

Your Comment on the Mahinerangi Windfarm

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email at substantive@fastrack.govt.nz

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Department of Conservation		
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☒	I can receive emails and my email address is correct	☐	I cannot receive emails and my postal address is correct
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Please provide your comments below, include additional pages as needed.

Please find comments attached

Please find attached the comments on the conditions. While each of these comments is important in relation to DOC's role and functions under the Wildlife Act and the Fast-track Approvals Act, DOC highlights several matters which are of particular concern.

Firstly, in relation to the management and protection of lizards, the wide list of species covered by the draft Approval is of concern. The mitigation measures proposed in the Lizard Management Plan are not sufficient to provide adequate protections to the Nationally Endangered Burgan skink and Nationally Critical Otago green skink.

Secondly, the lack of bird strike monitoring provisions of the proposed turbines is of real concern to DOC. DOC do not agree with the weight the Applicant has placed on the 2013 monitoring reports for Stage 1 of the windfarm. DOC considers when all evidence is taken as a whole, it does not support falcon monitoring via transmitters alone and instead DOC seeks refinement of the original condition 26 which provided a complementary approach using both transmitters and bird strike monitoring. There are significant challenges and difficulties in catching falcon for attaching transmitters and the combined approach would

provide a more appropriate, nuanced approach to assess effects for the proposed larger turbines.

Please note the tracked changes with black ~~strike through~~ and underline, are those changes as supplied in the Panel's draft conditions. The changes that are marked in ~~blue strike through~~ and underline, are those of DOC.

A handwritten signature in blue ink, appearing to read 'JF', with a stylized flourish at the end.

Jenni Fitzgerald

Fast-Track Applications Manager

Acting pursuant to delegated authority on behalf of the Director-General of Conservation.

Date 22 June 2026

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Comments on draft conditions for a fast-track consenting application

Fast-track Approvals Act 2024 section 70

To: The Expert Panel
From: Department of Conservation
Regarding fast-track project: Mahinerangi Windfarm
Fast track Reference: FTAA-2510-1125

Comments on draft of Wildlife Act Approval

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
1 Authorised activity (including the species, any approved quantities and collection methods) (Schedule 2, clause 2)	<u>A. Activity:</u> a) [...] b) To collect the carcass of any native bird with a conservation status of Threatened or At-Risk <u>Threatened or At-Risk (Nationally or Regionally)</u> including falcon, found by staff within the Puke Kapo Hau Wind Farm Development Area and undertake necropsy to establish cause of death where it is undetermined and may be related to the operational wind farm.	To ensure the impact of the Stage 2 Wind Farm on indigenous avifauna is understood by all relevant parties. Note that the standard practice for a species' threat status is capitalised. This should occur for wherever Threatened or At-Risk is mentioned in the condition set.

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1B(a)	<u>B. Methodology:</u> a) The methods set out in the following management plans including in Part C of the application documents: i. C.14 Avifauna Management Plan dated 02 April 2026, version 6: and ii. C. 15 Lizard management Plan dated 08 April 2026, version 2.	Update as necessary to ensure management plans are the latest versions.
3 Personnel Authorised to undertake the Authorised Activity (Schedule 2, clause 3)	Activities A.(a) and BA.(b) a) Any Level 3 NZNBBS certified operator with documented eastern falcon experience; b) Any suitably qualified and experienced person <u>under the supervision of the person in (a)</u> Activity EA.(c) Tony Payne, herpetologist of Blueprint Ecology; or any suitably qualified and experienced person <u>with equivalent qualifications and experience and approved in writing by the Grantor.</u>	The proposed amendment would provide DOC, as Grantor, with certainty that the Authorised Activity is being undertaken by suitably qualified and experienced people, or under their supervision.

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
4 Term (Schedule 2, clause 4)	<u>Activity A.(a) of Item 1 above</u> [10 years from date of approval] <u>Activities A(b) of Item 1 above</u> [30 years from date of approval] <u>Activities (A(c) and A(d) of any Item 1 above</u> [10 years from date of approval]	This word is unnecessary.
6 Department of Conservation's (the Grantor's) address for notices (Schedule 2, Clause 7)	Murihiku / Invercargill <u>Ōtepoti / Dunedin</u> Office Physical: 7th Floor, CUE on Den, 33 Den Street, Invercargill 9810 <u>Level 1 John Wickliffe House, 265 Princes Street, Dunedin 9016</u> Postal: PO Box 743, Invercargill 9840 <u>PO Box 5244, Dunedin 9054</u> Phone: 0800 275 362 Email: invercargill@doc.govt.nz <u>dunedinoffice@doc.govt.nz</u>	The Ōtepoti Dunedin office is geographically closest to the site, is where the Coastal Otago District Operations Manager is located, and this office is referred to elsewhere in the draft Approval.
SCHEDULE 3, 3	Lizards must only be handled by Authorised Personnel Tony Payne or any other suitably qualified or experienced person <u>with equivalent qualifications and experience approved in writing by the Grantor.</u>	The proposed amendment would provide DOC, as Grantor, with certainty that the Authorised Activity is being undertaken by suitably qualified and experienced people and would provide consistency with Schedule 1 item 3.
SCHEDULE 3, 4	4. The Authority Holder must undertake avoidance, remediation, mitigation, offsetting and compensation measures for falcon, native birds with a threat classification of at-risk or threatened (<u>Regionally or Nationally</u>), and lizards in accordance with the	To protect regionally Threatened and At Risk avifauna, consistent with the purpose of the Wildlife Act 1953.

