

Memorandum

To: Mahinerangi Wind Farm Expert Panel
c/ Environmental Protection Authority

From: Sarah Edwards – Associate and Richard Turner – Partner of Mitchell Daysh

Date: 26 June 2026

Re: Applicant response to Response to Specified Party Comments (Section 70) on FTAA-
2510-1125 Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Fast-track Draft Conditions

The Applicant, Tararua Wind Power, acknowledges receipt of the specified party comments provided in accordance with the Fast-track Approvals Act.

The Applicant's responses to those submissions are set out in the attached appendices as follows:

- > Appendix 1: Response to s70 Comments – Department of Conservation
- > Appendix 2: Response to s70 Comments – Otago Regional Council
- > Appendix 3: Response to s70 Comments – Clutha District Council, Heritage New Zealand Pouhere Taonga, and Sue Keen

The Applicant considers that the matters raised by specified parties, including any accepted or requested amendments to the draft conditions, are comprehensively addressed within the appended response tables.

Should the Panel consider it of assistance, the Applicant can provide a consolidated set of the accepted, amended, and proposed conditions, with tracked changes identifying the revisions discussed.

The Applicant trusts that the information provided will assist the Panel in its deliberations and remains available to provide any further clarification if required.



APPENDIX 1

Response to s70 Comments –
Department of Conservation

Table 1 Department of Conservation comments

Tararua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
Wildlife Act Approval Conditions				
1 Authorised activity (including the species, any approved quantities and collection methods) (Schedule 2, clause 2)	To ensure the impact of the Stage 2 Wind Farm on indigenous avifauna is understood by all relevant parties. Note that the standard practice for a species’ threat status is capitalised. This should occur for wherever Threatened or At-Risk is mentioned in the condition set.	A. Activity: a) [...] b) To collect the carcass of any native bird with a conservation status of tThreatened or aAt- <u>rRisk (Nationally or Regionally)</u> including falcon, found by staff within the Puke Kapo Hau Wind Farm Development Area and undertake necropsy to establish cause of death where it is undetermined and may be related to the operational wind farm.	Agreed	N/A
1B(a)	Update as necessary to ensure management plans are the latest versions.	B. Methodology: a) The methods set out in the following management plans including in Part C of the application documents: i. C.14 Avifauna Management Plan dated 02 April 2026, version 6: and ii. C. 15 Lizard management Plan dated 08 April 2026, version 2.	Acknowledged but note no change is necessary.	NA
3 Personnel Authorised to undertake the Authorised Activity (Schedule 2, clause 3)	The proposed amendment would provide DOC, as Grantor, with certainty that the Authorised Activity is being undertaken by suitably qualified and experienced people, or under their supervision.	Activities A.(a) and BA.(b) c) Any Level 3 NZNBBS certified operator with documented eastern falcon experience; d) Any suitably qualified and experienced person <u>under the supervision of the person in (a)</u> Activity CA.(c) Tony Payne, herpetologist of Blueprint Ecology; or any suitably qualified and experienced person <u>with equivalent qualifications and experience and approved in writing by the Grantor.</u>	Agreed, in principle, provided that DOC respond in a timely manner.	Activities A.(a) and BA.(b) a) Any Level 3 NZNBBS certified operator with documented eastern falcon experience; b) Any suitably qualified and experienced person under the supervision of the person in (a) undertaking <u>Activity A.(b)</u> Activity CA.(c) a) Tony Payne, herpetologist of Blueprint Ecology; or any suitably qualified and experienced person <u>with equivalent qualifications and experience and approved in writing by the Grantor. Written confirmation by the Grantor must be provided within 5 working days from notification by the Authority Holder.</u>

Tararua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
		Activity A.(a) of Item 1 above [10 years from date of approval] Activities A(b) of Item 1 above [30 years from date of approval] Activities A(c) and A(d) of any Item 1 above [10 years from date of approval]		
6 Department of Conservation’s (the Grantor’s) address for – notices – (Schedule 2, Clause 7)	The Ōtepoti Dunedin office is geographically closest to the site, is where the Coastal Otago District Operations Manager is located, and this office is referred to elsewhere in the draft Approval.	Murihiku / Invercargill <u>Ōtepoti/ Dunedin</u> Office Physical: 7th Floor, CUE on Don, 33 Don Street, Invercargill 9810 <u>Level 1 John Wickliffe House, 265 Princes Street, Dunedin 9016</u> Postal: PO Box 743, Invercargill 9840 <u>PO Box 5244, Dunedin 9054</u> Phone: 0800 275 362 Email: invercargill@doc.govt.nz <u>dunedinoffice@doc.govt.nz</u>	Agreed	N/A
SCHEDULE 3, 3	The proposed amendment would provide DOC, as Grantor, with certainty that the Authorised Activity is being undertaken by suitably qualified and experienced people and would provide consistency with Schedule 1 item 3.	Lizards must only be handled by Authorised Personnel Tony Payne or any other suitably qualified or experienced person <u>with equivalent qualifications and experience approved in writing by the Grantor.</u>	Agreed, in principle, provided DOC respond in a timely manner.	Tony Payne, herpetologist of Blueprint Ecology; or any suitably qualified and experienced person <u>with equivalent qualifications and experience and approved in writing by the Grantor.</u> Written confirmation by the Grantor must be provided within 5 working days from notification by the Authority Holder.
SCHEDULE 3, 4	To protect regionally Threatened and At Risk avifauna, consistent with the purpose of the Wildlife Act 1953.	4. The Authority Holder must undertake avoidance, remediation, mitigation, offsetting and compensation measures for falcon, native birds with a threat classification of at-risk or threatened <u>(Regionally or Nationally)</u> , and lizards in accordance with the resource consent conditions and associated management plans for the Puke Kapo Hau.	Agreed	N/A
SCHEDULE 3, 6	To protect regionally Threatened and At Risk avifauna, consistent with the purpose of the Wildlife Act 1953.	6. The Authority Holder must only undertake the collection of the carcass of any native bird with a conservation status of threatened or at-risk <u>(Regionally or Nationally)</u> , including falcon, as set out in the Avifauna Management Plan.	Agreed	N/A
SCHEDULE 3, 16	To protect any other lizard species not listed in Schedule 4, consistent with the purpose of the Wildlife Act 1953.	Should any lizard species other than those listed in Schedule 4 be identified within the Puke Kapo Hau Project site, the Authority Holder <u>must immediately cease any</u>	Agreed, provided Schedule 4 is unchanged from the original list.	N/A

Taratua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
		works that may affect the lizard or their habitat and notify contact the local Operations Manager of the Department's Coastal Otago Office and the National Lizard Technical Advisory Group (LizardTAG@doc.govt.nz) as soon as reasonably possible for further advice. A variation of this Approval or separate authorisation application will may be required before any further action is undertaken in relation to the species, to capture, salvage, relocate or kill non-authorised species.		
SCHEDULE 3, 20	The proposed amendment would provide DOC, as Grantor, with certainty that any mortality of protected wildlife authorised under the approval is identified and reported promptly, enabling the DG to monitor the effects of the authorised activity and any emerging mortality trends.	If any lizards is found dead, the Authority Holder must notify the Department's Coastal Otago District office within 24 hours and provide any known details relating to the animal and the circumstances of death. These details shall and also be should die during the Authorised Activities of catch, transfer or liberate, the Authority Holder must included details of this in the annual reporting as per condition 25 26 of this approval.	The Applicant does not accept the proposed amendment. The Lizard Management Plan already anticipates a level of mortality arising from the catch, transfer and liberate process. This is a known and budgeted residual effect, the consequences of which have already been addressed through the offset and compensation measures secured under this approval. The proposed 24-hour individual notification requirement does not alter that assessment, nor does it provide the Director-General with any information material to the exercise of their functions that is not already captured, in aggregate, through annual reporting under condition [26]. Annual reporting is a proportionate and sufficient mechanism for monitoring mortality trends across the duration of the Authorised Activities. A case-by-case notification obligation imposes a disproportionate administrative burden without a corresponding regulatory benefit.	The Applicant requests that the condition be retained in its original form, with mortality recorded via annual reporting under condition [26] only.
SCHEDULE 3, 21	To protect regionally Threatened and At Risk avifauna, consistent with the purpose of the Wildlife Act 1953.	21. If any kārearea / New Zealand falcon-Threatened or At Risk (Regionally or Nationally) native bird species is found dead, or dies during the Authorised Activity, the Authority Holder must notify the Department's Coastal Otago Operations Manager within 24 hours. The carcass must be photographed, sent to Wildbase Pathology (Massey University) for necropsy, and if a falcon logged using the Falcon Mortality Record Datasheet, in accordance with the Avifauna Management Plan. The Authority Holder must provide the necropsy official results to the DOC Science Team and the Coastal Otago Operations Manager within 24 hours of receipt.	Agree with amendment to include Regionally or Nationally At Risk or Threatened native bird species, clarification around Wildbase Pathology Massey University, and clarification around logging falcon using the Falcon Mortality Record Datasheet. Disagree with reporting timeframe. During consultation with DOC and outlined in the Avifauna Management Plan (AMP), it was agreed that necropsy results would be provided to DOC within five working days of receipt from Wildbase. A five working day reporting period enables results to be sent on to DOC in a reasonable timeframe.	The Applicant requests that if the condition is amended to include a timeframe for necropsy results to be sent on to DOC that they reflect those in the Avifauna Management Plan which are five working days. 21. If any kārearea / New Zealand falcon-Threatened or At Risk (Regionally or Nationally) native bird species is found dead, or dies during the Authorised Activity, the Authority Holder must notify the Department's Coastal Otago Operations Manager within 24 hours. The carcass must be photographed, sent to Wildbase Pathology (Massey University) for necropsy, and if a falcon logged using the Falcon Mortality Record Datasheet, in accordance with the Avifauna

