Grid were provided by Transpower and WCPS.

748 Transpower says they have been discussing the Project with Contact and have agreed an acceptable connection arrangement. Transpower supports the development of new renewable generation in New Zealand to meet load growth and electrification objectives.

749 WCPS noted the Grid Injection Point for this Project is close to the Southland and Otago boundary and query transmission lines losses of power is conveyed to the North island.

Contact response to comments

750 Contact noted[253] that Transpower's planning documents recognise that new renewable generation, especially large wind farms, will be required in multiple regions across the country and that the National Grid is being incrementally upgraded to accommodate this. Exporting surplus renewable electricity from Southland is both expected and appropriate; it supports national security of supply, compensates for dry year risk, and reduces reliance on fossil fuel-based generation in the North Island.

Statutory Instruments

751 No relevant statutory instruments were brought to our attention.

Panel Findings

752 We are satisfied that should the Project proceed to construction and operation, it can be satisfactorily connected to the National Grid and not adversely affect National Grid assets or reliability.

Conditions

753 We have not amended any conditions in relation to effects on the National Grid.

E16 Recreation and Hunting

754 In his Application Report H03[254], Brad Coombs noted[255] that there is a road and forestry access roads at the lower slope and a public access easement within the Project site itself. Nevertheless, the Site had limited recreational use. No mountain bike tracks or other recreational access tracks are known in the area.

755 Mr Coombs noted that there was no indication of how many hunters may access the Slopedown escarpment area or Mount Herbert. Those areas do not have hut or track systems to support hunting activities. While the wider landscape was used for recreational purposes, he found no evidence that the Project Site and adjoining DOC-administered land is in fact "an important area" for hunting or tramping. In fact, the lack of access tracks and huts on adjoining DOC administered land suggested to Mr Coombs that the Site had limited recreational value in comparison with the wider Catlins Conservation area. Nevertheless, any existing recreational values within the Site or the surrounding landscape would not be compromised by the Project.

756 We observe that apart from some streams and their marginal riparian margins which form part of the public conservation estate and limited assess easements, the Project will predominantly occupy private land. Consequently, there is no right of public access to the vast majority of the Project Site. Nevertheless, some s 53 commentors expressed concerns relating to recreation and hunting and so we address those matters here for the sake of completeness.

[253] Buddle Findlay, paragraph 2.55.
[254] Southland Wind Farm Technical Assessment #3: Landscape, Visual, and Natural Character Effects, Braddyn Thomas Coombs, 18 August 2025
[255] Paragraphs 139 and 141.

Comments Received

757 Comments on recreation or hunting were provided by WCPS and the New Zealand Game Animal Council.

758 WCPS stated that there had previously been at least three walking tracks on Pawakataka and Mt Mokoreta and recreational values had been severely impacted by the sale of land to forestry. They also said that despite there being no records of recreational use, people do walk in the areas they are legally allowed access to. For example, Egremont Road is utilised by the community as a walking track when forestry trucks were not working.

759 In terms of hunting, WCPS stated that there are regularly cars parked up with people out hunting on the likes of Egremont Road heading up into Pawakataka and more often than not, there are people hunting in the Pawakataka area. They said that those people did not rely on huts or tracks.

760 The New Zealand Game Animal Council acknowledged that the Project Site was not across public land, but it did border multiple areas of the West Catlins hunting area, where red deer, fallow deer, goats and pigs can be harvested. They said that as far as they were aware, the Project Site does not contain any significant herds of interest, however game animals in the area likely provide a source of meat for local communities. The Game Animal Council seek improved access to these hunting areas where possible.

761 DOC's s 51 Concession Report noted that the Project's location is within a rural visitor management zone, as defined in Appendix 12 of the Southland Murihiku Conservation Strategy[256]. However, DOC[257] considered it unlikely, due to the difficulty of access, that the proposed Project activity would significantly alter the recreational experience of the location. DOC helpfully added[258] that the Project location is not named as a visitor destination which was the focus of DOC's effort, nor as a site which was highly valued by Southlanders. Nor did the Application impact public access to the North Branch Mimihau Stream or recreational use of the marginal strip or stream[259].

Contact response to comments

762 For Contact, Mr Coombs responded to WCPS comment that there was additional recreational potential on the scarp below the Project Site. He noted that the Project will not prevent or limit recreational access to the scarp or to other areas of the Catlins Conservation Park; rather, it would provide access to a Community Benefit Fund which could be used, if considered a priority to the local community (and approved by relevant landowners such as DOC), for the development and maintenance of access tracks to and through the scarp and the wider area[260].

763 As part of Contact's s 55 response Buddle Findlay[261] noted that WCPS had raised "the unique idea" that the proposed predator control would negatively impact current hunting activities. Predator control is a core component of the ecological restoration proposed for the Project, and all experts agree that it is warranted and would be beneficial. Buddle

[256] Identified in Map 8.14, Volume II.
[257] Page 18.
[258] Paragraph 7.65.
[259] Page 30.
[260] Statement of Evidence of Braddyn Thomas Coombs (Landscape, Visual, And Natural Character Effects) on Behalf of Contact Energy Limited. Paragraph 54. 14 January 2026
[261] Paragraph 12.39.

Findlay observed that, as acknowledged by the NZ Game Animal Council, the Project would not affect hunting access.

764 For Contact, Buddle Findlay[262] also noted that WCPS had raised concerns as to the Project's effects on tourism, but there were currently no known commercial tourism activities on or near the Project Site. Tourism was instead focused on the coastal area of the Catlins and the Catlins Forest Park. They also observed that there is no clear evidence that wind farms had negative effects on tourism generally. International research indicated there was a mix of reactions to wind farms from a tourism perspective (i.e. neutral, positive and negative).

Statutory Instruments

765 No statutory instruments were brought to our attention other than the Conservation Management Strategy referred to by DOC.

Panel Findings

766 We agree with Mr Coombs[263] that any recreational values primarily relate to the scarp and its edges, rather than the Project Site itself. We also agree with Contact that any existing recreational or hunting values existing within the Site or the surrounding landscape will not be compromised by the Project. In that regard we acknowledge DOC's considered view that the Project activity will not significantly alter the recreational experience of the location.

767 We find that potential adverse effects of the Project on recreation[264] and hunting are no more than minor and do not weigh against a grant of the approvals sought.

Conditions

768 We have not made any amendments to the conditions of the various approvals in terms of recreational or hunting matters.

E17 Monitoring and Review

769 In our view the monitoring obligations imposed by the proposed conditions attached to the various applications required for the Project were comprehensive and robust. Monitoring is to be undertaken for, or of:

(a) Water quality associated with earthworks;

(b) Erosion and sediment control systems;

(c) Stream flows;

(d) Rehabilitation planting and habitat restoration;

(e) Wetlands;

[262] Paragraphs 12.41 and 12.42.
[263] Technical Report H03, paragraph 328.
[264] Including tourism.

(f) Invertebrate and lizard populations within release areas (relocation sites);

(g) Avifauna, including any falcon dive bombing;

(h) Indigenous bird nests;

(i) Indigenous avifauna mortality caused by collisions with turbines;

(j) Long tailed bats;

(k) Animals pests, predators and the success of the predators control programme;

(l) Predator control fencing;

(m) Construction vehicle movement on the public road network; and

(n) The condition of public road impact by the Project.

770 Condition G11 of the resource consent conditions enables the relevant District Council and/or Regional Council to review the conditions at one yearly intervals for the first five years after the commencement of construction activities, and thereafter within six months of every successive five yearly interval.

Comments Received

771 Specific comments on Contact's proposed monitoring activities were provided by SCR, WCPS, SDC, EDS and DOC.

772 SCR suggested five yearly monitoring after the initial two-year monitoring period for wetlands, and that all monitoring of water quality, wetland and biodiversity effects occurs at frequencies and durations which provide sufficient longevity. SRC sought the actual and reasonable costs of any monitoring requirements to fall on the consent holder, rather than the general ratepayers of the Southland region.

773 WCPS queried whether there will be ongoing monitoring and replacement of dead plants in the Jedburgh Station Ecological Enhancement Area. They said the proposed monitoring approach for long-tailed bats, including bioacoustics monitoring, is fundamentally limited and risks underestimating impacts. They also said post-construction monitoring of wetlands is reactive and offers no certainty of ecological recovery.

774 SDC said that without monitoring the effects of pastoral grazing, the levels of naturalness that currently support the ONF values extending onto the Jedburgh Plateau may be undermined. However, it concluded that the monitoring and reporting obligations are significant and they are supportive of the establishment of independent reviewers and certifiers with specific technical expertise.

775 EDS sought an adaptive management condition (including relevant triggers and associated monitoring) requiring that all wind turbine and roading infrastructure be removed from the Jedburgh Plateau if monitoring necessitates that.

776 DOC expressed the view that if the Application is to be granted, the long-term effects of fragmentation and changes in hydrology on the Jedburgh Plateau wetlands needs

effective ongoing monitoring, as was outlined in the Wildlands memorandum of 10 November 2025. DOC stress the need for ongoing compliance monitoring of avifauna species vulnerable to strike due to flying in the rotor swept area.

777 In its s 51 Wildlife Approval report DOC supported lizard marking as a monitoring method. It said monitoring is required to evaluate lizard salvage operations.

778 In its s 51 report HPTNZ recommended amendments to the Archaeological Authority conditions consistent with their Statement of General Policy.

Contact response to comments

779 Contact responded to the comments on monitoring in the overview response authored by Buddle Findlay and evidence of Nicholas Goldwater. In some cases, the response was to highlight existing or proposed monitoring that responded to the expressed concerns, while in other cases amendments were proposed to the monitoring programmes and their associated resource consent monitoring conditions.

780 On the issue raised by SRC, Contact amended condition EC11B which outlines the post-construction monitoring of wetland hydrology to retain the initial intensive monitoring, followed by two additional monitoring rounds at five-yearly intervals. That also addressed the concern raised by Mr Harding on behalf of EDS. However, monitoring for the life of the wind farm was not necessary to detect any changes in wetland hydrology and/or vegetation composition caused by the construction and operation of the Project because, if any changes to wetland hydrology and/or vegetation composition occur as a result of the construction of the wind farm, they would likely take place within ten years of construction[265].

781 The Joint Statement of Experts: Earthworks dated 16th February 2026 provided further commentary with respect to EC11B and suggests amendments to the conditions related to the response in the event the wetland monitoring identifies any adverse effects on wetlands on the Jedburgh Plateau beyond what is anticipated by the conditions.[266]

782 On WCPS's issues Contact said consent condition EC11 required annual monitoring, maintenance and rehabilitation reports for five years following the completion of construction), which should provide ample time for plants to establish and opportunities to replace any dead plants, if required[267]. The conditions already require avifauna collision monitoring, with triggers for additional action specified, which is an appropriate approach[268].

783 Regarding the SDC and EDS concerns about grazing, Contact asserted that[269] the wetlands on the Jedburgh Plateau have been subject to decades of stock and ungulate pressure and the Project provides a clear and immediate mechanism to significantly reduce these pressures through stock exclusion fencing within the Jedburgh Station Ecological Enhancement Area[270].

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[265] Contact Response, Appendix 01, paragraphs 47, 50 and 91.
[266] JWS, paragraphs 42 and 43
[267] Ibid, paragraph 73.
[268] Ibid, paragraph 172.
[269] Ibid, paragraph 57.
[270] In section E4 we noted that grazing is regulated under the pSWLP and the FEMP's that it requires.

