

9. STATUTORY ASSESSMENT – RESOURCE CONSENTS

9.1 INTRODUCTION

This section presents a statutory assessment of Puke Kapo Hau against Schedule 5, clause 17(1) of the FTAA. It assesses the matters for decision-makers to consider in regard to the resource consent applications (including the variation to the existing land use consent) being sought by TWP.

The legal submissions, on behalf of TWP, comprehensively outline the legal framework that applies under the FTAA and are provided in Part F (Legal Submissions) of this substantive application.

Schedule 5, clause 17(1) of the FTAA sets out the matters for decision-makers to consider and assess in relation to applications for resource consents:

For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the panel must take into account, giving the greatest weight to paragraph (a),—

- (a) the purpose of this Act; and*
- (b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and*
- (c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.*

In assessing applications under the FTAA, panels are to give the greatest weight to the purpose of the FTAA (clause (a)) - which is “to facilitate the delivery of infrastructure and development projects with significant regional or national benefits”. Section 81(4) of the FTAA also states that, when taking into account the purpose of the FTAA, the panel must consider the extent of an application’s regional or national benefits. The regional and national benefits of Puke Kapo Hau include:

- > Injecting over \$220 million of expenditure over the construction period into the New Zealand economy, plus another \$22.5 million for the BESS construction;
- > Providing approximately 200 FTE jobs during peak construction;
- > Contributing approximately 549 GWh of electricity per annum and providing for improved electricity diversity and security of supply;



- > Contributing to the decarbonisation of the New Zealand economy by displacing up to 600,000 tCO₂-e annually;³¹ and
- > Aligning with Government policy towards meeting national and international climate change obligations.

In regard to (b), Part 2, 3 and 6 RMA are considered in the sections below.

In regard to (c), there are no other relevant provisions of any other legislation that directs decision making under the RMA.

9.2 PART 2 RMA 1991 – SECTION 5, 6 AND 7

Pursuant to Schedule 5, clause 5(1)(g) of the FTAA, the requirement to assess an application for resource consent against Part 2 of the RMA is limited to sections 5, 6 and 7 (with section 8 of the RMA being excluded).

An assessment of sections 5, 6 and 7 of the RMA is provided below.

9.2.1 Section 5 (Purpose)

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Consistent with this purpose, the project will enable the utilisation of natural resources (wind) in order to provide additional renewable electricity generation capacity to meet increasing demand in an efficient and sustainable manner. As a result, the project will enable both present and future communities to provide for their social and economic wellbeing, and for their health and wellbeing. The positive effects of the project are discussed in detail in Section A.07 (Assessment of Environmental Effects) of this substantive application.

The interim decision of the Environment Court in 2008 also determined in the context of section 5 of the RMA that enabling national, regional and district communities to provide for their requirements for renewable sources of electricity was a significant factor in reaching a conclusion to grant resource consents.

Puke Kapo Hau will also safeguard the life-supporting capacity of water, soil and ecosystems. In this regard, the footprint of the project has been designed to avoid areas of high ecological value and a range of measures will be implemented during construction to manage potential effects on water quality and the condition of wetlands and streams. This includes compensating for the unavoidable disturbance of some wetlands and a stream.

³¹ Based on an annual generation of 595 GWh if generated from coal.

A further key consideration in the interim decision of the Environment Court was that the avoidance, remediation or mitigation of adverse effects does not require that there be no residual effects on the environment. Instead, section 5(2)(c) of the RMA contemplates adverse effects, the acceptability of which depend on and need to be assessed in the context of each application. Section A.07 (Assessment of Environmental Effects) of this substantive application provides detail on the measures proposed by TWP to avoid, remedy or mitigate the actual and potential effects of Stage 2 of Puke Kapo Hau on the environment (beyond those already required by the existing land use consent).

Overall, Puke Kapo Hau is considered to be consistent with section 5 of the RMA.

9.2.2 Section 6 (Matters of National Importance) and Section 7 (Other Matters)

With respect to the relevant matters in sections 6 and 7 of the RMA which must be taken into account, the following points are pertinent:

- > Puke Kapo Hau is not ‘inappropriate’ in the context of section 6(a) or (b) of the RMA. The project site does not contain any identified outstanding natural features or landscapes, and Isthmus (2025) concludes that the proposed changes to the size and height of the turbines will not impact on the qualities and characteristics of the outstanding landscapes in the wider environment (i.e. Lammermoor Range).

The project has also been designed to avoid wetlands and watercourses as far as practicable. In addition to the existing QEII covenanted area established as part of Stage 1 of Puke Kapo Hau, new wetland and aquatic compensation sites are proposed to compensate for any loss of wetlands and watercourses. Overall, Isthmus (2025) concludes that the project will preserve the natural character of wetlands, rivers / streams and their margins from inappropriate development;

- > While there are no scheduled significant natural areas (“**SNA**”) located within Stage 2 of Puke Kapo Hau, there are some areas within the project site that meet the significance criteria contained in Schedule 4 to the Operative Otago Regional Policy Statement and APP2 to the Proposed Otago Regional Policy Statement in respect of significant indigenous vegetation and significant habitats of indigenous fauna, including:
 - > Wetlands;
 - > At Risk plant species: *Carmichaelia petriei*, *Carex tenuiculmis*, *Epilobium chionanthum* and *Olearia lineata* located within wetlands and a grassland gully;
 - > Threatened and At Risk aquatic invertebrates (e.g. kōura) and fish (e.g. Eldon’s galaxias, kōaro) in waterbodies; and
 - > At Risk lizards (tussock skink) in grasslands.

Careful management of effects associated with Puke Kapo Hau has been undertaken and areas of high ecological value, including those which contain significant indigenous flora and fauna have been avoided. In addition, a suite of consent conditions and management / monitoring plans are proposed to ensure areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected in accordance with section 6(c);

- > Puke Kapo Hau will not create any additional constraints on public access to any rivers, streams or tributaries or any other surface water body affected or influenced by the project (section 6(d));
- > Sections 6(e), 7(a) and (aa) of the RMA require the recognition of the relationship Māori have with their ancestral lands, water, sites, wāhi tapu and other taonga, as well as having regard to kaitiakitanga. Consultation with mana whenua is continuing, noting that the establishment of a wind farm within the project site (and at a larger scale) was previously confirmed as being appropriate in the context of sections 6 and 7 of the RMA;

An archaeological authority is also being sought through these applications and accidental discovery protocols for any sites of significance to iwi that are uncovered will remain as conditions of the existing land use consent. With these measures in place, it is considered that Puke Kapo Hau will protect scheduled sites of historic heritage from inappropriate development (section 6 (f));
- > Management of significant risks from natural hazards (section 6(h)) has been considered and there are appropriate factors of safety in the design of the various elements of the project. These are outlined in the assessment of natural hazards in Section A.07 (Assessment of Environmental Effects) of this substantive application;
- > Puke Kapo Hau will enable the efficient use and development of the natural wind resource. The electricity generation from the wind farm will be approximately 549 GWh per annum and also noted in NZIER (2025) will contribute to displacing greenhouse emission otherwise caused from generation of non-renewable sources (section 7(b), 7(ba) and 7(j));
- > With respect to amenity values, Isthmus (2025) notes that the wind farm is an appropriate feature in the context of the wider landscape and that there will be no material changes in visual amenity effects on dwellings in the surrounding environment. Similarly, appropriate conditions will be maintained on the existing land use consent to limit construction / operational noise, shadow flicker and blade glint, as well as manage construction traffic in a safe manner. As such, it is considered that amenity values will be maintained (Section 7(c));

- > Sections 7(d), (f) and (g) of the RMA relate to the intrinsic values of ecosystems, the quality of the environment, and the finite characteristics of natural and physical resources. Particular regard has been given to these matters in the technical assessments commissioned (Part B) and a comprehensive range of conditions (Part E), management and monitoring plans (Part C) are proposed to ensure that potential effects on the wider environment are appropriately avoided, remedied or mitigated. Of note are the proposed wetland and aquatic compensation sites which will compensate for any loss of wetland or aquatic habitat;
- > There is no known habitat for trout and salmon within the project site (section 7(h)). However, it is noted that effects on all aquatic ecology have been assessed within the technical assessments and measures have been proposed to manage the discharge of sediment and works within the beds of watercourses;
- > The potential effects of climate change, in terms of changes in rainfall intensity and environmental conditions, have been considered in the engineering assessment for Puke Kapo Hau (including the management of sediment during construction and culvert sizing) (section 7(i)); and
- > Particular regard is had to the benefits to be derived from the use and development of renewable energy (section 7(j)). There are a range of regional and national economic benefits relating to this project as detailed in NZIER (2025), and which include the provision of additional renewable energy from a proven wind resource, supporting security of electricity supply, and the offsetting of thermal generation.

Overall, Puke Kapo Hau is considered to be consistent with the section 6 and 7 of the RMA.

9.3 PART 3 RMA 1991

Clause 17(1) to Schedule 5 of the FTAA requires that the provisions of Part 3 of the RMA that direct decision making on a resource consent application must be taken into account by a Panel.

Part 3 of the RMA contains provisions that detail when a resource consent is required in relation to land (sections 9 to 15), the duty to avoid unreasonable noise (section 16), the duty to avoid, remedy or mitigate adverse effects (section 17), and procedural principles related to the exercising of powers and functions under the RMA (sections 18A and 21).

The resource consents required for this project are detailed in Section A.07 (Assessment of Environmental Effects) of this substantive application.

Through the existing and proposed consent conditions, the project will, in accordance with section 16 of the RMA, adopt the best practicable option to ensure that the emission of

noise does not exceed a reasonable level. It is also considered that the existing and proposed consent conditions will ensure that the duties imposed by section 17 of the RMA will be met.

In addition, the nature of the FTAA process is entirely consistent with the procedural principles at sections 18A and 21 of the RMA.

9.4 PART 6 RMA 1991

Part 6 of the RMA contains provisions relating to the consideration of resource consent applications.

The key considerations under Part 6 of the RMA relevant to this substantive application are:

- > Section 104 (Consideration of applications);
- > Section 127 (Change or cancellation of consent condition on application by consent holder);
- > Section 105 (Matters relevant to certain applications);
- > Section 107 (Restriction on grant of certain discharge permits);
- > Section 108 and 108AA (Conditions of resource consents);
- > Section 123 (Duration of consent); and
- > Section 125 (Lapsing of consent).

The relevant provisions of Part 6 of the RMA are assessed in the sections below.

9.4.1 Section 104 (Consideration of Applications)

Section 104(1) of the RMA lists the matters that the consent authority must have regard to when considering an application for resource consent. Section 104(1) states:

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to–*
 - (a) any actual and potential effects on the environment of allowing the activity; and*
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) any relevant provisions of*
 - (i) a national environmental standard:*



- (ia) a wastewater environmental performance standard:*
- (ib) a stormwater environmental performance standard:*
- (ic) an infrastructure design solution:*
- (ii) other regulations:*
- (iii) a national policy statement:*
- (iv) a New Zealand coastal policy statement:*
- (v) a regional policy statement or proposed regional policy statement:*
- (vi) a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

9.4.1.1 Section 104(1)(a)

The actual and potential effects on the environment associated with the construction and operation of Stage 2 of Puke Kapo Hau are considered in detail in Section A.07 (Assessment of Environmental Effects) of this substantive application and the relevant technical assessments.