Tararua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions

Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
				Management Plan. The Authority Holder must provide the necropsy official results to the DOC Science Team and the Coastal Otago Operations Manager within 24 hours five working days of receipt.
SCHEDULE 3, 22	This condition can be deleted as, given the requested changes to Schedule 3, 21 (as above), this condition is no longer required.	22. If any threatened or at-risk native bird (excluding kārearea / NZ falcon) is found dead or dies during the Authorised Activity, the Authority Holder must notify the Department's Coastal Otago Operations Manager as soon as reasonably practicable, and no later than 24 hours after discovery. If required by the Grantor, the carcass must be sent to Massey University Wildlife Post-Mortem Service for necropsy, in accordance with the Avifauna Management Plan.	Agree, DOC (the Grantor) have indicated below that they are going to require all At Risk and Threatened avifauna carcasses to be sent for necropsy, therefore this Condition is unnecessary.	N/A
SCHEDULE 3, 23	Condition 20 doesn't require a necropsy, condition 22 is proposed to be deleted, and a necropsy is always proposed to be required under condition 21. The wording should be 'required' as this is mandatory under condition 21, and if condition 22 does remain (not DOC's preference) then necropsy is mandatory if required by the Grantor.	23. If in accordance with condition 20, 21, or 22 a necropsy is requested required, the Authority Holder must, if requested by the Grantor: a. Ensure that the body is to be chilled if it can be delivered within 24 hours, or frozen if it will take longer than 24 hours to delivery. b. Discuss with the Grantor's Dunedin office, whether it is necessary to halt all further handling until full investigations of death(s) occur. c. Pay for any costs incurred in investigation of the death.	Agree, DOC (the Grantor) have indicated that they are going to require all At Risk and Threatened avifauna carcasses to be sent for necropsy and so the amendment of requested to required avoids unnecessary back and forth between the Authority Holder and the Grantor.	N/A
SCHEDULE 3, 24 Euthanasia	Delete existing condition 24 and replace with two separate conditions to manage euthanasia of lizards and birds slightly differently. The proposed amendment differentiates between lizards and birds to reflect the expertise available under the Authority and the differing conservation considerations for those taxa. The Lizard specific condition allows for qualified herpetologist to undertake euthanasia of non-threatened lizards consistent with Animal Welfare	The Authority Holder must not euthanise any wildlife unless the Authority Holder acting in accordance with section 11 Animal Welfare Act 1999: (a) Consults with the Captive Management Co-ordinator (as applicable) and obtains the consent of the Grantor; or (b) Obtains the recommendation of a veterinarian where euthanasia is on animal welfare grounds; or	Avifauna: Disagree, in relation to avifauna the proposed Condition 25 provides some clarification to the draft Condition, however, it omits the key wording around the Authority Holder and leaves it uncertain who is authorised to undertake the euthanasia. Lizards: The Applicant partially accepts the proposed amendment; however, all species that are suffering unreasonable or unnecessary pain or distress should be humanely euthanised.	The Authority Holder must not euthanise any wildlife unless the Authority Holder acting in accordance with section 11 Animal Welfare Act 1999: a. Consults with the Captive Management Co-ordinator (as applicable) and obtains the consent of the Grantor; or b. Obtains the recommendation of a veterinarian where euthanasia is on animal welfare grounds; or

Tararua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions

Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
	Act s11. Birds are afforded more Departmental oversight due to their conservation status and Department’s obligations under Wildlife Act 1953. NB: New numbering subsequent to insertion will be required if this proposed amendment is accepted.	Carries out the euthanasia under direction from the Grantor and in consultation with the Captive Management Co-ordinator (as applicable) 24. <u>In accordance with the Animal Welfare Act 1999, section 11, the Authority Holder may euthanise lizards in their care if the wildlife is:</u> a. <u>Suffering unreasonable or unnecessary pain or distress; and</u> b. <u>Is seriously ill or permanently injured and unlikely to survive in the wild; and</u> c. <u>A species classified as Not Threatened; and</u> d. <u>The Authority Holder’s appointed Herpetologist has the skills to humanely euthanise.</u> Insert new condition 25 (with numbering to be updated accordingly): <u>New 25. Injured native birds, including kārearea / New Zealand falcon and any Threatened or At-Risk species, must not be euthanised unless:</u> a. <u>a veterinarian recommends euthanasia on animal welfare grounds; or</u> b. <u>euthanasia is undertaken under the direction of the Department.</u>	DOC’s classification of At Risk or Threatened does not justify unreasonable suffering or unnecessary pain or distress where an animal is seriously or permanently injured and is unlikely to survive in the wild. It is noted that tussock skink, a widespread and abundant species, is currently considered by DOC to be At Risk is within the project footprint and therefore would be subject to inhumane treatment if this situation arises.	Injured native birds, including kārearea / New Zealand falcon and any Threatened or At-Risk species, unless: a. a veterinarian recommends euthanasia on animal welfare grounds; or b. euthanasia is undertaken under the direction of the Department. <u>In accordance with the Animal Welfare Act 1999, section 11, the Authority Holder may euthanise lizards in their care if the wildlife is:</u> a. <u>Suffering unreasonable or unnecessary pain or distress; and</u> b. <u>Is seriously ill or permanently injured and unlikely to survive in the wild; and</u> c. A species classified as Not Threatened; and d. <u>The Authority Holder’s appointed Herpetologist has the skills to humanely euthanise.</u>
SCHEDULE 3, 31.h	Clarification to ensure suitably qualified and experienced professionals are managing work with a Threatened species.	[...] h. A nominated Wildlife Marking Operator, certified <u>at Level 3</u> under the New Zealand National Bird Banding Scheme (NZNBBS) for the capture and marking of the species in question, must oversee and be accountable for the Authorised Activity. Level 2 operators may operate without direct supervision, but must operate under the general direction of a Level 3 Certified operator. Level 1 operators must be directly supervised by a Level 3 Certified operator. All operators capturing or marking birds must be registered with the NZNBBS.	Agreed.	N/A

Tararua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions

Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
SCHEDULE 3, 32.a	The Avifauna Management Plan stated the change from 5 km to 3 km was based on the Golder 2013 report (Section 4.1.1). The evidence of Stephen Fuller, paragraph 66, states it is in the Golder 2012 report. Reference to the 3 km and 5 km boundary has been located within the Golder 2012 report. This 2012 report recommends to ‘continue to locate all nests within a 5 km radius of the wind farm envelope, but focus efforts within the 3 km’ (Section 7.0, Recommendations, pg. 24). Therefore, it is recommended that, for management measures, while the focus should be within 3 km of the wind farm envelope, this should not be restricted to only 3 km and allow for activities out to 5 km.	Transmitters may be attached to up to 25 Eastern falcons captured within 3 <u>5</u> km of the Project Site. The combined weight of the device (including harness or base plate) plus any other marks on the bird should not exceed 3% of its body weight. The Authority Holder shall use best practice transmitter harnesses and attachment methods.	The Applicant disagrees with this amendment. As outlined previously in Section 5.0 Discussion (page 22) of the Golder 2012 Report, the authors conclude the following: “The home range data also indicates that falcon pairs which nest on the outer edge of the 5 km buffer zone have very little use of the MWF area. Therefore, the key pairs to locate and monitor for assessment of effects are pairs that nest in the MWF area or within 3 km of the MWF envelope.” The suggested amendment creates confusion around where efforts should be focused on locating falcon, the suggested amendment has the potential to reduce search efforts for pairs within 3 km that the Golders 2012 Report clearly states are the key pairs to locate and monitor to assess potential effects resulting from MWF. Based on the challenges locating falcon nests within the key periods of the breeding season, efforts are best placed on locating the falcon most likely to be impacted by Stage 2 of MWH i.e. falcon inside and within 3 km of the MWF envelope. Requiring search effort beyond 3 km will reduce the search effort for falcon most likely to be impacted and has the potential to reduce the efficacy of the falcon monitoring program.	The Applicant requests that the condition be retained in its original form, so that transmitters may be attached to up to 25 Eastern falcons captured within 3 km of the Project Site. This issue has been thoroughly canvassed in TWP’s response to s51 and s53 comments with the Panel accepting TWP’s position.

Tararua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions

Condition Number	DOC Comment Summary	DOC Track-changed suggestions			TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
SCHEDULE 4	DOC considers Burgan skink and Otago green skink should be excluded from the approval because both parties accept they are very unlikely to be present and the Applicant’s surveys and habitat assessment do not support a credible likelihood of their occurrence. DOC rejects reliance on the LMP, as it is directed at Not Threatened lizards and expressly excludes Threatened species. If either species is found, DOC says works should stop in the immediate area and a variation or separate authorisation, supported by species-specific management, should be required. DOC also considers the proposed release site unsuitable for these species, and notes Schedule 3 condition 16 already provides a process for dealing with any unexpected discovery.	Common Name	Scientific Name	NZ Threat Classification	The Applicant does not accept the proposed amendment to remove Burgan skink and Otago green skink from Schedule 4. DOC's stated basis is that the LMP's general salvage approach is not a bespoke response to the potential presence of Threatened species. This mischaracterises the LMP. Section 4 of the LMP states that no Threatened lizard species (as opposed to At Risk Declining) are likely to inhabit the development footprint, and that no Threatened species are applicable to this LMP on that basis. It does not assert that no contingency exists should a Threatened species nonetheless be encountered. Section 12 of the LMP expressly addresses the low likelihood scenario. A precautionary approach has been adopted, including a pre-determined release site suitable for all possible species that could be encountered, and a contingency under which salvage effort is increased in both the number of devices and methods deployed, at the discretion of the project herpetologist, if any species other than tussock skink or McCann's skink is encountered. The objective is to salvage as many individuals of that species as practicable. This is a bespoke, scalable response calibrated to the very low likelihood of encounter and is an appropriate and proportionate mechanism rather than the absence of one. DOC's further basis, that the release site is inadequate for these species in terms of altitude, habitat, competitive pressure, and the absence of a resident population to recruit into, is not supported and reflects an internal inconsistency in DOC's reasoning. The release site is at the same altitude as the impact site, so altitude cannot logically be the basis for treating one as suitable and the other as not. The impact site is more degraded, subject to ongoing farming and human disturbance, while the release site has been left to regenerate undisturbed for approximately 15 years and is of materially higher habitat quality. If DOC accepts that Burgan skink or Otago green skink could plausibly occur at the lower quality, actively farmed impact site, it is not coherent to then assert that the higher quality, undisturbed release site at the same altitude is unsuitable for the same species. The release site is, on any objective comparison, the better habitat of the two.	N /A
		McCann’s skink	<i>Oligosoma maccanni</i>	Not threatened		
		Tussock skink	<i>Oligosoma chionocholescens</i>	At Risk - Declining		
		Kōrero gecko	<i>Woodworthia “Otago/Southland large”</i>	At Risk - Declining		
		Jewelled gecko	<i>Naultinus gemmeus</i>	At Risk - Declining		
		Burgan skink	<i>Oligosoma burganae</i>	Threatened—Nationally Endangered		
		Herbfied skink	<i>Oligosoma murihiku</i>	At Risk - Declining		
		Otago green skink	<i>Oligosoma aff. chloronoton “eastern Otago</i>	Threatened—Nationally Critical		

