

**BEFORE THE INDEPENDENT HEARINGS COMMISSIONER
APPOINTED BY THE INVERCARGILL CITY COUNCIL**

UNDER the Resource Management Act 1991

IN THE MATTER of Part 8 of the Act

BY **SPACE OPERATIONS NEW ZEALAND
LIMITED**

Requestor

SUMMARY STATEMENT OF ALEX DUNN

Dated: 28 September 2026

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Summary statement of Alex Dunn

Introduction

- [1] My name is Alex Dunn. I provided planning evidence dated 14 September 2026 in relation to Space Operations New Zealand Limited's Notice of Requirement (NoR).
- [2] I have since reviewed the evidence filed for Stewart Family Assets Limited (SFAL) by Ms Christine McMillan (planning), Mr John Ballingall (economics), Mr Craig Morley (engineering and electromagnetic interference) and Mr Huw Jones (commercial), all dated 21 September 2026. I have also reviewed the further information response for the Awarua Wind Farm resource consent application (RMA/2026/26).
- [3] I have also considered the Commissioner's Minutes 3 and 4. I have had regard to both Minutes in preparing this summary.
- [4] I do not repeat my primary evidence here. This statement is deliberately focused on the matters sharpened by the SFAL evidence and matters raised in the Minutes. I separate areas of agreement from the remaining planning differences, identify the assumptions underlying the quantitative comparisons, and explain how I consider the approval pathway would operate in practice.

Issues remaining in contention

- [5] Minute 4 identifies four technical matters that bear directly on the planning assessment. I defer to the relevant technical witnesses on the radio-communications physics. My role is to explain the planning consequence of those matters and, in particular, the difference between the horizon mask as a trigger for additional assessment, and a prohibition on land use.
- [6] The principal planning disagreement with Ms McMillan is therefore not whether the NoR has an effect. I accept that it does. The disagreement is the scale and character of that effect having particular regard to s171. In my opinion, Ms McMillan's evidence tends to move from the existence of a designation and a requirement for approval to a conclusion that

development opportunity is lost or curtailed over much larger areas than the NoR actually prevents from being used.

- [7] That distinction is important to Minute 4 because the Commissioner has asked for the consequences of the designation to be explained in a way that exposes assumptions and uncertainty.

Areas of agreement

- [8] There is meaningful common ground. The Ground Station is established infrastructure of national (and international) significance. I also accept that the Industrial 4 Zone has a strongly enabling purpose and that renewable electricity generation has important national, regional, and local benefits. The planning task is to reconcile those resources rather than treating either as having absolute priority.
- [9] There is also technical common ground that physical obstruction can affect satellite communications and that the effect of a particular structure depends on its location, azimuth, elevation, distance, dimensions and physical characteristics. Mr Morley accepts that relatively narrow structures such as cranes and turbines can cause interference and that individual assessment on a case by case basis is appropriate. He also accepts that penetration of the 5-degree surface should not automatically be equated with an unacceptable operational effect.
- [10] I agree with Ms McMillan and Mr Jones that an additional approval process can create cost and regulatory uncertainty, and that uncertainty is a relevant adverse effect. I also agree that the Industrial 4 provisions must be given meaningful weight and that unusually tall industrial components such as the proposed 200m wind turbines interact with the horizon mask to a materially greater degree than ordinary industrial buildings.
- [11] In relation to EMI, Ms McMillan accepts that the amended EMI provisions are likely to result in less than minor effects on SFAL. The remaining disagreement is primarily whether the designation is reasonably necessary given the Radio Spectrum Management framework and

whether the final technical standard is sufficiently measurable and enforceable.

