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Tena koe Keely

FTAA- 2508-1095 – Contact Energy Southland Wind Farm – Comments of Environment Southland on the Substantive Application

Thank you very much for the opportunity to provide substantive comments on the above fast-track application.

Environment Southland (hereafter ES) has been involved in ongoing dialogue with Contact Energy (the applicant) for approximately the last three years in relation to this proposed development, including in relation to the previously declined application under the Covid-19 Recovery (Fast-track Consenting) Act 2020.

For the current application, the applicant has gathered considerable further information in relation to the elements of the proposal of key interest to ES; to further refine and clarify effects on wetlands, hydrology and hydrogeology, biodiversity and biosecurity, and earthworks management.

This additional information has been of assistance and has addressed a number of ES's concerns in relation to the project. ES notes that this additional work has resulted in corresponding amendments to the draft suite of proposed conditions, and ES has been provided with this updated suite of draft conditions for review (*it is understood from dialogue at the panel-initiated meeting on 26 November 2025 that the formatting and numbering of these conditions may further change, to reflect the recent Waihi North fast-track decision*) .

ES is also conscious that the current application and associated draft conditions are being considered in the context of the Fast-track Approvals Act 2024, which has a different purpose from the previous Covid-19 legislation referred to above.

1.0 Environment Southland's substantive comments:

1.1 ES is supportive in principle of the development of further renewable energy resources in the Southland region.

ES notes that this proposal has the potential to generate approximately 1200GWh/annum of renewable energy, equivalent to the needs of circa 150,000 homes. ES recognises the link between renewable energy projects of this type and meeting

New Zealand's national and international commitments to fossil fuels reduction. ES also recognises that this additional energy has the potential to be an energy enabler to other projects which will benefit the Southland region socio-economically.

This position is consistent with Objective ENG.3 of the Operative Southland Regional Policy Statement which reads:

> *"Objective ENG.3 – Generation and use of renewable energy Generation and use of renewable energy resources is increased.*
>
> *Explanation/Principal Reasons:*
>
> *Maximising the ability to appropriately harness the region's renewable resources to provide energy for Southland communities will ensure there is a suitable supply of energy into the future and will not reduce future generations' ability to provide for their energy needs. Renewable energy resources such as wind, water, solar, biomass, tidal, wave and ocean current can be used to generate electricity. Other renewable energy resources, for example, biofuel and wood, can be used as fuel for transport and sources of heat for manufacturing and processing. Meeting or exceeding the New Zealand Government's national target for the generation of electricity from renewable resources will require the significant development of renewable electricity generation activities."*

Policy ENG.2 also recognises these benefits while seeking to ensure that any potential adverse environmental effects are appropriately scrutinised.

> "*Policy ENG.2 – Benefits of renewable energy*
>
> *Recognise and make provision for the development of renewable energy activities, and their benefits, which include:*
> - *maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions.*
> - *maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;*
> - *using renewable natural resources rather than finite resources;*
> - *the reversibility of the adverse effects on the environment of some renewable electricity generation technologies;*
> - *avoiding reliance on imported fuels for the purposes of generating electricity; while appropriately addressing adverse effects.*
>
> *Explanation/Principal Reasons:*
>
> *Preferring the development and use of renewable energy resources over non-renewable energy resources when forming policy and making decisions on resource consents will provide for future generations by maintaining the resource and help reduce the risks associated with climate change. Decision-making should recognise the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities. In recognising and providing for these benefits:*
> - *consented and existing renewable electricity generation activities should, to a reasonably practicable extent, be protected against future reverse sensitivity*

issues by managing the effects of development and land use to avoid such issues;

- *renewable energy sources that are only located at a particular site may require protection for the purpose of generating electricity by appropriately managing the adverse effects of development and land use to avoid activities that would not allow that resource to be used;*
- *the assets, operational capacity and continued availability of the renewable energy resource may require protection for the purpose of maintaining the generation output of existing renewable electricity generation activities; and*
- *decision-makers should have regard to the fact that even minor reductions in the generation output of existing renewable electricity generation activities can cumulatively have significant adverse effects on national, regional and local renewable energy generation outputs."*

1.2 However, while recognising the above Regional Policy Statement content, ES also recognises that its scrutiny of this application requires a multi-lens approach, with key focus on ES statutory functions in relation to effects on wetlands, biosecurity and biodiversity, ecology, hydrology and hydrogeology.

These areas have been the key focus areas of ongoing discussion with Contact Energy. A project team of technical staff from ES's science, biodiversity/biosecurity, consents and resource management/compliance teams has been undertaking ongoing engagement with Contact Energy staff and consultants during this process.

