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### MINUTE 3 OF THE PANEL CONVENER

Advising of the expert panel appointment and timeframe for a decision

FTAA-2510-1125

5 February 2026

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[1] A conference was held on 27 January 2026 to gather participant views on matters arising in relation to the application filed under the Fast-track Approvals Act 2024 (FTAA). A list of persons who attended the conference is attached to this minute and marked “A”.

[2] I have asked the EPA to provide the memoranda; they serve as a summary of the issues that arose among participants at the conference. The Regional Council’s memorandum is particularly thorough, and I am grateful to all participants for the attention given to this application.

[3] I have taken into consideration the views expressed when deciding both the timeframe for the decision and the composition of the panel.

#### **The application**

[4] Tararua Wind Power Ltd owns and operates the Mahinerangi Wind Farm. Resource consents for the Mahinerangi Wind Farm were confirmed by the Environment Court in 2009, authorising the construction of up to 100 turbines with a maximum tip height of 145m and a total maximum installed capacity of 200MW. Stage 1 was commissioned in 2011 and consists of 12 turbines (125m high) with an installed capacity of 36MW. The applicant seeks approvals under the FTAA to construct, operate, and maintain Stage 2 of the wind farm,

comprising (now) 44 turbines.

[5] The approvals sought include:

- (a) changes to or cancellation of conditions of a land use consent;
- (b) new resource consents that would otherwise be applied for under the RMA;
- (c) wildlife approvals relating to avifauna and herpetofauna; and
- (d) archaeological authorities.

### **Regional and District Councils and the Director-General of Conservation**

[6] There has been extensive pre- and post-lodgement consultation between the applicant, the local authorities and administering agencies. All participants commented favourably on the process, reporting the narrowing or resolving of issues ahead of this conference.

[7] While adopting a neutral stance on the application, the Director-General also reports that she does not consider there to be any major issues in contention or dispute. From her perspective, the proposed drafting of conditions and management plans is likely to be acceptable with outstanding issues able to be resolved.

[8] The District Council has not engaged external consultants to peer review technical elements of this application and considers it unlikely that it will need to do so. The focus of its discussions with the applicant will be on conditions and management plans.

[9] The Regional Council filed a detailed memorandum identifying the key issues that remain to be resolved. The memorandum includes a comprehensive rules assessment for the approvals that are required. Preparing a rules assessment and confirming the necessary approvals is good practice and lends efficiency to the fast-track process. The Regional Council notes several matters about which it is

seeking further or clarifying information. The substantive issues that arise concern offsetting and compensation, monitoring and management certainty, and reliance on management plans.

[10] In line with its usual practice, the Regional Council will provide the reports of its external reviewers to the applicant and other participants whose functions overlap (including the Director-General of Conservation and Te Rūnanga o Ōtākou). This is also good practice. Early collaboration among participants whose functions overlap and who bring common subject matter expertise, can contribute significantly to the efficiency of the fast-track process overall. For example, in the context of this application, both the Regional Council and the Director-General are interested in fish passage, noting that the Director-General would not support fish passage for non-diadromous (i.e. non-migratory) galaxiids. Design options for suitable fish passage will need to be considered.

[11] The Regional Council suggested a commencement date of 2 March 2026 to allow the applicant an opportunity to respond to its technical review. This contrasts with my nominal date of 11 February 2026.

[12] I note that if the panel commences on the slightly later date of 16 February 2026, then comments are due by 30 March 2026. Taking into consideration the range of issues raised, there is adequate time available for the applicant to respond to the Regional Council in advance of comments being filed. I note the shared commitment by the applicant, the Director-General and the Regional Council to site visits and workshops in advance of comments being filed. I suggest that participants schedule these events as soon as possible and agree on a date that the applicant is to provide the further information to ensure the Regional Council and the Director-General have adequate time to consider the applicant's response when finalising comments and technical reports.

### **Te Rūnanga o Ōtākou**

[13] Ōtākou Rūnaka advised that the proposal could have significant cultural

impacts. However, I do not know whether Ōtākou Rūnaka intend pursuing all matters identified with the panel.

[14] Ōtākou Rūnaka and the applicant have a valued, well-established relationship. Ōtākou Rūnaka intend advancing their rakatirataka, kaitiakitaka and mahika kai discussions with the applicant.<sup>1</sup> The outcome of those discussions could result in a side agreement with or without supporting conditions of consent. How rakatirataka, kaitiakitaka and mahika kai are provided for may be relevant to the effect of the proposal on the cultural landscape<sup>2</sup> and Ngāi Tahu associations.<sup>3</sup> That said, I do not know whether these matters will be raised directly with the panel, if discussions with the applicant do not result in agreement. I do know whether concerns for taoka species arise independently of rakatirataka, kaitiakitaka and mahika kai.

[15] The following legal-factual issues are more straightforward:

- (a) whether the applicant should have applied for new consent approval rather than change its existing consent for the land use activities?
- (b) if the applicant should have applied for a new consent, whether the panel process the application under the FTAA?
- (c) if processing can continue, whether additional effects assessments and regulatory assessments are required?
- (d) noting the EPA's determination on scope, the scope for inclusion of the Battery Energy Storage System<sup>4</sup>; and
- (e) whether the economic analysis double-counts the benefits of the proposal and the consents granted by the Environment Court.

