Otago Regional Council

30 March 2026

Bianca Sullivan
Expert Panel Chair

via EMAIL: substantive@fasttrack.govt.nz

Tēnā koutou,

Attention: The Chair and Members of the Expert Panel for Mahinerangi Wind Farm

Tararua Wind Power Limited – Fast-track Consent Application – Otago Regional Council comment on the substantive application for the Homestead Bay [FTAA-2510-1125] under section 53(2) of the Fast-track Approvals Act 2024.

Otago Regional Council has reviewed the substantive application for the Mahinerangi Wind Farm Fast-track application and provides the following written comments in the form of a memorandum, made in accordance with section 53(2) of the Fast-track Approval Act 2024 (FTAA).

These comments summarise Otago Regional Council's overall feedback on the proposal. The comments should be read in conjunction with Appendices A-C, attached to this memorandum.

Nāku iti noa, nā

Joanna Gilroy
General Manager Environmental Delivery

SECTION A: EXECUTIVE SUMMARY

1. In accordance with s53(2) of the Fast-track Approvals Act 2024 (**FTAA**) Otago Regional Council (**Council**) has been invited to provide comment on the substantive application for the Mahinerangi Wind Farm (**the Application**) lodged by Tararua Wind Power Limited (**the Applicant**).

2. The purpose of this memorandum is to summarise Council's assessment and overall conclusions on the Application to assist the Panel in making a decision on the Application under section 81 of the FTAA.

3. Council assumes that all information pertaining to the application is taken as read. Information from these documents is not repeated here, unless there is a need to emphasise a specific point.

4. The approvals sought are all restricted discretionary or discretionary activities under the relevant regional plans or national environmental standards. The Applicant has not sought approval for any activity that would be prohibited under any regional plan or national environmental standard.

5. Consultation between Council and the Applicant has been occurring since pre-lodgement of the application. In Council's view, the Applicant has demonstrated a commitment to genuine consultation. The Applicant has facilitated site visits for Council staff and technical consultants engaged by Council, as well as meetings between planning and technical experts. Additionally, the Applicant has been receptive to feedback provided through a multi-stage peer-review process and has updated application information and made alterations to proposed conditions as a result of this feedback.

6. Council notes that the FTAA imports most RMA provisions relevant to the assessment of resource consent applications, with necessary modifications. Council has therefore followed a similar assessment process to that which would be undertaken if Council were processing the application under the RMA.

7. Following a series of technical reviews on behalf of Council, site visits, and updates from the Applicant, Council considers that the majority of the primary issues have been addressed through the Applicant's updated draft information. This includes refinements to wetland identification and delineation, further evidence and design clarification regarding fish passage through the Lee Stream culvert and a strengthened monitoring and management framework. Overall, as set out in Table 1 below, the updated material provides greater confidence that potential adverse effects can be appropriately avoided, remedied or mitigated.

8. Notwithstanding the progress made through the additional information provided, as set out in the effects assessment below, Council consider that a number of technical matters remain outstanding. These are as follows:

    a) Amendments are required to management plans to show how wetland and aquatic offset and compensation have been assessed and implemented sequentially.

b) The determination of an offset needs to be undertaken using ecological accounting or modelling tools, and consider the potential of both the impact and offset sites.
c) The assessment of effects must address both the loss of wetland and stream extent and ecological value (including potential value), in accordance with the NPS-FM.
d) The proposed offset must demonstrate no net loss, and preferably a net gain, of ecological values.
e) All monitoring requires objective monitoring indices as well as thresholds that trigger actions.
f) Construction, earthworks management plans, and conditions of consent must be updated to reflect GD05 best practice standards and include clear, enforceable requirements.
g) Offset and compensation areas must be secured in perpetuity, with appropriate legal protection mechanisms to reflect the permanent nature of ecological losses.
h) Additional assessment is required to confirm the general velocity profiles through the Lee Stream culvert.
i) Confirmation is required to ensure the proposed bed material sizing and gradation within the Lee Stream culvert will remain stable while still providing suitable interstitial spaces for fish passage.
j) Consent conditions and management plans must include clear, enforceable performance standards, monitoring requirements, and reporting obligations.

9. These outstanding matters are considered capable of being addressed through further information, amendments to management plans, final design confirmation, and appropriately framed consent conditions.

Table 1: *Effects summary*

Key Effect / Consideration	**Council Comment**
Aquatic ecology (including fish passage)	Updated culvert design adopts a stream simulation approach, including additional baffles and natural bed materials, which is expected to provide suitable hydraulic conditions for fish passage. Monitoring and adaptive management are proposed to confirm performance post-construction. Further confirmation of velocity conditions across a range of flows is still required, but overall, the approach provides confidence that ecological values can be maintained.
Wetland effects (extent and values)	Updated wetland identification and delineation, together with revised management plans, provide greater clarity on effects. However, further work is required to demonstrate that the proposed offset achieves no net loss (and preferably a net gain) of ecological values, including through ecological accounting, clearer differentiation between offsetting and compensation, and defined monitoring and success criteria for wetland restoration.
Stormwater and sediment discharges	Enhanced erosion and sediment controls, supported by increased monitoring, defined triggers, provide confidence that construction-related effects can be appropriately managed. However, further refinement is required to ensure that key aspects of the erosion and

	sediment control framework are appropriately detailed and enforceable.
Water quality effects	Updated monitoring regime, including frequent turbidity monitoring, defined trigger levels, and incident response procedures, will ensure effects are identified and managed in real time. Greater certainty is required through conditions to ensure clear response actions and regulatory notification where performance standards are not met.
Dewatering effects (groundwater and hydrology)	Effects are temporary and minor, with monitoring and conditions ensuring wetland hydrology is maintained.
Consent conditions	Draft conditions require further refinement to ensure that key outcomes, including offset delivery (no net loss/net gain), monitoring requirements, performance standards, reporting obligations, and long-term protection (including covenanting in perpetuity where required), are clearly specified and enforceable.

SECTION B: INTRODUCTION

10. This memorandum has been prepared by Consultant Planner Andrew Maclennan from Incite on behalf of the Council, my qualification and experience are listed in Section . This memorandum has been prepared with consideration of:

    a) The original substantive application lodged with the Environmental Protection Agency (**EPA**) on 10 November 2025;
    b) Responses to Feedback Raised by Otago Regional Council (3 February 2026) - provided to Council direct from the applicant;
    c) Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Fast-track approval application - Response to Further Information Request (dated 16 March 2026); and
    d) Responses to Feedback Raised by Otago Regional Council at 5 February 2026 Workshop (dated 17 March 2026) - provided to Council direct from the applicant.

11. This memorandum is structured in the following way:

    a) Section C Purpose of the FTAA
    b) Section D Assessment of Effects
    c) Section E Policy Assessment
    d) Section F Other Matters
    e) Section G Purpose and Principles of the RMA
    f) Section H Sections that direct Decision Making
    g) Section I Consent Conditions
    h) Section J When an Approval Must or May be Declined
    i) Section K Conclusions
    j) Section L – Authors Qualifications and Experience

12. Informing the assessment of adverse effects contained within this memorandum are technical peer-review assessments undertaken the following external reviewers:

a) River and Fish (Paul Morgan):
    i. Civil Engineering Assessment (with a focus on culvert design and fish passage)
    ii. Environmental Construction Management Plan
    iii. Ecological Assessment - Aquatic Ecology
    iv. Otago Proposed Conditions of Consent
b) Morphum (Andrew Rossaak)
    i. Vegetation, Wetland and Terrestrial Invertebrate Assessment
    ii. Ecological Assessment - Aquatic Ecology
    iii. Environmental Construction Management Plan
    iv. Earthworks Management Plan
    v. Ecological Monitoring and Management Plan
    vi. Water Quality Monitoring Plan
    vii. Rehabilitation Management Plan
    viii. Wetland Monitoring and Management Plan
    ix. Wetland and Aquatic Compensation Plan
    x. Native Fish Recovery Plan
    xi. Otago Proposed Conditions of Consent
c) Stantec (Vanessa Dally)
    i. Civil Engineering Assessment (with a focus on groundwater effects)
    ii. Wetland Ecology
    iii. Otago Proposed Conditions of Consent

13. These reviews are attached as follows:

    a) Appendix A - Ecology Memorandum, Moruphum (Andrew Rossaak, Environmental Science Lead), dated 20 January 2026.
    b) Appendix A1 - Ecology Memorandum, Moruphum (Andrew Rossaak, Environmental Science Lead), dated 27 March 2025.
    c) Appendix B - Fish Passage Memorandum, River and Fish Engineering Solutions (Paul Morgan), dated 20 January 2026.
    d) Appendix B1 - Fish Passage Memorandum, River and Fish Engineering Solutions (Paul Morgan), dated 23 March 2026.
    e) Appendix C - Hydrogeology Memorandum, Stantec (Vanessa Dally, Senior Principal Hydrogeologist), dated 20 January 2026.

14. The initial peer reviews were based upon the substantive application documents lodged with the EPA on 10 November 2025 and a site visit undertaken by all external reviewers on 15 January 2026. Mr Morgan, Mr Rossaak, and Mr Maclennan attended a second site visit on 4 February 2026 with the Applicant's technical experts.

15. Following the second site visit, a workshop between the Applicant’s experts and Council’s experts was held on 5 February 2026. During this meeting, Council’s review comments and the Applicant's responses were discussed. For this meeting, the Applicant provided a memo to Council titled “Responses to Feedback Raised by Otago Regional Council – 3 February 2026”. These responses were provided to Council via memorandum directly from the Applicant. At the

time of writing this, Council understands that the Applicant may provide this memo to the Expert Panel as part of their Section 55 response comments. However, the content in this memo is largely superseded by the Applicant's subsequent draft updates described in the paragraph below.

16. This led to the Applicant providing a draft update to the substantive application on 17 March 2026 which included:

    a) refinements to the Lee Stream tributary culvert design, including additional detail on fish passage provisions, hydraulic performance, and construction methodology;
    b) clarification and strengthening of the effects management hierarchy, including a clearer distinction between remediation, offsetting, and compensation;
    c) further information on wetland identification, delineation, and hydrology, including responses to matters raised through the peer review process;
    d) refinement of the proposed wetland offsetting and compensation measures, including use of measurable ecological indicators to demonstrate outcomes;
    e) updates to the Water Quality Monitoring Plan, including increased frequency of monitoring, incorporation of turbidity monitoring, and a more detailed, site-responsive monitoring framework;
    f) strengthening of the Wetland Monitoring and Management Plan and associated management plans, including provision for adaptive management and defined response actions; and
    g) updates to the Native Fish Recovery Plan, including requirements for ecological oversight during key construction activities such as stream diversion.

17. These draft updated documents were also provided to Council via memorandum directly from the Applicant. At the time of writing this, Council understands that the Applicant will provide these draft management plans to the Expert Panel as part of their Section 55 response comments.

18. In addition, the applicant provided a response to the Expert Panels' Further Information Request (dated 16 March 2026). This further information has been taken into account in these s53 comments.

19. Council has considered the procedural principles within Section 10(1) of the FTAA, which requires that every person performing functions and duties and exercising powers under this Act must take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions, duties, or powers being performed or exercised.

20. As such, rather than basing these s53 comments on the material included within the substantive application, these comments have been made on the basis that the draft amendments to the application provided by the applicant on 17 March 2026, will be included within the application. In the interest of progressing the application in the most efficient manner, the effects assessment included within these comments has stepped through the evolution of Council’s

understanding of the application, with conclusions reached on the assumption that those draft amendments are adopted.

21. The Applicant's proposed conditions of consent (E.03) have been reviewed by Council's technical reviews, compliance, and planning staff, and a set of suggested amendments has been provided to the Applicant. However, in light of the draft amendments to the application dated 17 March 2026, further work is required to update and align the proposed conditions.

22. Council consider additional refinement is required to ensure that the conditions are outcome-focused, with clear standards and limits, and that management plans set out how those standards will be achieved. Council consider it is important that key matters relevant to the application's merits are not deferred to later stages or to other decision-makers.

23. Council's technical reviews have raised a number of matters that are still outstanding. Council considers these to be all matters of technical detail that can be addressed by amendments to the proposed management plans and conditions of consent. Council and their technical experts are willing to continue refining management plans and conditions, including working collaboratively with the Applicant and other parties, if directed by the Expert Panel.

SECTION C: PURPOSE OF THE FTAA

24. The purpose of the FTAA is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.[1] When taking in account the purpose of the FTAA the Expert Panel must consider the extent of the project's regional or national benefits.[2]

25. To assist the Expert Panel, Council has considered:

    a) The positive effects of the Application;
    b) Whether the positive effects are regionally or nationally significant; and
    c) Whether the purpose of the FTAA is met.

SECTION C.1 – POSITIVE EFFECTS

26. The Applicant considers that the proposal will result in the following positive effects:

    a) A regionally and nationally significant increase in renewable electricity generation capacity, with the proposal expected to generate approximately 549 GWh of electricity per annum and provide around 190 MW of additional installed capacity[3], contributing to improved security and resilience of electricity supply and supporting the transition to a low-emissions economy.

[1] FTAA section 3
[2] FTTA section 81(4)
[3] Mahinerangi Wind Farm Economic Assessment, NZIER report to Tararua Wind Power Limited (15 September 2025)

b) Consistency with national and regional policy direction supporting renewable electricity generation and decarbonisation of the economy, including contributing to emissions reductions through the displacement of thermal generation. Regionally significant increase in housing supply, including housing choice, providing for a well-functioning urban environment.
c) Provision of economic benefits at a local and regional level, including approximately $220 million in construction expenditure (plus a further $22.5 million associated with battery energy storage), around $73 million in regional value added, and the creation of approximately 200 full-time equivalent jobs during peak construction, along with ongoing employment and economic activity during operation[4].
d) Efficient use of a renewable energy resource and connection to existing electricity infrastructure, supporting ongoing electricity demand growth and electrification of transport and industrial processes.

