BEFORE THE MĀHINERANGI WIND FARM EXPERT PANEL

In the matter of	of the Fast-Track Approvals Act 2024 (the **FTAA**) and deliberations and final decision of the Expert Panel appointed under s 50 and Schedule 3 of the FTAA for: (a) a variation to the conditions of land use consent RM1409 to construct, operate and maintain the Māhinerangi wind farm; and (b) a land use consent for additional infrastructure associated with the Māhinerangi wind farm; and (c) a suite of regional council resource consents under the RMA; (d) a standard freshwater fisheries activity under the Freshwater Fisheries Regulations 1983; (e) approvals under the Wildlife Act 1953; and (f) archaeological authority approvals under the Heritage New Zealand Pouhere Taonga Act 2014.
Expert Panel	Bianca Sullivan (*Chair*) Andrew Whaley (*Member*) Maria Bartlett (*Member*)
Comments received under Section 53 of the FTAA:	30 March 2026
Details of any hearing under Section 57 of the FTAA:	No hearing was held

Record of Decision of the Expert Consenting Panel under Section 87 of the Fast-Track Approvals Act 2024

Dated [insert date]

Decision: Approval is granted subject to conditions

Date of Decision:	[insert date]
Date of Issue:	[insert date]

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DECISION MADE BY THE PANEL: MĀHINERANGI WIND FARM

PART A: EXECUTIVE SUMMARY

1. This is an application by Tararua Wind Power Limited (the **Applicant** or **TWP**) to develop Stage 2 of the Mahinerangi Wind Farm, to be known as Puke Kapo Hau[1] (the **Application**). This comprises:

   (a) A variation to the existing land use consent RM1409 under the Resource Management Act 1991 (**RMA**), issued by Clutha District Council in 2009, including to reduce the total number of wind turbines from 100 to 56, increase the maximum wind turbine blade tip height from 145 m to 165 m, and remove the condition limiting the installed electricity generation capacity of the wind farm to 200 MW;

   (b) A new land use consent under the RMA for the construction and use of a new 110 kV transmission line and associated infrastructure (including a substation and access tracks) to connect to the National Grid, a Battery Energy Storage System (**BESS**) and an operations and maintenance facility;

   (c) A suite of regional council resource consents under the RMA to replace those that expired in 2011, including construction-related water permits, discharge permits and land use consents;

   (d) Wildlife approvals under the Wildlife Act 1953 relating to construction, operation and maintenance activities that may affect lizards and avifauna;

   (e) Archaeological authorities under the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPTA**); and

   (f) A standard freshwater fisheries activity under the Freshwater Fisheries Regulations 1983.

2. The wind farm and associated infrastructure is to be located on private farmland and land owned by Landcorp Farming Limited (**Pamu Farms**) and Manawa Energy Limited (**Manawa**) within the eastern foothills of the Lammermoor Range, approximately 50 km west of Dunedin and approximately 5 km north of Lake Māhinerangi (the Site).[2]

3. The project is included as a listed project in Schedule 2 of the FTAA, with Tararua Wind Power Limited identified as the authorised person for the project, described under the project name Māhinerangi Wind Farm as: "to construct and operate approximately 44 additional wind turbines, and connect and supply electricity to the national grid". The Panel has determined all components of the Application to be part of the listed project, including the BESS, which assists to control supply of electricity to the National Grid,

[1] The Panel understand that this name was gifted by Kāi Tahu to the project.

[2] The Site is comprised of Sections 16-18 SO 21165 and Section 19 SO21164 (owned by Manawa Energy Limited), Sections 1 and 4 SO23490 in OT13D/952 (owned by Landcorp Farming Limited), Part Run 186B in OT14C/1133 (owned by E.T. Beattie and Sons Limited) and Part Section 5 Block X Lee Stream Survey District in OT14C/331 and Section 3 Block X Lee Stream Survey District in OT12C/797 (owned by GCA Legal Trustee 2017 Limited, Peter John Hall and Vanessa Joy Hall).

and all the associated infrastructure that assists with connection and supply of electricity.

4. On 9 February 2026 an expert panel (the **Panel**) was appointed to determine the Application.

5. The Panel has assessed the Application applying relevant statutory criteria consistent with the purpose of the FTAA (the **Act**) (section 3) to facilitate the delivery of infrastructure and development projects with significant regional or national benefits, and in accordance with the requirements of the Act.

6. The Panel are satisfied that the Application is not for an ineligible activity as defined in the Act (section 5).

7. The Panel received reports to inform the decision-making process from:

    - the Ministry for the Environment (**MfE**) as the responsible agency in relation to Treaty settlements and other obligations (sections 18 and 49 of the Act);

    - the Director-General of Conservation (**Director-General**) as the responsible agency for wildlife approvals and standard freshwater fisheries activities (sections 51(2)(c) of the Act); and

    - Heritage New Zealand Pouhere Taonga (**HNZPT**) as the responsible agency in relation to archaeological authorities (section 51(2)(d) of the Act).

8. The Panel received comments on the Application from those invited to participate in the decision-making process in accordance with s53 of the FTAA, and received responses to those comments from the Applicant.

9. Comments generally in support of the application were received from:

    - Minister for Economic Growth, Hon Nicola Willis;

    - Minister Responsible for RMA Reform and Minister for Infrastructure, Hon Chris Bishop;

    - Minister for Climate Change and Minister for Energy, Hon Simon Watts;

    - Te Minita mō Te Arawhiti, Hon Tama Potaka; and

    - Minister for the South Island, Hon James Meager.

10. Comments seeking minor amendments to conditions and ability to review conditions were received from:

    - Clutha District Council; and

    - Dunedin City Council.

11. Substantive comments were received from the following respondents in relation to particular matters:

- Te Rūnaka o Ōtākou;
- Director-General of Conservation;
- Otago Regional Council;
- Graeme Thomas, neighbouring landowner; and
- Lindsay Brown, neighbouring landowner concerned with landscape and visual effects; and
- Sue Keen, neighbouring landowner concerned with noise, landscape and visual effects.

12. The Panel has thoroughly reviewed all of the information provided in evaluating the Application, including proposed and recommended conditions and draft management plans.

13. Applicable statutory direction informing the Panel decision includes the following:

- the criteria and other matters for assessment of resource consent applications as set out in Schedule 5, clause 17;
- the criteria for assessment of an application for a wildlife approval as set out in Schedule 7, clause 5;
- the criteria for assessment of an application for an archaeological authority as set out in Schedule 8, clause 4; and
- application of conditions to manage a standard freshwater fisheries activity as provided for in Section 19 of the FTAA .

14. Having considered all relevant matters, the Panel are satisfied that Stage 2 of the Māhinerangi Wind Farm, Puke Kapo Hau, meets the purpose of the FTAA because it will deliver infrastructure with significant regional and national benefits.

15. The Panel therefore grants approval for the Application subject to the conditions in **Appendix A**.

16. This decision is made in accordance with section 87 FTAA and covers all approvals sought under the substantive application.

17. Principal issues in contention and main findings are found in Part I and Part N of this decision document. The decision itself and reasons for the decision are summarised in Part N.

18. The Panel have incorporated a lapse date for the resource consents to allow time to exercise the consents following release of this decision.

PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE

Application

Applicant

19. Tararua Wind Power Limited is the authorised person for Stage 2 of the Mahinerangi Wind Farm, or Puke Kapo Hau, as set out in Section 42 of the FTAA.

Site and surrounding environment

20. The Site is located in Otago within an area north of Lake Mahinerangi, east of the Lammermoor Range, west of State Highway 87 and south of Old Dunstan Road (shown on Figure 1). Twelve existing wind turbines, constructed as part of Stage 1 of Puke Kapo Hau, are located in the southeastern extent of the project site. The Stage 2 Site covers approximately 1632 ha, comprising 1,570 ha for Puke Kapo Hau and 62 ha for the transmission line corridor.

Figure 1: Location of project site (Source: AEE Figure 3.1)

21. The Applicant provides a detailed description of the Site[3]. We do not attempt to fully summarise this, but note that it covers the following matters:

    a. The general setting of the Site – within and surrounded by the Lammerlaw Range to the west and north, and the Lammermoor Range to the north and east. The Site is within the upper reaches of the Taieri Catchment, with the topography typified by broad gently rolling spurs dissected by an intricate pattern of

[3] Section A.04 of the AEE.

waterways and gullies. Schist tors are dotted along the ridgelines and valley sides.

b. Surrounding land uses – with the Site set within a wider farming and energy landscape with few dwellings. Sheep and beef farms are to the northeast, east and southeast. The Deep Stream Hydro-Electric Power Scheme (operated by Manawa Energy) harnesses water from Deep Stream and returns it to Lake Mahinerangi. Dunedin City Council manages lands at Deep Stream as a water supply catchment, sourcing Dunedin's drinking water supply from Deep Stream, and neighbouring Deep Creek and Waipori. Te Papanui Conservation Park and Black Rock Scientific Reserve are located to the west and northwest of the Site.

c. The zoning and planning framework – with the Site and surrounding land zoned 'Rural Resource Area' in the Clutha District Plan (**CDP**). There are no landscape or significant indigenous area overlays, however the adjacent Lammermoor Range is identified as an Outstanding High Country Landscape in the Dunedin City District Plan (**DCDP**).

d. An overview of existing resource consents – most notably the existing consent for the Mahinerangi Wind Farm, RM1409.

e. Geology and geomorphology – described as an area predominantly underlain by quartzfeldspathic schist bedrock, averaging 1.2m thick, with shallow topsoil of 0.2-0.3m depth, and alluvial and peat soils present in gullies and wetland areas. Groundwater is recorded as at least 5m below ground level, and up to 15 metres or more in some areas.

f. Landscape, visual amenity and natural character values – associated with an expansive peneplain with rounded contours and incised streams, aligned northeast to southwest, featuring tussock cover and shelterbelts on extensively farmed land, and generally distant from public viewpoints (e.g. State Highway 87 to the east approximately 9km, Old Dunstan Road to the north approximately 7km). Public access to the Site is at the end of the Eldorado Track, which includes walking access onward to Te Papanui Conservation Area.

g. Ecological values – associated with dry grassland vegetation, predominantly snow tussock, in the Waipori Ecological District, within the headwaters of the Lee Stream catchment and the Deep Stream catchment in the western part of the Site, and bordering a wetter south east zone, with a number of wetlands in gullies and peaty areas, none of which are recorded as Regionally Significant Wetlands in the Regional Plan: Water for Otago. The adjacent Black Rock Scientific Reserve is indicative of pre-1840 land cover, and the Black Rock recommended area for protection (RAP) located in the west of the Site contains representative silver beech and shrubland. Indigenous vegetation within the Site includes at risk - declining species (marsh willowherb, desert broom, small leaved tree daisy and slender wine sedge) and naturally uncommon species (speargrass, bamboo speargrass, mat cudweed, Balfour's nertera and Bumpy Daisy Bush Olearia). Sixty different terrestrial invertebrate taxa were identified, particularly within intact tall tussock grassland, with none threatened. The Site contains preferred habitat for McCann's skink, which is not threatened, and the at risk Tussock Skink. Avifauna present at the Site include the threatened – nationally vulnerable Kārearea/Eastern NZ Falcon, and some at risk species (South Island Pied Oystercatcher (**SIPO**), New Zealand Pipit and Little Shag). The area is low quality

habitat for bats and none have been observed. Small first and second order streams present are noted as having generally high water quality, with highly diverse benthic macroinvertebrate communities. Aquatic species present include the at risk – declining koura and the threatened - nationally endangered Eldon's galaxias.

h. Roading and traffic – with the Site being at the end of Eldorado Track off Māhinerangi Road, which can be accessed via either State Highway 8 or State Highway 87. Existing operations at the Site involve a daily maximum of 10 return trips for workers, and an average of 5 return trips.

i. Noise – characterised as ambient natural sounds such as water, wind in vegetation and intermittent traffic on local roads, with come contribution from Stage 1 of the wind farm for some receivers.

j. Recreation values – with access to Te Papanui Conservation Park and the associated hunting block, walking or tramping, mountain biking, off-road driving and cross country skiing opportunities, as well as sports fishing in the wider area of Lake Māhinerangi and Taieri River.

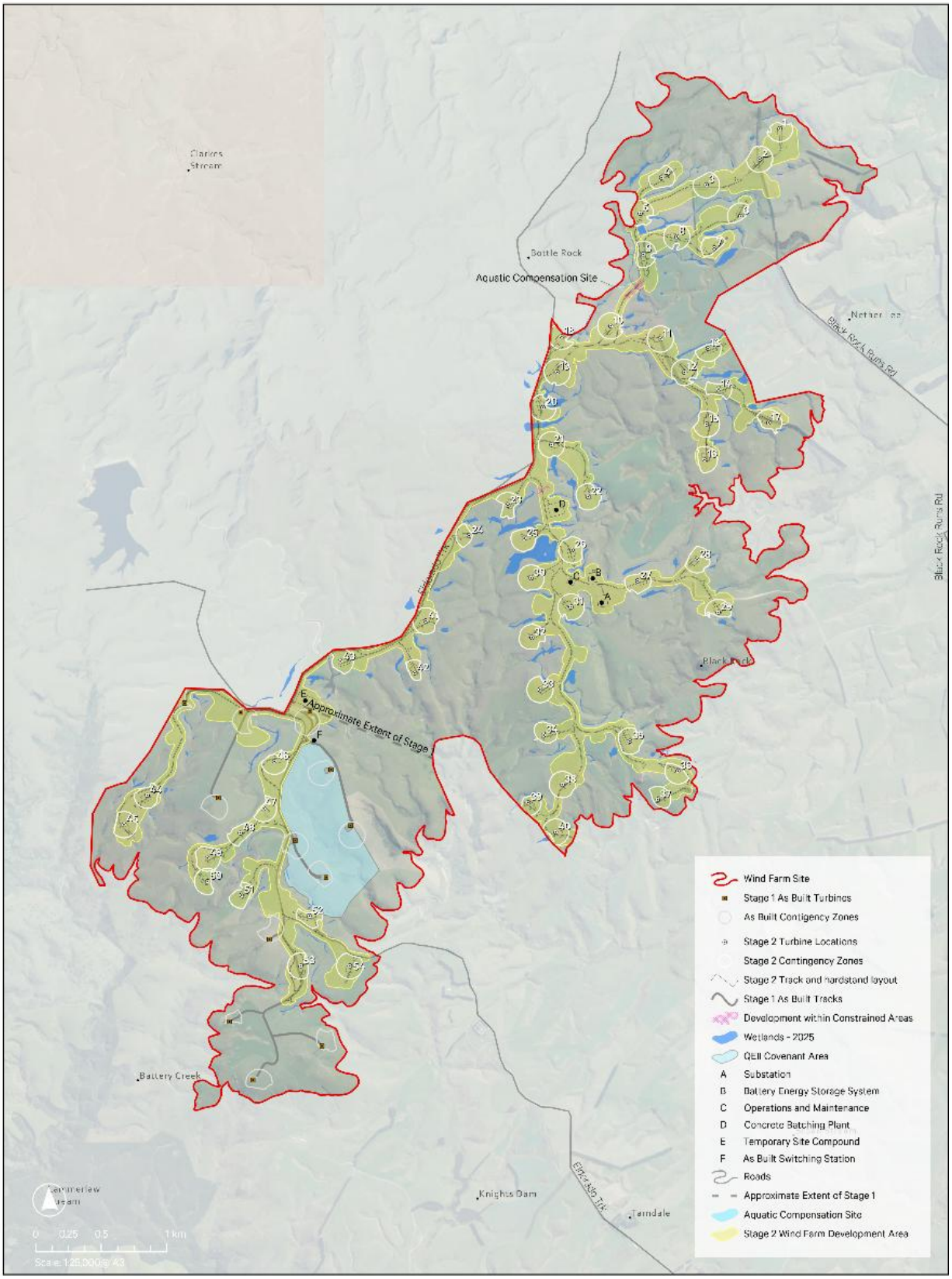
k. Archaeological values – associated with a history of gold mining in the area, including 26 identified sites, but none within the Site itself. The Applicant has acknowledged the potential for accidental discovery of archaeological remains.

l. Ngāi Tahu values – with the applicant primarily relying upon advice provided by Ōtākou Rūnaka to understand values at the Site and how they may be impacted. The Applicant notes that Old Dunstan Road has been formed along a Ngāi Tahu trail, and Te Papanui (Lammermoor Range) is recorded in the Ngāi Tahu Atlas, Kā Huru Manu, along with Lee Stream (Te Makarara) and Deep Stream (Makarara), which are also identified in the Regional Plan: Water for Otago as associated with the values of kaitiakitanga, mauri, wāhi tapu or waiwhakaheke, wāhi taoka, mahika kai, kohanga, trails and cultural materials.

22. The Panel generally accepts the Applicant's overall description of environment, which has been supplemented by information provided by other participants in the process. Particular aspects of the environment are discussed in more detail in this decision when considering effects of the activity and application of the statutory framework.

Overview of the application

23. The application is to build Stage 2 of the Māhinerangi Wind Farm, Puke Kapo Hau, including installation of 44 new turbines (a reduction from an additional 88 turbines as currently consented) at 54 potential locations, identified with contingency zones (**CZ**) of approximately 100m radius, within which each turbine will be situated. The key aspects of the proposal are shown on Figure 2 below, which also shows the Stage 1 site.



Isthmus.

Map 1 - Puke Kapo Hau Stage 2 Layout Plan

Mercury

Figure 2: Overview of the proposal (Source: AEE Section G.01, Map 1)

24. The application is for the following:

(a) A variation to the conditions of land use consent RM1409 to construct, operate and maintain the Māhinerangi wind farm; and

(b) a land use consent to construct, operate and maintain a 110kV transmission line, substation, battery energy storage system, and operations and maintenance facility, temporary hardstand areas and concrete batching plant associated with the Māhinerangi wind farm; and

(c) a discharge permit to discharge stormwater to land where it may enter water from construction sites and fill areas; and

(d) a discharge permit to discharge water and contaminants to land where it may enter water from concrete batching; and

(e) discharge permit for discharge of stormwater to land where it may enter water from infrastructure associated with the Māhinerangi wind farm, excluding roading; and

(f) a land use consent to excavate bores for the purpose of dewatering during construction activities; and

(g) a water permit to take groundwater for the purpose of dewatering during construction activities; and

(h) A discharge permit to discharge water to land where it may enter water for the purpose of dewatering during construction activities; and

(i) a land use consent to deposit fill and undertake works within the bed of a tributary of Lee Stream to enable installation and maintenance of a culvert up to 34 metres in length and vehicle crossing; and

(j) a water permit to divert surface water in a tributary of Lee Stream during construction and operation of a culvert crossing; and

(k) a discharge permit to discharge water and sediment to land where it may enter water and to water during construction of a culvert crossing in a tributary of Lee Stream; and

(l) a land use consent to construct roading and associated infrastructure, including culverts, in or within 10m of natural inland wetlands; and

(m) a standard freshwater fisheries activity under the Freshwater Fisheries Regulations 1983.

(n) approvals under the Wildlife Act 1953 to take, possess, hunt or kill kārearea/eastern falcon (*Falco novaseelandiae*), any other threatened or at-risk native birds, and protected herpetofauna within the project area; and

(o) archaeological authority approvals under section 44(a) of the Heritage New Zealand Pouhere Taonga Act 2014 for activities that will or may modify or destroy archaeological sites, and persons nominated to undertake those activities.

25. In relation to the variation to resource consent RM1409 issued by CDC, sought in accordance with section 42(4)(b) of the FTAA, key changes from the activity as consented allow for fewer turbines of a larger size and with greater generating capacity to be installed, and include the following:

    - removal of 34 potential turbine locations, including from the environmentally sensitive area containing Māori land referred to as the Thomas Block in the south west of the site and the neighbouring covenanted area of the Scrappy Pines Block;

    - reduction from a total of 100 turbines to 56, including 12 turbines already built as part of Stage 1 of the development and 44 turbines to be constructed as part of Stage 2;

    - an increase in permanent hardstand areas for each turbine from 1,400m^2 to 1,885m^2[4];

    - a 20 metre increase in maximum blade tip height, from 145m to 165m;

    - a 20 metre ground clearance from blade tips;

    - an increase in rotor diameter from 90 metres to 136 metres;

    - an increase in turbine capacity from 2-3 MW to 4.3 MW; and

    - no maximum limit set for generating capacity from the wind farm, removing the existing 200 MW limit

    - reduction in length (to approximately 31 kilometres) and width (from a maximum of 12 metres to a maximum of 9.5 metres, with a minimum of 5.5 metres) of internal access roads and corresponding reduction in length of the underground network for 33kV line and fibre optic cable;

    - amendment to mapped CZ areas associated with 54 potential locations for the 44 turbines that will be constructed as part of Stage 2, and amendment to the Windfarm Development Area to accommodate location and hardstand area adjustments within a reduced Wind Farm Site Area;

    - amendment to surplus fill disposal (**SFD**) locations; and

    - ability to incorporate blade overhang of road reserve[5].

26. In relation to the new land use consent to be administered by CDC that includes earthworks and vegetation clearance, this covers the following specific activities:

    - A temporary hardstand area at the site entrance of 10,350m^2 for use during construction;

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[4] Section A.7.3.1.2 of the Application, AEE Overview, p80

[5] Section A.5 of the Application, Project Description

- A temporary concrete batching plant area on approximately 10,600m^2 hardstand northwest of the new facilities;

- A new centrally located operations and maintenance (**O&M**) facility adjacent to the substation on approximately 2,200m2 hardstand, consisting of a 700m^2 building and sealed parking area of 830m^2;

- A new substation on approximately 3,850m^2 hardstand with a 250m^2 building of 5m in height, within a 6,750m^2 area, to transform 33kV from underground lines connected to the turbines to 110kV transmission;

- A new battery energy storage system (**BESS**) adjacent to the substation on approximately 4,200m^2 hard stand consisting of 32 containers up to 3m in height;

- A 110kV transmission line running southeast from the substation to the National Grid line on Eldorado Track, approximately 6 kilometres long and consisting of 25 pole structures up to 45 metres high; and

- An access roading network up to 4.5 metres width associated with the transmission line, approximately 8.8 kilometres long and predominantly using existing farm tracks.

27. In relation to the new land use consents, water permits and discharge permits to be administered by ORC:

    - A land use consent to construct roading and associated infrastructure, such as culverts and underground cables, in or within 10 metres of natural wetlands, including within a wetland in the northwest of the site between proposed turbine locations 20 and 21[6] and along the transmission line, directly impacting approximately 520m^2 of wetland[27];

    - A land use consent to modify the bed of a tributary of Lee Stream for the installation of a culvert up to 34 metres long, filling in the existing bed of the stream over an approximately 50 metre length to provide for a vehicle crossing;

    - A water permit to permanently divert a tributary of Lee Stream from its natural course over an approximately 50 metre length into a culvert up to 34 metres long, and temporary damming and diversion during works to install the culvert;

    - A discharge permit to discharge water and sediment to land where it may enter water, and to water, during construction of a culvert and vehicle crossing in a tributary of Lee Stream;

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[6] Labelled as Wetland 43 in *Vegetation, Wetland and Terrestrial Invertebrate Assessment*, SLR, 6 October 2025.

[7] The SLR Report of 6 October 2025 references approximately 476m^2 of loss of wetland extent, while the technical memorandum from Riley Consultants Ltd dated 16 March 2026 refers to an approximately 520m^2 area of wetland at Wetland 43 within the footprint of the activity.

- A land use consent to excavate bores for the purpose of dewatering during construction activities;

- A water permit to take groundwater for the purpose of dewatering during construction activities;

- A discharge permit to discharge water to land where it may enter water for the purpose of dewatering during construction activities;

- A discharge permit to discharge stormwater to land where it may enter water from construction sites and fill areas;

- A discharge permit to discharge water and contaminants to land where it may enter water from concrete batching; and

- A discharge permit for discharge of stormwater to land where it may enter water from infrastructure associated with the Māhinerangi wind farm, excluding roading.

Resource consents activity classification

28. The Panel has reviewed all the documentation and the further information provided by the Applicant[8] and the participants and summarises the necessary resource consents at Appendix B. The Panel agrees with the Applicant that, in terms of the Clutha District Plan (**CDP**), the Regional Plan: Water for Otago (**RPW**), and the NES-F, the Application as a whole is to be considered a **Discretionary** activity. This position is consistent with the comments received from CDC and ORC.

29. In relation to proposed land use activities not included within the variation to RM1409, the Applicant has identified elements of the proposed activity that are permitted activities in the CDP. These include works associated with ongoing operation, maintenance, enhancement or refurbishment or upgrading within the existing envelope of a lawfully established electricity generation facility (Rule ELG.1). This rule applies to Stage 1 and will apply to Stage 2 when the turbines and associated infrastructure are built, governed by definitions in Schedule 6.11 in the CDP.

30. The Applicant states that noise requirements will be met in relation to permitted activity thresholds for measurement, construction noise and vibration (Rules NSE.1, NSE.2 and NSE.3). The Applicant has indicated that construction and maintenance of access roads within the Rural Resource Area zone are permitted, incorporating earthworks within riparian margins (Rules RRA.7 and RRA.8), but relies on these being part of construction and commissioning works covered by Rule ELG.4, and takes a similar approach to the permitted activity of underground cables (Rule INF.7). The proposed Operations & Maintenance Facility building size exceeds permitted limits under Rule INF.5 and is therefore classified as restricted discretionary. Rule ELG.4, the discretionary activity rule, will apply to new electricity generation facilities as defined in the CDP[9], including

[8] In particular, Part D of the AEE.

[9] **'ELECTRICITY GENERATION FACILITY'** means a facility, operation or activity which utilises or converts natural resources into electricity or transforms one energy type into electricity, and includes hydroelectric, thermal and geothermal power stations, wind turbines, solar, biomass, wave and ocean current generation etc. but excludes co-generational plants constructed as part of an industrial activity.

the substation, BESS and 110kV transmission line, and therefore determines the overall activity classification under the Plan.

31. In relation to proposed activities that will be administered by Otago Regional Council, the applicant has identified a suite of land use consents (both s.9 and s.13), water permits and discharge permits as being required under the RPW and the NES-F. Water permits are required for groundwater dewatering for construction (Rule 12.2.4.1), and for the diversion of water to construct the Lee Stream tributary culvert (Rule 12.3.4.1). Both are discretionary activities in the RPW.

32. Discharge permits are required for:

    a. stormwater discharges from construction works, including roads[10], is a restricted discretionary activity (Rule 12.B.3.1);

    b. discharges from concrete batching, processing of raw materials or from electricity generation structures that discharge contaminants, are a discretionary activity (Rule 12.B.4.1); and

    c. Sediment discharges from earthworks, spoil disposal areas and land clearance activities are a discretionary activity (Rule 12.C.3.2).

33. No discharge permits are required for discharges to air from construction activities or from operation of the concrete batching plant. These activities comply with permitted activity rules, including Rule 16.3.5.2 which permits discharges from sorting, crushing, screening, conveying and storage of powdered or bulk products.

34. Land use consents are required for:

    a. Placing a culvert at the Lee Stream tributary as a discretionary activity (Rule 13.2.3.1) (s.9);

    b. Altering the bed of a waterbody to place the culvert in the Lee Stream tributary as a discretionary activity (Rule 13.5.3.1) (s.9); and

    c. Constructing bores for dewatering as a controlled activity (Rule 14.1.1.1) (s.13).