Tararua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
			The release site is also well below carrying capacity, such that competitive pressure is expected to be low and would remain low even accounting for a translocated population. Given this habitat quality, it is plausible that a resident population of these species, if present in the landscape, could have already colonised the release site, which would further support successful establishment rather than detract from it. The release site also benefits from predator control, which is absent at the impact site. On every relevant criterion, the release site is the more suitable environment, not the less suitable one. Any residual effects on Burgan skink or Otago green skink arising from the project have, in any event, already been addressed through the significant offset and compensation measures secured under this approval. Removing these species from Schedule 4 would not alter that position. It would instead mean that, in the unlikely event either species is encountered, works would need to cease and the applicant would need to engage in an extensive process seeking a variation or separate approval before any capture, salvage, relocation, or incidental effect on that species could lawfully occur. This outcome would impose a significant and unjustified disruption to the activity, and is not consistent with the purpose of the FTAA. The LMP requires a more targeted an exhaustive salvage effort for Burgan skink and Otago green skink and releasing these species into a nearby area with better habitat and intensive predator control undertaken for multiple years. This is an appropriate response that sufficiently manages potential adverse effects to these species and would result in a better outcome for the individual animals than the status-quo. The Applicant requests that Burgan skink and Otago green skink remain listed in Schedule 4, consistent with the precautionary contingency already provided for in the LMP. Finally, it is noted that the Otago green skink is not a Threatened species and now has a threat status of At-Risk – Declining (Hitchmough et al., 2025).	
Clutha District Council RM1409 Variation Conditions				

Tararua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions

Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
14A	DOC considers the condition should specify the form of legal protection for the wetland compensation area because the project involves permanent wetland loss and no creation of new wetland. DOC does not accept the Applicant's position that "legal protection" is sufficient, as protection must be secured in perpetuity and include ongoing weed control and maintenance of at least 80% native vegetation dominance. DOC considers this is best achieved through a QEII covenant, or a Clutha District Council covenant if QEII criteria are not met, noting there is already a QEII covenant on the site.	14A No later than six months after the establishment of the Wetland and Aquatic Compensation Offsetting and Compensation Sites, [Section 3 Block X Lee Stream Survey District (CT OT12C/797) and XXX] and shown on Figure 2, Figure 3 and Figure 4 (attached), the consent holder shall provide legal protection from stock grazing for the period of the operation of the Wind Farm via a QEII covenant if the area is assessed as meeting QEII criteria, or similar legally binding mechanism alternatively via a covenant with Clutha District Council. Evidence that this condition has been complied with shall be supplied to the Planning and Environment Manager, Clutha District Council Consent Authority.	The requested amendment is not supported by the Applicant. As outlined in the s53 response, Condition 14A already requires legal protection to be secured for the wetland and aquatic offsetting and compensation site and provides sufficient certainty that the relevant area will be protected for the required purpose. The condition also appropriately allows flexibility as to the legal mechanism used, recognising that the most suitable instrument will depend on matters such as land tenure, landowner agreement, and implementation requirements. The Applicant does not consider it necessary or appropriate for the condition to prescribe a QEII covenant, or alternatively a Clutha District Council covenant, as the only acceptable mechanisms. While those mechanisms may be available, they are not the only means by which legal protection can be achieved. The key requirement is that the mechanism ultimately secured is legally effective and capable of delivering the intended protection outcomes. A QEII covenant is not likely to be acceptable to the landowner. The Applicant also considers that the environmental outcomes detailed by DOC, including ongoing exclusion of stock, weed control, and maintenance of native vegetation dominance, are more appropriately addressed through the substantive management, monitoring and maintenance requirements applying to the offsetting and compensation area, rather than by prescribing a particular legal instrument in Condition 14A. On that basis, the requested amendment would not materially improve environmental outcomes and no further amendment is necessary.	N / A
25D Ecological Monitoring and Management Plan, clause i(a)	DOC requests that the reference to bird strike monitoring be added back into this condition, for the reasons set out in the row below.	a. Monitoring, and associated reporting (as required by Conditions 26 - 30) in relation to: • bird strike; • New Zealand Falcon (<i>Falco novaseelandiae</i>); • mammal pests and predators; • <i>Carex tenuiculmis</i> and <i>Epilobium chionanthum</i>; and invasive weeds.	The Applicant disagrees with this amendment, this point has been covered in detail in previous responses including the response to DOCs S53 comments and in Stephen Fullers Statement of Evidence (08 April 2026). The Bird Strike monitoring required by condition 26 was required for all species within Stage 1 and required that if a significant adverse effect was identified additional monitoring would be carried out. The Golder Report 2012 reviewed the Stage 1 bird strike monitoring and concluded that that no significant adverse effect on bird populations had occurred	N/A

Tararua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
			and that no further direct bird strike monitoring was recommended. A significant adverse effect was not identified and so the monitoring stopped after the required two years. DOC has suggested further strike monitoring is necessary due to increased Stage 2 scale, design changes, site expansion, and the updated threat status of species such as SIPO. These points are not accurate and/or do not provide justification for strike monitoring for the following reasons: > Increase Stage 2 scale and site expansion - The Mahinerangi Wind Farm is already consented for up to 100 turbines and the variation application seeks to reduce the total number of turbines to 56 and so the overall scale will be greatly reduced from the number of consented turbines. The variation results in a reduced development footprint not a site expansion (as stated by DOC) and avoids development within the high value Thomas Block. > Design changes - Raising the upper height of the turbine blade from 145 m to 165 m will have virtually no effect on collision risk as only one species (2 observations of black-backed gulls) was observed flying between 145 m and 165 m above ground level. Therefore, increasing the blade height to 165 m will not increase in a meaningful way the numbers of birds at risk. Furthermore, the design changes include an increase in the height of the lower blade swept area, which for a number of species including falcon will result in fewer flights at Rotor Swept Height and correspondingly lower collision risk. > Decreased Risk - As outlined in the Avifauna Assessment of Effects (Boffa Miskell 2025), the proposed increase in turbine blade tip height, combined with a reduction in turbine number will reduce the collision risk to falcon by 46%. > Updated threat status of species such as SIPO – regardless of any changes to threat status, pied oystercatcher/SIPO were present within Stage 1 during strike monitoring and no mortalities of this species were recorded (or any other At Risk or Threatened species), and to date no mortalities of	

Tararua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
			this species have been recorded at any of the monitored wind farms in New Zealand. > The amendment sought is not proportionate and contrary to s83 of the FTAA. Accordingly, the Applicant considers that no amendment is warranted and requests that Condition 26 is retained as per the Panel's draft conditions (i.e. that does not include reference to bird strike).	
26 Bird Strike	DOC originally sought reinstatement of Condition 26 (updated for Stage 2 and current species threat listings) to require bird strike monitoring, but has since moderated its position after considering the applicant's response. It now proposes more limited monitoring focused on a subset of higher-risk Stage 2 turbines. DOC acknowledges evidence that standard collision monitoring tends to detect common species and may not be effective for rare or threatened birds. It supports targeted monitoring (e.g. for NZ falcon), but still considers some turbine strike monitoring necessary due to increased Stage 2 scale, design changes, site expansion, and the updated threat status of species such as SIPO. DOC also notes and corrects an error in the application's strike-rate threshold in Condition 26	Bird Strike [...]	Disagree, this point has been covered in detail in previous responses including the response to DOCs S53 comments and in Stephen Fullers Statement of Evidence (08 April 2026). The Bird Strike monitoring required by condition 26 was required for all species within Stage 1 and required that if a significant adverse effect was identified additional monitoring would be carried out. The Golder Report 2012 reviewed the Stage 1 bird strike monitoring and concluded that that no significant adverse effect on bird populations had occurred and that no further direct bird strike monitoring was recommended. A significant adverse effect was not identified and so the monitoring stopped after the required two years. DOC has suggested further strike monitoring is necessary due to increased Stage 2 scale, design changes, site expansion, and the updated threat status of species such as SIPO. These points are not accurate and/or do not provide justification for strike monitoring for the following reasons: > Increase Stage 2 scale and site expansion - The Mahinerangi Wind Farm is already consented for up to 100 turbines and the variation application seeks to reduce the total number of turbines to 56 and so the overall scale will be greatly reduced from the number of consented turbines. The variation results in a reduced development footprint not a site expansion (as stated by DOC) and avoids development within the high value Thomas Block. > Design changes - Raising the upper height of the turbine blade from 145 m to 165 m will have virtually no effect on collision risk as only one species (2 observations of black-backed gulls) was observed flying between 145 m and 165 m above ground level.	N/A

Taratua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
			Therefore, increasing the blade height to 165 m will not increase in a meaningful way the numbers of birds at risk. Furthermore, the design changes include an increase in the height of the lower blade swept area, which for a number of species including falcon will result in fewer flights at Rotor Swept Height and correspondingly lower collision risk. > Decreased Risk - As outlined in the Avifauna Assessment of Effects (Boffa Miskell 2025), the proposed increase in turbine blade tip height, combined with a reduction in turbine number will reduce the collision risk to falcon by 46%. > Updated threat status of species such as SIPO – regardless of any changes to threat status, pied oystercatcher/SIPO were present within Stage 1 during strike monitoring and no mortalities of this species were recorded (or any other At Risk or Threatened species), and to date no mortalities of this species have been recorded at any of the monitored wind farms in New Zealand. > The amendment sought is not proportionate and contrary to s83 of the FTAA. Accordingly, the Applicant considers that no amendment is warranted and requests that Condition 26 is retained as per the Panel’s draft conditions (i.e. that does not include reference to bird strike).	
27 Falcon Monitoring	DOC initially requested that Condition 27 retain a 5 km radius for identifying NZ falcon nest sites, based on earlier evidence. While the applicant proposed reducing this to 3 km (supported by evidence that falcons nesting beyond 3 km have limited interaction with the wind farm), DOC has refined its position. It now agrees that monitoring should focus on the 3 km area, but not be limited to it, with some lower-level monitoring still extending out to 5 km.	26. The consent holder shall undertake monitoring of the New Zealand Falcon <u>for Stage 1 and 2</u> as follows: [...] i) The monitoring programme for each stage shall include, but not be limited to, the following: a) Identification of any New Zealand Falcon nesting sites inside and within 3 km <u>5 km</u> outside of the boundaries of the Mahinerangi Wind Farm. <u>Search time and effort should be focussed on the area within 3 km of the boundaries, but the area</u>	The Applicant disagrees with this amendment for the same reasoning as provided in response to the suggested amendment to Condition 32a. The suggested amendment to Condition 27 (and Condition 32a) creates confusion around where efforts should be focused on locating falcon, the suggested amendment has the potential to reduce search efforts for pairs within 3 km that the Golders 2012 Report clearly states are the key pairs to locate and monitor to assess potential effects resulting from MWF. Based on the challenges locating falcon nests within the key periods of the breeding season, efforts are best placed on locating the falcon most likely to be impacted by Stage 2 of MWH. Requiring search effort beyond 3 km will reduce the search	N/A