As referred to above, the applicant has significantly refined the information provided in the current application in relation to these areas. The applicant has been receptive to feedback provided by ES and has made some modifications to the proposal to reflect this feedback. Most recently, the applicant supplied Environment Southland with a further wetland report from Wildlands Ecology and Restoration on 10 November 2025.

Hence, the focus of this document is to highlight to the panel any remaining technical areas where ES considers the panel should focus its attention during the decision-making process.

1.3 ES has previously provided feedback on the applicant's planning and policy analysis (which has been incorporated by the applicant) and hence is not proposing a further detailed critique of these aspects of the application.

1.4 ES notes that the panel has invited comments from a range of parties and entities who will have the opportunity to provide their feedback on the relative merits of the proposal and any concerns or issues they may wish to highlight. Environment Southland respects the rights of those invited parties to express their view with respect to this application, which may or may not correspond with Environment Southland's comments. This also includes the other councils which have been invited to comment, noting that the respective councils may potentially have differing views and focus areas in relation to the proposal.

2.0 Specific ES Technical Comments:

2.1 Biosecurity and Biodiversity:

ES recognises that the sites of the application encompass a large area of circa 5800 hectares which currently have, and have previously had, limited amounts of biosecurity control. This, combined with ongoing livestock grazing, is likely to be adversely affecting / eroding the ecological and biodiversity values of the area over time.

ES notes that this application involves significant commitments from the applicant in terms of both on-site and off-site biosecurity management, biodiversity/ecological enhancement and habitat restoration. The applicant has prepared management plans in relation to Vegetation Management, Habitat Restoration and Enhancement, Avifauna and Bat Protection, Riparian Offsetting and Lizard and Invertebrate management. ES's Biodiversity and Biosecurity staff have reviewed this information and acknowledge that the applicant's proposed measures collectively represent a significant biodiversity and ecological commitment.

ES also acknowledges the applicant's stated goal of *"biodiversity net gain"* from the proposal, and notes the findings of the most recent Wildlands report of 10 November 2025 that:

"The proposed approach to offsetting and compensation has undergone rigorous testing by our team and an independent review by Roger MacGibbon of Tonkin and Taylor Limited. Mr MacGibbon has similarly concluded that the offset and compensation measures proposed will adequately address the ecological impacts associated with the proposal and are expected to result in an overall net benefit to biodiversity".

However, ES would wish to record the importance of the following matters for the panel's information.

- For the on-site benefits of the applicant's proposed programme of enhancement to be fully effective, adequate deer and feral pig control is imperative, as these are likely to be key contributors to the decline of current site values as identified in the various reports included in the application.

- ES considers that appropriate riparian protection is similarly important to fully realise biodiversity gains and to maintain water quality. The Riparian Offsetting Management Plan is an important component of the application from an ES perspective, as is ensuring that the measures outlined will be fully implemented.

- The off-site programme and associated funding are noted. It is understood that this will manifest as additional measures rather than replacement funding for existing programmes run by other agencies. This will be important to support the "biodiversity net gain" goal.

2.2 Effects on Wetlands:

During ES's initial discussions with the applicant, ES staff highlighted that the potential effects of the project on the wetland complex on the sites would be likely to be a key focus area for Environment Southland's scrutiny of the application.

ES staff strongly recommended in those discussions that the wetland complex should be factored into decision-making about turbine location. ES staff also flagged the content of the national and regional policy framework in relation to wetlands, which set a "high bar" for any proposals which could potentially affect wetlands and their values.

ES is also very conscious of its important statutory duties in relation to wetlands.

It is noted that for operational effectiveness reasons the applicant proposes to locate a number of the turbines within the wetland complex on the Jedburgh Plateau; and hence

the applicant outlines that total avoidance of wetland effects is not achievable if the project is to proceed in an economically and operationally viable form. This has been a focus of ongoing discussions between ES and the applicant.

The applicant's now proposed "*firm limit on impact*" of 2.5 hectares is noted and this is a useful reference point by which to assess impacts on wetland resources.

ES also notes the applicant's proposed off-site compensation of the protection and enhancement of a circa 15-hectare area of the Contact- purchased Davidson Road existing wetland, and associated fencing and restoration/ wetland enhancement. ES's Wetlands Scientist has commented that if the project proceeds, it may be desirable to have a wider diversity of species in the planting programme for the Davidson Road wetlands. ES would be happy to engage in further dialogue on this matter.