35. The proposal also requires resource consent under the NES-F. The Panel accepts that the proposal meets the definition of 'specified infrastructure'[11] and therefore requires consent under the following regulations (that apply to specific infrastructure):

    a. A land use consent for vegetation clearance, earthworks and land disturbance within 10 m of a natural inland wetland is a discretionary activity (Regulations 45(1) and 45(2)); and

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This includes the system of electricity conveyance (including substations) required to convey electricity to the distribution network and/or the national grid but excludes the distribution network and/or the national grid.

[10] The discharge of stormwater from roads, including internal roads post construction, is a permitted activity (Rule 12.B.1.9).

[11] Defined by the NPS-FM, with reference to Policy 4.3.2 of the Otago RPS 2019.

b. A discharge permit for indirect discharges of water into water is a discretionary activity (Regulation 45(5).

Approvals relating to a wildlife approval under the Wildlife Act 1953

36. The proposal requires a wildlife authority for the following:

a. The relocation of lizards – with associated handling and salvage – to enable vegetation clearance and earthworks, along with the incidental killing of lizards that have not been translocated.

b. The handling of kārearea / falcon (Threatened – Nationally Vulnerable) and attachment of leg bands and GPS transmitters, and the handling of any carcasses.

c. To collect the carcass of any native bird with a threatened or at risk conservations status, and to undertake necropsy to determine the cause of death where it may be related to the operational wind farm.

Approvals relating to an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014

37. Archaeological authority is required under section 42(4)(i) of the FTAA due to the potential for accidental discovery of archaeological remains within the area of works.

Approvals for standard freshwater fisheries activities

38. Section 13(4) and Schedule 5, clauses 4A and 9, set out the requirements for approvals that include standard freshwater fisheries activities, as defined in section 4, including culverts that could impede but not permanently block fish passage.

Procedure

39. The following matters of procedure are relevant for this decision.

Panel Convenor information

40. The Panel was set up under s.50 of the FTAA with effect from 16 February 2026. The Panel received information from the Panel Convenor including the substantive application, a report under section 18 of the FTAA from the Ministry for the Environment and the Panel Convenor's Minute 3 dated 5 February 2026. The Panel also had access to a recording of the Panel Convenor's conference and a record of issues brought forward by participants at that conference.

EPA information

41. The Panel was assisted by the EPA during the decision-making process, including through provision of a memorandum dated 16 February 2026 that identified a range of parties that the Panel was required to invite to comment on the substantive application, and a range of parties that the Panel had the option to invite to comment. This memorandum provided necessary details to identify adjacent land owners and occupiers, and made reference to the Panel Convenor's Practice and Procedure Guideline.

Meetings and site visits

42. In accordance with Minute 1 from the Panel issued on 16 February 2026, an online project overview conference was held on 24 February 2026. The purpose of this was for the applicant to present a high-level overview of the application, including approvals sought, the content and structure of proposed conditions, key points of evidence in support of the application, and relevant legal matters. The Panel were able to ask initial questions of the applicant. The applicant's Powerpoint presentation was received by the Panel in advance of the conference, and a recording of the conference was made available to the public on the Fast Track website.

43. Additional attendees were invited to participate, in accordance with Minute 2 issued on 19 February 2026, including Te Rūnanga o Ōtākou, Otago Regional Council, Clutha District Council and Department of Conservation, all of whom had representatives attend online. Representatives of these organisations had all participated in the prior Panel Convenor's conference of 27 January 2026.

44. The Panel undertook a site visit with the EPA application lead the following day on 25 February 2026, driven by the applicant representatives to key areas associated with the proposal, including areas within Stage 1 of the wind farm development, directly impacted wetland areas, the location of a proposed vehicle crossing in a tributary of Lee Stream, wetland and aquatic compensation sites and various vantage points. The Panel had the opportunity to walk around these areas.

45. The Panel held scheduled meetings online as needed during the process, with the EPA application lead present, and otherwise communicated over phone or e-mail to progress matters. Meeting days were set aside for the Panel in the first week of June 2026 to finalise the draft decision.

Invitations to comment

46. In accordance with Minute 3 issued on 2 March 2026, the Panel invited comments on the Application from persons listed in sections 53(2)(a) to (c), (h) to (k), (m) and (n) of the FTAA. Other sub-clauses of section 53(2) were not relevant in this case. The invitation to comment complied with the general provisions of section 54. In addition, the Panel invited comments from OtagoNet Limited, Aukaha Limited and Te Ao Mārama Incorporated under section 53(3). The deadline for those wishing to provide comments was 30 March 2026.

47. Comments seeking minor amendments to conditions and ability to review conditions were received from:

- Clutha District Council, consultant planner Craig Barr; and
- Dunedin City Council, Head of 3 Waters, John McAndrew.

48. Substantive comments were received from the following respondents in relation to particular matters:

- Te Rūnaka o Ōtākou, including a Treaty impact assessment on behalf of mana whenua from Tipa & Associates and planning evaluation from Sandra McIntyre, provided in the context of overall support for the Application, with additional support from Te Rūnanga o Ngāi Tahu subsequently communicated;

- Director-General of Conservation, Loren Brown with contribution from herpetologist Jacqui Wairepo and terrestrial ecologist Rebecca Teele, concerning avifauna, lizards, terrestrial vegetation, wetlands, indigenous freshwater fish and their habitat, monitoring and reporting;

- Otago Regional Council, Joanna Gilroy General Manager Environmental Delivery, with contribution from planner Andrew Maclennan, ecologist Andrew Rossaak, engineer Paul Morgan and hydrogeologist Vanessa Dally, concerning discharges, impacts on streams and wetlands, indigenous freshwater fish and their habitat, management plans and conditions;

- Lindsay Brown, neighbouring landowner concerned with landscape and visual effects; and

- Sue Keen, neighbouring landowner concerned with noise, landscape and visual effects.

49. The Panel received a memorandum from the Applicant dated 2 April 2026 requesting suspension in the processing of the application under section 64(1) of the FTAA, and subsequent resumption under section 65(1), to allow for a comprehensive response to comments received in order to ensure efficient processing of the application, as required under section 10 of the FTAA. The Applicant requested suspension of the process from 11:59pm on 7 April 2026 until 11:59pm on 15 April 2026. The Panel issued Minute 4 on 7 April 2026 granting the requested suspension under section 64(4) of the FTAA, with subsequent resumption of processing under section 65(2) of the FTAA, and recording that the Panel would continue to consider the application during this period with the support of the Applicant.

50. Subsequently, the Panel were provided with late comment from neighbouring landowner Graeme Thomas of 1057 Eldorado Track regarding the area referred to as the Thomas Block, outlining the relationship of the application with Māori land, nohoaka whenua and whānau urupā, including Māori Reserve and covenanted land. The Panel opted to use discretion available under section 81(6) to consider these late comments due to matters raised in relation to land managed under Te Ture Whenua Māori Act 1993 not previously considered during the application process, as recorded in Minute 5 issued on 10 April 2026. The Applicant was provided until 15 April 2026 to respond to these comments, alongside comments received by the deadline, and took that opportunity.

Applicant's response to invited persons comments

51. The Applicant provided a response to all comments received on the application, in accordance with section 55(2) of the FTAA, by the deadline of 15 April 2026. This included a Memorandum of Counsel confirming that following finalisation of a Relationship Agreement with Te Rūnanga o Ōtākou the application was now supported by Ōtākou Rūnaka, as evidenced by a letter dated 9 April 2026 from Kaiwhakahaere Paulett Tamati-Elliffe, which sought no further changes to the proposal and indicated that comments previously provided should be read in light of this position. Supplementary legal submissions record that planner Sandra McIntyre reviewed the proposed conditions on behalf of Ōtākou Rūnaka and these were amended in response

to feedback, forming the revised set put forward by the Applicant, therefore resolving any remaining matters[12].

52. The Applicant provided additional statements of evidence and a technical memorandum on acoustic matters to support their position in relation to comments received, as well as tables with specific responses to comments from each party, and updated draft conditions and management plans. The statements of evidence and technical memorandum were received from:

- Luke Gordon of Riley Consultants on civil engineering
- Dr Stephen Rate of SLR Consulting on wetlands and ecology
- Benjamin Ludgate of SLR Consulting on aquatic ecology
- Stephen Fuller of Boffa Miskell on avifauna
- Tony Payne of Blueprint Ecology on herpetofauna
- Gavin Lister and Simon Button of Isthmus on landscape and visual effects
- Richard Turner and Sarah Edwards of Mitchell Daysh on planning
- Siiri Wilkening of Marshall Day on acoustic effects.

53. Supplementary legal submissions, in addition to covering matters to do with support of Ōtākou Rūnaka, cover support for the application and consideration of its benefits arising from the comments of Ministers, Clutha District Council and Otago Regional Council. Responses by the Applicant focus on detail raised in comments from ORC and DoC, and in order to further inform consideration of the detailed comments from ORC and DoC, the comprehensive submissions cover: historical context to the consented project; the limited scale of adverse effects; the matter of the difference between the variation to existing consent RM1409 and the new consent requested in terms of assessment of effects; the lawfulness of conditions; the national and regional significance of the activity; permit durations and in particular water permits; adaptive management; individual peer review within the context of an overall position from ORC; application of the NPSFM and the effects management hierarchy; the approach to management plans and monitoring or reporting conditions; legal protection for offsetting and compensation sites; wetland delineation; reference to the Douglas fir plantation; matters raised in the s51 Wildlife Approval Report from DoC; and matters raised by Graeme Thomas.

Further information

54. During the period that participants were invited to provide comments, the Panel issued a request for further information to the Applicant in a letter dated 5 March 2026, under section 67 of the FTAA. The request included questions relating to: amendments to national direction relevant to the application; the nature of legal protection proposed for wetland and aquatic compensation sites; protection of taonga species; a further

[12] Supplementary Legal Submissions on Behalf of Tararua Wind Power Limited, Response to Section 51 Report and Comments from Persons Under Section 53(2), 15 April 2026, paragraph 2.8.

assessment of "functional need"; consideration of Regulation 57 of the NES-F; assessment of the offset and compensation principles in the Otago RPS; relationship of proposed compensation with regulatory requirements and with loss of stream extent; further information about the Scrappy Pines Block before and after protection and restoration; and health and safety considerations in relation to potential for blade overhang of the public access road. The Applicant had until 16 March 2026 to provide the information, which was then available to inform the comments of participants that had been invited to comment on the application.

55. The Applicant provided responses to all questions of the Panel by the due date, and also included an update on engagement with parties, recording that: work was ongoing with Te Rūnanga o Ōtākou; two workshops were held with the Department of Conservation to discuss matters of detail to do with management of effects on falcons and lizards and points of clarification; two site visits, a meeting and a workshop were held with Otago Regional Council to consider conditions, fish passage and culvert design, wetland effects, application of the effects management hierarchy and water quality monitoring; a site visit was conducted by Clutha District Council; and landowners had been kept informed of progress.

56. The Panel issued an additional further information request on 28 April 2026 to CDC under section 67(1)(a)(ii) of the FTAA seeking comment on assessment by the Applicant of health and safety considerations arising from potential blade overhang of the paper road, over which CDC have jurisdiction. On the same date the Panel sent a request to DoC under section 67(1)(a)(iii) asking if there were any further comments to add upon review of reports provided by the Applicant regarding effects on falcon that DoC had not had time to review prior to providing comments under section 53. A deadline of 4 May 2026 was provided for response, which was met by CDC. The Panel received a request from DoC for additional time to respond, as recorded in Minute 7 dated 30 April 2026, and an extension of time until 8 May 2026 was provided, which is when DoC gave their additional comment.

57. The Panel issued a subsequent further information request on 4 June 2026 requesting clarification of the planned surface of the substation hardstand area, including the extent of any impervious surfaces and associated collection and discharge of stormwater, to be provided the following day. The Applicant supplied the requested information on 5 June 2026, including updated drawings and an updated condition suite.

Section 51 Report from HNZPT

58. The Panel responded in Minute 6 issued on 21 April 2026 to an administrative error arising that meant that the Section 51 report from HNZPT was received late. The report was due in response to Minute 1 of the Panel Convenor issued on 12 December 2025 within ten working days but was not received by the Panel until 20 April 2026. The Panel utilised its discretion under section 81(6) to accept the report due to the FTAA anticipating that it would be available to the Panel, that it was requested by the Panel Convenor, and that its contents provide information integral to Panel decision on the archaeological authority.

Conditions

59. The Application included a full suite of draft conditions and draft management plans in the substantive application.

60. Comments provided by ORC, CDC, DoC, Ōtākou Rūnaka and HNZPT, under sections 51 and 53 of the FTAA, incorporated recommendations on the draft conditions and associated management plans, including suggested amendments.

61. The Applicant worked directly with these parties, or with their recommendations, to provide to the Panel a largely agreed set of conditions

62. In accordance with section 70 FTAA, the Panel reviewed and amended these conditions and provided draft conditions to the Applicant and persons invited to comment on 15 June 2026, requiring responses by 22 June 2025. The Panel received [insert number of responses] responses on the draft conditions from:

    a. The Applicant;

    b. [insert]; and

    c. [insert].

63. Under section 72 FTAA the Panel also invited comment from the Ministers for Māori Crown Relations: Te Arawhiti and Māori Development on 15 June 2026, requiring responses by 29 June 2026. The Panel received responses on the draft conditions from:

    a. [insert

64. The Panel has considered all comments received on the draft conditions, as is required under section 70 FTAA, and amended the conditions where appropriate. The Panel has addressed these comments throughout this decision report, and in Part K of this decision.

Hearing

65. The Panel has exercised its discretion not to require a hearing on any issue under section 56 FTAA. The Panel was able to adequately consider all issues based on the information received from the Applicant and other participants in the process, including all technical information, statements of evidence, reports and comments. The Panel considers this to be consistent with the procedural principles in Section 10 of the FTAA, ensuring a timely, efficient and cost-effective process proportionate to the Panel's functions, duties or powers.

Timing of the Panel decision

66. In accordance with the Panel Convenor Minute 3 dated 5 February 2026, the time frame for the panel to issue its decision documents under sections 79 and 88 was set at 26 June 2026. As a consequence of suspension of the process at request of the Applicant under section 64(1) of the FTAA, to allow for a comprehensive response to comments received, the delivery of the decision documents was amended to 3 July 2026. This delivery date was met by the Panel.

PART C: LEGAL CONTEXT

Legal context for a listed project under the FTAA

67. As the authorised person listed in Schedule 2, TWP lodged their substantive application with the EPA on 6 November 2025, in accordance with section 42 of the FTAA.

68. The EPA relied on a memorandum on completeness and scope dated 24 November 2025 to determine on 27 November 2025 that the application complies with section 46(2) of the FTAA. The Applicant confirmed during the overview conference that the application is not intended to capture upgrading of Stage 1 of the wind farm, which is therefore not within scope of the authorisations granted.

69. The EPA made a recommendation on whether there are competing applications or existing resource consents for the same activity on 11 December 2025.[13] The EPA then provided the Application to the panel convenor and at the same time requested a report from the Ministry responsible agency[14] under section 18 FTAA, which was received on 16 December 2025.

70. The Panel has considered removal of the area known as the Thomas Block[15] from the wind farm area as part of the Application. The Thomas Block includes Māori land and land set apart as a Māori reservation[16] for which there is no agreement in writing from the land owners to undertake activities, and as such these would be ineligible activities under section 5(1)(a) of the FTAA. Comments received from Graeme Thomas and responses from the Applicant are recorded in Part E of this decision.

71. The Panel agrees with the position put forward by the Applicant in supplementary legal submissions regarding the basis for considering variation to RM1409 and application of s127 of the RMA.

72. The Panel accepts the legal position, as set outby the Applicant in legal submissions incorporated into section F of the AEE, that there is no equivalent to Schedule 4, clause 6(1)(a) of the RMA in the FTAA regarding a general requirement for consideration of alternatives, although alternative methods of discharge are relevant under section 105 of the RMA. This matter is further discussed in the decision in relation to "functional need" and application of the regulatory framework.

Decisions on approvals

73. In accordance with section 81(1)(a) of the FTAA the Panel have decided to grant the approvals sought, subject to the conditions in **Appendix A**, having considered section 85 and found no grounds to decline[17].

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[13] FTAA, section 47

[14] The Ministry for the Environment is the responsible agency for section 18.

[15] As shown in Figure 5.3, 48, Section A.05 of the Substantive Application

[16] Comments of Graeme Thomas regarding Part Sec 24 Blk IV Hedgehope SD, and as shown in Pātaka Whenua, online portal of the Māori Land Court Te Kooti Whenua Māori (www.māorilandcourt.govt.nz)

[17] The Panel note that section 85(1)(c) of the FTAA requires that an application under section 42(4)(b) for a change or cancellation of a resource consent condition be declined, which is interpreted in relationship with section 42(6). A substantive application seeking approvals under section 42(4)(a) has been made alongside the application under section 42(4)(b) and therefore the Panel is able to grant the change or cancellation of conditions requested.

74. In accordance with section 81(2)(a) of the FTAA the Panel have considered the substantive application and all advice, reports, comments and other information received under sections 51, 52, 53, 55, 67, 70 and 72.

75. Section 81(2)(b) of the FTAA requires application of clauses as set out 81(3), as relevant to approvals for resource consent, change or cancellation of resource consent conditions, wildlife approval and approval of an archaeological authority, including criteria contained in associated schedules, with priority weight given to the purpose of the Act. The Panel decision accords with these requirements.

76. The effect of Ngāi Tahu Treaty Settlement and obligations arising from that Treaty Settlement have informed the Panel decision, in accordance with section 81(2)(c), 82 and 7 of the FTAA.

77. The Panel have set conditions that are necessary to address the reasons for setting those conditions and that are not more onerous than necessary, in accordance with sections 81(2)(d) and 83. The conditions suite incorporates amendments agreed between the Applicant and Ōtākou Rūnaka, satisfying the need to recognise Ngāi Tahu Treaty Settlement under section 84 of the FTAA.

Ability to decline consent

78. Section 85 of the FTAA sets out the limited circumstances when approvals must or may be declined, which the Panel has duly considered. The Panel has reached the conclusion that the national and regional benefits of Puke Kapo Hau outweigh any adverse impacts, noting also that identified actual and potential effects can be satisfactorily managed by way of conditions and associated managements plans.

Approvals relating to the Resource Management Act 1991

79. The relationship of the FTAA with the RMA is outlined in Schedule 5, which establishes the consent application process that applies rather than the standard RMA consent application process, and applicable criteria for decision-making. In particular, clause 17(1) requires the Panel to give the greatest weight to the purpose of the FTAA when taking into account criteria for decision-making, including the provisions of Parts 2, 3, 6, 8, 9 and 10 of the RMA, excluding s104D, and relevant provisions of other legislation that directs decision-making under the RMA. Relevant to this proposal: clause 17(2) restricts consideration of Part 2 of the RMA to sections 5, 6 and 7; clause 17(6) establishes that the Panel is to be read as the consent authority for the purposes of decision-making; and clause 17(7) ties the Panel decision on duration of consent to that specified in section 123B[18] of the RMA, being a maximum duration of 35 years, or an unlimited period for land use consents issued under section 9 of the RMA.

80. The Panel has given requisite weight to the FTAA purpose as specified in section 3 of the Act, and has taken into account the purpose and principles of the RMA in sections 5, 6 and 7 of that Act, as outlined in Parts E, F, G and H of this decision. The Panel has assessed the application in relation to relevant matters in section 104 and 104B, particular to activities classified as discretionary, and sections 105 and 107 in relation to discharge permits, in accordance with Schedule 5, clause 17(1)(b). Determination of consent duration is in accordance with Schedule 5, clause 17(7) and section 123 of the

[18] Noting the analysis of relationship between section 123 and section 123B as identified in the substantive application and supplementary legal submissions.

RMA. The Panel accepts legal submissions from the Applicant, as contained in Section F of the Application, that section 123B is also relevant, specifying a default period of 35 years for renewable electricity generation activities[19].

81. The Panel has been assisted to apply the relevant criteria by ORC, CDC, the Applicant and Ōtākou Rūnaka in reaching decision on matters pertaining to resource consents, including conditions on those consents.

Approvals relating to a wildlife approval under the Wildlife Act 1953

82. Schedule 7, clause 5 sets out the criteria for assessment of an application for a wildlife approval. In particular, clause 5(1) requires the Panel to give the greatest weight to the purpose of the FTAA when taking into account criteria for decision-making, including the purpose of the Wildlife Act 1953 and effects on protected wildlife, and information and requirements relating to the protected wildlife that is to be covered by the approval, such as the New Zealand Threat Classification System or any relevant international conservation agreement.

83. The Panel has given requisite weight to the FTAA purpose as specified in section 3 of the Act, and has taken into account the purpose of the Wildlife Act 1953 and all relevant information regarding protected wildlife, as outlined in Parts E, F, G and H of this decision.

84. The Panel has been assisted to apply the relevant criteria by DoC and the Applicant in reaching decision on matters pertaining to the wildlife approval, including conditions on that approval.

Approvals relating to an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014

85. Schedule 8, clause 4 of the FTAA sets out the criteria for assessment of an application for an archaeological authority, which requires the Panel to take into account the purpose of the FTAA, giving greatest weight to that purpose, and to also take into account matters set out in sections 47(1)(a)(ii), 47(5) and 59(1)(a) of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) and any relevant statement of general policy confirmed or adopted under that Act.

86. In relation to the relevant sections of the HNZPT Act, advice to the Panel from HNZPT20 is that section 59(1)(a) is applicable to this application. Under section 59(1)(a), the Panel is required to have regard to any matter it considers appropriate including: the historical and cultural heritage value of the archaeological site and other factors justifying its protection; the purpose and principles of the HNZPT Act; the extent to which protection of the archaeological site restricts use; the interests of any person affected; a statutory acknowledgement that relates to the archaeological site; and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tupuna, wāhi tapu and other taonga. The relevant Statement of General Policy, as identified by HNZPT, is the Tauākī Mātai Whaipara Archaeology Statement

[19] With consideration also of s.127B for water permits.

[20] Section 51(2)(d) Report Mahinerangi Wind Farm, FTAA-2510-1125 from Heritage New Zealand Pouhere Taonga

included in He Tauākī Kaupapahere Whānui Statements of General Policy dated October 2025.

87. The Panel has been assisted to apply the relevant criteria by HNZPT, the Applicant and Ōtākou Rūnaka in reaching decision on matters pertaining to the archaeological authority, including conditions on that authority.

PART D: IWI AUTHORITIES

Section 18 Report for a listed project

88. The Ministry for the Environment provided a section 18 report to the Panel Convenor in accordance with the FTAA, section 49, dated 16 December 2025, which was subsequently provided to the Panel. This report identified Te Rūnanga o Ngāi Tahu, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka-Aparima and relevant iwi authorities and Treaty Settlement entities (section 18(2)(a)), and Aukaha, and Te Ao Marama Incorporated as other Māori groups with relevant interests (section 18(2)(k)). The Ngāi Tahu Claims Settlement Act 1998 is identified as the relevant Treaty settlement for the project area (section 18(2)(b), and the Crown apology to Ngāi Tahu is highlighted as a relevant principle and provision (section 18(2)(c)), including recognition that Ngāi Tahu hold rangatiratanga and mana within the takiwā of Ngāi Tahu Whānui. In addition, the report notes that other Treaty Settlement redress, including in relation to taonga species, is relevant context for understanding the connection of Ngāi Tahu with the affected environment.

89. The report did not identify owners of identified Māori land as being directly affected by electricity infrastructure, with reference to the FTAA, section 23.

Substantive application information

90. The Applicant, in section 4.4.2 of the AEE included with the substantive application, identifies that there are no statutory acknowledgements in the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**) that cover the project area. Section 4.13 of the AEE, entitled Cultural Values, records engagement with Aukaha and Te Rūnanga o Ōtākou and notes what was learnt about the project area at the time of lodging the original application for RM1409. This section identifies values associated with Lee Stream, as listed in the Regional Plan: Water for Otago, and relevant information contained in the iwi management plan, Kāi Tahu ki Otago Natural Resource Management Plan 2005, and Kā Huru Manu, the Ngāi Tahu Atlas. Obligations in relation to the Wildlife Act 1953 are noted, arising from the NTCSA, and falcon are recognised as a scheduled taonga species. Section 7.14 of the AEE, entitled Cultural Effects, notes ongoing engagement with Te Rūnanga o Ōtākou, and reiterates matters noted in section 4.13, with additional detail, and acknowledgement of potential for unknown archaeological sites within the project area as a result of Ngāi Tahu travelling through the area in the past.

Comments

91. Panel invited comments, under s53(2)(b) and (2)(c), from:

- Te Rūnanga o Ngāi Tahu
- Kāti Huirapa ki Puketeraki
- Te Rūnanga o Ōtākou
- Hokonui Rūnanga

- Waihopai Rūnaka
- Te Rūnanga o Awarua
- Te Rūnanga o Ōraka-Aparima

92. In addition, the Panel invited comments, under section 53(3), from Aukaha Limited and Te Ao Mārama Incorporated, as groups with relevant interests under the FTAA, section 18(k), because these entities represent mana whenua interests.

93. Comments were received from Te Rūnanga o Ōtākou, advising that they held responsibilities for the project area as mana whenua. Legal submissions state that Te Rūnanga o Ōtākou (**Ōtākou Rūnaka**) is one of eighteen Papatipu Rūnanga of Ngāi Tahu, whose takiwā is recorded in Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001, and that the project area is solely within the takiwā of Ōtākou Rūnaka. These submissions record that since the signing of Te Tiriti o Waitangi in 1840, Ōtākou has on many occasions recognised the need to support large scale projects that benefit the people of New Zealand, accepting the resulting cultural, environmental and socio-economic impacts on Ōtākou rohe and whānau. The submissions emphasise that Ōtākou Rūnaka is again making a gesture of manaakitaka to enable the delivery of infrastructure that benefits New Zealand, while securing the support of the Applicant to mitigation arrangements that address the ongoing marginalisation of whānau and intergenerational impacts. Section 1.6 of the Treaty Impact Assessment (TIA) provided with comments includes a history of engagement between Te Rūnaka o Ōtākou and Mercury NZ Limited, of which TWP is a subsidiary. The TIA identifies relevant Kāi Tahu history and relationships with the project area, incorporating an explanation of Kāi Tahu rakatirataka, as recognised in the Crown apology within the NTCSA. The TIA outlines a range of taoka and values with potential to be impacted by Puke Kapo Hau, as discussed in Part E of this decision.

Statutory requirements

Treaty settlements

94. The FTAA, Section 7, requires all persons performing functions and exercising powers to act in a manner that is consistent with the obligations arising under existing Treaty settlements. The Panel have relied on information provided by Ōtākou Rūnaka to understand rakatirataka in the context of the application, as recognised in the NTCSA, and on engagement between Ōtākou Rūnaka and the Applicant to resolve outstanding matters by way of a Relationship Agreement and amendment to conditions, which the Panel has carried through into decision as a means of upholding section 7 of the Act, and in accordance with section 84 pertaining to the setting of conditions that recognise a relevant Treaty Settlement.

Criteria for assessment

95. The resource consents required are assessed in relation to Part 2 of the RMA, including sections 6(e) (relationship of Māori), 6(f) (historic heritage) and 7(a) (kaitiakitanga), in accordance with the FTAA, Schedule 5, clause 17. Part 6 of the RMA applies to consideration of the application under sections 104 and 104B, and section 127 for the change in conditions of RM1409. Section 104 assessment under relevant instruments, and the direction they contain in relation to matters of importance to Kāi Tahu, is contained in Parts G and H of this decision.

96. The Crown acknowledged the special association of Ngāi Tahu with taonga species listed in Schedule 97 of the NTCSA, as outlined in section 287 to 296 of that Act, including those subject to approvals under the Wildlife Act 1953.