27. Council agrees that these are positive effects that are likely to result from the proposal. The significance of these effects is considered in Section C.2.

SECTION C.2 – REGIONAL OR NATIONAL SIGNIFICANCE

28. The FTAA does not contain a definition of significant regional or national benefits. However, in relation to a referral application, s22(2) lists a number of criteria that the Minister may consider when determining whether a project is an infrastructure or development project that would have significant regional or national benefits. The Minister may consider whether the project:

(i) has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list:
(ii) will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure:
(iii) will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020):
(iv) will deliver significant economic benefits:
(v) will support primary industries, including aquaculture:
(vi) will support development of natural resources, including minerals and petroleum:
(vii) will support climate change mitigation, including the reduction or removal of greenhouse gas emissions:
(viii) will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards:
(ix) will address significant environmental issues:
(x) is consistent with local or regional planning documents, including spatial strategies.

[4] Mahinerangi Wind Farm Economic Assessment, NZIER report to Tararua Wind Power Limited (15 September 2025)

29. Council has given consideration to these matters in forming a view on whether the positive effects likely to result from the application are of regional or national significance. Council has not relied on the fact that this Application is a listed project in Schedule 2 of the FTAA as evidence of significant regional or national benefits.

30. The Application states that the construction and operation of the project will generate significant and noticeable benefits to the local, regional and national economies, and fully aligns with the Government's energy and climate change objectives for the New Zealand economy. This is supported by an Economic Assessment of Stage 2 of Puke Kapo Hau, which has been prepared by NZIER (2025) and is provided in Part B.01 of the substantive application.

Energy and climate-related benefits

31. As set out in Section 7.2 (Positive Effects) of the Assessment of Environmental Effects, the proposal is expected to deliver significant energy-related benefits at the regional and national level. These include the generation of approximately 549 GWh of renewable electricity per annum, contributing to improved diversity and security of electricity supply and supporting the increased generation capacity required for the ongoing electrification of the economy. The project is also expected to assist in reducing greenhouse gas emissions by displacing thermal generation through conservation of hydro storage, contributing to emissions reductions consistent with the Government's emissions reduction targets. The inclusion of battery energy storage will further support system resilience by enabling controlled electricity supply during peak demand periods and reducing reliance on imported electricity, thereby also reducing transmission losses.

Economic benefits

32. The application states that the construction and operation of the project are expected to provide positive economic effects at the local and regional level. The economic assessment identifies substantial capital investment during the construction phase, generating regional economic value added and employment opportunities, including a significant number of full-time equivalent jobs during peak construction and ongoing employment during operation. Additional expenditure and employment benefits are also anticipated from the construction of the battery energy storage system. The project is further expected to provide ongoing rental income for landowners.

33. Council has not undertaken a peer review of the economic assessment. However, taking the information provided at face value, Council considers that the economic benefits identified by the applicant are of regional significance.

SECTION C.3 – IS THE PURPOSE OF THE FTAA MET?

34. Based on the information provided by the Applicant, Council considers that the proposal will result in the following regionally significant benefits:

a) A regionally significant increase in renewable electricity generation capacity, contributing to improved electricity security and resilience within Otago and the wider South Island electricity system;
b) Regionally significant economic benefits, including substantial capital investment during construction, employment opportunities during both construction and operation, and ongoing economic activity within the region;
c) Contribution to regional emissions reduction outcomes, through the displacement of thermal electricity generation and support for the electrification of transport and industrial processes; and
d) Enhanced energy system flexibility and reliability through the inclusion of battery energy storage, supporting peak demand management and reducing reliance on electricity imported from outside the region.

35. The Applicant has also identified benefits of national relevance, including contribution to New Zealand's renewable electricity supply and emissions reduction objectives. However, Council has not independently assessed whether these benefits meet the threshold of national significance.

36. Overall, Council considers that the application constitutes a development project with significant regional benefits for the purposes of the FTAA. While the proposal contributes to nationally important policy objectives relating to renewable electricity generation and climate change, Council considers that the positive effects are most appropriately characterised as being of regional significance.

SECTION D: ASSESSMENT OF EFFECTS

Section D.1 Structure of this section

37. In Section D, Council first considers how the Applicant proposes to manage activities to avoid, remedy, or mitigate adverse effects, and any measures proposed by the Applicant to offset or compensate for adverse effects.

38. Council has limited its assessment to the actual and potential adverse effects of activities that would otherwise require regional resource consents under the RMA. Where this assessment relies on the advice of technical experts as set out in the memoranda attached as Appendices A—C, this is explicitly stated.

Limitations

Matters not Assessed by Council

39. Council has not assessed the following subject matters, on the basis that these matters are not directly related to an approval that would otherwise be sought from Council, or because these matters are better assessed by others. Council is also conscious that there are existing territorial authority land use consents addressing some of these issues:

a) Landscape effects
b) Shadow Flicker and Blade glint effects
c) Noise effects
d) Avifauna effects
e) Terrestrial ecology effects
f) Lizard effects
g) Cultural effects

40. Council has relied on the information provided by the Applicant to inform assessments and has not independently verified this information or sought a peer review on these matters.

Effects on Cultural Values, Practices, and Beliefs

41. Council has not undertaken an assessment of the potential adverse effects that the proposal may have on cultural values, practices, and beliefs. This is not to diminish the importance of these matters, but to recognise that it is for mana whenua to determine how a proposal may affect their cultural values, practices, and relationship with te taiao.

42. The application states that the wind farm site lies within the area of interest of Ngāi Tahu as defined in the Ngāi Tahu Claims Settlement Act 1998. Te Rūnanga o Ōtākou is the relevant Papatipu Rūnanga for this area and holds mana whenua responsibilities over Otago Harbour and the surrounding region, including the wind farm site. The Application notes that no sites of known cultural significance have been identified within the project area. However, it acknowledges that Kāi Tahu maintain wider cultural and spiritual associations with the landscape and waterways. Council recognises the enduring relationship of Kāi Tahu with this environment and the role of mana whenua as kaitiaki.

43. Council acknowledge that the following groups have been invited to provide comments on the application:

    a) Relevant iwi authorities, including Te Rūnanga o Ngāi Tahu, in accordance with section 53(2)(b) of the Fast-track Approvals Act; and
    b) Relevant Treaty settlement entities and Papatipu Rūnaka, including Te Rūnanga o Ngāi Tahu and the relevant rūnaka within the project area, in accordance with section 53(2)(c) of the Fast-track Approvals Act.

44. Council considers that these are the appropriate persons to speak to the actual or potential effects of the proposal on Kāi Tahu cultural values, practices, and beliefs, and that their views will be an important consideration for the Expert Panel.

Approvals Sought

45. The Applicant seeks approvals under the FTAA for the following activities that would otherwise require resource consent under the RMA. These are listed in 2.

Table 2: *Approvals sought*

RMA section	Activity requiring consent	Relevant rule provision	Activity status
s14 RMA – Water permits	Take of groundwater for construction dewatering (turbine foundations, access roads, concrete batching)	RPW Rule 12.2.4.1(i)	Discretionary
s13 RMA – Use of water / damming and diversion	Temporary diversion of Lee Stream Tributary for culvert construction	RPW Rule 12.3.4.1	Discretionary
s15 RMA – Discharges	Discharge of stormwater from construction works to land where it may enter water	RPW Rule 12.B.3.1	Restricted Discretionary
s15 RMA – Discharges	Discharge of water or contaminants from concrete batching and industrial processing	RPW Rule 12.B.4.1	Discretionary
s15 RMA – Discharges	Discharge of water and sediment to land or water from earthworks, installing culverts, spoil disposal and land clearance	RPW Rule 12.C.3.2	Discretionary
s13 RMA – Use of river and lake beds	Placement and construction of culvert in a waterbody (Lee Stream Tributary)	RPW Rule 13.2.3.1	Discretionary
s13 RMA – Use of river and lake beds	Alteration of the bed of a river associated with culvert installation	RPW Rule 13.5.3.1	Discretionary
s9 RMA – Land use (outside beds)	Construction of bores for dewatering	RPW Rule 14.1.1.1	Controlled
NES-Freshwater (Regulations 45(1), 45(2), 45(5))	Construction of specified infrastructure within or near natural inland wetlands (vegetation clearance, earthworks, dewatering, discharges)	NES-F Regulation 45	Discretionary
NES-Freshwater (Regulation 70(1))	The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of any river or connected area is a permitted activity if it complies with the conditions.	NES-F Regulation 70 and 71	Likely to be permitted subject to confirmation of velocity conditions across a range of flows. As noted in Mr Morgan's review comments in Appendix B1.

46. Council agrees with the applicant's assessment of the relevant provisions of the Regional Plan: Water for Otago (RPW) and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).

47. Based on the information provided in the substantive application, Council raised, in its Panel Convenor Memorandum, the question of whether any of the proposed culverts could constitute a reclamation of the bed of a river requiring consent as a discretionary activity under Regulation 57 of the NES-F. The Applicant has since confirmed that the only culvert proposed to be located within the bed of a river is the Lee Stream culvert.

48. In response to the suggestion that Regulation 57 of the NES-F may be triggered, the Applicant has submitted within the applicant's "Response to Further Information Request" dated 16 March 2026 that the NES-F establishes distinct regulatory pathways for different activities, and that these pathways should not be conflated. In particular, reclamation activities are managed under Regulation 57, while culverts are managed under Regulations 70 and 71. The Applicant has stated that applying Regulation 57 to culvert installation would effectively treat all culverts as reclamation, which is not the intent of the NES-F. The Applicant further notes that the proposed culvert and associated earthworks at Lee Stream are for the purpose of road construction and water conveyance beneath the road, and do not result in the creation of permanent dry land capable of use for purposes other than crossing the waterway.

49. Council agrees with this interpretation in relation to the installation of the Lee Stream culvert and, based on the information provided in the Application documents, considers that the proposed works do not constitute reclamation of the bed of a river for the purposes of Regulation 57 of the NES-F.

Section D.2 Effects assessment

50. In accordance with Schedule 5 (clauses 5(4), 6 and 7) of the FTAA, the Application includes an assessment of the actual and potential environmental effects associated with the construction, operation, and maintenance of Stage 2 of Puke Kapo Hau.

51. The Applicant has commissioned a comprehensive suite of technical assessments to evaluate the actual and potential environmental effects of the project. Where relevant, Council has obtained peer reviews of these technical assessments to inform its comments under section 53 of the FTAA.

52. Where Council agrees with the Applicant's assessment of effects, this is acknowledged and not repeated in these comments.

53. Council considers that the principal actual and potential environmental effects associated with Stage 2 of Puke Kapo Hau relate to the following matters:

    a) Effects on wetlands.
    b) Aquatic ecology effects.
    c) Stormwater discharges, including erosion and sediment control.
    d) Construction and operational effects on the receiving environment.
    e) Dewatering effects.
    f) Dust effects.

Effects on wetlands

54. The Applicant's assessment of wetland effects is set out in Section 7.8 of the AEE, supported by the SLR (2025) ecological assessment and associated management plans. The assessment addresses the requirements of the NPS-FM (Clauses 3.21 and 3.22) and Regulation 45 of the NES-F, including the need to demonstrate specified infrastructure status, functional need, and application of the effects management hierarchy.

Direct Effects on Natural Inland Wetlands

55. The Application identifies two locations where direct effects on natural inland wetlands cannot practicably be avoided:

    a) Wetland 20 (Lee Stream Tributary crossing) – approximately 154 square metres (m^2) of wetland affected by installation of a new culvert and replacement track crossing; and
    b) Wetland 43 (south of Turbine 20) – approximately 322 m^2 of wetland affected by construction of a new track crossing, which has subsequently been updated to Wetland 43 to 520 m^2 as a result of additional assessment following the lodgement of the Substantive application.

56. In total, approximately 476 m^2 (0.05 ha) of natural inland wetland is identified as directly affected. At Wetland 20, the proposal involves relocating and replacing an existing farm track crossing and culvert to achieve suitable vertical geometry for heavy construction vehicles. The Application notes that the existing crossing is only suitable for light vehicles and does not provide appropriate alignment. The existing culvert and track will be removed and the stream habitat remediated following works.

57. At Wetland 43, the existing farm track already bisects the wetland. However, the application states that it is not practicable to utilise the existing alignment due to inadequate vertical geometry and width. The new crossing is proposed to be more centrally located along the ridgeline, which the Application states will maintain overland flow patterns and avoid adverse hydrological effects.

Works Within 10 Metres of Wetlands

58. The Application identifies several instances where works (including access tracks and crane platform batters) will be located within 10 metres of wetland extent. These occur at:

    a) Wetlands 15, 68, 69 and 37 (associated with wind farm infrastructure); and
    b) Wetlands T16, T26, T27, T28 and T30 (associated with the transmission line corridor).

59. In each case, the Application relies on functional need, stating that tracks are constrained by topography, rock exposures, site boundaries, or narrow gaps between adjacent wetlands. Culverts are proposed where required to maintain existing overland flow paths and wetland hydrology. The Application confirms that no wetlands are located within or within 10 metres of

the other built structures of the proposal (battery energy storage system, substation, operations and maintenance facility, site compound, or concrete batching plant).

Indirect Effects (Within 100 Metres)

60. The Application identifies approximately 32.91 ha of wetlands within 100 metres of proposed works. Potential indirect effects are described as:

    a) sedimentation arising from earthworks; and
    b) changes to hydrology resulting from altered drainage patterns.

61. The Application considers that sediment effects will be mitigated through implementation of erosion and sediment control measures in accordance with the Earthworks Management Plan. Hydrological effects are assessed by reference to the proposed drainage design, with roadside drains and culverts configured so that runoff is directed back into the same downslope wetlands within their original catchments. On that basis, the Application concludes that wetland hydrology will be maintained. Monitoring of wetlands within 100 metres of works is proposed under the Wetland Monitoring and Management Plan, with provision for identification of any unanticipated hydrological or sedimentation effects and implementation of remedial actions.

