

Your Comment on the Southland Windfarm

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email at substantive@fastrack.govt.nz

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| 1. Contact Details | | | |
| Please ensure that you have authority to comment on the application on behalf of those named on this form. | | | |
| Organisation name (if relevant) | Department of Conservation | | |
| First name | Loren | | |
| Last name | Brown | | |
| Postal address | [REDACTED] | | |
| Home phone / Mobile phone | [REDACTED] | Work phone | [REDACTED] |
| Email | [REDACTED] | | |

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| <input checked="" type="checkbox"/> | I can receive emails and my email address is correct | <input type="checkbox"/> | I cannot receive emails and my postal address is correct |
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Please provide your comments below, include additional pages as needed.

Please find comments attached

Jenni Fitzgerald
Fast-Track Applications Manager

Acting pursuant to delegated authority on behalf of the Director-General of Conservation.

Date 23 March 2026

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Comments on draft conditions for a fast-track consenting application

Fast-track Approvals Act 2024 section 70

To: The Expert Panel
From: Department of Conservation
Regarding fast-track project: Southland Windfarm
Fast track Reference: FTAA-2510-1125

Comments on draft conditions of Wildlife Act approval

| Condition # | Draft condition with track-changed suggestions | Comments and reasoning |
|-------------------------|---|---|
| Schedule 1, Item 3 | Personnel authorized to undertake the Authorised Activity (Schedule 2, clause 3) a) Samantha King; b) Cameron Thorp; c) Jade Christensen; d) Vikki Smith; and Additional personnel as may be approved in writing by the Department. | DOC has not been provided with credentials to assess whether this person is suitably qualified to safely handle wildlife. |
| Schedule 2, condition 4 | How long is the Authority for – the Term? | The Department recommends this addition given the longer-term nature of the proposal, noting that wildlife |

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| | <p>4.1 This Authority commences and ends on the dates set out in Schedule 1, Item 4.</p> <p>4.2 <u>The Authority Holder must review the LMP and resubmit it to the Director-General for certification on or before the ten-year anniversary of the Approval date. The objective of the review is to re-assess habitat conditions and characteristics and update the LMP to reflect current species knowledge, best practice lizard management and mitigation techniques.</u></p> | <p>approvals of this type are typically granted for no more than ten years.</p> <p>Wildlife approvals are limited to ten years because over this timeframe, best practice standards and onsite habitat can change significantly, potentially causing the original management plan to be outdated or ineffective.</p> <p>Implementing a mandatory recertification at the ten year mark ensures that the management plan remains aligned with current best practice, reflects material changes in habitat, and is reviewed at an appropriate and responsible interval. This requirement will provide certainty to DOC as the relevant regulator, that the Approval Holder is continuing to follow best practice.</p> |
| <p>Schedule 3, clause 20</p> | <p>Lizard and Helms’ Stag Beetle Salvage Reporting</p> <p>20. A report is to be submitted in writing to the DOC Operations Manager, Invercargill (at invercargill@doc.govt.nz and permissionshamilton@doc.govt.nz), by 30 September each year (covering the proceeding 1 July – 30 June period) during the construction of the Southland Wind Farm; summarising outcomes, in accordance with the Lizard Management Plan and Terrestrial Invertebrate Management Plan. Each report must include:</p> <ol style="list-style-type: none"> a. The permission number; b. The species and number of any animals collected and released; c. The GPS location (or a detailed map) of the collection point(s) and release point(s); d. Results of all surveys, monitoring or research. | <p>In s 51 comments DOC requested that these clauses be added to condition 20. It is unclear why these conditions were not adopted.</p> <p>These are matters that should be reported on through this approval, as they are also not adequately addressed in associated resource consent condition EC15.</p> |

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| | <ul style="list-style-type: none">e. The compliance monitoring report required by Condition EC15 of the resource consent approval conditions for the Southland Wind Farm Project.f. Details of any Helms' Stag Beetles salvaged and released in accordance with Condition EC24 of the resource consent approval conditions for the Southland Wind Farm Project.g. <u>Details of habitat enhancement, predator control, and fencing.</u>h. <u>Details of any offsetting or compensation implemented.</u> | |
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Comments on draft conditions of resource consent

| Condition # | Draft condition with track-changed suggestions | Comments and reasoning |
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| Abbreviations p7 | Add <u>CPI</u> as an abbreviation | Consumer Price Index (all groups) used in Condition EC76 (2) requires definition. |
| Management Plan Certification Process | | |
| MP4 p 15 | <ol style="list-style-type: none"> 1. Prior to the commencement of construction activities and within six months of the granting of consent, the Consent Holder must nominate Suitably Qualified and Experienced Person(s) <u>or in the case of the BMP, the Expert Bat Panel</u>, to review the management plans required by Conditions MP1-MP3. 2. The Consent Holder must provide information to the District and Regional Councils to demonstrate that the proposed reviewer(s) is independent, suitably qualified and experienced. 3. Advice Note: Once the District and Regional Councils are satisfied, that/those persons(s) are suitable they will be appointed by the councils to become(s) the Independent Management Plan Reviewer(s). 4. All costs associated with the appointment and ongoing role of the Independent Management Plan Reviewer(s) must be covered by the Consent Holder. | <p>It is noted there are inconsistencies in the language and mechanisms used in the conditions. With regard to the Bat Management Plan, Condition MP4 refers to management plans to be reviewed by SQEP. However, for the BMP, later conditions (i.e. EC60) require this to be undertaken by the Bat Expert Panel – this discrepancy should be corrected.</p> <p>Because of the bespoke solution for bat advice, the Bat Expert Panel in DOC's view is best placed to provide this advice for the BMP.</p> |
| MP 6 p17 | <ol style="list-style-type: none"> 1. Once a management plan has been reviewed by the Independent Management Plan Reviewer(s) the Plan must be provided to the relevant District and/or Regional Council for written certification. <p>Advice Note: <i>The purpose of certification of a management plan is to confirm the management plan meets its intended objectives and outcomes</i></p> | <p>The inclusion of performance standards and thresholds within the condition, will give better effect to the Panel Convenor's Practice and Procedure Guidance (section 21.1) dated 22/07/2025. The guidance directed Panel's to</p> |