PART E: EVALUATION OF EFFECTS

97. The Applicant has provided an assessment of effects on the environment in accordance with Schedule 5 clause 5(4) of the FTAA covering all relevant matters, with section A.07 of the AEE and associated reports. Participants who commented also raised a range of actual and potential effects for consideration.

98. The Panel note that the Application, and correspondence in relation to it, evidences that the Applicant, ORC, CDC, DoC and Te Rūnanga o Ōtākou have engaged collaboratively in the lead-up to lodgement of the Application and during the process. This has meant that, as between those parties, there remain a relatively small number of outstanding effects where agreement has not been reached. While this decision covers all relevant effects, Panel discussion focuses on those effects where there is a dispute or difference of opinion between the Applicant and any other participant. The exception to this is in relation to cultural effects, which the Panel considers should be directly addressed in the decision despite there being no remaining areas of dispute in terms of these effects on the part of participants in this process.

99. Prior to discussing the effects of the Project, we address the existing and consented environment, and the use of management plans. The content and use of management plans, and how they are referred to through consent conditions, was a focus of ORC's comments.

100. The following main categories of actual and potential effects on the environment have been assessed:

a. Economic impacts and energy benefits;
b. Kāi Tahu impacts
c. Terrestrial ecology;
d. Wetlands;
e. Aquatic ecology;
f. Stormwater, erosion and sediment control;
g. Landscape, visual effects and natural character;
h. Shadow flicker and blade glint;
i. Aviation;
j. Noise;
k. Traffic;
l. Natural hazards; and
m. Historic heritage.

101. The Panel has addressed these effects thematically throughout our discussion below. The Panel has also had regard to the relevant planning provisions in evaluating the effects of the Project, as noted in Part H: Planning Framework.

The existing environment

102. A key issue in relation to this Application was what comprises the existing environment for the purposes of assessing the effects of the Application. The issue arises in part because the Applicant has installed twelve wind turbines as part of Stage 1 of Puke

Kapo Hau, and the existing land use consent authorises a modified version of Stage 2 of the proposal.

103. The Applicant included with the Application a memorandum prepared by its legal advisors,[21] which summarises the relevant caselaw in relation to the existing environment and refers to the conclusions of the 2008 interim decision of the Environment Court for the original proposal.[22] These conclusions inform the AEE and the supporting technical assessments.

104. In terms of the relevant receiving environment, the Panel agrees with the Applicant's application of the test in Hawthorn.[23] That is, the environment includes that which presently exists. It also:

> *…embraces the future state of the environment as it might be modified by the utilisation of rights to carry out a permitted activity under a district or regional plan or by the implementation of resource consents which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented*.[24]

105. We have accepted the existing environment as what is present now, along with permitted activities or development rights that are reasonably likely to be exercised. We have not received evidence of the potential for any additional dwellings or developments in the surrounding area and, while these are provided for under the CDP, these would be speculative.

Use of management plans

106. TWP propose to use over 15 management plans to manage aspects of the construction, operation and associated effects of the Project. These management plans were provided in draft form with the Application documents and updated versions of some management plans were provided with the Applicant's response to comments.

107. The requirement for management plans through consent conditions is an accepted approach for major infrastructure and construction projects. The Applicant's legal submissions directed us to case law,[25] in which the Environment Court has provided principles for consent conditions relating to management plans. Consistent with good practice, the Applicant's proposed management plan conditions:

    a. Require that each management plan is prepared by suitably qualified and experienced personnel;

    b. Include objectives that the management plan must achieve and a clear scope;

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[21] Section F.01 of the AEE: Legal submissions on behalf of Tararua Wind Power Limited, prepared by Chancery Green, 31 October 2025.

[22] *Upland Landscape Protection Society Incorporated v Clutha District Council and Otago Regional Council* (C85/2008).

[23] *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84].

[24] *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84].

[25] *Waka Kotahi NZ Transport Agency v Manawatu-Whanganui Regional Council* [2020]NZEnvC 192 at [277]-[278].

c. A process for council certification and a process and triggers for amending a certified management plan; and

d. A requirement to comply with the certified management plan.

108. We are satisfied that the applicant's proposed condition framework for management plans meet the above requirements. Comments, from ORC in particular, question the objectives of some management plans and the content of the draft management plans. While we do not comment on the content of draft management plans, where considered appropriate we have amended management plan conditions. This is discussed in the relevant effects section below.

Economic impacts and energy benefits

109. The Applicant, as part of the substantive application, provided an assessment from Mike Hensen of NZIER, dated 15 September 2025, in support of the economic and energy benefits of the project. This assessment assumes Stage 2 of the wind farm to provide a total capacity of 190MW and generate approximately 549 GWh per year based on 33% utilisation. Regional electricity demand has been considered in relation to the Southland Otago region managed by Transpower, with any surplus electricity exported from the region. Table 7 on page 27 of the report summarises economic impacts and energy benefits of Puke Kapo Hau.

110. The economic assessment considered contribution of the wind farm to increasing renewable electricity generation capacity in order to meet increasing demand from electrification of the light vehicle fleet and industrial process heat, as part of the 1 TWh required to be built each year from 2025 to meet increasing demand, as identified by He Pou a Rangi Climate Change Commission. The NZIER report states that additional capacity and annual generation from Puke Kapo Hau represents approximately 55% of the capacity required to be built nationally in a year, and is therefore assessed as making a significant contribution to meeting increased demand and assisting to meet national emissions reduction targets associated with electrification. A reduction in greenhouse gas (**GHG**) emissions of 303,171 tonnes of CO2-e[26] is estimated if displacing gas-fired generation, or roughly twice that at 600,161 tonnes of CO2-e if displacing coal-fired generation, valued at savings of $18.1-$35.9 million based on $59.82 per tonne of CO2-e. The report notes that increased access to electricity that is not derived from burning fossil fuels has value in avoiding future costs that increased GHGs will cause, including potential liabilities associated with international carbon accounting arrangements. Overall, the report concludes that Puke Kapo Hau will provide significant national benefit.

111. The NZIER report identifies the Southland Otago region as a net exporter of electricity to the National Grid at present, but that this is likely to change with the potential construction of a data centre and electrification of industrial process heat in the region (e.g. Fonterra plant). A summary is provided of recent wind farm development in the southern regions, and the report emphasises that this is due to the quality of the wind resource, rather than any particular relationship with local demand, although noting that the new data centre once built would absorb additional wind farm capacity.

[26] Carbon dioxide emissions equivalent gases

112. Economic impacts in the local and regional economy are noted as being most pronounced in the building and construction stage, based on experience with previous wind farms, and estimated to inject around $220 million in expenditure over three years during construction, including $73 million of value added for the region, and up to 200 full time equivalent (**FTE**) jobs during construction, with an average of 75 FTE, dropping to up to 10FTE during operation of the wind farm, with additional contractor roles, and an operating expenditure of $14 million per year. Construction of the BESS is assumed to add 10% to expenditure and employment. The report assumes an induced and indirect employment multiplier of 1.71 and an induced and indirect GDP multiplier of 1.81, representing upper values of likely flow on effects. Specialised skilled labour required is determined to be available within the Otago and Southland regions, particularly in light of a concentration of wind farm activity in the Southland region. The report notes social well-being benefits arising from jobs and opportunities within the districts and regions through both direct and flow on effects, but that these could not be quantified or assessed in terms of distribution between the districts and regions.

113. The economic assessment observes that the project will not proceed unless the Applicant considers it viable and likely to provide a return on its private investment competitive with other opportunities, and that therefore consenting flexibility regarding scheduling of works is recommended. The report outlines the impact of the Global Financial Crisis (**GFC**) in 2008 on both electricity consumption and growth in electricity generation, which flattened after the GFC, and points to priorities for electrification as the reason for accelerating growth in generation, with an increasing share of renewable electricity generation (**REG**) sources. Expectation that the Tiwai Point aluminium smelter, which uses 13% of existing generation, will be supplied for a further twenty years is also cited as a factor supporting increased investment in new renewable electricity generation at this time.

114. The report assesses the role of the BESS in relieving some price pressure in periods of scarce supply through the ability to contribute output of up to 60MWh per hour for two hours, although the size of any downward influence on price could not be quantified. Examples of high price periods provided from 2024 indicate that the BESS could have met 0.6% of demand during those periods. The report also notes that increasing generation capacity close to demand reduces transmission losses, which can assist to suppress prices for customers over the longer term.

115. The NZIER report has provided an assessment of the efficient use and development of natural and physical resources, to inform analysis under section 7(b) of the Resource Management Act 1991 (**RMA**), and discussed provision of economic well-being with reference to section 5 of that Act, as well as assessing national and regional benefits of the activity with reference to the purpose of the FTAA in section 3 of that Act.

Comments received

116. Hon Nicola Willis, Minister for Economic Development, supported the benefits identified in the NZIER economic assessment, noting that benefits will be concentrated in the three year construction period, and that the project will provide additional supply to support future growth in electricity demand and improve energy security in a growing economy. Reduction or removal of greenhouse gas emissions is also identified as a matter for consideration in relation to the benefits of the activity.

117. Hon Chris Bishop, Minister for Infrastructure and Minister Responsible for RMA Reform, notes that infrastructure is important for growth and prosperity and that the FTAA is

enabling of growth. Broad support is indicated for projects that deliver positive outcomes for New Zealand, including this project.

118. Hon Simon Watts, Minister for Energy, comments that the project will support the purpose of the Act, providing enough additional generating capacity to power over 60,000 homes and supporting climate change targets for renewable electricity generation, displacing fossil fuels, as well as contributing to security of electricity supply and assisting to put downward pressure on wholesale electricity prices in order to provide affordable energy that has flow on benefits to the wider economy. In his capacity as Minister of Climate Change, Hon Simon Watts also note that the project supports electricity security to the National Grid and aligns with the Government's Climate Change Strategy to double renewable energy by 2050. Broad support is indicated for projects that deliver positive climate change outcomes for New Zealand, including this project.

119. Hon James Meager, Minister for the South Island, support the economic assessment of the Applicant and notes that the project aligns with identified regional priorities, including resilience and economic development. Economic benefits of job creation and regional investment are highlighted as delivering significant regional economic benefit.

120. Otago Regional Council (**ORC**) in Section C.1 of their comments considers the positive effects of the proposal and agrees that they are likely to result as described by the Applicant. In Section C.2 they consider the matter of national or regional significance and utilise the criteria in section 22(2) of the FTAA as a guide for considering significance. ORC acknowledge that the economic assessment has not been peer reviewed, and rely on that assessment to identify reasons why the economic impacts and energy benefits are of regional significance, whilst not independently assessing whether the project meets the threshold for national significance. ORC acknowledge that national objectives for climate change response and renewable electricity generation will be supported.

121. The Treaty Impact Assessment (**TIA**) provided on behalf of Ōtākou Rūnaka identifies the value of manaakitaka in relation to the project as a whole, with beneficial impact from increasing renewable energy generating capacity, and that this can be considered a gift from Ōtākou to the nation due to the project being hosted in their takiwā. In relation to the value of whānau ora, the TIA queried whether the project would contribute to affordable power for whānau and communities. These comments are read in the context of overall support for the application.

Applicant response to comments

122. The Applicant provided supplementary legal submissions in response to comments raised on economic impacts and energy benefits, emphasising that it is important not to lose sight of the critical benefits associated with the project and highlighting findings in the NZIER report. These submissions, at paragraph 2.21, also point to an MBIE report projecting total electricity demand will grow between 32% and 82% by 2050 and that the most cost effective way to meet new demand is to build onshore wind and solar[27]. Submissions stress that the project assists to realise national objectives for urgent reduction of emissions, displacing fossil fuels, while meeting additional demand, with

[27] Electricity Demand and Generation Scenarios: Results Summary, July 2024, Ministry for Business, Innovation and Employment

the use of larger, more efficient wind turbines at the Site. Submissions acknowledge comments in support of the benefits of the project, including those of ORC, and at paragraphs 4.5 – 4.10 make the case for considering the project benefits to be of national significance, not just regional significance, with reference to the NZIER report and Schedule 2 of the FTAA.

123. Supplementary legal submissions highlight Ōtākou Rūnaka support for the application, with no further comment provided on the specific elements of the TIA relevant to economic impacts and energy benefits. A letter from Paulette Tamati-Elliffe, Kāiwhakahaere of Te Rūnaka Ōtākou Incorporated Society, dated 9 April 2026, attached to legal submissions, acknowledged the contribution of the project to meeting emissions reduction targets, supporting a shift in the country's energy mix, and enabling population and economic growth.

Panel Findings

124. The Panel relies on assessment in the NZIER report provided as part of the substantive application to understand economic benefits of the activity, including the role of the project in assisting New Zealand to meet targets for electrification of the economy as part of a low emissions economy transition. The Panel therefore accepts that the economic impacts and energy benefits of the activity are as described by the Applicant, including in supplementary legal submissions, and as supported by comments received, including those received from Ministers of the Crown with relevant portfolios.

Kāi Tahu impacts

125. In the substantive application AEE, section 7.14, under the heading of Cultural Effects, the applicant considers impacts of Puke Kapu Hau on matters of importance to Kāi Tahu and in particular, Te Rūnanga o Ōtākou as the relevant Papatipu Rūnanga. The Applicant acknowledges that Kāi Tahu have associations, including spiritual connections with the broader cultural landscape, although no particular sites of cultural significance were identified, including during the original 2006 application process. The Old Dunstan Road to the north is noted as following an ancient Kāi Tahu trail, and the potential for there to be unidentified archaeological sites is acknowledged. The Applicant highlights values associated with waterbodies, including Lee Stream, as scheduled in the regional plan, and relies on consent conditions to minimise potential adverse effects for that waterbody and others within the project area. Kārearea/ NZ falcon are noted by the Applicant as being a taonga species listed in Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**), and that Ōtākou Rūnaka had been consulted regarding management measures to minimise adverse effects on them. These identified impacts that have a relationship to Kāi Tahu values link to other sections of the AEE and approaches to effects management specific to them. At the time of lodging the application, engagement was recorded as ongoing with mana whenua. During the project overview conference, and in response to questions from the Panel, the Applicant indicated that work was progressing on a Relationship Agreement with Ōtākou Rūnaka, which was subsequently concluded.

126. In response to a question of the Panel regarding management of taonga species under Schedule 97 of the NTCSA, similar to management of species assessed as Threatened

or At Risk, the Applicant[28] identified four vegetation species[29] and seven bird species[30] present within the project area that appear on the NTCSA schedule, as well as a further 11 native bird species. Technical memoranda were prepared by SLR and Boffa Miskell to provide a more detailed response to the question. The Applicant notes in their response that Sections 293 and 294 of the NTCSA recognise special association of Kāi Tahu with the scheduled species and establish obligations on the Minister and Director-General of Conservation, but not on third parties. The only vegetation species identified as directly impacted by the footprint of development is Taramea/speargrass (Aciphylla spp), which is described as ubiquitous across the site and present within offsetting and compensation sites. The Applicant notes that earthworks are minimised, which reduces potential impacts on Taramea, and that this species exhibits poor transplant tolerance due to its deep taproots that are sensitive to disturbance. As stated, two identified taonga species[31] are intended to be planted at the wetland offset and compensation site. Of the seven bird species, four are noted as having no recorded turbine strike mortalities at any wind farm in the country[32], including Stage 1 of Puke Kapo Hau, while impacts on the remaining three species[33] that have recorded collision mortalities will be managed by consent conditions and benefit from reduction in the number of wind turbines built and increased blade height. Kārearea/NZ falcon are noted as exhibiting a high level of avoidance of turbine blades, but will have specific management measures employed to address risks to them.

Comments received

127. Ōtākou Rūnaka provided a Treaty Impact Assessment (TIA) in response to an invitation to comment under section 53 of the FTAA, which identified a range of taoka or values impacted by the proposal to varying degrees, including rakatirataka, manaakitaka, kaitiakitaka, whakapapa, whānau ora, korero tuku iho, mauri, wāhi tūpuna, mauka, wai Māori, mahika kai and taoka species. The report also outlines Kāi Tahu history and relationship with the area. The TIA was prepared after working with members of Ōtākou to identify the significance of impacted lands, water and resources, and working with Ōtākou technical advisers to understand the relationship between previous consents and proposed changes. The 2006 cultural impact assessment (CIA) for Puke Kapo Hau Stage 1 was reviewed, and impacts of concern summarised in section 5.6 of the TIA, and other Taiari catchment information was examined during development of the TIA. The report notes that time was spent with Ōtākou to identify positive or negative effects and methods for mitigation or remedy, as well as the best mechanism for relief. The TIA records engagement with the Applicant between December 2024 and the time of lodging the application in October 2025.

[28] Assisted by principal ecologist Ben Ludgate of SLR in his memorandum dated 16 March 2026 who addressed vegetation species, and Stephen Fuller and Lee Shapiro of Boffa Miskell in their memorandum dated 11 March 2026 on bird species

[29] Aruhe/bracken (*Pteridium esculentum*), Whaririki/mountain flax (*Phormium cookianu*m), Wīwī/rushes (*Juncus* spp) and Taramea/speargrass (*Aciphylla* spp)

[30] Pīhoihoi/NZ pipit, Kāhu/Australasian harrier, Karoro/southern black-backed gull, Riroriro/grey warbler, Pūtakitaki/paradise shelduck, Pīwakawaka/South Island fantail and Kārearea/NZ falcon (eastern)

[31] Whaririki/mountain flax (*Phormium cookianu*m) and Toetoe (*Austroderia richardii*)

[32] Pīhoihoi/NZ pipit, Riroriro/grey warbler, Pīwakawaka/South Island fantail, Kārearea/NZ falcon (eastern)

[33] Kahu/Australasian harrier, Karoro/southern black-backed gull and Pūtakitaki/paradise shelduck

128. The TIA incorporated, in its Appendix 3, an evaluation of proposed conditions and the extent to which they address matters raised in the TIA.

Applicant response to comments

129. In legal submissions dated 15 April 2026, the Applicant provided a letter from Paulette Tamati-Elliffe, Kāiwhakahaere of Te Rūnaka Ōtākou Incorporated Society, dated 9 April 2026, advising that agreement had been reached. The letter states that although there are impacts on Ōtākou, including the extent to which Ōtākou can maintain cultural connections in the area, these impacts are balanced by the economic impacts and energy benefits of the project, which in particular are noted as resonating with the intergenerational outlook of Ōtākou Rūnaka. The Relationship Agreement is noted as being valid for a period of 30 years, with position reserved for any future applications. This letter emphasises that assessment of effects and positions in the TIA should be read in light of overall support for the project, and in the context of agreement reached with the Applicant.

130. In supplementary legal submissions, dated 15 April 2026, the Applicant acknowledges Ōtākou Rūnaka as mana whenua and recognises associations with their takiwā. The Applicant interprets Ōtākou Rūnaka support for the application as demonstrating that concerns raised in earlier comments have been satisfactorily addressed, in light of the confidential agreement reached and agreed amendments to proposed conditions.

Panel findings

131. The Panel rely on the process of engagement between the Applicant and Ōtākou Rūnaka to address impacts of the proposal on Kāi Tahu, and in particular the evidence provided that shows both parties to be in agreement regarding the management of any adverse effects on Kāi Tahu interests and values. Principally, the Panel rely on adopting the intent of changes to conditions that have been made as a consequence of this engagement and agreement, which were signalled in Appendix 3 to the TIA and then subsequently offered up by the Applicant in the suite of changes made to conditions in response to comments.

Terrestrial ecology effects

132. The Applicant's AEE assesses the actual and potential effects on terrestrial ecology in sections 7.6 (avifauna) and 7.7 (terrestrial ecology). This is supported by technical assessments on avifauna (Boffa Miskell (2025[34])), vegetation and invertebrates (SLR (2025[35])), native bats (Habitat NZ (2025[36])), and lizards (Blueprint Ecology (2025[37] and

[34] B.05. Boffa Miskell Limited. 2025. *Mahinerangi Wind Farm Stage 2 - Puke Kapo Hau: Avifauna Assessment.* Report prepared by Boffa Miskell for Tararua Wind Power Ltd.

[35] B.06. SLR Consulting New Zealand. 2025. *Vegetation, Wetland and Terrestrial Invertebrate Assessment.* Report prepared by SLR for Tararua Wind Power Ltd.

[36] B.09. Habitat NZ Ltd. 2025. *Native Bat Assessment: Mahinerangi Windfarm*. Habitat NZ Ltd., Auckland.

[37] B.08. Blueprint Ecology Limited. 2025. *Lizard Assessment: Puke Kapo Hau - Mahinerangi Wind Farm Stage 2.* Report prepared for SLR Consulting New Zealand Limited.

2025a[38])). Additional reports to inform the Wildlife Authority were provided in relation to avifauna (Boffa Miskell (2025a[39])) and lizards (Blueprint Ecology (2025a[40])).

133. The Application identifies loss of vegetation and associated habitats, effects on wetlands, and effects on avifauna and lizards as key terrestrial and wetland ecology effects. Some of these effects relate primarily to the construction phase of the Project (e.g. vegetation clearance), while others primarily relate to the operational phase (e.g. bird strike by turbines). We agree that these are the key issues relating to terrestrial and wetland ecology and discuss these in the following sub-sections. Effects on bats and invertebrates are not considered to be key effects and are addressed below.

134. Habitat NZ undertook acoustic monitoring surveys in and around areas that could be used by native bats. No bat passes were detected. The absence of bats is supported by low quality bat habitat in and around the site, and no recorded bat observations in the surrounding 50 km. The Application concludes that there will be no effects on bats. We accept that conclusion and do not discuss this further.

135. The key effect on invertebrates is likely through habitat loss and fragmentation. We accept that the site is already heavily modified through agricultural development and that this land use will continue. We also accept SLR's conclusions that the effects on invertebrates will be minimal, and that effects will be managed through measures set out in the Rehabilitation Management Plan (**RMP**) and through the Scrappy Pines Block QEII covenant and the wetland and aquatic compensation sites.

136. The Applicant's proposed consent conditions require several management plans, provided in draft with the Application, which will assist in managing terrestrial and wetland ecology effects. These are in addition to the RMP and construction-related management plans discussed elsewhere, and include:

    a. Avifauna Management Plan (**AviMP**);

    b. Lizard Management Plan (**LMP**);

    c. Woody Weed Management Plan (**WWMP**);

    d. *Carex tenuiculmis* and *Epilobium chionanthum* Management Plan (**C&EMP**);

    e. Mammalian Pest Control Plan (**MPCP**);

    f. Ecological Monitoring and Management Plan (**EMMP**);

    g. Wetland Monitoring and Management Plan (**WMMP**); and

    h. Wetland and Aquatic Compensation Plan (**WACP**).

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[38] B.15. Blueprint Ecology Limited. 2025. *Wildlife Approval Assessment: lizards. Puke Kapo Hau - Mahinerangi Wind Farm Stage 2.* Report prepared for SLR Consulting New Zealand Limited.

[39] B.14. Boffa Miskell Limited. 2025. *Mahinerangi Wind Farm Stage 2 - Puke Kapo Hau: Technical Evaluation for Wildlife Approval.* Report prepared by Boffa Miskell for Tararua Wind Power Ltd.

[40] B.15. Blueprint Ecology Limited. 2025. *Wildlife Approval Assessment: lizards. Puke Kapo Hau - Mahinerangi Wind Farm Stage 2.* Report prepared for SLR Consulting New Zealand Limited.

137. Some effects, such as vegetation and wetland loss, are considered to be unavoidable and the Applicant has proposed offsetting through the existing Scrappy Pines Block QEII covenant area and a new Wetland Compensation Site (addressed in the Effects on Wetlands section below). The appropriateness and effectiveness of these proposals are discussed in the sub-sections below.

Effects on indigenous vegetation

138. While the vegetation cover of the majority of the site comprises exotic pasture and/or cropping areas, particularly on the flatter ridgetops, indigenous vegetation remnants remain. This was evident during the Panel's site visit and is detailed in the SLR report (2025), with modified remnants of snow tussock grassland remaining on some ridgetops and on gully walls, and small areas of indigenous shrubland also present.

139. SLR surveys identified 153 vascular plant taxa at representative sites within the Stage 2 area, comprising 93 indigenous and 60 introduced species. Four of these species have a national threat classification of At Risk-Declining: marsh willowherb (*Epilobium chionanthum*), desert broom (*Carmichaelia petriei*), *Olearia lineata*, and *Carex tenuiculmis*. Five other species are recorded as Regionally Naturally Uncommon, but are not threatened at a national scale. Most of these species are not located within the proposed works sites. The exceptions to this are *Carex tenuiculmis* and *Epilobium chionanthumi*, and a management plan (the C&EMP) has been developed to manage the effects on these species.

140. Indigenous vegetation clearance is authorised by the existing CDC land use consent (RM1409), with condition 25C requiring rehabilitation and revegetation of areas affected by construction activities to be undertaken in accordance with the RMP. The 59.2 ha Scrappy Pines QEII covenant is also a requirement of this consent as compensation for the whole of Puke Kapo Hau, and this area has been actively managed under condition 14. The site is now dominated by snow tussock and golden Spaniard.

141. SLR compared the extent of vegetation clearance likely for the original consented proposal against that of the proposed Stage 2 layout. They concluded that the Stage 2 layout will result in less potential clearance of indigenous vegetation, primarily resulting from a reduction in the number of turbines (from 88 to 44, excluding the 12 Stage 1 turbines) and roads, as well as a change to the Contingency Zone layout. In addition and as discussed above, the Thomas Block, which formed part of the original consented area and contains high quality snow tussock grassland, is not part of the proposed Stage 2.

142. SLR conclude that overall, *"the impact on mapped indigenous vegetation types and wetlands is lower for the proposed Stage 2 when compared with the realistic consented layout."*[41]

Weed introduction

143. Construction materials and vehicle movements have the potential to introduce pest plants to the project site which could adversely affect existing ecological values. Condition 25D of the existing land use consent requires the management of woody

[41] P. SLR (2025).

weeds through a WWMP. This was provided as a draft with the Application and sets out the methods and procedures to control the spread of woody weeds. This includes requirements for vehicle use, vehicle hygiene, sourcing of weed-free construction materials, revegetation protocols for bare earth, and weed monitoring and control. As a result, the adverse effects of weeds are assessed as likely to be very low.

Lizards

144. Blueprint Ecology (2025) assessed the actual and potential effects of Stage 2 on the lizard species and habitats known or predicted to be present. Tussock skink and McCann's skink were identified within the project site, with Tussock skink being the focus of the assessment due to its At Risk conservation status.

145. Blueprint Ecology concluded that the amended layout avoids the best lizard habitat that is authorised for development through the existing land use consent. However the proposed clearance of indigenous vegetation will still result in the loss of some suitable lizard habitat, albeit with a low magnitude of effect.

146. To ensure that there is no-net-loss, ecological redress is required at a ratio of greater than 1:1. This is achieved through the 59.2 ha Scrappy Pines Block QEII covenant site which offsets the loss of approximately 35 ha of habitat. A LMP has been prepared and a Wildlife Authority is required to capture and relocate lizards to the Scrappy Pines Block. The LMP includes the following actions in areas affected by construction activities:

    a. Deploying traps within actual and potential lizard habitat to enable relocation of lizards;

    b. Salvaging lizards from rock outcrops;

    c. Removing and resetting affected rock outcrops without resident lizards to provide lizard habitat;

    d. Installing lizard-proof fencing between development areas and lizard habitat.