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
	resource consent conditions and associated management plans for the Puke Kapo Hau.	
SCHEDULE 3, 6	6. The Authority Holder must only undertake the collection of the carcass of any native bird with a conservation status of threatened or at-risk (Regionally or Nationally), including falcon, as set out in the Avifauna Management Plan.	To protect regionally Threatened and At Risk avifauna, consistent with the purpose of the Wildlife Act 1953.
SCHEDULE 3, 16	Should any lizard species other than those listed in Schedule 4 be identified within the Puke Kapo Hau Project site, the Authority Holder must immediately cease any works that may affect the lizard or their habitat and notify contact the local Operations Manager of the Department's Coastal Otago Office and the National Lizard Technical Advisory Group (LizardTAG@doc.govt.nz) as soon as reasonably possible for further advice. A variation of this Approval or separate authorisation application will may be required before any further action is undertaken in relation to the species, to capture, salvage, relocate or kill non-authorized species.	To protect any other lizard species not listed in Schedule 4, consistent with the purpose of the Wildlife Act 1953.
SCHEDULE 3, 20	If any lizard is found dead, the Authority Holder must notify the Department's Coastal Otago District office within 24 hours and provide any known details relating to the animal and the circumstances of death. These details shall and also be should die during the Authorised Activities of catch, transfer or liberate, the Authority Holder must included details of this in the annual reporting as per condition 25,26 of this approval.	The proposed amendment would provide DOC, as Grantor, with certainty that any mortality of protected wildlife authorised under the approval is identified and reported promptly, enabling the DG to monitor the effects of the authorised activity and any emerging mortality trends.
SCHEDULE 3, 21	21. If any kārearea / New Zealand falcon Threatened or At Risk (Regionally or Nationally) native bird species is found dead, or dies during the Authorised Activity, the Authority Holder must notify the	To protect regionally Threatened and At Risk avifauna, consistent with the purpose of the Wildlife Act 1953.

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	Department's Coastal Otago Operations Manager within 24 hours. The carcass must be photographed, sent to Wildbase Pathology (Massey University) for necropsy, <u>and if a falcon</u> logged using the Falcon Mortality Record Datasheet, in accordance with the Avifauna Management Plan. <u>The Authority Holder must provide the necropsy official results to the DOC Science Team and the Coastal Otago Operations Manager within 24 hours of receipt.</u>	
SCHEDULE 3, 22	22. If any threatened or at-risk native bird (excluding kārearea / NZ falcon) is found dead or dies during the Authorised Activity, the Authority Holder must notify the Department's Coastal Otago Operations Manager as soon as reasonably practicable, and no later than 24 hours after discovery. If required by the Grantor, the carcass must be sent to Massey University Wildlife Post-Mortem Service for necropsy, in accordance with the Avifauna Management Plan.	This condition can be deleted as, given the requested changes to Schedule 3, 21 (as above), this condition is no longer required.
SCHEDULE 3, 23	23. If in accordance with condition 20, 21, or 22 a necropsy is requested <u>required</u>, the Authority Holder must, if requested by the Grantor: a. Ensure that the body is to be chilled if it can be delivered within 24 hours, or frozen if it will take longer than 24 hours to delivery. b. Discuss with the Grantor's Dunedin office, whether it is necessary to halt all further handling until full investigations of death(s) occur. c. Pay for any costs incurred in investigation of the death.	Condition 20 doesn't require a necropsy, condition 22 is proposed to be deleted, and a necropsy is always proposed to be required under condition 21. The wording should be 'required' as this is mandatory under condition 21, and if condition 22 does remain (not DOC's preference) then necropsy is mandatory if required by the Grantor.

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
SCHEDULE 3, 24 Euthanasia	The Authority Holder must not euthanise any wildlife unless the Authority Holder acting in accordance with section 11 Animal Welfare Act 1999: (a) Consults with the Captive Management Co-ordinator (as applicable) and obtains the consent of the Grantor; or (b) Obtains the recommendation of a veterinarian where euthanasia is on animal welfare grounds; or Carries out the euthanasia under direction from the Grantor and in consultation with the Captive Management Co-ordinator (as applicable) 24. <u>In accordance with the Animal Welfare Act 1999, section 11, the Authority Holder may euthanise lizards in their care if the wildlife is:</u> a. <u>Suffering unreasonable or unnecessary pain or distress; and</u> b. <u>Is seriously ill or permanently injured and unlikely to survive in the wild; and</u> c. <u>A species classified as Not Threatened; and</u> d. <u>The Authority Holder's appointed Herpetologist has the skills to humanely euthanise.</u> Insert new condition 25 (with numbering to be updated accordingly):	Delete existing condition 24 and replace with two separate conditions to manage euthanasia of lizards and birds slightly differently. The proposed amendment differentiates between lizards and birds to reflect the expertise available under the Authority and the differing conservation considerations for those taxa. The Lizard specific condition allows for qualified herpetologist to undertake euthanasia of non-threatened lizards consistent with Animal Welfare Act s11. Birds are afforded more Departmental oversight due to their conservation status and Department's obligations under Wildlife Act 1953. <i>NB: New numbering subsequent to insertion will be required if this proposed amendment is accepted.</i>