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| | <p>(where specified) and is consistent (or not) with the requirements of the relevant conditions of this resource consent.</p> <ol style="list-style-type: none"> <li data-bbox="501 400 1391 592">2. As part of the submission of the management plan to the relevant District and/or Regional Council, the Consent Holder must provide a report prepared by the Independent Peer Reviewer(s) confirming that the management plan meets its intended objectives (or not) and is consistent (or not) with the requirements of the relevant resource consent conditions, <u>including performance standards and thresholds</u>. <li data-bbox="501 624 1368 751">3. The Consent Holder must prepare a document (or documents) outlining what if any amendments or additions have been made to each plan in response to comments and suggestions made by the Independent Management Plan Reviewer(s). <li data-bbox="501 815 1406 943">4. The Independent Peer Reviewer(s) report, the document required by Condition MP6.3, and management plan must be submitted to the relevant District Council and/or Regional Council at least fifteen (15) working days prior to the intended commencement of the construction of the Project. | <p>ensure that management plans must contain thresholds and performance standards.</p> |
| <p>MP10 p18</p> | <ol style="list-style-type: none"> <li data-bbox="501 1002 1308 1066">1. The Consent Holder may make minor amendments to the certified management plan(s) at any time. <li data-bbox="501 1114 1391 1241">2. Any minor amendments to the management plan(s) must be such that the plan(s) remains consistent with the objectives of the management plan(s) and the relevant resource consent conditions, <u>including performance standards and thresholds</u>. <p data-bbox="501 1278 1413 1334">Advice Note: For the purpose of this condition, a “minor amendment” is either a small change to the content of the management plan(s) which has either no or a de minimis</p> | <p>The inclusion of performance standards and thresholds within the condition, will give better effect to the Panel Convenor’s Practice and Procedure Guidance (section 21.1) dated 22/07/2025. The guidance directed Panel’s to ensure that management plans must contain thresholds and performance standards.</p> |

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| | <p data-bbox="501 296 1413 352"><i>adverse environmental effect or is a change which would result in an improved avoidance, mitigation or remediation of an environmental effect.</i></p> <p data-bbox="501 427 1402 584">3. The Consent Holder must submit, in writing, the minor amendment to the relevant District or Regional Council(s) at least ten (10) working days prior to when works associated with the amendment are to be implemented. The Consent Holder must maintain a record of all minor amendments.</p> <p data-bbox="501 628 1413 815">4. If, within five (5) working days of submitting the amended management plan(s) to the relevant District or Regional Council(s), the Consent Holder is notified in writing by the relevant District or Regional Council(s) that the proposed amendment is a material amendment in accordance with Condition MP11(a), the Consent Holder must consider and progress the amendment in accordance with Condition MP11.</p> | |

Material Amendments to Management Plans

| Condition # | Draft condition with track-changed suggestions | Comments and reasoning |
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| MP11 p18 | <p>1. The Consent Holder may make material amendments to the management plan(s) at any time, subject to the review and written certification of the relevant District or Regional Councils.</p> <p>Advice Note: <i>A material amendment is any amendment that is not a minor amendment in accordance with Condition MP10.</i></p> <p>2. Any material amendment to the management plan(s) must meet the objectives of the management plan(s) and the requirements of the relevant resource consent conditions.</p> <p>3. Any material amendment to the management plans listed in Condition MP4B must be prepared in consultation with the Department of Conservation and must follow the process set out in Condition MP4B.</p> <p>3A Prior to submission of the amendment to the Independent Management Plan Reviewer(s), the amendment must be provided to Te Ao Mārama Incorporated (on behalf of Ngā Rūnaka ki Murihiku) in accordance with Condition MP7.</p> <p>4. Prior to submission of the amendment to the relevant District and/or Regional Council for written certification, the amendment must be reviewed by the Independent Management Plan Reviewer(s) outlined in accordance with Conditions MP5 to MP6.</p> <p>5. Following review from the Independent Management Plan Reviewer(s) any material amendment to the management plans must be submitted to the relevant District and/or Regional Councils for written certification at least 15 working days prior to works commencing.</p> | <p>Double up of” <i>amended management plan</i>” not required as the subject is clear.</p> |

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| | <p>6. The activities to which the amended management plan relate must not commence until written written certification of the amended management plan is obtained.</p> | |

Vegetation Management Plan

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| <p>EC5 p43</p> | <p>The final VMP must map areas of significant indigenous vegetation and include the methodology for managing and implementing vegetation clearance, consistent with the revised vegetation mapping required by Condition EC4A, and planting within the Project Site, including through:</p> <ol style="list-style-type: none"> a. Vegetation clearance protocols, that include demarcation, timing of clearance (if required), and supervision requirements; b. Opportunities for the salvage and reuse of plant materials and soils throughout the Project Site; c. Methods for delineating and managing areas of vegetation and habitat types, including any 'Threatened' or 'At Risk' species and high value trees, including those habitats identified in Table 3 of Condition EC7 that need to be avoided or minimised; d. Details of the rehabilitation planting to be carried out including ongoing monitoring and management requirements; e. Requirements for monitoring of wetlands adjacent to the Project Footprint and managing construction related effects on these wetlands; | <p>The use of mapping to record areas of significant indigenous vegetation will provide a clear and lasting record and allow effects to be better managed and monitored.</p> <p>The timing of vegetation removal is important for species such as lizards.</p> <p>For example, lizard salvage must take place in the warmer months of the year (October to April) when lizards are most active and can be captured.</p> |
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| | <ul style="list-style-type: none"> f. Staging <u>and timing</u> vegetation removal to minimise impact on terrestrial species; and g. Compliance monitoring and reporting requirements. | |
| EC9 p44 | <ol style="list-style-type: none"> 1. The Consent Holder must undertake rehabilitation planting for all sites where vegetation clearance has occurred to enable construction, or where vegetation or habitat is lost from the deposition of spoil, as soon as is practicable following completion of that stage of construction. 2. Rehabilitation planting must be undertaken in accordance with the protocols and timeframes outlined in the VMP and include the following: <ol style="list-style-type: none"> a. Indigenous plant species eco-sourced from the Waipahi and Tahakopa Ecological Districts, except where it is not practicable to do so in which case the VMP must set out a process of consultation with Te Ao Mārama Incorporated (on behalf of Ngā Rūnaka ki Murihiku) and the Regional Council to confirm an alternative source; and b. Plant species must be selected in consultation with Te Ao Mārama Incorporated (on behalf of Ngā Rūnaka ki Murihiku) and the Regional Council. c. <u>Rehabilitation planting and replanting of any moved vegetation should take place during April to late September during appropriate environmental conditions.</u> | Rehabilitation planting and replanting of moved vegetation should not take place in summer, as elevated temperatures and low soil moisture are likely to negatively affect the planting success rate. A new clause proposed by DOC to reflect a more appropriate planting and replanting season. |
| EC10 | The Consent Holder must not mulch any vegetation in areas where Tautuku gecko and <u>green skink</u> have been detected by lizard surveys, or in areas where Tautuku gecko may be present, as identified in the LMP. | This condition is welcomed in principle, however DOC requests the condition also apply to green skink. |