NPS-FM – Specified Infrastructure and Functional Need

62. The Application relies on Clause 3.22(1)(b) of the NPS-FM, which allows loss of wetland extent where:
    - the activity is necessary for the construction of specified infrastructure;
    - the infrastructure provides significant national or regional benefits;
    - there is a functional need for the infrastructure in that location; and
    - the effects management hierarchy is applied.

63. The wind farm and associated transmission infrastructure are identified as specified infrastructure providing significant regional and national benefits. The Application sets out a functional need assessment for each instance of wetland encroachment, primarily based on vertical alignment constraints, heavy vehicle access requirements, and topographic limitations.

Effects Management Hierarchy

64. The following sets out a summary of the effects management hierarchy as set out within the substantive application:

    Avoidance

    The design has sought to avoid direct effects on wetlands wherever practicable. Direct impacts are limited to the two identified crossings where avoidance is stated to be impracticable.

    Minimisation and Remediation

Measures include:

- refinement of construction layout to reduce disturbance;
- limiting physical disturbance to the minimum necessary footprint;
- implementation of erosion and sediment controls; and
- maintaining surface water flows to the same wetlands that would have received them pre-development.

At Wetland 20, removal of the existing crossing and remediation of the channel is proposed.

Offsetting

Offsetting is not proposed. The Applicant states that like-for-like wetland creation is not practicable due to the difficulty of recreating peat bog systems and the absence of suitable available gully sites within the wind farm area.

Compensation

The Applicant proposes a wetland compensation site to compensate for the 0.05 ha of direct wetland loss. The wetland compensation site:

- comprises approximately 5.7 ha in total, including an estimated 1.4 ha of wetland habitat;
- contains wetlands similar in character to those directly affected;
- will be fenced and legally protected;
- includes snow tussock direct transfer and additional eco-sourced planting;
- includes woody weed control; and
- will be subject to monitoring and ongoing management.

65. The Application states that wetland compensation site contains approximately 29 times the area of wetland directly affected. The Applicant also proposes planting on approximately 1.5 ha of gully walls, exceeding the 1.3 ha required under the Rehabilitation Management Plan. The stated objectives of the compensation measures are to:

- remove stock grazing and associated nutrient inputs;
- enhance indigenous vegetation cover and biodiversity;
- buffer wetlands from surrounding land uses; and
- provide long-term legal protection.

66. Monitoring of the compensation site includes inspection of fencing, monitoring of transferred tussocks, and fixed-point photographic records.

67. The Application concludes that, when considered in combination, the avoidance, minimisation, remediation and compensation measures will result in a net gain in wetland values while enabling construction of specified infrastructure that delivers significant national and regional benefits.

Council's peer review

68. Council's ecological peer review (Appendix A - Rossaak, 20 January 2026) raises a number of concerns regarding the assessment of wetland extent, values, and the proposed Application of the effects management hierarchy.

69. In relation to wetland identification and delineation, the peer review notes that while the Vegetation, Wetland and Terrestrial Invertebrate Assessment states that delineation was undertaken in accordance with the 2022 Wetland Delineation Protocols, the methodology applied does not appear to reflect full delineation using transects and multiple assessment points. Instead, delineation appears in several instances to rely on limited assessment points to confirm the presence of a wetland, rather than to determine the wetland boundary. The reviewer recommends that formal delineation consistent with the wetland delineation protocols be undertaken and that delineation points be clearly shown on plans for wetlands proposed to be directly affected. Following the site visit, it is also suggested that Wetland 43 may extend further south than depicted in the Application material.

70. The peer review raises concerns regarding the classification of certain wetlands as "pasture wetlands" and therefore not natural inland wetlands under the NES-F definition. It states that insufficient evidence has been provided to support this classification, and that wetlands should also be assessed against the RMA definition.

71. A key issue identified in the peer review is that the assessment focuses primarily on the direct footprint of works and does not adequately consider the potential alteration of wetland hydrology beyond that footprint. In particular, for Wetland 43, the engineering conclusion that the realigned track will have no hydrological effect is not supported by site observations. The reviewer considers that any track constructed across a peat wetland is likely to require hydraulic connectivity to maintain wetland function and recommends improved hydrological analysis. More broadly, the peer review states that the loss of wetland extent has not been fully considered in accordance with Clause 3.22 of the NPS-FM, which requires consideration of both extent and values, including cumulative effects.

72. The peer review concludes that the effects management hierarchy (as set out within the National Policy Statement for Freshwater Management 2020 (NPS-FM)) has not been systematically applied. While avoidance is discussed, the sequential steps of minimisation, remediation, offsetting and compensation are not clearly demonstrated. Residual adverse effects are not clearly identified, quantified or assessed, and there is insufficient differentiation between offsetting and compensation. The reviewer emphasises that offsetting must be considered and demonstrated prior to reliance on compensation, and that both steps require robust assessment. The effects management hierarchy, and the relationship with the National Policy Statement for Renewable Electricity Generation (NPS-REG) are discussed further in Section E.1: Policy Assessment below.

73. In relation to the wetland and aquatic compensation plan, the peer review finds that the plan lacks ecological modelling or accounting to demonstrate that the proposed compensation will achieve no net loss, and preferably a net gain, in wetland extent and values. It notes that the assessment does not evaluate the potential values of impacted wetlands, as required under

Clause 3.22(3) of the NPS-FM, and does not demonstrate that compensation gains exceed what may have occurred in the absence of the proposal. The reviewer also questions why enhancement actions are focused on the selected compensation site, rather than more broadly across other wetlands within the project area. The proposed riparian fencing associated with stream compensation is considered narrow and likely to provide limited ecological benefit, with high edge effects and ongoing maintenance requirements.

74. The wetland monitoring and management plan is considered to rely heavily on fixed-point photography and qualitative notes, without objective monitoring indices or defined thresholds for change. The peer review notes the absence of established wetland condition assessment tools, and the lack of clearly defined management actions or adaptive responses should monitoring identify decline. It is recommended that objective monitoring metrics, defined performance thresholds, and linked management actions be incorporated.

75. Overall, the peer review concludes that there remains uncertainty as to whether no net loss of wetland extent and values would be achieved. As currently set out, the wetland assessment, effects management hierarchy application, and proposed offset and compensation framework are not considered sufficiently robust to demonstrate compliance with the NPS-FM requirements.

Applicant's response to Council's peer review

76. The Applicant has provided a detailed response to Council's technical review in a memorandum "Responses to Feedback Raised by Otago Regional Council – 3 February 2026". The response addresses wetland delineation and compensation, application of the effects management hierarchy, aquatic compensation, monitoring, and management plan provisions.

77. With respect to wetland delineation, particularly Wetland 43, the Applicant undertook additional field assessment on 2 February 2026. Eight delineation plots were assessed along the proposed road crossing transect. Six plots met the pasture exclusion test and did not qualify as natural inland wetlands under the NPS-FM definition, one plot met the hydrophytic vegetation criteria and was confirmed as a natural inland wetland, and one plot met neither test. Notwithstanding these results, hydric soils and soil saturation indicators were recorded across the central plots. On what is described as a highly conservative basis, the Applicant has increased the directly affected wetland area for Wetland 43 to 520 m^2 and assessed effects using the broader RMA interpretation of wetland at this location.

78. In response to concerns regarding assessment of wetland extent and values, the Applicant relies on application of a biodiversity compensation model which incorporates both extent and value inputs and, according to the Applicant, demonstrates a net gain outcome even if the directly affected wetland area is increased beyond the original estimate. The Applicant states that the proposed wetland compensation site (approximately 1.3 ha) substantially exceeds the impacted area and would achieve a net gain outcome under a range of conservative assumptions. The Applicant also notes that rehabilitation of the old track across Wetland 43 will improve wetland connectivity and extent, and that existing QEII covenant protection contributes additional ecological benefit.

79. In response to concerns that offsetting and compensation have been conflated, the Applicant distinguishes wetland remediation (including track removal and tussock translocation), from wetland compensation. It states that full offsetting of peat wetland extent is impracticable due to the difficulty of creating new peat wetlands and the lack of suitable substrates, and that compensation through enhancement of a larger wetland area is therefore appropriate. The Applicant relies on modelling outputs indicating a net gain in wetland values exceeding 200% under the compensation scenario.

80. Regarding monitoring, the Applicant did not agree that wetland monitoring/assessment frameworks (WETMAK or HMWC indices) were necessary, stating that fixed-point photography, sediment extent measurements, and targeted observations are proportionate to the scale and nature of potential effects. It proposed that monitoring focus on wetland extent and sedimentation/erosion indicators, with management measures triggered where adverse effects are identified.

Applicant's updated proposal

81. Following the second site visit on 4 February 2026, a workshop between the applicant's experts and Council's experts was held, where Council's review comments and the applicant's responses were discussed. This led to the applicant providing an update to the substantive application via a memo titled: "Responses to Feedback Raised by Otago Regional Council at 5 February 2026 Workshop" – Dated 17 March 2026.

82. In relation to wetlands, the Applicant has refined its approach to the effects management hierarchy by more clearly distinguishing between remediation, offsetting and compensation. As set out in the substantive application, the applicant states that wetlands have been identified and mapped to inform the project layout, and the design has been iteratively refined to avoid wetland effects wherever practicable. As a result, direct effects are largely avoided, with only minor residual impacts associated with track crossings at Wetlands 20 and 43.

83. For these locations, the Applicant proposes a range of minimisation and remediation measures to reduce the extent and duration of effects. In particular, the proposal includes:

    a) maintaining hydrological connectivity, including surface flows via culverts and subsurface connectivity at Wetland 43 through subsoil drains
    b) limiting the disturbance footprint to the minimum necessary for construction
    c) implementing erosion and sediment controls to avoid downstream wetland effects
    d) reinstating disturbed areas through revegetation, temporary fencing, and ongoing weed management

84. To address residual adverse effects, the Applicant updated the application and proposed a wetland offsetting package focused on the protection and enhancement of a larger nearby wetland system (noting that in the substantive application, no offsetting was proposed and the focus was on compensation). This offsetting package is intended to achieve no net loss, and a net gain, in wetland extent and ecological values over time. The offsetting approach includes:

a) stock exclusion fencing to prevent grazing and pugging
b) planting and transfer of vegetation (including snow tussocks) to gully walls to improve wetland function and buffering
c) weed control and long-term management of the offset site
d) protection of an offset area that is significantly larger than the area directly affected.

85. In addition, where outcomes cannot be reliably quantified to meet offsetting requirements, the Applicant proposes compensation measures. This includes rehabilitation of the existing farm track crossing at Wetland 43, involving removal of infrastructure and reinstatement of wetland soils and vegetation to improve wetland function and connectivity.

86. The Applicant also proposes a strengthened wetland monitoring and management framework. This includes baseline (pre-construction), construction-phase, and post-construction monitoring, with longer-term monitoring proposed at 5 and 10 years to assess ecological outcomes. Monitoring will utilise both standard indices and practical field-based measures, including:

a) Wetland Condition Index (WCI) assessments at key stages
b) vegetation-based indicators such as species composition, plant health, and mortality
c) indicators of wetland condition including sediment presence, erosion, and animal damage
d) targeted monitoring of higher-risk wetlands using transects and control sites

87. The monitoring framework is supported by an adaptive management approach. Where monitoring identifies adverse effects attributable to construction or hydrological changes, management responses will be implemented. These may include adjustments to drainage or sediment controls, changes to construction practices, or, where necessary, the provision of additional offsetting or compensation to address any ongoing effects.

88. The Applicant considers that offsetting is appropriate for wetland effects where measurable ecological gains can be demonstrated. The updated assessment applies the offsetting principles, including demonstrating adherence to the effects management hierarchy, achieving additional ecological gains beyond the current baseline, and securing long-term outcomes through legal protection and ongoing management of the offset site.

89. This additional response has been reviewed by Mr Rossaak (Appendix A1 - Rossaak, 27 March 2026), who considers that the Applicant has made progress in responding to earlier concerns and that the proposed measures are likely to reduce effects and risks. However, he identifies a number of remaining matters requiring further clarification, including:

a) the need to clearly demonstrate that the proposed biodiversity offset achieves no net loss (and preferably a net gain) of ecological values, rather than relying on changes in terminology between offsetting and compensation;

b) the absence of ecological accounting (such as application of the Biodiversity Compensation Model) to demonstrate that the proposed offset adequately addresses both the extent and value of effects;
c) uncertainty regarding how the proposed measures address the loss of stream extent versus ecological value, and whether aspects of the proposal are more appropriately characterised as compensation;
d) the need for more clearly defined wetland offset design, including mapping of restoration areas, existing vegetation (including rare species), and planting/restoration areas defined;
e) the lack of clearly defined monitoring success criteria for offset and restoration areas;
f) the need for consent conditions to include enforceable performance standards and outcomes (for example, measurable vegetation survival targets), rather than relying solely on management plan implementation;
g) the need for clearer notification and response requirements where environmental performance standards are not met; and
h) the requirement for offset areas to be secured for the duration of the effects (in perpetuity), rather than limited to the life of the wind farm.

90. Overall, while these matters introduce some residual uncertainty, Mr Rossaak considers that there is adequate opportunity available on site to manage these effects, and it is possible that the offset offered may be shown to achieve this, provided that the final offsetting framework, monitoring regime, and consent conditions clearly define the required outcomes, performance standards, and long-term protection mechanisms.

Effects on wetlands conclusion

91. Having considered the application material, the peer review advice, and the Applicant's subsequent responses and amendments, Council considers that progress has been made on many of the key issues raised by Council's peer review relating to wetland delineation, hydrological effects, and wetland monitoring through the additional information provided following lodgement. In particular, the updated material provides greater clarity on wetland extent and a strengthened monitoring and adaptive management framework.