147. Ecological compensation, authorised in the existing land use consent through the QEII covenant, is considered by Blueprint Ecology to offset the effects of the loss of habitat at a 2:1 ratio (inclusive of the effects of Stage 1). Blueprint Ecology conclude that "*the actual and potential adverse effects of Stage 2 of the Mahinerangi Wind Farm (including the transmission line and BESS) on lizards will be positive through an increase in extent and quality of lizard habitats that will be protected in*".[42]

Avifauna

148. Actual and potential effects on avifauna are assessed by Boffa Miskell (2025). Their assessment involved a review of previous assessments and reporting information, a review of the site and supplementary site investigations. The karearea/falcon was assessed as the main species of concern through the original consenting process, with effects considered to be low and conditions requiring predator control and pre and post-construction monitoring of the falcon population. Monitoring was undertaken over five

[42] Page 58 of Blueprint Ecology (2025).

years and concluded that the falcon were not displaced by Stage 1 of the wind farm and that they continued to hunt, breed and fledge as they had prior to construction. Monitoring of bird strike recorded no collisions by kārearea/eastern falcon or South Island Pied Oystercatchers (**SIPO**), however collisions were recorded with other widespread and common species[43].

149. Boffa Miskell's report concludes that there have been no changes of note to the farming operations or habitat, or changes to the species occupying the site. The key change since the original proposal is to the conservation status of several species, most notably SIPO which now has a status of At Risk-Declining. Breeding by this species was not recorded through the original assessment but was recorded by Boffa Miskell. Kārearea/eastern falcon and SIPO are therefore considered as the two key species of concern, with other species with a conservation status (NZ pipit and little shag) assessed as unlikely to be affected by the wind farm.

150. The primary risks to avifauna are assessed as disturbance of nest sites by construction activities, electrocution from new transmission lines (falcon only), potential collision with turbines. Boffa Miskell calculated the potential collision risk of kārearea/eastern falcon for the original and proposed turbine layouts. Their modelling concluded that "*the risk to falcon will be reduced by about 46% under the proposal to raise the blade swept height from 9 to 20m, and to reduce turbine numbers to a maximum of 44 additional turbines"*.[44] Boffa Miskell also consider that the "*change is also likely to provide similar benefits for pied oystercatcher while breeding on the site*".[45]

151. Amendments to consent conditions and updates to the AMP and MMP are proposed to improve ongoing protection of kārearea/eastern falcon and to address SIPO. Overall, Boffa Miskell conclude that *"with suitable protection of nesting of falcon and pied oystercatcher, and ongoing pest control to account for any residual effects, it is concluded that the development of Stage 2 will have a lesser effect on these species than the consented layout"*.[46]

152. A wildlife approval under Schedule 7 of the FTAA is sought to capture falcons and attach leg bands and tracking transmitters. Approval is also sought to handle any carcasses of falcon and any other native bird with a conservation status of Threatened or At-Risk that are found by staff in the Project area and where the cause of death is undetermined and may be related to the wind farm. A separate report by Boffa Miskell (2025a) provides the information relevant to this approval, further detailing the locations and methodologies associated with the required approvals.

Comments Received

153. Specific comments on terrestrial ecology were received from DoC. Comments from ORC focussed on wetland and aquatic ecology effects rather than effects on terrestrial ecology, consistent with the Council's jurisdiction. While comments from Ōtākou Rūnaka were received, their support for the application was then provided alongside the

[43] Including the native Australasian harrier, black-backed gull, paradise shelduck and silvereye, and introduced magpie, skylark, rock pigeon and mallard duck (Boffa Miskell (2005).

[44] Page v of Boffa Miskell (2025).

[45] Page 60 of Boffa Miskell (2025).

[46] Page 61 of Boffa Miskell (2025).

Applicant's reply to comments, signalling that their concerns had been resolved through the Applicant's proposed amendments.

154. CDC did not provide specific comment on terrestrial ecology effects. It considers that *"the adverse effects of the Wind Farm are established through the existing resource consent, and the modifications sought in this Application are not a significant departure in terms of those adverse effects"*.[47] The Council also considers that the proposed overhead transmission lines are appropriate.

155. In relation to the wildlife approval for lizards and avifauna, a report was prepared by DoC (on behalf of the Director-General of Conservation) in accordance with s.51(2)(c) of the FTAA, as directed by the Panel Convenor. This report addressed the matters in clause 3 of Schedule 7 of the FTAA and recommends that a wildlife approval should be granted subject to specified conditions.

156. Comment from DoC under s.53 was accompanied by expert advice from DoC technical advisors[48]. The Panel also provided further opportunity for DoC to comment on technical reports prepared by Golder Associates associated with the original proposal[49], that it indicated in comments it had not had sufficient time to review.

157. In relation to indigenous vegetation, DoC sought clarification on a number of matters relating to the assessment work undertaken, and better assessment of the indigenous vegetation affected by the Proposal that is not covered by the existing consent.

158. DoC sought additional control for rodents and possums and the inclusion of hedgehogs through the MPCP, and clarification that monitoring of hare and rabbit populations will occur. DoC also considered that proposed trap and bait station layouts and deployment were not in accordance with best practice.

159. In relation to avifauna, DoC recommends that:

    a. Bird strike monitoring be continued for an additional two years after the commissioning of Stage 2, particularly given the differences in turbine number, design and location;

    b. Kārearea/falcon nesting sites should be monitored within 5 km of the site, unless further explanation is provided for the 3 km currently proposed by the Applicant; and

    c. There are improvements to mammalian pest control and additional response measures if trapping indicated high numbers of mammalian pests.

160. In relation to lizards, DoC considered that the proposed lizard management measures follow DoC's guidelines for lizard salvage but recommended a range of improvements to the proposed management approach in its s.51 report. The assignment of habitat values was considered to be inconsistent with the ecological characteristics of the site,

[47] CDC s.53 comment provided 30 March 2026.

[48] Statements from Rebecca Teele (Terrestrial Ecology), Jacqui Wairepo (Herpetology) were provided as Appendix A to DoC's s.53 comment.

[49] Panel request on 28 April 2026, with DoC response provided on 8 May 2026.

resulting in 22 ha of potentially suitable lizard habitat proposed to be excluded from salvage efforts. DoC considered that salvage should continue until there is a decline in captures, followed by three zero-capture days, rather than a single field season and two-day threshold.

161. DoC consider that lizard-specific predator control in the Scrappy Pines Block should be scaled to the number of lizards relocated and applied for a duration that ensures that the objectives of the LMP are met, rather than be limited to 4 ha for 3-years. Indigenous lizards have slow life history traits and DoC anticipate a minimum of 5-years of monitoring to demonstrate a 'no net loss' of lizards objective.

162. Doc recommended in its s.51 report that Burgan skink, Otago green skink and grand skink are not included in Schedule 4 to the wildlife approval conditions (which lists lizard species included under the approval). Reason for this was provided in DoC's s.53 comment, where it stated that the likelihood of these species occurring in the project area is low or very low. It considered that inclusion of these species would extend the approval beyond what is supported by available evidence.

163. Ōtākou Rūnaka's comments recognised the values of the site and sought amendments to consent conditions, including to better address weed and pest introduction, and monitoring and reporting.

Applicant response to comments

164. The Applicant provided additional statements of evidence in relation to vegetation and invertebrates,[50] avifauna,[51] and lizards,[52] along with updated management plans, wildlife approval conditions and resource consent conditions. Ōtākou Rūnaka indicated support for the amended consent conditions.

165. In response to DoC's comments on indigenous vegetation, Dr Rate provided additional detail on the 2024-26 botanical surveys and clarified the assessment of significance.

166. The Applicant amended the MPCP to include hedgehogs and clarify the types and locations of traps to be used, however considered that trap spacing meets best practice. It noted that rats and possums are not target species to be controlled in condition 28 of the existing land use consent, and that the effects of the proposed variation do not justify their inclusion. It was also noted that the types of traps used are effective for controlling rats and possums.

167. In response to DoC's comments on avifauna, Mr Fuller provided further information and clarification of the survey methods used for the avifauna assessment, and proposed amendments to conditions and the AMP. He disagreed with a number of points raised by DoC in relation to data requirements and further monitoring, and considered that the Golder (2013) report provided sound reasoning for reducing karearea/falcon monitoring to within 3 km of the project site.

[50] SOE from Stephen Rate, SLR Consulting, 8 April 2026.

[51] SOE from Stephen Fuller, Boffa Miskell, 8 April 2026.

[52] SOE from Tony Payne, Blueprint Ecology, 8 April 2026.

168. In response to DoC's comment on lizards, Mr Payne agrees that grand skink should be excluded from the wildlife approval, however considers that burgan skink and Otago green skink should be included. He considers that the LMP addresses the unlikely instance that rarer species such as these are recorded and appropriate responses are incorporated that would result in a net benefit for each species.

Panel Findings

169. The Panel finds that terrestrial ecology effects are generally within those authorised by the original land use consent. We accept that clearance of indigenous vegetation was authorised under the existing land use consent and that terrestrial ecological compensation for Puke Kapo Hau as a whole was provided through the Scrappy Pines Block QEII covenant area. Following from this, we also accept that the clearance of indigenous vegetation proposed to occur as part of this proposal is within the scope of what is already authorised to occur through the existing land use consent.

170. We accept the Applicant's evidence that karearea/falcon monitoring is appropriate within 3 km of the project site, as proposed in condition 27 of variation to the existing land use consent.

171. In relation to the wildlife approval, we have placed considerable weight on the s.51 report prepared by DoC and the proposed conditions that accompany that report.

Effects on wetlands

172. The Applicant's AEE assesses the actual and potential effects on wetlands in section 7.8 (natural inland wetlands). This is supported by the SLR technical assessment that also covers vegetation and invertebrates (SLR (2025[53])). The SLR assessment addresses natural wetlands while section 7.8 of the AEE focused on natural inland wetlands, reflecting the focus of the NPS-FM on natural inland wetlands and the reflection of this in the NES-F. We accept that wetlands affected by the Proposal are defined as natural inland wetlands.

173. Wetland assessments undertaken by SLR followed the standard MfE wetland delineation protocols developed in 2022. Wetlands are present at the site in gully floors, on gully walls and in flatter areas where drainage is poor. SLR's assessment found no wetlands within the Site that are considered Regionally Significant. The Applicant states that Stage 2 has been designed to avoid wetlands wherever practicable to do so, and that there is a functional need for all works that may directly or indirectly affect a wetland. There are two instances where wetlands will be directly affected, including complete clearance, comprising approximately 674 m^2 (0.07 ha) of wetland:

    a. The construction of a road crossing and installation of a culvert in the Lee Stream tributary, identified as Wetland 20; and

    b. The replacement of an existing farm track which crosses through and perpendicular to Wetland 43.

[53] B.06. SLR Consulting New Zealand. 2025. *Vegetation, Wetland and Terrestrial Invertebrate Assessment.* Report prepared by SLR for Tararua Wind Power Ltd.

174. In addition to Wetlands 20 and 43, which are discussed further below, there are instances where works are proposed to be located within 10 m of a wetland associated with the wind farm or transmission line[54]. These are primarily for works to construct tracks, and also a crane platform fill batter north of turbine 20 (within 10 m of Wetland 43). The Applicant claims that there is a functional need for these works.

175. Indirect effects on 32.91 ha of wetlands are proposed to occur through works within 100 m of wetlands. Many of these wetlands are located in gullies, where works will be avoided, however changes to wetland hydrology and sedimentation may result from the works. Erosion and sediment control measures are proposed to help mitigate effects of sedimentation, to be implemented through the ECMP and ESCP. The effectiveness of these measures is discussed below. Hydrological effects are proposed to be managed through locating culverts, and designing the roading network and turbine platforms, so that runoff is directed to downslope wetlands in the same catchment area, and by minimising the length of new flow paths. SLR state that indirect effects on wetlands will be avoided through these measures, with monitoring to occur through the WMMP.

176. Returning to Wetland 20, SLR estimates that 154 m^2 of this wetland will be lost. The wetland is located in and alongside a small tributary of Lee Stream surrounded by grazed pasture. The waterway has been channelised with evidence of sediment piled along the stream edge. While dominated by the exotic jointed rush, the presence of four obligate wetlands species was recorded by SLR[55]. The site is modified through an existing farm track and existing culvert located immediately downstream of the proposed works site. The existing track is not suitable for heavy vehicles and does not provide a suitable vertical geometry for the heavy vehicle traffic required for construction of Stage 2. The Applicant therefore states that there is a functional need for this amended track layout.

177. Wetland 43 has a high cover of exotic pasture species, with an indigenous sedge (*Carex echinata*), several facultative wetland species and peaty wetland soils confirming the site as a wetland. Wetland vegetation shows that this wetland extends further downstream (to the east). This wetland is already impacted by an existing farm track, which is too narrow for construction vehicles and does not have a suitable vertical geometry. The proposed crossing will be centrally located on the ridgeline to provide the necessary vertical alignment, and this central location will better support the natural east and west flow paths to the wetland. The anticipated loss of wetland extent was revised post-lodgement from 322 m^2 to 520 m^2.

178. The Applicant proposes to compensate for a loss of approximately 0.07 ha of wetlands by rehabilitating a larger 2.3 ha, modified nearby wetland gully system located adjacent to the transmission line corridor. The site contains areas of rare wetland *Carex* species. The application provided that rehabilitation will be guided by a Wetland and Aquatic Compensation Plan, which was later updated to a Wetland and Aquatic Offsetting Plan (**WAOP**) following s.53 comments from, and subsequent engagement with, ORC. The key components of this are as follows:

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[54] Locations are shown on Figures 7.7 and 7.8 of section A.08 of the AEE.

[55] *Montia fontana*, *Erythranthe moschata*, *Glyceria declinata* and *Ranunculus amphitrichus*

a. A key objective is to ensure no net loss of ecological values;

b. The site will be fenced to exclude stock and will be retired from farming;

c. Snow tussocks will be transferred from affected sites to gully walls to buffer the wetland from surround land uses;

d. Indigenous shrubs will be planted in the wetland and on gully walls;

e. Monitoring of the health of the site will occur to determine compliance with objectives, and woody weed control under the WWMP; and

f. Legal protection will be by way of a restrictive covenant or similar mechanism.

179. The concept of functional need is a critical component, considering its reference in the NPSFM and NES-F. In response to questions from the Panel regarding interpretation of the NES-F, the applicant provided additional assessment of "functional need" and "reclamation" in the context of the application[56]. We return to this in our 'Panel findings' below and discuss it further in relation to the NPSFM and NES-F.

Comments Received

180. Comments on wetland ecology were received from ORC and DoC.

181. Comment from ORC was accompanied by a specialist assessment from Mr Andrew Rossaak,[57] which addressed effects on wetlands and aquatic ecology. Mr Rossaak considered that the Applicant's assessments and the WAOP had not accounted for the loss of wetland extent and value, as required by the effects management hierarchy under the NPSFM, and that further information was needed to support the proposed offset wetland. He considered that industry standard ecological accounting tools should have been used in order to demonstrate that the wetland offset will achieve the objective of no net loss. Mr Rossaak would like to see a map showing the offset wetland with planting/restoration areas and other wetland vegetation.

182. ORC also sought amendments to some consent conditions and a requirement that offset areas be secured for in perpetuity rather than limited to the life of the wind farm.

183. DoC raised concerns relating to wetland delineation, considering that flaws in the wetland assessment could have resulted in wetlands not being identified. Associated with this, further explanation was sought as to how the NPSFM pasture exclusion tests were applied and why soil tests were not carried out. In order to assess the impacts of works on wetlands, hydrological figures or maps were sought that show flow paths or catchment boundaries.

Applicant response to comments

[56] Response to Further Information Request, 16 March 2026, supported by a joint statement of evidence from Richard Turner and Sarah Edwards, and a technical memorandum from Luke Gordon and Don Tate of Riley Consultants Limited.

[57] Dated 27 March, 2026.

184. Following receipt of ORC's comments, the Applicant undertook further consultation with ORC, including a workshop attended by respective technical experts. This resulted in resolution of a number of ORC's comments through amendments to the proposal. Statements of evidence from Dr Rate and Mr Ludgate[58] respond to the key issues raised in Mr Rossaak's assessment.

185. Mr Ludgate addresses the effects management hierarchy and ecological accounting and biodiversity offsetting. While the initial, substantive application proceeded with a compensation approach to managing aquatic effects, in response to engagement with ORC, additional work has been undertaken which enables improved clarity around offsetting. This was presented in the Applicant's response to comments, with the Proposal to now offset both river and wetlands effects at the proposed offsetting sites. Mr Ludgate's SOE assesses the application against the effects management hierarchy and this is adopted by Dr Rate.

186. 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 %.

187. In response to comments that offsetting should address a the loss of extent and values, Dr Rate states that "*from a technical perspective, it is not practicable to create like-for-like wetlands to replace the extent lost (0.07 ha) due to the difficulty in creating peat bogs and a lack of available gully sites within the Mahinerangi Wind Farm site*".[59] He notes the overall increase in extent and the increase in value scores derived from the BCM. Both the impacted wetlands and proposed wetland offsetting site are impacted by farming activities and would likely decline further over time without intervention. He also notes that a conservative approach is taken through the loss of Wetland 20 being accounted for in both the wetland offsetting and the aquatic offsetting (which is discussed below).

188. The Applicant has amended the WAOP in response to comments to include a pre-works survey (which will include mapping to identify existing vegetation types, identification of planting sites and show the extent of the wetland offset) and clearly defined criteria for measuring the restoration success of the wetland offset.

189. The Applicant addresses ORC"s comments seeking protecting of offset sites in perpetuity in its legal submissions, stating that "*it is neither appropriate nor reasonable to require private landowners to remain responsible for obligations under* [the WAOP] *beyond the operational life of the Project*."[60] Amendments to consent conditions are proposed legally protect offsetting sites from stock grazing for the duration of the wind farm's operation.

[58] Both dated 8 April 2026.

[59] Page 6 of Dr Rate's SOE, 8 April, 2026.

[60] Para 4.57 of the Supplementary Legal Submissions dated 15 April 2026.

190. Some of the discussion above also addresses comments by DoC. In addition, Mr Rate addresses the wetland delineation methodology and pasture tests, stating that these were undertaken using best practice methods.

Panel Findings

191. The Panel accepts, based on the evidence and comments provided, that the activity proposed is associated with "specified infrastructure"[61] that has a functional need to be located within or within 10m of a natural inland wetland.

192. Discussion above in relation to offsetting and compensation is relevant to considering the effects management hierarchy under the NPSFM and Otago RPS, alongside the NPSREG. We consider that the effects management hierarchy has been appropriately demonstrated in relation to wetland effects, and that the proposed wetland offset site fully offsets the proposed loss of wetland values and extent. We acknowledge that the proposed wetland offset site arguably has higher values than those of Wetlands 20 and 43, and that it will benefit from the restoration measures proposed. We agree with the Applicant's legal submissions that we cannot require the protection of the site in perpetuity. Our view is that this could only be achieved if the Applicant had proposed it as an Augier condition of consent.

193. Taking into account the consented baseline established by the existing land use consent, we are confident that wetland effects will be managed to ensure there is no net loss and anticipate that there will likely be a net gain.

Effects on aquatic ecology

194. The Applicant's AEE assesses the actual and potential effects on aquatic ecology in section 7.8 (aquatic ecology). This is supported by a SLR technical assessment (SLR (2025[62])) that addresses water quality and aquatic ecology within the catchments that drain Stage 2 of Puke Kapo Hau. Water quality effects from the works are addressed in the 'stormwater, erosion and sediment control' section below.

195. SLR surveyed stream habitats in the project area, including assessments of water quality, instream habitat, benthic macroinvertebrates and fish. They found that the quality of stream habitats is limited by the surrounding agricultural activities and by the small stream sizes. Water quality is generally high and the streams are suitable to support diverse communities. Kōura/freshwater crayfish (At Risk – Declining), were found in Black Rock Stream and Broad Stream catchments, and the fish community in streams draining the site includes the non-migratory Eldon's galaxias (Threatened – Nationally Vulnerable).

196. The design of Stage 2 means that construction activities are to be undertaken, to the extent practicable, away from waterways. The exception to this is an access road crossing a headwater tributary of Lee Stream. A new, longer culvert is proposed along

[61] Meeting the NPSFM definition of "specified infrastructure" as a consequence of being a service operated by a lifeline utility and regionally significant infrastructure as defined in the Otago Regional Policy Statement 2021.

[62] B.06. SLR Consulting New Zealand. 2025. *Ecological Assessment – Aquatic Ecology.* Report prepared by SLR for Tararua Wind Power Ltd.

with realignment of the Lee Stream tributary. This is also discussed above in relation to wetland effects and the discussion below is restricted to aquatic ecology effects.

197. The Lee Stream tributary provides habitat for the Eldon's galaxias. As such, the design and construction of the culvert are important considerations. The stream will be temporarily diverted during culvert construction, which will occur during dry or low flow periods between January and March. This timing is crucial, being after the spawning period for Eldon's galaxias and before the subsequent hatching of eggs. Fish salvage prior to works is proposed, detailed in a Native Fish Recovery Plan. The culvert is to be designed in accordance with fish passage best practice provided in the New Zealand Fish Passage Guidelines Version 2.0. The Panel note that the Lee Stream tributary will be permanently diverted from its existing channel once the culvert installation and vehicle crossing is complete.

198. The Panel requested further information from the Applicant[63] in relation to compensation for the proposed works at the Lee Stream tributary. In response and following engagement with ORC technical reviewers, the Applicant amended its Lee Stream tributary effects management. Similar to managing wetland effects, the substantive application proceeded with a compensation approach to managing aquatic effects, before additional work that enabled improved analysis of an offsetting approach. This was detailed in a technical memorandum prepared by SLR and provided with the RFI response.

199. The proposed works affect an approximately 50 m reach that is highly modified by historic land use and previous excavation of the bed and banks. The works will reduce overall habitat extent and values, which is proposed to be offset by fencing and planting an approximately 160 m reach of the tributary upstream of the culvert. The offset site contains a more natural stream reach with more diverse and higher value habitats. The proposed offset site contains several pools that provide refuge habitat for the Eldon's galaxias when the impact site could be dry. SLR maintain that the proposed fencing and planting will reduce sediment inputs and stock disturbance, improve bank stability and margins, and improve shading and stream health. The culvert is designed to convey high flow events and retain connection through both high and low flows.

200. As for wetland offsetting, the details of aquatic offsetting are provided in the WAOP. The SLR (2025) report notes that the Scrappy Pines Block QEII covenant site also provides protection of stream habitats that contain Eldon's galaxias and koura in the lower reaches.

201. The Applicant's assessment considers that the effects of the amended Stage 2 are less than those of the initial consented layout due to a reduction in the number of watercourses crossed by access roads, and the removal of the Thomas Block.

Comments Received

202. ORC had engaged with the Applicant on the design and effects of the Lee Stream tributary culvert in advance of comments being provided and were largely satisfied by the Applicant's amendments and further evidence. Its comments, supported by technical memoranda, sought additional assessment of the velocity profiles through the

[63] Request under s.67 of the FTAA and dated 5 March 2026; response provide 16 March 2026.

culvert, and confirmation that the proposed bed material sizing and gradation will provide suitable interstitial spaces for fish. Further refinement of management plans and consent conditions were also sought.

203. DoC's comments indicated that they were "generally comfortable" in relation to effects on aquatic ecology. It sought amendments to conditions to require the Lee Stream tributary culvert to meet the requirements of NIWA's NZ Fish Passage Guidelines 2024, noting that the new culvert is expected to meet these. It considered that the NFRP would appropriately address mitigation of stream disturbance, as well as fish recovery, relocation and biosecurity, and supported the macroinvertebrate surveys in the WQMP. DoC also commented on possible further enhancement measures although noted that these weren't necessary to manage adverse effects, and commented that the Applicant is required to demonstrate that the proposed culvert will provide the same fish passage as currently exists[64].

204. Ōtākou Rūnaka sought amendments to consent conditions, including to better address protection of Eldon's galaxias and to protect natural hydrological flow paths.

Applicant response to comments

205. The Applicant provided a SOE from Mr Luke Gordon[65] which responded to matters raised by Mr Morgan for ORC, including in relation to flow velocities through the culvert. An addendum report was attached to his SOE which updates the culvert and crossing design (while noting that final design will provided through consent conditions). The Applicant states that additional information on velocity profiles and bed material sizing will be provided with final design drawings through draft Conditions G11 and updates to the ECMP.

206. In response to ORC's comments in relation to demonstrating achievement of no net loss, Mr Ludgate applied the Stream Ecological Evaluation (SEV) method to compare the impact site at the Lee Stream tributary with the proposed offset site. The results are favourable, however do not account for the significance of the offset site for Eldon's galaxias.

207. A number of changes were made to consent conditions through the Applicant's response to comments. Ōtākou Rūnaka indicated that they were satisfied with these amendments.

Panel Findings

208. We recognise the engagement between the parties' technical advisors, particularly those of ORC and the Applicant, and the resulting improvements to the proposal. We accept that the proposed restoration to offset the effects of the Lee Stream tributary culvert will be effective in ensuring no net loss, and potentially a net gain, in aquatic biodiversity. Alongside this, we find that the effects on aquatic ecology will be minimal.

209. While we accept that the culvert has been designed in accordance with the NZ Fish Passage Guidelines, we agree with DoC that this should be a requirement of the

[64] In order to demonstrate compliance with Regulation 70(2)(a) of the NES-F.

[65] Dated 15 April 2026.

conditions of Land Use Consent (RMFT25.008.02), and that achievement of the same fish passage as currently exists will be dependent upon final design.

Stormwater, erosion and sediment control

210. The Applicant has provided, within the Civil Engineering Assessment (Riley – Civil (2025)), an overview of the stormwater, erosion and sediment control measures that will be undertaken during construction and operation of the wind farm and associated infrastructure. Facilities being constructed that require stormwater, erosion and sediment control measures include tracks, hardstands, platforms and disposal areas.

Access Tracks

211. The access track network within the wind farm site provides vehicle access from the site entrance to the office, operations and maintenance buildings, BESS facility, turbines and the transmission line towers. The proposed Stage 2 of the wind farm will include approximately 31km of 5.5m wide metalled carriageway with localised widening on corners of up to 9.5m, with widened corners to be narrowed after delivery and installation of turbine components. The proposed access track for the Transmission Line access will be 4.5m wide.

212. The Applicant has advised that the alignment of access tracks avoids wetlands and other noted ecologically sensitive areas (for example rocky outcrops or snow tussock grassland) where practicable (e.g to provide at least a 10m buffer from wetlands). Where access tracks are located and constructed in a way that intercepts overland flow or flow paths, the Applicant has confirmed roadside swales and cross culverts will be installed to channel surface water as close as practicable to its original path, particularly where this surface water feeds wetlands or similar.

Hardstand Areas

213. Permanent turbine hardstand areas (44) will comprise a flat hardfill platform of approximately 1,855m2 (60m long by up to 32m wide) for ongoing maintenance activities for the life of the wind farm. These will be unsealed and constructed offline, but adjacent to the formed access track. Stormwater will discharge as sheet flow to the adjacent down gradient terrain. Hardstands will also be constructed to house the O&M facility, BESS, and Substation. These will have collection and treatment facilities prior to discharge to adjacent ground

Surplus Fill Disposal Areas

214. The proposed arrangements during construction include 84 identified Surplus Fill Disposal Areas (SFD). These are to be constructed in areas of stable ground with an existing slope <15% gradient, with the SFD surface to be constructed with a continuous slope to maintain uninterrupted overland flow similar to that occurring before filling. The SFDs are to be topsoiled and grassed on completion.

During Construction

215. The Applicant has provided a description of the proposed stormwater, erosion and sediment controls for key activity types of the project during construction. This covers sheet flow, overland flow paths, and ephemeral watercourses intercepted by tracks and hardstands.