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| Lizard Management Plan | | |
| <u>New condition</u> | <u>The Consent Holder must only undertake all lizard survey, salvage, release, and lizard habitat vegetation removal during October to April inclusive, in suitable environmental conditions and in accordance with the appropriate Wildlife Act Approval.</u> | Lizard management work needs to be undertaken in suitable conditions and appropriate seasonal timing to maximise detection and salvage efficiency. |
| EC14 p46 | <p>The LMP must include:</p> <ol style="list-style-type: none"> a. A description of the measures to be undertaken by the Consent Holder to adequately avoid, remedy, mitigate or compensate for effects on indigenous lizards present within the Project Site; b. The pre-vegetation clearance surveys and protocols for indigenous lizards; c. Salvage and transfer protocols at sites where tussock skink and Tautuku gecko have been identified and salvage and transfer protocols in the event herbfield skink or green skink are identified within the Project Footprint <u>and cannot be otherwise avoided;</u> d. The locations of potential indigenous lizard habitat within or in proximity to the Project Footprint; e. The identification of appropriate relocation sites in accordance with Conditions EC15 – EC17 and a description of the measures to enhance the habitat quality of the identified relocation sites for lizards prior to relocation, such as habitat enhancement and pest animal control; | Because of the rarity of these lizards a cannot otherwise avoid response is appropriate |

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| | <ul style="list-style-type: none"> f. A description of the incidental lizard discovery protocols; g. The specific compensation requirements in respect of green skink, herbfield skink and Tautuku gecko in accordance with Conditions EC16-EC18; h. A description of lizard monitoring and reporting requirements; and i. Consent Holder roles and responsibilities for implementing the LMP. | |
| EC15A P 47 | <ol style="list-style-type: none"> 1. At least three (3) months prior to the commencement of vegetation clearance activities within the areas identified as Tautuku gecko habitat in the LMP, the Consent Holder must establish a temporary Gecko Soft Release Pen at a location within the Jedburgh Station Ecological Enhancement Area required by Condition EC51, in accordance with the LMP. 2. The Consent Holder must implement predator control within the Gecko Soft Release Pen at least one month prior to the commencement of salvage of Tautuku gecko in accordance with the LMP. 3. The Consent Holder must engage a Suitably Qualified and Experienced Person to complete the pre-vegetation clearance salvage and transfer of Tautuku gecko in accordance with the methods outlined in the LMP. 4. Any Tautuku gecko salvaged during the pre-vegetation clearance checks must be relocated to the Gecko Soft Release Pen. 5. The Consent Holder must monitor the fence and undertake targeted predator control within the Gecko Soft Release Pen to meet the targets set out in Condition EC57 in accordance with the methods set out in the LMP to achieve zero density of rats, mice, | The proposed addition to the condition seeks zero predator density within the Leaky Fence Area. This target is required to ensure Tautuku gecko survival rates are optimised due to the rarity of the species. |

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| | <p><u>cats, hedgehogs and mustelids within the Gecko Soft Release Pen area as described in the LMP, prior to release of any lizards.</u></p> <p>6. The Consent Holder may decommission the temporary Gecko Soft Release Pen one (1) year following the final release of Tautuku gecko into the Gecko Soft Release Pen in accordance with the LMP.</p> | |
| EC16 | <p>1 In the event one (1) or more green skink is discovered within the Project Footprint during Project construction, all works within a 50m buffer zone around the discovery must cease immediately.</p> <p>2 The Consent Holder must then:</p> <p>a. Implement the incidental discovery protocol outlined in the LMP, including engaging a Suitably Qualified and Experienced Person to determine whether complete avoidance of green skink habitat is practicable <u>and to confirm required monitoring and pest-related management actions; and</u></p> <p>b. Notify the relevant District Council, Te Ao Mārama Incorporated (on behalf of Ngā Rūnaka ki Murihiku), and the Department of Conservation (Invercargill Office) within 48 hours of the discovery.</p> <p>3 In the event, following the discovery of one (1) or more green skink within the Project Footprint, earthworks and vegetation clearance within areas of green skink habitat cannot be avoided in accordance with EC16.2(a), the Consent Holder must implement the green skink salvage protocol and compensation programme which must involve:</p> <p>a. The establishment of at least a 2ha green skink protection area at an appropriate location, including the construction of a predator exclusion fence around this area and the maintenance of this fence for the lifetime of the Project <u>and the implementation of a pest monitoring programme (not</u></p> | <p>The proposed addition will ensure that the Consent Holder needs to take action to manage effects on the rare green skink should they be discovered.</p> |