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	<u>New 25. Injured native birds, including kārearea / New Zealand falcon and any Threatened or At-Risk species, must not be euthanised unless:</u> <u>a. a veterinarian recommends euthanasia on animal welfare grounds: or</u> <u>b. euthanasia is undertaken under the direction of the Department.</u>	
SCHEDULE 3, 31.h	[...] h. A nominated Wildlife Marking Operator, certified <u>at Level 3</u> under the New Zealand National Bird Banding Scheme (NZNBBS) for the capture and marking of the species in question, must oversee and be accountable for the Authorised Activity. Level 2 operators may operate without direct supervision, but must operate under the general direction of a Level 3 Certified operator. Level 1 operators must be directly supervised by a Level 3 Certified operator. All operators capturing or marking birds must be registered with the NZNBBS.	Clarification to ensure suitably qualified and experienced professionals are managing work with a Threatened species.
SCHEDULE 3, 32.a	Transmitters may be attached to up to 25 Eastern falcons captured within 3 <u>5</u> km of the Project Site. The combined weight of the device (including harness or base plate) plus any other marks on the bird should not exceed 3% of its body weight. The Authority Holder shall use best practice transmitter harnesses and attachment methods.	The Avifauna Management Plan stated the change from 5 km to 3 km was based on the Golder 2013 report (Section 4.1.1). The evidence of Stephen Fuller, paragraph 66, states it is in the Golder 2012 report. Reference to the 3 km and 5 km boundary has been located within the Golder 2012 report. This 2012 report recommends to 'continue to locate all nests within a 5 km radius of the wind farm envelope, but focus efforts within the 3 km' (Section 7.0, Recommendations, pg. 24). Therefore, it is recommended that, for management measures, while the focus should be within 3 km of the wind farm envelope, this

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				should not be restricted to only 3 km and allow for activities out to 5 km.
SCHEDULE 4	Common Name	Scientific Name	NZ Threat Classification	Within section 51 and section 53 comments, DOC requested that the Burgan skink and Otago Green skink be removed from the approval list, on the basis that the approval should be confined to those species for which there is a credible likelihood of presence within the project footprint and/or the proposed release site, as supported by the Applicant's survey outcomes and habitat assessment. The Applicant has responded to this by stating that these rarer species are managed appropriately in the LMP and will be recorded and responded to appropriately. DOC does not accept this response. The LMP is focused on the approach towards capture, salvage and relocation of thousands of Not Threatened lizards, not a bespoke response to the presence of Nationally Critical and Nationally Endangered species. The LMP itself in Table 1(4) states that 'No Threatened species are applicable to this LMP'. DOC's preference to exclude these species from the Approval, would mean in the unlikely event they are located on site, the relevant works in the immediate area would cease and a variation to the approval or a separate application would be required before any capture, salvage, relocation or incidental killing of those non-authorized species may occur. This is an appropriate response to any discovery of such Threatened species where a species-specific management plan should be prepared. Further, DOC does not agree that it is appropriate to release either Burgan or Otago green skink into an area that is unlikely to be adequate in terms of altitude, habitat,
	McCann's skink	<i>Oligosoma maccanni</i>	Not threatened	
	Tussock skink	<i>Oligosoma chionocholescens</i>	At Risk - Declining	
	Kōrero gecko	<i>Woodworthia "Otago/Southland large"</i>	At Risk - Declining	
	Jewelled gecko	<i>Naultinus gemmeus</i>	At Risk - Declining	
	Burgan skink	<i>Oligosoma burganae</i>	Threatened - Nationally Endangered	
	Herbfied skink	<i>Oligosoma murihiku</i>	At Risk - Declining	
	Otago green skink	<i>Oligosoma aff. chloronoton</i> "eastern Otago"	Threatened - Nationally Critical	

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		competitive pressure and the absence of resident populations to recruit into. Schedule 3 special condition 16 provides a protocol to be followed for potential amendment to the wildlife approval in the very unlikely event that an individual Burgan or Otago green skink is found on site (along with any other species not listed). The Applicant, agrees with DOC that these species are very unlikely to be present, so the risk of disruption to their operation, should be relatively low.

