

6. APPROVALS NEEDED AND SOUGHT UNDER THE FTAA

6.1 AUTHORISATIONS REQUIRED UNDER THE FTAA

To authorise Stage 2 of Puke Kapo Hau, various approvals are being sought under the FTAA. The application covers the following approvals:

- > Schedule 5 approvals relating to the RMA:
 - > A variation to the existing land use consent;
 - > A new land use consent for the proposed transmission line, substation, O&M Facility and BESS;
 - > A new suite of regional consents; and
 - > A land use consent for works within or within 10 m of a natural inland wetland.
- > Schedule 7 approvals relating to lizard catch and release, the incidental killing of lizards, GPS tracking of falcon and handling of any dead protected birds; and
- > Schedule 8 approvals relating to a general archaeological authority and approval of the person to carry out the activity.

6.2 RESOURCE MANAGEMENT ACT 1991

As required by Clause 5 (3)(a) and (b) of Schedule 5 of the FTAA, a detailed assessment of the approvals required under the relevant statutory planning documents under the RMA is included in Part D.01 (RMA Rules Assessment).

The relevant statutory document under the RMA allows for a range of permitted activities on the project site. For the purposes of this substantive application, the effects of the project have been fully assessed on their own merits. No reliance has been placed on the permitted baseline to reduce or offset any potential adverse effects, ensuring that the evaluation reflects the actual impacts of the proposal in the context of the relevant statutory provisions. The relevant permitted activities in the statutory planning documents are identified in Part D.01.

A summary of the approvals that are required are provided in the following sub-sections.

The construction, operation and maintenance of Stage 2 of Puke Kapo Hau does not involve any activities that would otherwise be prohibited activities under the RMA.

6.2.1 Land Use Consent Variation

6.2.1.1 Section 42(6) of the FTAA

Under section 42(6) of the FTAA, a substantive application may seek an approval for a change or cancellation of a resource consent conditions that would otherwise be applied for under the RMA (as described in section 42(4)(b) of the FTAA) only if:

- (a) the substantive application also seeks an approval described in subsection (4)(a) or (d); and*
- (b) the change or cancellation is material to the implementation or delivery of the project.*

The proposal is also for a resource consent as stated in section 42(4)(a) and is considered material to the implementation and delivery of the project as stated in section 42(4)(b).

6.2.1.2 Schedule 5, Clause 3, Section 13(4)(y)(ii)

Under section 13(4)(y)(ii) and clause 3 to Schedule 5, information is required about whether and how the change or cancellation of the condition is material to the implementation or delivery of the project.

The changes as described below are material to the implementation and delivery of the project for the following key reasons:

> **Project Viability**

The proposed changes including an increase to tip height and changes to turbine locations and CZ, are fundamental to facilitating the use of modern, larger and more efficient turbines that could otherwise not be fully accommodated on site under the existing consent conditions. Advances in turbine technology mean that taller turbines with increased tip heights are now standard across the industry and are essential for achieving the energy generation targets originally envisaged for the project. Less efficient turbines, such as the 2 MW turbine envisaged by the land use consent, are not readily available on the international market.

> **Energy Yield Optimisation**

The increased tip height allows for access to higher, more consistent wind speeds, significantly improving the energy output of each turbine. This is crucial for meeting the renewable energy generation goals of the project and ensuring its long-term sustainability.

> **Technological Advancements**

Since the existing consent was granted, turbine technology has evolved considerably,



and larger, more efficient models are now available. These newer models require greater tip heights, different hardstand footprints, and adjusted spacing between turbines to operate safely and effectively. Accommodating this technology ensures the project aligns with current best practices and leverages available efficiencies.

> **Environmental and Spatial Efficiency**

Adjusting the turbine locations and increasing the tip height enables a more efficient site layout, reducing the total number of turbines needed while improving overall output. This reduces environmental impacts such as land disturbance, visual intrusion, and ecological disruption.

> **Regulatory and Policy Alignment**

The change supports broader governmental and regional renewable energy targets by enabling the project to contribute meaningfully to decarbonisation and energy security. Proceeding with the outdated design parameters would severely limit the project's ability to do so.

> **Economic and Investment Confidence**

Ensuring the project is designed to reflect current technology and performance expectations is essential for securing investment and maintaining a business case. Such a business case may not be present within the existing consent conditions.

6.2.1.3 Variation to Existing Land Use Conditions – Key Changes

The proposal requires a variation (including consequential changes) to Land Use Consent RM1409. The key change to the conditions is set out in ~~redline~~ and ~~strikethrough~~ in Table 6.1 below. The full list of changes is contained in Part E.01 (Clutha District Plan RM1409 Variation Conditions).