Tararua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
		within 3 and 5 km should also be searched, particularly where it is known to include good falcon habitat.	effort for falcon most likely to be impacted and has the potential to reduce the efficacy of the falcon monitoring program. Accordingly, the Applicant considers that no amendment is warranted and requests that Condition 27 is retained as per the Panel's draft conditions (i.e. that does not include reference to bird strike)	
28A Mammal Pest Control	DOC requested that rodents and possums be explicitly included as target species in the mammal pest control programme, noting they can prey on native bird nests, are identified as threats to NZ falcon in the Avifauna Management Plan, and that rodent populations can increase when higher-level predators are controlled. The applicant declined, stating that while these species are not formal targets, existing trapping and baiting methods already incidentally control rats and possums, and that the project effects do not justify adding them as target species. DOC maintains its position that explicitly including rats and possums would provide better protection for bird species at the site	The purpose of the programme will be to ensure that the densities of predators, such as feral cats, stoats, weasels, ferrets, hedgehogs, rodents and possums and prey species such as rabbits and hares are at low densities in the area. To achieve this, the consent holder shall comply with the following: [...]	The Applicant disagrees. As previously outlined rats and possums are not a target predator to be controlled in Condition 28 of the existing resource consent and the effects of the variation do not warrant rats and possums as a target predator. As has been the case for Stage 1, rat and possum control will occur through the proposed Stage 2 pest control network of traps and bait stations as these tools are effective for controlling rats and possums. Furthermore, pest control implemented across Stage 2 will target key predators across a much larger area further enhancing protection for nesting native birds. Accordingly, the Applicant considers that no amendment is warranted and requests that Condition 28A is retained as per the Panel's draft conditions.	N/A
29 Invasive Woody Weeds	DOC requested the condition be amended to require woody weed control for the full duration of construction and operation, due to ongoing risk. The applicant considered this unnecessary, arguing control should only continue until weeds stop colonising disturbed areas post-construction. DOC maintains that, while risk is highest during construction, weed spread can still occur during operation (e.g. via vehicles and machinery), so control should continue throughout the wind farm's operation	The consent holder shall ensure the construction and rehabilitation of Puke Kapo Hau Mahinerangi Wind Farm Stage 2 is undertaken in accordance with the requirements of the Woody Weed Management Plan prepared by SLR Consulting New Zealand that forms Part C of the Puke Kapo Hau - Mahinerangi Wind Farm Stage 2 – Fast-Track Approvals Act Application dated DD31 MM10 2025 and subsequent amendments as at 5 June 2026. develop and implement a This includes a mitigation and monitoring and management programme for the control of invasive woody weeds that shall apply during the construction and rehabilitation of the Mahinerangi Wind Farm and for four years after construction and rehabilitation has been completed, or for such a period until these species cease colonising the areas disturbed	The Applicant does not support DOC's requested amendment. This issue was thoroughly addressed in the response to s51 and s53 comments. The proposed approach - requiring woody weed control for a defined period following construction until colonisation is effectively halted - is appropriate and proportionate to the level of effect anticipated. It is also relevant that the Project Site operates as working farming operations. The potential for weed spread associated with normal farming activities (including vehicle and machinery use, and stock movement) unrelated to the MWF consents will be significantly greater than that associated with occasional wind farm maintenance activities. In this context, extending woody weed control requirements across the full operational life of the wind farm is not considered necessary, nor is it proportionate and it is contrary to s83 of the FTAA.	N/A

Tararua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions

Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
		by the construction activity the operation of the wind farm.	Further, the current incidence of woody weeds within the works areas is low, indicating that a prolonged control period is unlikely to be required to achieve the intended outcomes. Provided that earthworks are undertaken to a high standard and the post-construction weed control programme is implemented effectively (including for a period sufficient to ensure colonisation has ceased), and standard farm management practices continue, the residual risk of woody weed establishment during operation (including within 20 m of earthworks areas) is expected to be minimal. Accordingly, the Applicant considers that the existing approach is appropriate and requests that Condition 29 is retained as per the Panel’s draft conditions.	
30A Management of Carex Tenuiculmis and Epilobium Chionanthum	The applicant opposed amending the condition to require reporting to DOC, noting DOC is not the consent authority and has no statutory role in compliance monitoring; reporting should remain with the Clutha District Council. DOC accepts this but requests that copies of reports still be provided to DOC for information purposes. It also seeks inclusion of 5-year plant survival data in reporting to help confirm management effectiveness.	Amend condition 30A as follows: <u>All management actions shall be recorded and reports submitted</u> <u>annually to the Clutha District Council following the Pre-Construction Survey. Reports should include (as relevant):</u> i) <u>Dates of all site visits.</u> ii) <u>Location, number, and condition of plants in wetlands directly affected by works (prior to works).</u> iii) <u>Number of plants removed from each directly affected wetland and transplanted.</u> iv) <u>Location of translocation sites.</u> v) <u>Location of planting sites for propagated plants.</u> vi) <u>Number of plants planted and planting locations.</u> vii) <u>Survival rates of plants at Year 5.</u> viii) <u>Monitoring undertaken against the closure criteria in the C&EMP.</u> ix) <u>Review of the management actions on an annual basis until the C&EMP closure criteria are met and reporting is complete.</u>	The Applicant accepts DOC’s request in part. The Applicant does not oppose providing copies of the annual reports to DOC for information purposes and agrees that the condition can be amended to include this requirement. In relation to the proposed inclusion of a requirement to report on 5-year plant survival, the Applicant considers that this represents a substantial and unnecessary extension of the current monitoring framework, and is contrary to s83 of the FTAA. As drafted, the requirement appears to apply broadly to all plants (including existing plants within 100 m of works, as well as translocated and propagated/planting), whereas the Carex tenuiculmis and Epilobium chionanthum Management Plan provides for monitoring over a shorter and more targeted period (i.e. 6 months post-works for existing plants and 2 years post-translocation or planting). The Applicant notes that, for the transmission line and translocation sites, hydrological conditions are not expected to change, and therefore extended monitoring periods are not warranted. For plants within 100 m of directly affected wetlands, the risk of potential gradual hydrological effects is considered low given the proposed mitigation measures (including maintenance of water flows). In addition, the existing condition framework requires achievement of closure criteria, which already provides a mechanism for monitoring to continue beyond the standard period if necessary.	Amend condition 30A as follows: <u>All management actions shall be recorded and reports submitted</u> <u>annually to the Clutha District Council following the Pre-Construction Survey. Reports should include (as relevant):</u> i) <u>Dates of all site visits.</u> ii) <u>Location, number, and condition of plants in wetlands directly affected by works (prior to works).</u> iii) <u>Number of plants removed from each directly affected wetland and transplanted.</u> iv) <u>Location of translocation sites.</u> v) <u>Location of planting sites for propagated plants.</u> vi) <u>Number of plants planted and planting locations.</u> vii) <u>Survival rates of plants at Year 5.</u> viii) <u>Monitoring undertaken against the closure criteria in the C&EMP.</u> ix) <u>Review of the management actions on an annual basis until the C&EMP closure criteria are met and reporting is complete.</u> A copy of these reports is also to be provided to the

Tararua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
		A copy of these reports is also to be provided to the Department of Conservation, for information purposes only.	Accordingly, the Applicant supports that the condition be amended to require that copies of reports are provided to DOC for information purposes only.	Department of Conservation, for information purposes only.
Clutha District Council Land Use Consent to construct Transmission Line, Substation, BESS etc Conditions				
21 Earthworks Management Plan (Including Erosion and Sediment Control Measures)	Amendments to clause (a) are sought to ensure effects on wetlands and streams are managed in accordance with the effects management hierarchy (EMH), as required under the NPSFM. This approach applies to specified infrastructure like wind farms where there is a functional need for the location, including for impacts on wetlands (clause 3.22) and river values (clause 3.24).	The EMP must achieve the following objectives: a) To minimise the overall area of disturbance, to reduce avoid, where practicable, or otherwise minimise the potential impact to wetlands and streams; [...]	The Applicant does not support DOC’s requested amendment and requests that the wording of the condition is retained as notified. The term “minimise” is appropriate in this context and is consistent with the purpose and scope of the EMP, which is to manage and mitigate effects arising from the works. The proposed wording (“avoid, where practicable, or otherwise minimise”) introduces unnecessary complexity and does not provide additional clarity or direction within the context of this condition. The EMH has already been appropriately applied through project design, site selection, and the development of avoidance and mitigation measures, including those reflected within the EMP and supporting management plans. As such, the condition framework already gives effect to the EMH in a manner that is proportionate to the anticipated effects. Accordingly, no amendment is warranted. The Applicant requests that Clutha District Council Land Use Consent Condition 21 is retained as per the Panel’s draft conditions.	N/A
Otago Regional Council General Conditions (RMFT25.008.01)				
G16 Environmental Construction Management Plan, clause g	DOC requests that additional management plans are referred to in this condition, as shown. These management plans will all contribute to the management of ecological effects, and are all listed in section 2 of the draft Ecological Monitoring and Management Plan (24 October 2025); it is therefore appropriate to list them in this condition.	[...] . The objectives of the ECMP are to: [...] g) Provide a framework for the individual management plans including but not limited to: h) Earthworks Management Plan; i) Archaeological Management Plan; j) Ecological Monitoring and Management Plan;	The Applicant does not agree with this request. For similar reasons as set out in the Applicant’s comments on the Panel’s draft conditions dated 22 June 2026, the Avifauna Management Plan, Woody Weed Management Plan, and the Carex tenuiculmis and Epilobium chionanthum Management Plan are not applicable to the works authorised by this consent. While these plans form part of the broader ECMP and EMMP frameworks, the Otago Regional Council general conditions (RMFT25.008.01) deliberately do not include	N/A