While ES considers that the applicant's proposed off-site compensation is a meaningful measure to seek to limit impacts on wetland resources, ES notes that the Jedburgh plateau and Davidson Road wetlands are not "like for like"; and from ES's perspective this is a key area requiring close scrutiny from the panel during its decision-making process.

It is noted that Southland does have quite a few bogs and fens and hence they are not rare regionally. However, the region does not have many of these high upland bogs with a very distinctive, rare (they always would have been naturally uncommon) and in many cases threatened species composition. Most are only left in the Fiordland upland areas.

Associated with this, ES considers it is very important to seek to mitigate the effects of the bulk earthworks on the hydrology and hydrogeology of the area, because inadequate management of these earthworks could adversely affect wetland values over time. It is noted that since the previous application, the applicant has also undertaken significant research and effort 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.

Environment Southland's Environmental Scientist Wetlands has also flagged the following key wetland-related aspects which he considers require close scrutiny by the panel:

2.2.1 As stated by the panel's ecologist in the first previous fast track application, fragmentation effects have had limited treatment by the applicant, with the focus being on overall habitat loss. Habitat fragmentation is a key terrestrial ecology consideration but unlike loss it can be harder to quantify its impacts due to the complexity of ecological processes and differences between species.

a. Habitat fragmentation increases the vulnerability of the fragment to invasion by exotic and native pest species. For example, road edges represent dispersal routes for invasive species.

b. It increases discontinuity in the spatial patterning of food availability, negatively affecting the conditions for species occupancy.

c. Increased disconnection between fragments can cause connectivity issues.

2.2.2 There is still some uncertainty around the value of the habitat on Jedburgh plateau. Comments from the Applicant e.g. "*There are also many more wetlands at a similar*

altitude to Jedburgh plateau along the southern coast of Fiordland, although they are not the same type and are likely to be in better condition" are unsubstantiated in the application document, and no data is provided to support this comment. There is also a lack of data about the differences and value of high-altitude bog and fens vs their lowland counterparts.

2.2.3 Furthermore, a significant amount of new data about bog and fen loss has been obtained since the Southland Regional Policy Statement, which became operative in 2017, which highlights significant recent loss of these wetland types in Southland, indicating they are more threatened and valuable than when the SRPS was made operative.

2.2.4 Throughout the application, the applicant states that a significant portion of the bogs are induced "*More than half of the bogs present on the Jedburgh Plateau (60%, c.17 hectares) are induced, with the remainder naturally occurring. Induced bogs have formed following deforestation of pahautea/cedar cloud forest within the last century or so and are prone to drying out over summer."* Although these areas have been deforested and were mountain cedar forest, it is important to note that mountain cedar has a wetland indicator rating of facultative (FAC). This defines plants as having a 50% chance of occurring in a wetland. This means that the areas may have historically been wetlands, and have just changed vegetation or type, rather than being dryland that has gone to wetland. The fact it was forest does not mean it was not bog.

2.2.5 The comment from the application that "*We note that Contact is obligated to undertake wetland monitoring during construction and continuing for a minimum of two years following the completion of the wind farm (as per Condition EC11B)"* is noted. ES notes that vegetation change due to hydrological disturbance can often take a long time to occur. 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- ES suggests 5 yearly monitoring intervals after the initial 2-year monitoring.

2.2.6 The comment from the application that *"Furthermore, the types of fen and bog habitats present at SWF do not meet any of the threat classifications listed in Appendix 2 of the Southland RPS"* is noted. ES notes that the Regional Policy Statement states *"Although Appendix 2 includes a schedule of threatened, at risk and rare habitats, this is by no means definitive*." It could be argued that any wetland dominated by indigenous species would trigger (b)(ii) of the significance assessment criteria given that wetlands nationally and in Southland are considered at risk and threatened by development.

2.2.7 The comment from the application that "*The Jedburgh Plateau has been used for farming for over 100 years. It is still being intermittently grazed by approximately 300 head of cattle during the winter months and sheep in summer, and it is browsed by high numbers of feral deer."* is also noted. This point and other statements regarding the benefit of stock removal from the wetlands need to be considered in the context that the proposed Southland Water and Land Plan that normally requires a resource consent for stock grazing in a natural wetland, particularly in relation to Rule 74 of that document.

2.2.8 ES considers it is important to mitigate the potential for adverse effects on ephemeral wetlands (usually ephemeral ponds) and seepage streams from dumping of spoil. Ephemeral waterbodies and seepage should be factored into wetland and earthworks considerations.