| Condition # | Draft condition with track-changed suggestions | Comments and reasoning |
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| | <p><u>just pest control) within this area. Any pests detected inside the predator-proof enclosure must be eliminated as soon as practicable.</u></p> <p>Advice Note: <i>The area of the green skink protection area is intended to be between 2- 5ha, depending on the local conditions.</i></p> <p>b. Implementation of a predator control programme within the green skink protection area, designed by a Suitably Qualified and Experienced Person, in consultation with the Department of Conservation (Invercargill Office) <u>including establishing sufficiently low pest-abundance thresholds to support continued green skink survival, and implementing additional pest control if these thresholds are exceeded.:</u>and</p> <p>4 Any green skink found within the Project Footprint must be salvaged and transferred to the green skink protection area.</p> <p>5 <u>Monitoring of green skinks found must be undertaken for the life of the Project, regardless of whether individuals are avoided in situ or salvaged and relocated.</u></p> <p>6 <u>If the green skink habitat is to be avoided and green skinks left in situ, the Consent Holder must implement pest control with threshold targets for each pest species that are sufficiently low to enable continued survival of green skinks that would trigger additional pest control measures if breached. Pest monitoring must occur at a minimum frequency of every three (3) months for the duration of the Project.</u></p> | |
| Construction Monitoring and Exclusion Zone | | |
| EC31 | <p>1. A maximum of eight (8) working days prior to the commencement of vegetation clearance during the bird breeding season (1 September to 31 March inclusive) the Consent Holder must engage a Suitably Qualified and</p> | DOC recommends the addition of text to provide clarity. |

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| | <p>Experienced Person to undertake indigenous bird nest surveys of the area to be cleared.</p> <p>2. These surveys must be undertaken in accordance with the AMP to confirm whether indigenous breeding birds, eggs or chicks are present within the surveyed vegetation clearance footprint, including the species.</p> <p>3. If no active indigenous avifauna nests are found, vegetation within the surveyed area (including trees) must be cleared within two (2) working days <u>of the survey.</u></p> | |
| Bird Collision Monitoring | | |
| EC37B p53 | <p>Table 5 Compensation Triggers for Individual Species Threatened Nationally Critical or Nationally Endangered Species</p> | Add “ <i>threatened</i> ” as a generic term for the rarity of a species |
| EC37D p56 | <ol style="list-style-type: none"> 1. A monitoring report must be prepared by a Suitably Qualified and Experienced Person and be provided to the Department of Conservation (Invercargill Office) for review and comment within 20 working days of the anniversary of the commencement of bird collision monitoring. 2. The monitoring report must present, summarise and analyse the data collected in the preceding year and report on the operation of the Project against the objective of the AMP and the Compensation Trigger for individual species set out in Condition EC37B above <u>and must also include an assessment of the effectiveness of the ‘bird flapper’ devices on the transmission lines.</u> 3. The Consent Holder must submit the monitoring report, including all comments received from the Department of Conservation, to the District | The use of bird flappers as a deterrent for birds and to therefore mitigate effects, should be monitored and assessed for effectiveness. |

| Condition # | Draft condition with track-changed suggestions | Comments and reasoning |
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| | <p>Council within 60 working days of the anniversary of the commencement of bird collision monitoring.</p> <p>4. A copy of the final monitoring report must also be provided to the Department of Conservation (Invercargill Office) and Te Ao Marama.</p> | |

Habitat Restoration and Enhancement Management Plan

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| EC54 p63 | <ol style="list-style-type: none"> 1. The following additional measures to compensate for residual adverse effects on indigenous biodiversity must be implemented by the Consent Holder, in accordance with the methodologies prescribed in the HREP. 2. Unless otherwise stated in the HREP or in this consent condition, these measures must be implemented by the Consent Holder until the performance measures set out in Condition EC52 and EC57 have been confirmed as being achieved or for the duration as stated below: <ol style="list-style-type: none"> a. Undertake aerial pest control of introduced mammalian pests across indigenous vegetation and habitats on 1,400 hectares on Jedburgh Station identified as the 'Jedburgh Station Pest Control Area', no less than every three (3) years from the commencement of the construction of the Project for the duration of the operation of the Project; b. Undertake targeted ground-based predator control alongside all Project roads within the 1,400 hectare Jedburgh Station Pest Control Area in accordance with the HREP for the duration of the operation of the Project; c. Undertake targeted deer and pig control on Jedburgh Plateau every six (6) months for two (2) years following the commencement of the | DOC requests longer time periods for the habitats identified by 2g i and iii, to ensure more effective control of pest and weed species. Some weed seeds such as gorse, exotic Broom, and Tree lupin can be viable in the soil seed bank for up to 50 years or more. |
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| Condition # | Draft condition with track-changed suggestions | Comments and reasoning |
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| | <p>commissioning of the wind turbines, and no less than every three (3) years following that for the duration of the operation of the Project;</p> <p>d. Undertake targeted and intensive (not less than two (2) bait stations per hectare and a line of four traps) ground-based predator control across 55 hectares on the Jedburgh Plateau, designated as ‘the Plateau Fauna Enhancement Area’ to benefit the local populations of fernbird, New Zealand pipit, lizards and invertebrates following the commencement of construction activities, or disturbance of any wetland on the Project Site, for the duration of the operation of the Project;</p> <p>e. Undertake ground-based pest control at the Davidson Road wetlands to protect plantings and restoration of this site, referred to as the ‘Davidson Road Wetland Restoration Site’, following the commencement of construction activities, or disturbance of any wetland on the Project Site;</p> <p>f. Enhance habitat for indigenous lizards and invertebrates by transferring woody debris, and logs, and rock stacks into proposed relocation sites, as outlined in the LMP and TIMP;</p> <p>g. Undertake pest plant control within the following areas and for the durations as stated below:</p> <ul style="list-style-type: none"> i. Indigenous-dominated habitats located within 50m of all roads and structures within the Project Site for a minimum of three (3) ten (10) years following the commencement of the operation of the Project; ii. The Copper Tussock Enhancement and Skink Protection Area for a minimum of ten (10) years following the commencement of the operation of the Project; | |

| Condition # | Draft condition with track-changed suggestions | Comments and reasoning |
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| | <ul style="list-style-type: none"> <li data-bbox="546 300 1413 357">iii. The Davidson Road Wetland Restoration Site for a minimum of five (5) <u>ten (10)</u> years following the completion of the first planting season; <li data-bbox="501 405 1402 622">h. Undertake targeted control of mice within lizard relocation sites, as outlined in the HREP, every three months for the first five (5) years following the commencement of the operation of the Project. Following completion of the fifth year of mice control, the frequency and duration of the pest control must be determined by a Suitably Qualified and Experienced Person, based on the results of the reduction target monitoring required by Condition EC56; and <li data-bbox="501 670 1375 791">i. Undertake monitoring and control of wilding conifers in wetlands and indigenous-dominated terrestrial habitats on the Project Site for the duration of the operation of the Project, in accordance with the methods outlined in the HREP | |

