

Our reference: APP-20242544
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19 January 2026

Expert Consenting Panel for
Contact Energy Southland Wind
Farm (FTAA-2508-1095)

c/- Environmental Protection Authority
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Attention: Keely Paler
[REDACTED]

Dear Panel Members

FTAA-2508-1095- Response to Minute 4 of the Expert Panel – Environment Southland – relevance of new national direction instruments

Thank you very much to the panel for Minute 4 in relation to this application.

The panel requests that ES identifies ***“amendments in these instruments that are now relevant to their previous assessments of the Southland Windfarm Project under Schedule 5 , clause 5 (1) (h) and clause 5(2) and undertake an assessment of the project against those amended provisions, with a particular focus on any new or amended provisions that weigh either in favour of, or against, the granting of the approvals sought for the Project with reference to Section 85FTAA”***.

Accordingly, Environment Southland responds as follows in relation to this request/minute:

1- General:

While noting these important amendments to the relevant national direction instruments referred to below, Environment Southland considers that these do not change the overall direction of Environment Southland’s position in relation to the fast-track application.

That position can be summarised generally as supportive of the renewable energy benefits of the proposal, while also highlighting ecological, earthworks and landscape aspects which it considers require close panel consideration.

For now
& our future

2.0 ES comments in relation to specific instruments:

(Note– Environment Southland has not commented on every amendment to every instrument (e.g. some amendments relate to existing infrastructure) and has focused on those elements which it considers most relevant to this application)

2.1 National Policy Statement for Renewable Electricity Generation Amendment 2025:

As commented above, ES's original substantive comments were supportive of the renewable energy benefits of the proposal, and it is noted that the amendments to this instrument are generally more enabling towards renewable electricity generation rollout.

Specifically, ES comments on the following provisions:

Objective

It is noted that the new Objective of this NPS- REG is as follows:

Objective

“2.1 (3) The objective of this National Policy Statement is to:

- (a) ensure the national, regional and local benefits of REG are provided for;***
- (b) enable REG capacity and output to significantly increase;***
- (c) enable REG to support the social, economic and cultural well-being of people and communities, and for their health and safety;***
- (d) enable REG to provide greater security of electricity supply and resilience to supply disruptions to all people and communities;***
- (e) enable REG to support achieving New Zealand's emission reduction target and implementation of the emissions reduction plan under the Climate Change Response Act 2002; and***
- (f) ensure REG is developed and operated in a safe, efficient and effective manner while managing the adverse effects from or on REG activities.”***

ES does not consider that this amendment necessitates any changes to its previous substantive comment.

While ES did not comment specifically on the NPS-REG in its previous substantive comment, ES considers that granting the approvals sought would be consistent with (a), (b), (d) and (e) above. Whether this would meet (c) and (f) would be more dependent on parties' perspectives and which “people and communities “ were being considered.

In terms of cultural wellbeing under (c) above, the agreement between the applicant and Ngāi Tahu is noted.

Amended Policy A reads as follows:

“Policy A: National significance and benefits of renewable electricity generation

- (1) Decision-makers on REG activities must recognise and provide for the national significance and the national, regional and local benefits of REG activities.***
- (2) Decision-makers must recognise that the benefits of REG activities include:***

- (a) avoiding, reducing and displacing greenhouse gas emissions;**
- (b) contributing to the security, resilience and independence of electricity supply at local, regional and national scales through diverse REG sources and electricity storage in diverse locations;**
- (c) providing for the social, economic and cultural well-being of people and communities and for their health and safety;**
- (d) using renewable rather than finite sources of energy;**
- (e) avoiding reliance on imported and domestic fossil fuels for the purposes of generating electricity;**
- (f) the temporary and reversible nature of adverse effects on the environment of some REG technologies;**
- (g) reducing electricity losses by locating REG activities close to electricity demand and existing electricity networks; and**
- (h) reducing adverse effects by:**
 - i. co-locating REG with other appropriate REG assets and activities and other appropriate infrastructure and activities; and**
 - ii. locating REG activities to minimise adverse effects on other activities”.**

Environment Southland does not consider that these amendments necessitate any changes to its previous comments.

Environment Southland considers that these amendments generally weigh in favour of granting of the approvals sought; although the rider to this is that, noting the comments received, not all parties would necessarily agree that Clause (c) is met.