784 In response to EDS Contact advised[271] that the conditions as proposed already provide for a detailed effects management regime in respect of the Jedburgh Plateau, including regular monitoring and reporting. A further "adaptive management condition" of the type sought by EDS is not necessary or appropriate.

785 Regarding the WCPS, Contact reiterated the significant, expert-led work that went into devising the integrated scheme of measures to address ecological effects; the monitoring and reporting requirements in respect of those measures, and the stringent performance standards set out in conditions. Contact does not agree that the success of the restoration efforts can fairly be described as uncertain.

786 Addressing DOC's concerns, Contact supported lizard marking. It noted that the Lizard Management Plan sets out the protocol for monitoring lizards that are relocated. In relation to monitoring of tussock skink, in the event more than 20 individuals are salvaged, the LMP notes that: "Post release monitoring will consist of a mark-recapture live capture survey over one week during fine weather between November and February annually. Captured lizards will be marked to determine recapture rates".

787 Contact also supported updating Condition EC37 to include quarterly collision monitoring following the commissioning of all wind turbines at the wind farm site, thereafter, undertaking quarterly monitoring every five years following the date of the commissioning of the first wind turbine for the duration of the operation of the Project[272].

788 In terms of HZNZPT, Contact and TAMI have agreed an updated set of archaeological conditions that largely incorporate the amendments proposed by HNZPT, whilst ensuring cultural values are appropriately provided for. That was confirmed in TAMI's section 53 comments[273].

Statutory Instruments

789 No specific statutory instrument provisions were brought to our attention by commentators.

Panel Findings

790 The Panel has carefully reviewed the extensive range of monitoring proposed to be undertaken in light of the comments received and Contact's response to those comments. Our assessment of those matters is primarily set out in the preceding Part E subsections of this Decision, and we do not repeat that detail here. Suffice to say that we find that the proposed monitoring and reporting programmes and associated consent conditions, as amended by us in some cases, are comprehensive and robust.

Conditions

791 By and large, we are satisfied with the various monitoring and review conditions, although we have made some amendments to improve their clarity and certainty.

[271] Buddle Findlay, paragraph 12.24.
[272] Contact Response, Appendix 01, paragraph 112.
[273] Buddle Findlay, paragraph 13.6.

E18 Decommissioning

792 In section 7.3 of Part A of the Application Contact advised that the wind turbines will be operational for a period of up to 30 years and it is currently intended that they will be 'repowered' (replacement of the wind turbines with new wind turbines) for a second 30-year period. Consequently, while Contact has sought approval durations of 30 years, it envisaged that the Project will be operational for at least 60 years.

793 Upon the closure of the Project, in accordance with a Decommissioning Management Plan, Contact would remove all turbines and above ground infrastructure from the Site and ensure it is rehabilitated, including revegetating exposed ground surfaces. The Decommissioning Management Plan has yet to be prepared[274], but it will include measures for the disposal of any waste, including total quantity and types of material to be recycled, identification of the destination of the waste, recycled and salvaged materials and demonstration that, where possible, waste materials have been diverted from landfill.

Comments Received

794 Comments on decommissioning were provided by SRC, SDC, EDS, Warren Ayers and Hamish Robinson.

795 SRC considered that appropriate legal and financial sureties should be in place in relation to decommissioning and rehabilitation. SRC understood that Contact's position is that a decommissioning bond is not required because the value of the wind farm materials is such that there is an economic incentive to salvage the material rather than leave it in place. SRC queried the economic value of those materials, and the logistics of salvaging them from a remote location.

796 SDC noted that there is no mechanism to ensure that revegetation of the foundation and hard stand areas would be undertaken in a manner that endured past the initial rehabilitation planting season.

797 EDS considered that the Decommissioning Management Plan should be subject to council certification, and conditions should require revegetation and rehabilitation of all roads created or developed within indigenous vegetation areas.

798 Warren Ayers queried Contact's intention to eventually decommission the Project and remove its components. Hamish Robinson is similarly concerned about that and referred to a number of overseas sites where wind farm components had been either buried in landfill or had remained stockpiled for years due to it being uneconomic to recycle them.

Contact response to comments

799 We discuss the issue of a decommissioning bond issue in section E19.

800 On the matter raised by SRC and Messrs Ayers and Robinson, Contact asserted that the scrap value of the wind farm will exceed the cost of decommissioning. The scrap value of the steel, copper and aluminium in an individual wind turbine has an estimated value

[274] Section 6.2 of Part A of the Application notes that the Decommissioning Management Plan, which will be prepared closer to the time of the decommissioning of the SWF.

of approximately $520,000 at current market rates. The scrap value of the 55 turbines would therefore currently be in the order of $28m.

801 Regarding SDC's concern, Contact confirmed that resource consent conditions DT1 to DT3 address decommissioning. When that takes place, Contact will:

(a) remove all wind turbines and above-ground structures from the Site;

(b) re-vegetate any exposed surfaces; and

(c) cover all turbine foundations, hardstand areas and other ancillary building foundations with topsoil or cleanfill and revegetate them with like-for-like vegetation.

802 To address the concerns of EDS, Contact has amended resource consent condition DT2 to require council certification of the Decommissioning Management Plan.

803 Contact has also amended DT2 to require a summary report to be provided to the councils outlining compliance with the Decommissioning Management Plan, including photos, within three (3) months of the completion of decommissioning.

Statutory Instruments

804 No statutory instruments were brought to our attention.

Panel Findings

805 Given their monetary value, we have no reason to conclude that Contact would not remove the valuable wind farm components when the Site is eventually decommissioned. In any case we note condition DT1 requires that to occur. In the unlikely event that condition is not complied with that becomes a matter for council enforcement. Condition DT3 requires the decommissioning to be carried out in accordance with what will be a council certified Decommissioning Management Plan. We are satisfied that the decommissioning conditions adequately address the concerns of the SRC and Messrs Ayers and Robinson.

Conditions

806 Condition DT2.3.c deals with topsoiling and revegetation matters in the context of the Decommissioning Management Plan. In our draft conditions we have inserted condition DT2.3.ca to address SDC's concern. Other than that, we are satisfied that decommissioning is satisfactorily addressed in resource consent conditions DT1 to DT3.

E19 Bonds

807 Performance Bonds can be a feature of consents for earthworks and vegetation removal such as might be encountered in mining and quarrying activities. They enable site remediation to be funded independently of local authorities should a consent holder fail to meet their obligations on cessation of operations. Bonds can be made up of rehabilitation components and risk components – the latter being insurance against some unforeseen occurrence with environmental consequences.

808 The relevant local authorities responsible for environmental outcomes are usually identified in a call mechanism once an activity has ceased and rehabilitation has not

occurred or has failed. The process typically involves a consent-holder obtaining a bank guarantee that can be called on by those local authorities.

809 In the case of this Application, as we discussed in section E18 of this Decision, a Decommissioning Management Plan (DMP) is proposed for the purpose of removing turbine components and related structures when the windfarm becomes obsolete and is no longer required to occupy the Site.

810 The draft DMP does not propose a performance bond as an incentive for removal and remediation, or as a funding method for the work to be done other than by the consent holder.

Comments Received

811 Comments were provided by SDC, SRC and Warren Ayers.

812 SDC commented on aspects of the DMP and suggested that greater certainty was called for but did not press for the up-front arrangement of a decommissioning and remediation bond.

813 SRC suggested that financial sureties would achieve a more reliable outcome on decommissioning and rehabilitation. Other commentors including Mr Ayers raised concerns about Contact's intentions around decommissioning and whether it would be sufficiently incentivised to perform appropriately.

Contact response to comments

814 In section E18 we discussed the Contact response to these concerns including its suggested amendments to the decommissioning conditions and the potential scrap value of the turbine components estimated to have a current value of $28m.

Statutory Instruments

815 No relevant provisions were brough to our attention.

Panel Findings

816 We note that neither SDC nor GDC, DOC or TAMI seek conditions as to a performance bond in relation to decommissioning and remediation. They appear satisfied that appropriate remediation is achievable via consent conditions alone. Taking into account the potential monetary scrap value of the turbine components and the robustness of the decommissioning conditions, we conclude that the concerns of the SRC and Mr Ayers are adequately addressed.

817 In the circumstances, we think it highly unlikely that Contact would not meet its obligations under the decommissioning consent conditions, but should enforcement processes be necessary, this would likely be a relatively straightforward and inexpensive exercise, with ready access to available capital assets should that be required.

818 Overall, we are satisfied that a performance bond is unnecessary.

Conditions

819 We have not made any amendments to Contact's conditions.

PART F: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT

820 Section 3 of the FTAA states that the purpose of the Act is to facilitate the delivery of infrastructure and development projects with *significant regional or national benefits*. As noted above in Part C section 81(4) FTAA specifically requires the Panel to consider the extent of the Project's regional or national benefits.

821 The Applicant's evidence on benefits is the subject of technical assessments by Peter Clough, and Simon Coates and Rachel Holden of Concept Consulting Group Ltd.[275]

822 The Concept Consulting assessment focuses almost entirely on the benefits of additional electricity generation to the national and Southland Region electricity systems.

823 It begins by observing that the demand for electricity is forecast to increase substantially. The rationale is that:

> Electricity demand is forecast to grow substantially over the next 25-30 years as electricity is used to help decarbonise the economy. Most of the increase is expected to come from rising ownership and use of electric vehicles (EVs), switching away from fossil fuels as a source of process heat in industry, and switching away from gas and LPG for space and water heating.

824 The assessment includes a table of predictions from MBIE, Transpower NZ, Meridian and others (at Figure 1) which demonstrates growth in electricity demand of between 33% to 100% over the next 25 years.[276]

825 To meet that demand, Concept Consulting include a high-level comparison of electricity generation sources and options including strength and weaknesses. Their rationale for prioritising wind generation includes an observation on the current status of hydro generation:

> Even though the majority of New Zealand's generation is currently from hydro, the prospects for significant additional hydro developments are limited. This is partly because of environmental consenting constraints associated with flooding valleys, but also because the costs of other renewable technologies have fallen below that of new hydro development.[277]

826 The assessment draws together information from various official and industry sources and observes:

> …according to the government's central ('Reference') scenario, around 500 MW of new renewable generation capacity needs to be built every year until 2050 to keep up with demand growth and displace existing fossil generation from much of their current operating duties. This will require much faster build than has occurred over the past few decades, which averaged approximately 75 MW of renewable generation capacity build per year for

[275] Concept Consulting Group Ltd., Technical Assessment 2025: System Benefits of Southland Wind Project.
[276] Ibid.
[277] Ibid, page 11.

the period 1990 to 2020.

827 The authors discuss the benefits of wind generation and posit that wind generation should materially lower the costs of electricity supply.[278]

828 They also observe that the New Zealand electricity market is "…currently experiencing elevated market prices, with a return to fall equilibrium level not expected until the early 2030s."[279] Potential market benefits include accounting for the costs of developing wind generation compared to other renewable sources and the necessary integration of wind with a mix of other renewable sources to account for periods of still conditions.