EC 57

Table 6 Mammalian pest control management targets and thresholds

p61

| Pest Species | Location | Management Target | Threshold – Indicating Where Additional Management is Required to be Implemented |
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| Condition # | Draft condition with track-changed suggestions | | | Comments and reasoning |
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| Possums | Southern rāta-kamahi forest within the JSEEA | < 5% Residual Trap Catch | ≥ 10 % Residual Trap Catch | |
| Rats | Gecko Soft Release Pen, CTESPA, Plateau Fauna Enhancement Area, Jedburgh Plateau Skink Release Area | < 5% Tracking Tunnel Index | ≥ 10 % Tracking Tunnel Index | |
| <u>Rats/Hedgehogs/Mice/Mustelids/Cats</u> | <u>Green Skink / Herbfield Skink Leaky fence</u> | <u>Zero density</u> | <u>> 0 %</u> | |
| Mice | Gecko Soft Release Pen, CTESPA, Jedburgh Plateau Skink Release Area | < 10% Tracking Tunnel Index | ≥ 15% Tracking Tunnel Index | |
| Deer and Pigs | Jedburgh Plateau | <u>< 10% Faecal pellet index</u> | <u>≥10% Faecal pellet index</u> | |

| Condition # | Draft condition with track-changed suggestions | Comments and reasoning |
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| EC60 p65 | <ol style="list-style-type: none"> 1. The Consent Holder must engage a Suitably Qualified and Experienced Person to prepare a Bat Management Plan (BMP) as part of the TEMP. 2. The objective of the BMP is to set out the management measures necessary to avoid, remedy, mitigate, and compensate for the actual or potential adverse effects of the Project on long-tailed bats. 3. The BMP must: <ol style="list-style-type: none"> a. Set out the measures to achieve the requirements of Conditions EC75 to EC79, including any monitoring of pests and predators; and b. Set out the management and monitoring of long-tailed bats within identified higher-risk areas for the species within the Project Site during its operation; and 4. The BMP must be reviewed by the Expert Bat Panel required by Conditions EC79A – EC79G. <p>Advice Note: <i>The Expert Bat Panel replaces the role of the Independent Management Plan Reviewer required by Condition MP5.</i></p> <ol style="list-style-type: none"> 5. The Consent Holder must amend the BMP <u>making all reasonable efforts</u> to address the recommendations of the Expert Bat Panel, unless there are differences in opinion between the Consent Holder and the Expert Bat Panel regarding those recommendations. 6. The Consent Holder must then provide the BMP, including an explanation of any differences in opinion between the Consent Holder and the Expert Bat Panel as to the contents of the BMP, to the relevant District Council | <p>The proposed wording is ambiguous and appears to offer the Consent Holder an ‘out’ if it does not implement the recommendations of the Expert Bat Panel. The condition requires the Expert Bat Panel to review the BMP, but does not place any onus on the Consent Holder to act upon these recommendations.</p> <p>The insertion of “<i>all reasonable efforts</i>” is a better test. The Council, as certifier, will be the final arbiter of how BMP amendment efforts between the Bat Expert Panel and the Consent Holder have been undertaken.</p> |

| Condition # | Draft condition with track-changed suggestions | Comments and reasoning |
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| | for written certification as part of the TEMP, in accordance with Condition MP6. | |
| Post-construction Long-tailed Bat Monitoring and Curtailment Approach | | |
| EC66 p66 | <p>1. During the operation of the Project, the Consent Holder must implement acoustically based live curtailment at each of the following turbine locations:</p> <p>MAT – 01</p> <p>MAT – 02</p> <p>MAT – 03</p> <p>MAT – 04</p> <p>MAT – 06</p> <p>MAT – 07</p> <p>MAT – 12</p> <p>MAT – 16</p> <p>MAT –17</p> | <p>There may need to be further sensors deployed depending on what bat detector system is deployed and the length of the rotors. Accordingly, some flexibility is needed in the condition to locate sensors and analysers. If the rotor length is 50 metres maximum, then current detectors should be able to detect long-tailed bats. However, if rotors are longer, then for this condition to work, they may need detectors that record bats up to 80+ metres away.</p> <p>The draft BMP also highlighted there was a need for some flexibility in the actual number of bat detectors that might need to be deployed. (NB: BMP Section 3.2, third bullet point); this flexibility needs to be reflected in the condition.</p> |