Tararua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
		k) Wetland Monitoring and Management Plan (WMMP); l) Avifauna Management Plan; m) Woody Weed Management Plan; n) Carex tenuiculmis and Epilobium chionanthum Management Plan	provisions relating to these plans, including their objectives or implementation requirements. These matters are appropriately addressed under Clutha District Council consent RM1409. Including reference to these plans within the Otago Regional Council general conditions is unnecessary, duplicates conditions already imposed under a separate consent, and would create potential ambiguity regarding their applicability to the activities authorised by this consent and risks conflicts in the certification process between the two consent authorities. Accordingly, the Applicant considers that no amendment is warranted and requests that Condition G16 is retained as per the Panel’s draft conditions.	
G23 Ecological Monitoring and Management Plan	DOC requests that additional management plans are referred to in this condition, as shown. These management plans will all contribute to the management of ecological effects, and are all listed in section 2 of the draft Ecological Monitoring and Management Plan (24 October 2025); it is therefore appropriate to list them in this condition.	The objective of the Ecological Monitoring and Management Plan is to set out the practices and procedures to be adopted to ensure that all resource consent conditions relating to ecological monitoring and management are complied with. In respect to the activities authorised in these consents, the Ecological Monitoring and Management Plan provides a framework for the individual management plans listed: [...] f) Avifauna Management Plan; g) Lizard Management Plan; h) Woody Weed management Plan; i) Mammalian Pest Control Plan; and j) Carex tenuiculmis and Epilobium chionanthum Management Plan	The Applicant disagrees for the same reasons outlined in G16 above. The Applicant requests that Condition G16 is retained as per the Panel’s draft conditions.	N/A
G26 Wetland Monitoring and Management Plan	Amendments to clause a are necessary so that effects are managed using the effects management hierarchy (EMH). Clause 3.22 of the NPSFM indicates that the EMH should be applied in the case of effects on wetlands that are necessary for the construction or upgrade of “specified infrastructure” (the wind farm falls within the relevant definition) that provides	The objective of the Wetland Monitoring and Management Plan (WMMP) is to: a) Manage Minimise Avoid actual or potential adverse effects on wetlands where practicable, and otherwise minimise such effects or to maintain the long-term ecological health and function of wetlands	The Applicant considers that DOC’s requested amendments to clause (a) are not necessary and requests that no change is made. The effects management hierarchy (EMH) has already been appropriately applied through the design of the project, the assessment of effects, and the suite of proposed avoidance, mitigation and management measures, including those set	N/A

Tararua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions

Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
	significant national or regional benefits, and where there is a functional need for the specified infrastructure in that location. In relation to the amendment to clause c, a minimum of 12 months' monitoring will allow time for hydrological effects over all seasons to be observed. This is required to ensure that any effects are identified.	including through offsetting and compensation where identified in the Wetland and Aquatic Offsetting and Compensation Plan as a result of the construction works; b) Monitor wetlands within 100 metres of proposed construction works and implement to inform appropriate management measures to ensure (a) is achieved; and c) Ensure that, Following completion of construction, adverse effects on wetland ecological health and function is monitored for a minimum of 12 months to ensure that are appropriately management through post construction monitoring in accordance with the monitoring periods specified in this Plan.	out in the WMMP. The draft conditions, together with the supporting management plans, give effect to that framework in a manner that is proportionate to the scale and nature of effects anticipated. The existing condition framework already ensures that effects on wetlands are appropriately managed and monitored. In relation to monitoring duration, the Applicant notes that the updated WMMP already provides for: • Vegetation and erosion monitoring at baseline, during construction, and at 6 and 12 months post-works; and • Photopoint monitoring at baseline, during construction (three-monthly), and post-construction monitoring events. DOC's proposal would effectively extend photopoint monitoring from two to three post-construction events. The Applicant considers that an additional monitoring round is unlikely to yield materially different monitoring results and is contrary to s83 of the FTAA. Accordingly, the Applicant considers that no amendment is warranted and requests that Condition G26 is retained as per the Panel's draft conditions.	
G27	A minimum of 12 months' monitoring will allow time for hydrological effects over all seasons to be observed. This is required to ensure that any effects are identified.	In order to achieve the objective established in Condition G26, the WMMP must, as a minimum, contain the following details: a) Monitoring programmes to be undertaken prior to construction, during construction and post construction to inform achievement of the objectives. b) Monitoring must be undertaken for at least 12 months post construction. c) The methodology for wetland photopoint monitoring, collection of monitoring metrics, and vegetation and erosion monitoring; and d) Management actions to be taken if an adverse effect on vegetation is found;	The Applicant disagrees for the same reasons outlined in G26 above. The Applicant requests that Condition G27 is retained as per the Panel's draft conditions. -	N/A

Taranua Wind Power / Applicant Response to s70 Comments Received from the Department of Conservation on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	DOC Comment Summary	DOC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
		e) Reporting procedures; and b) d) Trigger(s) for the review of the WMMP (if required).		
Otago Regional Council Land Use Consent (RMFT25.008.02) - To install a culvert within the bed of a waterbody and the associated disturbance of the bed of the waterbody				
2A	DOC supports the addition of new condition 2A to require that the culvert is designed in accordance with NIWA's NZ Fish Passage Guidelines	N/A	TWP accepts the Panel's approach of requiring application of the guidelines, and agrees that, with the additional conditions, Regulation 70 of the NES-F is properly addressed. However, TWP seeks to frame the requirement so that the final design is "consistent with", rather than strictly in accordance with, the Guidelines. Note ORC and TWP propose that 2A is incorporated into a new 2B condition. Refer to comments provided by ORC and TWP 22 June 2026.	<u>2B The Consent Authority shall certify the final culvert design where it is satisfied that the final design:</u> a) <u>is consistent with the New Zealand Fish Passage Guidelines (NIWA, 2024);</u> [...]
Otago Regional Council NES-F Consent (RMFT25.008.12) - To construct specified infrastructure (including earthworks, land disturbance, vegetation removal and stormwater discharge) in or within 10m of natural inland wetlands				
3	A minimum of 12 months' monitoring will allow time for hydrological effects over all seasons to be observed. This is required to ensure that any effects are identified.	To confirm compliance with Condition 2, the Consent Holder must: a) maintain a photographic record of all photo points of natural wetlands identified in the certified Wetland Management and Monitoring Plan (WMMP) prior to the commencement of activities under this consent, and on a three-monthly basis thereafter for the duration of the construction works <u>and for 12 months post construction</u> ; and b) provide photographs taken at each photo point identified in the certified WMMP and a written assessment of compliance with condition 2 to the Consent Authority <u>three twelve</u> months after the completion of construction activities authorised under this consent.	The Applicant disagrees for the same reasons outlined in G26 above. The Applicant requests that RMFT25.008.12 Condition G3 is retained as per the Panel's draft conditions.	N/A



APPENDIX 2

Response to s70 Comments – Otago
Regional Council

Table 2 Otago Regional Council comments

Tararua Wind Power Response to s70 Comments Received from Otago Regional Council on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	ORC Comment Summary	ORC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
General Conditions - RMFT25.008.01				
G12	The Water Quality Management Plan is missing from the list	The following draft management plans prepared by the Consent Holder and submitted with the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 – Fast-track Approvals Act Application dated 31 March 2025 must be submitted as finals to the Consent Authority for written certification, not less than 20 working days prior to construction works commencing: ... j) Water Quality Management Plan (WQMP)	There is no Water Quality Management Plan and its correct reference is the Water Quality Monitoring Plan (“WQMP”). On the assumption that ORC seek to rename the WQMP, this is opposed by the Applicant for the following reasons: > Renaming the WQMP as a management plan is unnecessary and does not reflect the objective of the WQMP which is to “outline requirements of a water quality monitoring programme to demonstrate the effectiveness of site-specific erosion, stormwater and sediment control measures during culvert installation on the Lee Stream tributary” (emphasis added). The WQMP sets out the monitoring plan and programme including baseline monitoring, construction monitoring, post construction monitoring, and reporting obligations. Its primary focus is on monitoring water quality as opposed to management methods or providing for a toolbox of responses. The ORC requested amended creates unnecessary confusion as to the nature of the monitoring plan. > Management responses are directed through the Environmental Construction Management Plan (ECMP) and the Earthworks Management Plan. The WQMP is an appendix of the ECMP and so is by default already included in condition G12. > As the WQMP is a monitoring plan it was deliberately not proffered in the list of management plan requiring certification beyond the process of certification for the ECMP. Accordingly, the Applicant considers that no amendment is warranted and requests that Condition G12 is retained as per the Panel’s draft conditions (i.e. that does not include reference to the Water Quality Monitoring Plan)	N/A