92. The Applicant has undertaken additional delineation work, adopted a conservative approach to the extent of wetland affected at Wetland 43, and updated its approach to remediation, offsetting and compensation. The proposed wetland offset package would protect and enhance a larger wetland area than that directly affected and includes fencing, planting, weed control, and ongoing monitoring. However, some uncertainty remains as to whether the proposed offsetting measures demonstrate no net loss (and preferably a net gain) of ecological values, including the need for clearer ecological accounting, more defined offset design and mapping, and measurable success criteria to confirm outcomes over time.

93. Council considers that these remaining matters are technical in nature and can be addressed through further amendments to the relevant management plans and consent conditions. Subject to further amendment to address the matter raised above, Council considers that the adverse effects of the proposal on natural inland wetlands can be appropriately managed.

Aquatic ecology effects

94. The Application includes an aquatic ecology assessment (Section 7.9 of the AEE, supported by SLR – Aquatic 2025) which concludes that, with the exception of the Lee Stream tributary crossing has been designed to avoid direct works within watercourses. Construction activities are proposed to be undertaken away from watercourses wherever practicable, with potential indirect effects managed through erosion and sediment controls, stormwater management, and associated management plans.

95. The only component requiring in-stream works is the replacement of the existing culvert at a tributary of Lee Stream. This tributary supports Eldon's galaxias, a non-migratory fish endemic to the Otago region, with a highly fragmented range primarily in the lower and mid tributaries of the Taieri River catchment. Due to its restricted distribution and declining population, Eldon's galaxias is classified as 'Threatened – Nationally Endangered' under the New Zealand Threat Classification System (B.07 – SLR Aquatic (2025) – Ecological Assessment – Aquatic Ecology). The Application states that the Otago pRPS 2021 determines that this stream is 'significant' given the presence of this species.

96. The establishment of the proposed culvert (approximately 35 metres) will involve infilling of part of the gully to achieve the required vertical alignment for heavy vehicle access. As a result, the stream channel will be permanently modified, and some instream habitat will be lost.

97. To address effects on aquatic ecology, the Application proposes a suite of measures including:

    a) Construction during dry or low-flow periods where practicable.
    b) Temporary diversion of stream flow around the works area using non-erodible dams and bunding.
    c) Implementation of erosion and sediment control measures in accordance with the Environmental Management Plan.
    d) Water quality monitoring upstream and downstream of the works during and following culvert installation (as detailed in the Water Quality Monitoring Plan).
    e) Fish salvage and translocation of Eldon's galaxias prior to disturbance, in accordance with the Native Fish Recovery Plan.
    f) Design of the culvert in accordance with the New Zealand Fish Passage Guidelines (Version 2.0) and Regulation 70 of the NES-F, including embedment of the culvert and placement of natural streambed substrate within the invert to provide fish passage.
    g) Provision of aquatic compensation for permanent habitat loss, including fencing and enhancement of at least 50 metres of stream length within an upper tributary of Lee Stream.

98. The Applicant considers that, through application of the effects management hierarchy under the NPS-FM, adverse effects on aquatic values have been avoided where practicable, minimised and remedied through design and construction methodology, and compensated where residual habitat loss remains.

Council's peer review

99. Council's ecological peer review of the aquatic ecology and engineering aspects of the culvert design (Appendix B - Morgan, 20 January 2026) concludes that the fish passage assessment included within the substantive application is incomplete, and concerns remain regarding the hydraulic performance of the proposed design.

100. A central issue identified is that the hydraulic modelling results have not been adequately compared with the sustained swimming speeds of small native fish, including Eldon's galaxias. Sustained swimming speeds for small-bodied native fish are typically in the order of 0.1–0.3 m/s. The modelling results provided indicate that velocities within the proposed low-flow channel of the culvert exceed 0.8 m/s in the design scenarios presented. For a culvert approximately 35 metres in length (and potentially effectively longer where a meandering low-flow channel is proposed), this raises doubt as to whether upstream passage would be achievable, particularly under a range of flow conditions.

101. The peer review notes that:
    a) The complex and variable velocity patterns present in the natural channel are not replicated within the culvert.
    b) The proposed meandering low-flow channel does not, on its own, create sufficient velocity variability or resting areas for fish.
    c) Hydraulic modelling has not been explicitly assessed against fish swimming performance using the methodology set out in the 2024 Fish Passage Guidelines (e.g. comparison of velocity, fish length, and culvert length across a range of design flows).
    d) Analysis should be undertaken for a representative range of flows (e.g. 10th–90th percentile flows derived from a flow duration curve), including both low and high design flows.
    e) The culvert aprons require careful design to avoid creating shallow, high-velocity or barrier conditions during both low and high flows.
    f) Proven techniques such as baffle blocks, combined with embedded rock and substrate to promote sediment retention and hydraulic complexity, may be required to achieve fish passage over a wider range of flow conditions.
    g) Monitoring following construction should be required to verify that hydraulic conditions and fish passage performance are being achieved, particularly given the length of the culvert and the species present.

102. The peer review also raises the question of whether a lower-span bridge option could feasibly reduce the extent of infilling and avoid the risks associated with a long culvert acting as a barrier to fish passage, although it acknowledges this may have cost implications.

Applicant's response to Council's peer review

103. The Applicant has provided a memorandum "Responses to Feedback Raised by Otago Regional Council – 3 February 2026" addressing the matters raised in Council's technical peer review. In relation to aquatic ecology and the Lee Stream tributary crossing, the Applicant maintained that the proposed culvert design is capable of achieving effective fish passage and

compliance with Regulation 70 of the NES-F and the 2024 NIWA Fish Passage Guidelines, subject to refinement and updated modelling.

104. In response to concerns regarding excessive velocities within the low-flow channel, the Applicant states that fish passage under high-flow conditions is intended to occur primarily along the lower-velocity edge corridors rather than through the central thalweg. The response includes a comparison between modelled velocities and swimming performance data for inanga (used as a proxy species due to the absence of published swimming speed data for Eldon's galaxias), and concludes that, with the provision of resting areas and velocity diversity, upstream passage is achievable.

105. The Applicant acknowledges that the initial modelling did not explicitly set out the velocity–swimming speed–distance comparison in the format described in the 2024 Fish Passage Guidelines. It advises that updated hydraulic modelling will be undertaken to:

    a) verify culvert performance under both low and high fish passage flows;
    b) compare modelled velocities with fish swimming benchmarks; and
    c) confirm hydraulic conditions across a range of representative flows.

106. The Applicant also proposes minor design refinements, including shaping the infill profile at baffle locations and selective placement of larger rocks during commissioning to create resting areas and increase hydraulic complexity. It considers that full replication of natural stream velocity variability is not required by the NES-F or the NIWA guidelines, provided that effective passage outcomes are achieved.

107. In relation to culvert length, the Applicant advises that the vertical geometric constraints associated with oversized turbine component transport vehicles limit the feasibility of a lower-span bridge option. It states that the design has already incorporated measures to reduce embankment height and minimise culvert length where practicable, including localised cutting at the gully approaches.

108. The Applicant further notes that Eldon's galaxias is a non-migratory species, with movements generally limited to relatively short distances within a catchment. It considers that maintaining hydraulic connectivity and minimum flow depth through the culvert is therefore the primary ecological requirement, rather than facilitating long-distance migration.

109. In response to recommendations for post-construction monitoring of fish passage, the Applicant does not support population-based monitoring upstream and downstream of the culvert, citing the non-migratory nature of the species, low expected fish numbers, and the intermittent or dry conditions observed at the site. Instead, it proposes hydraulic monitoring within the culvert to confirm that velocity variation and resting areas are present, with provision for placement or adjustment of rocks if required to maintain design intent.

110. With respect to the effects management hierarchy, the Applicant reiterates that:
    a) avoidance of a crossing is not practicable;
    b) minimisation has been achieved by limiting culvert length and footprint;

c) remediation and mitigation measures include provision of natural substrate, fish salvage, sediment control, and dry-weather construction;
d) offsetting is not proposed due to difficulty in demonstrating measurable net ecological gain for Eldon's galaxias; and
e) compensation is proposed through fencing and enhancement of approximately 135 metres of stream upstream of the affected reach (representing a ratio of approximately 2.7:1 relative to the 50 metre affected reach), together with protection of instream habitat within the existing QEII covenanted area ("Scrappy Pines Block").

111. The Applicant maintains that, when considered in combination, these measures achieve no net loss and provide long-term ecological benefit.

Applicant's updated proposal

112. The Applicant provided an update to the substantive application via a memo titled: "Responses to Feedback Raised by Otago Regional Council at 5 February 2026 Workshop" – Dated 17 March 2026, which included a number of refinements to the culvert design, monitoring framework, and offsetting approach for the Lee Stream tributary.

113. In response to concerns regarding fish passage, the Applicant has refined the culvert design to better replicate natural stream conditions and provide hydraulic variability. This includes the incorporation of baffles, embedded rock, and defined resting areas along the culvert length to improve passage conditions for small-bodied fish. The design also retains a low-flow channel and aims to maintain adequate water depth and connectivity through the culvert under a range of flow conditions. Updated hydraulic modelling is proposed to confirm performance across representative flows and better align with current fish passage guidance.

114. Further refinements have been made to the culvert profile and aprons to avoid shallow or high-velocity barrier conditions, including grading to match the natural stream gradient and maintain flow continuity at the inlet and outlet. The Applicant has also confirmed that culvert performance will be verified through a commissioning (adaptive management) process, which with ecological input during initial flow diversion and provision for adjustments, such as rock placement, if required.

115. The construction methodology and monitoring approach have also been strengthened. In particular, the proposal now includes:
a) more detailed water quality monitoring, including regular upstream and downstream turbidity measurements during the full construction period;
b) flexibility to respond to intermittent or dry stream conditions, including use of visual sediment assessment methods; and
c) ecological oversight during key activities such as stream diversion and fish salvage

116. The Applicant has also refined its offsetting approach. The stream enhancement works upstream of the culvert are now characterised as aquatic offsetting, rather than compensation, and are intended to deliver measurable ecological gains. This includes fencing and planting of an extended length of stream habitat, with an increased offset ratio relative to

the affected reach. Monitoring using habitat assessment methods is proposed to demonstrate improvements in habitat quality over time and confirm that no net loss, and a net gain, in ecological values is achieved.

117. This additional response has been reviewed by Mr Morgan (Appendix B1 – Morgan, 23 March 2026), who considers that the revised culvert design has appropriately responded to the key concerns raised in earlier reviews. In particular, the incorporation of baffles and the use of natural bed materials introduce a stream simulation approach that is consistent with best practice and is expected to provide suitable hydraulic complexity, edge passage, and resting areas for fish passage.

118. Mr Morgan notes that the proposed design represents a substantial improvement on the original proposal and is likely to support fish passage across a range of flow conditions. This is supported by the proposed monitoring and management plan framework, which enables monitoring during initial flow conditions and following any higher-flow events, with the opportunity to move some of the rock within the culvert when areas of concern for fish passage are observed.

119. However, he identifies that some further confirmation is still required through detailed design and supporting information. This includes the confirmation of the general velocity profiles through the culvert and confirmation that the proposed bed material sizing and gradation will remain stable while still providing suitable interstitial spaces for fish passage.

120. This additional response has been reviewed by Mr Rossaak (Appendix A1 – Morgan, 26 March 2026), who considers that the updated proposal remains unclear how the proposed offsetting measures distinguish between addressing the loss of stream extent and the loss of ecological value, noting that where loss of extent is not fully offset, the residual effects may more appropriately be characterised as aquatic compensation rather than offsetting under the NPS-FM. Mr Rossaak also identifies the need to strengthen performance and reporting requirements within the management framework. Specifically, where environmental performance criteria (such as water quality monitoring triggers) are not met, the current approach of internal reporting is insufficient, and provision should be made for timely notification to Council (for example within 48 hours), supported by a clear response plan and follow-up monitoring or assessment to demonstrate that the issue has been appropriately addressed.

<u>Aquatic ecology effects conclusion</u>

121. The proposal results in permanent modification of a short section of the Lee Stream tributary associated with the installation of the culvert crossing. This will result in a degree of instream habitat loss and alteration of channel form. However, direct works within watercourses have otherwise been avoided across the wider wind farm layout, with effects largely confined to this location.

122. The updated draft culvert design incorporates a “stream simulation” approach through the inclusion of larger bed materials, baffles, and embedded substrate to better replicate natural

stream conditions within the culvert. Together with proposed further hydraulic modelling and a culvert commissioning process, this provides increased confidence that suitable conditions for fish passage can be achieved across a range of flows. The inclusion of resting areas, hydraulic variability, and provision for adaptive adjustments following construction further supports this conclusion.

123. Notwithstanding these improvements, some matters remain to be confirmed through final design and supporting information. These include verification of velocity conditions across a representative range of flows, confirmation of bed material sizing and stability, and ensuring that downstream conditions do not create a risk of fish being displaced and unable to return upstream.

124. Construction-related effects, including sedimentation and disturbance of aquatic habitat, will be managed through the proposed construction methodology and enhanced monitoring framework. This includes fish salvage and translocation, ecological oversight during key works, and a strengthened water quality monitoring regime that is responsive to site conditions and construction activities.

125. Residual effects associated with permanent habitat loss are proposed to be addressed through aquatic offsetting, including fencing and enhancement of upstream habitat to improve ecological condition and reduce stock access. However, some uncertainty remains as to whether the proposed measures demonstrate no net loss of ecological values, including the need to clearly distinguish between effects on stream extent and ecological value, and to confirm that the proposed measures meet the requirements for offsetting rather than compensation under the NPS-FM.

126. Similar to the wetland conclusion above, Council considers that these remaining matters are technical in nature and can be addressed through further amendments to the relevant management plans and consent conditions. Subject to further amendment to address the matter raised above, Council considers that aquatic connectivity can be maintained and that adverse effects on aquatic ecology associated with the Lee Stream tributary crossing can be appropriately managed.