216. The wind farm tracks and hardstands intercept surface water runoff and have the potential to affect existing drainage patterns within the Wind Farm Site. The Applicant has completed a site wide catchment assessment to determine the location and design of proposed stormwater culverts to minimise the impacts on existing drainage patterns. The stormwater culverts are intended to keep pavements free from surface water and ensure that the water level range and hydrological function of wetlands is maintained, unless otherwise provided for as part of conditions and management plans (e.g at Wetland 43 and the Lee Stream crossing).

217. Key design principles employed for wind farm track and hardstands include:

- Tracks and hardstands to be located along ridgelines (peneplain fingers) where practicable to minimise impact on natural flow paths.
- Preservation of natural flow paths and wetland catchments to prevent the alteration or reduction of wetland water levels, supporting their hydrological function and biodiversity. Use of stormwater culverts where tracks and hardstands intercept these flow paths, eventually draining to the natural water bodies.
- Where practicable, design access tracks to allow stormwater to sheet flow naturally across the terrain.
- Where stormwater is collected, mitigation of potential erosion along drains and at outlets through rock lined channels along steep gradients and rock aprons at outlets. The culvert outlets will be designed in accordance with Auckland Council's TR2013/080 - Hydraulic Energy Management: Inlet and Outlet Design for Treatment Devices to provide energy dissipation to mitigate erosion effects.

218. A total of 96 proposed culverts are assessed as being required based on the track and hardstand layouts for the 54 potential turbine locations. This number will be refined during detailed design to the preferred 44 turbine layout. Only one culvert has been identified for the transmission line access tracks, where the proposed track crosses a defined gully. Elsewhere, the transmission line access tracks are designed to enable runoff to head up or sheet flow across pavement, meaning that no other culverts are required.

219. The following temporary and permanent site facilities to construct and operate the wind farm and associated infrastructure are proposed. The facility locations have been determined based on a turbine layout that maximises the efficiency of traffic movements and power reticulation through the site:

- 10,600m^2 platform for the temporary concrete batching plant.
- 10,350m^2 platform for the temporary Site Compound - located near the site entrance off Eldorado Track. The site compound will be used for the contractor site offices, parking area, and storage yard.
- 2,200m^2 platform for the permanent O&M Facilities, including 700m2 of building footprint comprising a site office and workshop.
- 6,750m^2 platform for the permanent wind farm substation.
- 4,200m^2 platform for the permanent BESS, which enables energy from wind, to be stored and then released.

220. The temporary platform areas are to be returned to pasture following construction. Erosion and sediment control (ESC) measures will be the implemented to reduce the potential for erosion of exposed soils during earthworks and land disturbance activities (erosion control), and to adopt treatment devices that collect and retain sediment prior to discharge to any downstream receiving environment. The proposed ESC Practices

are outlined below and shown on the example plans in the AEE Appendix D. These are noted by the Applicant as being designed to follow the principles of Auckland Council's GD05 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (2016), which ORC has adopted.

221. The Applicant has prepared a draft Earthworks Management Plan (EMP), inclusive of a draft Erosion and Sediment Control Plan (ESCP), which is included with the application. The EMP outlines the proposed measures to control sediment runoff and to mitigate erosion and dust arising from earthworks and land disturbance. The final version of the EMP will detail the ESC measures to be implemented at each stage of earthworks. The general principles of the EMP are as follows:

- Diversion of clean water away from the work site, where practicable.
- Minimise disturbance to the areas necessary to complete the construction activities.
- Avoid/control dust emissions with appropriate dust mitigation measures.
- Where practicable, intercept and treat all sediment laden water from the work area prior to discharging into the downstream environment, particularly earthwork areas upslope of sensitive receiving environments, such as wetlands and reservoirs.
- Implement measures to prevent construction traffic exiting the construction areas onto public roads/tracks with sediment and other materials attached to the undercarriage and tyres (i.e. wheel wash).
- Inspect the erosion and sediment control measures regularly and undertake any maintenance necessary to maximise the potential to retain sediment on the site.
- Undertake regular inspection and testing of discharges from sediment control devices, to verify minimum standards of discharge are being met in accordance with the consent conditions.
- In the event of forecast for heavy rain, stabilise the site as far as practicable and close the works down.
- Ongoing assessment of the erosion and sediment control measures and, if required, adjust as the work progresses.

Operational Stormwater Management

222. The Applicant has provided a description of the proposed operational controls for key activity types of the project. The drainage system for the project will be designed to manage stormwater effectively using a combination of graded surfaces, bunded areas, detention basins, roadside swales, cross culverts, and strategically placed erosion control measures, such as riprap lining, planting, and check dams. The drainage system is designed to ensure that water is directed efficiently off the tracks, maintaining their durability and reducing maintenance needs, while ensuring surface runoff follows existing flow paths and maintains delivery of these flows to gullies and associated wetlands.

BESS facility

223. The proposed BESS facility is to be housed on a permanent hardstand 4,200m2 platform. This platform will comprise an impervious (paved) surface and contoured such that if a fire were to occur, the contaminated runoff (generated during a firefighting operation) will be directed to a stormwater collection manhole. The manhole will feature

a submerged outlet with pipe connection to a downstream high-density polyethylene lined detention basin. The basin's primary purpose is to provide emergency storage of contaminated firefighting water, however the stormwater basin will also provide attenuation of stormwater runoff from the BESS platform.

O&M Facilities

224. The permanent O&M facility will have an impervious footprint of 2,200m2, including 700m2 of building footprint comprising a site office and workshop. Stormwater run-off from roofed areas within the O&M Facility and the sealed parking area will be conveyed to a rainwater collection system and discharged to ground.

Substation

225. The permanent substation will have a security-fenced hard-stand platform of approximately 70 m x 55 m (3,850m2) within an overall platform of 6,750m2 platform for the permanent wind farm substation. The substation includes a control room of approximately 250 m2. The Applicant confirmed in a technical memorandum dated 5 June 2026, in response to a further request for information from the Panel, that the substation platform will consist of roughly 20% impervious built surfaces and the remainder consisting of unsealed granular pavement, such that there will be minimal direct surface water runoff. A series of subsoil drains will collect surface water that infiltrates the granular pavement, that will connect to a gravity fed stormwater pipe beneath the platform. Runoff from building roofs will be collected by downpipes and piped directly to the substation stormwater network and will discharge to ground at a suitable location downslope of the substation. A 300mm diameter pipe size is assessed as adequate, and no permanent stormwater treatment device is considered necessary, although temporary sediment control devices will be employed during earthworks. The technical memorandum also included updated drawings to confirm the substation platform area and design, as well as updated consent conditions.

Comments Received

226. DCC provided comment seeking assurance that the construction and operation of the wind farm is managed so that there are no adverse changes to the quality and quantity of water available for the DCC to take water from nearby consented abstraction points, for the purpose of providing a safe and sufficient drinking water supply to Dunedin.

227. ORC provided comment on the Civil Engineering report and draft conditions, with specific focus on effects of the application on groundwater hydrology. While agreeing, based on limited information, the effects from temporary dewatering within excavations on the adjacent wetlands are likely to be minor to less than minor, it was noted that the assumptions are based on limited information, and it was recommended that the outstanding risk is covered off in the Wetland Monitoring and Management Plan. An action response to stop dewatering was suggested in the event of an exceedance of a monitoring trigger, and to reassess the treatment and water return period to prevent drying out of affected wetland areas.

228. ORC provided initial comment to the Applicant on the proposed approach to stormwater discharges, including erosion and sediment control, which stated that, in principle, the earthworks and sediment discharges could be managed to an acceptable level. However, ORC concluded that the substantive application material did not yet achieve that outcome and that matters of detail required strengthening through updated

management plans and more robust consent conditions. Specifically, ORC's concerns focused on the proposed consent framework being overly reliant on management plans, some of which they considered to lack sufficient technical detail and clearly defined performance outcomes. ORC recommended that objective performance standards be embedded directly in consent conditions, rather than relying solely on plan implementation.

229. ORC expressed concern with respect to the proposed erosion and sediment control being inconsistent with GD05 best practice, and the Chemical Treatment Management Plan also not reflecting best practice. Overall ORC considered that, while the framework is conceptually sound, greater specificity, alignment with GD05, and enforceable performance criteria would be required to provide confidence that sediment discharges will be appropriately managed.

230. ORC advised that, following updates provided by the Applicant, that the Applicant had demonstrated that the earthworks could be managed to address sediment discharges to an acceptable level. However, ORC identified that still further detail and refinement was required through management plans and consent conditions to ensure this outcome was achieved. In particular, additional detail is required within the consent conditions to ensure stage-specific erosion and sediment control plans are prepared in accordance with GD05 and certified by Council prior to the commencement of works.

231. ORC provided further comment, following the Applicant's response to Council peer review, confirming that the revised approach places greater emphasis on active, site-based monitoring and adaptive management, enabling sediment discharges to be identified in real time and responded to promptly. This addressed concerns raised in the peer review regarding the need for more robust and frequent monitoring. However, ORC considered that further refinement was required to ensure that key aspects of the erosion and sediment control framework are appropriately detailed and enforceable, including stream diversion methodology, earthworks staging, the implementation of stage-specific erosion and sediment control plans, and amendments to the Chemical Treatment Management Plan.

232. ORC concluded that for stormwater discharge, while the framework continues to rely on management plans for detailed design and implementation, it is considered that, subject to further refinement of management plans and consent conditions, the proposed approach will achieve appropriate management of stormwater discharges.

233. ORC's assessment of the proposed dewatering activities advises that they consider the potential groundwater take associated with turbine foundation construction to be temporary in nature and involve relatively small volumes of groundwater. The proposed approach of returning intercepted groundwater to the same waterbody or wetland system from which it is taken, together with limits on higher-rate dewatering in proximity to wetland areas, will maintain the local groundwater balance and minimise the risk of hydrological change to adjacent wetlands. Taking this into account, Council considers that the temporary dewatering associated with turbine foundation excavation is likely to result in minimal changes to groundwater levels or wetland hydrology.

234. Notwithstanding this, the ORC peer reviewer considers that groundwater contributions to the wetlands within the project area are likely to be limited and that inflows to turbine foundation excavations are expected to be relatively low, estimated to be less than approximately 1 L/s. Council has suggested that additional consent conditions be included to provide a specific safeguard where dewatering occurs in proximity to natural

inland wetlands. The proposed condition requires that where dewatering within 50 metres of a natural inland wetland exceeds a rate of 1.0 L/s, the consent holder will be required to cease dewatering above this rate and provide an assessment prepared by a suitably qualified and experienced ecologist demonstrating that the higher dewatering rate will not result in adverse hydrological effects on the wetland.

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

236. Ōtākou Rūnaka provided specific comment on the proposed consent conditions against concerns raised in the TIA, particularly associated with stormwater, erosion and sediment control and protection of natural flow paths, water quality standards and measures to address contaminants. They recommended additions to the proffered conditions, including ORC General Condition 16 ("*To ensure that natural flow paths are conserved in construction and use of access tracks and hardstands*") and ORC General Condition 18 ("*To ensure that natural flow paths are not impeded by earthworks or surplus fill disposal*"). In addition, Ōtākou Rūnaka requested the following conditions be added to the ORC General Conditions in the section headed Earthworks and Construction, as follows:

- No surplus fill disposal shall take place into any wetlands or permanent, intermittent or ephemeral rivers or streams.
- No surplus fill disposal shall be located in a gully or on land with a gradient of more than 15%.
- All earthworks and construction must be designed and managed in a way that ensures no natural flow path is permanently impeded.

237. Ōtākou Rūnaka also recommended a requirement to monitor impacts on natural flow paths following the first storm event after completion of earthworks for any access tracks, hardstand areas and SFDs, and to report to the consent authority on:

- the results of monitoring; and
- if any impedance of flow paths is identified, the measures that will be taken to remedy this.

238. The conditions assessment in Appendix 3 to the TIA also recommended amendment to the ECMP and EMP as necessary to ensure that flow paths to Taiari catchment streams (including via ephemeral and intermittent streams) are protected, as well as flow to wetlands. Ōtākou Rūnaka recommended consideration be given to conditions associated with containment of any spills of lubricants or other contaminants used in the operation of turbines, and requested clarification around management of wastewater generated by the construction workforce, including potential for associated conditions.

239. Ōtākou Rūnaka recommended additional conditions to the ORC conditions associated with erosion and sediment control as follows:

- Add to the ORC General Condition 37 that a TSS limit at point of discharge from sediment retention devices (50 mg/l) be referred to in the CTMP.

- In the proposed conditions for dewatering of construction sites and stormwater discharges from construction sites and fill areas, replace the general water quality requirements in proposed condition 3 with defined receiving water quality standards such as the clarity and pH outcomes that are required in Condition ORC-Gen G37.
- In the NESF conditions for works in or near wetlands (ORC-NESF), include defined water quality standards for affected wetlands.
- In all conditions referring to a zone of "reasonable mixing", clear definition of the area of this zone should be included.
- Add to ORC General Condition G38 (or as a separate condition) a requirement for a programme of monitoring specified water quality parameters both upstream and downstream of construction and fill areas before, during and after construction to determine if there has been any decline in water quality downstream of these areas. Parameters to be monitored should include relevant measures of sedimentation and ecological health.
- As part of the minimum content of the EMP set out in ORC General Condition G19, add: identification of extraordinary events that could result in sediment entering water bodies (including their likelihood and scale of effects); and measures to avoid sediment entering waterbodies as a result of these events.

240. Ōtākou Rūnaka have also proposed adding the following to the proposed conditions for operational discharges of stormwater from new infrastructure as part of ORC stormwater discharges consents: "*There shall be no discharge to land of runoff from fire suppression activities*".

241. In respect of discharges from the temporary concrete batching plant, Ōtākou Rūnaka has recommended that the associated ORC discharge consent replace the general water quality requirements in proposed condition 3 with defined receiving water quality standards and include a clear definition of the area of "reasonable mixing"; and add a requirement for a programme of monitoring specified water quality parameters both upstream and downstream of the concrete batching plant.

Applicant response to comments

242. The Applicant, in response to the DCC concern with respect to existing water extractions, has advised that the areas identified by DCC are not hydrologically connected to the project area and are sufficiently removed from the wind farm site such that they will not be adversely affected.

243. In response to the ORC comments, the Applicant acknowledged that they considered the ORC comments to accurately describe the management measures proposed in the pre-consultation substantive application. The Applicant and ORC have continued to draft refinements to the conditions and associated management plans and have agreed most elements, with some exceptions. In response to ORC identifying that further detail and refinement was required through management plans and consent conditions to ensure intended outcomes are achieved, including additional detail within the consent conditions to ensure stage-specific erosion and sediment control plans are prepared in accordance with GD05 and certified by Council prior to the commencement of works, further information has been provided by the Applicant in the statement of evidence of Luke Gordon (Civil Engineering).

244. While in his statement Mr Gordon disagrees with the ORC assertion on the adequacy of information provided, for the avoidance of doubt, amendments are proposed to draft ORC General Condition 19 that sets out content of the final EMP, as follows:

"In order to achieve the objectives established in Condition G18 the erosion and sediment control measures prepared under the EMP must, as a minimum, contain the following details:

Specific control works measures (including details on their locations, dimensions, capacity etc) with details on how the earthworks and implementation of control measures will be staged;

Supporting calculations and design drawings for all stages of earthworks; …"

245. The remainder of response in the statement of Mr Gordon is providing additional information or justification to points raised by ORC, including noting as appropriate amendments to management plans in response.

246. In response comment made by ORC on the Water Quality Management Plan. The Applicant has provided further clarification around the intent of stated parameters response to triggers or exceedance. In particular the statement:

"If there has been any change in water quality parameters from baseline conditions, this will trigger immediate notification of site management and the Project Ecologist to determine any additional sediment control measures that should be implemented to strengthen existing controls (which could also include replacement of measures if/where appropriate). This approach is to ensure that the site-specific control measures can remain effective during works activities.

The WQMP has been amended to clarify that ORC are to be notified within 48 hours of an incident and/or if any additional sediment control measures are implemented as a result of water quality monitoring."

247. The Applicant has disagreed with the suggested introduction of a condition that restricts water abstraction to 1 L/s within 50 m of wetland. The Applicant has argued that dewatering effects are temporary and localised, with evidence remaining that wetlands within 100 m are not expected to be hydrologically affected, and any intercepted water will be treated and discharged downslope to maintain natural pathways.

248. In response to the comments from Ōtākou Rūnaka, the Applicant has provided a comprehensive response summary. Regarding concerns with potential fire at the BESS facility and resulting mobilised contaminants, the Applicant responded stating that: "*the BESS will be constructed on an impervious surface and the entire stormwater and fire water system constructed to be a closed system, this will ensure contaminated fire water is not discharged to the environment*". The Applicant has additionally confirmed all contaminated firewater will be contained and able to be removed from site.

249. In response to various comments regarding the extent to which roading/infrastructure (incl. sediment disposal) will intercept overland flows that contribute to the Lower Taiari catchment, the applicant noted that surplus fill disposals will be contoured to prevent the obstruction of natural flow paths and that this is listed as an objective of the updated EMP, and as a design principle (Part B section 2.1 of the EMP). Part B Section 2.8 of the ECMP is noted as having specific details for the management of stormwater. One of the

key design principles of the ECMP in relation to management of stormwater is to "*Conserve the natural flow paths to natural streams and wetlands downstream. This will be achieved through the use of stormwater culverts where tracks and hardstands intercept the flow paths, to maintain the existing catchments and hydrology. The design principles and objectives of the ECMP and EMP are intended to 'ensure that the earthworks do not create obstructions to the existing topography's natural flow paths.*" Temporary obstruction of overland flow paths during the formation of the tracks and platforms, will be managed through the implementation of temporary culverts (where necessary), which is addressed in section 4.1.1 of the EMP.

250. Avoiding and minimising effects on wetlands is the primary purpose of the stormwater management, and the effectiveness of these measures will be determined through the monitoring of wetland health. That is, monitoring wetland health is a proxy for assessing the impacts on overland flow paths, and this is covered under the WMMP. Surplus fill disposal (**SFD**) locations are mapped and are located outside of wetlands, permanent, intermittent or ephemeral rivers or streams. The EMP has a requirement for SFDs to be located on land of less than 15% grade and this has already been fed into the design.

251. Part B Section 4.0 of the ECMP details requirements for Records, Reporting and Inspection including relating to stormwater systems. The proposed measures, namely the installation of stormwater culverts and the contouring of fill sites, are designed to maintain the site's natural hydrology and preserve existing flow paths to onsite wetlands and waterbodies. By doing so, this will inherently support and protect the wider downstream Taiari catchment and its associated stream network.

252. Further to the above response TWP has updated general condition ORC General Condition 16(e) to include the requirement to ensure surface flows are maintained to natural inland wetlands during construction as an objective of the Environmental Construction Management Plan, and in ORC General Condition 1G18 the requirement that SFDs are contoured to ensure they do not impound water, so as to preserve natural flow paths to wetlands, as an objective of the EMP.

253. In response to various comments about it being unclear what contaminants (e.g. oils) are needed in each turbine tower once the farm is operational and the contingency plans that are needed for extra ordinary events, plus request to further understand the wastewater management plans for the construction workforce, the Applicant responded that, while unlikely, any contaminant spills resulting from componentry internal to the nacelle or tower will be contained within spill collection trays installed in the nacelle. In the unlikely event of a spill, these spills will be captured in these trays and able to effectively be cleaned and removed from site. Spill kits are held while maintenance is happening to ensure any minor spills are immediately addressed and appropriately disposed of safely.

254. With regard to wastewater, during construction, ablution blocks have internal closed wastewater systems (to tanks) that are then cleared into trucks periodically and disposed of off-site to appropriate facilities (see section 2.2.1 of the updated ECMP).

255. The Applicant has responded to comment in relation to ancillary structures and construction plant, including the concrete batching plants and in particular and management of stormwater discharges, including clarity and pH conditions for any discharges from the concrete batching plant. With reference to Part B section 2.6.2 of the ECMP, the batching plant will feature a perimeter containment bund that will contain stormwater runoff from the wider batch plant compound/facility and direct it to a

sediment (containment) pond. The pond will remain in place during the operational life of the batching plant. The pond will be lined during the batching plant operations to prevent any seepage into groundwater. This pond/ containment area has a manually controlled discharge valve at the outlet, which will be shut in the event of a cement spill within the facility, to contain contaminants. Testing of pH levels of the pond water during the operation of the batching plant and following rainfall trigger events will be undertaken in accordance with Section 2.6.2. This will confirm suitability of discharge to the downstream environment. If required, the water will be chemically treated to comply with an accepted pH range of 5.5-8.5.

256. The Applicant has provided an updated suite of conditions in response to, and substantially in consultation with ORC and Ōtākou Rūnaka, adopting agreed changes. These changes do not substantially change the original conditions, rather supplement and re-word for clarity. The Applicant advised in legal submissions that Ōtākou Rūnaka are supportive of the application, incorporating the agreed amendments to conditions and in the context of the finalised Relationship Agreement.

Panel Findings

257. The Panel note the extensive review and comments made on the application by ORC, Ōtākou Rūnaka and CDC, including the proactive engagement by the Applicant to present to the extent possible an agreed set of consent conditions and draft management plans for consideration. The Panel have found the requested and agreed amendments, and supplementary information, to be informative and useful with only minor matters of disagreement outstanding. The Panel acknowledges the position of the Applicant and ORC that stormwater discharges, including dewatering activity, and erosion and sediment control effects arising from the construction and operation of the project can be managed to an acceptable level that will have no more than minor effects, and incorporate the amended conditions as agreed between the parties as part of this decision.

Landscape, visual effects and natural character

258. The substantive application included an assessment of landscape and visual effects, including natural character, prepared by Gavin Lister and Simon Button of Isthmus, dated 19 October 2025[66], undertaken using methodology consistent with national guidelines[67]. The Isthmus report relies on Kāi Tahu sources to understand relationships of mana whenua with the landscape setting, including Kā Huru Manu, the Ngāi Tahu Atlas, and the relevant iwi management plan[68]. Overall findings of the assessment indicate low and very low levels of adverse effect and some positive effects on natural landscape values, having regard to landform, vegetation and waterbodies. In particular, the report notes that the removal of wind turbines from the area known as the Thomas

[66] *Tararua Wind Power Ltd, Puke Kapu Hau (Mahinerangi Wind Farm) Stage 2. Landscape + Visual Assessment*, Simon Button & Gavin Lister, Isthmus, 19 October 2025

[67] *Te Tangi a te Manu, Aotearoa New Zealand Landscape Assessment Guidelines*, Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022

[68] Kāi Tahu ki Otago Natural Resource Management Plan 2005

Block and the QEII covenant area[69] will have positive effects by avoiding primary areas of high quality snow tussock, with remaining turbines located in areas of improved or rough pasture, and that reduction in the number of wind turbines will offset any increase in hardstand areas[70]; while earthworks effects will be reduced through changes to roading requirements as a result of fewer turbines.

259. The assessment of effects relies on a "realistic consented Stage 2" benchmark of 47 turbines at 145m height and 136m rotor diameter71 that is described as a conservative basis for assessment, rather than the existing consented 100 turbines, to be compared with the proposed 44 turbines at 165m height with the same rotor diameter72. The assessment considers that the 20m height difference between consented and proposed turbines would not be pronounced, resulting in no or very low effect on factors such as dominance, scale, rural character and aesthetic coherence. Fewer wind turbines and removal of specific wind turbine locations is emphasised as a positive change from the consented level of effect.

260. The Isthmus report identifies the Lammermoor Range west of the wind farm site as an outstanding natural landscape (**ONL**) in the DCC district plan, and that while parts of the range in the Clutha district are not scheduled in the CDP, that area of the range is also treated by Lister and Button as having the characteristics of an ONL based on a 2015 report to CDC recommending it as an ONL. They note that the northern two thirds of the wind farm are approximately 3.8km from the edge of the range, separated by a clear demarcation of the scarp, and that the 20m increase in height will be barely perceptible when compared to the benchmark. The southwest corner of the consented wind farm includes a wind turbine location 150m from the toe of the range scarp, which is proposed to be removed as part of the variation to consent RM1409, so that separation will be increased to approximately 1km and the edge of the wind farm will then be across Lammerlaw Creek, which is described as a natural boundary. The change in wind turbine height in this context is also described as not being an obvious visual change.

261. The most public views of the wind farm are described by Lister and Button as distant, commonly from SH87 approximately 9km east of the site and also Lake Māhinerangi approximately 5km to the south, including the fishing village of 35 cribs, as well as the elevated sections of Old Dunstan Road approximately 7km to the north. Any aesthetic coherence effects resulting from the difference between Stage 1 and Stage 2 turbines is described as limited to the southern spur area that can be viewed from Lake Māhinerangi and El Dorado track, but would be of a low degree. The most direct public viewing of the wind farm is from Eldorado Track and associated walking access through the area. Dwellings are identified to the northeast, east and southeast on no-exit gravel roads, typically with shelter plantings to the west in the direction of the wind farm.

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[69] Noting that turbine locations 63, 65, 68 and 69 will remain within the covenanted area in accordance with amendment to Condition 25 of RM1409, while locations 64, 66 and 70 will no longer be utilised.

[70] Calculated as a 40,000m2 reduction in total hardstand area, p18-19 of the Isthmus Report

[71] Based on a wind turbine model currently available on the market, p21 and 23 of the Isthmus Report

[72] Note that p16-17 of the report provides a comparison, in table form, of the consented turbine locations and proposed turbine locations under the variation to RM1409, in relation to groups of turbines along the spine, northeastern spur, eastern spur, southeastern spur, southern spur and southwestern spur.

Some of the nearest properties are noted as participating in the project, while the Isthmus Report notes that the nearest dwelling on a non-participating property, which is on the Thomas property, is 1.5km from the nearest wind turbine under the proposed variation to RM1409. The next nearest dwelling on a non-participating property is noted as 2.7km distant (known as Tarndale).

262. Lister and Button assess natural character effects on the tributary of Lee Stream where a vehicle crossing is to be constructed, describing the stream in this location as having moderate natural character. They also assess the natural character of the wetland area where a new roading alignment is proposed to be built through the wetland (Wetland 43), describing the wetland as having low-moderate natural character, and describing removal of the existing farm track and culvert as re-establishing natural hydrological patterns that assist to protect natural character by fitting more closely to topography. Overall, they conclude that the project avoids or minimises potential effects on natural character through road alignment and culvert design, with residual effects offset and compensated through restoration of stream and wetland areas, preserving and enhancing natural character in some respects, with the works being appropriate to a modified farmland and energy landscape.

263. Lister and Button note that the transmission line was not previously part of consented activity under RM1409 because it was a permitted activity. The transmission infrastructure is noted as being situated within a landscape where electricity generation and transmission infrastructure are already located (e.g. the Deep Stream and Waipori hydro-electric schemes), and that the substation and BESS will be unobtrusive, on flat areas of pasture distant from public roads and dwellings, while the transmission line will consist of poles rather than pylons. Overall, the infrastructure is considered to have a low degree of effect on natural landscape values and amenity values, and the associated O&M facility is assessed as having a very low degree of effect.

Comments received

264. Graeme Thomas, co-owner of the area known as the Thomas Block, described efforts on their property to provide for regeneration of native land cover, and overall improve indigenous biodiversity, and expressed a desire to work with the applicant to achieve outcomes that give mana to the landscape and respect cultural heritage.