Tararua Wind Power Response to s70 Comments Received from Otago Regional Council on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	ORC Comment Summary	ORC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
G13	The Water Quality Management Plan is missing from the list	Certification is required to verify that the management plans: a) Include actions, methods and monitoring programmes as where appropriate to meet the objectives in Conditions G16 (ECMP), G18 (EMP), G21 (CTMP), and G23 (EMMP), G24 (RMP), G26 (WMMP), G28 (WAOCP), Condition 7 of Discharge Permit RMFT25.008.08 (WQMP) and Condition 12 of Water Permit RMFT25.008.11 (NFRP); and b) Satisfies the objectives requirements in Conditions G12A, G198 (EMP), G22 (CTMP), G25 (RMP), G27 (WMMP), G29 (WAOCP), G30A (EMRP), Condition 8 of Discharge Permit RMFT25.008.08 (WQMP) and Condition 13 of Water Permit RMFT25.008.11 (NFRP).	As noted above in responding to G12, the WQMP is a monitoring plan as opposed to a management plan, and it was deliberately not proffered in the list of management plans requiring certification. It is however an appendix to the ECMP. Accordingly, it should not be inserted into G12 as requested by ORC. The Applicant requests that Condition G16 is amended as per the Applicant's suggested amendments to submitted to the Panel 22 June 2026	Certification is required to verify that the management plans: a) Include actions, methods and monitoring programmes as where appropriate to meet the objectives in Conditions G16 (ECMP), G18 (EMP), G21 (CTMP), and G23 (EMMP), G24 (RMP), G26 (WMMP), G28 (WAOCP) and Condition 12 of Water Permit RMFT25.008.11 (NFRP); and b) Satisfies the objectives requirements in Conditions G12A, G198 (EMP), G22 (CTMP), G25 (RMP), G27 (WMMP), G29 (WAOCP), G30A (EMRP) and Condition 13 of Water Permit RMFT25.008.11 (NFRP).
G13A	The suggested change to c) provides the Council with sufficient time to certify of the management plans. The suggested change to d) provides Council with the ability to engage external technical specialists given the specialised nature of the management plans.	The Consent Holder must follow the process set out below for the certification of the management plans identified in G13, from the Consent Authority: ... c) If satisfied, The Consent Authority will provide written certification to the Consent Holder within 520 working days, unless (de) below applies; d) For the purpose of determining whether a management plan meets the relevant objectives and requirements of these consents, the Consent Authority may obtain advice from suitably qualified and experienced technical specialists. The reasonable costs incurred by the Consent Authority in obtaining such advice shall be met by the Consent Holder de) If the Consent Authority's response is that they are not able to certify the documents, the reasons are to be provided in writing, and the Consent Holder must consider the Consent Authority's reasons and resubmit amended documents for written certification; and ef)	ORC seeks to increase the timeframe for providing written certification from 5 working days to 20 working days. It is noted that all management plans filed with the FTAA application have been comprehensively drafted (as opposed to being an outline of a management plan), were provided to ORC prior to the application being filed with the EPA (thus providing opportunity to review and provide feedback to TWP / the Applicant), and ORC had the additional opportunities to review the management plans and provide comments on their content to TWP and as part of its s51 comments. Simply put, there have also been numerous engagements between ORC and the Applicant throughout the FTAA process. 20 working days is an unreasonably lengthy period in the circumstances and will result in unnecessary delay for what is an administrative certification process. That said, the Applicant agrees to amending the condition to provide for the doubling of the timeframe to 10 working days. ORC also seeks a new condition to provide for determining whether a management plan meets the relevant objectives and requirements of these consents, and confirmation that it may obtain advice from suitably qualified and experienced technical specialists, and the reasonable costs incurred by recovered from TWP.	N/A

Tararua Wind Power Response to s70 Comments Received from Otago Regional Council on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions

Condition Number	ORC Comment Summary	ORC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
			The proposed wording mischaracterises the purpose of certification. For example, the Environment Court has recently confirmed in Woodstock Quarries Ltd v Canterbury Regional Council [2026] NZEnvC 128 at [216] that “the purpose of certification of a management plan is to provide a process that enables an appropriately qualified and/or experienced independent person acting on behalf of the relevant consent authority to be satisfied that the management plan provisions specify management measures or methods that should ensure compliance with the specified condition(s). The certifying person has no arbitral function in this process.” Certification is therefore directed at assessing compliance with the relevant management plan conditions of consent, rather than broader “objectives” or undefined “requirements of the consents”. The proposed wording extends beyond the scope of certification and risks introducing unnecessary ambiguity. The proposed cost recovery provision is also unnecessary. Section 36(1)(b) of the RMA already enables consent authorities to recover costs incurred in obtaining reports, technical advice, or other information necessary to exercise their functions in relation to the administration, monitoring, and supervision of resource consents. Accordingly, the additional clause within the condition is redundant. On this basis, the Applicant considers that ORC condition d) G13A should not be imposed.	
G14	Clarifies that the amendment process applies to certified management plans.	The Consent Holder may make amendments to the certified Environmental Construction Management Plan and associated certified management and/or monitoring plans (as listed in conditions G12 and G16). ...	The ORC requested amended is accepted.	Amend G14 as requested by ORC.
G23	c) Updated on the basis of the draft decision. d) Updated to align with G-12 and Discharge Permit RMFT25.008.08	The objective of the Ecological Monitoring and Management Plan is to set out the practices and procedures to be adopted to ensure that all resource consent conditions relating to ecological monitoring and management are complied with. In respect to the activities authorised in these consents, the Ecological Monitoring and	The Applicant accepts the inclusion of “Compensation” in the title of the Wetland and Aquatic Offsetting and Compensation Plan as outlined in its s70 comments, and as sought by ORC. The Applicant accepts the insertion of “implementation of the following certified management plans” even though it is self-evident and unnecessary.	Amend condition G23 by: > inserting the words “implementation of the following certified management plans” > Inserting “Compensation” into c) as requested by ORC.

Tararua Wind Power Response to s70 Comments Received from Otago Regional Council on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	ORC Comment Summary	ORC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
		Management Plan provides a framework for the implementation of the following certified management plans individual management plans listed: ... c) Wetland and Aquatic Offsetting and Compensation Plan; d) Water Quality Monitoring Management Plan; and	The Applicant does not support the replacement of the word “monitoring” with “management” within the Water Quality Monitoring Plan clause (d) for the reasons outlined in response to Condition G12 above.	No change to d).
G24	The objectives in the applicant’s updated Rehabilitation Management Plan (provided in response to the s53 comments) are preferred, as these include the requirement to prevent weeds and pests invading the site.	The Rehabilitation Management Plan (RMP) must achieve the following objectives: a) Following the practical completion of earthworks, disturbed areas and fill batters, create stable landforms by establishing vegetation cover (which may include pasture) and erosion-resistant surfaces that have characteristics that favour growth of sustainable plant communities and manage run off and sediment generation; and b) Provide methods for rehabilitation of snow tussock in the Wetland and Aquatic Offsetting and Compensation Sites; and c) Prevent weeds and pests invading the site.	The amendment reflects an objective of the existing RMP, however if the suggested change is accepted by the Panel, then the condition should be more focussed to read “Outline methods for the control of weeds within areas of rehabilitation”. This change reflects the fact that the Woody Weed Management Plan covers the wider Wind Farm Development Area and the Mammalian Pest Management Plan controls mammalian pests.	Accept in part so that the conditions reads: G24 The Rehabilitation Management Plan (RMP) must achieve the following objectives: a) Following the practical completion of earthworks, disturbed areas and fill batters, create stable landforms by establishing vegetation cover (which may include pasture) and erosion-resistant surfaces that have characteristics that favour growth of sustainable plant communities and manage run off and sediment generation; and b) Provide methods for rehabilitation of snow tussock in the Wetland and Aquatic Offsetting and Compensation Sites; and c) Prevent weeds and pests invading the site<u>Outline methods for the control of weeds within areas of rehabilitation.</u>
G25	Updated on the basis of the draft decision.	In order to achieve the objectives established in Condition G24, the RMP must, as a minimum, contain the following details: contain the following details: a) d) Rehabilitation of snow tussock within the certified Wetland and Aquatic Offsetting and Compensation Sites, including on-site sourcing, storage and planting methodology;	The Applicant accepts these recommended changes.	Amend as per ORC drafting.

Tararua Wind Power Response to s70 Comments Received from Otago Regional Council on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions

Condition Number	ORC Comment Summary	ORC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
G28	The NES-FW requires the effects management hierarchy to be applied. Under that hierarchy, aquatic offsetting must achieve no net loss, and preferably a net gain, in the extent and values of the affected wetland or river. Aquatic compensation follows offsetting in the hierarchy and must achieve a net gain in ecological benefits. As the condition has been amended to include compensation, ORC suggest that clause (b) be amended to require a net gain in ecological values.	The objective of the Wetland and Aquatic Offsetting and Compensation Plan (WAOCP) is to: a) Offset and compensate for loss of wetland and aquatic habitat that cannot be avoided, minimised or remedied; and b) Ensure no net loss of a net gain of ecological values.	The Applicant opposes the recommended amendment. The NPS FM defines aquatic compensation as “a conservation outcome resulting from actions that are intended to compensate for any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, remediation, and aquatic offset measures have been sequentially applied”. It does not <u>require</u> a net gain. Appendix 7 – Principles for Aquatic Compensation similarly does not include a net gain as an element of compensation. Aquatic offset is defined to include achieving “no net loss, and preferably a net gain, in the extent and values of the wetland or river”. Although expressed as a preference, a net gain outcome is not mandatory. Replacing “no net loss” with a blanket requirement for “a net gain” therefore imposes a higher standard than required for aquatic offsetting under the policy framework and does not accurately reflect the hierarchy or its application in this context, particularly where offsetting and compensation measures are collectively addressed within a single management plan. The draft decision at [186] noted “In examining the offsetting approach, Dr Rate’s SOE uses the Biodiversity Compensation Model (BCM) to compare the offsetting actions for the proposed wetland offsetting site with the impacts on the directly affected wetlands. The results of this show that the wetland offsetting actions will result in a net gain in biodiversity values of 543%.” Notwithstanding, the Applicant opposes the ORC recommended change and request that G28 is retained as per the Panel’s draft condition wording (i.e. “no net loss of” is retained).	No change to the draft decision version.
30A	Minor formatting change – the list should start with a), b) rather than i., ii.	The Consent Holder must prepare and submit an annual Environmental Monitoring Report to the Consent Authority.... † a) Summarise all environmental monitoring undertaken; † b) Summarise all the data collected, ...	These are minor editorial edits which the Applicant accepts.	Accept ORC edits.