Comments on draft of Clutha District Council RM1409 Variation Conditions

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
14A	<u>No later than six months after the establishment of the Wetland and Aquatic Compensation Offsetting and Compensation Sites, [Section 3 Block X Lee Stream Survey District (CT OT12C/797) and XXX] and shown on Figure 2, Figure 3 and Figure 4 (attached), the consent holder shall provide legal protection from stock grazing for the period of the operation of the Wind Farm via a QEII covenant if the area is assessed as meeting QEII criteria, or similar legally binding mechanism alternatively via a covenant with Clutha District Council. Evidence that this condition has been complied with shall be supplied to the Planning and Environment Manager, Clutha District Council Consent Authority.</u>	DOC's section 53 comments requested that this condition be amended to clarify the type of legal protection that will be applied to the compensation wetland. The reasons for this request are set out in paragraph 3.39 of the s53 comments, and in paragraphs 60 and 68 of the evidence of Rebecca Teele (Appendix A to the comments). The applicant's response to this request (row 3.3.56, Part 3.3 & 3.4 Comments Received from Department of Conservation (Administering Agency) was as follows: <i>The requested amendment is not supported as Condition 14A already provides sufficient certainty through the existing requirement for legal protection to be secured. The condition provides flexibility in the mechanism used, recognising that alternative instruments may be equally effective in achieving long-term protection depending on land tenure, landowner preferences, and implementation context. Narrowing the condition to specify a covenant or similar mechanism is unnecessary and would not materially improve environmental outcomes. Accordingly, no amendment is proposed as the intent of legal protection is already appropriately provided for.</i> Given that the activity involves permanent loss of an area of wetland, and does not involve the creation of any new wetland areas, it is necessary to ensure that the legal protection of the wetland compensation area will include protection in perpetuity, management in perpetuity for weed control, and maintenance of native vegetation dominance (80%+). This is best achieved via a QEII covenant or, if the area is not assessed as meeting

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		QEII criteria, a CDC covenant. It is noted that there is an existing QEII covenant within the site, over the Scrappy Pines block.
25D Ecological Monitoring and Management Plan, clause i(a)	a. Monitoring, and associated reporting (as required by Conditions 26 - 30) in relation to: • bird strike; • New Zealand Falcon (<i>Falco novaseelandiae</i>); • mammal pests and predators; • <i>Carex tenuiculmis</i> and <i>Epilobium chionanthum</i>; and • invasive weeds.	DOC requests that the reference to bird strike monitoring be added back into this condition, for the reasons set out in the row below.
26 Bird Strike	Bird Strike 26. The consent holder shall monitor the instances of bird strike at 13 of the 44 turbines that make up Stage 2 of the wind farm. The 13 turbines that are monitored shall be those that, of the 44, in the opinion of a suitably qualified and experienced ecologist, pose the most risk to avifauna species of conservation concern. Species of conservation concern are any that are Threatened or At-Risk in the New Zealand Threat Classification System or Regionally Threatened or Regionally At-Risk (Jarvie et al. 2025 or subsequent revision). Bird strike monitoring at the 13 turbines shall be undertaken as follows: i. Searches for bird carcasses will be undertaken within a distance from each turbine that is equal to 1.5 times its rotor length. For the first two years of operation of Stage 2 (or, if Stage 2 is itself staged, for the first two years of operation of each group of turbines installed):	DOC's section 53 comments requested the reinstatement of condition 26, with amendments to refer specifically to Stage 2 of the project, and to update references to threatened and at-risk species. The reasons for this request are set out in paragraphs 3.21 and 3.22 of the section 53 comments, and in section A.2 of the evidence of Rebecca Teele (Appendix A to the comments). The matter was also covered in DOC's response to the Panel's request for further information, dated 8 May 2026. However, taking into account the applicant's response to DOC's section 53 comments, DOC is now requesting less extensive monitoring (i.e. bird strike monitoring of a subset of Stage 2 turbines only), as discussed below. The applicant's response to DOC's section 53 comments refers to the evidence of Stephen Fuller, which states (paragraphs 56 and 57): <i>56. In my opinion, after carrying out collision monitoring at a number of wind farms, standardised collision monitoring, as was carried out from 2011 to 2013 (Golder 2013) at Mahinerangi, primarily identifies species</i>