Ms McMillan's characterisation of development constraint

- [12] Ms McMillan's evidence categorises the NoR as a development constraint on the Industrial 4 land. At [42] she says the designation is 'seeking to curtail the development of the Zone' and 'seeks to curtail development on the adjoining site'. At [49] she says it will impose 'significant restrictions on development of the Site'. At [63] she describes a 'significant and unjustified constraint', and at [64] says 'development opportunities on adjoining industrial land are curtailed'.
- [13] I accept that those descriptions are appropriate to the extent that a penetration may require additional approval and, in some cases, may need to be redesigned, relocated or declined. However, I do not agree that the geographical area in which an approval trigger applies can therefore be treated as land on which industrial development is constrained, nor that the geographic area of the entire Industrial 4 Zone or the SFAL land can be treated uniformly in a way characterised as being significantly curtailed or constrained.
- [14] Under the revised conditions, a horizon-mask penetration is an assessment trigger. It is not an automatic prohibition and it is not a finding that material operational compromise will occur. SpaceOps must assess the actual proposal, and Option A requires approval where the stated substantive test is met, including where reasonably necessary mitigation can address the effect.

Existing constraints on Industrial 4 development

- [15] The Industrial 4 Zone is enabling, but it is not unconstrained. Heavy industry and renewable energy generation may be permitted as activities, but all new buildings and structures require resource consent. Buildings and structures up to 35m are controlled activities and structures over 35m are restricted discretionary in relation to height. Hardstand formation is also subject to the zone rules, and the maximum building coverage is 25% of net site area. The Concept Plan also directs

the form of development and identifies areas that should not be developed.

- [16] The 25% site coverage standard is important when considering statements about the total hectares of industrial land allegedly removed from development by the NoR. It means the District Plan itself does not anticipate the entirety of a lot being covered by buildings. The remaining land performs other functions including yards, access, stormwater, buffers, utilities and open areas. The NoR therefore needs to be compared with the development envelope that is actually permitted or may be enabled under the District Plan, rather than with an assumption that every hectare is available for unconstrained built form.
- [17] Wetlands are another substantial pre-existing constraint. Ms McMillan acknowledges at [16] that the SFAL site contains a significant number of delineated natural inland wetlands and that most development will be subject to the NPS-FM and NES-F. The proposed consent for a wind farm ecological material provides further specificity, identifying 39 wetlands across the project site. Those freshwater controls exist irrespective of the NoR and materially affect the location and design of future development.
- [18] I have not identified in Ms McMillan's effects conclusions a quantitative reconciliation of those wetland constraints, the 25% building coverage standard, the Concept Plan, and the separate built form consenting rules with her broader statements that the designation will significantly restrict or curtail development. She acknowledges several of those controls, but the mapped area of the designation is nevertheless used as a strong proxy for lost development opportunity. In my opinion that risks overstating the actual effect of the NoR.

The wind farm itself as a land use constraint

- [19] The proposed wind farm is not simply an activity that would occupy otherwise unconstrained industrial land. It would be a major proposed land use with its own long-term footprint, effects envelopes and consenting requirements. The application seeks seven turbines with a maximum blade-tip height of 200m, together with permanent turbine platforms, access roads, electrical infrastructure and associated works.

The turbine height itself is a restricted discretionary activity under IND4Z-R12 and overall activity status is 7 is non-complying due to Regional consenting requirements for the partial removal of wetlands.

- [20] The supporting ecological assessment records approximately 23ha of vegetation removal associated with the works, including long-term laydown areas and roading, and identifies 39 wetlands across the project site.
- [21] The windfarm also creates effects envelopes beyond the physical turbine foundations. The shadow flicker assessment applies a conservative assessment radius of 1,620m, based on ten rotor diameters. The applicant's proposed conditions seek a maximum modelled shadow flicker exposure of 30 hours per year at existing or consented dwellings and allow turbine curtailment to achieve that limit. Operational noise is likewise modelled around the turbine layout and the turbines have been sited to reduce effects on sensitive receivers.
- [22] Those matters do not mean that the proposed windfarm would sterilise the Industrial 4 Zone, and I do not suggest that they do. They do, however, demonstrate the same planning point I make in relation to the Noor, being major infrastructure and industrial activities can create compatibility, siting and operational constraints without rendering all land within an effects envelope incapable of development. I have not identified an equivalent assessment in Ms McMillan's evidence of the constraints or opportunity costs that the proposed windfarm itself may impose on future industrial layout when she attributes loss of development capacity to the NoR.