Particular consideration has been given to avoiding potential adverse effects through project shaping – which has resulted in key areas within the project site of potential ecological significance being avoided. TWP is also proposing a range of measures to assist in avoiding, remedying, mitigating and compensating for the potential adverse effects of the project. These measures are documented in the management plans (Part C) and the proposed consent conditions (Part E).

As noted above, the interim decision of the Environment Court also concluded that the avoidance, remediation or mitigation of adverse effects does not require that there be no residual effects on the environment. In this regard, the establishment of a wind farm on the project site has been considered appropriate in the wider landscape and measures for the management of effects on the environment have already been developed and implemented.

Furthermore, and consistent with the focus on all actual and potential effects in section 104(1)(a) of the RMA, it is considered that Puke Kapo Hau will have demonstrable positive effects in terms of sustaining the social and economic wellbeing of local / regional communities and New Zealand. In particular, Puke Kapo Hau will contribute to security of electricity supply and the Government's strategic targets for the generation of renewable electricity into the future.



9.4.1.2 Section 104(1)(ab)

With respect to section 104(1)(ab) of the RMA and the requirement to consider any measure proposed by an applicant to ensure positive effects by offsetting or compensating for adverse effects on the environment, it is noted that TWP is proposing to compensation for adverse environmental effects via the removal of the remaining consented turbine locations and tracks within the Scrappy Pines Block that is subject to the QEII Covenant and the compensatory works within the Lee Stream tributary and within wetlands as part of the Wetland and Aquatic Compensation Plan.

9.4.1.3 Section 104(1)(b) and (c)

The relevant provisions of the key planning documents set in Section 104(1)(b) are assessed within section 9.5 of this substantive application.

Other matters potentially relevant to the project, as set out in section 104(1)(c) of the RMA, are addressed within section 9.6 of this substantive application.

9.4.2 Section 127 (Change or cancellation of consent condition)

Section 127(1) of the RMA provides for the holder of a resource consent to apply to a consent authority for a change or cancellation of a condition of a consent.

Under section 127(3) of the RMA, sections 88 to 121 of the Act apply, with all necessary modifications, as if:

- > The application was an application for a resource consent for a discretionary activity; and
- > The references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.

Section 127(4) does not apply.

With respect to the amendments to the conditions of the land use consent that are proposed, the level of detail provided in Section A.07 (Assessment of Environmental Effects) of this substantive application is sufficient to allow a fulsome assessment of all actual and potential effects associated with the proposed changes to the number and height of wind turbines at Puke Kapo Hau – and is of a similar detail as would be provided as if the application was an application for a new discretionary activity (noting also that Section A.07 (Assessment of Environmental Effects) addresses matters related to the new resource consents that are being sought).

In this respect, the assessments relating to the proposed changes to the consent conditions are focussed on the effects of the changes – not whether a wind farm is an appropriate activity in this location.

9.4.3 Section 105 (Matters relevant to discharge applications)

Section 105 of the RMA states:

- (1) If an application is for a discharge permit or coastal permit to something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to-*
 - (a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
 - (b) The applicant's reasons for the proposed choice; and*
 - (c) Any possible alternative methods of discharge, including discharge into any other receiving environment.*

With regard to section 105(1)(a) above, the potential discharges requiring resource consent relate to stormwater and sediment, and the sensitivity of the receiving environment is described in Section A.04 (Environmental Setting) and the SLR assessment within Part B.07 (Aquatic Ecology).

With regard to the reasoning behind the proposed choice of discharge, TWP are seeking to ensure that stormwater and sediment run-off from the project site is appropriately managed during construction in accordance with the ECMP. This includes the separation of construction activities from gullies and wetlands.

However, it is not feasible to ensure there is no discharge of stormwater or sediment to water during construction given the size of the soakage ponds that would be required to capture all stormwater in all rainfall events. In addition, a discharge to other catchments (i.e. an alternative receiving environment) is not considered feasible given the distance of other catchments from the project site.

For these reasons, it is considered that appropriate regard has been given to the nature of the proposed discharges from Puke Kupo Hau and the potential effects of these activities on the receiving environment.

9.4.4 Section 107 (Restriction on grant of certain discharge permits)

Section 107(1) of the RMA specifies that a consent authority shall not grant a discharge permit if, after reasonable mixing, the discharge is likely to give rise to all or any of the following effects in the receiving waters:

- > The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
- > Any conspicuous change in the colour or visual clarity:
- > Any emission of objectionable odour:
- > The rendering of fresh water unsuitable for consumption by farm animals; or
- > Any significant adverse effects on aquatic life.

The potential effects of the various discharges associated with the construction and operation of Puke Kapo Hau on the receiving waters are considered in Section A.07 (Assessment of Environmental Effects), and particularly Riley – Civil (2025) and SLR – Aquatic (2025). Overall, it is not considered that the proposed discharges associated with Puke Kapo Hau will give rise to any of the listed effects in section 107(1) of the RMA in the receiving waters after reasonable mixing. Further, appropriate management measures and conditions of consent are proposed to manage the quality of the discharges to the receiving waters within the project site.

As such, section 107 of the RMA does not pose any restriction to the granting of the resource consent applications sought by TWP.

9.4.5 Section 108 and 108AA (Conditions)

These sections of the RMA provide guidance around the imposition of consent conditions.

In this regard, TWP considers that the proposed conditions proffered in Part E of this substantive application are appropriate to avoid, remedy or mitigate the actual and potential adverse effects of the construction and operation of Stage 2 of Puke Kapo Hau.

In addition, the conditions relating to the discharge of stormwater and sediment that are proffered by TWP are considered to represent the most efficient and effective means of preventing or minimising any actual or likely adverse effects on the environment.

9.4.6 Section 123 (Duration of Consent)

As detailed in the legal submissions (Part F – Legal Submissions), Schedule 5, Clause 17(7) to the FTAA applies sections 123 and 123A of the RMA with respect to the duration of consents - meaning that the limits on the duration of resource consents set out under the RMA also apply to applications granted under the FTAA.

However, the legal submissions also note that section 123B of the RMA was introduced by the Resource Management (Consenting and Other System Changes) Amendment Act 2025.

It now provides a default period of 35 years for resource consents authorising renewable energy activities.

Despite Schedule 5, Clause 17(7) to the FTAA not explicitly referring to section 123B of the RMA, the legal submissions consider that section 123B applies to the Panel's decision on the new regional resource consents being sought for the project (including those under the NES-F). In this regard, section 123 of the RMA expressly provides that it applies "*except as provided in... 123B*". This wording makes clear that Parliament intended section 123B of the RMA to operate as a specific 'carve-out' for resource consents for renewable energy activities. As the FTAA imports section 123 of the RMA and given that section 123 is itself expressly subject to section 123B, it follows that section 123B of the RMA must also apply to the Panel's determination.

TWP requests:

- > An unlimited duration for any land use consents (section 9 of the RMA);
- > A 15-year duration for any resource consents under sections 13, 14 and 15 of the RMA granted solely for construction activities; and
- > A 35-year duration for all other resource consents under sections 13, 14 and 15 of the RMA.

A 15-year duration on all construction related resource consents (under sections 13, 14 and 15 of the RMA) is considered to provide appropriate time for construction to be completed once the first conditions have been implemented and the consent commenced.

In terms of the 35-year duration for other resource consents under sections 13, 14 and 15 of the RMA, the following aspects, both distilled from case law and from the specific circumstances in this instance, support this request:

- > The adverse effects are not likely to increase or vary during the term of the consent;
- > It is unlikely that new information regarding mitigation would become available during the term of the consent;
- > Review conditions are able to control adverse effects not anticipated at the time of granting; and
- > The life expectancy of the assets for which consent is sought is significantly greater than the requested duration.

9.4.7 Section 125 (Lapsing of consents)

Schedule 5, Clause 26(1) of the FTAA specifies that the decision document for a resource consent may specify the date on which the approval lapses unless it is given effect to by the specified date. Clause 26(2) states that the date specified under Clause 26(1) must be no less than 2 years after the approval commences.

A five-year lapse date is requested by TW to provide sufficient flexibility to time the construction and commissioning of Puke Kapo Hau with a range of conditions - including electricity demand, the supply of turbine components and ancillary equipment from overseas, foreign exchange rates, and the timing of the construction of other development projects by TWP / Mercury.

9.5 RELEVANT PLANNING DOCUMENTS

9.5.1 Introduction

In accordance with section 104(1)(b) of the RMA, the following statutory planning documents are considered relevant to the consideration of the resource consent applications for Puke Kapo Hau:

- > The National Environmental Standards for Freshwater 2020 (“**NES-F**”);
- > The National Policy Statement for Freshwater Management 2020 (“**NPSFM**”);
- > The National Policy Statement for Renewable Electricity Generation 2011 (“**NPS-REG**”);
- > The Otago Regional Policy Statement 2019 (“**Operative RPS**”);
- > Proposed Otago Regional Policy Statement 2021 (“**Proposed RPS**”);
- > Regional Plan: Water for Otago;
- > Regional Plan: Waste for Otago; and
- > Clutha District Plan.

The National Policy Statement for Highly Productive Land 2022 (“**NPS-HPL**”) is not considered relevant to Puke Kapo Hau as the project site is not located on highly productive land. In this regard, the project site it is not classified as containing soils that are LUC Class 1, 2 or 3 – as identified by Manaaki Whenua. Similarly, the National Policy Statement for Indigenous Biodiversity 2023 (“**NPS-IB**”) does not apply as section 1.3(3) of the policy statements that *“nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities*



and electricity transmission network assets and activities to renewable electricity generation or electricity transmission.”

In addition, the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (“**NES-CS**”) and the National Environmental Standards for Sources of Human Drinking Water 2007 (“**NES-DW**”) are not relevant to the consideration of the resource consent applications for Puke Kapo Hau. In this regard, the contaminated land memorandum contained in Part B confirms that the site is not considered a ‘piece of land’ under Regulation 5(7)(b) of the NES-CS and is not subject to the requirements of the NES-CS.

The NES-DW sets requirements for protecting sources of human drinking water from becoming contaminated and unsafe for drinking. Regulations 7 and 8 of the NES-DW must be considered when assessing water or discharge permit applications that may affect a registered drinking water supply providing 501 or more people with drinking water for 60 or more calendar days each year. The water services authority, Taumata Arowai, maintains a list of registered drinking water sources to assist with implementation of the NES-DW. This has been reviewed and there are no registered drinking water supplies providing for over 501 people that would be affected by the proposed resource consents sought.

9.5.2 The National Environmental Standards for Freshwater 2020

As noted in Section A.06 of this substantive application, resource consent is sought for discretionary activities under Regulation 45(1), (2) and (5) of the NES-F.

In terms of direct effects, there are two instances where there is a functional need for the works associated with the wind farm (tracks or associated earthworks) to be located within a wetland and it is not practicable to avoid doing so. In these instances, the existing tracks and / or culvert will be replaced with a new track and / or culvert that is capable of accommodating construction vehicles. Approximately 476 m² of parts of these natural wetlands will be disturbed. This loss will be compensated through proposed restoration and protection of an alternative site in accordance with the Wetland and Aquatic Compensation Plan.