Stormwater discharges, including erosion and sediment control

127. The Applicant's assessment of stormwater, erosion and sediment effects is set out in Section 7.10 of the Assessment of Environmental Effects and supported by the Civil Engineering Assessment (Riley, 2025), the Environmental Construction Management Plan (ECMP), the Earthworks Management Plan (EMP), and the Chemical Treatment Management Plan (CMP).

128. The Applicant states that surplus fill volumes are within the limits authorised under the existing land use consent, although the locations and configuration of Surplus Fill Disposal Areas (SFDs) have been redesigned to suit the Stage 2 layout. The SFDs are proposed to avoid gullies, wetlands, and permanent or intermittent watercourses, and to maintain a minimum 10 m setback from wetland extents.

129. In relation to construction stormwater and sediment control, the EMP adopts the principles of Auckland Council's GD05 Erosion and Sediment Control Guide (2016), which has been adopted by Council as best practice guidance. The key measures proposed include:

a) diversion of clean water away from disturbed areas;
b) staging of earthworks to minimise exposed areas;
c) interception and treatment of sediment-laden runoff through sediment retention ponds (SRPs), decanting earth bunds (DEBs), and silt fences;
d) use of wheel wash facilities to prevent tracking of sediment;
e) regular inspection and maintenance of control measures;
f) monitoring of discharges to verify compliance with consent conditions; and
g) progressive stabilisation and rehabilitation.

130. Chemical treatment (flocculation) is proposed where required, with details provided in the CMP. The Applicant proposes staged earthworks to reduce the duration and extent of exposed soils. Stabilisation measures include re-spreading of stockpiled topsoil, hydroseeding of cut batters, and decommissioning of sediment controls once 80 percent grass strike is achieved (consistent with GD05). Longer-term rehabilitation is to be undertaken in accordance with the Rehabilitation Management Plan.

131. Operational stormwater management will rely primarily on separation from sensitive receiving environments and maintenance of existing flow paths. Stormwater from roofed areas is to be collected and discharged to ground. Turbine hardstands are located on ridgelines, away from wetlands and gullies. Other hardstand areas will incorporate a sealed surface draining to a detention basin, with discharge limited to pre-development rates for the 10-year ARI, 24-hour rainfall event. Culverts and internal access roads are proposed to be constructed in accordance with the ECMP, with energy dissipation provided at outlets. The Application concludes that construction and operational stormwater effects will be appropriately avoided or mitigated through the implementation of these measures.

Council's peer review

132. Council's peer review of the ecological and earthworks-related material (Appendix A - Rossaak, 20 January 2026) acknowledges that, in principle, the earthworks and sediment discharges could be managed to an acceptable level. However, it concludes that the current application material does not yet achieve that outcome and that matters of detail require strengthening through updated management plans and more robust consent conditions.

133. A central concern is that the proposed consent framework is overly reliant on management plans, some of which lack sufficient technical detail and clearly defined performance outcomes. The peer review recommends that objective performance standards be embedded directly in consent conditions, rather than relying solely on plan implementation.

134. With respect to erosion and sediment control, the peer review identifies several inconsistencies with GD05 best practice, including:

a) the absence of clearly defined, stage-by-stage Erosion and Sediment Control Plans (ESCPs) certified by Council prior to works commencing;
b) sediment pond design details that do not align with GD05 requirements (including dead storage proportions);
c) insufficient direction regarding silt fence use on slopes;
d) limited detail regarding staging areas and maximum exposed areas at any one time; and
e) lack of clear requirement for rainfall-activated or flow-based chemical dosing systems.

135. The Chemical Treatment Management Plan is considered to require revision to reflect best practice. In particular, concerns are raised regarding:

a) the lack of justification for a 4-hour detention time;
b) insufficient detail on bench testing methodology;
c) reliance on passive dosing systems;
d) absence of clear and enforceable trigger levels; and
e) inadequate corrective response actions in the event of exceedances.

136. In relation to water quality monitoring, the proposed monitoring regime is considered insufficiently robust. A single pre-works event, one monitoring event during works, and one post-works event is unlikely to capture pulsed sediment discharges associated with rainfall events. The peer review recommends higher-frequency monitoring, potentially including automated turbidity monitoring upstream and downstream of works, with clear trigger thresholds and defined corrective actions.

137. Overall, the peer review concludes that, while the framework is conceptually sound, greater specificity, alignment with GD05, and enforceable performance criteria are required to provide confidence that sediment discharges will be appropriately managed.

Applicant's response to Council's peer review

138. The Applicant has provided a memorandum a "Responses to Feedback Raised by Otago Regional Council – 3 February 2026". In relation to stormwater discharges, erosion and sediment control, chemical treatment and monitoring, the Applicant maintained that the proposed management framework is appropriate, but acknowledged that certain matters will be addressed at the detailed design stage and through refinement of management plans.

139. With respect to erosion and sediment control staging, the Applicant accepted that detailed ESCPs will be finalised following completion of detailed design. It confirmed that earthworks staging and corresponding control measures will be addressed through the final Earthworks Management Plan, with stage-specific plans to be certified prior to works commencing.

140. In relation to water quality monitoring, the Applicant did not support automated turbidity monitoring, citing the limited flowing water habitat, periods when the stream is dry, and the potential for variability between upstream and downstream sites.

141. In relation to chemical treatment, the Applicant considered that default dosing may not be required based on site testing, but confirms that treatment will be available as a contingency and refined following initial earthworks. The Applicants proposed monitoring approach relied on grab sampling and visual assessments, with trigger thresholds to initiate management responses, rather than automated turbidity monitoring.

142. The Applicant also clarified that sediment-laden water will not be discharged to wetlands or water bodies without prior treatment, and that monitoring associated with forecast rainfall events (greater than 20 mm) will be undertaken as part of pre-rainfall inspection and management protocols

Applicant's updated proposal

143. The Applicant provided an update to the substantive application via a memo titled: "Responses to Feedback Raised by Otago Regional Council at 5 February 2026 Workshop" – Dated 17 March 2026. In relation to stormwater discharges and erosion and sediment control, the Applicant has updated the Water Quality Monitoring Plan (WQMP) to provide a more detailed and construction-focused monitoring regime. The revised approach centres on regular turbidity monitoring upstream and downstream of the culvert works for the full duration of construction activities, including placement of fill within the stream channel.

144. The proposed monitoring framework includes:
    a) turbidity monitoring at upstream and downstream sites, undertaken up to three times per day using a field turbidity meter;
    b) monitoring over the entire construction period to capture potential sediment discharges associated with all stages of the works; and
    c) pre-construction input from an ecologist to confirm monitoring locations, timing, and appropriate use of monitoring equipment.

145. The Applicant has also refined the monitoring approach to account for variable site conditions, particularly the intermittent or dry nature of the tributary. In this regard, the updated WQMP provides flexibility in how monitoring is undertaken, including:
    a) no requirement for upstream or downstream turbidity monitoring where there is no flowing water present:
    b) use of rainfall events that generate flow as opportunities to undertake monitoring where the stream is otherwise dry; and
    c) inclusion of a visual assessment protocol to identify sediment deposition on the stream bed where turbidity monitoring is not practicable.

146. The Applicant proposes that an ecologist will undertake a site assessment immediately prior to works commencing to confirm the most appropriate monitoring methods and locations based on prevailing conditions. While the WQMP outlines a range of potential monitoring tools, the final monitoring methodology will be confirmed at this stage to ensure that monitoring remains practical and meaningful.

147. Overall, the updated proposal places greater emphasis on frequent, site-based monitoring during construction, supported by ecological input and adaptive management, with the intention of ensuring that sediment discharges are identified and managed in real time.

148. This additional response has been reviewed by Mr Rossaak (Appendix A1 – Rossaak, 26 March 2026), who considers that the Applicant's updates demonstrate that the earthworks could be managed to address sediment discharges to an acceptable level. However, he identifies that further detail and refinement are required through management plans and consent conditions to ensure this outcome is achieved. In particular, additional detail is required within the consent conditions to ensure stage-specific erosion and sediment control plans are prepared in accordance with GD05 and certified by Council prior to the commencement of works. He has also suggested amendments related to the stream diversion methodology, earthworks staging, and the chemical treatment plan.

Stormwater discharge effects conclusion

149. The Applicant has undertaken further work in response to matters raised in Council's peer review, including refinement of the erosion and sediment control framework and a strengthened water quality monitoring regime for the Lee Stream tributary during culvert construction. The updated WQMP provides for more frequent and targeted monitoring, including turbidity measurements undertaken multiple times per day, monitoring across the full duration of works, and ecological input to confirm monitoring locations and methods prior to construction.

150. The revised approach places greater emphasis on active, site-based monitoring and adaptive management, enabling sediment discharges to be identified in real time and responded to promptly. This address concerns raised in the peer review regarding the need for more robust and frequent monitoring. However, consistent with the technical review, further refinement is required to ensure that key aspects of the erosion and sediment control framework are appropriately detailed and enforceable, including stream diversion methodology, earthworks staging, the implementation of stage-specific erosion and sediment control plans, and amendments to the chemical treatment management plan.

151. Overall, while the framework continues to rely on management plans for detailed design and implementation, it is considered that, subject to further refinement of management plans and consent conditions, the proposed approach will achieve appropriate management of erosion and sediment discharges.

Dewatering effects

152. The assessment of dewatering effects is set out in Section 7.11.1 of the AEE within the substantive application. The Application identifies that temporary groundwater take may be required to facilitate dewatering during construction, primarily associated with excavation for turbine foundations. The Application states that all streams, including the Lee Stream tributary, are located more than 100 metres from the proposed turbine foundations where dewatering may occur. While some gully wetlands are located within 100 metres of potential

dewatering activities, the assessment concludes that these wetlands are not expected to be affected.

153. The Civil Engineering Assessment (Riley, 2025) includes a hydrogeological assessment which considers the potential effects of foundation dewatering on groundwater levels and wetland hydrology. This assessment concludes that the proposed dewatering activities will not result in measurable changes to the groundwater table or groundwater supply to wetlands within the project area. Any water intercepted during foundation excavation will be temporarily pumped from the excavation, treated where necessary, and discharged downslope of the excavation area.

154. The aquatic ecology assessment (SLR, 2025) further considers the potential for changes to wetland hydrology. It notes that the wetlands identified within the project area are primarily fed by surface water inputs such as rainfall and snowmelt, rather than groundwater. On that basis, the assessment concludes that temporary interception of shallow subsurface flows during foundation excavation is unlikely to adversely affect wetland hydrology.

155. The Application concludes that, given the temporary nature of the dewatering activities, the separation distance from watercourses, and the proposed management of intercepted water, the potential effects of dewatering on groundwater levels, wetlands, and surface water flows will be minimal. The Application also notes that groundwater levels will be recorded during construction and that natural flow paths will be maintained.

Council's peer review

156. Council's hydrogeology peer review (Appendix C – Dally, 22 January 2026) assessed the groundwater and dewatering aspects of the Civil Engineering Assessment and associated material provided in the application. The peer review notes that the information provided within the Civil Engineering Assessment does not include a detailed assessment of groundwater contributions to wetland hydrology, nor does it provide estimates of groundwater inflows to excavations or anticipated dewatering rates. As a result, the reviewer notes that a full quantitative assessment of the potential effects of temporary dewatering on nearby wetlands cannot be undertaken based on the information currently provided.

157. Notwithstanding these limitations, the peer review undertook a high-level review of the environmental setting, supported by observations from the site visit undertaken on 15 January 2026. Based on this review, the peer reviewer considers that groundwater contributions to the wetlands within the project area are likely to be limited and that inflows to turbine foundation excavations are expected to be relatively low, estimated to be less than approximately 1 L/s.

158. The peer review also notes that the consent conditions proposed within the substantive Application required that groundwater intercepted during dewatering activities is returned to the same waterbody or waterbodies from which it is taken, with no significant delay between the take and the return of water. Provided that intercepted groundwater is treated where necessary and returned in a manner that avoids sedimentation or scouring, the peer reviewer

considers that the potential effects of temporary dewatering on adjacent wetlands are likely to be minor to less than minor.

159. However, the peer review identified some residual uncertainty due to the limited technical information regarding groundwater contributions to wetland hydrology and expected dewatering volumes. To address this uncertainty, the peer review recommends that the wetland monitoring and management plan include monitoring triggers and an adaptive management response. In particular, if monitoring indicates that wetland hydrology may be adversely affected, dewatering activities should be halted and the treatment and return of groundwater reassessed to prevent further drying of wetlands.

160. As a result of the peer review, Council has suggested that additional consent conditions be included to provide a specific safeguard where dewatering occurs in proximity to natural inland wetlands. The proposed condition requires that where dewatering within 50 metres of a natural inland wetland exceeds a rate of 1.0 L/s, the consent holder will be required to cease dewatering above this rate and provide an assessment prepared by a suitably qualified and experienced ecologist demonstrating that the higher dewatering rate will not result in adverse hydrological effects on the wetland.

161. Council considers this condition provides an appropriate precautionary control on higher-rate dewatering activities in close proximity to wetlands and ensures that any potential hydrological effects are assessed before such activities proceed. While conditions of consent have not been included within these s53 comments as they are still being updated, a condition of this nature will be included within the draft set of conditions once these are finalised and submitted to the Expert Panel.

Dewatering effects conclusion

162. Council considers that the potential groundwater take associated with turbine foundation construction is temporary in nature and is expected to involve relatively small volumes of groundwater. The proposed approach of returning intercepted groundwater to the same waterbody or wetland system from which it is taken, together with limits on higher-rate dewatering in proximity to wetland, will maintain the local groundwater balance and minimise the risk of hydrological change to adjacent wetlands.

163. Taking these matters into account, Council consider that the temporary dewatering associated with turbine foundation excavation is likely to result in minimal changes to groundwater levels or wetland hydrology.