Tararua Wind Power Response to s70 Comments Received from Otago Regional Council on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	ORC Comment Summary	ORC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
G33	Clarifies that the condition applies to certified management plans.	All disturbed areas, other than the turbine hard stand areas and access tracks, must be progressively rehabilitated in accordance with the objectives of the certified ECMP outlined in Condition G16 and the objectives of the certified RMP outlined in Condition G24.	These are minor editorial edits which the Applicant accepts.	Accept ORC edits.
G35	Replaces the term "approved" with "certified" to align with the certification process.	During construction works authorised by this consent, the Consent Holder must take all practicable steps to minimise the spread of pest plants and aquatic weeds. In particular, the Consent Holder must: a) Prior to entering the site, ensure all machinery and equipment is cleaned within the designated wash-down areas established in accordance with the certified approved Environmental Construction Management Plan (including Section 2.3 – Wash Down Water), b)	These are minor editorial edits which the Applicant accepts.	Accept ORC edits.
G38	Clarifies that the condition applies to certified management plans.	The Consent Holder must inspect, maintain, and, where necessary, repair sediment control devices in accordance with the certified EMP. If there is any evidence that the water quality downstream of the site is declining and this is attributable to the onsite construction activities or performance of sediment control devices, the Consent Holder must immediately undertake any necessary maintenance of sediment control devices or take appropriate measures in order to ensure the ongoing and future effectiveness of water quality controls on site.	These are minor editorial edits which the Applicant accepts.	Accept ORC edits.
G41	Minor formatting change to update bullet point to a), b)..	ii) If an unidentified archaeological site is located during works, the following applies: ii a) Work must cease immediately at that place and within 20m around the site. iii b)...	These are minor editorial edits which the Applicant accepts.	Accept ORC edits.
Land Use Consent RMFT25.008.02 - To install a culvert within the bed of a waterbody and the associated disturbance of the bed of the waterbody				

Tararua Wind Power Response to s70 Comments Received from Otago Regional Council on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	ORC Comment Summary	ORC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
1	Updated to include the additional archaeology conditions (G39 – G41) included within the Panel's decision.	The activities authorised by this consent must be undertaken in general accordance with the plans and all information submitted with the application, except where otherwise required by this consent including, where relevant, General Conditions G1 – G39 <u>41</u> of RMFT25.00.01. ...	These are minor editorial edits which the Applicant accepts.	Accept ORC edits.
2A	ORC's fish passage expert considers that additional hydraulic assessment is required to demonstrate that the culvert will provide for effective upstream and downstream passage of the fish species present. Given this, ORC has suggested an amendment to this condition which requires an additional hydraulic assessment to demonstrate that the culvert will provide effective fish passage and address the matters relevant to Regulation 70 of the NES-FW.	The design of the culvert must be in accordance with the New Zealand Fish Passage Guidelines (NIWA, 2024) <u>At least 15 working days prior to the installation of the culvert within the Lee Stream Tributary, the Consent Holder must submit the final culvert design to the Consent Authority for certification.</u>	TWP has engaged with ORC prior to filing its s70 comments on the draft comments. As outlined in those comments, TWP accepts ORC's recommended changes, although again notes equally, the Panel may determine to grant a discretionary resource consent under regulation 71. See TWP's s70 comments for its fulsome response on this matter.	Accept ORC additional conditions.
2B	While ORC supports the draft condition requiring compliance with the New Zealand Fish Passage Guidelines (NIWA, 2024), ORC considers that additional hydraulic assessment is required to confirm that water depths, velocities, hydraulic diversity and bed substrate will be appropriate for the fish species present across a representative range of stream flows. ORC considers this a pragmatic approach to demonstrating that the culvert will provide for effective upstream and downstream passage of the fish species present, achieving the requirements of Regulation 70. The proposed condition provides a certification step prior to installation and will assist in confirming that the final culvert design achieves the relevant fish passage outcomes.	<u>The Consent Authority shall certify the final culvert design where it is satisfied that the final design:</u> <u>a) is consistent with the New Zealand Fish Passage Guidelines (NIWA, 2024);</u> <u>b) includes a hydraulic assessment demonstrating that the culvert will provide for effective upstream and downstream passage of the fish species present;</u> <u>c) includes an assessment of water depths and velocities across a representative range of stream flows, including low-flow and high-flow conditions relevant to fish passage; and</u> <u>d) identifies any design measures required to provide hydraulic diversity, low-velocity refuge areas, suitable water depths, and stable bed substrate through the culvert.</u>	As per the response to 2A.	Accept ORC additional conditions.
2C		<u>The culvert must not be installed until the final culvert design has been certified by the Consent Authority</u>	As per the response to 2A.	Accept ORC additional conditions.

Tararua Wind Power Response to s70 Comments Received from Otago Regional Council on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions

Condition Number	ORC Comment Summary	ORC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
4	These additional information matters required by Reg 63(a) and (b) of NES-FW.	The Consent Holder must, provide to the Consent Authority, no later than 20 working days following completion of the installation of the culvert, the following information: a) The date on which installation of the culvert was completed; b) A description of the structure, including dimensions, design drawings, and materials used, identification number and ownership; c) Details of the culvert's physical characteristics and hydraulic performance, including erosion from the outlet drop, water depth and velocity, downstream low-velocity areas, bed substrate, remediation features, wetted margins, slope and alignment, associated structures (such as wingwalls or screens), and the presence and characteristics of any apron or ramp; d) Provision for fish passage in accordance with the WAOQP.	These are minor editorial edits which the Applicant accepts.	Accept ORC additional conditions.
10	Clarifies that the condition applies to a certified plan.	The Consent Holder must implement the aquatic offsetting and compensation required by this consent in accordance with the certified Wetland and Aquatic Offsetting and Compensation Plan.	These are minor editorial edits which the Applicant accepts.	Accept ORC additional conditions.
11	ORC notes that there is no proposal to decommission the Lee Stream culvert or reinstate the affected wetlands. The loss of aquatic habitat and wetland extent and values will therefore persist beyond the operating life of the Wind Farm, while the draft conditions limit legal protection of the offset and compensation areas to the operational period. ORC's concern remains that, where an ecological effect is permanent and irreversible, the protection and function of the associated offset or compensation should endure for as long as that effect persists. Particularly given that the condition is limited to requiring legal protection from stock grazing. Limiting	No later than six months after the establishment of the Wetland and Aquatic Offsetting and Compensation Sites [Part Section 5 Block X Lee Stream SD (CT OT14C/331)] and shown on Appendix 2, the Consent Holder shall provide legal protection from stock grazing for the period of the operation of the Wind Farm via a covenant or similar legally binding mechanism. Evidence that this condition has been complied with must be provided to the Consent Authority.	While ORC does not seek to change condition 11, it has taken this opportunity to restate its position on the term of the covenant offsetting/compensating the effects on the Lee Stream and impacted wetland. This matter was thoroughly addressed in the substantive application, supporting legal submissions, response to further information requests and technical reports. The Panel has also made its determination in its draft decision. The Applicant supports the draft decision and draft condition.	No change is required.

Tararua Wind Power Response to s70 Comments Received from Otago Regional Council on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	ORC Comment Summary	ORC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
	the protection to the operational period may therefore leave the continuing residual effects unsecured once the Wind Farm ceases operating. However, ORC acknowledges and respects the Expert Panel’s decision not to require protection in perpetuity. ORC does not seek to revisit that decision through amendments to the draft conditions and has therefore not proposed any further change to this condition.			
Water Permit RMFT25.008.11 - To divert Lee Stream Tributary				
11	Clarifies that the condition applies to a certified plan.	The Consent Holder must ensure that as part of the construction of the culvert within the Lee Stream Tributary the fish salvage and fish relocation will be generally carried out in accordance with the methodologies set out in the <u>certified</u> Native Fish Recovery Plan (NFRP).	The Applicant accepts the inclusion of the word “certified”	Accept ORC’s edit.
NES-F RMFT25.008.12 - To construct specified infrastructure (including earthworks, land disturbance, vegetation removal and stormwater discharge) in or within 10m of natural inland wetlands				
1	Updated to include the additional archaeology conditions (G39 – G41) included within the Panel’s decision.	The activities authorised by this consent must be undertaken in general accordance with the plans and all information submitted with the application, except where otherwise required by this consent including, where relevant, General Conditions G1 – G38 <u>41</u> of RMFT25.00.01. ...	The Applicant supports the ORC edit.	Accept ORC’s edit to condition numbering.
4	Clarifies that the condition applies to a certified plan.	The wetland and aquatic offsetting required by this consent shall be implemented in accordance with the <u>certified</u> Wetland and Aquatic Offsetting <u>and Compensation</u> Plan (SLR, 2025).	Ther Applicant supports the ORC edit.	Accept ORC’s edit.



3

APPENDIX 3

Response to s70 Comments – Clutha District Council, Heritage New Zealand Pouhere Taonga, and Sue Keen

Table 3.1 Clutha District Council comments

Taranua Wind Power Response to s70 Comments Received from Clutha District Council on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	CDC Comment Summary	CDC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
Clutha District Council Land Use Consent to construct Transmission Line, Substation, BESS etc Conditions				
56	The condition is not framed consistently with the other conditions, such that the phrases ‘are’ and ‘should meet’ ought to be replaced with phrasing that provides a greater level of certainty. The following amendments are suggested.	Transmission lines are shall be specifically designed to prevent the electrocution of Karearea (New Zealand Falcons). The design should shall meet the following requirements: a) All distribution transformer bushings connections be taped or covered; b) Taller bushings and insulators be considered installed on transformers and overhead structures, unless it is not reasonably practicable to do so, with reasons provided why it is not reasonably practicable to do; c) All HV droppers shall use black PVC covered conductor with split-tubing used to supplement it where possible. Split tubing or an alternative should always be used at voltages above 11kV; and d) That network drawings and designs incorporate wildlife symbology and graphic representations.	The Applicant agrees that the condition should be revised to improve clarity and consistency and does not oppose the removal of terms such as “should” and “considered,” provided an appropriate level of flexibility is retained in the final drafting. The Applicant supports the inclusion of a reasonably practicable qualifier as some flexibility in the detailed design process is required. The Applicant notes that any line design suggestions need to be effective in delivering the intended outcome, whether it is practicable to implement or not, and have included text to this effect in the amended condition. However, as currently suggested by CDC, the requirement to justify such decisions raises concerns about creating an iterative review process that could introduce unnecessary uncertainty or delay. In this context, the Applicant considers it more appropriate that the condition: > clearly sets design expectations and performance outcomes; > incorporates consideration of effectiveness of any design feature; and > requires final design details (including any departures from measures on practicability and effectiveness grounds) to be documented and provided to the Council, rather than requiring further review or quasi-approval. This approach maintains transparency and accountability while ensuring the condition operates efficiently in practice and ensures it delivers the	Amend condition 56 to read: “Transmission lines are shall be specifically designed to prevent the electrocution of Karearea (New Zealand Falcon). Where practicable and effective to do so, the design should shall meet may include the following requirements: a) All distribution transformer bushings connections be taped or covered; b) Taller bushings and insulators be considered installed on transformers and overhead structures, unless it is not reasonably practicable to do so, with reasons provided why it is not reasonably practicable to do; c) All HV droppers shall use black PVC covered conductor with split-tubing used to supplement it where possible. Split tubing or an alternative should always be used at voltages above 11kV; and d) That network drawings and designs incorporate wildlife symbology and graphic representations. Where any of the measures in (a) to (d) are not practicable or effective, the Consent Holder shall document those reasons and outline how the transmission line has otherwise been designed to prevent the electrocution of Karearea (New Zealand Falcon). This information shall be provided to the Clutha District Council for information purposes prior to transmission line construction.