265. The TIA provided on behalf of Ōtākou Rūnaka states that Kāi Tahu has a long association and involvement with the Taiari catchment, which remains of importance to whānau of Te Rūnaka o Ōtākou and Kāi Tahu whānui whānui, as also outlined in the cultural impact assessment prepared for Trustpower in 2006[73]. The TIA refers to the "mana whenua baseline", which is the condition of the catchment at 1840, and emphasises linkages across the landscape, including between significant sites that exist outside the project area[74], relevant to hikoi across the landscape. The TIA identifies the values of mauri, rakatirataka and whānau ora in relation to the project as a whole, with concerns raised regarding access to the area for whānau, to maintain connection with the landscape. Wāhi tupuna, mauka, korero tuku iho, whakapapa and whānau ora values were linked

[73] Attached as Appendix 1 to the TIA

[74] The TIA highlights Schedules 70 and 84 of the Ngāi Tahu Claims Settlement Act 1998, which are the Statutory Acknowledgement Area of the Waipori Waihola Wetland and the Tōpuni for Maukaatua respectively, both to the east and south of project area.

to the positive effect of reducing components of the scheme (e.g. fewer turbines) and location of turbines away from more sensitive areas, and that all but three of the turbines are located as previously accepted by Ōtākou Rūnaka in 2006. The impact on wāhi tūpuna overall remained a concern for mana whenua at the time of writing the TIA, including in relation to roading. These comments are all read in the context of Ōtākou Rūnaka confirming support for the project following conclusion of a Relationship Agreement with the Applicant.

266. Lindsay Brown, co-owner of Tarndale, raised concerns about the landscape effects of the project, stating that he had chosen to live there for 47 years because of the landscape and peaceful environment. He describes the impact of the 12 existing turbines as difficult to look beyond towards the Lammermoor Range because of their movement, and that a jumbled effect is created by the different rotations of each turbine, as well as flashing red lights at night. He principally wanted the Panel to understand that increasing the number of turbines present would impact on him.

267. Sue Keen, co-owner of Tarndale, also raised concerns about landscape effects, noting that she found the presence of the existing turbines to be overpowering, including due to what she described as their chaotic movement. She proposed that trees planted in intermittent lines along the western and northern boundaries of the property would help to provide separation from the turbines and improve well-being. She requested 3 lines, 150 metres long, of Leylandii to be fenced and planted at intervals along the western and northern boundaries, and noted that her and her husband had reserved the right to make a submission rather than come to an agreement with the applicant prior to the FTAA application process.

Applicant response to comments

268. In response to the late comment provided by Graeme Thomas, the Applicant notes that the property was identified as an adjacent property in the substantive application and that the Panel invited the landowners to provide comment. The Applicant acknowledges that the property includes Māori reserve land[75], as it did at the time of original consent for the wind farm, and notes that turbines previously proposed on the land block are no longer included in the Stage 2 proposal, as well as outlining communications with Graeme Thomas during the application process. The Applicant notes that under the variation to consent RM1409 there will be a turbine approximately 170 metres from the boundary of the Thomas block (turbine 87 based on the original consent), consistent with the existing consented wind farm layout. In supplementary legal submissions the Applicant notes that no specific effects are identified by Graeme Thomas relevant to considerations for the Panel. A further joint statement of evidence, dated 8 April 2026, was provided in which Lister and Button conclude, similar to their original assessment, that there are no new or greater visual effects relative to the consented wind farm.

269. In relation to the TIA and particular comments provided on behalf of Ōtākou Rūnaka, the Applicant identifies in supplementary legal submissions that matters have been addressed through the Relationship Agreement and amended conditions of consent, and emphasises that the Stage 2 proposal is essentially a variation to the existing consented development, rather than a "new significant development" as characterised

[75] Noted in supplementary legal submissions, paragraph 7.6, as approximately 1700m from the nearest turbine and further away that the nearest existing Stage 1 turbine.

in the TIA. As part of the Relationship Agreement, the Applicant notes that access arrangements have been provided for throughout the construction phase. In their joint statement of evidence in response to comments, Lister and Button point to their prior assessment of landscape and visual effects as relevant to impacts on wāhi tupuna, and note that the DCC district plan schedules the Rock and Pillar Range approximately 15km to the north, Mauka Atua approximately 19km to the southeast and Taiari River approximately 20km distant as wāhi tūpuna, in relation to which landscape and visual effects do not arise; whilst also noting that wāhi tūpuna are not mapped in the Clutha DP. Their joint statement of evidence also addresses the matter of positioning of the turbines in relation to "ridgelines", confirming that turbines will be positioned on the peneplain, on the crests of peneplain fingers. Primarily, Button and Lister emphasise a reduction in effects compared to the consented wind farm.

270. In response to the concerns expressed by Lindsay Brown and Sue Keen of Tarndale the Applicant notes that there will be a reduction in the number of turbines installed as a consequence of variation to the existing consent, resulting in up to eleven turbines on the spur to the northwest of their property. With regard to the effect of rotating blades, the applicant notes that the larger wind turbines will rotate more slowly, and be fewer in number. On the request of Sue Keen for plantings on the northern and western boundaries of Tarndale, the Applicant emphasises that these plantings were not required for the existing consent, and that the assessment by Lister and Button did not identify effects that warranted screening. The Applicant acknowledged the perceptions and experiences of Lindsay Brown and Sue Keen in relation to the existing wind turbines. In their joint statement of evidence in response to comments, Lister and Button note that turbines proposed as part of Stage 2 grouped on a ridge to the northwest of Tarndale will be slightly further away and at a slightly lower elevation than existing Stage 1 turbines[76].

Panel findings

271. The Panel agrees with the assessment of the Applicant that, overall, the variation represents a reduction in effect, and relies on the analysis provided by Lister and Button in their primary report and subsequent joint statement of evidence, including in relation to effects on the Thomas Block and at Tarndale, as discussed in the Isthmus report[77]. In doing so, the Panel also acknowledge the perceptions and experience of Lindsay Brown and Sue Keen in relation to the Stage 1 turbines and existing consented activity, whilst determining that it is not a matter than can be resolved through conditions of consent, in accordance with the evidence received and requirements of the FTAA for conditions, as discussed further in Part K of this decision. The Panel also acknowledge the efforts of Graeme Thomas and the owners of that property acting as kaitiaki of their whenua. The Panel encourages the Applicant to continue to engage with these landowners in good faith to resolve any outstanding relationship matters. The Panel accepts that the Relationship Agreement between the Applicant and Ōtākou Rūnaka has resolved matters pertaining to whānau access to the project area, and adopts the basis for conditions agreed between the parties as part of this decision, as relevant to

[76] Paragraph 27, joint statement of Gavin Craig Lister and Simon Leigh Button, Landscape and Visual – response to Section 53 comments, 8 April 2026

[77] At pages 103-104 , 106 and 108-109 of the Isthmus report

landscape, visual effects and natural character, acknowledging overall support of Ōtākou Rūnaka for the application, subsequent to matters raised in the TIA.

Shadow Flicker and Blade Glint

272. The Applicant has separately considered shadow flicker and blade glint effects of the project, baselined against a real-world theoretical configuration of 47 stage 2 turbines of 145m height, which is allowable and consistent with the existing land use consent, although the wind farm is consented up to 100 turbines.

Shadow Flicker Effects

273. The Applicant engaged DNV (2025) to undertake the assessment of the combined Stage 1 and proposed Stage 2 of Puke Kapo Hau. The assessment concludes there will be a reduction in effects when compared against an allowable configuration consistent with the existing land use consent, with one fewer dwelling expected to experience shadow flicker as a result of the removal of nearby turbines.

274. The Applicant has recommended the updating of existing CDC land use consent RM1409, condition 23, which manages the extent of any shadow flicker caused by the wind turbines at any residential dwellings, to specify the current version of the Victorian Government Department of Transport and Planning "Planning Guidelines for Development of Wind Energy Facilities, September 2023". The Applicant has advised this update to conditions will have no material effect on outcomes because the content of the guidelines that address shadow flicker have not been modified from the earlier referenced version.

275. The assessment identified three participating dwellings where shadow flicker above a moderate level of intensity is assumed to occur up to a distance of 10 rotor diameters from the wind turbines. Two of the three are predicted to experience theoretical shadow flicker durations above the recommended limit of 30 hours per year within 50 m of the dwelling. As these are participating properties, with effects consistent with that expected within the existing land use consent, the Applicant has not proposed any particular additional mitigation.

Blade Glint

276. The Applicant has stated blade glint occurrence depends on a combination of circumstances arising from the orientation of the nacelle, angle of the blade and the angle of the sun. The reflectiveness of the surface of the blades is particularly important. Blade glint is noted as not generally being a problem for modern wind turbines, provided the blades are coated with a non-reflective paint. The existing CDC land use consent RM1409, Condition 18, requires low reflectivity turbine components and so this issue is not considered further. The Applicant has left the condition unchanged and has not identified blade glint as an issue requiring further mitigation.

Comments Received

277. Lindsay Brown and Sue Keen of Tarndale provided comments regarding effects from movement of the wind turbines, which they have experienced in relation to Stage 1 of the wind farm and anticipate increasing as a consequence of Stage 2. These comments are outlined in this decision in relation to landscape and visual effects, and include effects of the rotating blades on sensory perception.

278. ORC noted that shadow flicker and blade glint effects were amongst effects they had not assessed on the basis that these matters are not directly related to an approval that would otherwise be sought from ORC, or are better assessed by others, and confirmed their understanding that existing territorial authority land use consents address these issues.

279. CDC confirmed their satisfaction with the suite of existing measures to address effects, including landscape and visual effects, of which shadow flicker and blade glint are a component.

Applicant response to comments

280. The Applicant provided, within the joint statement of evidence of Gavin Lister and Simon Button, a comparison of effects of the proposed changes against the consented wind farm, and conclude that visual effects of rotating wind turbines are part of the consented wind farm, noting that the proposed wind turbines will have larger rotor diameters that rotate more slowly than the existing Stage 1 wind turbines.

Panel Findings

281. The Panel note that the assessed shadow flicker arising from the proposed Stage 2 of Puke Kapo Hau at neighbouring (non-participant) receivers is predicted to be less than or at the same level as the original consented windfarm, primarily associated with the reduction in turbine numbers. The Panel are satisfied, on the basis of evidence provided by the Applicant, that blade glint is not likely to be an issue provided the blades are coated with a non-reflective paint, in accordance with the existing CDC land use consent RM1409 condition requiring low reflectivity turbine components. Overall, the Panel finds that any adverse impacts arising from shadow flicker or blade glint will be equivalent with or less than existing consented effects.

Aviation

282. The Applicant, in the AEE as part of the original consent application, confirmed that both Dunedin International Airport and the Otago Aero Club were consulted regarding potential aviation effect, and it was accepted that Puke Kapo Hau would not result in adverse effects on aviation activities. The proposed turbine heights exceed 45 m above ground level, and as such the Applicant has made a Part 77 application that will be submitted to the Civil Aviation Authority ("CAA") as part of the final detailed design process.

Comments Received

283. Lindsay Brown raised concerns about flashing red lights associated with Stage 1 wind turbines, as part of his response to visual effects of the wind farm.

Applicant response to comments

284. The Applicant identified the flashing red lights as necessary for aircraft safety and part of the consented wind farm. There were no new or amended consent conditions proposed associated with aviation safety.

Panel Findings

285. The Panel note that there are no expected adverse effects associated with aviation arising from variation to the existing consented wind farm, and also refer to findings with regard to landscape and visual effects.

Noise

286. The Applicant has considered operational and construction noise effects of the project, baselined against a real world theoretical configuration of 47 stage 2 turbines of 145m height which is allowable and consistent with the existing land use consent which allows up to 100 turbines, with the addition of the new proposed transmission line and BESS facility.

287. The Applicant has recommended the updating of existing land use consent conditions 31,32 and 33 for the management of construction noise to reflect the latest standards, namely NZS 6801:2008 Acoustics – Measurement of Environmental Sound and NZS 6802:2008 Acoustics – Environmental Noise. The Applicant has advised these updates will have no material effect on the Project outcomes.

288. The Applicant has also recommended the descriptors in condition 35 and 36 are updated from L_{95} to L_{90}. This change has no material effect on the outcomes to be achieved but aligns the criteria with those of the current standard NZS 6808:2010 Acoustics – Wind Farm Noise, with the L95 descriptor being from the earlier superseded standard.

Operational Noise - Windfarm

289. The proposed turbines for Stage 2 of Puke Kapo Hau are larger than the consented turbines and those installed in Stage 1. The noise assessment undertaken by Marshall Day (2025), assuming the proposed turbines and layout, provides a summary of the change in effect from the consented arrangement.

290. The key findings of Marshall Day (2025) as it relates to impacts on noise sensitive receivers are:

- Predicted noise levels for the existing turbines and proposed turbine layout have either negligible or beneficial effects at all receivers (compared to the consented layout). Five receivers are predicted to experience lower noise levels, while the remaining receivers will experience a difference of less than 0.1 dBA;
- Noise levels at all nearby receivers are within the lower design limits of the consent conditions (35 or 40 dBA LA_{90}), with most sites experiencing turbine noise levels more than 10 dBA below ambient noise levels.

291. The Marshall Day report concludes that operational noise from the proposed Stage 2 of Puke Kapo Hau is considered reasonable, as the noise effects remain either unchanged or less for the surrounding community compared to the effects authorised by the existing consent.

Operational Noise – Transmission Line and Other Infrastructure

292. The Applicant has proposed a condition on the new land use consent for the management of any operational noise from all 'non-turbine activities' in accordance with relevant noise standards.

293. The primary noise source from the Wind Farm other than from turbines is from the cooling fans within each of the 32 containers comprising the BESS facility, which are typically installed on top of the units. While the specific BESS model has yet to be determined by the Applicant, a sound power level of 95 dBA (Lw) per container has been used for assessment purposes. Modelling by Marshall Day (2025) indicates that the predicted noise contribution from the BESS at all nearby receivers will be negligible and that the activity would be able to comply with the relevant noise standards.

294. The Applicant has confirmed that the operation of the transmission line typically does not generate noise. However, under high wind conditions, the glass insulators on the poles often used can potentially produce a tonal sound, which may cause annoyance to nearby receivers. To minimise this potential effect, the Applicant has proposed, via condition, composite insulators on the transmission poles, being less likely to generate tonal noise.

Construction Noise

295. The Applicant has confirmed all construction activities, including the new transmission line, are at least 900 m from the nearest non-participating dwellings, with the loudest activity being associated with concrete cutting. As modelled by Marshall Day (2025), this is predicted to reach 43 dBA at the closest receiver. This is within the planned night-time noise limit of 45 dB_{LAeq}. No specific amendments have therefor been proposed.

296. The Applicant has requested the amendment of the existing consent condition that limits concrete batching from 6.30 am to 8 pm Monday to Friday, and 7.30 am to 6 pm Saturday to allow concrete batching without time limitation. The proposed location of the batching plant is over 2000m from the nearest receiver, with Marshall Day (2025) predicting noise levels to be up to 27 dB_{LAeq}, with advice that the noise source is broad band, not containing any tones or other special audible characteristics that could lead to annoyance, with predicted noise levels being below noise criteria recommended by the World Health Organisation and in the opinion of Marshall Day are not considered to cause adverse effects.

297. The Applicant has also confirmed, and proposed in conditions, that a Construction Noise Management Plan will be implemented for Stage 2 to ensure construction work remains in accordance with NZS 6803:1999.

Comments Received

298. There was limited comment received with respect to noise. Sue Keen of neighbouring property Tarndale, situated to the southwest of Stage 1 of the wind farm, noted that in certain weather conditions the existing turbines make an irritating noise.

299. Comment was received from Graeme Thomas associated with the property at 1057 Eldorado Track, within the area referred to as the Thomas Block, in reference to "visual and environmental disruption".

Applicant response to comments

300. The applicant has in response to the comment associated with 1057 Eldorado Track provided specific commentary from Marshall Day, in the Technical Memorandum dated

14 April 2026 by Siiri Wilkening, associated with the acoustic effect on the property's dwelling and on wider noise levels across the site in acknowledgement of there being an urupā on the site in the vicinity of the Thomas dwelling. The memorandum is focused on noise levels at the dwelling.

301. This Technical Memorandum acknowledges the change of the status of the property from a participating site in the original 2006 resource consent application to a neighbouring site for the proposed Stage 2 of Puke Kapo Hau, with this change being a result of the removal of the 2006 proposed turbines on the property.

302. The Technical Memorandum reconfirms the validity of the acoustic modelling undertaken in support of the application. It provides further information associated with the ambient noise monitoring undertaken during 2025, being approximately 120m northwest of the Thomas dwelling, albeit on the neighbouring property, noting property access to 1057 Eldorado Track was not provided at the time of the survey. Marshall Day advised the proximity of the monitoring site is sufficiently close to consider modelled results at the dwelling to be sufficiently representative.

303. The predicted turbine noise level at the Thomas house (Site 24), including both Stage 1 and proposed Stage 2 turbines, is 38 dB_{LA90}. The dwelling is approximately 1350m from the closest existing wind turbine that is part of Stage 1 of the wind farm and would be about 1500m from the closest Stage 2 wind turbine. Marshall Day state they understand the closest turbines to the urupā are about 1300m (Stage 1) and 1720m (proposed Stage 2). The modelled noise contributable to the Stage 2 development is 3-5 dB lower than the existing noise environment, concluding the wind farm noise would not be the dominant noise source at the dwelling at any wind direction.

304. Noise levels at the common boundary with the wind farm are up to 48 dB_{LA90}, dropping off to reduce to 40 dB_{LA90} within 1km of the boundary. The eastern site boundary is predicted to receive noise levels around 32 dB_{LA90}.

305. In relation to noise effects at Tarndale, the applicant responded that all installed turbines will comply with specified operational noise limits measured in accordance with NZS6808:2010 and will be subject to pre-installation ambient measurements at selected positions within the 35 dBA noise contour, post-installation testing at the same positions, consideration of special audible characteristics, and will be managed in accordance with a Noise Management Plan.

306. The Applicant has proposed amendments to the existing CDC land use consent RM1409 conditions associated with the acoustic requirements to reflect standards that have been updated since the consent was granted, noting that these are appropriate and have no material implication.

307. The Applicant has removed from the land use consent the requirement to place working hour restrictions on concrete manufacture, consistent with the Marshall Day assessment.

308. The Applicant has added, for Stage 2, the requirement for construction to be undertaken in accordance with the Construction Noise Management Plan (CNMP) prepared by Marshall Day and included in Part C of the Application.

Panel Findings

309. The Panel note that noise associated with the proposed Stage 2 of Puke Kapo Hau at neighbouring (non-participant) receivers is predicted to be less than or at the same level as the original consented windfarm. The Panel consider that any potential issues arising from noise will be able to be addressed through the proffered conditions, and that noise mitigation will be achieved by the inclusion and implementation of the CNMP. The Panel therefore finds that any adverse impacts of construction noise and operational noise can be managed to an acceptable level that will have no more than minor effects on those in the receiving environment.

Traffic

310. The Applicant has completed a Traffic Effects Assessment. The mitigation of traffic effects for the construction of the 100 turbine windfarm is addressed in existing land use consent conditions for RM1409. The Applicant has requested some variation to those conditions to reflect changes, including a new Condition 17B which is discussed in relation to the paper road, and amendment to conditions 61 and 62 to reflect updated terminology for the Traffic Management Plan, to read "Construction Traffic Management Plan", and to reflect the name change of Transit New Zealand to the "New Zealand Transport Agency", which have no material implications. The Applicant has proposed a further amendment to condition 61 to correct a typographical error and to provide an earlier start time of 6:00 am for heavy construction traffic accessing the site.

311. With the proposed windfarm comprising less turbines, the updated Traffic Effects Assessment has estimated 39 fewer trips associated with turbine components. With the reduction in trips, the expected adverse effects have also reduced, resulting in no further mitigation required.

312. The AEE assessment identifies that the Balclutha Bridge is likely to be used as part of the route for the transport of the turbine blades due to tracking restrictions on alternative routes. The north end of the Balclutha Bridge is constrained, with vehicle tracking for the turbine blade showing minimal clearance. The Applicant completed a test run and confirmed the bridge is capable of accommodating the blades with passing of the longest / tallest loads expected without any modification to the bridge or adjacent properties.

313. The AEE assessment also concluded that there are no material transportation issues with general construction traffic accessing Stage 2 of Puke Kapo Hau. In this regard, State Highway 87 is appropriate for the movement of heavy construction vehicles between State Highway 1 and Outram. In addition, the Eldorado Track and Māhinerangi Road have been previously used for the construction of the wind farm and carry heavy vehicles associated with stock / equipment from adjacent farming and forestry lands. These roads will be upgraded and maintained by TWP as required.

314. The Applicant has calculated there is a reduction of 972 heavy vehicle return trips associated with the general construction traffic when comparing the proposed layout of the wind farm to the existing consented layout. However, there is a change in the distribution of trips on the network due to the change in origin of water for cartage. There will be an increase of 718 heavy vehicle trips on Māhinerangi Road when compared to the existing consented layout. This represents an 8.7% increase in heavy vehicle trips expected during the construction period, or an average of two additional trips per day. The increased effects on Māhinerangi Road as a result of these trips is expected to be mitigated appropriately through the measures outlined in the

Construction Traffic Management Plan ("CTMP") and with the Applicant considering that there is no further mitigation required.

315. Operational, maintenance and visitor traffic to the consented wind farm makes provision for up to 10 employees – which is not expected to increase under the layout proposed as part of Stage 2. Similarly, the proposed changes to the conditions of the existing land use consent do not change the effects of any potential visitor traffic to the wind farm.

316. The Applicant has concluded that, overall, there is a decrease in heavy traffic movements. In terms of the increase in tip height, possible routes have been considered and are viable. This results in lesser effects, and no additional mitigation is considered to be required for the variation to resource consent. It is noted that a new CTMP has been prepared to replace the existing Traffic Management Plan that was referenced in the existing land use consent (conditions 61 and 62).

New Infrastructure

317. The Applicant has established that traffic generated from the construction of the transmission line and BESS, not part of the existing land use consents, will be up to 876 standard heavy vehicles and high productive motor vehicles (HPMV) over an 18-month timeframe. This equates to an average of two return trips per day, or four trips on the road network. These trips are expected to be made from Port Chalmers, Port of Lyttelton or South Port.

318. The increase in traffic volume on the routes to Mosgiel are assessed as negligible and fall within expected daily variation of traffic flow on these routes. Between Mosgiel and the project site, the increase in heavy vehicle movements may be noticeable, however the Applicant considers any effects will be minor as the road network generally has capacity to absorb these movements.

319. The substation transformer is likely to follow the over-weight route from South Port to the project site. The expected traffic generated by the transformer is one over-weight over-dimension return movement and three return movements for pilot vehicles, travelling in convoy. The effects of these movements will be minor, due to the low volume of movements, and will be managed through appropriate permits and temporary traffic management as outlined in the CTMP.

Paper Road

320. The Applicant has advised that blades of proposed Turbine 11 may overhang the airspace of the Clutha District Council road reserve. Proposed condition 17B provides for this and reads as: "*No turbine towers or foundations shall be located on any paper road. The centre of the turbine tower must be at least 10m from the boundary of a paper road, but the turbine blades may overhang the paper road boundary*."

321. The Panel requested an assessment of the health and safety considerations and responses for blade overhang of the paper road, and the applicant provided a response in a memorandum dated 16 March 2026. The Applicant responded as follows:

- Whether turbine blades do indeed overhang the unformed road will depend on whether:

1. TWP decides to construct a turbine(s) in a Contingency Zone resulting in blades extending into the airspace of the unformed road (noting that TWP has sought to retain more Contingency Zones than potential turbines provided for in condition 12); and
2. TWP is granted a licence to occupy the airspace above the road reserve by Clutha District Council in its capacity of road controlling authority under the Local Government Act 1974.

- Puke Kapo Hau is located on private land and access to the wind farm site is restricted. Public use of the unformed road is infrequent and limited to foot access only. In addition, there are existing gates restricting access to Puke Kapo Hau and the unformed paper road.
- Matters of health and safety are principally dealt with under the Health and Safety at Work Act 2015, and the wind farm contractor will have a key responsibility for meeting the requirements of that Act during the construction of Puke Kapo Hau.
- Existing land use consent RM1409 presently does not prescribe a minimum ground clearance of turbine blades. However, part of TWP's application to change consent conditions includes the insertion of a new condition 12A which reads "the minimum ground clearance of the turbine blades shall be 20 meters". Once operational, management of health and safety considerations with respect to the paper road will effectively be dealt with by that minimum ground clearance (i.e. turbine blades will be at least 20m above the road surface).
- Any residual risk associated with limited public access (via the paper road) to an area of blade overhang (if any) is negligible. For context, daily public access is provided to Meridan's Brooklyn Wind Turbine in Wellington, which attracts thousands of visitors a year.

322. The Applicant, in their response provided further information on their responsibilities under the Health and Safety at Work Act 2015.

Comments Received

323. CDC, in their submitted comments, did not make reference to the paper road or potential for blade overhang. The Panel requested CDC comment on this matter given the responsibility of the council for the paper road. CDC responded as follows:

- Council Officers met informally with the Applicant's team to discuss this matter. As noted in the Applicant's response memorandum dated 16 March 2026, the Applicant will be required to apply for and have granted to them a licence to occupy airspace above the road reserve by the Council.
- The Applicant explained to Council officers that as the owner of the Māhinerangi Wind Farm, TWP and its main contractor will assume the primary responsibility for the Health and Safety obligations for the construction of Puke Kapo Hau, including in respect of works in, over, or near the paper road.
- The Applicant also explained to Council officers that in respect of the on-going occupation of airspace over the paper road, should blade overhang be required, TWP will similarly assume responsibility under the airspace licence for Health and Safety matters.
- The terms of the airspace licence will need to be agreed between the Council and TWP at the time. However, CDC is comfortable with this in the context of the proposed activity, including taking into account the clearance of the tips of the turbine blades from ground level, and that despite the activity occurring over legal road,

occupation by persons on the road at that location (other than those persons directly associated with the construction or operation of Puke Kapo Hau) is not generally expected.

Applicant response to comments

324. There were no additional comments for the Applicant to respond to in relation to traffic matters.

Panel Findings

325. The Panel note that the assessed traffic effects are predicted to be less than the existing consented windfarm, although there will be additional traffic associated with new infrastructure not previously consented. The Panel observes that there is a general absence of comment received associated with traffic matters, and agrees with the Applicant that the combination of conditions and the CTMP appropriately address any adverse effects that may arise.

326. The Panel acknowledge requirement for the Applicant to apply for and have granted to them a licence to occupy airspace above the road reserve by CDC in relation to any blade overhang above the paper road. The Panel also note that CDC agree that terms of the airspace licence will need to be agreed between the Council and TWP at the time of issue, whilst also clarifying that at this stage the Council is comfortable with what is proposed.

327. Overall, the Panel finds that any adverse impacts arising from construction or operational traffic will be appropriately managed, and that use of the paper road is satisfactorily provided for as the Applicant proposes.

Natural Hazards

328. The Applicant has completed a Natural Hazards assessment concluding there is minimal exposure to natural hazards. The AEE identifies that the project site does not include any identified active faults. There are active faults in the wider surrounding landscape, including the Hyde Fault, which at its closest is within 1 km off the western boundary of the project site. The Akotere Fault is 30 km southeast of the Lake Mahinerangi No. 1 Dam.

329. Landslides are not considered a significant hazard for the development of the project site. Any geotechnical risks from landslides have been mitigated through design by ensuring adequate setbacks between structures and any potential landslide scarps. In addition, the layout design of the wind farm has taken into account land subject to historic landslides.