Dust effects

164. The assessment of dust effects is set out in Section 7.11 of the AEE. The assessment identifies that dust may be generated during the construction phase as a result of earthworks, vehicle

movements on unsealed surfaces, handling of stockpiled material, and operation of the temporary concrete batching plant.

165. The Application acknowledges that, without appropriate management, wind and vehicle activity could mobilise fine material and generate nuisance dust beyond the construction area. Dust management measures are therefore proposed through the implementation of the Environmental Management Plan (EMP) and Environmental Construction Management Plan (ECMP).

166. In relation to earthworks activities, the Application proposes a range of operational measures intended to minimise dust generation. These include maintaining exposed surfaces in a damp condition through the use of water trucks, limiting vehicle speeds on construction tracks, staging earthworks to reduce the extent of exposed surfaces at any one time, and progressively stabilising disturbed areas through re-vegetation once works are completed. Stabilised site entrances and wheel wash facilities are also proposed to reduce tracking of dust-generating material onto public roads.

167. Dust from stockpiled material is proposed to be managed through wet suppression, limiting stockpile height and slope to reduce wind entrainment, and covering stockpiles where necessary in more sensitive locations. The Application also states that, if dust cannot be effectively controlled through these measures, construction activities may be temporarily suspended during periods of unsuitable weather conditions, such as strong winds.

168. Dust emissions associated with the on-site concrete batching plant are proposed to be managed through engineering controls incorporated into the plant design. These include storage of cement within sealed silos with pneumatic transfer from delivery vehicles, installation of fabric filter dust collection systems on silos and weigh hoppers, and covering or enclosing conveyor transfer and hopper discharge points.

Dust effects conclusion

169. Council notes that the wind farm site is located in a relatively remote and sparsely populated rural environment. There are no identified sensitive receivers in close proximity to the areas where the majority of earthworks and construction activities will occur. As a result, the potential for dust emissions to result in nuisance or adverse effects beyond the site is limited.

170. Council considers the proposed dust management measures are consistent with standard construction practices for projects of this scale and nature. Implementation of these measures through the EMP and ECMP, together with consent conditions enabling works to be modified or temporarily suspended during conditions where dust cannot be adequately controlled, provides an appropriate framework to manage potential effects.

SECTION E: POLICY ASSESSMENT

171. Council considers that the following statutory documents are of relevance to this Application:

- The National Policy Statement for Renewable Electricity Generation 2011 (consolidated with December 2025 Amendments) (**NPS-REG**)
- National Policy Statement for Freshwater Management 2020 (**NPS-FM**)
- Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NES-F**)
- The Operative Regional Policy Statement 2019 (**ORPS 2019**)
- The Proposed Otago Regional Policy Statement 2021 – including Freshwater Instruments 2021 (**pORPS 2021**)
- The Regional Plan: Water for Otago (**RPW**)
- Regional Plan: Waste for Otago (**RPWaste**)

172. The Applicant has provided in A.09 Statutory Assessment a comprehensive assessment of relevant provisions of most of the above-listed statutory planning documents. Council generally agrees with this assessment.

173. Commentary is focused on the areas where Council is not in agreement with the Applicant's assessment, where Council considers that there are omissions in the Applicant's assessment, or where national direction has been updated since the Application was lodged.

174. For completeness, I agree with the applicant assessment within A.09 Statutory assessment, that:

a) The National Policy Statement for Highly Productive Land 2022 ("NPS-HPL") is not considered relevant to the Application as the project site is not located on highly productive land.
b) The National Policy Statement for Indigenous Biodiversity 2023 ("NPS-IB") does not apply as section 1.3(3) of the policy statements that "nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities to renewable electricity generation or electricity transmission."
c) The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 ("NES-CS") and the National Environmental Standards for Sources of Human Drinking Water 2007 ("NES-DW") are not relevant to this application.

175. I note that the National Policy Statement for Infrastructure 2025 (NPS-I), which came into effect on 15 January 2026, is not relevant as section 1.3(1) of the NPS-I states that it does not apply to renewable electricity generation activities and assets managed under the NPS-REG.

SECTION E.1 – NPS-REG

176. The Applicant has provided an assessment of the NPS-REG as it applied at the time of lodgement. Since that time, amendments to the NPS-REG came into force on 15 January 2026, which strengthen and clarify the enabling direction for renewable electricity generation and introduce a revised policy framework.

177. The amendments replace Policies A–D, revoke Policies E1–E4, F and G, and introduce new Policies E and H. As a result, the Applicant's original assessment against the 2011 version of the NPS-REG is no longer relevant.

178. In response to the Expert Panel's further information request dated 16 March 2026, the Applicant has provided a supplementary assessment addressing the amended provisions. This assessment supersedes the original assessment. Council has reviewed the updated assessment and largely agrees with its conclusions. However, Council considers it appropriate to include a high-level assessment of the amended NPS-REG to confirm how the updated provisions apply to the proposal and to identify any remaining areas of uncertainty or disagreement.

179. The NPS-REG recognises the importance of renewable energy and promotes a more consistent approach to balancing the competing values associated with the development of New Zealand's renewable energy resources. Renewable electricity generation (REG) activities are defined in the NPS-REG as:

renewable electricity generation (REG) activities *include the full range of activities required for REG, including small-scale and community-scale REG, including:*

(a) the investigation, construction, operation, monitoring, maintenance, upgrade, repowering, decommissioning and removal of REG assets;

(b) the storage of generated electricity, whether connected to REG, the electricity network or directly to a site or community;

(c) the conveyance of generated electricity to electricity networks or directly to end users;

(d) all ancillary REG activities;

(e) but does not include electricity network assets as defined by the National Policy Statement for Electricity Transmission 2008 and its amendments

180. The amendments insert new definitions for:

a) **ancillary renewable electricity generation activities** which include vegetation clearance and tree trimming, earthworks and land disturbance, and construction, maintenance, repair and upgrading of access tracks, bridges and culverts; and
b) **renewable electricity generation assets** which mean the physical components and structures for REG, including supporting infrastructure required for ancillary REG activities and to generate and store electricity, as well as the infrastructure required to convey electricity.

181. Council agrees with the applicant's assessment that the NPS-REG applies to all renewable energy generation activities associated with the construction and operation of Stage 2 of Puke Kapo Hau.

182. The sole objective of the NPS-REG has been replaced with Objective 2.1, which states that:

(1) 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 wellbeing 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.

183. This objective provides clear direction to enable renewable electricity generation (REG) activities. Council agree with the applicant assessment that the proposal is aligned with this objective. In particular, the objective requires that the national, regional and local benefits of REG activities are recognised and provided for. Council considers that the proposal will enable additional renewable electricity generation capacity, which will contribute to the security and resilience of electricity supply and assist in reducing greenhouse gas emissions and achieving New Zealand's emissions reduction targets. In doing so, the proposal will support the social and economic wellbeing of people and communities.

184. The objective also requires that REG is developed and operated in a safe, efficient and effective manner while managing the adverse effects arising from or on REG activities. As outlined in the effects assessment above, a number of potential adverse effects have been identified, including effects on wetlands, hydrology, water quality and ecology. Council considers that these effects can be appropriately managed through the implementation of the proposed management plans, monitoring requirements and recommended conditions of consent.

185. The NPS-REG amendments replaced policies A – D, revoked policies E, F, G and H and inserted new policies E- H. Council considers that Policies A, B, C, E, and F are relevant to the proposal.

186. For completeness, I have not considered Policies D and H of the NPS-REG to be relevant, given Policy D relates to protecting existing REG assets and activities from other activities, and Policy H relates to reconsenting, upgrading and repowering existing REG assets and activities. The proposal involves the establishment of new renewable electricity generation assets rather than activities that may adversely affect existing REG assets. Accordingly, Policies D and H are not considered directly applicable to the assessment of this proposal.

187. Policy A requires that decision-makers recognise and provide for the national significance and the national, regional, and local benefits of REG activities, and lists the benefits of these activities that must be recognised. Council agrees with the Applicant assessment that the project will achieve a number of the benefits set out in Policy A(2). The Application has demonstrated that the benefits of the proposed REG activity align with the benefits listed in Policy A(2). Of particular relevance is Policy A(2)(h), which requires that decision-makers recognise the benefits of REG activities by:

(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.

188. The Application involves the extension and reconsenting of an existing wind farm that was originally approved by the Environment Court and partially constructed in 2011. The proposal, therefore, locates new renewable electricity generation infrastructure within an established wind generation site and utilises existing infrastructure and access arrangements. In doing so, the proposal avoids the need to establish a new wind farm in an undeveloped location and instead builds upon an existing generation asset.

189. Policy B requires that decision-makers recognise and provide for the importance of enabling cumulative increases of REG capacity and output at any scale and location. Council agrees with the applicant assessment that the Application aligns with this policy as it will contribute to a cumulative increase in REG capacity.

190. Policy C of the NPS-REG directs that decision-makers must recognise and provide for the operational or functional need for REG assets and activities to be in particular locations and environments. It requires decision-makers recognise that the operational 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 and to connect to electricity networks and be nearby to electricity demand;
c) Have sufficient and accessible land available to support current and reasonably foreseeable future REG activities in that particular location.

191. Policy C also clarifies that an assessment of alternative sites is not required to demonstrate that an operational or functional need exists. Council considers that the Application is consistent with, and supported by, Policy C and agrees with the applicant that:

a) The site is already consented for a large-scale wind farm, and the suitability of the wind resource has been established through the previous Environment Court process.
b) The proposal represents a refinement within the existing wind farm footprint, rather than a new location.
c) The site is located in proximity to existing national transmission infrastructure, enabling connection to the electricity network.
d) The topography, wind exposure, and available land area collectively support the layout and operation of turbine infrastructure at a scale necessary to achieve the project's generation capacity.

192. At a more granular, site-specific level, Council accepts that the layout and supporting infrastructure, including access tracks, turbine platforms, and stream crossings, are driven by the functional and operational requirements of the proposal. These elements reflect the need

to safely transport and install turbine components, respond to site topography and ground conditions, and maintain operational efficiency over the life of the wind farm.

193. Policy E requires that Māori interests are recognised and provided for, including taking into account any engagement with tangata whenua. As outlined in paragraphs 41 - 44, the relevant iwi authorities, treaty settlement entities and Papatipu Rūnaka have been invited to provide comments on the application, and their views will be an important consideration for the Expert Panel in accordance with this policy.

194. Policy F is relevant to the effects of the proposed wind farm and sets out how the effects of the proposed activities are to be managed as follows:

> *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.*
> *5) When considering any residual adverse effects of REG assets and activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation, including measures or compensation that benefit the local environment and community affected.*

195. Policy F requires decision-makers to enable REG assets and activities in all locations and environments, including in or near natural inland wetlands. Particular regard must be given to adaptive management measures, and where residual adverse effects cannot be avoided, remedied or mitigated, decision-makers must have regard to offsetting measures or environmental compensation that benefit the local environment and community.

196. Council agrees with the Applicant's assessment that Policy F is particularly relevant to the application, specifically in relation to the two instances where there is a functional need to cross Wetland 43 and the Lee Stream tributary. Council also agrees that the definition of renewable electricity generation activities includes ancillary components such as access tracks, bridges, and culverts, which are integral to the operation of the wind farm and are therefore appropriately considered within the scope of the policy.

197. In relation to Policy F(2), Council agrees that the most relevant complementary direction for regional consenting is provided by the NPS-FM and the pORPS 2021. Council places less reliance on the ORPS 2019 and the Regional Plan: Water for Otago, as the relevant provisions of the pORPS 2021 are now operative and provide more directive and up-to-date policy guidance.

198. With respect to Policy F(3), Council considers that, within the areas, environments and values provided for in section 6 of the Act, the management approach proposed in the Application will ensure that adverse effects of the activities are avoided, remedied, or mitigated.

199. Policy F(4) requires particular regard to be given to adaptive management when addressing adverse effects. This is especially relevant where there is uncertainty regarding the effectiveness of proposed mitigation measures, including in relation to wetland effects, fish passage, and erosion and sediment control.

200. Council does not agree with the Applicant's statement in paragraph 46 of the RFI response that "adaptive management is not proposed as part of Stage 2 of Puke Kapo Hau". This appears inconsistent with the remainder of the paragraph, which states that the proposed regional consent conditions include monitoring requirements and the ability to adjust construction methods if necessary to appropriately manage effects, which appears to acknowledge that some form of adaptive management is proposed as part of the regional consent framework.

201. In particular, the inclusion of defined monitoring triggers, regular site-based assessment, and feedback mechanisms to inform corrective actions, provides greater certainty that effects can be identified and managed. Subject to conditions of consent that clearly articulate performance standards, monitoring requirements, and response actions, Council is satisfied that an appropriate adaptive management framework can be incorporated into conditions of consent.

202. Policy F(5) recognises that where adverse effects cannot be avoided, remedied or mitigated, regard must be given to offsetting or compensation measures, including those that benefit both the environment and the affected community. The proposal will result in residual effects on wetlands and associated freshwater values that cannot be fully avoided through design and mitigation measures. The Applicant has proposed a suite of wetland restoration, enhancement, and compensation measures to address these effects, including the establishment of new wetland areas and ecological enhancement sites, together with long-term monitoring and management.

203. When read alongside the NPS-FM (assessed further in the section below), Policy F of the NPS-REG provides a more enabling framework, recognising that some residual adverse effects of renewable electricity generation activities may remain, provided that appropriate offsetting or compensation measures are applied. In this context, Council considers that the proposal is generally consistent with the direction of Policy F, subject to the resolution of the matters outlined above and the imposition of appropriately framed consent conditions. These conditions will need to clearly define the proposed ecological outcomes, including measurable performance standards, monitoring and reporting requirements, and long-term protection mechanisms, to ensure that the proposed offsetting and compensation measures are effective and enforceable in practice.