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	a. <u>Retrieval of any carcasses will be undertaken on a weekly basis during the breeding season (spring and early summer) and on a monthly basis during the remainder of the year. Thereafter, carcass retrieval will be associated with the routine maintenance at each turbine with increased surveillance for bird carcasses during the breeding season (spring and early summer) if considered necessary as a result of the first two years of monitoring.</u> b. <u>All retrieved bird carcasses will be assessed by identifying the species, gender, age class (i.e. juvenile or adult) and where possible, the cause of death, location of carcass in relation to turbines, whether there are any particular factors associated with the Mahinerangi wind farm, and/or any particular turbine influencing the bird deaths, and antecedent weather conditions. This assessment is to be undertaken by an independent and qualified avifauna expert.</u> ii. <u>Following the first two years of operation of Stage 2 (or, if Stage 2 is itself staged, for the first two years of operation of each group of turbines installed), the consent holder shall, annually, submit a report to the Planning and Environment Manager, Clutha District Council, detailing all bird fatalities, known or likely cause of death, species and seasonal or spatial patterns, particularly in relation to the operation of any individual turbine or the prevalence of avifauna species listed as Threatened or At-risk in the New Zealand Threat Classification System or Regionally Threatened or Regionally At-Risk (Jarvie et al, 2025 or subsequent revision). A copy of this report shall also be supplied to the Department of</u>	<i>which are common, widespread, habitat generalists, and which regularly fly at altitudes which overlap with the Rotor Swept Area. These methods, however, are ineffective at picking up species which are rarely seen, habitat limited, or which rarely fly at altitudes which overlap with the Rotor Swept Area. For these reasons, I typically only recommend standardised collision monitoring where Threatened or At Risk species congregate in large numbers, or utilise special habitats within the site, or have a clearly defined migratory pathway through the site. These conditions are not met at Mahinerangi Wind Farm, therefore I remain of the opinion that repeating the 2011 to 2013 collision monitoring will produce the same or similar results, the occasional mortalities of common and high-flying gulls, harrier hawks, shelducks and a range of introduced pastoral species.</i> <i>57. However, where species are rare, but monitoring is required such as for falcon at Mahinerangi, a different method is required. My recommendations are to focus effort on dedicated monitoring of that species where the methods can be designed specifically to match its behaviours and ensure successful observations. I am satisfied with the monitoring that has been recommended for falcon.</i> DOC supports the proposed approach to monitoring of the NZ falcon, but remains of the view that bird strike monitoring of the turbines that pose the most risk to regionally or nationally threatened or at-risk avifauna is also warranted, based on the following considerations: • Flight height data from other New Zealand sites show flight heights of South Island Pied Oystercatcher (SIPO) within the rotor swept area, noting that the SIPO has a national threat status of At-risk declining, and regional threat status of Threatened – Regionally Vulnerable (Jarvie et al., 2025)

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
	<u>Conservation (Science Team and Coast Otago Operations Manager).</u> iii. <u>If the monitoring undertaken in accordance with clauses (i) and (ii) above identifies a significant adverse effect as a result of the operation of the Mahinerangi Wind Farm, then the consent holder shall develop a mitigation programme, in collaboration with the Department of Conservation, and continue monitoring for a further period, as determined appropriate following consultation with both the consent authority and the Department of Conservation.</u> iv. <u>A significant adverse effect is defined as being a strike rate of more than 0.05 individuals per turbine per year on species of conservation concern as a result of the operation of the Mahinerangi Wind Farm.</u> v. <u>The bird strike carcasses shall be sent to Massey University for necropsy and the results provided to the Department of Conservation Science Team and Local Operations Manager within 24hrs of receipt.</u> vi. <u>The consent holder shall undertake, in order to minimise the visibility of any carcasses in the vicinity of the turbines that may attract raptor species, reasonable endeavours to ensure enhanced vegetation growth and density in the vicinity of the wind turbines.</u> vii. <u>In the event that there are significant adverse effects (as defined in (iv) above) the consent authority may review this resource consent pursuant to section 128 of the Resource Management Act 1991 to consider:</u>	• The increased number of turbines in Stage 2 relative to Stage 1 (almost four times the number) • The change in turbine design between Stages 1 and 2, including an increase in the rotor swept area • Expansion of the wind farm across a different area of land • The 2013 Golder report's recommendation for no further direct bird strike monitoring was made in the context of the smaller Stage 1 turbines and at a time when there was no regional threat status for SIPO. It should be noted that the replication of original condition 26 in the application³⁴ contained a typo in 26.i.d. The original condition stated that "A significant adverse effect is defined as being a strike rate of more than 0.05 individuals per turbine per year on all species as a result of the operation of the Mahinerangi Wind Farm", whereas the version in the application states "A significant adverse effect is defined as being a strike rate of more than 0.5 individuals per turbine per year on all species as a result of the operation of the Mahinerangi Wind Farm." The version of condition 26 requested in the column to the left corrects this.

³⁴ [E.01-Clutha-District-Plan-RM1409-Variation-Conditions-Final.pdf](#), p18

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	a) <u>the species of birds involved and in particular, the level of protection afforded to that species under the Wildlife Act 1953.</u> b) <u>the overall performance of the wind farm in respect of bird strike rate;</u> c) <u>the performance of individual turbines within the wind farm;</u> d) <u>whether there are any particular factors influencing the bird death rate at individual turbines; and</u> e) <u>whether additional mitigation is required as a result of the significant adverse effect.</u>	
27 Falcon Monitoring	26. The consent holder shall undertake monitoring of the New Zealand Falcon <u>for Stage 1 and 2</u> as follows: The consent holder shall initiate a programme to monitor New Zealand Falcon, in the vicinity of the Mahinerangi Wind Farm. The monitoring programme shall commence at least two summers prior to the first turbines associated with each stage <u>Stage 1 of the wind farm becoming operational, and, for Stage 2 the summer prior to construction commencing</u>, and continue for two years after it <u>each stage</u> becomes operational. Any subsequent monitoring will be determined after the results of the first two years of operational monitoring are evaluated in accordance with Condition 26 <u>27(iv)</u>. <u>For Stage 2, the falcon mitigation programme shall include, but not necessarily be limited to, relevant matters identified in the Avifauna Management Plan, that forms Part C of the Puke Kapo Hau - Mahinerangi Wind Farm Stage 2 – Fast-Track Approvals Act</u>	DOC's section 53 comments requested that condition 27 continue to require identification of NZ Falcon nest sites within 5km, rather than the proposed 3km, of the wind farm boundaries. The reasons for this request are set out in paragraph 3.23 of the s53 comment, and in section A.3.1 of Rebecca Teele's evidence. The applicant's response to this request refers to the evidence of Stephen Fuller, which states (paragraphs 66 and 67): <i>The final advice from the Golders 2012 report was as follows:</i> <i>'The home range data also indicates that falcon pairs which nest on the outer edge of the 5 km buffer zone have very little use of the MWF area. Therefore, the key pairs to locate and monitor for assessment of effects are pairs that nest in the MWF area or within 3 km of the MWF envelope.'</i> <i>This advice has been adopted in my assessment and the condition variation and no change to that is necessary.</i> The RFI response provided by DOC on 8 May 2026 notes the following:

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
	<u>Application dated 31 10 2025 and subsequent amendments as at 5 June 2026.</u> Advice Note: <i>Some monitoring in accordance with this condition has been undertaken prior to the implementation of this resource consent.</i> i) The monitoring programme for each stage shall include, but not be limited to, the following: a) Identification of any New Zealand Falcon nesting sites inside and within 3 km <u>5 km outside of</u> the boundaries of the Mahinerangi Wind Farm. <u>Search time and effort should be focussed on the area within 3 km of the boundaries, but the area within 3 and 5 km should also be searched, particularly where it is known to include good falcon habitat.</u> b) Monitoring, during the breeding season (i.e., spring and early summer), any visits by New Zealand Falcon to the Mahinerangi Wind Farm site and the occupancy of the identified nesting sites. As a minimum, monitoring shall be undertaken during three consecutive days of fine conditions, at least three times throughout the breeding season. c) A record of New Zealand Falcon bird strike as monitored in accordance with Condition 27, attached to this resource consent.	<i>...the application proposed a change to existing consent conditions so that monitoring of falcon nest sites would be required within a 3 kilometre rather than a 5 kilometre radius of the wind farm boundary. The submitted Avifauna Management Plan stated this change was based on the Golder 2013 report (section 4.1.1), however, the evidence of Stephen Fuller for the Applicant, responding to section 53 comments, references the Golder 2012 report. The 2012 report recommends to “continue to locate all nests within a 5 km radius of the wind farm envelope, but focus efforts within 3 km”. On this basis, DOC now agrees that for monitoring of falcon nest sites, the focus should be within 3 kilometres of the wind farm envelope, however, these efforts should not be restricted to only 3 kilometres. Lesser management efforts should still occur to 5 kilometres.</i>

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	A record of all incidental observations of New Zealand Falcon within the Mahinerangi Wind Farm site	
28A Mammal Pest Control	The purpose of the programme will be to ensure that the densities of predators, such as feral cats, stoats, weasels, ferrets, hedgehogs, rodents and possums and prey species such as rabbits and hares are at low densities in the area. To achieve this, the consent holder shall comply with the following: i) Undertake predator control measures to a level no greater than 10% residual trap interference. ii) Control measures may include, but will not be limited to, trapping and baiting. iii) The consent holder shall ensure that all predator carcasses are disposed off-site and at an appropriate facility.	DOC's section 53 comments requested that this condition be amended to include rodents and possums in the list of species to be controlled by the mammal pest control programme (see paragraph 3.24 of the s53 comment, and paragraph 27 of Rebecca Teele's evidence). The applicant's response to this request was as follows (row 3.3.38, Part 3.3 & 3.4 Comments Received from Department of Conservation (Administering Agency)): <i>Rats and possums are not a target predator to be controlled in Condition 28 of the existing resource consent and the effects of the variation do not warrant rats and possums as a target predator. However, as has been the case for Stage 1, rat and possum control will occur through the proposed Stage 2 pest control network of traps and bait stations as these tools are effective for controlling rats and possums. Timms traps that are proposed for feral cats (as is used in Stage 1) and are also effective at catching possums and DOC150/200/250 traps targeting mustelids and hedgehogs are also effective at catching rats. The activities to which the consent relate are not within the plantation forests, and forests within gullies.</i> <i>There are no target densities for rabbits and hares, the purpose of the pest control programme is to ensure that the densities of prey species such as rabbits and hares are at low densities in the area. This is achieved through regular control and recording the number of target pests (rabbits and hares) observed as outlined in the MPCP. The effects of the variation do not warrant a different approach.</i> DOC remains of the view that inclusion of rats and possums in the programme would provide the best protection for bird species on the site.

