

**BEFORE THE PANEL**

**IN THE MATTER**

of the Fast-track Approvals Act 2024 (FTAA)

**AND**

**IN THE MATTER**

of an application for resource consent approvals  
under the FTAA for the Southland Wind Farm

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**ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED COMMENTS ON DRAFT  
CONDITIONS OF CONSENT**

**23 March 2026**

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**May it please the Panel:**

1. We refer to Minute 9 and the Panel's invitation to comment on draft conditions of consent, as attached to the Panel's draft decision to approve the Southland Wind Farm Project.
2. This memorandum sets out comments by the Environmental Defence Society (EDS) on those draft conditions.
3. EDS provides these comments without prejudice to its position that consent should be granted in part only, as set out in our s 53 comments, dated 17 December 2025. That is, that wind farm infrastructure should not be approved on the Jedburgh Plateau.
4. If the Panel was minded to approve the Project, EDS's s 53 comments requested changes to the Project's conditions of consent:
  - a. As set out at para [46], with respect to adaptive management and a bond; and
  - b. As set out in Mr Harding's evidence, dated 17 December 2025, at [57] – [63].
5. EDS maintains its position with respect to those requests and seeks that the Panel adopt them.
6. A table setting out EDS's request, the Panel's proposed response as per the draft decision, and EDS's further comments is enclosed as **Annexure A**.

## Annexure A

**EDS Comment on Draft SWF Conditions**

**23 March 2026**

EDS Conditions Sought	Reference from EDS s 53 Comments	Panel Draft Conditions	Resolved?	Comment (references are to the draft decision)
EC11B: The proposed wetland monitoring should include control plots (that is, plots located away from the wind farm footprint), otherwise it will not be possible to isolate any effects of construction from effects occurring naturally in the wider environment.	Para 58 of Harding evidence	New condition EC11B (a)(vii):  “Two (2) plots in control sites located in wetlands no greater than 200m away from the Project Footprint.”	Partly	Robust statistical analysis (of the 18 proposed plots) will require more than two control plots. Mr Harding recommends four plots in fen wetland; four plots in bog wetland; and two plots in marsh wetland.
EC11B: Monitoring should continue for no less than ten years following wind farm construction.	Para 58 of Harding evidence	New condition EC11B (d):  “Wetland monitoring:  Prior to the commencement of construction of the Project;  i. Annually, for three (3) years following the completion of the construction of the Project; and ii. Subsequently at years eight (8) and iii. thirteen (13) following the completion of the construction of the Project.”	Yes	Amendments address EDS’s request.
EC11B: The conditions should specify the action that will be taken if monitoring reveals adverse effects of the wind farm on those wetlands.	Para 58 of Harding evidence	New condition EC11B (f):  “In the event the wetland monitoring determines the Project has resulted in a loss of wetland extent that exceeds the limit outlined in Condition EC8, the Consent Holder must engage a Suitably Qualified and Experienced Person to undertake an investigation to confirm the extent of wetland loss caused by the Project, its likely cause and to prepare a report recommending measures to avoid, remedy, mitigate, or where required, offset and compensate for, the effects of the exceedance of the Condition EC8 wetland loss limit.”	Yes	Amendments address EDS’s request.
EC40: The Biosecurity Management Plan should include the requirement that any naturalised plant species that colonise (invade) any area disturbed by wind farm construction on the Jedburgh Plateau (and are not already present in the undisturbed environment) be completely removed (eradicated) and that all infestation sites be monitored for reinvasion.	Para 59 of Harding evidence	Not addressed.	No	The BMP should also include appropriate measures to remove plants that have naturalised on the site as a result of wind farm development and activities. At the moment, the condition only seeks to avoid new invasions and, where those invasions occur, to document them. There needs to be an explicit requirement that invasions must be eradicated.
EC49: The HREP should address, as a residual adverse effect, the fragmentation of ecologically significant	Para 60 of Harding evidence	Not addressed.	No	Under the topic of management of residual effects, the draft decision records fragmentation of wetlands as raised by DOC (refer [354] – [355]), SRC (refer [367]) and EDS (refer [386] – [395]). However, these