829 The focus of the Concept Consulting report is Project benefits rather than adverse impacts, but it does estimate the value of the Project not proceeding at up to $2.6 billion depending on the final configuration of the Project with a corresponding lost opportunity to reduce the level of carbon emissions on a national scale.[280]

830 Mr Clough, on the other hand, attempts to rationalise and discuss adverse impacts at a high level. His approach is to acknowledge that there will be adverse impacts but to say that generally, they are unable to be monetised or expressed in monetary terms and should be left to qualitative assessment by acknowledged experts.

831 The purpose of Mr Clough's statement is to assess the potential economic effects of the Project. He acknowledges the 'complementary' report by Concept Consulting Group and observes that, "the Project as currently planned would be the largest wind farm to be built in New Zealand and would substantially increase the total capacity of wind generation in New Zealand's electricity generation infrastructure."[281]

832 Mr Clough observes that:

> The Southland Region uses more electricity than it generates. Over the calendar years 2020 to 2024 the excess of demand over generation has varied between 446 GWh (8 percent of regional generation) and 1,830 GWh (42 percent of regional generation) and averaged 1,036 GWh (21 percent of regional generation). The output of the Southland Wind Farm would cover most of this excess in aggregate but demand in the region is forecast to grow…[282]

833 Mr Clough concludes that the primary benefits will be positive and accepts the Concept Consulting Group conclusion that it "…would make a significant contribution to meeting national goals for renewable energy and emissions reductions."[283]

834 Mr Clough properly acknowledges that a comprehensive framework for economic assessment of the new Wind Farm should include, "...the value of effects on the environment (which can be adverse or positive, such as the offsetting in compensation measures offered by Contact as part of the Project), and the consequences of avoiding

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[278] Ibid, pages 8-11.
[279] Ibid, page 15.
[280] "…between 22% and 60% of New Zealand's combined domestic *and international* aviation emissions for 2022". Concept Consulting Group Ltd., Technical Assessment 2025: System Benefits, section 4.3. page 17 and Executive Summary at page 4.
[281] Clough: Economic Framing and Impacts 2025, paragraph 2.
[282] At Paragraph 38.
[283] Clough: Economic Framing and Impacts 2025, paragraph 3.

them by restricting new developments."

835 He also acknowledges that the value of adverse environmental effects is often not available or able to be expressed in market prices. He says:

> Economic valuation of these environmental effects is challenging given the absence of market prices for many of them, but their combined value would have to be very large to eclipse the positive value of the Project.[284]

836 Mr Clough observes:

> Even if environmental impacts are not explicitly valued, there is an economic consequence if decisions are made to restrict or reject a proposed development in the form of an opportunity cost of benefits forgone from not proceeding with the development.

837 And:

> To be efficient, a decision to reject or restrict a project under the RMA, and by implication also the FTAA with its purpose of enabling projects with significant regional or national benefits, must be based on the principle that the environmental benefits of avoiding the project's impacts outweigh the opportunity costs of not proceeding with it.[285]

838 This then raises the question of what evidence there is that society values avoidance of such adverse impacts as highly as it values the forecast or asserted value.

839 Mr Clough accepts that there will be cases where environmental impacts may be valued by estimating costs of alternative or replacement means of obtaining the ecosystem components lost or gained during development. An example would be the cost of relocating skinks and other rare lizards. That is a cost which an applicant can estimate in advance of the work being undertaken as opposed to say, the cost of a visual amenity changes for the occupiers of a dwelling near turbines.

840 As for bespoke valuation studies, Mr Clough says that these are costly and time consuming to prepare.[286] And in any event, he observes that "market valuations do not supplant the assessment of biophysical experts about intrinsic ecological or environmental effects."[287]

841 Mr Clough does not attempt preparation of a bespoke valuation of adverse impacts for the Project. Even if that were able to be undertaken with any clarity, a question arises as to whether the law requires that level of forensic assessment.

842 The Panel has had the benefit of seeing the decision of an Expert Panel in the Waihi North Project. In their decision on that application, the Panel observed:

> [784] We agree that where economic benefits are relied on by an applicant, any economic disbenefits should be allowed for, particularly if the benefits and disbenefits are of the kinds that have market values against which they can be measured in money terms. But parting company with Dr Meade, we do not accept that adverse environmental impacts must be

[284] At Paragraph 5.
[285] Clough: Economic Framing and Impacts 2025, paragraph 31.
[286] At Paragraph 32.
[287] At Paragraph 33.

monetised and factored directly into the assessment of economic benefits. Instead, we are of the view that we can assess the benefits relied on by OGNZL separately from any adverse environmental impacts.

843 In support of this approach, the Panel in Waihi North[288], referenced the Supreme Court in Trans-Tasman Resources Limited v Taranaki-Whanganui Conservation Board[289] about the criteria to be applied to a sea-bed mining application which the Panel in Waihi North cited:

> the effects on the environment or existing interests of other activities undertaken in the area covered by the application or in its vicinity
>
> ...
>
> the economic benefit to New Zealand of allowing the application.

844 The Panel in Waihi North went on to say:

> It was argued in Trans-Tasman Resources that the reference to "economic benefit" required a cost benefit analysis which ascribed monetary values to environment, social and cultural costs. This approach was rejected by the Supreme Court which concluded that a "qualitative analysis of environmental, social and cultural benefits and costs, had been open to the decision-makers."[290]

845 We adopt that approach. That is to say, we accept that a qualitative analysis of adverse impacts is available where they cannot readily be expressed in money terms.

846 Further, we observe that the RMA definition of "environment" includes:

> (a) Eco-systems and their constituent parts, including people and communities; and
>
> (b) All natural and physical resources; and
>
> (c) Amenity values; and
>
> (d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) – (c) or which are affected by those matters.

847 In this sense the environment of the Project includes the people and communities within its vicinity, and their amenity values and the cultural significance of those amenity values. However, if adverse impacts on those aspects are to be weighed against the Project's benefits, that assessment, according to the Supreme Court, can occur in a non-monetary sense.

848 There can be no criticism of Mr Clough on this point, or the Applicant for not having presented a bespoke assessment of monetary value of potential adverse impacts. A qualitative analysis by the relevant experts is sufficient for us to make an informed

[288] Waihi North Decision Report at [787]
[289] *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2021] NZSC 127.
[290] At [188]-[192].

decision as to whether any adverse impacts are out of proportion with the regional or national benefits.

849 We also note that the asserted primary benefits of the Project are expressed in general monetary terms, but that there is an obvious and understandable lack of precision in this respect because of the fluidity of electricity markets and future demand for electricity. There would inevitably be considerably less precision in valuing social, aesthetic and cultural conditions of amenity values for those living near the Project.

850 Mr Clough assesses the secondary benefits, mainly attributable to the construction period, as adding approximately $258 - $426 million of spending on locally supplied goods and services and creating between 184 and 304 FTE jobs.[291]

851 As the Panel in Waihi-North said at paragraph [785] of that decision:

> We see this as consistent with the language of section 85(3) of the FTAA. Under this subsection, the ultimate question is whether adverse impacts ... are sufficiently significant to be out of proportion to the Project's regional or national benefits the Panel has considered under section 81(4), even after taking into account –
>
> i. any conditions that the Panel may set in relation to those adverse impacts; and
>
> ii. any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset or compensation for those adverse impacts.

852 We agree with that approach and adopt it.

853 The primary benefits of this Project include the obvious element of renewability from harnessing the naturally occurring prevailing wind. This benefit is supported by the NPS for Renewable Electricity Generation 2011 (NPS:REG)[292] the objectives of which are to:

(a) ensure the national, regional and local benefits of REG are provided for;

(b) enable REG capacity and output to significantly increase;

(c) enable REG to support the social, economic and cultural wellbeing of people and communities, and for their health and safety;

(d) enable REG to provide greater security of electricity supply and resilience to supply disruptions to all people and communities;

(e) enable REG to support achieving New Zealand's emission reduction target and implementation of the emissions reduction plan under the Climate Change Response Act 2002; and

(f) ensure REG is developed and operated in a safe, efficient and effective manner while

[291] Clough: Economic Framing and Impacts 2025, paragraph 33.
[292] As amended in December 2025 and effective from 15 January 2026.

managing the adverse effects from or on REG activities.

854 We accept that the Project is, "supported by and strongly aligned with this policy direction" as asserted by the planners for Contact[293].

855 The benefits of REG generally and in relation to this Project are said to be recognised and supported by members of the present Government including:

(a) The Minister of the South Island,

(b) the Minister for Regional Development,

(c) the Minister for Economic Growth,

(d) the Minister for Māori Crown Relations,

(e) the Minister for Energy,

(f) the Minister of Climate Change,

(g) the Minister Responsible for RMA Reform and for Infrastructure,

(h) the Minister for Rural Communities, and

(i) the Associate Minister for the Environment.[294]

856 The Crown acknowledges the international recognition to switch away from reliance on fossil fuels. New Zealand's commitment to the 2015 Paris Climate Accord has resulted in or has been preceded by commitment to measurable initiatives to reduce greenhouse gas emissions. Examples are the Climate Change Response (Zero Carbon) Act 2019 and Government's Emissions Reduction Plans including "net zero by 2050".

857 These initiatives raise the importance of renewable electricity generation at almost any scale as reflected by the NPS:REG. Contact says that "Among the commenters there is near-universal acknowledgement of the benefits of renewable electricity generation, and of wind farms in particular",[295] and we accept that.

858 We also accept that the Project will positively contribute to New Zealand's efforts to mitigate climate change by providing a significant new source of renewable electricity and reducing reliance on non-renewable sources of energy and that this is a Part 2 RMA matter.

859 This Project is said to have the capacity to be the largest producer of wind generated electricity in New Zealand, an assertion that appears unchallenged. At that scale it seems all but axiomatic that it will have regional or national significance.

[293] Statement of evidence of Claire Hunter and Megan Hankey, 14 January 2026 at paragraph 88.
[294] Contact Response, paragraph 1.14(c).
[295] At paragraph 2.1.

860 At a regional level there is evidence that Southland is presently a net importer of electricity,[296] and it is argued that the Project will contribute to resilience and downward pressure on wholesale prices at a regional level. That may be aspirational, but it does follow that if less electricity is being imported, then more renewable generation will be available to support economic growth and decarbonisation elsewhere in the country.

861 We accept that a windfarm of this scale located as it is to utilise a reliable source of wind with near direct connectivity to the national grid will have regional and national benefits.[297] Further, we note that those benefits will be realised early in the Project's operational life with a short energy payback time (EPBT)[298] including net positive carbon emissions.[299]

862 These net benefits are projected by Concept Consulting and Mr Clough to be significant relative to New Zealand's overall production of renewable electricity, reduction in greenhouse gas emissions and forecast demand. We note that theirs is the only independent expert evidence before us on the subject of economic benefits and that it is largely unchallenged.

863 We accept the Applicant's evidence as to the Project's likely benefits at regional and national levels.

864 We repeat the reference to Concept Consulting's estimated cost of the Project not proceeding at $2.6 billion with a significant lost opportunity to reduce carbon emissions.[300]

PART G: APPROVALS THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE RESOURCE MANAGEMENT ACT

865 This section sets out the statutory instruments that are relevant to the Panel's assessment in Parts D and E of this Decision. Contact's application listed what it considered to be the relevant statutory instruments. The Application provides an assessment of each of those instruments. We have carefully reviewed that assessment, and we generally concur with it, however, we provide our own assessments as follows.