2.3 Construction Effects:

The applicant's proposed suite of conditions in relation to construction effects (Conditions CM1 to CM 28) is noted, and ES is generally comfortable with this suite of conditions, subject to further specific comment on conditions in Section 3 below. However, ES would wish to record the importance of the applicant ensuring these are given effect to; noting that many of the potential effects of interest to ES would occur in the construction phase.

Provision of the as-built plans as referred to in Condition CM 28 is also very important in ensuring that ES has a clear as- built reference point on which to assess any future compliance issues for the lifespan of the project.

2.4 Landscape:

As noted in Environment Southland's previous submission to the previous application, this formation has received recognition in previous Southland Regional landscape study documents; albeit that this recognition did not make its way fully through the First Schedule RMA process.

ES notes that the proposed development is intended to occur on a prominent and important landscape formation, which is visible from large parts of Southland. The large height of the proposed turbine structures at circa 220 metres is also noted; as is the 65 kilometres of 8 metre wide on-site roading plus a further 6.5 kilometres for access roading.

Therefore, Environment Southland considers that landscape effects should be an important focus for the panel. Environment Southland does not have any specific in-house landscape expertise; however, ES has liaised closely with Southland District Council in this process and is aware from the previous panel session on 26th November that SDC has engaged landscape expertise to inform its comments.

It is also noted that the applicant has produced a large body of information on landscape effects, and that the panel helpfully contains a highly respected landscape expert.

However, ES would wish to reiterate that effects on landscape should be very closely considered by the panel and that the panel may wish to consider the comments made by the commissioners on the decision made under the previous fast track legislation https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Southland-Wind-Farm/Decision/Southland-Wind-Farm-Decision_FINAL-1.pdf Pages 112-135 in relation to this matter.

2.5 Cultural Effects:

During its consideration of this application and the previous application, ES has liaised closely with Ngai Tahu via Te Ao Mārama Incorporated, reflective of the Charter of Understanding/ He Huarahi mo Nga Uri Whakatupu which exists between ES and the papatipu runanga of Ngai Tahu. This has included a combined site visit.

It is understood from the application document, the panel session on the 26th of November 2025 and recent discussion with TAMI staff that the applicant has reached agreement with respect to the proposal, and the Mana Whenua conditions TW1 to TW11 as included in the application are noted in that regard. ES respects this agreement and has no further comment to make with respect to cultural effects.

2.6 Electricity system resilience and need:

Environment Southland notes that the application outlines the "Project Rationale" In Part 3 Section A of the application document; and also notes the Part H – "Technical *Assessment Electricity Systems Benefits".*

Environment Southland notes that:

- while the single 16km transmission line as now proposed has benefits in terms of mitigating the extent of above ground transmission structures and associated earthworks, it does have the potential to create a resilience risk in an event such as Southland's October 2025 extreme wind state of emergency. The applicant should demonstrate that appropriate resilience risk management has been factored into reticulation design.

- while noting the benefits of project outlined in the application, Environment Southland would seek assurance that the renewable energy benefits from this project IF it proceeds occur within the Southland region, as well as nationally. The Technical Assessment appears more focused on national level benefits.

2.7 Ongoing community input:

It is appreciated that the panel has provided opportunities for input to this process from a range of local parties, as was suggested by Environment Southland in the panel convenor's conference.

If the consents sought are granted, then Environment Southland is supportive of the proposed measures as outlined in Conditions SC 1- to SC 10 to provide mechanisms for ongoing communication and engagement, subject to some suggested changes to the relevant conditions in Section 3 below. ES would be a willing participant in the Community Liaison Group suggested in Condition SC9. ES has participated in other community liaison groups of this type and has found them to be useful. Also, ES is supportive of the concept of the Community Benefit Fund as outlined in Condition SC10.

2.8 Decommissioning:

ES considers that appropriate legal and financial sureties should be in place in relation to decommissioning and rehabilitation, in order to protect the region's ratepayers against any future financial liabilities. The decommissioning conditions (which are currently DT 1 to DT3) are noted in that regard.

The question of whether a bond should be required was discussed at the meeting on 26 November 2025, following a panel member query. It is understood that the applicant's position is that a decommissioning bond is not required because the value of the materials is such that there is an economic incentive to salvage the material rather than leave in situ.

It is suggested that the panel may wish to seek some further information on this aspect from the applicant, noting that this could be occurring many years down the track when

the economic value of materials, and the logistics of salvaging these from a remote location, may have changed significantly.