Table 6.1: Key Changes to RM 1409

Condition	Proposed Changes	Reason for Change
11	The maximum installed generation capacity of the Mahinerangi wind farm shall not exceed 200MW.	Remove 200 MW restriction.
12	The maximum number of turbines in the Mahinerangi wind farm shall not exceed 100 56.	Reduce number of turbines.
13	The turbines to be located within the land identified as the Thomas Block, legally described as Section 24, Block IV Hedgehope SO 22457, certificate of title OT 11D/1371, shall only be accessed from Eldorado Track. No tracking is permitted across the wetlands within this block.	No turbines will be located on the Thomas Block. Thomas Block is removed from Wind Farm Site boundary.



Condition	Proposed Changes	Reason for Change
14A	<u>No later than six months after the establishment of the Wetland Compensation Site, [Section 3 Block X Lee Stream Survey District (CT OT12C/797)] and shown on Figure 2 (attached), the consent holder shall provide legal protection from stock grazing for the period of the operation of the Wind Farm via a covenant or similar legally binding mechanism. Evidence that this condition has been complied with shall be supplied to the Planning and Environment, Manager Clutha District Council.</u>	Provision of a Wetland Compensation Site.
17	The maximum turbine height to the tip of the blade shall not exceed 145 <u>165</u> m.	Increase turbine height.
17A	<u>The minimum ground clearance of the turbine blades shall be 20 meters.</u>	Add new minimum ground clearance condition.
17B	<u>No turbine towers or foundations shall be located on any paper road. The centre of the turbine tower must be at least 10m from the boundary of a paper road, but the turbine blades may overhang the paper road boundary.</u>	No turbines will be located on a paper road.
20	All turbines used within the wind farm site shall be similar in size and appearance.	The height of the turbines will increase.
25 i)	... <u>Stage 2 Site Development Plan:</u> <u>The Stage 2 Site Development Plan shall be generally in accordance with Map 1 – Puke Kapo Hau Stage 2 Layout Plan, which identify the Stage 2 Wind Farm Development Area. All turbine towers, turbine foundations, facilities, infrastructure and cabling shall be located within the Stage 2 Wind Farm Development Area</u> <u>Matters relevant to both Stage 1 and Stage 2 Site Development Plans</u> The <u>Site Development pPlans</u> shall include, but not be limited to: a) all finalised turbine locations, which shall only be located within the circles <u>contingency zones</u> depicted on BMPW07190/1 <u>(for Stage 1 only) and Map 1 – Puke Kapo Hau Stage 2 Layout Plan</u> b) all access tracks which shall be located generally as shown on BMPW07190/1 <u>Map 1 – Puke Kapo Hau Stage 2 Layout Plan for Stage 2</u> , with:	Consequential amendments to differentiate between Stage 1 and Stage 2 Site Development Plan information. Amend access length and width. Increase permanent hardstand area. Reduce SFDs volumes. Include BESS. Editorial amendments. Advice note.



Condition	Proposed Changes	Reason for Change
	<ul style="list-style-type: none"> i) a maximum overall length of 371 km; and ii) a post construction width for construction of 12m narrowing to 5m post-construction of 5.5m widening to 9.5m on bends. 	
	c) cut and fill batters associated with tracking, which shall have a maximum height of 10m and slopes which are generally consistent with the typical cross section depicted in Appendix A.1;	
	d) all permanent hard stand areas, which shall be located within the circles turbine contingency zones depicted on BMPW07190/1 Map 1 – Puke Kapo Hau Stage 2 Layout Plan so as to minimise the total volume and area of earthworks, shall have a maximum permanent hard stand area of 1400m² 1855m² and a maximum depth of fill of 12m. In particular the hard stand areas for turbines located at Stage 1 sites T80, T81 and T86 shall be located to minimise the visual effects from Lake Mahinerangi;	
	e) all fill sites for excess spoil, which shall have a maximum volume of fill to be disposed of 460390,000 m3 , a maximum coverage of 61.545 ha. and a maximum fill depth of 3m and maintain a minimum set back of 10m from waterbodies;	
	f) sediment ponds, which shall have a maximum bund height of 3m.	
	g) the substation site, which and battery energy storage system (“BESS”) shall be located generally as shown on BMP-W07190/1 Map 1 – Puke Kapo Hau Stage 2 Layout Plan;	
	h) the operations and maintenance building facility and associated waste and water services, and construction site office and depot, which shall be located generally as shown on BMP-W07190/1 Map 1 – Puke Kapo Hau Stage 2 Layout Plan;	
	i) the transmission line(s);	
	j) the concrete batching area(s), which shall be located generally as shown on BMPW07190/1 and Map 1 – Puke Kapo Hau Stage 2 Layout Plan;	
	k) the internal transmission system;	