In terms of indirect effects, there are instances within the project site and transmission line corridor where there is a functional need for tracks or associated earthworks to be located within 10 m of a wetland and it is not practicable to avoid doing so. Management of potential effects on these wetlands (and other wetlands within 100 m of works) are addressed by the WMMP.

In respect of the matters set out in Regulation 45(6) dictating whether resource consent can be granted:

- > There will be significant regional and national benefits associated with the construction and operation of Puke Kapo Hau (as detailed in NZIER (2025)); and
- > There is a 'functional need' for the construction of the project to occur in the specific locations proposed, as detailed in Section A.07 of this substantive application and as set out in Table 5 of Riley - Civil (2025); and
- > The effects management hierarchy has been applied in a manner consistent with the requirements of the NES-F and NPS-FM as set out in Section A.07 of this substantive application and SLR (2025).

9.5.3 National Policy Statement for Freshwater Management 2020

The NPS-FM came into force on 3 September 2020 and provides direction on how freshwater should be managed under the RMA. The objective of the NPS-FM is set out in clause 2.1, however section 104(2F) of the RMA states that “[w]hen considering an application and any submissions received, a consent authority must not have regard to clause 1.3(5) or 2.1 of the NPSFM 2020 (which relates to the hierarchy of obligations in the NPSFM 2020)”.

Relevant Policies

The relevant policies include:

Policy 2: *Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.*

Policy 3: *Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.*

Policy 5: *Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.*

Policy 6: *There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.*

Policy 7: *The loss of river extent and values is avoided to the extent practicable.*

Policy 9: *The habitats of indigenous freshwater species are protected.*

Policy 15: *Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.*

An assessment against these relevant policies is set out below.



Policy 2

TWP continues to engage with mana whenua regarding applications involving freshwater (as well as the wider wind farm project). That said, the activities with the potential to affect freshwater as part of the construction and operation of Puke Kapo Hau have been fully assessed and measures proposed to ensure that the health of freshwater and of the wider environment is prioritised and effects are avoided, remedied or mitigated.

Policy 3

TWP has sought to adopt an integrated approach to the assessment of the actual and potential effects of Puke Kapo Hau on freshwater. This has included an integrated assessment of the activities with the potential to affect freshwater and consideration of how potential management measures relate to the wider environment.

Policy 5

While it is for the Otago Regional Council to establish an objectives framework for waterbodies in the Otago Region, TWP has sought to ensure that the condition framework for the management of freshwater during the construction and operation of Puke Kapo Hau addresses the potential for adverse effects in these waterbodies – and maintains their overall health and wellbeing. This includes measures to avoid direct discharges of construction stormwater to water and the implementation of appropriate erosion and sediment controls.

Policy 6

It is not practicable to avoid all effects on natural inland wetlands during construction works for Puke Kapo Hau. As such, the loss of extent of natural inland wetlands has been managed in accordance with the policy direction regarding the effects management hierarchy set out in section 3.22 of the NPS-FM - as is described in Section A.07 (Assessment of Environmental Effects) of this substantive application.

In addition, TWP has proposed a compensation site for the restoration and protection of wetland values – such that the ecological health and function of natural inland wetlands will be maintained.

Policy 7

The design of the project has sought to avoid the disturbance of watercourses within the project site as far as practicable. In the one instance where this has not been practicable (culvert installation in the Lee Stream Tributary), specific management of effects have been



proposed including best practice culvert construction methodologies, erosion and sediment controls and water quality monitoring.

Fish passage will also be provided for by embedding the culvert and providing a natural bed substrate within culvert, and gradient of culvert at same gradient as currently on site.

The loss of river extent and values has also been managed in accordance with the policy direction regarding the effects management hierarchy set out in section 3.24 of the NPS-FM - as is described in Section A.07 (Assessment of Environmental Effects) of this substantive application.

Policy 9

A number of measures are proposed throughout all elements of project construction and operation to ensure that the habitats of indigenous freshwater species are protected. As described in SLR - Aquatic (2025) these measures include:

- > Implementation of comprehensive sediment and erosion control measures throughout the duration of construction works to ensure that sedimentation and turbidity issues do not arise within waterbodies;
- > Locating new infrastructure away from gullies and wetlands to provide isolation from watercourses; and
- > Introduction of a new aquatic compensation site.

With these measures in place it is considered that the habitats of indigenous freshwater species will be protected.

Policy 15

The utilisation of freshwater (via the take, diversion, dewatering and discharge of water and contaminants) as part of the construction of Puke Kapo Hau is critical to delivering the social and economic wellbeing the project will provide to the wider community. This will occur in a manner that seeks to protect and enhance the key values of wetlands and waterbodies within the catchment of the project.

Summary

Overall, it is therefore considered that the construction and operation of Puke Kapo Hau in the manner proposed will be consistent with the relevant policy directives of the NPS-FM.

9.5.4 National Policy Statement for Renewable Electricity Generation

The NPS-REG came into effect on the 13th of May 2011.

The sole objective of the NPS-REG seeks to provide for the development and operation of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to levels that meet or exceed the Government's national target for renewable electricity generation.

Policies A, B, C1 and C2 of the NPS-REG are considered most relevant to the project as they seek to ensure decision makers:

- > Recognises the benefits of renewable electricity generation activities;
- > Acknowledges the practical implications of achieving an increase in proportion of electricity generated from renewable sources;
- > Acknowledges the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities; and
- > Have regard to any offsetting measures or environmental compensation proposed to address residual environmental effects.

As discussed in Section A.03 (Introduction) of this substantive application, the project will enable the development of additional renewable electricity generation capacity – noting the Government is committed to achieving Net Zero by 2050, including by doubling New Zealand's renewable electricity generation. The project will, therefore, assist with providing for security of electricity supply and avoid the reliance on imported fuels for the purpose of generating electricity.

The development of Puke Kapo Hau is also considered to be consistent with Policy B, which notes that achievement of Government's national target for the generation of renewable electricity will require the significant developments of renewable electricity generation activities.

Policy C1 of the NPS-REG recognises the practical implications and locational constraints associated with the development of renewable electricity generation activities. In this instance the site is already consented for a 100 turbine wind farm and it has been demonstrated that the site has the quality / consistency of the wind resource for a large-scale wind farm. In addition, it is in proximity to national transmission infrastructure. As such, it is not viable for the wind farm to be placed in a different location.

With respect to Policy C2, it seeks that decision-makers have regard to offsetting measures or environmental compensation proposed by an applicant when considering the residual environmental effects associated with renewable electricity generation activities. Ecological compensation measures have been proposed by TWP as summarised in Section A.07

(Assessment of Environmental Effects) of this substantive application and detailed within the WACP (Part C.12).

In light of the assessment above, it is concluded that the construction and operation of Stage 2 of Puke Kapo Hau will be consistent with the stated objective and policy directives of the NPS-REG

9.5.5 Operative Otago Regional Policy Statement 2019

The Operative RPS became fully operative on 4 March 2024. It guides resource management practice in the Otago Region by providing a framework on which to base decisions regarding the management of the region’s natural and physical resources.

The Operative RPS post-dates the Clutha District Plan – such that it is considered that its directives with respect to land use planning should be given greater weight than any conflicting provisions in the District Plan.

The Operative RPS includes objectives and policies that are particularly relevant to this application in Chapters 1 to 5. A summary of each chapter, including consideration of relevant objectives and policies, is provided under the following subheadings.

Table 9.1: Relevant Provisions of the Operative RPS 2019

Chapter	Relevant Provision
Chapter 1: Resource management in Otago is integrated	Objective 1.1 Otago’s resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities Policy 1.1.1 Provide for economic wellbeing by enabling the resilient and sustainable use and development of natural and physical resource Policy 1.1.2 Social and cultural wellbeing and health and safety when undertaking the subdivision, use, development and protection of natural and physical resources, taking into account cultural values, community need, human health, reasonable resource use, accessible infrastructure and public services Policy 1.2.1 Achieve integrated resource management
Chapter 2: Kāi Tahu values and interests are recognised and kaitiakitaka is expressed	Objective 2.2 Kāi Tahu values, interests and customary resources are recognised and provided for

Chapter	Relevant Provision
	<p>Policy 2.2.1 Manage the natural environment to support Kāi Tahu wellbeing, including customary uses and cultural values and safeguarding the life-supporting capacity of natural resources</p> <p>Policy 2.2.2 Recognising and provide for sites of cultural significance (Wāhi tupuna)</p> <p>Policy 2.2.3 Recognise relationships with Wāhi tūpuna and associated sites</p>
Chapter 3: Otago has high quality natural resources and ecosystems	<p>Objective 3.1 The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained or enhanced where degraded</p> <p>Policy 3.1.1 Safeguard the life-supporting capacity of fresh water and manage fresh water</p> <p>Policy 3.1.2 Manage the beds of rivers, lakes, wetlands and their margins</p> <p>Policy 3.1.3 Manage fresh water allocation and use</p> <p>Policy 3.1.8 Minimise soil erosion</p> <p>Policy 3.1.9 Manage ecosystems and indigenous biological diversity</p> <p>Policy 3.1.13 Encourage, facilitate and support environmental enhancement including [...] protecting or restoring habitat for indigenous species, protecting or restoring wetlands and controlling pest species</p> <p>Objective 3.2 Otago's significant and highly-valued natural resources are identified and protected, or enhanced where degraded</p> <p>Policy 3.2.2 Managing significant indigenous vegetation and habitats</p> <p>Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes</p> <p>Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes</p> <p>Policy 3.2.16 Managing the values of wetlands</p>
Chapter 4: Communities in Otago are resilient, safe and healthy	<p>Objective 4.1 Risk that natural hazards pose to Otago's communities are minimised</p>



Chapter	Relevant Provision
	Policy 4.1.5 Natural hazard risk
	Policy 4.1.6 Minimising increase in natural hazard risk
	Objective 4.2 Otago's communities are prepared for and able to adapt to the effects of climate change.
	Policy 4.2.2 Mitigate and adapt to the effects of climate change
	Objective 4.3 Infrastructure is managed and developed in a sustainable way.
	Policy 4.3.1 Managing infrastructure activities
	Policy 4.3.2 Nationally and regionally significant infrastructure
	Policy 4.3.3 Functional needs of infrastructure that has national or regional significance
	Policy 4.3.4 Adverse effects of nationally and regionally significant infrastructure
	Objective 4.4 Energy resources and supplies are secure, reliable and sustainable.
	Policy 4.4.1 Provide for renewable electricity generation
	Policy 4.4.4 Enable electricity transmission and distribution infrastructure activities
	Policy 4.4.5 Recognise and provide for electricity distribution infrastructure
	Objective 4.6 Hazardous substances, contaminated land and waste material do not harm human health or the quality of the environment in Otago
	Policy 4.6.2 Use, storage and disposal of hazardous substances
Chapter 5 People are able to use and enjoy Otago's natural and built environment	Objective 5.2 Historic heritage resources are recognised and contribute to the region's character and sense of identity
	Policy 5.2.3 Managing historic heritage
	Objective 5.3 Sufficient land is managed and protected for economic production
	Policy 5.3.1 Manage activities in rural areas, to support the region's economy and communities
	Objective 5.4 Adverse effects of using and enjoying Otago's natural and physical resources are minimised



Chapter	Relevant Provision
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Policy 5.4.5 Control pest plants and animals.