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<sup>1</sup> For the purposes of this minute, 'mahika kai' is understood to refer to the cultural practice of mahika kai.

<sup>2</sup> I assume that concern for wāhi tupuna arise in the context of cultural landscape and associations.

<sup>3</sup> Cultural landscapes and associations may also be a standalone concern.

<sup>4</sup> Counsel for Ōtākou Rūnaka observed that the panel could only grant what the applicant had applied for ie not more.

[16] Ōtākou Rūnaka suggested that the appropriate timeframe is 70 working days. I am unable to agree; I am uncertain as to whether the matters noted will be advanced with the panel or how these matters contribute to the complexity of the application.

[17] Ōtākou Rūnaka intends filing a Treaty Impact Assessment<sup>5</sup> and secondly, will provide comment on the application (supported by technical reports). The applicant has a copy of the draft Treaty Impact Assessment; the draft is awaiting endorsement by Ōtākou Rūnaka. As the Treaty Impact Assessment and commentary will be substantial, counsel suggested that the commencement date be extended to allow for the Treaty Impact Assessment to be produced before the panel commences. I do not consider an extension necessary. Once invited to comment, there is no difficulty in principle with Ōtākou Rūnaka filing the Treaty Impact Assessment in advance of other comments on the application. What is important is that all documents are received by the date specified by the panel (s 54).

### **Heritage New Zealand Pouhere Taonga**

[18] I do not know the position of the Heritage New Zealand Pouhere Taonga.

### **Decision on time frame**

[19] Having considered feedback received during the Convenor's Conference, including from the relevant administering agencies, and having regard to the scale, nature and complexity of this application, the decision timeframe is set at 60 working days. This contrasts with the 63 working day<sup>6</sup> estimate provided by the applicant. The applicant referred me to the Southland Wind Farm application as a comparable case. Broadly similar in nature and scale, this application is less

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<sup>5</sup> In a memorandum dated 23 January 2026, counsel for Te Rūnanga o Ōtākou advised that the Treaty Impact Assessment and Cultural Impact Assessment are the same report.

<sup>6</sup> I calculated 63 working days from the date that participant comments are received.

complex than the Southland Wind Farm, for which the timeframe for decision is 69 working days after comments from participants are received.

[20] The timeframe recognises the positive relationships and ongoing engagement between the applicant and persons attending the conference. It allows for:

- (a) engagement between the applicant and Ōtākou Rūnaka;
- (b) completion of requests for further information;
- (c) if the application is consentable:
  - (i) ensuring the proposed conditions of consent are clear, certain, and enforceable; and
  - (ii) allowing adequate time for the management plan provisions to be carefully considered. The plans proposed are extensive.

[21] The panel commencement date, for the purpose of section 53 of the Act, is 16 February 2026. The panel will invite comments by 2 March 2026, and comments will be due by 30 March 2026. The applicant's response is due on 8 April 2026. Subject to the processing of the application being suspended for any of the reasons outlined in section 60 of the Act, the decision on the application will be due on 26 June 2026.

### **Skills, qualifications and experience of expert panel**

[22] By 9 February 2026, I will appoint the following persons to the expert panel:

- (a) Bianca Sullivan (Chair)
- (b) Maria Bartlett (local authority nominee)
- (c) Andrew Whaley

[23] I have considered the skill set and experience required for the Panel and am satisfied that, collectively, it has the knowledge, skills, and expertise relevant to the approvals sought, including expertise in environmental matters. The members also

include individuals who understand te ao Māori and Māori development, ensuring appropriate capability in this regard. The nomination of Maria Bartlett, a resource management planner, is notable in this context. Before establishing her own practice, Ms Bartlett was employed within the Ngāi Tahu tribal structure by entities including Te Ao Mārama Inc, Aukaha Ltd, and Te Rūnanga o Ngāi Tahu, working extensively on resource management strategy, policy, and planning.

[24] Finally, the panel members have satisfied me that they have no conflicts of interest.

[25] The appointment will be effective on 9 February 2026 with the panel commencement date, for the purpose of s 53, being 16 February 2026.

A handwritten signature in black ink that reads "Jane". The letter "J" is large and stylized, with a long vertical stroke that curves at the top and bottom. The name "Jane" is written in a cursive, lowercase font.

Jane Borthwick  
Panel convener for the purpose of the Fast-track Approvals Act 2024

## Attachment A

### Attendees for Mahinerangi Wind Farm Panel Conference

Organization	Personnel
Clutha District Council	Olivia Restieaux Craig Barr
Otago Regional Council	Andrew MacLennan
Applicant Taranua Wind Power Limited	Jason Welsh Caitlin Todd Ryan Piddington Steward Reid Sarah Edwards
Department of Conservation	Pene Williams Marie Payne
Te Rūnanga o Ōtākou	Ben Williams
EPA	Mujahid Musa Melita Raravula