SECTION E.2 – NPS-FM

204. RMA s104(2F) states that when considering an Application and any submissions received, a consent authority must not have regard to clause 1.3(5) or 2.1 of the NPSFM 2020 (which relates to the hierarchy of obligations in the NPSFM 2020).

205. FTAA Schedule 5 clause 17(1)(b) provides that a panel must take into account provisions in part 6 of the RMA that direct decision making but excluding s104D of that Act.

206. RMA s104(2F) is a provision that directs decision-making that is not exempt from the Expert Panel's assessment matters. Consequently, Council has not assessed the Objective of the NPS-FM.

207. Council generally agrees with the Applicant's assessment against the relevant policies of the NPS-FM as set out in the substantive application. However, Council considers it appropriate to include a discussion clarifying the relationship between the effects management hierarchy in the NPS-FM and that in the NPS-REG.

208. Council considered Policy 6 of the NPS-FM is relevant to the project, it states:

> *There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.*

209. Part 3 of the NPS-FM sets out a non-exhaustive list of things that local authorities must do to give effect to the objective and policies of this national policy statement. Council notes that clause 3.22 (1) requires that the loss of extent of natural inland wetlands is avoided, their values protected, and their restoration promoted, but there is an exception for the construction of specified infrastructure if Council is satisfied that:

> *i. The activity is necessary for the purpose of the construction or upgrade of specified infrastructure; and*
> *ii. The specified infrastructure will provide significant national or regional benefits; and*
> *iii. There is a functional need for the specific infrastructure in that location; and*
> *iv. The effects of the activity are managed through applying the effects management hierarchy.*[5]

210. The effects management hierarchy is defined in section 3.21 of the NPS-FM in relation to natural inland wetlands and rivers as:

> *means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:*
> *(a) adverse effects are avoided where practicable; then*
> *(b) where adverse effects cannot be avoided, they are minimised where practicable; then*
> *(c) where adverse effects cannot be minimised, they are remedied where practicable; then*
> *(d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; then*

[5] Section 3.22(1)(b) of the NPS-FM

(e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; then

(f) if aquatic compensation is not appropriate, the activity itself is avoided

211. In accordance with section 3.22 (3) of the NPS-FM Council must ensure that consent is not granted unless:

a) the council is satisfied that:

i. the applicant has demonstrated how each step of the effects management hierarchy will be applied to any loss of extent or values of the wetland (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity values; and

ii. if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate, and

iii. there are methods or measures that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and

b) any consent granted is subject to:

i. conditions that apply the effects management hierarchy; and

ii. a condition requiring monitoring of the wetland at a scale commensurate with the risk of the loss of extent or values of the wetland; and

iii. conditions that specify how the requirements in (a)(iii) will be achieved.

212. The Applicant's assessment against Policy 6 within Appendix A.09 in the Application states that it is not practicable to avoid all effects on natural inland wetlands during construction works. The Application states that the loss of extent of natural inland wetlands has been managed in accordance with the policy direction regarding the effects management hierarchy set out in section 3.22 of the NPS-FM.

213. This assessment has since been superseded by the Applicant's draft amendments to the Application in response to Council's review feedback. In particular, the Applicant has provided additional detail on wetland identification, delineation, hydrology, and the application of the effects management hierarchy, alongside proposed amendments to management plans and construction methodologies.

214. The updated information also outlines a more comprehensive wetland monitoring and management framework, including the use of measurable performance indicators, monitoring programmes, and adaptive management responses to address uncertainty and ensure that wetland hydrology and ecological values are maintained or enhanced over time

215. However, based on the technical review provided by Mr Rossaak, some uncertainty remains as to whether the application of the effects management hierarchy fully meets the requirements of the NPS-FM. In particular, further clarity is required to demonstrate that proposed aquatic offsetting achieves no net loss (and preferably a net gain) of ecological values, including through ecological accounting, clear differentiation between effects on

wetland extent and ecological value, and confirmation that proposed measures are appropriately characterised as offsetting or compensation. Additional certainty is also required in relation to monitoring success criteria, performance standards, and reporting requirements to demonstrate that outcomes will be achieved in practice.

216. Council considers that the effects management hierarchy set out within the NPS-FM must be read alongside the provisions of the NPS-REG outlined above.

217. The NPS-FM requires that adverse effects on natural inland wetlands be managed through the application of the effects management hierarchy, which requires the applicant to demonstrate how each step of the effects management hierarchy will be applied to any loss of extent or values of the wetland. Within the effects management hierarchy, adverse effects must be avoided where practicable, and where avoidance is not practicable, they are to be minimised, remedied, offset, and then compensated. If aquatic compensation is not appropriate, the activity itself is avoided.

218. In contrast, Policy F(5) of the NPS-REG adopts a less prescriptive effects management approach than the NPS-FM. It requires that when considering any residual adverse effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation. It is also framed by Policy F(1), which requires that decision-makers must enable REG assets and activities in all locations and environments.

219. The explanatory note to the NPS-REG clarifies that no national policy statement overrides another, and each must be applied as part of the decision-making framework. When read together, the NPS-REG provides an activity-specific, enabling direction for renewable electricity generation activities, directing decision-makers to enable such activities in all locations and environments, including where section 6 matters are present. While this does not override the requirements of the NPS-FM, it does signal that the presence of section 6 values does not, in itself, preclude development. Instead, it anticipates that some residual adverse effects may occur and directs that these are to be addressed through appropriate offsetting measures or environmental compensation, alongside the application of the effects management hierarchy under the NPS-FM.

220. In this case, while the updated information demonstrates substantial progress in applying the effects management hierarchy, Council considers that full alignment with Clause 3.22 of the NPS-FM remains contingent on resolving the matters outlined above, particularly in relation to ecological accounting, clear distinction between offsetting and compensation, and the specification of measurable outcomes through consent conditions. Subject to these matters being addressed, Council considers that the proposal has the potential to meet the requirements of both the NPS-FM and Policy F(5) of the NPS-REG, which would be Council's preference.

SECTION E.3 – NES-F

221. Approvals are sought under the following regulations:

- Regulation 45 parts (1), (2) and (5) – activities within, or in proximity to, natural inland wetlands
- Regulation 71 – placement and use of culverts

222. Clause (6) of Regulation 45 is directive:

> *(6) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—*
>
> *a) satisfied itself that the specified infrastructure will provide significant national or regional benefits; and*
>
> *b) satisfied itself that there is a functional need for the specified infrastructure in that location; and*
>
> *c) applied the effects management hierarchy.*

223. Council is satisfied that the requirements of Regulation 45(6)(a) and (b) are met, as the proposal involves specified infrastructure that provides significant regional benefits and there is a functional need for the infrastructure in the locations proposed.

224. Council agrees with the Applicant's assessment within the "Response to Further Information Request" dated 16 March 2026 that the Application has a functional need for its location. The additional assessment demonstrates that the wind farm must be located within this environment due to the availability of a viable wind resource, the need for connectivity to the existing electricity network, and the physical and operational requirements of turbine placement and associated infrastructure.

225. For the reasons outlined earlier in the NPS-FM assessment of this report, Council considers that the application of the effects management hierarchy has not yet been sufficiently demonstrated to meet Regulation 45(6)(c). Accordingly, further information and clarification are required before Council can be satisfied that the requirements of Regulation 45(6)(c) has been achieved.

226. In the absence of this information, within an RMA framework, Regulation 45 would preclude the granting of consent for a discretionary activity under this regulation. However, Council acknowledges that this application is being considered under the FTAA. The FTAA establishes an expedited consenting pathway intended to facilitate infrastructure and development projects that deliver significant economic, social, cultural, and environmental benefits for New Zealand. In that context, the Expert Panel must consider the extent to which the proposal contributes to those outcomes, including the role of renewable electricity generation in supporting national energy security and emissions reduction objectives.

227. While the FTAA does not displace the requirement to consider relevant national standards, including the NES-F, its purpose and framework are relevant to the overall assessment,

particularly when weighing the significance of any residual adverse effects against the benefits of the proposal.

228. Council also considers section 85 of the FTAA to be relevant. Section 85 provides that an Expert Panel may decline an approval if it considers that there are one or more adverse impacts associated with the proposal, and those impacts are sufficiently significant to be out of proportion to the project's regional or national benefits. While Council's technical review has identified a number of outstanding matters, including deficiencies in the application of the effects management hierarchy, these are technical in nature. On this basis, Council does not consider that the proposal will result in adverse effects that are sufficiently significant to be out of proportion to the project's regional benefits.

SECTION E.4 – ORPS 2019

229. Council generally agrees with the Applicant's assessment against the relevant provisions of this ORPS 2019. Given all the provisions of the pORPS 2021 that are relevant to the Application are now resolved, Council considers that little weight should be placed on the corresponding provisions of the ORPS 2019.

SECTION E.59 – pORPS 2021

230. At the time of writing this memorandum, all of the relevant provisions of the pORPS 2021 have been resolved. A small number of non-freshwater provisions remain under appeal. These appeals are confined to the UFD – Urban form and development chapter. Council notes that the Clean Appeals Version of the pORPS[6] shows all provisions appealed to the High Court and Environment Court, along with text changes from resolved appeals and Clause 16(2) amendments. In this version, unshaded black text is not under appeal, grey-shaded text is under appeal.

231. Council notes that the focus of the RPS (ORPS2019 and the pORPS2021) assessments in the substantive application relates to the ORPS2019, not pORPS2021, presumably given the timing of the lodgement of the substantive application. However, given all of the provisions relevant to this Application within the pORPS2021 have been resolved, Council considers the Expert Panel should limit their assessment to the direction within the pORPS2021.

232. Following a review of the assessment of both the ORPS2019 and the pORPS2021 within the substantive application, Council generally agrees with the Applicant's assessment. However, as discussed below, Council has provided an additional assessment of ECO-P4, which provides specific direction for the management of biodiversity in relation to specified new activities.

233. The assessment of the ECO chapter within substantive application is limited to ECO-O1 and Policies ECO-P2, ECO-P3, ECO-P6, and ECO-P8. The assessment concludes that the effects management hierarchy has been applied in relation to indigenous biodiversity, and that adverse effects are avoided, remedied, mitigated and compensated for to the extent

[6] https://www.orc.govt.nz/media/qt0lk0fl/clean-appeals-version-porps-21-17-october-2025.pdf

practicable for this regionally and nationally significant infrastructure. The Applicant also states that restoration and enhancement of indigenous biodiversity will occur through the selection and management of the proposed compensation sites. Council notes the substantive application does not contain an assessment of ECO-P4 of the pORPS2021.

234. Council consider that ECO-P3 is not the correct policy of the ECO chapter for assessing renewable electricity generation[7]. Instead of applying the strict avoidance policy test in ECO-P3(aa)-(ae), Council considers that ECO-P4(1AA) is the policy most relevant to the Application within the ECO chapter. It states:

Except as provided for by ECO-P7, maintain Otago's indigenous biodiversity by following the sequential steps in the effects management hierarchy (in relation to indigenous biodiversity) when making decisions on plans, applications for resource consent or notices of requirement for the following activities in significant natural areas, or where they may adversely affect indigenous species and ecosystems that are taoka (but are not specified highly mobile fauna) that have been identified by mana whenua as requiring protection:

….

(1AA) the development, operation, maintenance or upgrade of renewable electricity generation that provides significant national or regional public benefit that has a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka, and alternative sites, methods and designs have been considered under EITEN-P6,

235. Council considers that ECO-P4(1AA) is directly relevant to the proposal, as the Application relates to the development and operation of renewable electricity generation infrastructure that provides significant regional and national public benefit. The proposal also has the potential to adversely affect indigenous biodiversity values, including wetlands and freshwater ecosystems that support indigenous species such as Eldon's galaxias.

236. Policy ECO-P4(1AA) recognises that some activities that provide significant national or regional public benefit, such as renewable electricity generation, may need to be located in areas that contain indigenous biodiversity values. The policy seeks to ensure that, where such activities are proposed, effects on indigenous biodiversity are carefully managed through the sequential application of the effects management hierarchy.

237. As noted in the NPS-FM section above, Council acknowledges that the effects management hierarchy required by ECO-P4(1AA) must be read alongside the enabling direction of the NPS-REG, and also EIT-EN-P6 of the pORPS 2021. EIT-EN-P6 requires the adverse effects of renewable electricity generation to be managed through the application of the effects management hierarchy, while also recognising the functional and operational need for such

[7] The pORPS2021 defines renewable electricity generation as:
"*has the same meaning as in the Interpretation section of the National Policy Statement for Renewable Electricity Generation 2011 (as set out in the box below):*
means generation of electricity from solar, wind, hydroelectricity, geothermal, biomass, tidal, wave, or ocean current energy sources"

activities to locate where the renewable resource exists and where connection to the electricity network is feasible.

238. While ECO-P4(1AA) requires applicants to apply the effects management hierarchy, EIT-EN-P6 qualifies this approach by requiring particular regard to be had to the functional and operational needs of renewable electricity generation activities. Accordingly, Council considers that ECO-P4(1AA) must be applied in a way that recognises both the need to maintain indigenous biodiversity through the effects management hierarchy and the national and regional benefits associated with renewable electricity generation infrastructure.

239. When considering the Application against ECO-P4(1AA) and EIT-EN-P6, as set out in Sections D and E of this report, Council considers that the proposal has made substantial progress in applying the effects management hierarchy, while also recognising the functional and operational need for the wind farm to be located in this environment. The updated information demonstrates that adverse effects on indigenous biodiversity have been avoided where practicable, and otherwise minimised, remedied, or mitigated through design and management measures. Residual effects are proposed to be addressed through a combination of offsetting and compensation measures.

240. However, as identified in the most recent technical review from Mr Rossaak (Appendix A1), some uncertainty remains regarding the application of the effects management hierarchy, particularly in relation to ecological accounting, the distinction between offsetting and compensation (including how stream extent and ecological value are addressed), and whether the proposed measures are sufficient to demonstrate no net loss of biodiversity values. In addition, further refinement is required to ensure that monitoring frameworks and management plans include clearly defined performance standards, measurable outcomes, and appropriate reporting and response requirements.