Policy 5.4.6 Offsetting for indigenous biological diversity.

9.5.5.1 Chapter 1: Integrated Management

Objective 1.1 seeks that Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities. Objective 1.2 seeks that integrated management of natural and physical resources is recognised and provided for in order to support the wellbeing of people and communities in Otago.

Related to the above, Policies 1.1.1 and 1.1.2 identify the importance of economic, social and cultural wellbeing of people and communities through the resilient use, development and protection of natural and physical resources.

The project is considered to be consistent with these objectives and policies as the enabling of further renewable electricity generation will provide for security of electricity supply and displace thermal generation, while also ensuring that adverse effects are management in accordance with the directives set out in Policy 1.2.1.

9.5.5.2 Chapter 2: Kāi Tahu Values and Interests

Objective 2.1 specifies that the principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions, while the underlying policies (2.1.1 and 2.1.2) set out treaty obligations and principles.

Objective 2.2 specifies that Kāi Tahu values, interests and customary resources are recognised and provided for while the underlying policies promote Kai Tahu wellbeing, recognising sites of cultural significance and Wāhi tupuna. Policies 2.2.1, 2.2.2 and 2.2.3 support this objective.

During discussions with Aukaha and Te Rūnanga o Ōtākou at the time of the original land use consent, it was determined that there were no known sites or areas of particular cultural significance within the project site. However, Old Dunstan Road, located to the north of the site, was formed along the route of a Māori trail, and therefore it is possible that Māori travelled through the project site.

Notwithstanding the above, TWP is engaged in a process of ongoing consultation with mana whenua to between understand their values and interest with respect to the proposed amendments to the layout and configuration of the consented wind farm. The outcomes of



this consultation to date are described in Section A.10 (Consultation and Engagement) and will be reported further as information becomes available.

Subject to the outcome of the further consultation, it is noted that the consenting of a wind farm on the site was previously considered to align with the expectations of sections 6(e) and 7(a) of the RMA. As such, there is no evidence to indicate that the proposal is inconsistent with the relevant objectives and policies of Chapter 2.

9.5.5.3 Chapter 3: Natural Resources and Ecosystems

Two objectives are contained in chapter 3 provide that the values of ecosystems and natural resources are recognised and maintained or enhanced where degraded. The subsequent objective specifies that Otago's significant and highly valued resources are identified, and protected or enhanced where degraded. The underlying policies in the chapter seek to identify and manage outstanding natural features and landscapes, as well as manage natural resources and ecosystems.

In terms of Objective 3.1 and its supporting policies, the analysis provided in relation to sections 6 and 7 of the RMA and the NPS-FM above are considered to apply equally to these provisions. In this regard, a range of measures are proposed to ensure that the construction of Puke Kapo Hau occurs in a manner that safeguards the values of the watercourses within and around the project site (including via the implementation of best practice sediment and erosion control measures). In addition, compensatory measures are proposed in relation to wetlands and streams in order to provide for the overall protection of aquatic and wetland ecosystem values.

Objective 3.2 sets out that Otago's significant and highly-valued natural resources are identified and protected, or enhanced where degraded. This objective underscores the importance of maintaining the integrity and resilience of the region's natural systems while enabling their appropriate use and development.

Policy 3.2.2 requires management of significant indigenous vegetation and habitats by maintaining those values that contribute to the area or habitat being significant, and by:

- > Avoiding significant adverse effects on other values of the area or habitat;
- > Remedying when other adverse effects cannot be avoided;
- > Mitigating when other adverse effects cannot be avoided or remedied;
- > Encouraging enhancement of those areas and values that contribute to the area or habitat being significant; and

- > Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.

Puke Kapo Hau does not contain any areas of indigenous vegetation or wetlands that have identified as a SNA in the Clutha District Plan or the Water Plan. However, SLR (2025) and SLR – Aquatic (2025) have both identified that there are parts of project site that contain indigenous vegetation and habitats of indigenous fauna that would meet the significance criteria Schedule 4 – Criteria for the identification of areas of significant indigenous vegetation and habitat of indigenous fauna. Blueprint Ecology (2025) identifies that the site contains a species of conservation significance (tussock skink). These significant indigenous vegetation and habitats of indigenous fauna are as follows:

- > Wetlands;
- > At Risk plant species: *Carmichaelia petriei* on edge of waterbody at one site, *Epilobium chionanthum* in some wetlands, *Carex tenuiculmis* in transmission line corridor wetlands; and an *Olearia lineata* tree located within grassland gully;
- > Threatened and At Risk aquatic invertebrates (including kōura) and fish (Eldon's galaxias, kōaro) in waterbodies; and
- > At Risk lizards (tussock skink) in grasslands.

Wetlands have been identified for their rarity (i.e. they contain an indigenous species that is threatened or at risk) and ecological context (i.e. they help buffer and protect downstream water quality and fish habitat). The layout of Stage 2 of Puke Kapo Hau has ensured avoidance of wetlands except for the limited instances where is not practicable to avoid works within or within 10 m of a wetland. SLR (2025) have concluded that following compensation and implementation of a range of ecological monitoring and management plans, the actual and potential adverse will be minimal.

Of the recorded at-risk plant species, *Carmichaelia petriei* and *Olearia lineata* are located away from areas subject to construction works. Care has been taken with the design layout to avoid potential adverse effects on the at-risk plant species *Epilobium chionanthum* and *Carex tenuiculmis*, with monitoring to be undertaken via a C&EMP. This monitoring will ensure that any unanticipated effects from construction works will be identified, and the appropriate remedial actions undertaken. The installation of the new culvert in the Lee Stream tributary is the only component of Stage 2 of Puke Kapo Hau that cannot avoid works within a waterbody. To manage adverse effects on aquatic ecology, the project will implement best practice construction methods including timing of construction; erosion and sediment controls; water quality monitoring; fish salvage of Eldon's galaxias; and a design which provides for fish passage. In addition, a compensation site is provided in the

lower reaches of the true right branch of the stream upstream of the works area and will be the release site for salvaged fish. Details of fish salvage and monitoring are provided in the NFRP.

Blueprint Ecology (2025) have assessed the lizard species and habitats known or predicted to be present in the project site and have used the same underlying vegetation clearance data set from SLR. Blueprint Ecology (2025) have identified that the at-risk tussock skink occupy a relatively narrow range of habitats (occurring in tussock lands, rough pastures, open shrublands and wetlands). It has been identified that proposed changes to the Stage 2 layout will result in an adverted loss of 0.1 ha of lizard habitat values that directly balance the adverse effects 0.1 ha of lizard habitat values associated with the new consent activities including the transmission line. Following the implementation of the LMP, the actual and potential adverse effects of Stage 2 of Puke Kapo Hau on lizards will be positive through an increase in extent and quality of lizard habitats that will be protected by way of covenant.

Overall, Puke Kapo Hau had been designed to avoid effects on indigenous vegetation and habitats wherever practicable. Where clearance or modification is unavoidable, the extent of disturbance has been minimised through refinement of the layout design. Any effects on indigenous vegetation and habitat will be minimal and will be appropriately mitigated including via condition 14 of the existing land use consent – which required the 59ha Scrappy Pines Block to be fenced, woody weeds removed, snow tussock transplanted to the area and subsequently protected by a QEII covenant.

In this regard, it is considered that the project demonstrates alignment with the effects management expectations of Policy 3.2.2 and is consistent with its intent to maintain and enhance the ecological integrity of the examples of significant indigenous vegetation and habitats of indigenous fauna located within Stage 2 of Puke Kapo Hau.

With respect to Policies 3.2.4 and 3.2.6, and the management of activities around outstanding natural landscapes and features and other highly valued landscapes, the commentary above with respect to sections 6(b) and 7(c) of the RMA applies equally.

Policy 3.2.16 seeks to ensure that the functions and values of wetlands are protected. As previously noted, wetlands within the project site have largely been avoided such that any significant values have been maintained – with the exception of approximately 476 m² that will need to be disturbed. With respect to the wetlands that will be disturbed any residual effects will be compensated for through the WACP (refer to Part C.12). In addition, pest management measures and existing consent conditions will further secure the long-term ecological outcomes. Collectively, these measures will ensure that the values which contribute to the wetlands within the project site are enhanced in accordance with Policy 3.2.16 of the Operative RPS.

Overall, it is considered that the management of potential adverse effects on high value ecosystems and landscape will be undertaken in a manner consistent with the relevant provisions of Chapter 3.

9.5.5.4 Chapter 4: Resilient, Safe and Healthy Communities in Otago

Objective 4.1 refers to the risks of natural hazards to communities being minimised. The objective is supported by a range of policies that reinforce this theme – including consideration of measures to avoid, remedy or mitigate the risks or consequences of natural hazards (e.g. Policies 4.1.4 and 4.1.5).

The management of significant risks from natural hazards has been considered and there are appropriate factors of safety in the design of the various elements of the project. These are outlined in the assessment of natural hazards in Section A.07 (Assessment of Environmental Effects) of this substantive application.

Objective 4.2 seeks to ensure communities are prepared for and able to adapt to the effects of climate change. Policy 4.2.2 seeks that the effects of climate change are taken into account and activities that assist to reduce or mitigate the effects of climate change are encouraged. As previously noted, the potential effects of climate change, in terms of changes in rainfall intensity and environmental conditions, have been considered in the engineering assessment for Puke Kapo Hau - including the management of sediment during construction and culvert sizing. As such, the project is consistent with Objective 4.2 and its accompanying policies.

Objectives 4.3 and 4.4 set out that infrastructure, energy resources and supplies are developed in a sustainable way and are secure and reliable.

Relevant policies that support Objective 4.3 to ensure infrastructure is managed and developed in a sustainable way include Policies 4.3.1 to 4.3.4 and 4.3.6. The key ways in which the project is consistent with these policies include:

- > The project will improve the efficiency of the natural resources associated with Puke Kapo Hau via allowing for more modern turbines that can generate more electricity from the proven wind resource (Policy 4.3.1(c));
- > The project being a renewable electricity generation activity – which is recognised as being an activity of national and regional significance (Policy 4.3.2); and
- > The wind farm has a functional need to locate where the wind resource is located and where there is an existing consent for a wind farm (Policy 4.3.3).

Policy 4.3.4 seeks to manage the adverse effects of regionally / nationally significant infrastructure as follows:

- > Giving preference to avoiding locating infrastructure in areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- > Where it is not practicable to avoiding locating in the above areas because of a functional need of the infrastructure, adverse effects on the values that contribute to the significant area should be avoided, and other adverse effects should be avoided, remedied or mitigated; and
- > Considering offsetting for residual adverse effects on indigenous biodiversity.