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
		As noted in Rebecca Teele's evidence, both species can predate native bird nests, and both are noted as being of concern for NZ falcon in the Avifauna Management Plan. In addition, rodent populations can increase when control targeting higher predator guilds is undertaken.
29 Control of Invasive Woody Weeds	The consent holder shall <u>ensure the construction and rehabilitation of Puke Kapo Hau Mahinerangi Wind Farm Stage 2 is undertaken in accordance with the requirements of the Woody Weed Management Plan prepared by SLR Consulting New Zealand that forms Part C of the Puke Kapo Hau - Mahinerangi Wind Farm Stage 2 – Fast-Track Approvals Act Application dated DD31 MM10 2025 and subsequent amendments as at 5 June 2026, develop and implement a This includes a mitigation and monitoring and management programme for the control of invasive woody weeds that shall apply during the construction and rehabilitation of the Mahinerangi Wind Farm and for four years after construction and rehabilitation has been completed, or for such a period until these species cease colonising the areas disturbed by the construction activity the operation of the wind farm.</u>	DOC's section 53 comments requested that this condition be amended to require that the control of woody weeds should be undertaken for the duration of the construction and operation of the wind farm. The reasons for this request are set out in paragraph 3.48.1 of the s53 comments, and in paragraph 74 of Rebecca Teele's evidence. The applicant's response to this request was as follows (row 3.3.57 Part 3.3 & 3.4 Comments Received from Department of Conservation (Administering Agency)): <i>It is not necessary to require ongoing mitigation and monitoring of woody weeds following construction and rehabilitation beyond the point where these species cease colonising the areas disturbed by the construction activity.</i> DOC notes that, although the risk of woody weeds colonising the site is much greater during construction, there is still a risk present during operation, for example from vehicles and machinery travelling to and from the site. Therefore, efforts to control woody weeds should continue during operation of the wind farm.
30A Management of Carex Tenuiculmis and	Amend condition 30A as follows: <u>All management actions shall be recorded and reports submitted annually to the Clutha District Council following the Pre-Construction Survey. Reports should include (as relevant):</u>	DOC's section 53 comments requested that this condition be amended to require reports on management actions to DOC as well as CDC. See paragraph 3.49.1 of the s53 comments, and paragraph 87 of Rebecca Teele's evidence.

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
Epilobium Chionanthum	i) <u>Dates of all site visits.</u> ii) <u>Location, number, and condition of plants in wetlands directly affected by works (prior to works).</u> iii) <u>Number of plants removed from each directly affected wetland and transplanted.</u> iv) <u>Location of translocation sites.</u> v) <u>Location of planting sites for propagated plants.</u> vi) <u>Number of plants planted and planting locations.</u> vii) <u>Survival rates of plants at Year 5.</u> viii) <u>Monitoring undertaken against the closure criteria in the C&EMP.</u> ix) <u>Review of the management actions on an annual basis until the C&EMP closure criteria are met and reporting is complete.</u> <u>A copy of these reports is also to be provided to the Department of Conservation, for information purposes only.</u>	The applicant's response to this request was as follows (row 3.3.59, Part 3.3 & 3.4 Comments Received from Department of Conservation (Administering Agency)): <i>The requested amendment is not supported as DOC is not the consent authority and does not have a statutory role in compliance monitoring or enforcement under the existing consent resource consent. Condition 30A appropriately requires records and reporting to be provided to the Clutha District Council, as the authority responsible for administering, monitoring, and enforcing the consent under the Resource Management Act. Extending the condition to require reporting to DOC would be inconsistent with established statutory roles and is not necessary to achieve effective compliance oversight or environmental outcomes. Accordingly, no amendment is proposed.</i> DOC accepts the applicant's point here but would still like to see a requirement in the condition for copies of the reports in question to be provided to DOC, for information purposes only rather than as part of any monitoring or enforcement role. In addition, as noted in Rebecca Teele's evidence, reports should include information on the 5-year survival rate of plants. This will provide relevant information to ensure that management measures have been appropriately achieved.

Comments on draft of Clutha District Council Consent Conditions

New land use consent to construct a double circuit 110kV transmission line, etc.

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
21 Earthworks Management Plan (Including Erosion and Sediment Control Measures)	The EMP must achieve the following objectives: a) To minimise the overall area of disturbance, to reduce <u>avoid, where practicable, or otherwise minimise</u> the potential impact to wetlands and streams; b) To minimise the generation of sediment and sediment laden runoff; c) To ensure that the earthworks are undertaken in a manner that provides for final surfaces which are suitable for rehabilitation where rehabilitation is proposed; d) To ensure the control and/or mitigation of any potential adverse effects of dust emissions, sediment run-off or contamination of stormwater; and e) To ensure that earthworks are undertaken in a manner that provides for compliance with relevant consent conditions in respect of water quality criteria applicable to discharge permits, and avoid, remedy or mitigate potential adverse effects on the environment; <u>and</u> f) <u>Contour the Surplus Fill Disposals in such a manner that they do not impound water nor divert natural flow paths to adjacent natural inland wetland catchments.</u>	Amendments to clause a are necessary so that effects on wetlands and streams are managed in line with the effects management hierarchy (EMH). Clause 3.22 of the NPSFM indicates that the EMH should be applied in the case of effects on wetlands that are necessary for the construction or upgrade of “specified infrastructure” (the wind farm falls within the relevant definition) that provides significant national or regional benefits, and where there is a functional need for the specified infrastructure in that location. Clause 3.24 f the NPSFM indicates that the EMH should be applied in the case of effects on river values where there is a functional need for the activity in that location.