| Condition # | Draft condition with track-changed suggestions | Comments and reasoning |
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| | <ol style="list-style-type: none"> 2. Bioacoustic sensor(s) and frequency analyser(s) (together bat detection system) must be installed at on the nacelle of each of the wind turbines listed above prior to the commissioning of the wind turbine. 3. The bat detection system installed on the wind turbine must be connected to the wind turbine control system in order to feather and curtail the operation of the wind turbine when the bat detection system detects a long-tailed bat. If no further bat activity is recorded for a duration of 10 minutes, the wind turbine may restart its operations. | |
| EC74 p67 | <ol style="list-style-type: none"> 1. The results of the post-construction monitoring required by Condition EC73 must be submitted to the Expert Bat Panel required by Condition EC79A for review. 2. The Consent Holder must instruct the Expert Bat Panel to assess and advise if additional monitoring is required or if adjustments to the on-site management strategy at the specific wind turbines identified in Condition EC66 should be undertaken. | Typographical error. |
| EC75 P67 | <ol style="list-style-type: none"> 1. The Consent Holder must implement a Bat Compensation Strategy (BCS) in collaboration with the Department of Conservation and its Bat Recovery Group. Advice Note: <i>The BCS aims to meet the objectives outlined in Condition EC76 and enhance the habitat for a known population of long-tailed bats, as well as forest bird species, within a 10,000ha treatment enhancement area in the Beresford Range, Catlins, as indicated on Map A below.</i> 2. Before implementing predator control infrastructure on the ground. The spatial extent of the enhancement Area shown on Map A | It is very expensive to set up an area with the predator control tracks and traps. Accordingly, any modification to the spatial extent of the area should be done prior to implementation to avoid wasting staff time and money. |

| Condition # | Draft condition with track-changed suggestions | Comments and reasoning |
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| | <p>below may be modified in the event it is determined by the Expert Bat Panel in consultation with the Department of Conservation that bat roosts in the area have moved, to ensure the treatment area encompasses the area where long-tailed bats are present.</p> | |
| <p>EC78 p71</p> | <p>1. The Consent Holder’s contribution to the BCS must comprise an initial payment to the Department of Conservation of \$300,000, payable upon commencement of Project construction.</p> <p>Advice Note: <i>The purpose of this payment is to assist with the funding required for track building and maintenance, and the purchase of traps and resources to deploy them within the targeted area shown on Map A in Condition EC75.</i></p> <p>2. Thereafter, the Consent Holder must pay \$150,000 per annum Consumer Price Index CPI (all groups) adjusted from 1 July 2025 to the Department of Conservation until the Project is decommissioned.</p> <p>Advice Note: <i>The payments will be used to assist with ongoing predator control for long-tailed bats and the monitoring of Mohua / yellowhead birds and long-tailed bats within the area shown on Map A (at the discretion of the Department of Conservation and subject to consultation with the Bat Recovery Group).</i></p> | <p>The term Consumer Price index should be written in full for clarity and this should also be included in the abbreviations section of the consent.</p> <p>Additionally, SC10.2a and b, both refer to annual funds that are adjusted to inflation and are not linked to CPI. These should be consistent.</p> |
| <p>General Report of Bird and Bat Carcasses</p> | | |
| <p>EC80 p73</p> | <p>In the event an injured native bird or bat is found on the Project Site during construction or operation of the Project, the Consent Holder must:</p> <p>a. Take the injured native birds or bats immediately to a veterinarian approved by the Department of Conservation for assessment;</p> | <p>DOC prefers the wording as initially proposed as this better aligns with the Wildlife Act approvals.</p> |

| Condition # | Draft condition with track-changed suggestions | Comments and reasoning |
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| | <p>b. Place Birds or bats must be placed in a cool, dark, material-lined box/bag by or under the direction of a Suitably Qualified and Experienced Person to ensure the bird or bat is handled appropriately;</p> <p>c. Contact the local Department of Conservation office or Department of Conservation hotline (if after hours) no longer than 24 hours after the injured or dead bird or bat is found; and.</p> <p>Advice Note: The DOC hotline is 0800 DOCHOTLINE (0800 362 468).</p> <p>d. Report the incident to the District Council, Regional Council, and Te Ao Mārama Incorporated (on behalf of Ngā Rūnaka Ki Murihiku) as soon as practicable after the event.</p> | |
| <p>EC82</p> <p>p73</p> | <ol style="list-style-type: none"> The Consent Holder must ensure all personnel working on-site are responsible for alerting the Consent Holder's Site Manager of the discovery of any injured or dead 'At Risk' or 'Threatened' avifauna or bat not otherwise identified in the AMP or BMP on the same working day as the discovery. The discovery of any 'At Risk' or 'Threatened' avifauna or bat species not identified in the AMP or the BMP must be reported to the Department of Conservation Local Area Manager and Te Ao Mārama Incorporated (on behalf of Ngā Rūnaka Ki Murihiku). All such discoveries must be recorded in a database with an incident register and log of actions taken for each discovery. | <p>The condition seems incomplete, the word 'alerting' is proposed to ensure the Site Manager is made aware of the discovery of the mentioned fauna.</p> |

Comments on draft conditions of Freshwater Fisheries approval

| Condition # | Draft condition with track-changed suggestions | Comments and reasoning |
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| 6 (new condition) | 6. <u>Absence of invasive fish upstream of the culverts shall be confirmed prior to construction.</u> | A new condition is recommended following on from DOC's previous comment during the s.51 report, that, if not confirmed before approval, absence of invasive fish upstream of the culverts needs to be confirmed prior to construction. |

Comments on draft conditions Concessions

The condition numbering reflects the draft decision conditions for the concession document. Where DOC is recommending inserting conditions after deleting conditions in full the numbering utilised reflects what the condition would be numbered where it inserted into the unaltered draft decision conditions. A full marked up document with the recommended changes has been attached as Appendix 1.

| Condition # | Draft condition with track-changed suggestions | Comments and reasoning |
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| Easement Land Schedule 1 condition 1 | <p>As marked on the attached map in Schedule 4 being:</p> <p><u>Right of Way Access:</u></p> <p>Physical Description/Common Name: Part Mimihaui North Branch Marginal Strip</p> <p>Land Status: Marginal Strip</p> <p>Area: 0.0555 ha (<u>more or less</u>)</p> <p>Legal Description: Marginal Strip – Mimihaui Stream North Branch (2800026)</p> <p>Map Reference: See Schedule 4, Map 1</p> <p><u>Right to Convey Electricity:</u></p> <p>Physical Description/Common Name:</p> | <p>The Applicant has applied to construct the transmission line anywhere in a 200-metre-wide corridor. This corridor is larger than what will eventually be utilised but allows sufficient flexibility when the detailed design is undertaken, to accommodate the necessary right of way access and the corridor to convey electricity. Within this corridor, there are two types of DOC managed public conservation land. These being Marginal Strips and Stewardship Land.</p> <p>If this 200m corridor is what the Panel is approving, then the full area (both kinds of DOC managed public conservation land, and the full area of such included in the 200m corridor) need to be listed in the concession document.</p> |