241. Subject to these matters being addressed and appropriately secured through consent conditions, Council considers that the proposal has the potential to be consistent with the intent of ECO-P4(1AA) and EIT-EN-P6.

242. For completeness, Council notes that the substantive application does not contain an assessment of the Policy LW-FW-P12. Policy LW-FW-P12 states:

Identify outstanding water bodies and their significant and outstanding values in the relevant regional plans and district plans and protect those values.

243. Outstanding water bodies are defined in the pORPS 2021 as:

has the same meaning as in clause 1.4 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below) means a water body, or part of a water body, identified in a regional policy statement, a regional plan, or a water conservation order as having one or more outstanding values.

244. Given that the Lee Stream tributary is not identified in a regional policy statement, a regional plan, or a water conservation order, it is not an outstanding water body for the purposes of LW-FW-P12.

SECTION E.6 – RPW

245. Council generally agrees with the Applicant's assessment against the relevant provisions of this RPW, except that the Applicant has not assessed Policy 10A.2.2, which is particularly directive:

10A.2.2 Irrespective of any other policies in this Plan concerning consent duration, only grant resource consents for takes and uses of freshwater, where this activity was not previously authorised by a Deemed Permit or by a water permit expiring prior to 31 December 2025, for a duration of no more than six years.

246. Council also advises the Expert Panel that the Resource Management (Consenting and Other System Changes) Amendment Act 2025 includes changes specific to water permits in Otago, and the RPW now contains the following note above Policy 10A.2.2:

Note: In addition to Policies 10A.2.2 and 10A.2.3, sections 127A, 127B and 127C of the RMA apply.

247. Council therefore generally agrees with the Applicant's assessment against this plan, except that the Applicant has applied for water permits with 15-year terms for the temporary diversion of the Lee Stream tributary during culvert construction, and for groundwater takes associated with construction dewatering. This is contrary to Policy 10A.2.2.

248. Policy 10A.2.2 was introduced to the RWP through Plan Change 7 as an interim measure, with the intention of limiting consent durations for freshwater takes to short-term consents while the new Land and Water Regional Plan was being prepared, which at the time was anticipated to be operative by 31 December 2025.

249. While granting water permits for a duration of 15 years as sought would be contrary to Policy 10A.2.2, Council notes that the nature of the proposed water takes is temporary and construction-related. The diversion of the Lee Stream tributary and the associated groundwater takes for dewatering are limited to the construction phase of the project and will not result in an ongoing abstraction of water resources over the duration of the consent.

250. In this context, the effects on the resource are short-term and limited in duration, notwithstanding the longer consent term sought. There is a clear distinction between the duration of the consent, and the duration of the actual water take activity. While the proposal is technically inconsistent with Policy 10A.2.2 in terms of the consent duration sought, the temporary and construction-related nature of the activity reduces the significance of this inconsistency. This is particularly the case where appropriate conditions of consent can be imposed to limit the exercise of the water permits to the construction period only.

SECTION E.8 – RPWaste

251. The Applicant has assessed the proposal against the RPWaste with respect to the Hazardous Substances and Hazardous Wastes. Council considers that the Application is consistent with the relevant provisions of the RPWaste, and notes that none of these provisions are particularly directive.

SECTION F: OTHER MATTERS

252. FTAA Schedule 5 Clause 17 part (b) directs a panel to take into account any provisions of parts 2, 3, 6, 8, 9, and 10 of the RMA that direct decision making on a resource consent application. This includes consideration of any other matter the consent authority considers relevant and reasonably necessary to determine the application as provided for in RMA s104(1)(c).

253. Council does not consider that there are any other matters under section 104(1)(c) of the RMA that are relevant and reasonably necessary to determine this application beyond those identified above.

SECTION G: PURPOSE AND PRINCIPLES OF THE RMA

254. The statutory direction for an Expert Panel to take into account key provisions of the RMA includes consideration of Part 2 of the RMA.

255. The Applicant has included a comprehensive Part 2 assessment within the application. Based on the updated information provided, Council is satisfied that the outstanding matters have been appropriately addressed. Subject to the recommended conditions of consent, Council agrees with the Applicant that the proposal will meet the sustainable management purpose of the RMA.

256. Council limits its conclusions in this regard to matters that it has directly assessed and peer reviewed. Council consider that mana whenua are best placed to determine whether the following have occurred:

- Recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.[8]
- Have particular regard to kaitiakitanga.[9]

257. Council considers that CDC are best placed to assess whether the outstanding natural features and landscapes identified in their district plan are protected from inappropriate subdivision, use, and development.[10]

SECTION H: SECTIONS OF THE RMA, AND OTHER LEGILSATION UNDER THE RMA, THAT DIRECT DECISION MAKING

[8] RMA s6(e) matter of national importance
[9] RMA s7(a) other matter
[10] RMA s6(b) matter of national importance

258. Council has considered the relevant sections of the RMA, and subsidiary statutory documents, which direct decision making, and makes the following observations:

a) RMA s87A(6) – Prohibited Activities
   - The Application does not seek approval for any activity that would be prohibited.

b) RMA s105 – Matters relevant to certain applications
   - The matters traversed by this section are adequately discussed throughout the Application and supporting documents.

c) RMA s106A – Consent authority may refuse land use consent in certain circumstances
   - Council does not consider that there is a significant risk from natural hazards that is relevant to the construction-phase approvals for land use activities (that would otherwise require regional resource consents).

d) RMA s107 – Restriction on grant of certain discharge permits
   - Council does not consider that the discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water is likely to result in any of the effects listed in s107(1)(c)-(g). Consideration of the exemption clauses is therefore not required.

e) RMA s123 – Duration of consent
   - Refer to paragraphs 267-274 below.

f) RMA s127B Duration of new water permits under Regional Plan: Water for Otago must not exceed 6 years
   - If the approval to take and use groundwater is granted, this section directs that it be approved for a maximum of six years. There are no relevant exemption pathways, and this section overrides any provision in the RPW that applies to the duration of a water permit authorising the taking or use of water. The Applicant has applied two water permits with a 15-year term. Refer to paragraphs 267-274 below for further discussion.

g) NES-F Regulation 45 – Discretionary Activities (Natural Inland Wetlands)
   - Council considers that uncertainty remains regarding the application of the effects management hierarchy. Accordingly, further information and clarification are required before Council can be satisfied that the requirements of Regulation 45(c) have been achieved. Refer to paragraphs 225-228 for further discussion.

SECTION I: CONSENT CONDITIONS

259. Section 83 requires that conditions be no more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

260. Council has focused on the conditions that relate to the approvals that would otherwise be granted by Otago Regional Council.

261. Council confirms, as set out in paragraphs 21 to 23 of these comments, that it is willing to continue refining conditions, including working collaboratively with the Applicant and other parties if directed by the Expert Panel. While Council has reviewed the conditions included within the substantive application and provided suggested amendments, the recent draft updates to the application and associated management plans (provided to Council on 17 March 2026) require further work to ensure alignment with the updated documents.

Section I.1 Applicant's Volunteered Conditions

262. Generally, Council considers that the Applicant's volunteered consent conditions are broadly appropriate, and Council has used these as the basis for continuing work on the suggested consent conditions.

263. As noted in Section B: Introduction above, Council considers the conditions of consent to be still a work in progress. Council consider further amendments are required to reflect the applicant's recent proposed changes to the substantive application and management plans.

Management Plans

264. Management plans are particularly useful for projects of material scale and complexity, that extend across multiple stages over a number of years. Council considers that such plans are appropriate in cases where imposing a standard condition of consent may not give sufficient flexibility to manage an adverse effect and/or where a level of detail is required that would be inappropriate in a consent condition.

265. Where a management plan is required by a condition of consent, Council considers that the plan must have a clear objective, or objectives, and the condition itself must state the objective and any matters that the management plan must cover, including any limits or parameters.

266. Council agrees that the Applicant has appropriately proposed a suite of management plans to address a range of potential effects arising from the proposal. Council's technical experts have reviewed the updated plans and consider that they have largely addressed the matters raised in earlier reviews. However, further work is required to ensure that the key outcomes, performance standards, monitoring requirements, and response actions contained within these management plans are clearly translated into the proposed consent conditions. This is necessary to ensure that critical matters are not deferred to a later stage or to other decision-makers, and that the conditions provide sufficient certainty and enforceability.

Consent Duration

267. Section 123 of the RMA applies to a decision of the Panel on the consent.[11]

268. The Applicant seeks the following consent durations:

[11] FTAA Schedule 5, Clause 17, part (7).

- A 35-year consent duration for the operational phase activities associated with the wind farm. These include the operation and maintenance of infrastructure and associated activities authorised under the regional consents. The Applicant states that a longer consent duration is required to provide certainty for the significant capital investment associated with the wind farm and its associated infrastructure.
- A 15-year lapse period for the consents relating to construction activities, including works associated with culvert installation, earthworks, and associated disturbance of wetlands and watercourses. The Applicant considers that this timeframe is required to allow sufficient flexibility for staging of construction and completion of all components of the project. Council refers to these as construction phase activities.

269. Should the Expert Panel be minded to grant the approvals, Council considers that the proposed consent durations are appropriate having regard to the scale of the proposal, the significant investment required to construct and operate the wind farm, and the long operational life of renewable electricity generation infrastructure. The proposed durations also provide appropriate certainty for the construction and operation of the wind farm and its associated infrastructure.

270. The applicant seeks Water permits to take groundwater for the purpose of dewatering construction sites and to temporarily divert Lee Stream Tributary whilst erecting a culvert, both for 15 years.

271. As noted in the assessment of the RWP above, Council advises that s127B of the RMA limits the term of any new water permit to take and use water to six-years.[12]

272. Council has not identified any effects management reason that would require the term of the water permits to be limited to six years in this case. The proposed takes are small in scale and temporary, as they are limited to the take of groundwater for the purpose of dewatering construction sites and the temporary diversion of the Lee Stream Tributary whilst erecting a culvert. On that basis, Council considers that the proposed water take is unlikely to result in significant adverse effects on other users or the wider water resource.

273. Despite these factors, if Council were the decision maker under the RMA, this permit would be granted for six years. However, Council considers that the purpose of the FTAA is also relevant to the Expert Panel's consideration of this proposal.

274. The Act establishes an expedited consenting pathway intended to facilitate infrastructure and development projects that deliver significant economic, social, cultural and environmental benefits for New Zealand. In that context, the Expert Panel must consider the extent to which a longer consent duration would support efficient implementation and operation of the project, while ensuring that any associated adverse effects are appropriately managed.

[12] With the exception of any water permit which replaces a deemed permit associated with hydro-electricity generation infrastructure listed in Schedule 10A.5.1 of the plan on the terms specified in Rule 10A.3.1B of the plan, subject to conditions.

SECTION J: WHEN AN APPROVAL MUST OR MAY BE DECLINED

275. FTAA section 85 sets out when a panel must or may decline an approval.

276. Council has not identified any reasons that the Expert Panel must decline any approval sought (that would otherwise require a regional council resource consent under the RMA).

277. Based on the information provided by the Applicant, Council is satisfied that the proposal appropriately manages adverse effects, including those relating to natural inland wetlands, aquatic ecology, and stormwater and sediment control. While the Council technical reviews have raised a number of outstanding matters, including deficiencies within the Applicant's application of the effects management hierarchy, these are technical in nature and resolvable through amendments to conditions of consent and management plans. Council does not consider that the proposal will result in adverse effects that are sufficiently significant to be out of proportion to the project's regional benefits, noting that Council has not independently verified the economic predictions of the reports.

SECTION K: CONCLUSIONS

278. Council considers that the Application:

- Meets the purpose of the Act, in that it is a development project with significant regional benefits; and

- Will not result in any adverse effects that are sufficiently significant to be out of proportion with the regional benefits, having regard to the proposed avoidance, mitigation, offsetting and compensation measures, together with appropriate conditions of consent which are still being developed by Council staff and the Applicant.

SECTION K: AUTHORS QUALIFICATIONS AND EXPERIENCE

279. My full name is Andrew Cameron Maclennan.

280. I am an Associate at the firm Incite. I hold a Bachelor of Science in Land Planning and Development from Otago University and a Masters of Resource Management from Massey University. I am an Associate Member of the New Zealand Planning Institute and a member of the Resource Management Law Association.

281. I have 15 years' planning experience working in both local government and the private sector. During this time, I have worked in consent processing roles, policy planning roles, and consent applicant roles for a variety of clients.

282. My planning experience includes working for a range of councils, processing regional and district council consents, and drafting provisions for regional policy statements, regional plans, coastal plans, and district plans. I have also drafted associated section 32 evaluation

reports, section 42A reports and undertaken reporting officer roles. I have also prepared evidence for, and appeared in, the Environment Court.

283. Although these comments have been made in the context of the FTAA process, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that these comments are within my area of expertise, except where I state that I am relying on the evidence of another person. I advise that there are no conflicts of interest that would impede me from providing independent advice to the Expert Panel.

284. I am familiar with the site, having attended two site visits.

APPENDICES

- Appendix A - Ecology Memorandum, Moruphum (Andrew Rossaak, Environmental Science Lead), dated 20 January 2026.
- Appendix A1 - Ecology Memorandum, Moruphum (Andrew Rossaak, Environmental Science Lead), dated 27 March 2026.
- Appendix B - Fish Passage Memorandum, River and Fish Engineering Solutions (Paul Morgan), dated 20 January 2026.
- Appendix B1 - Fish Passage Memorandum, River and Fish Engineering Solutions (Paul Morgan), dated 23 March 2026.
- Appendix C - Hydrogeology Memorandum, Stantec (Vanessa Dally, Senior Principal Hydrogeologist), dated 20 January 2026.