

Under the **FAST-TRACK APPROVALS ACT 2024**  
In the matter of an application for resource consents, concessions, wildlife approvals, an archaeological authority, and approvals relating to complex freshwater fisheries activities in relation to the Southland Wind Farm project  
By **CONTACT ENERGY LIMITED**  
Applicant

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**MEMORANDUM OF COUNSEL FOR CONTACT ENERGY LIMITED  
SEEKING MINOR CORRECTIONS TO THE EXPERT PANEL'S DECISION**

10 April 2026

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**BUDDLE FINDLAY**

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## **MAY IT PLEASE THE PANEL:**

1. This memorandum of counsel on behalf of Contact Energy Limited (**Contact**) is filed in relation to the Expert Panel's final decision under section 87 of the Fast-track Approvals Act 2024 (**FTAA**), issued on 2 April 2026 (**Decision**).

2. As noted in the Decision, section 89 of the FTAA provides for the Panel to make minor corrections to the Decision, as follows:

### *89 Minor corrections*

*(1) A panel may, within 20 working days after issuing a decision document under section 88(1), issue an amendment to the document to correct minor omissions, errors, or other defects in it.*

3. Contact has reviewed the Decision, including the appended conditions and approval documents, and has identified a small number of minor errors that it considers warrant correction.

4. Contact notes that in Part N of the Decision (added once comments on the draft decision and conditions were received), the Expert Panel has recorded (at [1062]) that:

*It should be noted that in finalising this Decision we have not amended Parts C to M of the Draft Decision.*

5. On that basis, Contact does not propose any changes to statements in Parts C to M of the Decision that are overridden by Part N. For example, at [941] (in Part H), the Panel records its (draft) conclusion that "*the term of the concession should be 30 years*". However, in Part N5, the Panel considers Contact's comments on the draft decision, and records at [1016]:

*We have considered counsel's submissions on the concession term and find that a 60 year term is appropriate in this case.*

6. In light of the statement at [1062], there is no need for the draft finding at [941] to be 'corrected'.

7. For the avoidance of doubt, the errors noted and corrections proposed by Contact are within the scope of section 89(1) of the FTAA.

8. The identified errors, and Contact's proposed corrections, are set out in the table in Appendix 1. Contact respectfully requests that the Expert Panel make those corrections pursuant to section 89(1) of the FTAA.

**Dated** this 10<sup>th</sup> day of April 2026



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**Dave Randal / Thad Ryan**  
Counsel for Contact Energy Limited

**Appendix 1: Contact's proposed corrections to minor errors in the Decision**

Reference	Error / rationale	Proposed correction
<b>Decision</b>		
Paragraph [1017]	<p>There is a 'double negative' in this paragraph that warrants correcting:</p> <p><i>Our finding reflects the fact that the concessions relate to very small areas of land, and it is <b>unlikely that</b> a consideration of whether or not they should be re-approved in 30 years' time <b>is unlikely to</b> involve any matters that are materially different from the limited range of relevant matters that are before us now.</i></p>	<p>Remove second 'is unlikely to' and replace with 'will', as follows:</p> <p><i>Our finding reflects the fact that the concessions relate to very small areas of land, and it is unlikely that a consideration of whether or not they should be re-approved in 30 years' time <del>is unlikely to</del> <b>will</b> involve any matters that are materially different from the limited range of relevant matters that are before us now.</i></p>
<b>Appendix B: Resource Consent Conditions</b>		
NO6(2)(b)	<p>The condition requires the Operational Noise Assessment Report to:</p> <p><i>"Detail any wind turbine controls necessary to achieve compliance with Condition NO5.a at neighbouring dwellings".</i></p> <p>This is a minor cross-referencing error: the relevant requirement (that the Project complies with 'NZS6808:2010 Acoustics – Wind Farm Noise') is in NO5.1.a</p>	<p>Correct NO6(2)(b) to read:</p> <p><i>"Detail any wind turbine controls necessary to achieve compliance with Condition <b>NO5.1.a</b> at neighbouring dwellings".</i></p>