Scale of the horizon-mask constraint

- [23] The geographical extent of the 3km designation should not be equated with the area in which the ordinary Industrial 4 building envelope is constrained. Applying the proposed conditions, and assuming level ground and a common height datum, a 35m structure meets the 5-degree surface at approximately 377m from the Ground Station boundary. Approximately 4ha of the SFAL landholding lies within the area where a 35m structure would penetrate the surface and require SpaceOps approval.

- [24] Ms McMillan identifies the Industrial 4 Zone as approximately 590ha and the SFAL site as approximately 493ha. On those figures, the approximately 4ha of SFAL land affected at the 35m reference height is about 0.7% of the Industrial 4 Zone and about 0.8% of the SFAL site. Those are more informative measures of the effect on the ordinary 35m building envelope than the full 3km designation area.
- [25] Ms McMillan's Appendix 2 is useful because it shows how the progressive surface applies to taller components. Using her mapped areas and the approximately 590ha Zone area, the following quantitative context can be derived. The figures identify where a component of the nominated height would penetrate the horizon mask. They are not areas where the associated industrial activity is prohibited. It is noted that the areas and percentages below are before the exclusion of constraints identified elsewhere in this summary, including site coverage requirements and wetlands.

Illustrative component height	Mapped trigger area	Approx. % of 590 ha Zone where this activity would require further assessment by the Requiring Authority	Zone area outside mapped trigger within which these activities could be located
40m chimney / stack	4.4 ha	0.7%	585.6 ha / 99.3%
56m dairy dryer	16.3 ha	2.8%	573.7 ha / 97.2%
146m chimney / stack	101.9 ha	17.3%	488.1 ha / 82.7%
200m wind turbine	238.6 ha	40.4%	351.4 ha / 59.6%

- [26] The table illustrates why I consider the scale of constraint is overstated if the mapped trigger areas are characterised as curtailing development opportunities. On Ms McMillan's own illustrative dimensions, a 56m dairy dryer could be positioned below the horizon mask anywhere within approximately 573.7ha, or 97.2%, of the Industrial 4 Zone before Condition 2 is engaged. A 146m chimney could be positioned below the mask anywhere within approximately 488.1ha, or 82.7%, of the Zone.

Even within the mapped trigger areas, Condition 2 provides an assessment pathway rather than an automatic prohibition. The assessment under condition 2 requires that SpaceOps must grant approval where it is satisfied that the penetration will not materially compromise the ability of the Ground Station to acquire, track or communicate with spacecraft within the affected sector.

- [27] There is a further important planning matter to consider as well. Each of the 40m, 56m, 146m and 200m examples provided by Ms McMillan exceed the District Plan's 35m controlled activity height standard. Those very tall components therefore require at least restricted discretionary resource consent under the Industrial 4 rules irrespective of the NoR. Council approval is not guaranteed. The NoR adds a further approval question concerning Ground Station effects, but it does not convert an otherwise unconditional right to build those structures into a discretionary process to be solely determined by SpaceOps.
- [28] Conversely, buildings at or below 35m still require controlled activity consent, but where the relevant standards are met consent must be granted. That is why I accept that the approximately 4ha comparison is a genuine additional constraint on the ordinary building envelope. The point is one of scale. Approximately 4ha is materially different from treating the full designation, the full SFAL landholding, the full Industrial 4 Zone, or the much larger height specific areas as unavailable (or 'unjustifiably' and 'significantly restricted') for industrial use.

Practical operation of Condition 2

- [29] Minute 4 specifically asks for a practical example of the approval pathway and notes that the way the pathway is framed may affect the cost benefit and risk assessment. In my opinion that is particularly important in responding to Ms McMillan and Mr Jones' concern about a third-party approval regime.
- [30] A conceptual 56m high dairy dryer provides a useful practical example. Assume a dairy processing facility is being investigated on land approximately 500m from the SpaceOps boundary and the preferred location for the dryer is within the area where a structure of that height would penetrate the horizon mask. The horizon-mask height at that

distance would be approximately 45.7m. The 56m dryer would therefore penetrate the mask by approximately 10.3m and would trigger the Condition 2 approval process.