Condition	Proposed Changes	Reason for Change
	<p>l) meteorological masts and equipment; and</p> <p>m) any other areas of land disturbance.</p> <p>Advice note:</p> <p><u>The substation, BESS, operations and maintenance facility are subject to a separate land use consent RM[XXXX] and are shown on Map 1 – Puke Kapo Hau Stage 2 Layout Plan for locational purposes only.</u></p>	
25C iv) (d) i.	<p>Rehabilitation Management Plan</p> <p>....</p> <p>Thomas Block and Scrappy Pines Block, <u>Wetland and Aquatic Compensation Sites</u> and other <u>Stage 1</u> areas listed as exceptions in 25(i): removal of <u>snow</u> tussock for direct transfer, storage and maintenance of tussock, replacement of tussock vegetation on track edges and turbine sites , planting of additional tussock and other species as necessary such that a communities is reestablished and is similar to that which existed prior to construction commencing as determined in accordance with (e) below.</p> <p>...</p>	Introduction of new compensation sites.
<u>26</u>	<p><u>The Consent Holder shall ensure that the construction of the Mahinerangi Wind Farm Stage 2 is undertaken in accordance with the requirements of the Avifauna Management Plan prepared by Boffa Miskell Limited that forms Part C of the Puke Kapo Hau Mahinerangi Wind Farm Stage 2 – Fast-Track Approvals Act Application dated DD MM 2025 and in accordance with condition 27.</u></p> <p>i) <u>The objective of the Avifauna Management Plan (AviMP) is to describe the methodological approach to minimise actual or potential adverse effects on falcon and pied oystercatcher resulting from of the construction and operation of the Stage 2 of Mahinerangi Wind Farm.</u></p> <p>ii) <u>In order to achieve the objective established in Condition 26 i, as a minimum the AviMP must contain the following details:</u></p> <p>a) <u>Pre-construction and construction monitoring measures for falcon and pied</u></p>	Introduce a new Avifauna Management Plan.



Condition	Proposed Changes	Reason for Change
	<p><u>oystercatcher including surveys and timing, necessary construction buffers and reporting requirements; and</u></p> <p><u>b) Operational monitoring of falcon, including surveys, GPS tracking and reporting requirements.</u></p> <p><u>Advice Note:</u></p> <p><u>With respect to mitigation/predator control to support falcon and pied oystercatcher, the Mammalian Pest Management Plan identifies the areas/habitat to be targeted, target pest species, types of control tools and timings for control methods. Refer to conditions 28 and 28A.</u></p>	
26	<p>Bird Strike Condition</p> <p>....</p>	Delete all bird strike conditions.
27A	<p><u>The Consent Holder shall ensure that the construction of the Puke Kapo Hau - Mahinerangi Wind Farm Stage 2 is undertaken in accordance with the requirements of the Lizard Management Plan Blueprint Ecology that forms Part C of the Puke Kapo Hau - Mahinerangi Wind Farm Stage 2 – Fast-Track Approvals Act Application dated DD MM 2025.</u></p> <p><u>iii) The objective of the Lizard Management Plan (LMP) is to avoid, minimise, remedy, or compensate for any adverse effects of construction works on native lizard species within the Puke Kapo Hau - Stage 2 Wind Farm Development Area.</u></p> <p><u>iv) In order to achieve the objective established in Condition 27A, as a minimum the LMP must contain the following:</u></p> <p><u>a) Planning and timing of lizard capture/salvage, handling, relocation and roles and responsibilities;</u></p> <p><u>b) Preparing habitat at release sites, capturing lizards at impact sites, temporary captivity (if required), data collection, transport to and release at receiving sites;</u></p> <p><u>c) Predator control; and</u></p>	Introduce a new Lizard Management Plan.



Condition	Proposed Changes	Reason for Change
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d) Post-release monitoring, contingency implementation as appropriate, and reporting to the Department of Conservation.