indigenous vegetation on Jedburgh Plateau, in addition to those effects listed in (a) to (f).				<p>issues are not discussed in the Panel’s findings on this topic. Nor is EDS’s request that Condition EC49 be expanded to address residual fragmentation effects directly addressed. EDS reiterates its request and seeks that fragmentation on significant indigenous vegetation on the Jedburgh Plateau be addressed in the HREP.</p> <p>Amend EC49 as follows:</p> <p><u>“(g) Fragmentation of significant indigenous vegetation on the Jedburgh Plateau.”</u></p>
EC51: Farmed animals (stock) should be excluded from the entire Jedburgh Plateau, not just the Jedburgh Station Ecological Enhancement Area (JSEEA).	Para 61 of Harding evidence	Refer draft decision [432] – [433].	No	<p>There is no certainty that a Farm Plan will require exclusion of stock from Jedburgh Plateau.</p> <p>The Farm Plan should be consistent with the consent conditions, instead of the conditions anticipating a Farm Plan outcome.</p> <p>The Panel accepts that on-going grazing by stock within the wetlands on the Plateau is not desirable and risks further degradation of these wetland ecosystems (refer [431]).</p> <p>EDS reiterates its request to include a condition to exclude stock from the entire Jedburgh Plateau.</p>
EC54: I support the plant and animal pest control outlined in this condition, except that pest plant control (g) should be undertaken for the duration of the operation of the SWF.	Para 62 of Harding evidence	Not addressed.	No	<p>EDS does not agree that the Project will achieve no net loss of inland wetlands as required by Policy 6 of the NPS FM. EDS also does not agree that the Davidson Road Wetland Restoration Site addresses “minor residual effects on the Jedburgh Plateau” (refer [890]). The Davidson Road Wetland Restoration Site is not like-for-like compensation for the Jedburgh Plateau wetlands, as the Panel acknowledges (refer [429]).</p> <p>In this context, if the Davidson Road Wetland Restoration Site is to proceed, EDS considers it critical that it be implemented in a manner that ensures its success in perpetuity.</p> <p>Pest control should be undertaken within the area for longer than five years following the completion of the first planting season (as proposed in draft condition EC54(g)(iii)).</p> <p>EDS reiterates its request that pest plant control be undertaken for the duration of the operation of the SWF.</p> <p>Amend EC54(g)(iii) as follows:</p> <p><u>“The Davidson Road Wetland Restoration Site for the duration of the operation of the project a minimum of five years following the completion of the first planting season;”</u></p>
An additional condition should require legal protection of the Jedburgh Plateau in perpetuity for nature conservation. The boundaries of the protected area should be the same	Para 63 of Harding evidence	Not addressed	Partly	<p>EDS reiterates its request. Minor amendment to draft condition EC59 would address EDS’s request.</p> <p>Amend EC59(2) as follows:</p>

<p>as those delineated for the Jedburgh Station Pest Control Area (Appendix D Ecological Enhancement Areas).</p>				<p>“The written confirmation provided under (1) must specifically describe the specific enduring legal arrangements that have been agreed to be entered into that provide for the Jedburgh Station Ecological Enhancement Area, Copper Tussock Enhancement and Skink Protection Area and Davidson Road Wetland Restoration Site to be <del>retained</del> <u>protected</u> in perpetuity <u>for nature conservation</u>, which and may include land purchase / ownership, agreement by providing for covenanting or similar registered title instrument.”</p>
<p>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, and that the area be remediated.</p>	<p>Para 46(a) of EDS s53 comments</p>	<p>Not addressed.</p>	<p>No</p>	<p>EDS reiterates its request for an adaptive management condition.</p>
<p>A bond to address the remediation costs in the event that the project does not proceed, in whole or part, or there is a requirement to remove infrastructure. This is required to ensure that Environment Southland (or the equivalent consent authority) has the ability to intervene to remediate the site.</p>	<p>Para 46(b) of EDS s53 comments</p>	<p>Refer draft decision [816] – [818]</p>	<p>No</p>	<p>The draft decision fails to acknowledge EDS’s request for a decommissioning or remediation bond in the event that the project is not completed, in whole or part (refer omission of EDS in [816]).</p> <p>The Panel’s conclusion that it is “highly unlikely” that Contact would not meet its obligations is an inappropriate test for whether a bond is required. Imposition of a bond has nothing to do with how “likely” something is to occur. They are to cover all eventualities, however likely or unlikely they might be.</p> <p>EDS reiterates its request for a bond.</p>