- [31] At that stage the developer would not need to have completed a costly detailed design or lodged a resource consent application. Once the preferred location and general configuration of the dairy plant were known, concept plans could be provided to SpaceOps showing matters such as the location, ground level and overall height of a structure. A technical assessment would be provided where reasonably necessary to determine the actual effect of the proposed penetration on Ground Station operations.
- [32] SpaceOps would then assess the particular dryer in its particular location, rather than treating the 10.3 m penetration as an automatic reason for refusal. Depending on the technical assessment, the dryer could potentially proceed as proposed, proceed subject to mitigation or design changes, or be repositioned within the wider dairy processing site. The remainder of the dairy processing development could also comprise lower buildings and structures that remain beneath the horizon mask and therefore do not require SpaceOps approval on that basis.
- [33] Under Option A, SpaceOps must advise within 10 working days whether sufficient information has been provided and, once sufficient information is available, must decide the request within 20 working days unless a longer period is agreed. It must grant approval where it is satisfied that the penetration, either as proposed or with reasonably necessary mitigation, will not materially compromise the Ground Station's ability to acquire, track or communicate with spacecraft within the affected sector.
- [34] That is a material response to Mr Jones' concern that a large occupier may have to spend one to three years and several million dollars before it can obtain a meaningful answer from SpaceOps.
- [35] A decline or conditional approval requires reasons, and a material technical disagreement can be referred to independent peer review.
- [36] I accept that this remains a third-party approval and therefore introduces a decision making component that does not exist under the District Plan

alone. I do not, however, consider the revised approval process to be an open-ended discretion, given the specified assessment test, information requirements, timeframes and independent technical review mechanism. Nor is it necessary for a developer to wait until detailed design before testing the principal height and location issue. Early concept engagement is exactly how I would expect the pathway to be used in practice.

[37] This also places the resource consent comparison in context. For the unusually tall components relied on by Ms McMillan, the developer would in any event need a restricted discretionary consent for height. SpaceOps approval can sensibly be sought before that resource consent application. A developer can therefore resolve the principal Ground Station compatibility issue before committing to a full consenting and detailed design package.

[38] Mr Jones states at [18] that ground has been broken on an approximately 14,000m² industrial storage warehouse on the SFAL land. I have subsequently checked this with Council. Council has confirmed that, as of 24 September 2026, no resource consent has been lodged or granted for that warehouse development. While the industrial storage activity itself may be permitted, buildings and structures within the Industrial 4 Zone require resource consent. I therefore do not consider the proposed warehouse to form part of the existing environment for the purposes of assessing the effects of the NoR.

Response to SFAL economic evidence

[39] I accept that the NoR can give rise to adverse economic effects through assessment costs, regulatory uncertainty and, in some cases, potential redesign or relocation. However it is important to remember that with the exception of the approximately 4ha of Industrial 4 land where the horizon mask is 35m or less, any taller building or structure is to be assessed having regard to the relevant planning and policy framework as well, even if it complies with the horizon mask. Mr Ballingall's evidence attempts to illustrate the potential scale of economic activity at Awarua. A key matter identified by Minute 4 is for experts to explicitly acknowledge assumptions and uncertainties. As such, it is important to

consider the weight that can properly be placed on the modelled difference between Mr Ballingall's two scenarios, being the constrained scenario and the unconstrained scenario.