330. The internal access road network and impervious areas will intercept surface water runoff and thus have the potential to affect existing drainage patterns within the project site. Culverts have been sized to pass flows from a 10% AEP rainfall event (in accordance with the original regional consents (condition 20) and according to the event duration corresponding to the time of concentration of each unique catchment. In larger rainfall events the water will head up in the drains and culvert inlets and will overtop tracks and hardstands.

331. The permanent hardstands comprising the permanent buildings/structures (substation and O&M Facility) will be specifically designed to consider overland flow paths for up to a 1% AEP event.

332. The proposed turbine hardstands are designed with foundations excavated into natural ground and founded on bedrock. This design approach results in a typical maximum fill depth of approximately 2 m for the hardstand platform. In accordance with the existing land use consent (condition 25(i)(d)), fill depths of up to 12m are authorised for turbine hardstands. The current design remains well within this allowance, ensuring compliance with consent conditions while maintaining geotechnical stability.

333. The preliminary design includes a maximum cut/fill batter height for access tracks of 8 m. This is based on topographical constraints and the need to maintain safe and efficient access for construction vehicles. The existing land use consent (condition 25(i)(c)) permits fill depths of up to 10 m for access tracks. The proposed design is compliant with the consented limits and reflects a conservative approach to earthworks.

334. With the intended design approach, ground stability effects are considered to be managed in a manner consistent with Stage 1 of the wind farm.

335. The Applicant has also provided a Fire Management Plan (**FMP**) with the application to manage natural hazard risk from fire, including as a result of lightning strike, which the FMP notes is the most frequent cause of fire in wind turbines due to the particular risks that arise from exposed locations and the large height of structures. The FMP incorporates annual inspection of the lightning protection system, air terminals and down conductors, measuring the contact resistance of the conduction path from the air terminals in the rotor blades to the ground terminal lug and measuring ground resistance of the foundation, alongside other procedures, protocols and maintenance tasks designed to reduce risk of fire occurring in relation to construction activities, turbines or the BESS. On-site sources of water for firefighting purposes during construction will include two 20,000 litre tanks in the site compound area, two 30,000 litre tanks at the concrete batching plant, three 20,000 litre tanks distributed around the site in laydown areas and turbine platforms and mobile construction water carts of 15,000 litre and 30,000 litre capacity. During operation of the wind farm there will be two 30,000 litre tanks situated at the O&M facility. The FMP will include contact details for the Fire Emergency New Zealand (FENZ) group manager and local brigade, but at the time of lodging the substantive application these details were yet to be confirmed.

Comments Received

336. ORC in considering the relevant sections of the RMA, and subsidiary documents commented: "*Council does not consider that there is a significant risk from natural hazards that is relevant to the construction-phase approvals for land use activities (that would otherwise require regional resource consents)*."

337. Ōtākou Rūnaka included comments on fire management in the TIA, noting that the taoka or values of manaakitaka, wāhi tūpuna, taoka species, mahika kai and wai Māori may be impacted by increased fire risk associated with the wind farm in a remote rural landscape, including introduction of the BESS. The TIA indicates concerns with aerial spread of contaminants, potential damage and remediation requirements. The TIA indicates a need to strengthen conditions to expand the scope of the FMP to address aerial spread of contaminants and ecological remediation. In particular, changes are

recommended to Conditions 43 and 44 of the new CDC consent to expand the minimum purpose and details of the FMP.

Applicant response to comments

338. The Applicant did not propose to amend conditions as proposed by Ōtākou Rūnaka in relation to the FMP, and made no amendments to the FMP, despite making other requested changes to conditions in response to the TIA and as a consequence of working through matters to form agreement with Ōtākou Rūnaka. Supplementary legal submissions, at paragraph 2.9, confirm that Ōtākou Rūnaka seeks no further changes beyond those proffered by the Applicant in response to comments..

Panel Findings

339. The Panel note that there are no unanticipated effects associated with natural hazards, which are appropriately managed through civil engineering design, and through conditions and the FMP in relation to management of fire risk, once the draft FMP is finalised. The Panel accepts that matters raised in the TIA have been satisfactorily settled between the Applicant and Ōtākou Rūnaka.

Historic Heritage

340. The Applicant provided evidence in support of the assessment of effects on historic heritage, and specifically archaeology, with a report from Clough & Associates Ltd dated May 2025[78]. The report refers to an archaeological assessment undertaken in 2006[79] in support of the original consent, RM1409, which identified a total of 26 known sites of archaeological value within the wider 5000 hectare project envelope, of which 19 were newly discovered during field survey for the wind farm, and 22 were found within the area known as the Thomas Block[80]. All sites found were associated with historic gold mining activities in the area. The 2006 assessment found that only one identified site would be directly affected, H44/1200, which was part of a Pole Track running from Waipori to Deep Stream in the 19th century and currently used as a farm track, existing as a paper road north of Eldorado Track, with little archaeological value based on HNZPT criteria[81] and not scheduled in the district plan. The 2006 assessment noted that the track is not as it was in the 19th century, which would have been a walking track, and that it is the route that is an archaeological site rather than there being any particular infrastructure associated with it. The possibility of unknown archaeological sites of Māori origin in the area was acknowledged in the 2006 assessment, which recorded that Māori may have travelled through the area, resulting in potential for findspots or remains of camp sites. The 2006 assessment noted that archaeological remains in the area, whether associated with gold mining or of Māori origin, are largely found in relationship with waterbodies, including an adze found on the shores of Lake Māhinerangi (H44/896). Clough & Associates indicate that there has been no field work undertaken in the area since 2006, prior to their engagement by TWP for Puke Kapo Hau.

[78] Tararua Wind Power Ltd Mahinerangi Wind Farm (Stage 2) Clutha District: Archaeological Assessment, prepared for Mercury NZ Ltd, May 2025, Kim Tatton and Doug Gaylard, Clough & Associates

[79] Mahinerangi Wind Farm. An Archaeological Assessment. Report prepared for Minter Ellison Rudd Watts on behalf of Transpower Ltd, October 2006, K Watson

[80] Clough & Associates, p13-14, Table 1

[81] Clough & Associates, p18, Table 2

341. Tatton and Gaylard for Clough & Associates undertook a review of the 2006 report, which is described by them as an in-depth historical background. They also checked the NZ Archaeological Association (**NZAA**) site record database (Archsite), district plan schedules, the New Zealand Heritage List Rārangi Kōrero, literature and archaeological reports relevant to the area as part of a desktop review in relation to Stage 2 project elements, and conducted some additional field survey work to identify the location of a historic water race[82] and along the proposed transmission line's 100 metre wide corridor, on 20 May 2025. During their field survey the ground surface was examined for evidence of former occupation, disturbed soils were examined and photographs taken. Tatton and Gaylard found that the effects of Stage 2 of the wind farm as proposed, including access tracks, hardstand areas, laydown areas, surplus fill disposal areas, underground cabling, roading, and the transmission line, were not materially different on archaeological values than the project as previously consented, consisting of minor or less than minor adverse effects.

342. Clough & Associates recommend that a general archaeological authority be obtained from HNZPT to modify H44/1200 and to cover all earthworks for the project, so that potential delays can be avoided should unknown sites be exposed, including accidental discovery protocols and training for staff working on site. Existing conditions 69, 70 and 71 on RM1409 were found to be appropriate for the purpose of managing potential effects of discovery of unknown sites. Kim Tatton of Clough & Associates is identified in the Archaeological Management Plan (**AMP**) as the Project Archaeologist.

Comments received

343. The Panel received comments in a report from HNZPT, provided in accordance with section 51 of the FTAA, which noted that HNZPT agreed with the assessment of Clough & Associates that: there is only one known archaeological site within the project area that will be modified by the proposed activity; there is some potential for additional archaeological sites and material to be encountered during works, which may be modified or destroyed; and that an archaeological briefing prior to commencement of works and adherence to the AMP would be sufficient mitigation. HNZPT has approved the AMP included with the substantive application, dated October 2025. HNZPT considered the application against criteria set out in clause 4 of Schedule 8 of the FTAA and concluded that granting an archaeological authority would be consistent with matters set out in section 59(1)(a) of the HNZPT Act, as referenced in clause 4(1)(b) of Schedule 8 of the FTAA. HNZPT note that the recorded archaeological site does not justify protection. HNZPT consider that conditions proposed for the archaeological authority would be effective to manage identification and recovery of archaeological information, with reference to potential conditions listed in clause 5(1) of Schedule 8 of the FTAA and standard conditions that HNZPT imposes on archaeological authorities, which have demonstrated their effectiveness. HNZPT consider that the conditions give effect to the relevant Statement of General Policy.

344. The Treaty Impact Assessment (TIA) provided on behalf of Ōtākou Rūnaka identifies the values of mauri, rakatirataka and whānau ora in relation to the project as a whole, with risk of accidental discovery of taoka during construction. Aukaha provided a copy of the Accidental Discovery Protocol that has been endorsed by Ōtākou Rūnaka as

[82] Site 70 in the 2006 survey by K Watson, as shown in Table 1 of the Clough & Associates report

Appendix 5 to the evaluation of proposed conditions against concerns raised in the TIA, attached as Appendix 3 to the TIA.

Applicant response to comments

345. The Applicant agreed to the inclusion of the accidental discovery protocol as approved by Ōtākou Rūnaka in the conditions of consent to ensure appropriate protocols are observed during construction, which replaces Conditions 70 and 71 of RM1409, and amends Condition 42 of the new CDC land use consent to refer to the AMP containing an accidental discovery protocol endorsed by Ōtākou Rūnaka. The Applicant has not included a reference to accidental discovery in the conditions for land use consents required from ORC.

346. As HNZPT did not indicate any particular change to conditions of the archaeological authority or variation to RM1409, the applicant did not further respond to the comments of HNZPT.

Panel findings

347. The Panel relies on advice from HNZPT regarding consistency with the HNZPT Act and effectiveness of conditions in relation to management of archaeological values within the project footprint, and relies on agreement between the Applicant and Ōtākou Rūnaka regarding matters relevant to tikaka around accidental discovery. The Panel considers that the accidental discovery protocol condition, as agreed between the Applicant and Ōtākou Rūnaka, should be applied consistently to all land use consents within the suite of approvals needed to ensure consistency of outcomes for archaeological values, including general conditions applicable to ORC land use consents because of advice regarding archaeological material found in proximity to waterbodies. Amended Condition 69A in the variation to RM1409 refers to the AMP as contained in the substantive application, dated 30 October 2025, which has since been updated.

PART F: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT

348. Section 3 of the FTAA states the purpose of the Act, which is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits, and this purpose is to be given priority weighting when considering approvals, in accordance with section 81 of the Act, as outlined in Part C of this decision.

349. In line with the findings of the Panel in relation to the economic impacts and energy benefits of Puke Kapo Hau, as outlined in Part E of this decision, significant national benefits and a range of regional benefits are found to be associated with the project. The Panel acknowledge that national or regional benefits are assumed in relation to Schedule 2 listed projects, but in this case the Panel primarily relies on the NZIER report provided with the substantive application to understand the nature, scale and significance of national and regional benefits identified by the Applicant. The Panel generally accepts the position as outlined in supplementary legal submissions of the Applicant on the matter of significant national and regional benefits of the project.

PART G: STATUTORY DOCUMENTS

350. The Applicant has assessed the proposed activity in relation to relevant statutory documents and provisions as part of the AEE, in accordance with FTAA requirements[83], and in response to requests for information from the Panel. Comments received and response to comments also addressed the application of statutory documents, particularly in relation to applying the effects management hierarchy in the context of the NPSFM and NPSREG. The Panel relies on conclusions reached in relation to effects, and appropriate conditions to address those effects, when discussing the relevant planning provisions that have guided the decision to approve resource consents.

Government Policy Statements

351. In accordance with the FTAA, section 81(2)(aab), the Panel has considered the relevant Government Policy Statement. On 1 November 2024 the Minister of Energy was authorised by Cabinet to issue an Electricity Government Policy Statement that the Electricity Authority is required to have regard to under Section 17 of the Electricity Industry Act 2010, which records the increase in investment in new electricity generation required to meet rising electricity demand, and intention of the Government to ensure timely and efficient processes for building new electricity infrastructure.

Climate Change Response Act 2002

352. The Panel have considered the relationship of the application with the second national emissions reduction plan (**ERP2**) prepared in accordance with section 5ZG of the Climate Change Response Act 2002, covering the period 2026-2030, which was published in December 2024 and amended in January 2026. Key actions and policies for the Energy sector in ERP2 include delivering on the Government's Electrify NZ action plan to help achieve the goal of doubling renewable energy generation (including reducing consenting times). Enactment of the FTAA is recorded as the first milestone in supporting the Electrify NZ action plan, indicating the role decision-making under this Act is intended to play in supporting ERP2 and therefore relationship with the purpose of the FTAA, as specified in section 3 of the Act.

National Policy Statements

353. Relevant National Policy Statements (**NPS**s) identified through the process include the following:

    a. National Policy Statement for Renewable Electricity Generation 2011 (as amended 2025) (**NPSREG**);

    b. National Policy Statement for Freshwater Management 2020 (as amended 2025) (**NPSFM**);

354. As regional and district planning documents have yet to be updated to reflect all amendments made to the NPSREG and NPSFM, where there are gaps or inconsistencies between regional and district planning documents and these higher order instruments, the Panel refer to the higher order instruments to guide decision-making, whilst noting that the application was lodged in the FTAA process prior to subsequent amendments made to these instruments. The Applicant, upon request for further information,

[83] In particular, clauses (2), (3) and (5) of Schedule 5 in relation to approvals for resource consent.

provided the Panel with an assessment of the impact of changes to relevant instruments in relation to the application. The Panel recognises that the suite of changes to national direction, in general, support the purpose of the FTAA in relation to delivery of nationally and regionally significant infrastructure, and renewable electricity generation activities in particular.

National Policy Statement for Renewable Electricity Generation

355. The NPSREG sets out a framework under which local authorities are to manage renewable electricity generation activities. The Applicant incorporated assessment of the NPSREG in legal submissions and in the planning assessment included with the substantive application, highlighting: Part A, which required recognition and provision for the benefits of renewable electricity generation; Part B(c), which directed that particular regard be had to the Government's national target for renewably electricity generation; and Part C, which recognised practical constraints of renewable electricity generation activities, including the role of environmental offsetting and compensation (Policy C2).

356. Subsequently, in response to request for further information from the Panel, Richard Turner and Sarah Edwards of Mitchell Daysh provided an updated assessment[84] based on amendments to the NPSREG that came into effect on 15 January 2026. In particular, the assessment identifies that all activities associated with Puke Kapo Hau are covered by the NPSREG. Turner and Edwards emphasise that the amended objective of the NPSREG is more enabling and outcome focussed, seeking to significantly increase renewable electricity generation to meet climate change, energy supply and resilience goals, and to manage any adverse effects; which Puke Kapo Hau advances and is aligned with, while reducing the footprint of the currently consented activity. Their assessment highlights: amended Policy A(2) and Policy B; the operational and functional needs of NPSREG as recognised in Policy C; recognition and provision for Māori interests in accordance with Policy E; and Policy F, which requires renewable electricity generation activities to be enabled in all locations and environments, to be read alongside section 6 of the RMA (where that section applies in the circumstances) and other planning instruments, and with regard to offsetting and compensation measures.

357. Turner and Edwards identify "operational need", in accordance with Policy C, because the turbine placement, supporting infrastructure and access tracks are intrinsically linked to efficiently harnessing the wind resource across the site. "Functional need" is noted as arising where ancillary activities, such as access tracks, are required to be located in particular places to ensure turbine components can be transported safely and efficiently to their platforms, including roading at Wetland 43 and the Lee Stream tributary crossing. Turner and Edwards advise that functional need more generally has been addressed through the original consenting process. Their assessment highlights Policy C(3), which determines that no assessment of alternatives is required to demonstrate that an operational or functional need exists.

Comments

[84] Appendix 1 to the Response to Further Information Request memorandum dated 16 March 2026

358. ORC comments included an assessment of the NPSREG, which was aligned with the conclusions reached by the Applicant in their response to the Panel, including that: all Puke Kapo Hau activities fall under the NPSREG provisions; the project is aligned with the NPSREG objective; NPSREG policies have been appropriately assessed by the Applicant, including the operational and functional needs of the project, and recognition and provision for Māori interests; and that effects can be appropriately managed through management plans, monitoring requirements and conditions of consent. ORC considers that elements of "adaptive management" as referenced in Policy F(4) of the NPSREG are proposed as part of trigger and response conditions and approaches within management plans. ORC note that the NPSREG is more enabling than the NPSFM when they are read alongside one another, and that reliance is placed on proposed offsetting and compensation measures, when accompanied with effective and enforceable conditions.

359. Ōtākou Rūnaka, in Appendix 3 to the TIA, incorporated analysis of the NPSREG and emphasised the role of offsetting and compensation measures in circumstances where residual environmental effects cannot be avoided, remedied or mitigated.

Applicant response to comments received

360. The Applicant principally addresses comments on application of the effects management hierarchy and offsetting and compensation measures in the context of the NPSFM and RPS. The Applicant, in supplementary legal submissions, refuted characterisation of approach to effects management for Puke Kapo Hau as an adaptive management approach, in response to ORC.

Panel Finding

361. The Panel agrees with the Applicant's assessment of operational need and functional need in the circumstances of Puke Kapo Hau and application of associated NPSREG policies. The Panel also agrees that the project is aligned with the objective of the NPSREG, and that relevant policies are given effect to within the project as proposed, including offsetting and compensation measures (which are further discussed in relation to the NPSFM and RPS), and with regard to recognition of Māori interests. The Panel find that elements of trigger and response actions are present within the conditions and management plans, and are considered to be an appropriate means of managing particular effects. These are features of adaptive management, notwithstanding that the Applicant does not specifically identify with that approach as a whole, as outlined in paragraph 4.17 of their supplementary legal submissions.

National Policy Statement for Freshwater Management

362. The NPSFM sets out a framework under which local authorities are to manage freshwater (including groundwater).[85] The Applicant incorporated assessment of the NPSFM in legal submissions and the planning assessment included with the substantive application, highlighting: efforts to avoid impacts on wetlands and streams wherever practicable, or otherwise minimise effects and employ the effects management hierarchy; and reliance on a functional need for specified infrastructure to occur within

[85] NPSFM clause 1.5.

wetlands and streams in limited instances (e.g. Wetland 43 and the Lee Stream tributary crossing).

363. In response to request for further information from the Panel, Richard Turner and Sarah Edwards noted that amendments to the NPSFM were focussed on quarrying and mineral extraction activities and therefore did not apply to Puke Kapo Hau.

364. Turner and Edwards further considered "functional need" in the context of the NPSFM, in response to a question from the Panel, particularly in relation to the limited activities proposed to occur within wetlands, with reference to court decisions[86]. The phrase "particular environment" that forms part of the NPSFM definition of functional need was noted as a broader concept than a precise geographical location, and when assessing alternative sites for an activity it was asserted that a practical, common-sense approach based on a realistic assessment, including the scale and function of the activity, was needed when applying the term functional need, supported by High Court decisions. The applicant also drew on relevant key principles outlined by the Environment Court in *Poutama Kaitiaki Charitable Trust v Taranaki Regional Council*, including that functional need is different to, and stricter than, "operational need", but while strict is not absolute and must be determined in context, including within the context of the broader environment as a wider concept. Practicalities were highlighted as considerations when alternative locations exist. The applicant pointed to Policy C of the NPS-REG, which is to be read alongside the NPSFM when considering functional need in relation to renewable electricity generation activities.

365. The memorandum, in response to a Panel question regarding the extent to which loss of stream extent at the Lee Stream tributary crossing is compensated as part of the package proposed, included a detailed assessment from Ben Ludgate of SLR Consulting, related to application of offset and compensation principles in the RPS.

Comments

366. ORC clarify that, in accordance with section 104(2F) of the RMA, the hierarchy of obligations within Te Mana o te Wai, in clauses 1.3(5) and 2.1 of the NPSFM, does not apply to applications. ORC examines Policy 6 of the NPSFM regarding no further loss of extent of natural inland wetlands, and clause 3.22(1) that applies to specific infrastructure, relying on the effects management hierarchy as defined in clause 3.21 to manage effects of specified infrastructure. ORC highlight clause 3.22(3), which requires demonstration of how each step of the effects management hierarchy will be applied in relation to loss of extent of a natural inland wetland. ORC assess the relationship between the effects management hierarchy in the NPSREG, in the context of its objective and policies, and the effects management hierarchy in the NPSFM, which is more prescriptive. ORC concludes that, in preference, the project would meet requirements of both of these national direction instruments.

367. Ōtākou Rūnaka, in Appendix 3 to the TIA, notes that the NPSFM recognises and provides for the relationship of mana whenua with freshwater. The assessment acknowledges that some loss of extent of natural inland wetlands is anticipated through the consent

[86] In particular, *Te Rūnanga o Ngāti Whātua v Auckland Council* [2024] NZHC 3794 at [286], *Poutama Kaitiaki Charitable Trust v Taranaki Regional Council* [2022] NZHC 629 at [38] – [60] and *Meridian Energy Ltd v Tararua District Council* [2025] NZEnvC 44 at [339].

pathway for specified infrastructure, where there is a functional need and there are significant national or regional benefits; and that there is also a consent pathway for loss of river extent, where there is a functional need, and subject to application of the effects management hierarchy. Policy 9 is also highlighted, which requires protection of habitats of indigenous freshwater species.

Applicant response to comments received

368. The Applicant notes that measures to address the extent of wetland loss have been reassessed as offsetting rather than compensation, and are assessed conservatively.

Panel Finding

369. The Panel accept that Puke Kapo Hau qualifies as specified infrastructure with a functional need to locate where activities will result in loss of wetland extent and loss of stream extent, in relation to Wetland 43 and the Lee Stream tributary crossing in particular. The Panel principally relies on analysis under the RPS provisions to address the matter of application of the effects management hierarchy, acknowledging that the RPS has incorporated all relevant provisions of the NPSFM, including offsetting and compensation policies and principles. Consequently, the Panel acknowledge the assessments of the Applicant, ORC and Ōtākou Rūnaka, and pick up the more detailed analysis of the effects management hierarchy in discussion of RPS objectives and policies. The Panel see no barrier to meeting the obligations of both the NPSFM and the NPSREG as amended in what the Applicant has proposed.

National Policy Statements that are not applicable

370. The Applicant identifies, in response to request for further information from the Panel, that the NPSEN[87], NPSINF, NPSIB and NPSHPL are not relevant to the proposed activity because: the project is not part of the National Grid; renewable electricity generation activities are excluded from the NPSINF and the NPSIB; and the project area does not contain soils in LUC Class 1, 2 or 3 as identified by Manaaki Whenua.

Panel Finding

371. The Panel agrees that these instruments are not applicable, including because the project is covered by the NPSREG with regards to renewable electricity generation activities and is neither part of the National Grid, nor part of a distribution network.

National Environmental Standards and Regulations

372. Relevant National Environmental Standards (**NES**s) and regulations identified through the process include the following:

    a. Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (as amended 2026) (**NES-F**);

    b. Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (as amended 2025) (**NES-DW**);

[87] Update to the National Policy Statement on Electricity Transmission 2008 (NPSET) in December 2025

c. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NES-CS**); and

d. Resource Management (Stock Exclusion) Regulations 2020 (as amended 2026) (**Stock Exclusion Regs)**.

National Environmental Standards for Freshwater

373. The NES-F sets the standards required to manage freshwater in a manner that gives effect to the NPSFM. The Applicant provided an assessment of the NES-F as part of the substantive application and identified that the project incorporates activities that require approval as discretionary activities under Regulation 45, which manages activities within or within 10 metres of a natural inland wetland. At the project overview conference, the Applicant confirmed reliance on Regulation 70 of the NES-F in relation to the installation of a culvert in the Lee Stream tributary crossing, which allows culverts as a permitted activity provided conditions are met.

374. In response to a question from the Panel regarding the definition of "reclamation" and potential application of Regulation 57, the Applicant relied on the activity at the Lee Stream tributary crossing as being singularly characterised as a culvert installation, and that this was distinct from reclamation as covered by Regulation 57. The Applicant states that a key element of reclamation is the creation of permanent dry land, and states that deposition of material associated with the proposed culvert is limited to what is necessary to install and support the culvert and enable the crossing. The works are described as not creating permanent dry land capable of independent use. The Applicant points back to section 13 of the RMA which separately regulates placement of structures in the bed of a river and reclamation. The Applicant refers to Ministry for the Environment guidance but does not provide a citation for the guidance relied upon. The Applicant also refers to a recent Southland wind farm substantive application within the FTAA process that treated culverts and vehicle crossings in a similar manner.

Comments

375. ORC comments presumed, at paragraph 221, that Regulation 71 of the NES-F is triggered by the Lee Stream tributary crossing, but did not further elaborate on the reasons for determining that Regulation 70 cannot be relied upon, although this may be inferred in relation to concerns regarding facilitation of fish passage through the culvert.

376. ORC specifically records satisfaction that, in relation to Regulation 45, the proposal involves specified infrastructure that has a functional need to locate within or within 10 metres of a natural inland wetland, but that further consideration was needed of Regulation 45(6)(c) regarding application of the effects management hierarchy.

377. ORC note at paragraphs 46-49 that Regulation 57 is not applicable, agreeing with assessment of the Applicant. When further considering the Lee Stream tributary crossing, at paragraph 96, ORC note that establishment of the culvert will involve infilling part of the gully, such that the stream channel will be permanently modified and some instream habitat will be lost, and in the following paragraph refer to provision of aquatic compensation for permanent habitat loss. Further, at paragraph 121, ORC describe the proposal as resulting in permanent modification of a short section of the Lee Stream tributary, involving a degree of instream habitat loss and alteration of

channel form, associated with installation of the culvert crossing; and at paragraph 125 note that residual effects associated with permanent habitat loss are proposed to be addressed through aquatic offsetting and compensation measures.

378. Ōtākou Runaka do not include an assessment of the proposal in relation to the NES-F.

Applicant response to comments received

379. The Applicant acknowledged ORC acceptance of interpretation of Regulation 57 of the NES-F, as part of their table responding to comments from local authorities and within supplementary legal submissions. The Applicant did not specifically address paragraph 221 of the ORC comments in relation to application of Regulation 71 as part of their table responding to comments from local authorities, and this is not a feature of supplementary legal submissions; although those submissions go in to substantial detail regarding application of the effects management hierarchy in the context of the NPSFM, including as it relates to the Lee Stream tributary crossing.

Panel Finding

380. The Panel accepts, based on the evidence and comments provided, that the activity proposed is associated with "specified infrastructure"[88] that has a functional need to be located within or within 10m of a natural inland wetland and therefore can be granted as a discretionary activity subject to Regulation 45 of the NES-F. Additional tests contained in Regulation 45(6) are considered to be met, due to the proposed activity meeting the definition of nationally significant infrastructure[89], and as further discussed in this decision in relation to application of the effects management hierarchy and proposed aquatic offsetting and compensation.

381. The Panel note the Applicant's position at the outset has been that Regulation 70 of the NES-F can be complied with, and that therefore all works associated with the culvert installation, including filling in the gully and approximately 50 metres of the Lee Stream tributary to create the embankment for the permanent vehicle crossing, should be considered to be a permitted activity. ORC has indicated that Regulation 71 of the NES-F is applicable, which applies when conditions of Regulation 70 are not met. ORC had signalled some technical concerns relevant to Regulation 70(2)(a) and (c), which if not met would mean that discretionary activity status under Regulation 71 would apply.