Reference	Error / rationale	Proposed correction
DT2(3)(c)(iii)	<p>The condition requires:</p> <p><i>"c. Methodologies for earthwork site rehabilitation and re-vegetation which must provide that all [foundations / hard stand areas] are:</i></p> <p>...</p> <p><i>iii. Topsoil and revegetation utilises with locally sourced material to mitigate introduced biosecurity risks".</i></p> <p>This clause should be corrected for sense / ease of reading.</p>	<p>Update DT2(3)(c)(iii) to read:</p> <p><b><i>"<del>Topsoil and revegetation utilises with Covered / revegetated utilising</del> locally sourced material to mitigate introduced biosecurity risks".</i></b></p>
<b>Appendix D: Concession document</b>		
Title of Concession document	The document is titled "Southland Wind Farm - Proposed Concession Conditions - Updated January 2026". Contact suggests that be updated, in line with the other approval documents.	Change title of the Concession document to <b>"Southland Wind Farm – Concession Conditions"</b>
Omission of Special Condition re construction of culvert NSC1	In its comments on the draft decision and conditions, Contact proposed that a new special condition be included to require that the culverts be constructed in accordance with consent condition CM.15, to clarify in particular that culvert NSC.1 will be constructed to provide for fish passage.	Add a new condition 14 to the special conditions in Schedule 3 of Appendix B, as previously proposed by Contact (and renumber existing condition 14 as condition 15):

Reference	Error / rationale	Proposed correction
	In the Decision at [1018], the Expert Panel recorded its agreement on that matter, but the condition as proposed by Contact has not been included in Appendix D.	<p><b>Stream Crossings</b></p> <p><i>14. The Concessionaire must comply with Condition CM15 of the resource consent approval conditions regarding fish passage requirements for permanent culverts constructed.</i></p>
Schedule 1, description of Easement Land	There is a minor typo in the listing of the Area subject to the Right to Convey Electricity: 2,27 instead of 2.27	<p>Correct as follows:</p> <p><u>Right to convey electricity</u></p> <p>...</p> <p>Area: <b>2.27 ha</b> more or less</p>
<b>Appendix E: Wildlife approval document</b>		
Schedule 4 (table of species)	<p>In the Decision at [1019], the Expert Panel agreed with Contact's request to update the threat status of green skink, from Threatened – Nationally Critical to Threatened – Nationally Vulnerable.</p> <p>That change is not reflected in Schedule 4 to Appendix E.</p>	Correct the NZ Threat Classification entry in Schedule 4 for Green skink to " <b>Threatened / Nationally Vulnerable</b> "
Schedule 1, addresses for notices	Minor typographical errors in the physical address for Contact and email address for DOC.	<p>Correct Authority Holder's physical address to read:</p> <p><i>Physical: Level 2, Harbour City Tower, 29 Brandon Street, Wellington, New Zealand</i></p> <p>Correct DOC's email address to remove ']', so that it reads:</p>

Reference	Error / rationale	Proposed correction
		<i>Email: invercargill@doc.govt.nz</i>
Schedule 3 (Special Conditions)	<p>Minor corrections suggested by Contact in its comments on the draft decision and conditions have not been reflected by the Panel in the final version of Appendix E.</p> <p>In the event that the Panel missed these suggestions, Contact repeats them here.</p>	<p>Minor corrections to the Special Conditions:</p> <p>3.a.1: semi-colon rather than full stop at end of this clause.</p> <p>3.a.iii: replace <b>addresses</b> with <b>address</b> in the second line.</p> <p>5: full stop rather than semi-colon at the end of this condition.</p> <p>18: amend end of second line as follows: "...<i>management of the lizard or <b>Helms'</b> stag beetle..</i>"</p> <p>20: use either all semi-colons or all bullet points at the end of each clause.</p>
<b>Appendix F: Archaeological approval document</b>		
Condition 'new'	This condition has been added but has not been given a number – Contact suggest adding a number for ease of future reference	Update condition 'new' to be numbered either 5A or 6 (with subsequent condition numbers then updated accordingly).