- [40] The \$3 billion figure is not a direct cost to SFAL, a land-value loss, or a measured loss caused by the NoR. It is the cumulative difference in real regional GDP over 2027-2040 between two modelled development pathways. The NoR constrained pathway assumes, amongst other matters, that the wind farm and silicon smelter do not proceed, that only 104ha is occupied by 2040 rather than 305ha, and that development changes to a lower intensity industrial and logistics mix.
- [41] Mr Ballingall is explicit at [54] about the source and status of those assumptions. He says his modelling does not establish that the NoR would cause the wind farm or silicon smelter not to proceed, or that land absorption would follow the slower pathway. He records that those are scenario assumptions based on discussions with Calder Stewart about potential commercial impacts of height restrictions and regulatory uncertainty. They are therefore inputs to the model, not outputs demonstrating the physical or planning consequences of the NoR.
- [42] That distinction is reinforced at [56], where Mr Ballingall acknowledges that the revised conditions were provided after his modelling was completed and that, to the extent that they are more permissive, his estimated losses may be conservative and may represent an upper bound. In planning terms, the economic evidence quantifies what happens if the assumed development pathway occurs; it does not establish that the designation causes that pathway to occur.
- [43] The economic evidence also does not spatially demonstrate how the progressive 5-degree horizon mask produces the assumed reduction in occupied land from approximately 305ha to 104ha. I have also not identified any spatial analysis showing how the approximately 400ha described as net developable land has been derived.
- [44] In my opinion, that spatial context is important. The appropriate comparison is not between development with the NoR and an otherwise unconstrained 493ha landholding. A number of constraints apply to the

SFAL land irrespective of whether the NoR is confirmed. These include 39 delineated wetlands (across the windfarm project alone) and associated freshwater controls, the Concept Plan, 25% building coverage, built form consent requirements, and the separate resource consent requirements applying to buildings and structures.

- [45] Any windfarm that is consented and ultimately developed would introduce its own permanent infrastructure footprint and effects envelopes, which would influence the location and form of subsequent industrial development. Those existing and potential constraints need to be retained in both economic scenarios before the additional potential effect properly attributable to the NoR can be isolated.
- [46] Against Mr Ballingall's express qualifications, I consider Ms McMillan's evidence presents the economic result more definitively than the economist does. At [49] she describes Mr Ballingall as assessing 'the cost of the constraints on development of the SFAL land at \$3 billion' and elsewhere describes a significant economic cost 'resulting from the designation'. In my opinion, that language risks converting a conditional scenario comparison into an unqualified and unsubstantiated consenting scenario.
- [47] The windfarm application materially reinforces this caution. The proposed wind farm remains subject to the resource consent process. It is therefore not appropriate to treat the windfarm as a guaranteed, constraint-free component of the 'without NoR' scenario.

Industrial 4 policy and rule cascade

- [48] Minute 4 also asks the planners to provide an oral walk through of the Industrial 4 policy and rule cascade. In summary, the Zone Overview, IND4Z-O1, IND4Z-P1 and IND4Z-P11 support the availability and use of land for large-scale industrial activities and enable heights needed for operational requirements. I accept that direction and the tension created by any additional SpaceOps approval requirement.
- [49] However, the rule cascade is also important. An activity may be permitted while its buildings and structures are not. Buildings and structures are controlled activities up to 35m, with structures above 35m

being restricted discretionary, and site coverage is limited to 25% of net site area. Compliance with the Concept Plan is also required. Other regional and national controls continue to apply. In my opinion, the policy framework is strongly enabling, but it does not create a guaranteed entitlement to establish every industrial configuration, at any height, anywhere within the Zone.

[50] Moreover, as noted above, it is only a very small percentage of the zone that would be constrained to the anticipated height limits, and the example activities provided by the example activities addressed in Ms McMillan's evidence demonstrate that the significant majority of the zoned land would remain unhindered from such development save for exceptionally tall structures which require further case by case assessment

[51] That is why I continue to consider the planning task one of suitable balance. Complete removal of the Industrial 4 Zone from the horizon mask would leave the established Ground Station dependent on case-by-case land use processes that do not necessarily address its operational requirements. A blanket prohibition on penetrations would go too far in the opposite direction. Subject to the technical evidence confirming or refining the proposed conditions, a defined trigger with a specific approval pathway is the more proportionate middle course.