382. The Panel considers that installation of the culvert and associated works to establish the Lee Stream tributary crossing can be considered a discretionary activity under Regulation 71 because it is not certain that Regulation 70(2)(a) and (c) will be met, although all efforts have been focussed on attempting to achieve the outcome of providing for the same passage of fish upstream and downstream as would exist without

[88] Meeting the NPSFM definition of "specified infrastructure" as a consequence of being a service operated by a lifeline utility and regionally significant infrastructure as defined in the Otago Regional Policy Statement 2021

[89] As defined in the in the Otago Regional Policy Statement 2021, being associated with renewable electricity generation facilities that connect with the national grid

the culvert and vehicle crossing. The Panel note that detailed design is yet to be finalised.

National Environmental Standards for Sources of Human Drinking Water

383. The Applicant, in Section A.09 of the substantive application, assessed that the NES-DW is not relevant to Puke Kapo Hau, on the basis of a determination that there are no registered drinking water supplies that provide for over 501 people that would be affected by the proposed resource consents sought.

Comments

384. DCC responded as owner of lands adjacent to the application site, which are managed as a water supply catchment by the 3 Waters Group of Council. The area is source for the majority of Dunedin's drinking water supply. The proposed wind farm area is noted as being near the catchments for consented abstraction points in Deep Stream, Deep Creek and Waipori River. Primarily, DCC sought to ensure that construction and operation of the wind farm is managed to ensure no adverse changes to the quality and quantity of water taken from those abstraction points through examination of conditions proposed.

Applicant response to comments received

385. The Applicant advised that the areas identified by DCC are not hydrologically connected to the project area and are sufficiently removed from the wind farm site that they will not be adversely affected. Amendments were made to the Water Quality Management Plan (**WQMP**), and associated conditions, in response to comments from ORC.

Panel Finding

386. The Panel are satisfied that there are no particular risks to catchments supplying Dunedin with potable water as a consequence of separation of Puke Kapo Hau activities from the relevant catchments, such that application of the NES-DW is limited; and that conditions satisfactorily manage any risks to water quality in adjacent catchments.

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health

387. The Applicant relies on an assessment provided by Lindsay Lute of SLR Consulting, in part B of the substantive application, to determined that the NES-CS is not applicable to Puke Kapo Hau activities. The ORC Listed Land Use Register (LLUR) was reviewed for the project area and there were no properties within the area that were on the hazardous activities and industries list (**HAIL**). The SLR assessment also found no current registered bores within the project area, no hazardous substance and incident reports to the EPA over the period July 2006 to December 2011 within or within 500m of the project area. Historic aerial imagery from 1963 to 2011 was also interrogated, and, overall, the assessment concludes that there is no evidence to suggest that HAIL activities have been or are currently being undertaken in the project area, such that the provisions of the NES-CS do not apply.

Panel Finding

388. The Panel note that there were no comments disputing the findings of the Applicant on this matter. The Panel relies on the assessment of SLR Consulting to also conclude that the provisions of the NES-CS are not applicable.

Stock Exclusion Regulations

389. The Stock Exclusion Regs set out a framework for restriction of stock access to waterbodies. The Applicant did not specifically address these regulations in the statutory assessment within the substantive application, although restriction of stock access is incorporated in to assessments of aquatic compensation, and a feature of conditions in relationship with the relevant management plans.

390. In response to a request for further information from the Panel, the Applicant provided an assessment of the proposal against the Stock Exclusion Regs by way of a technical memorandum supplied by Ben Ludgate of SLR Consulting. This assessment determined that the Applicant does not own or control stock and is therefore not required to comply with the regulations. In relation to Regulation 16, no scheduled wetlands were identified within the project area in either the Regional Plan: Water for Otago or the CDP. The assessment identifies that, at the wetland offsetting and compensation site, fencing will protect an existing population of *Carex tenuiculmis*, which has a national threat classification of At Risk-Declining and is therefore covered by Regulation 17 of the Stock Exclusion Regs.

Panel Finding

391. The Panel note that comments from ORC and Ōtākou Rūnaka did not include an assessment of the Stock Exclusion Regs. There may be areas where there are rivers present with a bed greater than 1 metre wide, which is the definition of a wide river in the regulations, that would require exclusion of stock under Regulation 8, although the Panel has not received any evidence to suggest that there are dairy cattle, dairy support cattle, intensively grazed beef cattle, intensively grazed deer or pigs present within the project area, as specified in regulations 9 to 13. The Panel accepts the assessment of Ben Ludgate that Regulation 17 applies where the threatened *Carex* species is present in the wetland offsetting site. The Panel have considered this as part of assessment of offsetting and compensation that addresses loss of wetland values and extent, noting that while the Applicant is not responsible for stock exclusion under the Regulations, what is required under the Regulations (whether the landowner has complied with them or not) is already accounted. Offsetting and compensation measures are those measures in addition to what is required under the Regulations, although fencing proposed by the Applicant will assist the landowner to meet them.

PART H: REGIONAL AND DISTRICT PLANNING FRAMEWORK

392. An assessment of the relevant statutory plans has been included within the AEE as is required by Schedule 5, clause 5(1)(h).

Otago Regional Policy Statement 2021

393. Section 9.5.5 of the AEE addresses the provisions of the operative Otago Policy Statement (ORPS 2019), while section 9.5.6 considers the proposed Otago RPS 2021 (pORPS 2021). The OPRS became fully operative in March 2024, while the pORPS decisions were notified in March 2024. The pORPS was prepared under the NPSFM

2020 and both the Applicant and ORC consider that all provisions relevant to this Application were resolved at the time of lodgement.

394. Sections 9.5.5 and 9.5.6 identify the relevant provisions of the ORPS and pORPS respectively and we adopt this for our decision, other than where discussed below.

Comments

395. ORC consider that little weight should be placed on the ORPS 2019, as the relevant provisions of the pORPS 2021 are now operative and better apply relevant national direction. While it generally agrees with the Applicant's assessment, it considers that ECO-P4 should apply rather than ECO-P3 which is considered in the Applicant's statutory assessment. ECO-P4 applies the effects management hierarchy to renewable electricity generation developments where indigenous biodiversity triggers apply – in this instance, the presence of Eldon's galaxias.

Applicant response to comments received

396. The Applicant agrees that ECO-P4 applies and asserts that it must be applied alongside the enabling direction of the NPS-REG and pORPS policy EIT-EN-P6. Together, these policies recognise the functional and operational needs of renewable electricity generation, and the importance of applying the effects management hierarchy.

Panel Finding

397. While both the ORPS 2019 and pORPS 2021 are relevant, we agree with ORC that the pORPS 2021 should be afforded significant weight.

398. The effects management hierarchy is an important consideration under the ECO provisions of the pORPS, and we find ECO-P4 directive for this application. We have carefully considered the effects management hierarchy earlier in this decision in determining whether the effects on indigenous biodiversity values are appropriately managed. We concluded above that the effects management hierarchy has been appropriately applied to this application. This has been considered alongside recognition, including through EIT-EN-P6 (and the NPS-REG), of the significant national and regional benefit of the proposal and the operational and functional need for it to be located at the proposed site.

Regional Plan: Water for Otago 2004 (as amended 2025)

399. Section 9.5.7 of the AEE assess the Activity against the provisions of the operative Regional Plan: Water for Otago. This plan was made operative in 2004 and was last updated in August 2025.

Comments

400. ORC generally agrees with the Applicant's assessment in section 9.5.7, except for the omission of Policy 10A.2.2 as follows which related to duration of water permits:

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

401. Policy 10A.2.2 includes an advice note applying sections 127A, 127B and 127C of the RMA. These sections are specific to water permits in Otago and were added through the Resource Management (Consenting and Other System Changes) Amendment Act 2025. Of note, s.127B limits the duration of any new water permit authorising the take and use of water to a maximum of six years. The Applicant sought a 15 year consent for construction-related water permits associated with the Lee Stream tributary culvert.

402. ORC consider that granting water permits in excess of a six year duration would be contrary to Policy 10A.2.2, however note that the groundwater take for dewatering is limited to the construction phase of the project and is not an ongoing abstraction over the duration of the consent. ORC conclude that:

> *While the proposal is technically inconsistent with Policy 10A.2.2 in terms of the consent duration sought, the temporary and construction-related nature of the activity reduces the significance of this inconsistency. This is particularly the case where appropriate conditions of consent can be imposed to limit the exercise of the water permits to the construction period only.*[90]

Applicant response to comments received

403. Turner and Edwards consider the ORC comments in relation to Policy 10A.2.2 and s.127B in their SOE provided with the Applicant's response to comments. Both Turner and Edwards, and the Applicant's supplementary legal submissions, raise the conflict between s.127B and s.123b. Section 123B provides for 35-year durations for resource consents for renewable energy activities unless (among other things) the application requests a shorter period. In this case, a shorter period of 15 years is sought.

404. To better align with these requirements, a new condition 1A is proposed for ORC water permits RMFT25.008.10 and RMFT25.008.11 that limits the duration of consent to 6 years from the commencement of construction works.

Panel Finding

405. The Panel adopts the Applicant's assessment of the provisions of the RPW, other than as discussed here.

406. We have considered the inclusion of the Applicant's proposed condition 1A for water permits. We note that s.127B and Policy 10A.2.2 apply only to the take and use of water and arguably would not apply to the consent to divert water at the Lee Stream tributary. However, it would not be sensible for water permits RMFT25.008.10 and RMFT25.008.11 to have different consent durations. While we would prefer a defined duration for the water permits, for example a condition that restricts construction to 6-years within a 15 year duration consent, we question whether this is consistent with s.127B. We therefore accept the Applicant's proposed condition 1A.

Clutha District Plan 1998 (as amended 2020)

407. The Applicant incorporated assessment of the Clutha District Plan (**CDP**) in the substantive application, discussing relevant objectives and policies in the Energy, Infrastructure, Mana Whenua, Heritage, Noise and Rural Resource Area chapters. The assessment found that Puke Kapo Hau would be aligned with all the relevant objectives

[90] Para 250 of ORC's s.53 comment.

and policies, with particular emphasis on the benefits of the activity, recognition of functional or locational constraints, and management of specific effects, including on impacted snow tussock areas, heritage values and Kāi Tahu values. The project is found to be, overall, not inconsistent with the purpose of the Rural Resource Area zoning in the Plan, its objectives and policies.

Comments

408. CDC responded to confirm that, in relation to the provisions of the CDP, no issues have arisen, and that the Council is approaching the effects of the wind farm as not being a significant departure from the existing consented activity.

409. Ōtākou Rūnaka, in Appendix 2 to the TIA, notes that the CDP has not been amended to reflect key direction in national policy statements or the RPS, but recognises the significance of taoka, freshwater and mahika kai to Kāi Tahu and requires adverse effects on them to be avoided, remedied or mitigated. Policy ELG.3 is highlighted, which requires that consideration is given to the impact on wāhi tapu, wāhi taoka, resources of value to Kāi Tahu, mauri and the health of ecosystems of indigenous species, including mahika kai species.

Applicant response to comments received

410. No response was made to the statement of CDC regarding Plan provisions as the focus was on conditions. The Applicant also relies on the Ōtākou Rūnaka support for the application and associated conditions.

Panel Finding

411. The Panel agrees with the Applicant that Puke Kapo Hau is not inconsistent with the relevant objectives and policies of the CDP, and agrees with CDC that the application is similar in effect to the existing consented activity, or otherwise represents a reduction in effect.

Conclusion regarding consistency with the regional and district planning framework

412. We have considered the assessments and concessions made by the Applicant and the concerns expressed by parties. Taking those matters into account and weighing them in light of the mitigation and offsetting measures that are to be applied through the conditions of consent, we find that the Application is consistent with the provisions contained in the Regional and District Planning Framework.

Planning documents recognised by a relevant iwi authority and lodged with the Council

413. The Applicant included an assessment of the activity against relevant provisions of the relevant iwi management plan, Kāi Tahu ki Otago Natural Resource Management Plan 2005, in accordance with the FTAA Schedule 5, clause 5(1)(h) and clause 5(2)(g).

414. Ōtākou Rūnaka noted in Appendix 2 to the TIA that the iwi management plan is based on a Ki Uta Ki Tai approach, expresses rakatirataka and kaitiakitaka, and contains local values, knowledge and perspectives; and that the CIA prepared for the original application identified relevant provisions of the plan that remain relevant to the proposal.

415. The Panel has relied on these assessments, and resolution of matters between the Applicant and Ōtākou Rūnaka, in reaching decision on the application.

Treaty settlements

416. As previously noted, the Ngāi Tahu Treaty Settlement is relevant to the project area, and has been appropriately considered in relation to Kāi Tahu rakatirataka through information provided by Ōtākou Rūnaka, and agreement reached between Ōtākou Rūnaka and the Applicant, including in relation to applicable conditions. The Panel decision incorporates the intent of what has been agreed between the parties.

417. As noted in Part B the Panel directed the EPA to seek comment from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development under section 72 FTAA. [insert comments received here].

418. As noted in Part X re s82

419. As noted in part X re 84 conditions

PART I: PRINCIPAL ISSUES IN CONTENTION

420. The actual and potential effects of the Project were considered in Part E of this decision. We consider that there are no principal issues in contention.

PART K: CONDITIONS

FTAA general requirements for conditions

421. Section 81 provides that the Panel must set any conditions to be imposed on the approval. The statutory requirements on what conditions are set is determined by what approvals are being sought.

422. Section 83 must be complied with and provides:

> **83 Conditions must be no more onerous than necessary**
>
> When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

423. How the Panel has complied with this section is discussed below in relation to the conditions that have been set. As discussed in relation to landscape and visual effects, where conditions have been requested that are in excess of effects identified through expert assessment, these have been determined by the Panel to not meet the requirements of the FTAA section 83.

FTAA specific requirements for conditions

<u>Resource consent</u>

424. For a resource consent the following clauses of Schedule 5 apply:

> **18 Conditions on resource consent**
>
> When setting conditions on a consent, the provisions of Parts 6, 9, and 10 of the Resource Management Act 1991 that are relevant to setting conditions on a resource

consent apply to the panel, subject to all necessary modifications, including the following:
(a) a reference to a consent authority must be read as a reference to a panel; and
(b) a reference to services or works must be read as a reference to any activities that are the subject of the consent application.

19 Conditions on resource consent may deal with standard freshwater fisheries activity

(1) A panel may set conditions on a consent in respect of a standard freshwater fisheries activity for which approval, dispensation, or authorisation is required, or for which a requirement may be imposed, under the following provisions:
(a) regulation 42 of the Freshwater Fisheries Regulations 1983 (culvert or dam):
(b) regulation 43 of the Freshwater Fisheries Regulations 1983 (dam or diversion structure):
(c) regulation 65(2) of the Freshwater Fisheries Regulations 1983 (noxious fish):
(d) section 26ZM(2)(a) or (3)(b) of the Conservation Act 1987 (transfer or release of live aquatic life).

(2) If the panel sets conditions under subclause (1), they must be the conditions the panel considers necessary to manage the effects of the activity on freshwater fish species, taking into account—
(a) best practice standards; and
(b) the New Zealand Fish Passage Guidelines.

(3) The provisions referred to in subclause (1)(a) to (d) do not apply to the holder of a resource consent issued under this Act who complies with the relevant conditions imposed under this clause.

Guidance note
The New Zealand Fish Passage Guidelines are available at https://niwa.co.nz/freshwater/new-zealand-fish-passage-guidelines

425. Generally speaking, a resource consent condition must:[91]

a. be for a resource management purpose, not an ulterior one;

b. fairly and reasonably relate to the development authorised by the resource consent or designation; and

c. not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties could not have approved it.

426. The underlying purpose of the conditions of a resource consent is to manage environmental effects by setting outcomes, requirements or limits to that activity, and how they are to be achieved.[92]

427. Conditions must also be certain and enforceable.[93]

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91 *Newbury District Council v Secretary of State for the Environment* [1980] 1 All ER 731 (HL), at 739.
92 *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] MZEnvC 31 at [156].
93 *Bitumix Ltd v Mt Wellington Borough Council* [1979] 2 NZLR 57.

428. A condition must also not delegate the making of any consenting or other arbitrary decision to any person, but may authorise a person to certify that a condition of consent has been met or complied with or otherwise settle a detail of that condition.[94] Such authorisation is subject to the following:

a. The basis for any exercise of a power of certification must be clearly set out with the parameters for certification expressly stated in the relevant conditions.

b. This power of certification does not authorise the making of any waiver or sufferance or departure from a policy statement or plan except as expressly authorised under the Act (s 84 of the RMA).

c. This power of certification does not authorise any change or cancellation of a condition except as expressly authorised under the Act (s 127 of the RMA).

Wildlife approval

429. For the grant of a wildlife approval the following clause of Schedule 7 apply:

> **6 Conditions**
>
> (1) A panel may set any conditions on a wildlife approval that the panel considers necessary to manage the effects of the activity on protected wildlife.
>
> (2) In setting any condition under subclause (1), the panel must–
> (a) consider whether the condition would avoid, minimise, or remedy any impacts on protected wildlife that is to be covered by the approval; and
> (b) where more than minor residual impacts on protected wildlife cannot be avoided, minimised, or remedied, ensure that they are offset or compensated for where possible and appropriate; and
> (c) take into account, as the case may be, the New Zealand Threat Classification System or any relevant international conservation agreement that may apply in respect of the protected wildlife that is to be covered by the approval.

Archaeological approval

430. For the grant of an archaeological authority the following clause of Schedule 8 applies:

> **5 Imposition of conditions on archaeological authorities**
>
> (1) In relation to an archaeological authority, a panel may impose any conditions, including conditions that—
> (a) the consent of the land owner and the holder of any specified registered interest must be obtained before the holder of an archaeological authority may enter the relevant site or undertake any activity under that authority; and
> (b) the site must be returned as nearly as possible to its former state (unless otherwise agreed between the owner of the land on which the site is located and the panel); and
> (c) any activity undertaken at the site under the archaeological authority must conform to accepted archaeological practice; and
> (d) Heritage New Zealand Pouhere Taonga, or the person approved under

[94] *Turner v Allison* (1970) 4 NZTPA 104.

this schedule to carry out an activity, must provide a report to—

(i) the holder of the authority; and

(ii) the owner of the archaeological site concerned, if different from the holder of the authority; and

(iii) Heritage New Zealand Pouhere Taonga, unless Heritage New Zealand Pouhere Taonga prepared the report.

(2) The panel may impose a condition requiring an investigation under the HNZPT Act, but only if the panel is satisfied on reasonable grounds that the investigation is likely to provide significant information in relation to the historical and cultural heritage of New Zealand.

Project conditions

431. The Applicant provided a suite of consent conditions with the original Application. These conditions were subsequently amended in response to engagement with, and s.53 comments from parties. The Applicant helpfully provided commentary on consent conditions, including where modifications sought by commentors had not been accepted.

432. The Applicant provided a largely agreed set of conditions to the Panel on 15 April 2026, with an amended set of conditions for the CDC land use consent provided on 5 June 2026. The Panel used this set as a base to develop the draft conditions circulated on 15 June 2026 for comments, which we have reviewed in light of our findings in Part E of our decision, and considering the requirements for conditions outlined above. We included commentary for any amendments made to the Applicant's suite of conditions to enable informed comment.

433. The Applicant advised by letter dated [insert date] that the minor amendments proposed by the Panel were acceptable. The Panel also received comments on the draft conditions from:

a. [TBC].

434. The Panel has accepted most of the proposed amendments for the reasons outlined by the commentators. The main outstanding issues related to:

a. [TBC].

435. The Panel has considered the views and generally accepted the suggested wording and reasoning of one or other party as relevant, subject to some drafting refinements. In particular, the Panel advises it has made the following decisions with respect to the different views presented.

<u>Conclusion regarding conditions</u>

436. TBC

437. To the extent the final set contains minor errors, the Panel notes it has powers under section 89 of the FTAA to make minor corrections.

PART L: RMA 1991

438. As noted in Part C, Schedule 5, clause 17 sets out how the application is to be accessed under various provisions of the RMA. We note:

a. The Applicant addressed Part 2 of the RMA in the AEE.[95] As a result of the conclusions reached on the effects of the Application and in the context of the relevant planning provisions and the conditions, the Panel finds that the Application is consistent with Part 2.

b. Our consideration of the effects of the Application, and its consistency with the relevant planning instruments, as well as other relevant matters for the purposes of section 104 of the RMA is set out in the preceding sections of this decision.

c. We have had regard to sections 87A and 104A of the RMA, noting that the FTAA appears to provide us with the ability to decline consent. However, we have applied sections 87A and 104A in terms of the scope of the considerations we are able to take into account in deciding the application, and what appropriate conditions to apply.

d. We have applied section 108, along with the settled legal principles, as well as the particular constraints in the FTAA when deciding to impose conditions on the consents.

439. It is important to note that the purpose of the FTAA must be given the greatest weight. In undertaking its overall balancing of the matters set out in clause 17 of Schedule 5 of the FTAA we have first carefully considered each of the above matters on their own merits. Our conclusions in this respect are set out in this decision. The Panel then returned to the purpose of the FTAA. We have assessed the extent of the regional and national benefits of the Project to be significant, and have therefore accorded the purpose of the FTAA substantial weight in our overall consideration. This has reinforced our decision that the Application should be granted the approvals sought.

PART M: FTAA, SECTION 3

440. The Panel's decision is subject to the purpose of the FTAA, contained in section 3, namely to: facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

441. As noted, The Panel accepts that the Project will deliver infrastructure and development with significant regional and national benefits.

PART N: OVERALL ASSESSMENT

442. As noted in Part C the Panel may decline an approval if, in complying with section 81(2), the panel forms the view that:—

(a) there are 1 or more adverse impacts in relation to the approval sought; and

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[95] Section 9.2 of A.09 of the AEE.

(b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account—
(i) any conditions that the panel may set in relation to those adverse impacts; and
(ii) any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.[96]

(4) To avoid doubt, a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider in complying with section 81(2).

443. This test is different from the test developed over the years under the RMA which culminated in the decision of *Environmental Defence Society v The New Zealand King Salmon Company Limited & Ors* (**King Salmon**)[97]. The King Salmon case was clear – the approach by the Courts and local authorities of adopting an overall judgement approach to environmental decision making under the RMA was incorrect.

444. In contrast the FTAA clearly envisages an overall judgment or balancing approach to decision making. The Panel must balance the adverse impacts against the regional or national benefits of the project. Section 81(1) of the FTAA appears to give the Panel a discretion to decline consent, provided it has regard to the relevant RMA provisions including section 104A. We have therefore considered section 81(2), and have concluded that while the approvals sought will have certain adverse impacts, these are not sufficiently significant to be out of proportion to the regional or national benefits of the Project that we have considered under section 81(4), particularly after we take account of the conditions we have set in relation to those impacts.

445. We have considered the substantive application and the advice, reports, comments and other information received by the Panel under section 81(2)(a) of the FTAA. We have applied the provisions of clause 17 of Schedule 5 in the manner required by section 81(2)(b) of the FTAA. We find that the Project will promote the purpose of the FTAA, and will have significant national and regional benefits.

446. We have taken into account the relevant elements of Part 2 of the RMA (excluding section 8). We find that the Project will promote the purpose of the RMA, noting in particular that:

a. The Project is an appropriate use in the environment concerned that will not adversely affect the existing natural character of wetlands, lakes, rivers and their margins associated with the Proposal, or the adjacent Outstanding Natural Landscape.

b. Areas of significant indigenous vegetation and significant habitats of indigenous fauna will be protected.

c. The Project represents an efficient use of natural and physical resources as a flexible source of renewable electricity, and is partnered with indigenous biodiversity offsetting that will manage the effects of construction and operation.

d. The Project supports the government's climate change aspirations and

[96] Section 82 FTAA

[97] [2014] NZSC 38

electricity generation targets.

e. We have taken into account the relevant matters in Part 6 of the RMA, which are primarily sections 104, 104A and 108. We find that:

   i. In the context of the existing environment, after considering the proposed conditions, the Project will not give rise to unacceptable effects on the environment.

   ii. The Project is consistent with the national, regional and district planning framework for the reasons outline in Parts G and H above.

447. Pursuant to section 81(2) of the FTAA, we have undertaken an overall evaluation against each of the relevant criteria individually, before taking into account and giving the greatest weight to the purpose of the FTAA. We have given significant weight to the FTAA relative to the other relevant considerations due to our conclusions as to the extent of the regional and national benefits of the Project.

448. We have referred to the involvement of Otakou Rūnanga and Te Rūnanga o Ngāi Tahu in the consent process, and in particular their support for the Application and proposed conditions. The Panel concludes that granting the approval is consistent with section 7 of the FTAA.

449. In imposing the conditions set out in Appendix A, we have complied with section 83 of the FTAA. With respect to section 84 of the FTAA, we have concluded that no further conditions are necessary to recognise or protect a relevant Treaty settlement.

PART O: FINAL DECISION

450. The Panel has considered the Application and supporting information as well as the comments received on it and on the draft conditions, as well as the further information provided as a result of comments received from other participants and the subsequent refinement of the Application. We thank all those who commented for their constructive contributions.

451. The Panel determines to grant the approvals sought subject to the Conditions attached as Appendix A to this Decision.

452. As required by section 99 of the FTAA the persons listed in that section are entitled to appeal and must commence any appeals within the 20-working day period from the day this Decision is published under section 88(3).

Bianca Sullivan
(Chair)

Andrew Whaley
(Member)

Maria Bartlett
(Member)

APPENDIX A: CONDITIONS FOR APPROVALS

APPENDIX B: CONSENTS REQUIRED

Note:

Some rows are shaded grey in the table. This is an indication that rules in the Regional Plan: Water for Otago are in relationship with the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and may be more stringent or more lenient. Where the two instruments manage the same activity, any rows shaded grey indicate that this rule or regulation does not apply, in favour of the companion rule from the RPW or NES-F.

Project Component	**Authority**	**Consent Type**	**Section, Regulation or Rule**	**Status**
Variation to RM1409	Clutha DC	Land Use	Section 127 RMA	Discretionary
New infrastructure that extends lawfully established electricity generation facilities built in Stage 1, or that are in an area contiguous to those existing facilities (in addition to that provided for under variation to RM1409)	Clutha DC	Land Use	ELG.3 CDP	Restricted Discretionary
Operations & Maintenance Facility	Clutha DC	Land Use	INF.5 CDP	Restricted Discretionary
New electricity generation facilities, including the substation, BESS and 110kV transmission line	Clutha DC	Land Use	ELG.3 CDP	Discretionary
Take groundwater temporarily for dewatering during construction	Otago RC	Water Permit	12.0.1.3 12.2.1A.3 12.2.4.1 RWP	Not prohibited or non-complying to exceed allocation limits temporarily during dewatering Discretionary

Placement of culvert crossing within the bed of a tributary of Lee Stream	Otago RC	Land Use	13.2.2.1	Restricted Discretionary
Placement of culvert crossing within the bed of a tributary of Lee Stream	Otago RC	Land Use	Reg 71 NES-F	Discretionary
Construct specified infrastructure in or within 10 metres of a natural wetland	Otago RC	Land Use	Reg 45 NES-F	Discretionary
Construct bores for dewatering	Otago RC	Land Use		
Discharge water and contaminants to land where it may enter water during construction of a culvert crossing in a tributary of Lee Stream	Otago RC	Discharge		
Discharge water to land where it may enter water for dewatering	Otago RC	Discharge		
Discharge water and contaminants to land where it may enter water from concrete batching	Otago RC	Discharge		
Discharge stormwater to land where it may enter water from construction sites and fill areas	Otago RC	Discharge		
Discharge of stormwater to land where it may enter water from infrastructure	Otago RC	Discharge		

associated with the Māhinerangi wind farm, excluding roading				
Most restrictive activity status				**Discretionary**