Policy C states that:

“Policy C: Operational need or functional need for REG assets and activities to be in particular locations and environments

- (1) Decision-makers must recognise and provide for REG assets and activities that have an operational need or functional need to be in particular locations and environments.**
- (2) Decision-makers must recognise that the operational need or functional need of REG assets and activities includes, but is not limited to, the need to:**
 - (a) be located where a renewable electricity resource is located and available at a viable scale and quality to sustain the REG activity;**
 - (b) be accessible to connect to electricity networks and be nearby to electricity demand; and**
 - (c) have sufficient and accessible land available to support all associated current and reasonably foreseeable future REG activities at that particular location.**
- (3) An assessment of alternative sites is not required to demonstrate that an operational or functional need exists.”**

Environment Southland considers that this content does not necessitate any specific changes to ES’s previous comment.

It is noted that the application contains an extensive rationale from the applicant as to the reasons and functional need for locating the proposal on the sites of the application, although this content is challenged by the comments of some parties.

It is also noted that in relation to ES's comments with respect to landscape that *"an assessment of alternative sites is not required to demonstrate that an operational or functional need exists"*.

In relation to Policy C (2)(c) the large overall scale of the sites of the application, being circa 5800 hectares of land with agreement for use for the proposed activities, is noted.

Environment Southland considers that the Policy C amendments generally weigh in favour of granting the consents sought.

New Policy E states that:

"Policy E: Recognising and providing for Māori interests

(1) Decision-makers must recognise and provide for Māori interests in relation to REG assets and activities including by:

- (a) taking into account the outcome of any engagement with tangata whenua on a relevant resource consent, notice of requirement or private plan change;***
- (b) recognising the opportunities tangata whenua may have in developing and operating their own REG activities at any scale or in partnership; and***
- (c) local authorities:***
 - a. providing opportunities for tangata whenua involvement where REG assets and activities may affect a site of significance or issue of cultural significance to Māori; and***
 - b. operating in a way that is consistent with relevant iwi participation legislation or Mana Whakahono ā Rohe.***

While not presuming to comment on behalf of tangata whenua, ES considers that the agreement between the applicant and Ngāi Tahu in relation to this application would weigh in favour of granting the approvals sought in the context of this policy.

Policy F states that:

Policy F: Enabling and managing the effects of REG assets and activities on the environment

(1) Decision-makers must enable REG assets and activities in all locations and environments.

(2) Where REG assets and activities are proposed to locate in or are likely to have adverse effects on environments and values provided for in section 6 of the Act, the provisions of this policy must be read alongside other relevant national direction, regional policy statements and regional and district plans.

(3) Where (2) does not apply the adverse effects of REG assets and activities must be, where practicable, avoided, remedied, or mitigated.

(4) Decision-makers must have particular regard to the use of adaptive management measures.

Environment Southland considers that this Policy does not necessitate changes to its previous comments.

ES considers this Policy does not weigh strongly either for or against granting the approvals sought.

2.2 National Policy Statement for Electricity Networks Amendment 2025

(Note: It is noted that there are some quite extensive amendments to this instrument and not all are relevant to this proposal with some being urban-specific. Hence, ES has commented on those most relevant in its view to this proposal.)

Clause 5 Objective

Clause 5 Objective 2.1 now reads:

(1) The national significance of the electricity network is recognised, protected and provided for, so that the network:

- a) is upgraded, improved and resilient to provide for the social, economic and cultural well-being of present and future generations and their health and safety;***
- (b) is developed and operated in a timely, efficient, and ongoing manner while managing adverse effects from or on the EN; and***
- (c) supports achievement of New Zealand's climate change mitigation and renewable energy targets."***

Environment Southland notes that this recognises the importance of renewable energy to support achievement of national climate change and renewable energy targets.

ES does not consider that this necessitates any changes to its previous comments.

Environment Southland considers that these amendments generally weigh towards granting of the approvals sought.

Policies 1 and 2 state that:

Policy 1:

(1) Decision-makers on EN activities must:

- (a) recognise and provide for the national significance of the EN; and***
- (b) provide for the ongoing benefits of the EN to be realised at national, regional and local scales, relative to any localised adverse effects.***

Policy 2:

(1) Decision-makers must recognise that the benefits of the EN include:

- (a) providing for the social, economic and cultural well-being of people and communities to meet the needs of present and future generations and their health and safety;***
- (b) providing services that are essential to support human life and the development, growth, and functioning of districts, regions, New Zealand, and the economy;***
- (c) providing safe, secure, reliable, and resilient electricity supply that is responsive to demand from homes, communities, and businesses at a local, regional, and national scale;***
- (d) efficient storage and transfer of electricity;***
- (e) supporting climate change mitigation and the electrification of the economy, including by:***
 - i. supporting new, expanded or increased renewable electricity generation;***
 - ii. increasing and improving network capacity; and***
 - iii. providing direct connections for industry and commercial development; and***
- (f): enhancing supply of electricity through the ETN by removing points of congestion."***

ES considers that these policies don't necessitate any specific changes to ES's previous comments.