Other planning matters

[52] On reverse sensitivity, I remain of the opinion that the provisions are of limited relevance. The underlying issue is a direct physical effect that future development may have on the existing Ground Station through obstruction or interference. The fact that SpaceOps seeks a planning mechanism to manage that direct effect does not, in my view, transform it into reverse sensitivity in the conventional sense.

[53] On alternatives, Ms McMillan suggests that nearby properties 'presumably' have similar characteristics and could accommodate the Ground Station outside the Industrial 4 influence area. In my opinion, that presumption is not supported by any identified alternative site or site-selection evidence. This is important because the present exercise does not concern the selection of a location for a new Ground Station.

The Ground Station has operated at Awarua for nearly two decades and substantial infrastructure has been established at that location.

- [54] There is also an important statutory and planning context. SpaceOps' approval as a requiring authority is expressly for its network utility operation of constructing, upgrading, maintaining and operating the Awarua Satellite Ground Station based in Awarua, Southland. A separate NoR for the existing Ground Station land at 721 and 781 Colyer Road has subsequently been confirmed and incorporated into the District Plan as Designation 97. In my opinion, those matters are an important starting point when considering the realistic scope of alternatives for a designation intended to protect the operational environment of that established facility. They do not remove the obligation to consider alternatives under s171(1)(b)(i), but they distinguish this exercise from choosing between potential greenfield locations for a new facility.
- [55] I accept that the alternatives discussion in the original NoR was comparatively brief when measured against the more detailed evidence now available. However, the underlying basis for the assessment was not introduced for the first time through the evidence. Section 11 of the NoR expressly recorded that Awarua had been selected following an extensive search of Southland and identified the operational characteristics relied upon, including the low horizon, absence of obstructing landform and built form, low electromagnetic interference, high-speed fibre connectivity, access and the requirements of polar-orbit spacecraft. The subsequent evidence of Mr McNeill provides considerably greater detail about those matters and about later attempts to establish or use alternative locations, including the constrained Lochiel site and the unsuccessful Ruakaka investigation.
- [56] I therefore continue to rely on Mr McNeill regarding the combination of low horizon, radio environment, telecommunications, power, access and operational characteristics required by the Ground Station.
- [57] On reasonable necessity, I do not consider the test is whether the Ground Station could continue some operations after part of the horizon is obstructed. Minute 4 appropriately raises the operational capability

that is intended to be protected. From a planning perspective, the designation should neither freeze the facility to its present customer portfolio nor reserve an unlimited theoretical envelope. It is important to note that the Ground Station site has an existing Designation confirmed on it and is well within its rights to continue expansion into the future.

[58] On EMI, I repeat that my planning support is subject to the technical evidence demonstrating that the final standard is measurable, enforceable and administratively workable. Ms McMillan's acceptance that the amended EMI provisions are likely to have less than minor effects is important common ground, even though she disputes reasonable necessity.

[59] Mr Jones considers that the additional compliance burden and uncertainty associated with the EMI provisions is likely to put off potential occupiers. Mr Ballingall similarly considers that potential tenants will be put off by the uncertainty created by the EMI limitations and may prefer an alternative site that is not similarly encumbered.

[60] I consider an important distinction arises in that respect. The Council reporting planner concluded that the revised EMI provisions closely align with the existing RSM protections and would not impose further restrictions on surrounding landowners beyond those already applying. The key site-specific protection arises from RSM's Re-planning the 1710–2300 MHz Band – Decisions, issued in November 2020. That decision established specific receive-protection zones for the Warkworth Earth Station, Awarua Earth Station, and Mahia Peninsula. For Awarua, the relevant parameters are:

- a protection zone centred on the Awarua Earth Station at approximately -46.52864, 168.37913;
- a 2 km radius;
- a protected frequency range of 2200–2290 MHz; and
- to avoid desensitisation of satellite receivers, permissible interference from terrestrial services within the protection area must be less than -154 dBW/MHz.

The same RSM decision also requires an interference analysis by an approved person for new applications deployed within 100 km of the protection zone, based on the coordination-distance methodology in Appendix 7 of the ITU Radio Regulations.