3.0 Specific conditions comments:

As referred to above, during the development of this project , Environment Southland has liaised closely with Contact Energy on conditions development , and Contact Energy provided advance visibility on the suite of conditions included in the current application pre-lodgement *(it is understood following the meeting of 26 November 2025 that there may be some further changes to the structure of some of these conditions) .*

ES notes that in the panel- initiated meeting on 26 November 2025, the panel requested that parties should clearly flag any issues with, or suggested amendments to, draft conditions as part of their substantive comments.

The suite of conditions has been reviewed by ES staff, including our Resource Management/ Compliance Team Leader whose team would have key responsibilities for monitoring and enforcement of the relevant regional consents.

Overall, ES is generally comfortable with the proposed suite of conditions, but would wish to flag the following concerns and potential content changes:

3.1 The main instrument of implementation for offsetting, restoration, and compensation relevant to ES is the HREP – the Habitat Restoration and Enhancement Management Plan (this is part of the TEMP – Terrestrial and Wetland Ecological Management Plan) and the ROMP – Riparian offsetting Management Plan (this is a separate management plan). These plans are to be drafted by SQEPs and reviewed by the independent reviewers appointed as per condition MP4. This process happens in advance of the construction. **ES requests that the submission deadline for management plans should be extended from 15 working days to at least 20 working days prior to construction.**

3.2 The community engagement conditions SC1-SC10 are not included in the regional council consents (as detailed in the Index of Resource Consents and Conditions). These conditions include the Stakeholder Communication and Engagement Management Plan, complaints procedures, Community Liaison Group (of which ES is a proposed member) and the community benefit fund. Community matters and potential concerns do not only fall within the jurisdiction of district councils. On matters of water quality, wetland disturbance and remediation, and other environmental matters, these conditions would be highly relevant. The stakeholder and engagement management plan gives ES confidence that the community's interest in these matters is being dealt with, especially in relation to iwi. ES is a proposed member of the Community Liaison Group, which has the authority to administer and determine how the community benefit fund should be operated. The complaints procedures are just as relevant to regional functions as they are to district function. **ES would request that these conditions, SC1-SC10, should also be linked to/ included in all Regional Council consent conditions.**

3.3 In relation to the conditions relating to the Community Benefit Fund (conditions SC6-SC10). To ensure that contributions are made in accordance with the conditions, **ES requests adding an additional clause that requires reporting of the contributions and distribution of funds to the consent authorities and the community liaison group.** This may have already been intended by the applicant; however ES considers that this should be specified in the conditions also.

3.4 The management plan conditions (MP1-MP9) outline the process for management plan review and certification. **ES requests that 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 ES resource management/ compliance team.**

3.5 Condition G6A requires final design drawings to ES at least 3 months prior to construction. This includes the design of the water system required under CM12. There is very limited detail about what the water management system should cover. This currently only says "*for the purposes of mitigating the effects of wetland construction*". **It is suggested that this condition should be expanded to include detail as to what is required to be covered in relation to water system design.** Related, to this Condition CM 12 (a) requires that a final water management system is prepared by a Suitably Qualified and Experienced Person in accordance with G6**. This should reference G6A.**

3.6 CM12(b) (c) and (d) require a culvert and drain maintenance plan to be prepared and provided to ES at least 10 days prior to construction. These conditions do not outline what elements should be included in the maintenance plan or outline the objectives or outcome of the maintenance plan or mechanisms for maintenance plan adjustment in the event there is effects. The 10-day time frame is very tight. **ES requests that the timeframe in this condition be extended from at least 10 working days to at least 20 working days prior to construction. It is also suggested that the construction aspects be brought into the same management plan process outlined in Conditions MP1 to MP9 for consistency.**

3.7 Further to the point made in Section 2.2.5 earlier in this document, ES considers that all monitoring of water quality, wetland and biodiversity effects should occur at frequencies and durations which provide sufficient longevity. This is important in order to provide meaningful results for the duration of the project.

ES welcomes the opportunity to provide further conditions feedback later in this process as provided for under the FTAA. ES would certainly intend to avail itself of this further opportunity to ensure that any conditions are effective and enforceable. ES would also seek to ensure that the actual and reasonable costs of any monitoring requirements fall on the consent holder, rather than the general ratepayers of the Southland region.

Environment Southland is very happy to provide any further additional information or clarification as required through this process to assist the panel in its decision-making process.

For the panel's information, these substantive comments have been reviewed by and endorsed by the full ES Council at its meeting on 10 December 2025.

Thank you again for the opportunity to provide these comments.

R A Phillips
Acting Chief Executive