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| | <p>Part Mimiha North Branch Marginal Strip, and part Waiariki Stream, Mimiha Conservation Area [depending on the final transmission line route]</p> <p>Land Status: Marginal Strip, Stewardship Land</p> <p>Area: 2.27 [to be determined when final transmission line route is determined following completion of detailed design] ha (more or less)</p> <p>Legal Description: Marginal Strip – Mimiha Stream North Branch (2800026), Conservation Area – Waiariki Stream, Mimiha (2800486)</p> <p>Map Reference: See Schedule 4, map 2</p> | <p>Whatever is placed on the concession document, is what can be enforced.</p> <p>It is common practice for DOC to approve these larger “theoretical” areas for easements like these, and either retain the larger area, or process a minor and technical variation under 17ZC(1) of the Conservation Act 1987 to reduce the area to actual use, once it has been confirmed. There is no disadvantage to any Concessionaire who has a similar easement concession and has not varied their concession to reflect the actual use area of the activity.</p> <p>It is recommended that the reference to map 2 is removed. There is only a single map in Schedule 4 of this concession document.</p> |
| <p>Concession Activity Schedule 1 condition 3</p> | <p>a) A right of way; and</p> <p>b) A right to convey electricity</p> <p>for the purpose of construction, use and maintenance of a culvert, and installation and maintenance of overhead power lines associated with a wind farm.</p> | <p>The intention behind the original DOC comment (in the s 51 report) was only to alter the formatting of this section, not to remove the explanation of the activity being undertaken under the two types of easement. It is recommended that this wording is reinstated to ensure clarity around the activity approved through this concession document.</p> |
| <p>Term Schedule 1 condition 4</p> | <p>30 years 0 months commencing on 01 January 2027 [date of the commencement of the construction of the Southland Wind Farm]</p> | <p>DOC recommends the inclusion of a calendar start date for the term, to ensure clarity as to when the concession is active. During recent engagement between DOC and Contact Energy, the commencement date of 1 January 2027 was discussed as providing a satisfactory start date to both parties.</p> |

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| <p>Final Expiry Date Schedule 1 condition 5</p> | <p>[30 years from the commencement date] <u>31 December 2056</u></p> | <p>As above, through the inclusion of a calendar start date, it is also appropriate to include a calendar expiry date in the concession document.</p> |
| <p>Concession Fee Review Date(s) Schedule 1 condition 9</p> | <p><u>01 January 2030 and three-yearly thereafter 3 yearly on the anniversary</u> {and for the duration} of this Concession.</p> | <p>With the recommended term start date, this proposed wording change in wording is also recommended to reflect internal DOC best practice.</p> |
| <p>Schedule 2 condition 7.3</p> | <p>Sections 17S to 17ZG Clause 14 of Schedule 6 of the Conservation Act 1987 <u>Fast-track Approvals Act 2024</u> applies to applications for consent under this clause unless the Grantor, in the Grantor’s discretion, decides otherwise.</p> | <p>DOC recommends altering this condition to ensure it reflects Clause 14 (Schedule 6) of the Fast-track Approvals Act 2024, including the direction on which parts of the Conservation Act 1987 do not apply to this process for concessions granted through the Fast-track Approvals Act process.</p> |
| <p>Schedule 3 condition 1</p> | <p>The Concessionaire must undertake the Concession Activity in accordance with the application dated 22 August 2025. Where there is conflict between the application and the conditions, the conditions shall prevail.</p> | <p>DOC recommends that this condition is deleted. The land and activity authorised under this concession is outlined in Schedule 1 (conditions 1 -3).</p> <p>The concession considers only part of the Applicant’s Fast Track application, and authorises what is outlined in Schedule 1, with the conditions spaced throughout the concession document.</p> <p>DOC considers that the aim of this condition is to outline what is approved through this concession document, is already provided with more clarity by other conditions in this concession document.</p> |

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| Schedule 3 condition 2 | Should changes be made to the resource consent referenced in these conditions, the Concessionaire must provide the updated version(s) to the Grantor. For the avoidance of doubt, no change in resource consent conditions referenced in these conditions (Schedule 3 of this Concession) constitute a change in this Concession. Any change to this Concession must be through a variation in accordance with the Conservation Act 1987. | DOC notes that this is a repetition of the statement in the Note at the start of Schedule 3. However, it is recommended to include it to help avoid any miscommunication or confusion if there are changes to resource consent conditions that may impact the enforcement and management of the concession. |
| Schedule 3 condition 10 | At least 15 working days prior to the commencement of construction of the Southland Wind Farm, the Concessionaire must notify the Grantor of the date of it will commence construction of the Southland Wind Farm. | DOC recommends that this condition is deleted. The condition cannot be enforced as it outlines an action for the Applicant prior to the concession coming into force (the term start date). |
| Schedule 3 condition 11 | The Concessionaire must comply with Conditions EC2 (3b)) and EC40-EC42 of the resource consent approval conditions regarding the Biosecurity Management Plan and response in the event didymo or myrtle rust is discovered when undertaking the Concession Activity. | DOC recommends the inclusion of EC2 (3b)), as this is the consent condition which requires the implementation of the Biosecurity Management Plan. As part of this condition, DOC is also recommending changes to EC40 (<i>see below</i>) in the proposed resource consent conditions to ensure DOCs concerns regarding the concession activity are explicitly addressed. |
| Schedule 3 condition 12 | The Concessionaire must comply with the Construction Environmental Management Plan, including the Earthworks Management Plan in accordance with Conditions CM1-CM3 of the resource consent approval conditions, including the protocols outlining the management of fuels, hazardous materials, chemicals and waste. | As part of this condition, DOC is also recommending changes to CM2 (<i>see below</i>) of the resource consent to ensure that the concerns DOC has raised in relation to the concession activity are explicitly addressed. |