ES considers that these policies generally weigh in favour of granting the approvals sought.

Policy 3

It is noted that this amendment inserts a new Policy as follows:

"Māori Interests

Policy 3:

(1) Decision-makers must recognise and provide for Māori interests in relation to EN activities, including by:

- (a) taking into account the outcomes of any engagement with tangata whenua on any relevant resource consent, notice of requirement, or private plan change;***
- (b) recognising the opportunities tangata whenua may have in developing and operating their own EDN assets at any scale or in partnership;***
- (c) avoiding, where practicable, or otherwise mitigating, the adverse effects of EN activities on sites of significance to Māori; and***
- (d) local authorities:***
 - i. providing opportunities for tangata whenua involvement where EN activities may affect a site of significance or issue of cultural significance to Māori; and***
 - ii operating in a way that is consistent with any relevant iwi participation legislation or Mana Whakahono ā Rohe."***

As commented above, while certainly not presuming to speak for tangata whenua, ES considers that the agreement between the applicant and Ngāi Tahu would weigh in favour of granting the approvals sought when assessed against these policies.

Policy 6:

(1) In rural environments, decision-makers should ensure that non-routine EN activities seek to avoid adverse effects on outstanding natural features and landscapes, areas of high natural character, and areas of high recreation value and amenity.

ES has not formally determined as to whether this proposal constitutes "non-routine EN activities", noting the definition reads as follows:

non-routine electricity network activities (non-routine EN activities) means:

- (a) the upgrading, rebuilding, or replacement of, or changes to, EN assets or EN activities, that are not defined as routine EN activities; or**
- (b) the construction of new EN assets not carried out on or related to EN lines, or at an EN substation, that exist at the time of construction; or**
- (c) new connections to electricity generation or demand activities upon request of a third party (other than Transpower New Zealand Limited or an electricity distributor); or**
- (d) relocation or undergrounding of assets in order to enable urban or infrastructure development upon request of a third party (other than Transpower New Zealand Limited or an electricity distributor).**

ES is commenting on the basis that as the proposal requires new reticulation to connect to “EN lines” and is not at an EN substation that exists at the time of construction, then in terms of Clause (b) above it is a non-routine EN activity. However, ES stands to be corrected on this interpretation.

ES notes that its substantive comments, and comments from a range of other parties, identify landscape as an important matter requiring close scrutiny; and this policy generally supports that view, assuming that this work meets the “non-routine activity” definition above.

ES also recognises however that the landforms involved do not currently have formal Outstanding Natural Feature / Outstanding Natural Landscape status in the relevant planning documents through First Schedule RMA processes. However, ES notes that a number of commenting parties reference the high landscape and natural character of the area.

Noting the “avoid” content above, ES considers that this policy would weigh against the granting of the approvals sought. As per above, this position would also depend on whether the proposal is in fact “non-routine EN activities”.

Policy 7:

(1) Decision-makers must recognise and provide for the operational need or functional need of the EN to operate in, be located in, or traverse environments, including:

(a) the need for EN assets to convey electricity over long distances and in all locations and environments, including:

i. within and across urban and rural environments;

ii. within the coastal environment, including the coastal marine area; and

iii. across jurisdictional boundaries within and across districts and regions; and

(b) the need for the EN to operate effectively and efficiently as an interconnected system across New Zealand;

(c) recognition that the ETN and EDN are separate networks that have differing functional need and operational need;

(d) the requirement for regular maintenance and upgrading of the EN due to its age, the need to improve EN resilience, and the need to increase and improve capacity to meet changing demand and supply;

(e) the need for the EN to connect to electricity generation, and to respond to demand, wherever located; and

(f) the functional need for the EN to locate in areas at risk from natural hazards, where Transpower or the EDN provider have considered and managed potential natural hazard risks.