- [61] The practical change brought about by the designation is therefore principally that those protections would become readily visible through the public facing District Plan and not hidden away in potentially less known regulations.
- [62] If the concern is that the substantive EMI restriction itself will deter investment, then the same underlying regulatory constraint already exists through the RSM framework. If, instead, the concern is that expressly identifying that constraint in the District Plan will make prospective occupiers aware of it and thereby inform investment decisions, that is a different effect.
- [63] In my opinion, greater visibility of an existing regulatory constraint also has a positive planning consequence. It allows a prospective purchaser or developer to identify the issue at the outset and take it into account before committing significant expenditure, while also providing greater consistency between regulatory regimes.

Conclusion

- [64] I believe the issues in contention are significantly narrowed. I accept there is a potential effect that accrues from the NoR, but I do not equate the designation extent or a height specific horizon mask area with prohibited or lost industrial development.
- [65] The quantitative context is material. The ordinary 35m building envelope is indicatively subject to SpaceOps approval over approximately 4ha of SFAL land, equivalent to about 0.7% of the approximately 590 ha Industrial 4 Zone and about 0.8% of the approximately 493ha SFAL site. On Ms McMillan's mapped examples and, subject to wetland constraints, approximately 97.2% of the Zone remains geometrically available below the horizon mask for a 56m dryer and approximately 82.7% for a 146m chimney. Those taller components already require restricted discretionary height consent under the District Plan wherever they are

located, and it is not correct to assume that such resource consents would automatically be granted.

- [66] The wider development capacity assessment must also recognise constraints that exist independently of the NoR, including wetlands and freshwater regulation, 25% building coverage, the Concept Plan approval and consistency and built form consent requirements, including the requirement to assess the compatibility of the proposed building or structure with the scale of development and character of the local area. If the proposed windfarm proceeds, it too would occupy land and introduce infrastructure, noise, shadow-flicker and operational envelopes that influence the layout of later development throughout the wider SFAL land and Industrial 4 Zone. Ms McMillan acknowledges some of those matters, particularly wetlands and the built form rules, but in my opinion, they are not carried through quantitatively into her conclusion that the NoR will significantly curtail development.
- [67] On this basis, having regard to the enabling provisions of the Industrial 4 Zone and the fact that the substantial majority of the Zone will remain available for large-scale industrial development, including heavy industry, I do not consider that the practical effects of the horizon mask would undermine the purpose or function of the Zone.
- [68] The economic evidence should be understood on the same basis. Mr Ballingall's approximately \$3 billion figure is a conditional cumulative regional GDP scenario difference. His evidence expressly states that the model does not establish that the NoR causes the wind farm or silicon smelter not to proceed, and that the assumptions derive from discussions with Calder Stewart. His acknowledgement that the revised conditions may make the estimated losses an upper bound is also material. I therefore do not consider the \$3 billion figure can be treated as a demonstrated, realistic cost caused by the designation.
- [69] Finally, the revised Condition 2 pathway can be engaged at concept stage. I consider Option A to be preferable out of the two options for the condition, as it enables the relevant effects to be assessed early and through a clear, defined process. It does not require a developer to incur detailed design and consenting costs before obtaining a substantive

SpaceOps response. The defined information requirements, timeframes, reasons and independent peer review mechanism do not remove all uncertainty, but they materially reduce the risk described in the submitter evidence and distinguish the proposal from an absolute third-party veto.

[70] Subject to the technical evidence at the hearing confirming, or appropriately refining, the horizon mask parameters and EMI standard, I remain of the opinion that a clear horizon mask coupled with the Option A case specific assessment pathway provides a more proportionate and visible planning response than excluding the Industrial 4 Zone entirely. I therefore remain of the opinion that the NoR should be confirmed over the full area sought, including the Industrial 4 Zone, subject to the revised conditions and any consequential technical refinements arising from the hearing evidence.

Dated: 28 September 2026



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Alex Dunn