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| <p>Insert new condition as Schedule 3 condition 13</p> | <p><u>In the event of any hazardous substance spill the Concessionaire must:</u></p> <p><u>(a) take all practicable measures to stop the flow of the substance and prevent further contamination onto the Land or water;</u></p> <p><u>(b) Immediately contain, collect and remove the hazardous substances and any contaminated material, and dispose of all such material in an appropriate manner / authorised facility;</u></p> <p><u>(c) Notify the Grantor as soon as practicable;</u></p> <p><u>(d) Undertake any remedial action to restore any damage to the soil; and</u></p> <p><u>(e) Take all measures to prevent any reoccurrence.</u></p> | <p>DOC recommends the addition of this proposed condition, in addition to the existing Schedule 3 condition 12 (with the recommended adjustments to the resource consent condition). It is assumed that the detail of any spill response would be detailed in the relevant RMA Management Plan, with this providing high level guidance on the standard expectations for Concessionaires on DOC managed land. Clause (c) in particular, is critical as it ensures DOC is made aware of any spill on the land it manages.</p> |
| <p>Insert new condition as Schedule 3 condition 14</p> | <p><u>The Concessionaire must notify the Grantor within 48 hours of any such discovery.</u></p> | <p>This ensures that DOC is aware of any discovery on the land it manages. This enables DOC to undertake any due diligence as land manager and means that DOC is not blindsided by any enquiries it may receive.</p> |

Comments on draft conditions Concessions – Relevant Suggested Resource Consent Changes

| Condition # | Draft condition with track-changed suggestions | Comments and reasoning |
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| <p>EC40</p> | <ol style="list-style-type: none"> 1 To avoid the spread of pest plants or animals as a result of the construction of the Project and as part of preparing the TEMP, the Consent Holder must engage a Suitably Qualified and Experienced Person to prepare a final Biosecurity Management Plan. 2 The objective of the Biosecurity Management Plan is to outline the procedures to be implemented to avoid the spread or introduction of pest plant and animal species and diseases of indigenous plants and animals within the Project Site as a result of activities associated with the Project. | <p>The Applicant has indicated that they prefer the effects of the concession activity are managed through the resource consent conditions, and Biosecurity Management Plan. The Panel's draft decision indicates that it is satisfied with this approach.</p> <p>DOC therefore recommends the inclusion of additional wording d. to ensure that the management of the effects of the concession</p> |

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| | <p>3 The Biosecurity Management Plan must include:</p> <ul style="list-style-type: none"> a. Appropriate measures (such as wheel washes, and vehicle inspections on the entry/exit of the site and inspections of any materials brought on to the site) to avoid the introduction of new weed species into the Project Site; b. A requirement that in the event of the discovery of boneseed, Chilean needle grass or Nassella tussock or any other Exclusion species included in the Southland Regional Pest Management Plan 2019-2029, within the Project Site during the construction of the Project, the Consent Holder’s Environmental Manager and Project Ecologist must be notified. The Environmental Manager must ensure a photo of the plant(s) and date is recorded and the Southland Regional Council and Ministry for Primary Industries (through the Exotic Pests and Diseases hotline (0800 80 99 66)) are notified; and c. Any other specific measures identified for specific pest plant or animal species entering the Project Site or moving from one part of the Project Site to another. d. <u>A requirement that any general fill or organic material used on DOC managed land is sourced from within the Southland region.</u> | <p>activity are clearly addressed in the Biosecurity Management Plan.</p> |
| <p>CM2</p> | <p>1 In accordance with Condition MP2, the CEMP must include the following management plans:</p> <ul style="list-style-type: none"> a. Earthworks Management Plan (EMP), including an Erosion and Sediment Control Plan (ESCP); b. Flocculation Management Plan; c. Construction Noise Management Plan; and | <p>The Applicant has indicated that they prefer the effects of the concession activity are managed through the resource consent conditions, and CEMP. The Panels draft decision indicates that it is satisfied with this approach.</p> |

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| | <ul style="list-style-type: none"> d. Construction Traffic Management Plan. e. Jedburgh Plateau Water Management Plan (JPWMP). <p>2 The CEMP must include:</p> <ul style="list-style-type: none"> a. An overall Project Site development plan; b. The roles and responsibilities of the Consent Holder's staff and contractors; c. Details of the Consent Holder's Project Manager and Project Representative(s), including their contact details; d. Details of the Consent Holder representative(s) who will be the key contact person(s) for public information, queries, stakeholder liaison and complaints, in accordance with the Stakeholder Communication and Engagement Management Plan; e. The programme of all construction activities for the physical works authorised by these resource consents (including any proposed staging of these construction activities) and hours of work; f. The location and details of construction site infrastructure including fencing, site offices, site amenities, construction yards, laydown areas, construction access locations, construction lighting, refuelling areas and fuel and oil storage areas; g. Procedures for incident management and responding to complaints; h. Details of the management of ablution facilities, including requirements that waste from ablution facilities is either removed from the Project Site or treated and discharged to land in accordance with any permitted activity conditions in | <p>DOC therefore recommends the inclusion of additional clauses l. & m. to ensure that the management of the effects of the concession activity are clearly addressed in the CEMP.</p> |
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| | <p>the Southland Land and Water Plan or subsequent resource consent;</p> <ul style="list-style-type: none">i. Procedures to avoid or minimise the likelihood of the spread or introduction of invasive plant and animal species or diseased native plants as a result of construction-related activities, including measures to contain or eliminate any invasive species or diseased native plants as soon as they are observed;j. Details of the monitoring, management, contingency measures and reporting requirements; andk. Details of any environmental awareness training procedures, cultural induction and cultural monitoring requirements required under these consents.l. <u>A requirement that spill kits, that are suitable for water use when works occur in or immediately next to the Mimihau Stream, are present at all time on-site during construction on DOC-managed land.</u>m. <u>A requirement that all waste and rubbish is removed from DOC-managed land and disposed of at an appropriate facility.</u> | |
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