34	<p>The noise associated with concrete manufacture shall be measured in accordance with NZS6801:1991: Measurement of Sound <u>NZS6801:2008: Acoustics - Measurement of Environmental Sound</u> and assessed in accordance with NZS6802:1991: Assessment of Environmental Sound <u>NZS6802:2008: Acoustics - Environmental Noise</u>. All aspects of concrete manufacture shall not exceed the following noise limits:</p> <table> <tr> <td>7.00am to 10.00pm</td><td>55dBA L₁₀ <u>L_{eq}</u></td><td rowspan="3">Delete hours in respect of concrete manufacturing.</td></tr> <tr> <td>10.00pm to 7.00am</td><td>45dBA L₁₀ <u>L_{eq}</u></td></tr> <tr> <td>10.00pm to 7.00am</td><td>75dBA L_{max}</td></tr> </table> <p>at or within the notional boundary of any dwelling (excluding any dwelling on the wind farm site). Concrete shall not be manufactured outside of the hours of 6.30am to 8.00pm from Monday to Friday, and 7.30am to 6.00pm on Saturdays.</p>	7.00am to 10.00pm	55dBA L₁₀ <u>L_{eq}</u>	Delete hours in respect of concrete manufacturing.	10.00pm to 7.00am	45dBA L₁₀ <u>L_{eq}</u>	10.00pm to 7.00am	75dBA L _{max}	<p>Amend to reflect updated NZS6801: 2008: Acoustics</p> <ul style="list-style-type: none"> - Measurement of Environmental Sound and NZS6802:2008: Acoustics - Environmental Noise and associated noise limit measurements.
7.00am to 10.00pm	55dBA L₁₀ <u>L_{eq}</u>	Delete hours in respect of concrete manufacturing.							
10.00pm to 7.00am	45dBA L₁₀ <u>L_{eq}</u>								
10.00pm to 7.00am	75dBA L _{max}								

6.2.2 New Land Use Consents for Transmission Line and Supporting Infrastructure

A new discretionary land use consent for the 110 kV transmission connection to connect electricity generated at Puke Kapo Hau to the 110 kV Halfway Bush-Roxburgh Line is sought, together with a substation and BESS under Rules INF.8 (b) and INF.12 of the Clutha District Plan.

A rule assessment table is provided at Part D.01 (RMA Rules Assessment) of this substantive application.

6.2.3 New Regional Consents

New regional consents are required under the Regional Plan: Water for Otago:

- > Water permits to allow for dewatering, diversion of water and alteration to the bed of a river during construction works;
- > Discharge permits for the discharge of water or any contaminant to land or water during construction works; and
- > Land use consents to construct a culvert within a waterbody.



The original regional council consents related to construction activities and therefore had a shorter consent duration. Land Use Consent 2006.841, which enables the erection of structures (i.e. culverts) within the bed of a watercourse, remains extant. This consent has a 35-year term and while not lapsed, it is reliant on other consents (e.g. 2006.843 to temporarily divert a watercourse) that have lapsed, and in this respect TWP will be seeking new replacement consents.

A rule assessment table is provided at Part D.01 (RMA Rules Assessment) of the substantive application documentation.

6.2.4 New Consent Under the National Environmental Standards for Freshwater 2020

Specified Infrastructure is defined in the National Policy Statement for Freshwater Management (“**NPS-FM**”) as including infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002 (which includes any entity that generates electricity); and any regionally significant infrastructure identified in the Otago Regional Policy Statement 2019 (“**RPS**”).

The RPS has defined regionally significant infrastructure as being:

“significant electricity distribution infrastructure” and “renewable electricity generation facilities that connect with the local distribution network but not including renewable electricity generation facilities designed and operated principally for supplying a single premise or facility”

Puke Kapo Hau therefore meets the definition of specified infrastructure for the purposes of assessing the consent requirements under the National Environmental Standards for Freshwater (“**NES-F**”).

Regulation 45 of the NES-F is the key provision relevant to constructing specified infrastructure in proximity to natural inland wetlands. In particular:

- > Vegetation clearance within, or within a 10 m setback from a natural inland wetland;
- > Earthworks or land disturbance within, or within a 10 m setback from a natural inland wetland;
- > Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland if it results in or is likely to result in the complete or partial drainage of all or part of a wetland;
- > The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland which will or is likely to change the water level or hydrological function of the wetland; and

- > The discharge of water into water within, or within a 100 m setback from, a natural inland wetland which will or is likely to change the water level or hydrological function of the wetland.

A **discretionary activity consent** is required under:

- > Regulation 45(1) and (2) - A land use consent for works within or within 10 m of a natural inland wetland.