Riley – Civil (2025) confirms that there is a functional need for the proposed infrastructure in the wetland and stream locations. While the layout and design have been adapted to avoid indigenous vegetation and habitats of indigenous fauna wherever practicable, there are two areas where avoidance is cannot be achieved due to the needs of access to the project site. The Stage 2 layout now avoids areas of high indigenous vegetation and habitats such as the consented turbine and track locations in the Thomas Block and QEII covenanted area. The effects on significant indigenous vegetation and habitats, and indigenous biodiversity, have been considered in SLR (2025) and Boffa Miskell (2025), which are also summarised in Section A.07 (Assessment of Environmental Effects) of this substantive application.

In these instances, the residual effects will be addressed through targeted compensation measures proposed in the WACP. In addition, a comprehensive suite of ecological management plans has been prepared to manage and enhance indigenous biodiversity more broadly across the project site, including ongoing monitoring, pest control, and habitat management. Together, these measures ensure that the project appropriately protects significant indigenous vegetation and habitats, and indigenous biodiversity more generally, in line with the intent of Policy 4.3.4.

Policy 4.4.1 encourages the provision of renewable electricity generation by recognising the benefits, functional needs and importance of the resource needs of these activities. Policy 4.4.4 enables electricity transmission and distribution infrastructure activities where they maintain or improve security and reliability of supply, and avoid, remedy or mitigate adverse effects. Policy 4.4.5 recognises and provides for electricity distribution infrastructure in various ways, including recognising the functional needs of such infrastructure. The project is aligned with these policies in that Puke Kapo Hau will provide for renewable energy generation and distribution infrastructure (and their associated benefits) in an appropriate location, and in a manner that avoids, remedies and mitigates adverse effects on the environment.

The project is also consistent with Objective 4.6 and Policy 4.6.2 in relation to hazardous substance use, storage and disposal as outlined in Section A.07 (Assessment of Environmental Effects) of this substantive application. In this regard, the ECMP sets out measures to minimise the risk of hazardous spill events occurring.

9.5.5.5 Chapter 5: Use and Enjoyment of Natural and Built Environment

Objective 5.4 seeks to ensure that the adverse effects of using and enjoying Otago's natural and physical resources are minimised. This is considered to be achieved, with appropriate management plans and conditions in place.

Policy 5.2.3 relates to managing historic heritage. These effects have been considered in Section A.07 (Assessment of Environmental Effects) of this substantive application. An archaeological authority also forms part of the applications for Puke Kapo Hau and accidental discovery protocols are already in place through the existing consent conditions. In addition, the AMP will address the archaeological monitoring of earthworks. The project is, therefore, considered to be consistent with Policy 5.2.3 through appropriate management measures.

Objective 5.3 relates to the use of land for economic production and Policy 5.3.1 provides for other activities that have a functional need to locate in rural areas. Rural grazing will continue beneath the wind turbines – as per Stage 1.

In line with Policy 5.4.6, the project has considered the control of pest species. The existing consent requires pest control to protect falcon nests and juveniles from predation within the project site – this will continue with the advancement of Stage 2 of Puke Kapo Hau. Blueprint (2025) have noted that existing pest control measures will also be of benefit to lizard habitat within the project site.

Woody weeds will be managed according to the WWMP. Of note, the WWMP sets out the requirements regarding vehicle use, vehicle hygiene, sourcing of weed-free construction materials, prompt revegetation of bare earth following earthworks, and weed monitoring and control. This also aligns with the intent of Policy 5.4.6.

Overall, it is considered that the project is consistent with the relevant objectives and policies of Chapter 5 of the Operative RPS.

9.5.6 Proposed Otago Regional Policy Statement 2021

Decisions on the Proposed RPS were released in March 2024 and it is noted that a number of the provisions are still under appeal (and as such are given limited weight and consideration at this time). However, the following provisions are outlined as they are relevant to this substantive application for Puke Kapo Hau.



Table 9.2: Relevant Provisions of the Proposed RPS

Chapter	Provision
EIT-EN - Energy chapter	EIT-EN-O1 – Energy and social and economic well-being
	EIT-EN-O2A – Greenhouse gas emissions and renewable energy targets
	EIT-EN-O2 – Renewable electricity generation
	EIT-INF-O6 – Electricity transmission
	EIT-EN-P2 – Recognising renewable electricity generation activities in decision making
	EIT-EN-P3 – The security of renewable electricity generation supply
	EIT-EN-P6 – Managing effects
EIT-INF - Infrastructure chapter	EIT-INF-O4 – Provision of infrastructure
	EIT-INF-P9A – Providing for electricity distribution
	EIT-INF-P12 – Upgrades and development
	EIT-INF-P13 – Locating and managing effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment
	EIT-INF-P14 – Decision making considerations
IM -Integrated Management chapter	IM-O1- Long term management of natural and physical resources (under appeal)
	IM-O2 – The management of natural and physical resources embraces ki uta ki tai, recognising that the environment is an interconnected system (under appeal)
	IM-O3- Communities provide for their social, economic, and cultural well-being sustainably (under appeal)
	IM-O4 – Responding to climate change (under appeal)
	IM-P1 – Integrated approach to decision-making (under appeal)
	IMP-P10 – Climate change adaptation and climate change mitigation (under appeal)
	IMP-P12 – Contravening limits for climate change adaptation and climate change mitigation (under appeal)
LF - Land and Freshwater Chapter	LF-WAI-O1 – Health and wellbeing of waterbodies (under appeal)
	LF-WAI-P1 Decision making affecting fresh water (under appeal)

Chapter	Provision
	LF-WAI-P2 Recognise and give practical effect to Kāi Tahu rakatirataka (under appeal)
	LF-WAI-P3 Integrated use of fresh water and land (under appeal)
	LF-FW-O1A – Visions set for each FMU and rohe
	LF-VM-O4 – Taiari FMU vision
	LF-FW-O9 – Wetlands
	LF-FW-O10 – Natural character
	LF-FW-P10A – Managing wetlands
	LF-FW-P13 – Preserving natural character and instream values
	LF-FW-P15 – Stormwater discharges
	LF-LS-P18 – Soil erosion
HCV -Historical and Cultural Values Chapter	HCV-WT-O1 – Kāi Tahu wāhi tupuna
	HCV-WT-O2 – Rakatirataka (under appeal)
	HCV-WT-P1 – Recognise and identify wāhi tupuna (under appeal)
	HCV-WT-P2 – Management of effects on wāhi tupuna (under appeal)
	HCV-HH-O3 – Historic heritage resources
	HCV-HH-P5 – Managing historic heritage (under appeal)
ECO – Ecosystems and indigenous biodiversity	ECO-O1 – Indigenous biodiversity (under appeal)
	ECO-O2 – Restoring and Enhancing (under appeal)
	ECO-O3 – Kaitiakitaka and stewardship (under appeal)
	ECO-P2 – Identifying significant natural areas and taoka (under Appeal)
	ECO-P3 – Protecting significant natural areas and taoka (under appeal)
	ECO-P6 – Maintaining Indigenous Biodiversity (Under appeal)
	ECO-P8 – Restoration and Enhancement (under appeal)

9.5.6.1 Energy

Renewable energy generation is encouraged through the objectives and policies of the Energy Chapter. In this regard, EIT-EN-O1 states that “*the health and wellbeing of Otago’s communities and economy are supported by renewable electricity generation within the region that is safe, secure, and resilient*”. The benefits of Puke Kapo Hau in terms of



providing for the health and wellbeing of communities and economy is discussed in detail throughout this substantive application – and it is considered that the project will contribute to this outcome.

Similarly, the project will contribute to the overall reduction in New Zealand’s greenhouse gas emissions and the achievement of national targets for emissions reduction (Objective EIT-EN-O2A). In this regard, the project will contribute approximately 549 GWh of electricity per annum and, therefore, contribute to the decarbonisation of the New Zealand economy by displacing up to 600,000 tCO₂-e annually.

The matters relating to the provision of renewable electricity generation activities in Policies EIT-EN-P1, P2 and P3 are similarly to those set out in the NPS-REG, and the conclusions reached in relation to the national policy statement apply equally to these policies.

Policy EIT-EN-P6 requires that the management of adverse effects of renewable electricity generation activities is managed by:

- > Applying EIT-INF-P13 (which relates to locating and managing effects of infrastructure);
- > Having particular regard to:
 - > the functional need to locate renewable electricity generation activities where resources are available; and
 - > the operational need to locate where it is possible to connect to the National Grid or electricity sub-transmission infrastructure; and
- > Having regard to the extent and magnitude of adverse effects on the environment and the degree to which unavoidable adverse effects can be remedied or mitigated, or significant residual adverse effects are offset or compensated for; and
- > Requiring consideration of alternative sites, methods and designs, and offsetting or compensation measures (in accordance with any specific requirements for their use in this RPS), where adverse effects are potentially significant or irreversible.

Policy EIT-INF-P13 relates to avoiding infrastructure in significant natural areas and natural inland wetlands and rivers as a first priority, and that if it is ‘not reasonably practicable to avoid locating in these areas because of the functional or operational needs of the infrastructure’ to apply the approach to effects management in the likes of Policy ECO-P3.

As previously noted, indigenous vegetation clearance has been authorised by way of the existing land use consent. The wind farm layout changes will result in avoidance of approximately 3.5 ha of snow tussock grassland and approximately 0.2 ha of wetlands and will increase the extent of clearance of rough pasture by 3.2 ha. Overall, this results in a



reduction in permanent effects to the extent of suitable habitat for native lizards and indigenous vegetation cover.

Similarly, the functional need for the activities associated with the construction of Stage 2 of Puke Kapo Hau have been explained above – and apply equally in the context of this policy. Where the avoidance of natural inland wetlands is not possible, appropriate ecological compensation has been provided or is proposed to provide for habitat restoration and enhancement.

In addition, and in line with the existing land use consent, construction and operational monitoring and control measures, such as falcon monitoring and pest management, will be implemented. As such, Puke Kapo Hau is considered to be consistent with the effects management directives of Policy EIT-EN-P6.

9.5.6.2 Infrastructure

The objectives and policies of the Proposed RPS seek to provide for infrastructure, including electricity transmission infrastructure, in a manner that provides for the social and cultural wellbeing of people and communities.

In addition to the above, the likes of Policy EIT-INF-P9A seek that the adverse effects of electricity transmission infrastructure be managed in accordance with Policy EIT-INF-P13. The commentary above with respect to Policy EIT-INF-P13 applies equally to electricity transmission infrastructure –in that appropriate ecological compensation has been provided or is proposed to provide for habitat restoration and enhancement for residual effects.

Overall, it is considered that Puke Kapo Hau will be consistent with the objectives and policies in the Proposed RPS regarding infrastructure.

9.5.6.3 Land and Freshwater

For the same reasons set out above in relation to the NPS-FW and the Operative RPS, it is considered that the project will be consistent with the outcomes sought by Policy LF-FW-O9 – Wetlands; LF-FW-P10A – Managing Wetlands; LF-FW-O10 – Natural Character; LF-FW-P13 – Preserving natural character and instream values; and LF-FW-P14 – Restoring natural character and instream values.

The stormwater management methods outlined in Section A.07 (Assessment of Environmental Effects) of this substantive application are considered appropriate to effectively minimise potential adverse effects of direct and indirect discharges of stormwater to freshwater, and will also be consistent with the outcomes sought by Policy LF-FW-P15.