G1: Decision-making criteria for consents under the RMA

866 In considering whether to grant the resource consents sought by Contact, we must apply cls 17 – 22 of Schedule 5 to the FTAA. For present purposes, it is cl 17 that is primarily important. Clause 17 is relevantly in these terms:

> 17 Criteria and other matters for assessment of consent application
>
> (1) For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the Panel must take into account, giving the greatest weight to paragraph (a),
>
> (a) the purpose of this Act; and
>
> (b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act

[296] Clough: Economic Framing and Impacts 2025, paragraph 77: "Southland has been a net importer of power over the past five years…"
[297] Noting that the language of section 85(3) FTAA calls for weigh regional or national benefits.
[298] Contact Response, paragraphs 2.35 to 2.41.
[299] At 2.35.
[300] Concept Consulting Group Ltd., Technical Assessment 2025: System Benefits, section 4.3. page 17 and Executive Summary at page 4.

1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and

(c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.

(2) For the purpose of applying any provisions in subclause (1),—

(a) a reference in the Resource Management Act 1991 to Part 2 of that Act must be read as a reference to sections 5, 6, and 7 of that Act; ... .

867 Section 104D of the RMA provides decision-making criteria for non-complying activities. Relevantly for the Project, given the overall 'bundled' consent category for the Project (as set out in part B of this Decision) is that of a non-complying activity, the effect of cl 17(1)(b) is that those criteria do not apply.

868 Clause 17(2)(a) arguably disapplies (by omission) s 8 of the RMA (which requires decision-makers to take into account the principles of the Treaty of Waitangi. Nevertheless, even in the absence of cls 17(2)(a), in this case those matters (as we discussed in Part D and section E2 of this Decision) would have been relatively straight forward in light of TAMI's s53 comment that "In summary Ngai Tahu ki Murihiku and Te Runanga have no objections to this substantive application provided the substantive application continues to be made on substantially the same basis as the application made to the EPA for the Southland Wind Farm Project".

869 As observed in the Waihi North FTAA Decision (Waihi North)[301], the phrase "take into account" requires us to consider the matters so identified and give them genuine consideration; rather than mere lip service, such as by listing them and setting them aside.[302]. In our view, as expressed in Waihi North, this can be best effected (and demonstrated) by considering all relevant aspects (including the purpose of the Act) first, but then only at the weighing up stage, give effect to the "greatest weight" requirement.

870 Importantly cls 17(3) and (4) provide:

(3) Subclause (4) applies to any provision of the Resource Management Act 1991 (including, for example, section 87A(6)) or any other Act referred to in subclause (1)(c) that would require a decision maker to decline an application for a resource consent.

(4) For the purposes of subclause (1), the Panel must take into account that the provision referred to in subclause (3) would normally require an application to be declined, but must not treat the provision as requiring the Panel to decline the application the Panel is considering.

871 Section 87A(6) of the RMA precludes the granting of consents for prohibited activities. Once effect is given to the cls 17(1) and (2) (and in particular, the disapplication of s 104D), there are no provisions in the RMA which, but for cl 17(4), would require the Panel to decline Contact's Application for resource consents. So, arguably at least, cls 17(4) is not directly relevant to the decisions we are required to make.

872 Again, as observed in Waihi North, reading cl 17(4) alongside s 85(4) means that when dealing with directive avoidance policies in planning instruments which, when taken with s 104D, might usually require the Application to be declined, we have instead adopted

[301] Record of Decisions of the Expert Panel under Section 87 of the Fast-track Approvals Act 2024, 18 December 2025. Part G1, paragraph 4.
[302] *Royal Forest and Bird Protection Society of New Zealand Inc v New Zealand Transport Agency* [2024] NZSC 26.

the approach of:

a) taking into account that they would usually engage the "bottom line" approach taken in King Salmon and thus require an application to be declined[303]; but

b) recognising and that they do not require the Panel to decline an application.

G2: Functional Need

873 The matter of functional need requires assessment prior to considering the detail of the statutory instruments, given its emphasis in the NPS:FM[304], NES:FW and NPS:HPL[305] in particular. 'Functional need' is also germane as to whether the Project is an appropriate development in this location.

874 We consider that the primary direction for our assessment is contained in the National Policy Statement for Renewable Electricity Generation (NPS:REG) 2011 as amended in December 2025. Policy C of the NPS:REG reads:

> 1 Decision-makers must recognise and provide for REG assets and activities that have an operational need or functional need to be in particular locations and environments.
>
> 2 Decision-makers must recognise that the operational need or functional need of REG assets and activities includes, but is not limited to, the need to:
>
> (a) be located where a renewable electricity resource is located and available at a viable scale and quality to sustain the REG activity;
>
> (b) be accessible to connect to electricity networks and be nearby to electricity demand; and
>
> (c) have sufficient and accessible land available to support all associated current and reasonably foreseeable future REG activities at that particular location.
>
> 3 An assessment of alternative sites is not required to demonstrate that an operational or functional need exists

875 Taking in account Policy C we are satisfied that there is both a functional and operational need for the Project to be sited in the locations proposed in the Application because, as set out in Section 8.8.6 of Part B of the Application:

(a) The wind resource at the Site is highly suitable for the development of a wind farm, with low turbulence intensity, low wind shear and low occurrence of extreme wind speeds (Policy C(2)(a));

(b) The Site is located relatively close to the existing Transpower 220kV circuit between Invercargill and Dunedin, namely the North Makarewa to Three Mile Hill A Circuit (Policy C(2)(b));

(c) The proposed transportation route from South Port to the Site has been proven to be suitable for the transportation of oversized and overweight wind turbine components;

(d) The Site's landowners are willing to make the land available to Contact and Contact has agreements in place with the relevant landowners that will enable the development of the Project (Policy C(2)(c));

(e) The wind farm layout is restricted to the technical feasibility of the design, including

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[303] *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* – [2014] NZSC 38; [2014] 1 NZLR 593.
[304] As defined in clause 3.21 of the NPSFM, functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.
[305] Clause 3.9(2)(j)(i).

the modelled wind resource across the site, wind turbine spacing requirements, setbacks from external property boundaries and compliance with the wind turbine noise standard (Policies C(1) and C(2)).

876 Also, we note the evidence of Mr Clough, as summarised in Part F of this Decision, that there is growing demand for electricity in Southland and that the region has been a net importer of electricity for the last 5 years.

877 Importantly, we note and accept the advice of Ms Hunter and Ms Hankey[306] that in accordance with Policy C(3), an assessment of alternative sites is not required to demonstrate an operational or functional need for the Project. Consequently, while there may well be alternative sites that might also be suitable for wind farms, that does not mean that the Project does not meet the functional need criteria.

G3: RMA Statutory instruments

878 Our starting point was to consider the assessments of those instruments set out in Section 8 of Part B01 of the Application. We next considered any assessments provided in the s 53 comments provided by the three councils and the s 51 comments provided by DOC and HNZPT. We then considered any comments on the Application's consistency (or otherwise) with the instruments provided by various s 53 commentators.

879 On 18 December 2025 the Government announced three new national direction instruments and a suite of amendments to existing national direction instruments effective from 15 January 2026. By way of Minutes 4 and 7 we provided an opportunity for the councils and all s 53 commentors to provide us with comments on the effects of those amendments, with a focus on any new or amended provisions that weighed either in favour of, or against, the granting of the approvals sought for the Project with reference to section 85 of the FTAA.

880 We received comments from the three councils, DOC, EDS, the NZ Animal and Game Council, WCPS, Hamish Robinson and Janet and Murray McDonald. The thrust of relevant comments[307] was that the only amendment applicable to the Project was the National Policy Statement for Renewable Electricity Generation Amendment 2025. We have taken into account the amended provisions of that document in our assessment conclusions that follow.[308]

National Policy Statements

881 Clause 17 of the FTAA lists the National Policy Statements that we must take into account. Relevantly here these include:

(a) National Policy Statement for Renewable Electricity Generation 2011 amended 2025;

(b) National Policy Statement for Freshwater Management 2020 amended 2025; and

(c) National Policy Statement for Highly Productive Land 2022 (August 2024).

882 As we noted earlier in this Decision, the National Policy Statement for Indigenous Biodiversity is not relevant because it specifically carves out and excludes renewable

[306] Contact Response, paragraphs and 49 and 95.
[307] Some of the comments sought to restate initial opposition to the Project.
[308] SRC provided extensive comments on the National Policy Statement for Electricity Networks Amendment 2025, but we note that NPS is not relevant because the Project does not comprise an electricity distribution network or an electricity transmission network.

electricity generation from its ambit.[309]

National Policy Statement for Renewable Electricity Generation 2011

883 We agree with Contact that the Project is consistent with, and is strongly supported by, the NPS:REG, particularly in light of the enabling nature of its objective and the mandatory requirement to recognise and provide for the national significance and the national, regional and local benefits of REG activities (Policy A).

884 Tellingly:

(a) Policy B(1) is that "Decision-makers on REG assets and activities must recognise and provide for the importance of: (a) enabling cumulative increases of REG capacity and output at any scale and any location ..." and "(b) avoiding, where practicable, any overall or cumulative losses of REG capacity and output from a region or district ...";and

(b) Policy F(1) is that "Decision-makers must enable REG assets and activities in all locations and environments".

Panel Finding

885 The NPS:REG weighs strongly in favour of granting the approvals sought. The omission of turbines on the Jedburgh Plateau (as sought by EDS) would be inconsistent with the intention of Policies B and F.

National Policy Statement for Freshwater Management 2020 amended 2024

886 The NPS:FM sets out a framework under which local authorities are to manage freshwater (including groundwater).[310] The objective of the NPS:FM is to ensure that natural and physical resources are managed in a way that prioritises the:[311]

(a) health and well-being of water bodies and freshwater ecosystems;

(b) health needs of people (such as drinking water); and

(c) ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

887 This objective reflects the hierarchy of obligations in Te Mana o te Wai.[312] Policies 1, 2, 6, 7, 9 and 10 are particularly relevant[313] to the Project.

888 Regarding Policy 1, we are satisfied that the Project will accord with Te Mana o te Wai, insofar as the activities have been identified and assessed to ensure that the health of freshwater and of the wider environment is prioritised and protected.

889 Regarding Policy 2 we again note TAMI's s53 comment that "In summary Ngai Tahu ki Murihiku and Te Runanga have no objections to this substantive application ..." as

[309] Clause 1.3(3) NPS:IB
[310] NPSFM clause 1.5.
[311] NPSFM clause 2.1.
[312] NPSFM clause 1.3.
[313] Policy 5 relates to the National Objectives Framework which is relevant to the role of the WRC. Policy 8 is not relevant as there are no outstanding water bodies identified within or directly adjacent to the Site. Policy 11 is not relevant because the proposed water takes are not located within a catchment that is defined as over allocated in the SWLP.

referred to earlier in this Decision.

890 Policy 6 seeks to ensure that there is no loss to the extent of natural inland wetlands and that their values are protected. We are satisfied that the Project activities will be managed in such a way so as to ensure works will either avoid the wetlands within the Site as far as is practicable in a manner consistent with the operational needs of the Project[314], and wetland values within the Site will be restored through the riparian fencing and ungulate exclusion, and pest management activities proposed. We also find any minor residual effects on the Jedburgh Plateau wetlands will be appropriately offset and compensated for by increasing indigenous wetland extent and enhancing existing wetland on land purchased by Contact at Davidson Road.