Policy 8

(1) When considering the environmental effects of EN activities and ancillary EN activities, including measures to avoid, remedy, or mitigate any adverse effects on the environment, decision-makers must:

(a) have regard to the extent to which any adverse effects have been avoided, remedied or mitigated through the selection of route, site, or method of undertaking the work;

(b) recognise that there may be unavoidable adverse effects regardless of the route, site, and method chosen, with adverse effects reduced as far as practicable;

(c) provide for EN activities that have an operational need or functional need to be in particular locations and environments, including in areas where section 6 matters apply, even where there may be unavoidable adverse effects on those environments;

- (d) consider the constraints imposed on achieving those measures by any operational need of the EN;**
- (e) recognise that development, upgrading and improvement of the EN will be necessary in order to maintain and improve the capacity and delivery of the EN over time;**
- (f) recognise that EN activities may result in changes in amenity that are unavoidable and necessary to achieve an effective, efficient, safe, secure, reliable, and resilient EN, and that such changes may not constitute adverse effects under the Act;**
- (g) adopt relevant international standards (that have been adopted for use in New Zealand), national standards, and recognised best practice standards and methodologies to assess and manage adverse effects; and**
- (h) consider the financial and timing implications of mitigation measures and any consent conditions to ensure these are proportionate to the adverse effects of the EN or particular EN activities.**

ES does not consider that Policies 7 and 8 necessitate changes to its previous comments.

While noting that these policies recognise the potential for “unavoidable” effects from non-routine EN activities, ES does not consider that these are policies are necessarily weighed towards or against granting the approvals sought, but rather highlight matters for the consideration of decisionmakers.

Policy 14

“Electric and magnetic fields

Local authorities must manage electric or magnetic fields associated with the EN based on recommendations from the World Health Organization monograph Environmental Health Criteria (No 238, Extremely low frequency fields) and International Commission on Non-Ionizing Radiation Protection ‘Guidelines for limiting exposure to time-varying electric and magnetic fields (1 Hz to 100 kHz)’ (Health Physics 99(6): 818–836; 2010) (ICNIRP Guidelines) or their revisions, or any other applicable New Zealand standards.”

Policy 14 recognises that electric and magnetic fields require management to ensure no adverse health effects. The application recognises this issue, and it is understood all standards will be met.

2.3 National Policy Statement for Indigenous Biodiversity Amendment 2025

It is noted that the changes to the NPS-IB seek to (from the associated regulatory impact statement):
“ provide consistent, clear and enabling pathways for consent for quarrying and mining that support the government’s growth agenda”.

These amendments have some limited relevance to this application noting the earthworks components, for instance it is noted that Clauses 1.6 and 3.11 are amended as follows respectively to clarify interpretation and align with the National Planning Standards 2019:

“Clause 1.6 amended (Interpretation)

Insert new definitions:

ancillary activity means an activity that supports and is subsidiary to a primary activity

quarrying activities means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition

of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry

ES considers that these amendments do not necessitate any changes to the previous ES comments.

ES considers that as quarrying and mining are not the key purpose of this application, these changes do not weigh significantly either for or against granting the approvals sought.

2.4 National Policy Statement for Freshwater Management Amendment 2025 and Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025

Similar to the NPS IB amendments referred to above, ES noted that the driver for the amendments to the NPS-FM and NES -F are to *“improve consistency and alignment for quarrying and mining consent pathways across national direction instruments”*.

Of particular relevance is that this adds *“operational need”* in addition to *“functional need”* in NPS-FM and NES-F wetland consent pathways, which has relevance to quarrying and mining projects meeting gateway tests. *“Regional benefits”* is also added to mining consents pathways.

ES does not consider that these amendments necessitate any changes to previous ES comments.

As the panel will be aware, potential effects on wetlands were a strong focus of Environment Southland’s scrutiny.

Environment Southland considers that earthworks within or in close proximity to a natural inland wetland for activities such as turbine foundations would not meet the *“quarry”* and *“quarrying activities”* definitions above. Hence ES considers that if these amendments are relevant to the current application at all, they are only relevant to the extent of any proposed activities which meet these definitions.

It could potentially be extrapolated that by providing more flexibility in these amendments, such flexibility should similarly apply to like activities and to the ES-related wetland consents sought under Rules 69 and 74 of the Proposed Water and Land Plan (*Table 2, Pages 36 and 37 of Part B of the application document*). However, Environment Southland does not consider that this was the intent of these amendments, nor would this be an appropriate extrapolation.

Hence, Environment Southland considers that these amended provisions do not weigh significantly for or against the granting of the approvals sought.

Thank you again for the opportunity to comment in relation to the above matters. If you require any additional information please contact **Bruce Halligan, Strategic Regulatory Advisor** On [REDACTED] or [REDACTED]

Yours sincerely



Hayley Fitchett
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