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. These relate to the installation of a culvert in the Lee Stream Tributary/Wetland 20 and where an existing farm track is to be replaced with a new track crossing through (and perpendicular) to wetland 43.

There are three instances where there is a functional need for works associated with the wind farm (tracks or associated earthworks) to be located within 10 m of a wetland and it is not practicable to avoid doing so. These relate to tracks to turbines 5, 25, 26 (wetlands 15, 68, 69) and a crane platform fill batter north of turbine 20 (wetland 43)

There are three instances where there is a functional need for works associated with the transmission line (tracks or associated earthworks) to be located within 10m of a wetland and it is not practicable to avoid doing so. These relate to tracks near wetlands T15, T26, T27, T28 and T30.

- > Regulation 45(5) – A discharge permit for the discharge of water within or within 100 m of a natural inland wetland.

Noting the activity does not involve direct discharge to water, there may be indirect discharges of water into water within, or within a 100 m setback from, a natural inland wetland and therefore consent is being sought.

The earthworks outside 10 m, but within a 100 m from, a natural inland wetland will not result in complete or partial drainage of any natural inland wetland - so therefore no resource consent is required under Regulation 45(3).

The taking, use, damming or diversion of water (i.e. for dewatering purposes) within, or within a 100 m from, a natural inland wetland will not alter the hydrological functioning, nor cause the loss or degradation of the wetland's extent or values. As such, no resource consent is under Regulation 45(4) either.

FTAA information requirements for the approvals related to the RMA are provided in Part A.00 (Navigation Tables) and Part A.09 (Statutory Assessment).

As set out in the Civil Engineering Assessment prepared by Riley (Table 5 of Part B.11 – Civil Engineering Assessment), there is a functional need²⁵ for these specified infrastructure works to locate in or in proximity to natural inland wetlands. The works are associated with a listed project that has significant regional and national benefits (refer to Section 3.3.1 of Part A.03 - Introduction).

The effects management hierarchy set out in the NPS-FM has been applied (refer to Section 7.8.4.3 of Part A.07 – Assessment of Environmental Effects).

In relation to culvert installation works, the technical reports prepared by SLR (Part B.07 – Ecological Assessment – Aquatic Ecology) and Riley (Part B.11 – Civil Engineering Assessment) have confirmed that the proposed design complies with the permitted activity conditions set out in Regulation 70 of the NES-F. As such, the culvert does not require resource consent under the NES-F.

6.3 SCHEDULE 7 APPROVAL RELATING TO THE WILDLIFE ACT 1953

The wildlife approvals required for the construction, operation and maintenance of Stage 2 of Puke Kapo Hau are as follows:

- > The handling, salvage, relocation of lizards in order to enable vegetation clearance and earthworks within the project site, and incidental killing of lizards that have not been translocated;
- > The capture, attachment of identification leg bands and GPS transmitters, and handling of carcasses for falcon / kārearea (*Falco novaeseelandiae*), classified as Threatened – Nationally Vulnerable; and
- > To collect the carcass of any native bird with a conservation status of threatened or at-risk, including falcon, found by staff within The 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.

The FTAA information requirements for the wildlife approval applications are provided in Part A.12 (Approvals Relating to the Wildlife Act 1953).

²⁵ The NPS-FM defines functional need as: “the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.”



6.4 SCHEDULE 8 APPROVAL RELATING TO THE HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

There is potential for unidentified heritage / archaeological values to be discovered during the construction of Stage 2 of Puke Kapo Hau. As such, a General Archaeological Authority that relates to Schedule 8 of the FTAA is required. An approval of the person to carry out the activity under clause 7 to Schedule 8 of the FTAA is also sought.

The FTAA information requirements for the archaeological authority application are provided in Part A.11 (Approvals Relating to the Heritage New Zealand Pouhere Taonga Act 2014).

6.5 AUTHORISATIONS NOT REQUIRED UNDER THE FTAA

The FTAA provides two new concepts:

- > Complex freshwater fisheries activities (“**CFFA**”); and
- > Standard freshwater fisheries activities (“**SFFA**”).

These concepts cover activities for which an approval (or dispensation) would otherwise be required under Freshwater Fisheries Regulations 1983 (“**the Fisheries Regulations**”), as well as several additional activities.

However, unlike the Fisheries Regulations, the FTAA differentiates between activities that impede fish passage temporarily (SFFA) and activities that impede fish passage more permanently (CFFA).

Stage 2 of Puke Kapo Hau will include only a SFFA and requires this for the construction of a culvert in a tributary of the Lee Stream. This means that a standalone approval under the FTAA is **not** required.