891 Policy 7 seeks to ensure the loss of river extent and values is avoided to the extent practicable. We reach the same conclusion on that matter that we did for wetlands. Relevantly:

(a) the Riparian Offsetting Management Plan will outline how the 769m of stream habitat potentially impacted by construction will be offset, including the methods to calculate the offset and identifying sites where fencing and planting to prevent stock access, restoring stream shade will be undertaken; and

(b) adverse effects on water quality, aquatic ecology, water quantity and hydrological function will largely be avoided through the implementation of best practice management measures outlined in the ESCP.

892 Policies 9 and 10 address the protection of the habitats of indigenous freshwater species, trout and salmon respectively. We are satisfied that appropriate protection will be achieved through measures including erosion and sediment controls, maintaining fish passage (other than where trout are to be excluded to protect indigenous fish) and riparian planting.

893 The Panel has taken into account the NPS:FM when assessing the effects of the Project as set out in Part E of this Decision.

Panel Finding

894 The NPS:FM does not weigh against granting the approvals sought.

National Policy Statement for Highly Productive Land 2022 (August 2024)

895 Figure Part B-3 (Part G) of the Application shows that the wind turbines will be located outside of any LUC 1-3 areas. Around 3.5ha[315] of the Project Footprint will be located on LUC 3 land.

896 However, Clause 3.9(2)(j)(i) of the NPS:HPL provides an exception for the use or development of highly productive land for the development, operation or decommissioning of specified infrastructure (the Project qualifies as specified infrastructure[316]) where there is a functional or operational need to be in that location.

[314] Achieved through multiple iterations to the wind farm layout to avoid impacts on wetlands to respond to the modifications made to the mapping of vegetation as Contact undertook more field work and aerial imagery interpretation.
[315] Up to O.93 ha of the O&M facility and a portion of the transmission line route and the GIP.
[316] Refer clause 1.3 NPS: HPL and Policy A of NPS:REG 2011.

As outlined in section G1, we are satisfied that is the case here. Also, as discussed in Part F, we are satisfied that the Project will have significant local, regional and national benefits.

Panel Finding

897 The NPS:HPL does not weigh against granting the approvals sought.

National Environmental Standards

898 Approvals for the Project are required[317] under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES:FM)

899 Regarding the NES:FM we are satisfied that the specified infrastructure (namely the Project) will provide significant national or regional benefits, there is a functional need for the Project to be located on the proposed Site, and Contact has suitably applied the effects management hierarchy to manage the effects of the Project on wetlands.

900 Regarding the Resource Management (National Environmental Standards for Air Quality), we observe that they do not require consent for the Project, but the management of dust and any other discharges of airborne particulates associated with the construction of the Project will be appropriately managed under the ESCP.

Panel Finding

901 The relevant national environmental standards do not weigh against granting the approvals sought.

Planning documents recognised by a relevant iwi authority and lodged with the Council

902 An application for a resource consent must include an assessment of the activity against any relevant provisions of a planning document recognised by a relevant iwi authority and lodged with a local authority.[318] The Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 has been developed for the Southland Region and applies to the Site. In light of Ngai Tahu ki Murihiku and Te Runanga's general acceptance of the Application, we have no concerns that it would weigh against a grant of the approvals.

G4: Regional and District planning framework

903 The approach that we have taken is to consider the assessments provided to us and to determine if there are any relevant provisions that would materially weigh against the approval of the Project.

Regional Policy Statement (RPS)

904 The Application includes an assessment of the Southland RPs in section 8.18 of Part

[317] The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NES ET) only apply to existing high voltage electricity transmission lines and so are not relevant here. The Preliminary Site Investigation undertaken confirmed that the Site has not been subject to any HAIL activities, and so the NES-CS is not relevant

[318] Schedule 5, clause 5(1)(h) and clause 5(2)(g).

B.01. That assessment addresses what we consider to be all of the relevant chapters[319] of the RPS. We observe that many of those same topics are addressed in the superior instruments and also in the Southland District Plan.

905 Contact acknowledges that some of the species (including long-tailed bats, birds and lizards) and habitat affected by the Project, particularly within the Jedburgh Plateau, meet the significance criteria set out in the RPS. Contact also acknowledges that while Project would result in unavoidable adverse effects on indigenous biodiversity, in particular the physical loss of habitat, the implementation of measures to avoid, remedy and mitigate, or offset and compensate for those identified effects would ensure that there was no net loss of areas of significant indigenous vegetation and significant habitats of indigenous fauna (e.g. high value vegetation, bats and other threatened taxa), consistent with the RPS's Biodiversity policy direction. We agree.

906 Regarding the Natural Features and Landscapes chapter, Contact note that while the Project Site is not a scheduled ONL or ONF, under the RPS provisions decision-makers (namely the Panel) were required to assess the "appropriateness" of an activity in the context of the landscape values that exist and the extent and degree of effects that would accrue on those values. Our "appropriateness" assessment is set out in section E3 of this Decision.

907 In its s 53 comments the SRC noted the Project was consistent with provisions requiring that the generation and use of renewable energy was increased and the benefits of renewable energy were recognised and provided for[320]. SRC advise that it had previously provided feedback on the applicant's planning and policy analysis (which had been incorporated by the Applicant) and hence did not propose a further detailed critique of those aspects of the Application. Instead SRC focused on the proposed conditions of consent.

Regional Plans

908 The Proposed Southland Water and Land Plan (pSWLP) and the Regional Water Plan for Southland (RWP) are referenced in sections 8.17 and 8.18 of Part B.01 of the Application. The pSWLP was made operative in part in May 2024 and it should be afforded greater weight than the RWP which was made operative in 2010.

909 Contact assessed the region-wide provisions and the provisions relating to water quality and quantity. That assessment focusses on water quality effects that might arise from sediment generated by Site earthworks and we accept that approach. Contact concludes that the development and implementation of an ESCP (including water quality monitoring) would ensure that relevant pSWLP Appendix E standards water quality standards would be met and existing freshwater ecology values would be protected during the Project's construction.

910 Contact notes that Policy 33 of the pSWLP sought to prevent the reduction in area, function and quality of natural wetlands, and Policy 32 sought to protect significant indigenous vegetation and significant habitats of indigenous fauna and maintain indigenous biodiversity associated with natural wetlands, lakes and rivers and their margins. However, as specified infrastructure, the Project qualified as an exception to those provisions under Policy 33.2 which was inserted directly into the SWLP, as directed by clause 3.22 of the NPSFM.

911 In overall terms Contact considers the Project to be consistent with the provisions of the

[319] Tangata Whenua, Water, Rural Land and Soils, Biodiversity, Natural Hazards, Air Qaulity, Natural features and Landscapes, Contaminated Land, Hazardous Substances, Soild waste, Historic heritage, Infrastructure and Transport and Energy.
[320] Objective ENG.3 and Policy ENG.2

pSWLP and the RWP.

912 As we noted above, SRC did not provide a critique of the regional instruments in its s53 comments.

913 In its s 53 comments EDS stated[321] that the Project did not meet the Policy 33.3 exceptions because it did not meet the 'functional need' test and compensation was not appropriate for such high value, vulnerable and irreplaceable wetlands present across the Jedburgh Plateau. We respectfully disagree with EDS on both of those matters. We discussed 'functional need' in section G1 and while the Jedburgh wetlands are significant habitats, we do not find their values to be irreplaceable. In that regard, as we noted in section E4 of this Decision, in relation to comments from DOC and SRC about the irreplaceability and vulnerability of the wetlands on the Jedburgh Plateau, Contact advise that Mr Goldwater and Mr MacGibbon were both firmly of the view that the wetlands that will be lost are not irreplaceable and do not meet the definition of vulnerability. We accept the considered advice of those two independent experts.

914 Even if we are wrong about those two matters, as we noted in section G1, reading FTAA cl 17(4) alongside s 85(4) means the RPS provisions in question would not require us to decline the Application. We acknowledge EDS's agreement[322] that the Application could not be declined solely based on the provisions of the pSWLP that they highlighted in their comments.

Gore District Plan (GDP)

915 The GDP is assessed in section 8.21 of Part B.01 of the Application, noting that the provisions of both the Operative Gore District Plan (oGDP) and the Proposed Gore District Plan (pGDP) are relevant. Contact's assessment focuses on the proposed transmission line route and GIP that would be located within the Gore District, together with the transport of over-weight and over-sized wind turbine components[323].

916 Contact notes that the location of the GIP (of which has a functional and operational need to be in this location) is pastoral farmland and the transmission line pylons will avoid locating in areas identified as wetlands or high-value vegetation. The construction and operation of the transmission line would also enable the continued existing use of the underlying land for primary production. The transport of wind farm components would not adversely impact the safe and efficient operation of the road network.

917 Contact concludes that the Project is consistent with the provisions on the oGDP and pGDP.

918 We note that in their s 53 comments the GDC made no mention of District Plan provisions.

Southland District Plan (SDP)

919 The Application provides an assessment of the SDP in section 8.20 of Part B.01. The SDP became operative in 2018. The Contact assessment addresses what we consider to be all of the relevant chapters[324] of the SDP. The overall conclusion is that the Project is consistent with the objectives and policies of the SDP although, the assessment concedes

[321] EDS s 53 comments, paragraph 37.
[322] Ibid, paragraph 38.
[323] oGDP Chapters 2.3, 2.6, 3, 5, 6 and 7 and pGDC chapters on Energy, Transport, Sites and Areas of Significance to Māori, Ecosystems and Indigenous Biodiversity, Earthworks and the general Rural Zone.
[324] TW - Tangata Whenua, EM - Energy and Minerals, INF – Infrastructure, TRAN – Transportation, CL – Contaminated Land, NH - Natural Hazards, WASTE – Waste, HAZS – Hazardous Substances, HH - Historic Heritage, ECO – Ecosystems and Indigenous Biodiversity, NFL - Natural Features and Landscapes, FIN - Financial Contributions, NOISE – Noise and GRUZ - General Rural Zone. It also addressed ASW – Activities on the Surface of Water.

that:

(a) With regard to the ECO chapter provisions, Contact would offset and compensate for any significant residual effects on areas of significant indigenous vegetation and significant habitat of indigenous fauna. The proposed biodiversity offsetting measures and environmental compensation are said to be designed in accordance with the direction provided in the Southland RPS to ensure there would be no net loss of wetland or terrestrial biodiversity;

(b) In terms of the NFL chapter, while there would be some effects from the wind turbines on visual amenity, which in turn has some bearing on landscape values, the Project is nevertheless appropriate as it avoids physical modification of the identified escarpment feature as the turbines will be set back varying distances from the scarp's edge. Although some turbines would be visible on the skyline, the natural edge would remain legible, and the scarp as a natural face would remain intact and distinguishable; and

(c) Regarding the GRUZ chapter, the Project will enable the existing pastoral farming and plantation forestry land uses within the Site to continue, being on land that is currently used for pastoral farming and plantation forestry.