Tararua Wind Power Response to s70 Comments Received from Clutha District Council on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions

Condition Number	CDC Comment Summary	CDC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
			intended outcome of preventing the electrocution of Karearea (New Zealand Falcon). Accordingly, the Applicant supports amendments to improve clarity and consistency, but requests that the condition be framed to: > retain appropriate design flexibility; and > avoid creating an unnecessary iterative review/approval process.	
72	Condition 72 uses the L10 noise descriptor for operational noise, while Condition 34 of RM1409 (for similar non-turbine operational noise) is proposed to use Leq instead. Given the activities covered by both conditions are comparable, the differing descriptors create inconsistency. Technical advice (Marshall Day) indicates that L10 is no longer commonly used and has been replaced in practice by Leq, which measures average noise over time. The Council considers the noise limits and measurement descriptors should be consistent across both consents and recommends confirming whether Condition 34 should also adopt Leq, and whether doing so would materially change the authorised noise levels.	N/A	Condition 72 sets the noise limits for the operation of the transmission line. The L₁₀ descriptor is outdated and is no longer used for the assessment of environmental noise. The L₁₀ descriptor has been replaced with the L_{Aeq} descriptor. The outcome for any receivers would not change. The applicant agrees that the noise descriptor in Condition 72 should be updated to L_{eq} to reflect current best practice and integrate with the latest environmental noise standards NZS 6801:2008 “Acoustics – Measurement of Environmental Sound” and NZS 6802:2008 “Acoustics – Environmental Noise”. As a consequence of considering the CDC comments on CDC Land Use Consent to construct Transmission Line, Substation, BESS etc Condition 72, the Applicant has identified that RM1409 Noise Conditions 38 and 48 should be updated to correct the name of the standard to NZS 6806:2010 Acoustics – Wind Farm Noise. The outcome for any receivers would not change. Accordingly, the Applicant requests that the relevant noise conditions are updated as per the Applicant’s suggestions.	Clutha District Council Land Use Consent to construct Transmission Line, Substation, BESS etc Condition: 72. Operational noise from activities authorised by this consent must not exceed the following limits within the notional boundary of any dwelling: a. 7:00 am to 10:00 am 55dBA L₁₀ <u>L_{eq}</u> b. 10:00 pm to 7:00am 45dBAL₁₀ <u>L_{eq}</u> c. 10:00 pm to 7:00am 75dBA Lmax <u>The noise shall be measured in accordance with NZS6801: 2008: Acoustics - Measurement of Environmental Sound and assessed in accordance with NZS6802:2008: Acoustics - Environmental Noise.</u> Clutha District Council Land Use Consent RM1409 Variation: 38. Background sound levels shall be measured and assessed using NZS6808:1998<u>2010</u> Acoustics - The Assessment and Measurement of Sound from Wind Turbine Generators <u>Wind Farm Noise</u> within the notional boundary of any dwelling, except for lots where written approval has been obtained, but with the following requirements to be met. Where these differ from NZS6808:1998<u>2010</u>, the following requirements shall prevail: 48. Sound monitoring shall conform to the following measurement standards:

Tararua Wind Power Response to s70 Comments Received from Clutha District Council on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	CDC Comment Summary	CDC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
				i. The complete measurement and analysis system shall conform to the requirements of NZS6808: 19982010 Acoustics - The Assessment and Measurement of Sound from Wind Turbine Generators <u>Wind Farm Noise</u> and the Standards referred to by NZS6808.
Clutha District Council Land Use Consent RM1409 Variation				
25.(i)	Potential placeholder reference to land use consent 'RMXXXX'. If the reference is intended to be populated by a Clutha District Council consent reference, the CDC do not (yet) have a reference for this application in their consent database, because the Council are not the consenting authority for this application. It is suggested the EPA's reference be applied.	Advice note: The substation, BESS, operations and maintenance facility are subject to a separate land use consent RMXXXX FTAA-2510-1125 and are shown on the Map 1 – Puke Kapo Hau Stage 2 Layout Plan for locational purposes only.	This is a minor editorial edit which can be corrected and the Applicant accepts.	Accept CDC amendment.
34	Refer to above comment in relation to Condition 72 of the land use consent for transmission facilities.	N/A	As outlined in relation to Condition 72 of the transmission facilities consent above, the L ₁₀ descriptor has been replaced with the L _{eq} descriptor in Condition 34 of RM1409. Accordingly, the variation to Condition 34 of RM1409 proposed in the Substantive Application remains correct and appropriate.	See above for changes to Condition 34 of RM1409.
62 and 64 Traffic Conditions			Since filing its s70 comments, the Applicant and CDC representatives have engaged further in respect of RM1409 Condition 62 and 64. Condition 62 requires that a Base Condition Report be prepared by the consent holder no less than nine months prior to the commencement of construction works at the project site. RM1409 Condition 64 similarly requires that a Draft Maintenance Standard Report be prepared by the consent holder no less than nine months prior to the commencement of construction works at the project site.	Amend condition 62 to read: 62. The existing condition of all roads to be used by construction traffic, other than light vehicles, in Clutha District (as identified in the <u>Construction</u> Traffic Management Plan) shall be investigated and reported upon in a Base Condition Report that shall be prepared by the consent holder. The Base Condition Report shall contain information including classified traffic counts, high speed data capture, system recording - profile, texture and roughness and falling weight deflectometer. The Base Condition Report shall identify the existing condition of roads,

Tararua Wind Power Response to s70 Comments Received from Clutha District Council on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions

Condition Number	CDC Comment Summary	CDC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
			The engagement with officers of the CDC’s roading team has focused on the practical implementation of Conditions 62 and 64 of RM1409 and the revised programme for delivering the Project. CDC officers have indicated support for refining the timeframes applicable to: > the Base Condition Roding Report, and > the construction maintenance and reinstatement plan. Specifically, the Applicant has discussed with CDC that the existing nine-month timeframes be reduced to 50 working days (approximately 2.5 months). This represents a proportionate and appropriate refinement that: > ensures that baseline roading condition information is provided sufficiently in advance of construction activities, and > allows post-construction assessments to be carried out while any effects can still be clearly linked to construction traffic > is consistent with the object of the FTAA. The Applicant emphasises that the amendment does not alter the intent, scope, or environmental outcomes of Conditions 62 and 64. Rather, they are directed at ensuring that the conditions are certain, efficient, and capable of effective implementation. Accordingly, the requested refinement of Conditions 62 and 64 to the reporting timeframes, together with the associated clarifications, is: > appropriate in scope, > consistent with the purpose of the conditions, and	those roads that require upgrading, potential remedial works during construction, and monitoring requirements during and at the end of the construction period. A Draft Base Condition Report shall be lodged with the Chief Executive of the Clutha District Council not less than nine months <u>no less than 50 working days</u> prior to the commencement of construction works at the project site <u>involving heavy vehicle movements</u>. Amend condition 64 to read: 64. The consent holder shall be responsible for the maintenance of roads subject to the Base Condition Report for the duration of the construction period except for any maintenance, repairs or reconstruction of these roads arising from unusual or extreme weather events. The consent holder shall prepare a Maintenance Standard Report that will detail the minimum level of service to be provided by the consent holder on the roads. A Draft Maintenance Standard Report shall be lodged with the Chief Executive of Clutha District Council not less than nine months <u>no less than 50 working days</u> prior to the commencement of construction works at the project site <u>involving heavy vehicle movements</u>.

Taratua Wind Power Response to s70 Comments Received from Clutha District Council on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	CDC Comment Summary	CDC Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
			> beneficial to both the Applicant and Clutha District Council in complying with and administering the consent.	

Table 3.2 Heritage New Zealand Pouhere Taonga Comments

Taratua Wind Power Response to s70 Comments Received from Heritage New Zealand Pouhere Taonga on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	HNZPT Comment Summary	HNZPT Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
	HNZPT worked closely with the Applicant in drafting recommended conditions that were appropriate for this project. HNZPT has reviewed the Panel’s draft conditions and notes there is no change to those presented by HNZPT and the Applicant. As such, HNZPT has no further comment on the draft conditions or decision of the Panel.	N/A	The Applicant confirms that HNZPT worked collaboratively with the Applicant in the development of draft conditions that are appropriate and proportionate to the effects of the proposal. It is noted that the Panel’s draft conditions reflect those agreed between HNZPT and the Applicant, with no material changes. In light of that alignment, the Applicant supports the Panel’s draft conditions and requests that the Panel adopt those conditions in its final decision.	Adopt draft Heritage Authority and relevant archaeology consent conditions in final decision.

Table 3.3 Sue Keen Comments

Taratua Wind Power Response to s70 Comments Received from Sue Keen on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	Keen Comment Summary	Keen Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
	The draft conditions address the concerns of all parties who are, or would be adversely affected except us, who have turbines on the west and north and transmission lines on the east and south. Please address our loss of wellbeing by making it conditional on the applicant to provide a tree lane as per my submission.	N/A	The Applicant acknowledges Ms Keen’s comments and her request for a tree lane condition to address perceived effects on wellbeing. As set out in the Applicant’s section 53 response, the assessment has appropriately compared the proposal against the consented baseline, within which turbine presence, movement, and lighting are already	N/A

Tararua Wind Power Response to s70 Comments Received from Sue Keen on the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 Draft Conditions				
Condition Number	Keen Comment Summary	Keen Track-changed suggestions	TWP / Applicant Response Summary	TWP / Applicant track-changed amendment
	Even on a neighbourly basis our wellbeing should not be affected by the neighbours intrusive activities.		established. The proposal involves fewer turbines than currently consented, and expert landscape evidence (Isthmus) concludes that no additional mitigation is required, consistent with the original Environment Court decision. While the Applicant acknowledges Ms Keen’s concerns, it does not consider that further mitigation, such as a condition requiring a tree lane, is necessary or meets the tests under section 108 of the RMA or s83 of the FTAA. The Applicant therefore supports the Panel’s draft conditions as notified. Notwithstanding this position, the Applicant notes the Panel’s encouragement for continued engagement.	