9.5.6.4 Historical and Cultural Values

As previously noted, consultation is taking place with mana whenua regarding the potential for cultural effects associated with the proposed changes to the layout and configuration of the wind farm. The outcomes of this consultation to date are described in Section A.10 of this substantive application and will be reported further as information becomes available.

Subject to the outcome of the further consultation, it is noted that the consenting of a wind farm on the site was previously considered to align with the expectations of sections 6(e) and 7(a) of the RMA. As such, there is no evidence to indicate that the proposal is inconsistent with Objectives HCV-WT-O1 and O2 and their associated policies.

With respect to Objective HCV-HH-O3 and its associated policies, an archaeological authority is also being sought through these applications and accidental discovery protocols for any sites of significance to iwi that are uncovered will remain as conditions of the existing land use consent. With these measures in place, it is considered that Puke Kapo Hau will protect scheduled sites of historic heritage from inappropriate development in accordance with the objective.

9.5.6.5 Ecosystems and Indigenous Biodiversity

Objective ECO-O1 seeks that Otago's indigenous biodiversity is healthy and thriving and any overall decline in condition, quantity and diversity is halted.

A number of ecological technical reports have been prepared on this topic and suitable ecological management and monitoring plans and notably the compensation sites outlined in the WACP provide for consistency with this objective.

SLR (2025), SLR – Aquatic (2025) and Blueprint Ecology (2025) have assessed the ecological significance of the indigenous vegetation and habitats of indigenous fauna and have identified that there are parts of project site that are of significance value against the criteria contained in APP2.

These assessments have found that following compensation for directly affected wetlands and loss of stream habitat, and implementation of a range of ecological monitoring and management plans, the actual and potential adverse effects of Stage 2 of Puke Kapo Hau on significant indigenous vegetation and habitats of indigenous fauna will be minimal.

It is also considered that Policies ECO-P2, ECO-P3 and P6 can be achieved in that the effects management hierarchy has been applied in relation to indigenous biodiversity, and effects are avoided remedied, mitigated and compensated for to the extent practicable for this regionally and nationally significant infrastructure. Restoration and enhancement of

indigenous biodiversity is provided for in the selection of compensation sites as outlined in the WACP (and this will be consistent with Policy ECO-P8) and LMP.

For similar reasons to that set out under the Operative RPS, overall, it is considered that the project will be consistent with the provisions regarding indigenous biodiversity in the Proposed RPS.

9.5.7 The Regional Plan: Water for Otago 2004

The Regional Plan: Water for Otago was made operative in 2004 and was last updated in August 2025.

The project involves various activities that require consideration against the relevant provisions of the Regional Plan: Water for Otago as set out in Table 9.3.

Table 9.3: Relevant provisions of the Regional Plan: Water for Otago

Chapter/s	Relevant Provisions
Chapter 5 - Natural and human use values of lakes and rivers	Objectives: 5.3.1, 5.3.2, 5.3.3, 5.3.4, 5.3.5 Policies: 5.4.1, 5.4.2, 5.4.2A, 5.4.4, 5.4.5, 5.4.7, 5.4.8 to 5.4.13
Chapter 6 – Water Quantity	Objective 6.3.1 and 6.3.2A Policy 6.4.1A
Chapter 7 - Water Quality	Objective 7.A.1, 7.A.2, 7.A.3 Policy 7.B.3
Chapters 8 – The beds and margins of lakes and rivers	Objective 8.3.1, 8.3.2, 8.3.5 Policy 8.4.1, 8.5.1, 8.6.1
Chapter 9 - Groundwater	Objective 9.3.1 and 9.3.3 Policy 9.4.1, 9.4.2, 9.4.14, 9.4.17 to 9.4.21
Chapter 10 - Wetlands	Objective 10.3.1 Policy 10.4.2, 10.4.6 and 10.4.8
Chapter 10A - Replacement Take and Use Permits	Objective 10A.1 Policy 10A.2.1



9.5.7.1 Natural and Human Use Values of Lakes and Rivers

The Regional Plan recognises the dependence of people and communities on long-standing and traditional uses of these resources, and the need for continued use and development. However, in enabling continued use and development, it is important that adverse effects on the existing natural and human use values supported by lakes and rivers and their margins are avoided, remedied or mitigated.

Objective 5.3.1 seeks to maintain or enhance the natural and human use values, identified in Schedules 1A, 1B and 1C, that are supported by Otago's lakes and rivers. The Lee Stream is listed as having Schedule 1A natural values. These values are not considered to be adversely affected by the proposal as appropriate mitigation measures are proposed during culvert construction in one of its tributaries, including erosion and sediment controls.

As identified by Objective 5.3.2 and Policy 5.4.2, the relationship Kāi Tahu have with Otago's water resources are recognised and provided for through consultation undertaken and mitigation measures proposed within the proposed conditions.

Policy 5.5.4 and 5.4.2A requires that the loss of river extent and values (relevant to Lee Stream tributary) is avoided, unless the council is satisfied that there is a functional need for the activity in that location; and the effects of the activity are managed by applying the effects management hierarchy.

The commentary in the NPS-FW is considered to address these policies – as they have been included in the Regional Plan as a result of the higher order national planning instruments.

Objective 5.3.3 seeks to protect the natural character of Otago's lakes and rivers and their margins from inappropriate subdivision, use or development. The natural character effects associated with the construction of Puke Kapo Hau are assessed in Isthmus (2025). In this regard, the project has also been designed to avoid wetlands and watercourses as far as practicable. In addition to the existing QEII covenanted area established as part of Stage 1 of Puke Kapo Hau, new wetland and aquatic compensation sites are proposed to compensate for any loss of wetlands and watercourses. Overall, Isthmus (2025) concludes that the project will preserve the natural character of wetlands, rivers / streams and their margins from inappropriate development.

Objective 5.3.4 seeks to maintain or enhance the amenity values associated with Otago's lakes and rivers and their margins. Rivers and their margins are largely avoided through design, with the exception of Lee Stream tributary where a new culvert (to replace a smaller existing culvert) is proposed and restoration measures are proposed. With the implementation of these measures, and the adherence to erosion and sediment controls, it



is considered that the amenity values of rivers in and around the project site will be maintained.

Overall, it is considered that the construction of Puke Kapo Hau will be consistent with the relevant provisions within Chapter 5 of the Regional Plan.

9.5.7.2 Water Quantity

The project requires a temporary take of groundwater to facilitate dewatering associated with construction activities - primarily associated with turbine foundations.

Objective 6.3.1 seeks to avoid the loss or degradation of aquatic ecosystems supported by rivers and the natural character of those rivers.

Objective 6.3.2A seeks to maintain long term ground water levels and water storage in Otago's aquifers, particularly if there is a risk that levels and pressures of groundwater in aquifers is reduced as a result of water taken at a greater rate than it is being replaced by aquifer recharge.

Dewatering of foundations has been considered against Policy 6.4.1A, which sets out how consumptive groundwater takes are classified based on its connection to surface water. If groundwater is taken from an aquifer listed in Schedule 2C, or from within 100 m of a connected stream, river, or other perennial surface water body, it is treated as a surface water take and becomes subject to the same minimum flow restrictions that apply to surface water.

Where the take is located more than 100 m away but still causes a measurable depletion (of 5 litres per second or more) in a connected surface water body, it is treated as a combined groundwater and surface water take. In all other cases, where the take is sufficiently distant or has minimal effect on surface water, it is classified purely as a groundwater take.

Policy 6.4.1.A is not engaged by the project as:

- > Groundwater takes for turbine foundation dewatering are located more than 100 m from any connected perennial surface waterbody, and will not cause flow depletion of more than 5 litres per second;
- > Wetlands within 100 m are considered hydrologically disconnected under the policy, being primarily fed by precipitation and snow melt. Therefore, any temporary groundwater abstraction is not expected to alter wetland hydrology; and
- > Riley (2025) and SLR (2025) confirm that dewatering activities will not impact groundwater tables or surface water flows. Water intercepted during dewatering will be

treated and discharged downslope, preserving natural hydrological pathways and avoiding adverse ecological effects.

For these reasons, it is concluded that the construction of Puke Kapo Hau is consistent with the provisions in Chapter 6 of the Regional Plan.

9.5.7.3 Water Quality

The objectives of the Regional Plan seek to enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kāi Tahu values.

Policy 7.B.3 allows discharges of water or contaminants to lakes, rivers, wetlands and groundwater that have minor effects or that are short-term discharges with short-term adverse effects.

There are a number of ways that water quality effects are being mitigated through this project. The primary methods during construction works involve discharging to land (in preference to discharging directly to water) where practicable and employing stormwater management and erosion and sediment controls (refer to the ECMP in Part C.01).

The operational discharges relate to discharges from buildings and impervious areas and will be managed through implementation of stormwater management principles set out in Section A.07 (Assessment of Environmental Effects) of this substantive application.

9.5.7.4 The Beds and Margins of Lakes and Rivers

Objectives 8.3.1, 8.3.2 and 8.3.5 seek to

- > Recognises that activities occurring in, on, under or over the bed or margins of lakes and rivers can exacerbate or create hazards by changing hydrological or fluvial processes;
- > Minimise reduction in water clarity caused by bed disturbance; and
- > Maintain the passage of fish, or improve the passage of fish, by instream structures, except where it is desirable to prevent the passage of some fish.

The accompanying policies seeks that changes in the nature of flow and sediment processes are avoided where those changes will cause adverse effects, and that provision be made for the upstream and downstream passage of fish.

The construction of the culvert required for this project through the Lee Stream Tributary has given consideration to these relevant objectives and policies through the mitigation measures proposed, including construction methodologies that include erosion and

sediment controls and designing provisions for fish passage, as guided by the project ecologists.

For these reasons, Puke Kapo Hau is consistent with the provisions in Chapter 8 of the Regional Plan.

9.5.7.5 Groundwater

The objectives and policies of Chapter 9 of the Regional Plan seek to ensure that groundwater is not contaminated through inappropriate land use, discharge or accidental spill of contaminants, over-abstraction of water, and inappropriate siting, construction and operation of bores.

A groundwater take is required for the dewatering for foundations of turbines, access roads, and other infrastructure. This is a temporary construction activity, and appropriate controls are provided through conditions of consent and management plans to ensure no over abstraction or accidental spills are likely to occur that may adversely affect groundwater.

Overall, the project is considered to be consistent with the outcomes sought by the provisions in Chapter 9 of the Regional Plan.

9.5.7.6 Wetlands

The objectives of Chapter 10 seek to ensure Otago's wetlands and their individual and collective values and uses will be maintained or enhanced for present and future generations, and that Regionally Significant Wetlands are recognised and sustained. It is noted that Puke Kapo Hau does not affect any Regionally Significant Wetland.

Policy 10.4.8 states that the loss of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:

- (a) *The loss of extent or values arises from any of the following:*
 - (vi) *The maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.*
- (b) *The regional council is satisfied that:*
 - (i) *The activity is necessary for the construction or upgrade of specified infrastructure; and*
 - (ii) *The specified infrastructure will provide significant national or regional benefits; and*
 - (iii) *There is a functional need for the specified infrastructure in that location; and*

- (iv) *The effects of the activity are managed through applying the effects management hierarchy.*

The commentary provided with respect to the NPS-FM is considered to address this policy – given that it has been directed into the Regional Plan via the higher-order policy documents.