920 The s 53 comments provided by SDC included a section titled "Topic 5: Planning".

(a) Regarding the ECO chapter (SDC referred to this as the BIO chapter), SDC consider[325] that the Application includes measures to avoid, remedy and mitigate adverse effects on ecological values and where significant residual effects remained, Contact had identified measures to offset or compensate for those effects and so the Application was generally consistent with the policy direction of the chapter; and

(b) In terms of the NFL chapter, SDC raise a concern that Contact has not given sufficient weight to the direction of Policy NFL-P3 to avoid, remedy or mitigate adverse impacts on the landscape values present or the significance of the site as a 'potential' ONF. SDC requested that the Panel consider the proposed mitigation identified by Mr Girvan as a means to address landscape effects on the Slope Down / Mokoreta – Pukemimihau candidate ONF. We discuss that proposed mitigation in section E3 of this Decision

921 In all other respects the SDC considers that the Project is consistent with the provisions of the SDP.

922 The WCPS briefly commented on the SDP and NFL chapter and invited the Panel to treat the Site as an Outstanding Natural Feature (ONF). We have declined to do so for the reasons set out in section E3 of this Decision where we consider the natural landscape features of the Site.

Overall Conclusion on the Regional and District Planning Framework

923 We have considered the assessments and concessions made by Contact and the concerns expressed by SDC, WCPS and EDS. Taking those matters into account and weighing them in light of the mitigation and compensation measures that are to be fixed in the conditions of consent, and giving the greatest weight to the purpose of the FTAA (to facilitate the delivery of infrastructure and development projects with significant regional or national benefits, which the Project undoubtably is) as we are required to do, we find that the provisions contained in the Regional and District Planning Framework do not

[325] Paragraph 93.

lead us to conclude that the Application should be declined.

G5: Part 2 of the RMA

924 Clause 5 (1)(g) of Schedule 5 of the Act requires an assessment of the project against Sections 5, 6 and 7 of the RMA. Contact addressed Part 2 of the RMA in section 8.5 of Part B.01 of the Application.

925 The purpose of the RMA set out in s 5 is to promote the sustainable management of natural and physical resources. Despite the concerns of some commentors regarding the effects of the SWPF on their wellbeing (mainly in terms of visual effects), we are satisfied that in overall terms that it will promote social and economic wellbeing through the generation of renewable electricity. In light of the preceding Parts of this Decision, subject to the imposition of conditions of consent that avoid, remedy or mitigate potential adverse effects, we are also satisfied the Project will safeguard the life-supporting capacity of air, water, soil and ecosystems.

926 In particular we consider:

(a) Sections 6(e), 7(a) and (aa) of the RMA are all relevant. They require the recognition of the relationship Māori have with their ancestral lands, water, sites, wāhi tapu and other taonga, as well as having regard to kaitiakitanga. In light of our assessments in Part D and section E2 we are satisfied that will be the case;

(b) Taking into account our assessments of effects in Part E, we consider that the Project is not "inappropriate development" in the context of s 6(a). Conditions of consent will preserve the natural character of the wetlands, rivers and their margins to the extent appropriate and practicable. Consent conditions will also enable areas of significant indigenous vegetation and significant habitats of indigenous fauna to be protected to the extent practicable within the operational constraints of the Project (s 6(c)), and regard has been had to the intrinsic values of those resources (s 7(d));

(c) The Site not to be an ONF or ONL (s6(b)), but the Project layout has had regard to minimising effects on adjacent areas that are of high landscape value. Effects on the natural character and landscape within the Site will arise, as will effects on the amenity values of some people who may view the Site (s7(c)), but in the context of FTAA s85(3), we do not consider those effects are sufficiently significant as to be out of proportion to the Project's regional or national benefits;

(d) In terms of other more localised s7(c) amenity matters, the conditions of consent will impose suitable limits on noise, lighting and dust;

(e) The Project will not restrict public access to the Site (s 6(d)). While it may potentially affect some scheduled sites of historic heritage listed (s 6(f)), an appropriate Archaeological Authority has been sought. Conditions of consent, together with the ESCP, will protect any trout encountered in instream works or diversions (s 7(h)); and

(f) The Project will clearly generate benefits from the use and development of renewable energy (s7(j)).

Panel Finding

927 As summarised above, as a result of the conclusions reached on the effects of the Project and in the context of the relevant provisions of the statutory instruments and the

imposition of appropriate consent conditions, the Panel finds that the Project is consistent with Part 2 of the RMA.

G6: Decisions as to resource consents

928 In light of our adverse effects (or impacts) assessments in Part E, our findings on the statutory instruments set out in this Part F, and the circumstances whereby a Panel must or may decline an Application as described in s 85 of the FTAA (none of which apply here), we find there are no grounds for declining the resource consents sought for the Project.

929 Consequently, the resource consents sought from the Southland Regional Council, the Southland District Council and the Gore District Council are granted subject to the conditions set out in Appendix B.

PART H: A CONCESSION THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE CONSERVATION ACT

930 As outlined in Part B of this Decision, Contact seeks a concession for a 60-year term for the following activities:

(a) 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);

(b) 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

(c) 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).

931 Contact provided the Schedule 6, Part 1 (cls 3) information for the concession in Part C of the Application.

932 Outside of the FTAA, applications for concessions are dealt with under Part 3B of the Conservation Act (ss 17O – 17ZJ). They are granted by the Minister (s 17Q). Section 17U(1) relevantly provides:

> (1) In considering any application for a concession, the Minister shall have regard to the following matters:
>
> (a) the nature of the activity and the type of structure or facility (if any) proposed to be constructed:
>
> (b) the effects of the activity, structure, or facility:
>
> (c) any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity:
>
> ...
>
> (3) The Minister shall not grant an application for a concession if the proposed activity is contrary to the provisions of this Act or the purposes for which the land concerned is held.

933 Clause 7 of Schedule 6 to the FTTA provides:

> **7 Criteria for assessment of application for concession**
>
> (1) For the purposes of section 81, when considering an application for a concession, including conditions in accordance with clause 8, the panel, giving the greatest weight to paragraph (a)(i),—
>
> (a) must take into account—
>
> (i) the purpose of this Act; and
>
> (ii) 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; and
>
> (iii) any other relevant provisions of Parts 3, 4, 4A, 5, 5B, and 5C of the Conservation Act 1987 that direct decision making in relation to Part 3B of that Act; and
>
> ...
>
> (vi) the purpose for which the land is held ...; and
>
> ...
>
> (b) may consider,—
>
> (i) ... any policy statement or management plan of the Crown ...

934 DOC provided a s51 report on the concession application[326]. That report concludes that with a reduced term of 30 years, the Application could be granted in a manner consistent with the Conservation Act 1987. DOC do not consider that the proposed activity meets the test for exceptional circumstances[327] and recommend the usual 30-year concession term. DOC also requested that the concession specify calendar start and end dates[328].

935 DOC noted that adverse effects would be managed through management plans. They recommended that adverse effects should also be managed by the concession document, as that would enable the Department to fulfil its responsibilities as administrator of the affected land. In that regard, DOC express concern about managing effects from an activity authorised under the Conservation Act 1987 through a process managed under the Resource Management Act 1991[329].

Panel Findings

936 As we discussed in section E1, the concessions requested by Contact are small and limited in scope. Once completed, the activities to which they relate will have a minimal effect on the environment and the purpose for which the public land is held, which we understand relates primary to riparian management and public access.

937 DOC sought a number of amendments to the concession conditions initially proposed by

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[326] Section 51(2)(a) concession report for – FTAA-2508-1095 Southland Wind Farm.
[327] Ibid, Paragraph 7.81. DOC based this view on the Supreme Court definition of "well outside the normal range of circumstances".
[328] Ibid, paragraph 4.3.
[329] Ibid, paragraph 4.4.

Contact. In its s 55 response Contact agrees to most of those amendments[330] and in our draft conditions we have made minor additional amendments in response to DOC's suggestions.

938 However, we do not impose some additional conditions sought by DOC for Schedule 3 of the concession,[331] because once the transmission line and culvert are constructed, the location will be confirmed and if Contact constructs outside of the indicated area, a variation to the concession will be required. Health and safety matters are adequately addressed in the proposed resource consent conditions.

939 Furthermore, we observe that the FTAA provides a single process for seeking a range of approvals which would otherwise have to be sought under different statutes and by different processes. Duplicated conditions (particularly where there is inconsistent wording) across those approvals creates uncertainty, increases the complexity of the approvals and potentially frustrates the delivery of the Project. The Panel's view is that it is generally better to state conditions once in a relevant approval and to cross-refer to those conditions in other approvals.

940 For that reason, despite DOC's contrary recommendation[332], we take no issue with Contact's suggestion to cross-refer to the resource consent conditions that manage weed control, fuels, hazardous materials, chemicals, waste and the discovery of koiwi (the Accidental Discovery Protocol).

941 We agree with DOC that due to the prevalence of wind farms (and proposed wind farms) both across New Zealand and in Southland specifically, the proposed wind farm in this Application is not outside of the normal range of circumstances. Nor does the expected operational life of the proposed wind farm structures and the essential nature of both the proposed right of way and transmission line create an exceptional circumstance. Consequently, we find that the term of the concession should be 30 years.

942 We have specified the term as 30 years commencing on the date of this Decision, with the expiry date being 30 years hence.

943 DOC seeks two conditions under s 78 of the FTAA (Schedule 2, Conditions 12.2 and 21.1). We have imposed those conditions as sought.

944 For completeness we record that DOC's s 51 report evaluated all of the relevant Schedule 6 cls 4(1) and 7(1)(a) criteria. We adopt that evaluation (other than as stated to the contrary above) and note in particular:

(a) The purpose for which the land (the marginal strips) is held is the maintenance of water quality, aquatic health, natural values, public access and recreational use. The Application does not prevent that maintenance of those values or impact public access or recreational use of the waterbodies;

(b) Contact has identified the adverse effects which will require avoidance, mitigation, or remediation and there were no additional effects that the Panel needs to consider. The impact of the proposed activities will have negligible effects on public

[330] Including additional conditions relating to didymo, myrtle rust and accidental discovery conditions (albeit by way of cross-reference for the latter).
[331] To be located between conditions 5 and 6. See page 47 of 70 of the s 51 Report.
[332] Section 51 Report, paragraph 7.28.

access to public conservation land; the visual effects of the transmission line above public conservation land will have minimal visual effects; and the landscape surrounding the culvert's location will ensure that the culvert does not appear out of place, nor create visual disturbance to other users;

(c) DOC do not identify any aspect of the Conservation General Policy (CGP), Southland Murihiku Conservation Management Strategy 2016, or Vision for Southland Murihiku – 2066, that would weigh against the Project; and

(d) The Application's location is not named as a visitor destination that is the focus of DOC's effort, nor as a site which is highly valued by Southlanders[333].

945 Having regard to the statutory criteria which we have already discussed, we grant the concession sought subject to the conditions set out in Appendix D of this Decision.

PART I: AN APPROVAL THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE WILDLIFE ACT

946 Contact has sought a Wildlife Approval under the Wildlife Act 1953 to enable the intentional disturbance of wildlife, specifically:

(a) To catch, salvage and relocate Helms' stag beetle and lizard species (specifically tussock skink, Tautuku gecko, and, if found on site during construction, green skink and herbfield skink) prior to, and during, vegetation clearance and construction activities in areas that have either confirmed or expected presence of these species, and the marking[334] of lizards, for the purpose of wildlife salvage and monitoring.

(b) To incidentally harm or kill wildlife (Helms' stag beetle and lizard species) if the harm or death is not directly intended but is unavoidable and foreseeable, and all reasonable effort has been made to meet the conditions in the Approval.