Comments on draft of Otago Regional Council Consent Conditions

General conditions that apply to all Otago Regional Council consents

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
G16 Environmental Construction Management Plan, clause g	The ECMP sets out the practices and procedures to be adopted to ensure that all resource consent conditions relating to the construction, operation and rehabilitation of the Puke Kapo Hau - Mahinerangi Wind Farm Stage 2 are complied with. The objectives of the ECMP are to: [...] g) Provide a framework for the individual management plans including but not limited to: i. Earthworks Management Plan; ii. <u>Archaeological Management Plan</u>; iii. Ecological Monitoring and Management Plan; iv. <u>Wetland Monitoring and Management Plan (WMMP)</u>; v. <u>Avifauna Management Plan</u>; vi. <u>Woody Weed Management Plan</u>; vii. <u>Carex tenuiculmis and Epilobium chionanthum Management Plan</u>	DOC requests that additional management plans are referred to in this condition, as shown. These management plans will all contribute to the management of ecological effects arising during construction of Stage 2; it is therefore appropriate to list them in this condition.
G23 Ecological Monitoring and	The objective of the Ecological Monitoring and Management Plan is to set out the practices and procedures to be adopted to ensure that all resource consent conditions relating to ecological monitoring and management are complied with. In respect to the activities authorised in these consents, the Ecological Monitoring and Management Plan provides a framework for the individual management plans listed:	DOC requests that additional management plans are referred to in this condition, as shown. These management plans will all contribute to the management of ecological effects, and are all listed in section 2 of the draft Ecological Monitoring and

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
Management Plan	a) Rehabilitation Management Plan; b) Wetland Monitoring and Management Plan; c) Wetland and Aquatic Offsetting Plan; d) Water Quality Monitoring Plan; e) Native Fish Recovery Plan; f) Avifauna Management Plan; g) Lizard Management Plan; h) Woody Weed management Plan; i) Mammalian Pest Control Plan; and j) Carex tenuiculmis and Epilobium chionanthum Management Plan	Management Plan (24 October 2025); it is therefore appropriate to list them in this condition.
G26 Wetland Monitoring and Management Plan	The objective of the Wetland Monitoring and Management Plan (WMMP) is to: a) Manage <u>Minimise Avoid</u> actual or potential adverse effects <u>on wetlands where practicable, and otherwise minimise such effects on to maintain</u> the long-term ecological health and function of wetlands <u>including through offsetting and compensation where identified in the Wetland and Aquatic Offsetting and Compensation Plan as a result of the construction works</u>; b) <u>Monitor</u> wetlands within 100 metres of proposed construction works <u>and implement to inform</u> appropriate management measures to ensure (a) is achieved; and c) Ensure that; Following completion of construction, adverse effects on wetland ecological health and function <u>is monitored for a minimum of 12 months to</u>	Amendments to clause a are necessary so that effects are managed using the effects management hierarchy (EMH). Clause 3.22 of the NPSFM indicates that the EMH should be applied in the case of effects on wetlands that are necessary for the construction or upgrade of “specified infrastructure” (the wind farm falls within the relevant definition) that provides significant national or regional benefits, and where there is a functional need for the specified infrastructure in that location. In relation to the amendment to clause c, a minimum of 12 months’ monitoring will allow time for

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
	ensure that are appropriately managed through post-construction monitoring in accordance with the monitoring periods specified in this Plan.	hydrological effects over all seasons to be observed. This is required to ensure that any effects are identified.
	In order to achieve the objective established in Condition G26, the WMMP must, as a minimum, contain the following details: a) <u>Monitoring programmes to be undertaken prior to construction, during construction and post construction to inform achievement of the objectives.</u> b) <u>Monitoring must be undertaken for at least 12 months post construction.</u> c) The methodology for wetland photopoint monitoring, collection of monitoring metrics, and vegetation and erosion monitoring; and d) Management actions to be taken if an adverse effect on vegetation is found; e) Reporting procedures; and b) d) Trigger(s) for the review of the WMMP (if required).	A minimum of 12 months' monitoring will allow time for hydrological effects over all seasons to be observed. This is required to ensure that any effects are identified.

Consent type: NES-F Consent (RMFT25.008.12)

Activity authorised: To construct specified infrastructure (including earthworks, land disturbance, vegetation removal and stormwater discharge) in or within 10m of natural inland wetlands

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
3	To confirm compliance with Condition 2, the Consent Holder must: a) maintain a photographic record of all photo points of natural wetlands identified in the certified Wetland Management and Monitoring Plan (WMMP) prior to the commencement of activities under this consent, and on a three-monthly basis thereafter for the duration of the construction works <u>and for 12 months post construction</u>; and b) provide photographs taken at each photo point identified in the certified WMMP and a written assessment of compliance with condition 2 to the Consent Authority three <u>twelve</u> months after the completion of construction activities authorised under this consent.	A minimum of 12 months' monitoring will allow time for hydrological effects over all seasons to be observed. This is required to ensure that any effects are identified.

Consent type: Land use consent

Activity authorised: To install a culvert within the bed of a waterbody and the associated disturbance of the bed of the waterbody

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
2A	Supported	DOC supports the addition of new condition 2A to require that the culvert is designed in accordance with NIWA's NZ Fish Passage Guidelines