Overall, and for the reasons noted in the sections above, the project will also be consistent with Objective 10.3.1 and the associated policies regarding the management of wetlands.

9.5.8 Regional Plan: Waste for Otago

The Regional Plan: Waste for Otago was made operative in April 1997 and is relevant to this project in regard to the management of hazardous substances - as set out in Table 9.4.

Table 9.4: Relevant provisions of the Regional Plan: Waste for Otago

Chapter/s	Relevant Provisions
Chapter 6: Hazardous Substances and Hazardous Wastes	Objective 6.3.1 and 6.3.2 Policy 6.4.1, 6.4.12

9.5.8.1 Hazardous Substances and Hazardous Wastes

Objective 6.3.1 requires the avoidance, remediation and mitigation of risk to the environment and human health from hazardous substances and hazardous wastes.

As detailed in Section A.07 (Assessment of Environmental Effects) of this substantive application, the storage, use and handling of any hazardous substances associated with Puke Kapo Hau will remain in accordance with the requirements of the Hazardous Substances and New Organisms Act 1996.

Appropriate spill mitigation and contingencies associated with hazardous substances required during construction and operation within the project site are presented in the ECMP – and these measures will ensure that any risks to the environment and human health are avoided, remedied or mitigated.

9.5.9 Clutha District Plan

All of the infrastructure proposed for Puke Kapo Hau is situated within the Rural Resource Area under the Clutha District Plan and there are no other notable features / overlays on the relevant planning maps of relevance to the project. In this regard, and as previously noted, the project site is not located within an outstanding natural landscape nor is it an identified

area of significant indigenous vegetation or habitat for indigenous fauna or are of cultural significance.

The following chapters of the Clutha District Plan have been considered.

Table 9.5: Relevant Provisions in the Clutha District Plan

Chapter/s	Relevant Provisions
Chapter 3.4: Energy	Objective ELG.1, ELG.2 and ELG.4 Policy ELG.2, ELG.3, ELG.4
Chapter 3.14: Infrastructure	Objective INF.1, INF.2, INF.4, INF.5 Policy INF.3, INF.4, INF.5, INF.6, INF.11
Chapter 3.2: Mana whenua	Objective MAO.1, MAO.4, MAO.5 Policy MAO.1, MAO.2, MAO.8, MAO.9, MAO.10
Chapter 3.5: Heritage	Objective HER.1, HER.3
Chapter 3.13: Noise	Objective NSE.1 Policy NSE.1, NSE.2, NSE.4
Chapter 4.1: Rural Resource Area	Objective RRA.1, RRA.2, RRA.4, RRA.5 Policy RRA.2, RRA.5, RRA.6, RRA.7, RRA.8

9.5.9.1 Chapter 3.4: Energy

Objective ELG.1, ELG.2 and ELG.4 relate specifically to ensuring that the benefits of the district's renewable energy resources and electricity facilities are recognised as important and have several benefits, including contributing to the economic, social and health and safety needs of individuals and the community.

Policy ELG.2 addresses the importance of ensuring the appropriateness of the location of any new electricity generation facility and has regard to the constraints often imposed on infrastructure development. There is recognition that it is not always practicable or possible to prevent all adverse effects due to the functional or locational constraints often associated with the provision of energy infrastructure.



Policy ELG.3 specifies that when assessing such applications that social, economic, cultural, hazard constraints, landscape and ecological matters are given specific consideration.

Policy ELG.4 specifies that in determining the significance of effects, consideration should also be given to whether the proposal supports reducing greenhouse gas emissions, will maintain electricity security, reduces reliance on imported fuels and whether the facility uses renewable resources.

It is considered that the proposal aligns with these relevant objectives and policies identified above and that Section A.07 (Assessment of Environmental Effects) of this substantive application further addressed the relevant effects assessment matters listed under Policy ELG.3. Additionally, and with reference to Policy ELG.4, the project is associated with renewable energy production and distribution, and that this should also be given regard to when determining the application.

Overall, it is considered that the proposal is consistent with the relevant objectives and policies contained within Chapter 3.4 of the Clutha District Plan.

9.5.9.2 Chapter 3.14: Infrastructure

Objective INF.1 recognises the essential and positive contribution that infrastructure makes to the social, economic, cultural and health and safety wellbeing of the District's people and communities. Policy INF.3 further seeks that the development of infrastructure is provided for to meet the needs identified by Objective INF.1.

Objective INF.2 seeks to promote a safe and efficient infrastructure systems that integrate with land use activities and minimises, as far practicable, any potential adverse effects such as those relevant to this application and considered within Section A.07 (Assessment of Environmental Effects) of this substantive application. The supporting policies (Policy INF.3 and INF.4) describe the approach to avoid, remedy or mitigate effects. This includes those which may adversely affect landscape amenity, natural character, cultural values and ecological values, all which have been considered within this substantive application and supporting technical assessments.

Objective INF.4 and INF.5 each provide specifically for electricity transmission infrastructure, as do underlying Policies INF.4, INF.5 and INF.6. The project is considered to be aligned and supported by these relevant enabling objectives and policies.

Policy INF.11 relates to managing the development of the transport network and ensuring this provides for the intended level and type of traffic usage and that new routes are efficient

and effective. Beca (2025) addresses the transportation route to ensure that these are efficient and effective for supply of materials for the project.

The proposal is considered to be consistent with the relevant provisions of the infrastructure chapter of the Clutha District Plan.

9.5.9.3 Chapter 3.2: Mana Whenua

Chapter 3.2 of the Clutha District Plan outlines the primary concerns of Māori in terms of the District Plan and the Clutha District Council's responsibility under the RMA.

As discussed in Section A.07 (Assessment of Environmental Effects), the site is not subject to any identified sites of heritage or cultural values. Therefore, only the higher-level objectives and policies have been assessed rather than those which relate to specific sites or overlays identified in the planning maps.

With respect to Objective MAO.1 and Policy MAO.1, the analysis provided above with respect to section 6(e) and 7(a) of the RMA, and the Proposed RPS, is considered to equally apply to this objective and policy.

The Kāi Tahu Ki Otago Iwi Natural Resource Management Plan has been considered in detail within Section 9.6.1 below as an 'other matter' under section 104(1)(c) of the RMA. As such, the project is considered to be consistent with Objective MAO.2.

In addition, the application of the recommendations made in the ecological assessment and construction methodologies, will ensure that any potential effects on water quality and Waahi Taoka (Treasured Resources) are able to be appropriately mitigated. As such, the project is also considered to be aligned with the outcomes sought by Objectives MAO.4 and MAO.5, and Policies MAO.9 and MAO.10.

9.5.9.4 Chapter 3.5: Heritage

Indigenous vegetation, habitats of indigenous fauna and indigenous biodiversity and landscapes are primarily addressed under Chapter 3.5 of the Clutha District Plan.

Objective HER.2 specifically relates to ensuring that the District's indigenous vegetation, habitats of indigenous fauna and indigenous biodiversity are recognised and provided for in the on-going use, development and protection of the District's natural and physical resources.

Policy HER.2A sets out the matters for consideration resource consents the clearance, modification or removal of indigenous vegetation or the clearance, modification or removal of any habitat of indigenous fauna. Of particular relevance to this project are:

- > Methods proposed to avoid, remedy, or mitigate adverse effects including, soil and water protection measures, pest control, fencing, replanting indigenous vegetation;
- > Offsetting;
- > Natural character, landscape or amenity values;
- > Value to the resource to Kāi Tahu; and
- > Social, cultural and economic effects.

As discussed in Section 9.5.5.3 (Operative RPS), Puke Kapo Hau does not contain any areas of indigenous vegetation or wetlands that have identified as a SNA in the Clutha District Plan (or the RSP / Water Plan). However, SLR (2025) and SLR – Aquatic (2025) have both identified that there are parts of project site that contain indigenous vegetation and habitats of indigenous fauna that would meet the significance criteria APP2 – Significance criteria for indigenous biodiversity in Schedule 4 of the Operative RPS and the Proposed RPS. Blueprint Ecology (2025) identifies that the site contains a species of conservation significance. These significant indigenous vegetation and habitats of indigenous fauna are as follows:

- > Wetlands;
- > At Risk plant species: *Carmichaelia petriei* on edge of waterbody at one site, *Epilobium chionanthum* in some wetlands, *Carex tenuiculmis* in transmission line corridor wetlands; and an *Olearia lineata* tree located within grassland gully;³²
- > Threatened and At Risk aquatic invertebrates (including kōura) and fish (Eldon's galaxias, kōaro) in waterbodies;³³ and
- > At Risk lizards (tussock skink) in grasslands.

These assessments have found that following compensation for directly affected wetlands and loss of stream habitat, and implementation of a range of ecological monitoring and management plans, the actual and potential adverse effects of Stage 2 of Puke Kapo Hau on significant indigenous vegetation and habitats of indigenous fauna will be minimal.

For similar reasons to that set out under the Operative RPS, it is also considered that Objectives HER.2 and Policy HER.2A can be achieved in that the effects on indigenous vegetation, habitats of indigenous fauna and indigenous biodiversity can be avoided

³² At Risk plant species *Carmichaelia petriei* and *Olearia lineata* are located outside of the Wind Farm Development Area and therefore will be avoided entirely.

³³ Managed through the RPS and Water Plan.

remedied, mitigated and compensated for to the extent practicable for this regionally and nationally significant infrastructure.

In particular:

- > Direct transfer of snow tussock will be undertaken according to the requirements outlined in the RMP.
- > At-risk *Epilobium chionanthum* and *Carex tenuiculmis* will be managed via a C&EMP that proposes monitoring at specific wetlands to manage potential impacts on these species.
- > Effects on invertebrates and lizard habitats will be mitigated through:
 - > Implementation of the LMP;
 - > Use of the Scrappy Pines Block QEII covenant area for relocating lizards; and
 - > Pest control.

With respect to landscapes, the commentary with respect to section 6(b) of the RMA and the Proposed RPS is considered to apply equally to Objective HER.3.

Overall, the project is considered to be consistent with the relevant provisions of the Heritage Chapter of the Clutha District Plan.

9.5.9.5 Chapter 3.13: Noise

Objective NSE.1 and supporting Policies NSE.1, NSE.2 and NSE.4 seek to protect the District's amenity values and the wellbeing of people from the adverse effects of noise.

Marshall Day (2025) confirms that all construction and operational noise complies with the relevant noise limits set by the existing land use consent conditions. Predicted noise levels for the wind farm (including the 12 existing turbines and the additional 44 turbines proposed) are lower than those consented under the original design.

Therefore, the project is considered to protect the amenity and wellbeing of people from the adverse effects of noise and is not inconsistent with Objective NSE.1 and the supporting policies.

9.5.9.6 Chapter 4.1: Rural Resource Area

The Rural Resource Area chapter is a broad chapter characterised by addressing rural activities such as farming, protecting productive capacity and protecting the character and amenity values associated with the rural land resource.