947 The criteria for determining the applications are set out in clause 5 of Schedule 7 to the FTAA which provides:

> For the purposes of section 81, when considering an application for a wildlife approval, including conditions under clause 6, the panel must take into account, giving the greatest weight to paragraph (a),—
>
> (a) the purpose of this Act; and
>
> (b) the purpose of the Wildlife Act 1953 and the effects of the project on the protected wildlife that is to be covered by the approval; and
>
> (c) information and requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement).

948 The purposes of the Wildlife Act include the protection of species and particular populations of wildlife that are at risk. Clause 5(c) of Schedule 7 refers to the NZ Threat Classification System. This is a national system that assesses the conservation status

[333] Ibid, paragraph 7.65.
[334] As clarified in Contact Response, paragraphs 13.32 to 13.34.

of species found in the wild in New Zealand. Tussock skinks and Tautuku geckos are classified as 'At Risk – Declining', Green skink is 'Threatened – Nationally Critical' and Herbfield skink is 'At Risk – Declining'. Helm's stag beetle is widespread across the South Island, Stewart Island, and Fiordland and has not been assessed).

949 DOC provided a s51 report on the Wildlife Approval application[335] and concluded that, subject to recommended conditions, the proposed activities were broadly consistent with the purpose of the Wildlife Act.

950 DOC helpfully advise:

(a) Contact did not apply to mark lizards; however, they refer to it in section 10 of the LMP as part of their post-release monitoring. DOC support the proposed marking and recommended the Panel consider that activity when making a decision, noting that marking protected wildlife without authorisation was an offence under the Wildlife Act[336];

(b) Subject to recommended conditions being imposed and complied with, there may be a net benefit for the populations of the protected species, even if there are some incidental deaths[337];

(c) That it prefers a 10-year term (over the 30 year term proposed by Contact) to ensure the LMP and methodology specified therein stay up to date with best practice[338];

(d) That it prefers amendments to the LMP or TIMP go through the Wildlife Act variation process;

(e) The Application is not inconsistent with the Conservation General Policy 2005 or the Southland Murihiku Conservation Management Strategy 2016[339]; and

(f) None of the species for which the Wildlife Approval were sought, are taonga species under Schedule 97, although they might have significance to Māori and that no specific conditions were identified to achieve consistency with Treaty principles[340].

951 We adopt DOC's advice and note that in section E1 of this Decision we explained why we have inserted conditions to require the LMP and TIMP to be certified by DOC with any amendments to those management plans to go through a Wildlife Act certification process.

952 DOC also seeks a number of amendments to the conditions proposed by Contact and in its s 55 response Contact accepted those amendments.

953 In its s 55 response Contact seeks to include the marking of lizards and updated the proposed conditions to address this, specifically in the list of activities outlined in Condition 1 of Schedule 1 of the Approval. We find that to be appropriate and accept

[335] Appendix D of the Section 51 Report titled "Section 51(2)(c) wildlife approval report for –FTAA-2508-1095 Southland Wind Farm".
[336] Ibid, paragraph 3.1.
[337] Ibid, paragraph 6.25.
[338] Ibid, paragraph 3.2.
[339] Ibid, paragraphs 8.11 and 8.14.
[340] Ibid, paragraphs 9.3 and 9.8.

Contact's position[341] that as the monitoring measure had been included in the LMP and is a common practice associated with the relocation of lizards, marking was not an oversight or omission in the Application.

954 Regarding the term of the Wildlife Approval, we find it is appropriate to grant it for 20 years as sought by Contact. The reason being that activities sought as part of the Approval include longer-term monitoring activities relating to lizards. We duly specify the term as 20 years commencing on the date of this Decision, with the expiry date being 20 years hence.

PART J: AN AUTHORITY THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE HERITAGE NEW ZEALAND POUHERE TAONGA ACT

955 Contact seeks a site-wide general Archaeological Authority. In considering whether to grant an Archaeological Authority that would otherwise be applied for under the HNZPT Act we must apply clauses 4 and 5 of Schedule 8 to the FTAA.

956 For present purposes, it is cls 4 that is primarily important. It provides:

> **4 Criteria for assessment of application for archaeological authority**
>
> (1) For the purposes of section 81, when considering an application for an archaeological authority, including conditions in accordance with clause 5, the panel must take into account, giving the greatest weight to paragraph (a),—
>
> (a) the purpose of this Act; and
>
> (b) the matters set out in section 59(1)(a) of the HNZPT Act; and
>
> (c) the matters set out in section 47(1)(a)(ii) and (5) of the HNZPT Act; and
>
> (d) a relevant statement of general policy confirmed or adopted under the HNZPT Act.
>
> (2) For the purposes of subclause (1), the provisions of the HNZPT Act referred to in that subclause must be read with all necessary modifications, including that a reference to Heritage New Zealand Pouhere Taonga must be read as a reference to the panel.

957 The Schedule 8 (cls 2) information for archaeological authorities is set out in Part E of the Application. As we note in section E9, Contact also provided an assessment of the archaeological values of the Project Site undertaken by Cook (2025).

958 The Panel must undertake an assessment of the effects of the Project on the values of the archaeological sites. That assessment is set out in section E9 of this Decision where we were guided by the comments received from the Ministry for Culture, TAMI and HNZPT in particular. Having done so, we find it appropriate to grant the Archaeological Authority subject to conditions that are set out in Appendix F. Importantly in our view, those conditions appropriately reflect the views of Te Rūnanga o Ngāi Tahu, Papatipu Rūnaka ki Murihiku and HNZPT.

PART K: AN APPROVAL THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE FRESHWATER FISHERIES REGULATIONS

959 The definition of a complex freshwater fisheries activity in the FTAA includes the

[341] Contact Response, paragraph 13.33.

construction of a culvert or ford that permanently blocks fish passage. Two[342] of the 'notable' stream crossings[343] (NSC) required for the Project will be culverts designed to permanently block passage of exotic fish. One of these is on the main construction access track within the Port Blakely Forest (NSC6), and the other is near proposed turbine JED-18 (NSC3).

960 Contact wishes to prevent exotic fish passage (trout) at those culvert crossings because there are populations of 'Threatened' indigenous fish species (Gollum galaxias or Clutha flathead galaxias) upstream, and so to prevent the predation of trout on these species it is necessary to prevent the upstream passage of trout through the culverts.

961 In considering whether to grant the approvals, we must apply cls 5 and 6 of Schedule 9 to the FTAA. For present purposes, it is cl 5 that is primarily important. It provides:

> 5 Criteria for assessment of applications for complex freshwater fisheries activity approval
>
> For the purpose of section 81, the panel must take into account, giving the greatest weight to paragraph (a),—
>
> (a) the purpose of this Act; and
>
> (b) the alignment of the proposed activity with best practice and the New Zealand Fish Passage Guidelines; and
>
> (c) how the proposed activity will manage risks to freshwater values or habitat, including prevention of access to or spread of invasive species; and
>
> (d) the availability and quality of the habitat upstream and downstream of the proposed activity; and
>
> (e) the presence of threatened, data-deficient, or at-risk species under the New Zealand Threat Classification System in the vicinity of the proposed activity; and
>
> (f) the advantages and disadvantages of providing fish passage upstream or downstream of the proposed activity.

962 Part F of the Application includes the Schedule 9 (cls 3) information for the complex freshwater fisheries activity. .

963 Other matters relating to these two culverts, such as erosion and sediment control and site restoration, are adequately covered in the resource consent conditions and associated management plans.

964 DOC commented on the approvals sought in Appendix E[344] of its s 51 report. It advises[345] that it is "... largely satisfied with the conditions proposed by the applicant, which have taken into account most of the pre-lodgement feedback DOC provided." DOC seeks minor changes to the Freshwater Fisheries Approval conditions which Contact[346] largely agreed with in its s 55 response, namely:

(a) requiring the design of the culverts to take into account the design considerations

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[342] The Application originally also included NSC1, but Contact's s 55 response advised that both galaxiids and trout are present at NSC1 (and likely also at NSC7 approximately 1.5km upstream of NSC1), therefore an exclusion barrier was not required and no longer recommended at that location.
[343] Being stream crossings which have catchments >40ha and required culvert diameter >1,000mm.
[344] Section 51(2)(e) complex freshwater fisheries activity approval report for – FTAA-2508-1095 Southland Wind Farm, 3 December 2025.
[345] Ibid, paragraph 8.3.
[346] Buddle Findlay, 14 January 2026, paragraph 13.59.

for exclusion barriers in s 6 of the New Zealand Fish Passage Guidelines; and

(b) conditions requiring additional controls on construction including avoiding the use of wet concrete in flowing water; requiring sediment control measures in place to prevent the entry of sediment into the water which can affect fish passage; and avoiding or minimising works being undertaken in flowing water. Contact notes these matters are covered in resource consent conditions (CM1-CM28 and the associated management plans) and so it would be sufficient for the complex freshwater fisheries approval conditions to refer to those consent conditions. We agree.

965 DOC[347] also seeks that the culverts be constructed outside the peak migration times for the two galaxiid species of concern. Contact[348] notes that both species are non-migratory and so the condition sought by DOC was unnecessary. We agree.

966 In light of the above matters and having considered the requirements of cls 5(e) of Schedule 9 of the FTAA, we are satisfied that the complex freshwater fisheries approval should be granted. The conditions imposed are set out in Appendix G of this Decision.

PART L: OTHER CONSIDERATIONS

International Convention on Biological Diversity

967 New Zealand is a party to the International Convention on Biological Diversity (CBD), known informally as the Biodiversity Convention. It is a multilateral treaty with three main goals: the conservation of biological diversity; the sustainable use of its components; and the fair and equitable sharing of benefits arising from genetic resources.

968 As a party to the CBD, New Zealand is required to have a National Biodiversity Strategy and Action Plan (NBSAP). This strategy sets out our national contribution to reversing the loss of biodiversity worldwide. In 2020, the New Zealand Government launched Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020 (ANZBS). This is New Zealand's national biodiversity strategy and has been submitted to the CBD. The strategy sets out a strategic framework for the protection, restoration and sustainable use of biodiversity in New Zealand. It covers the period from 2020 to 2050 and focuses on indigenous biodiversity.

969 DOC's s 51 report for the Wildlife Authority advised that the Application seeks to salvage and relocate resident lizards from the effects of works to establish the Project. The proposal to salvage lizards and enhance lizard habitats at the relocation sites should provide a level of protection of biodiversity from the adverse effects of the development. We agree.

International Union for Conservation of Nature (IUCN)

970 The IUCN is a globally recognised conservation body and NZ's membership (since 1948) reflects its commitment to biodiversity and ecosystem protection. The IUCN Red List has Tussock Skink as "least Concern – Decreasing" and Green Skink "Endangered – Decreasing". This reinforces the need to have adequate conditions in the approvals for

[347] Ibid, paragraph 8.4.
[348] Ibid, paragraph 13.59(b).

those species.

PART M: OVERALL APPROACH

General Comments

971 Many of the potential adverse effects of the Project are typical of those associated with large scale wind farm projects. These include landscape, visual amenity, earthworks and turbine noise. These, and a range of other effects, are all addressed in Part E of this Decision. Effects that are reasonably specific to the Project primarily relate to the portion of the Project that is intended to be located within the Jedburgh Plateau and its wetland mosaic. Those effects are also addressed in Part E of this Decision.

972 While the effects of the Project are the subject of a number of comments, we consider they are, in general, adequately addressed by Contact's technical assessments, the technical peer reviews undertaken by the councils and DOC, and the extensive and comprehensive conditions proposed by Contact for the resource consents and other approvals.