Objective RRA.1 seeks to provide a management framework that promotes sustainable management of the resource of the District, and Objective RRA.2 and Policy RRA.2 seeks to protect the soil resource from adverse effects.

Objective RRA.4 recognises the values of the district's outstanding natural features and landscapes, while Objective RRA.5 more broadly seeks to maintain the amenity values associated with the rural environment through the application of Policy RRA.7 which protects the relatively quiet, open space amenity values of the rural environment. The plan achieves this by using performance standards and by ensuring activities seeking consent avoid, remedy or mitigate any adverse amenity values where performance standards are not met.

In assessing the project against the relevant objectives and policies identified above, it is relevant to acknowledge that non-primary production activities that support the district's social and economic wellbeing are sometimes required to be located in the rural resource area. This includes electricity generation and transmission lines. This is specifically stated in Section 3.4.1 of the Clutha District Plan:

"Given the established electricity generation facilities within the Rural Resource Area and the significant potential for further sustainable development of energy resources within the Rural Resource Area identified above, electricity generation resources are recognised as an important part of the rural environment within the Clutha District."

In terms of Objective RRA.5 and Policy RRA.7 changes to the landscape and rural amenity effects (beyond that already consented) have been considered within Section A.07 (Assessment of Environmental Effects) of this substantive application and within Isthmus (2025). Overall, it has been determined that the proposed changes in conditions, including the increases in wind turbine height and refinements to the civil engineering, will have no further effect on rural character. The farming activities that underpin rural character will continue beneath the wind turbines.

The wind farm will remain appropriate in this setting.

Effects on surrounding persons are also discussed in Section A.07 (Assessment of Environmental Effects) of this application, with appropriate management of effects incorporated into the proposed conditions and management plans.

All other matters covered by the relevant objectives and policies identified have already been addressed in detail in Section A.07 (Assessment of Environmental Effects) of this substantive application. That analysis is considered applicable in relation to the consideration of the above provisions.

Overall, given that this type of infrastructure is recognised as an important part of the rural environment, it is not inconsistent with the relevant objectives and policies identified in the Rural Resource Area of the Clutha District Plan.

9.6 OTHER MATTERS

With respect to section 104(1)(c) of the RMA, the relevant other matters include the Kai Tahu ki Otago Natural Resource Management 2005 (“**NRMP**”) – which is discussed below.

9.6.1 Kai Tahu ki Otago Natural Resource Management Plan 2005.

The NRMP is the principal planning document for Kāi Tahu ki Otago. It was developed through extensive consultation with the four Papatipu Rūnaka of Otago and in consultation with, and input from, the Otago whānau and rūpū groups and Southland and South Canterbury Rūnaka.

The NRMP provides information, direction and a framework to achieve a greater understanding of the natural resource values, concerns and issues of Kāi Tahu ki Otago and provides a basis from which Kāi Tahu ki Otago participate in the management of Otago's resources.

The proposal is considered to be consistent with the objectives and policies for the reasons set out in Table 9.6.

Table 9.6: Assessment of the Objectives and Policies of the Kai Tahu ki Otago Natural Resource Management Plan 2005

Relevant Objectives of the NRMP	Comment
General Objectives:	Engagement with mana whenua is ongoing and the cultural significance of water is recognised. The potential for works within the beds of waterbodies are to be managed, with appropriate ecological input provided and construction methodologies in place.
i. The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management.	
ii. The waters of the Otago catchment are healthy and support Kai Tahu ki Otago customs;	
iv. Contaminants being discharged directly or indirectly to water are reduced.	
General Policies:	The cultural importance of waterbodies are recognised and consultation on this with mana whenua has been undertaken.
To acquire an assessment of instream values for all activities affecting water	

Relevant Objectives of the NRMP	Comment
<p>To promote the cultural importance of water to Kāi Tahu ki Otago in all water management within the Otago Region</p> <p>To protect and restore the mauri of all water</p>	<p>The values of waterbodies have been considered by ecologists. Through ecological input, the Wind Farm Development Area avoids areas of ecological values wherever practicable to do so.</p> <p>For those waterbodies that can't be avoided, appropriate mitigation measures including stormwater management and erosion and sediment controls are to be undertaken, as directed by proposed conditions of consent.</p>
<p>Discharges:</p> <p>To require consideration of alternative and use of new technology for discharge renewal consents</p> <p>To encourage identification of non-point source pollution and mitigate, avoid or remedy adverse effects on Kai Tahu ki Otago values</p> <p>To encourage Kai Tahu ki Otago input into the development of monitoring programmes.</p> <p>To require monitoring of all discharges be undertaken on a regular basis and all information, including an independent analysis of monitoring results, be made available to Kai Tahu ki Otago.</p> <p>To encourage management plans for all discharge activities that detail the procedure for containing spills and including plans for extraordinary events.</p> <p>To require all discharge systems be well maintained and regularly serviced. Copies of all service and maintenance records should be available to Kai Tahu ki Otago upon request.</p> <p>To require re-vegetation with locally sourced indigenous plants for all disturbed areas.</p> <p>Re-vegetation should be monitored by an assessment of the vegetative cover at one growing season after</p>	<p>Discharges to land and land where they may enter water will be managed through appropriate construction methodologies and compliance with conditions of consent. Spill containment is outlined within the ECMP.</p>



Relevant Objectives of the NRMP	Comment
<p>establishment and again at three seasons from establishment.</p> <p>To require visible signage informing people of the discharge area; such signs are to be written in Maori as well as English.</p> <p>To require groundwater monitoring for all discharges to land.</p>	
<p>Earth Disturbance:</p> <p>To require all earthworks, excavation, filling or the disposal or excavation material to:</p> <ul style="list-style-type: none"> i) avoid adverse impacts on significant natural landforms and areas indigenous vegetation; ii) avoid, remedy or mitigate soil and stability; and accelerated erosion; iii) mitigate all adverse effects. 	<p>Earth disturbance is temporary during construction of the Wind Farm infrastructure. Spoil disposal is proposed. The potential effects of these activities will be managed via erosion and sediment controls and via the ECMP.</p>
<p>Roading:</p> <p>To require an accidental discovery protocol for all roading realignments and widening and forest harvest roads and to avoid any sediment run-off during earthworks and road construction to avoid contamination of waterways.</p> <p>To require indigenous re-vegetation with locally sourced species for all disturbed areas. Re-vegetation should be monitored by an assessment of the vegetative cover at one growing season after establishment and again at three seasons from establishment.</p>	<p>An accidental discovery protocol forms a condition of existing consent and will remain in place. An ecological assessment has been undertaken and the mitigation measures recommended will be undertaken by way of consent conditions.</p>
<p>River and Instream Works:</p> <p>To require that fish passage is provided for at all times, both upstream and downstream.</p> <p>To oppose all river and instream work if near a nohoaka site during the months of August to April.</p> <p>To require that buffer zones are established and agreed upon with the Papatipu Runaka between the flowing water and the site of any river or instream work.</p>	<p>Erosion and sediment controls will be employed during earthworks. Fish passage will be provided for when completing works in the Lee Stream Tributary. The ECMP will ensure that contamination to waterways is managed appropriately, particularly in regard to concrete batching works.</p>

Relevant Objectives of the NRMP	Comment
<p>To require that any visual impacts at the site of the activity are minimal.</p> <p>To require that wet concrete does not enter the active flow channels.</p> <p>To require that any works be undertaken either before or after spawning season of potentially affected species as identified by the affected Papatipu Runaka.</p> <p>To require that all practical measures are taken to minimise sedimentation or discharge of sedimentation.</p> <p>To require that all practical measures are undertaken to minimise the risk of contamination to the waterway.</p> <p>To require that work is done when the level is naturally low or dry.</p> <p>To require that machinery enters the dry bed of the waterway only to the extent necessary, to carry out as much of the work as possible, using one corridor for entering and exiting.</p> <p>To discourage machinery operating in flowing water.</p> <p>To require that all machinery is clean and well maintained before entering the work site; refuelling is to be done away from the waterway.</p>	
<p>Mahinga Kai and Biodiversity:</p> <p>To require the hazardous operations and the use, transportation and storage hazardous substances are not to impact mahika kai and other cultural values.</p> <p>To promote best - practice methodologies for drain maintenance or diversions to ensure minimal damage to ecosystems with no further adverse effects on Mahika Kai and other cultural values.</p>	<p>Engagement has been ongoing with mana whenua in relation to other potential impacts of the proposal.</p> <p>Conditions and management plans will ensure that hazardous substances are appropriately contained and there will be minimal damage to ecosystems. As such, mahinga kai and cultural values are protected.</p>
<p>Land Use and Management</p> <p>To oppose the draining of wetlands. All wetlands are to be protected</p> <p>To promote integrated riparian management throughout entire catchments.</p>	<p>Wetlands have been largely avoided through design. An ecological assessment is provided with the application to ensure that where wetlands cannot be avoided, the effects on these wetlands are</p>



Relevant Objectives of the NRMP	Comment
	mitigated and managed appropriately.
<p>Cultural Landscapes:</p> <p>The relationship that Kāi Tahu ki Otago have with land is recognised in all resource management activities and decisions.</p> <p>The protection of significant cultural landscapes from inappropriate use and development.</p> <p>The cultural landscape that reflects the long association of Kāi Tahu ki Otago resource use within the Otago region is maintained and enhanced.</p> <p>The use of Māori land by beneficial owners according to cultural preferences is supported and the maintenance of relationships with the land facilitated.</p>	<p>The project site is not identified in the relevant planning documents as having cultural significance.</p> <p>Engagement has been ongoing with mana whenua in relation to other potential impacts of the proposal.</p>
<p>Structures:</p> <p>To discourage the erection of structures, both temporary and permanent, in culturally significant landscapes, lakes, rivers or the coastal environment.</p>	<p>The project site is not identified in the relevant planning documents as having cultural significance.</p> <p>Engagement has been ongoing with mana whenua in relation to other potential impacts of the proposal.</p> <p>Where structures (i.e. culverts) are to be located in waterbodies, appropriate measures are proposed through conditions of consent and management plans to ensure adverse effects are avoided, remedied or mitigated.</p>

9.7 CONCLUSION

TWP has considered all relevant aspects of Parts 2, 3 and 6 of the RMA that must be taken into account, and it is considered that the project is consistent with the requirements outlined within them.

The project will satisfy the sustainable management purpose of the RMA. In particular, approval of Puke Kapo Hau is expected to contribute to the wellbeing of people and the community at a regional and national level, while avoiding, remedying or mitigating adverse



effects. The project will appropriately satisfy the matters of national importance under section 6 of the RMA, also responds positively to the range of other matters that must be had regard to under section 7 of the Act.

Furthermore, the project is considered to be well aligned with the objectives and policies of the relevant national, regional and district planning documents in accordance with section 104(1)(b) of the RMA. No substantive points of conflict with the relevant objectives and policies have been identified through this assessment – and it is noted that Puke Kapo Hau has been designed to follow the effects management hierarchies set out in the NPS-FW, Operative RPS and Proposed RPS with respect to wetlands, streams and areas of high indigenous biodiversity.