The principal issues that were in contention

973 As already noted, in Part E of this Decision we assessed the various potential effects of the Project. We consider that the principal issues in contention were:

(a) The regional or national benefits of the Project, as discussed at Part F of this Decision;

(b) The effects of the Project on landscape, visual amenity and natural character values, as discussed in section E3 of this Decision;

(c) The effects of the Project on terrestrial and wetland ecology and freshwater quality and ecology, as discussed in sections E4, E5 and E8 of this Decision; and

(d) The cultural effects of the Project, as discussed at section E2 of this Decision.

Our main findings in relation to these issues

974 In short, the Project will generate significant regional and national benefits, in terms of renewable electricity generation to support economic growth and decarbonisation. Those benefits will come with adverse impacts, but these are not so great as to be out of proportion to the benefits.

975 More specifically, the Panel's main findings on the principal issues in contention are:

(a) The scale and location of the Project, positioned as it is to utilise a reliable source of wind with near direct connectivity to the national grid, will have regional and national benefits. Renewable electricity generation at the anticipated rate will support economic growth and decarbonisation both regionally and nationally. Our discussion on benefits is set out at Part F of this Decision.

(b) The SWF will impact adversely on landscape, visual amenity and natural character values but, as set out in section E3 of this Decision, these impacts can be appropriately avoided, remedied or mitigated. While there will be some reduction in the perceptual and associative dimensions of landscape values for the local

area, factoring in: the predominantly working rural landscape context of the site; the landscape-responsive design of the wind farm; the landscape related conditions (addressing off site mitigation planting, turbine lighting, earthworks management and ecological restoration, offsetting and compensation); and the potential benefit of the Community Fund with respect to landscape values; such impacts will not be disproportionate to the benefits of the Project.

With respect to natural character effects, the avoidance of the majority of the high value ecological features and robust consent conditions in relation to the management of earthworks, vegetation removal limits, ecological restoration, offsetting and compensation requirements will ensure such effects are acceptable.

(c) The Project will impact adversely on terrestrial, wetland and freshwater ecology in some locations on the Site, but as set out in sections E4, E5 and E8 of this Decision, these impacts are able to be managed through an appropriate suite of approval conditions including a comprehensive set of management plans covering construction, operation, maintenance and decommissioning. Vegetation and habitat loss will be addressed by the offset and compensation package proposed. The exclusion of ungulates from an area of 245 ha of the Jedburgh Plateau will improve the overall quality of remaining vegetation cover on that part of the Site. Potential effects of turbine strike on bats and avifauna will be adaptively managed with turbine curtailment, when necessary, with residual effects addressed via funding of predator control within the 10,000-ha area in the Beresford Range for the life of the Project.

(d) The SWF had potential for significant adverse impacts on Te Ao Māori cultural connections, but as set out in section E2 of this Decision, these have been pro-actively addressed by the Applicant such that Iwi are now satisfied that the Project is consistent with the obligations arising under existing Treaty Settlements in a s7 FTAA sense. We are satisfied that no cultural issues arise for tangata whenua that have not been appropriately addressed.

Non-Te Ao Māori cultural connections are acknowledged, but these will be sufficiently avoided, remedied or mitigated so as not to be out of proportion with the benefits of the SWF.

The relevance of the FTAA decision-making criteria

976 We acknowledge and agree with the Panel findings in Waihi North[349] that FTAA decision-making criteria are, in some respects, distinctly different from those that would otherwise have been applicable. Consequently, our Decision to grant the approvals sought does not depend upon the Project being consentable outside of the FTAA.

977 The decision-making criteria in the FTAA Schedules impose obligations that are never more stringent than to "take into account" the various matters specified. Importantly here, given the non-complying activity status of the 'bundled' resource consents for the Project, in the case of Schedule 5 (applying in relation to resource consents), s 104D of the RMA is specifically disapplied and with it the s 104D(1)(b) requirement that non-complying activities be "not be contrary to" planning instrument objectives and policies.

[349] Ibid, Part M, paragraph 9.

978 Also material are:

(a) The heavy emphasis in the Schedules on the purpose of the FTAA;

(b) The way in which s 85(3)(b) is expressed; and

(c) The prohibition in s 85(4) from concluding that the 85(3)(b) threshold has been met "solely on the basis" of inconsistency with a statutory provision or document that must be taken into account or considered.

979 As was noted in Waihi North[350], the above three matters include the following overlapping considerations:

(a) The s 85(3) test and the decision-making criteria in the Schedules require a weighing of incommensurables between what are claimed to be economic benefits on the one hand and, on the other, actual or potential environmental adverse effects. Carrying out the weighing exercise is likely to involve something akin to the overall judgment approach that was rejected by *the Supreme Court in Environmental Defence Society v The New Zealand King Salmon Company Limited & Ors* in a plan change case.[351]

(b) Planning objectives and policies do not play as critical a role in relation to resource consent applications (particularly for non-complying activities) as they would under the RMA; and

(c) Where the activities (or effects) are not consistent with provisions in the planning instruments, there is scope for greater focus on the significance of the effects in issue than would be permissible under the RMA.

980 In light of these FTAA criteria, and for the reasons given in Part E of this Decision and earlier in this Part, we conclude that the conditions we have imposed on the various approvals mean that the potential adverse environmental effects of the Project will be avoided, remedied or mitigated (and/or offset or compensated for) to the extent that they will be no more than minor or otherwise acceptable. They therefore do not weigh against granting the approvals. This would also be at least substantially so even if, and contrary to our view, implementation of the Project was not completely consistent with the objectives and policies of all relevant planning instruments.

Decisions

981 We grant the approvals sought and impose the conditions set out in Appendices B – G.

PART N: CONDITIONS

FTAA and General Requirements

982 Section 81 of the FTAA provides that the Panel must set out any conditions to be imposed on the approvals. Section 83 of the FTAA must be complied with and provides:

[350] Ibid, Part M, paragraph 12.
[351] *Environmental Defence Society v The New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38; [2014] 1 NZLR 593.conjdiotion

> **83 Conditions must be no more onerous than necessary**
> When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

Contact's Proposed Conditions

983 As part of the Application, Contact included a suite of conditions for each of the approvals sought. On 14 January 2025 Contact provided revised suites of annotated conditions as part of their s 55 response to the s 51 reports and s 53 comments that had been provided by the various parties. Contact's 14 January 2025 annotations helpfully attribute each amendment to a commentor and include a brief discussion of amendments that have been sought by commentors but not accepted by Contact.

Panel's Initial Assessment

984 We have reviewed Contact's 14 January 2025 condition suites and accepted Contact's amendments where we found that the better addressed the potential effects of the Project or improved the clarity and certainty of the conditions. Based on our assessments in Part E of this Decision, we have then made further amendments to the conditions.

985 Our Part E assessments took into account the requirements of s 83 which requires that the Panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of the FTAA that confers the discretion.

986 We also took into account the following FTAA requirements for conditions pertaining to particular approvals:

(a) Schedule 5, cls 18 for resource consents under the RMA 1991;

(b) Schedule 5, cls 19 for freshwater fisheries activity Freshwater Fisheries Regulations 1983 and s 26ZM(2)(a) or (3)(b) of the Conservation Act 1987;

(c) Schedule 7, clauses 8 and 9 for concessions under the Conservation Act 1987;

(d) Schedule 7, cls 6 for wildlife approvals under the Wildlife Act 1953; and

(e) Schedule 8, cls 5 for an archaeological authority under Heritage New Zealand Pouhere Taonga Ac 2014.

987 We note that if a Treaty settlement is relevant to an approval, then s 82 of the FTAA applies. In this case, the Ngāi Tahu Claims Settlement Act 1998 is relevant and calls for consideration. In Part D of this Decision, we refer to the advice of TAMI in respect of this Treaty Settlement Act and its key principles. TAMI has expressed its satisfaction that the key principles of this Treaty Settlement Act have been incorporated into the design of the Project. Taking that at face value, we are satisfied that the requirements of s 82 have been met and that compliance with s 7 is achieved.

988 Under s 78 of the FTAA the appropriate Minister may specify conditions that a Panel may be required to impose. In this case the Minister of Conservation specified two conditions on the Concession. As noted earlier, we impose those conditions as sought by the Minister.

989 The Panel was cognisant of the fact that resource consent conditions must meet the

requirements of s 108AA of the RMA. We were also mindful that the underlying purpose of the conditions of a resource consent is to manage environmental effects by setting outcomes, requirements or limits to the consented activity, and how they are to be achieved.[352] Conditions must also be certain and enforceable.[353]

990 In light of all of the above considerations, we produced the Panel's draft Conditions.

Panel's Draft Conditions

991 As required by s 70 of the FTAA, on Monday 9 March 2026 the EPA provided our draft Conditions for all of the approvals to:

(a) the parties listed in s 70(1);

(b) the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development, as required by s 72(1); and

(c) the Minister of Conservation for the Concession as required by s 77.

992 The Draft Conditions were accompanied by the Panel's draft Decision document.

Comments on the Panel's Draft Conditions

993 Comments on the Panel's draft conditions were received from # of the original 28 commentators as follows:

Name

994 TBC

Contact's Response to the s 70 Comments on the Panel's Draft Conditions

995 TBC

Panel Findings on Conditions

996 In the sections that follow we address the comments received by these parties and Contact's response to them, with a particular focus on any amendments to the draft condition suites that we found to be appropriate.

997 TBC

Conditions Imposed

998 The conditions that we have imposed on the various approvals sought for the Project are set out in Appendices B to G of this Decision.

[352] *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] MZEnvC 31 at [156].
[353] *Bitumix Ltd v Mt Wellington Borough Council* [1979] 2 NZLR 57.

Ian Gordon (Chair)

Dr Roger Young (Member)

Bridget Gilbert (Member)

Graeme Ridley (Member)

Rob van Voorthuysen (Member)

APPENDIX A: CONSENTS GRANTED

REF	s RMA	RESOURCE CONSENT	DETAIL
Southland Regional Council (SRC)			
RC.1	15	Discharge permit: Discharge of contaminants to air	Discharge of contaminants to air from any industrial or trade processes.
RC.2	15	Discharge permit: Discharge of contaminants to water	Discharge of any contaminants or water to a waterbody, namely sediment during construction.
RC.3	15	Discharge Permit Discharge to land	The discharge of more than 500m3 of cleanfill into or onto land.
RC.4	14	Water Permit: Take and use of water	The taking, use and diversion of surface water for infrastructure construction.
RC.5	14	Water Permit: Diversion of water	Diversion of water within a naturally occurring wetland.
RC.6	9	Land Use Consent: Bores	The drilling and construction of a bore.
RC.7	13	Land Use Consent: Bed of any river	The placement, erection or reconstruction and any associated bed disturbance of any erosion control structures in, on or over the bed of any river.
RC.8	13	Land Use Consent: Bed of a river or wetland	Any use, erection, maintenance, placement of any structure in, on, or over the bed of a river or wetland.
RC.9	9	Land Use Consent: Within a wetland (also NES:FW)	The use of land within a natural wetland.
Southland District Council (SDC)			
RC.10	9	Land Use Consent: Land use	All land use activities associated with the construction and operation of the Southland Wind Farm.
Gore District Council (GDC)			
RC.11	9	Land Use Consent: Land use	Land use activities associated with the construction and operation of the Southland Wind Farm.