

Your Comment on the Mahinerangi draft conditions and decision (if applicable)

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

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
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Please provide your comments below, include additional pages as needed.

Thank you for the opportunity to provide comments on the draft conditions and draft decision, as provided for under section 70 of the Fast-track Approvals Act 2024.

Otago Regional Council (ORC) has been actively involved throughout the development of the proposed condition suite and appreciates the ongoing engagement with the Applicant and the Panel during this process. ORC internal staff and external experts have reviewed the draft conditions and draft decision circulated by the Panel, including the version showing the amendments made from the Applicant's proposed conditions. ORC appreciates the provision of the tracked changes version, which has assisted in efficiently identifying and assessing the amendments proposed by the Panel.

Overall, ORC considers that the draft conditions represent a substantial improvement on the conditions originally proposed by the Applicant and generally address the key matters raised by ORC throughout the application process.

While ORC is generally comfortable with the overall direction of the draft conditions, it has identified a small number of matters where further refinement is recommended to improve clarity, consistency, enforceability and alignment with relevant statutory requirements. In particular, ORC has identified one substantive matter where amendments to the draft conditions

have been suggested, and one matter where ORC retains a concern but does not seek any further amendment. These relate to:

- the need for additional hydraulic assessment and design certification to confirm that the Lee Stream culvert will provide effective fish passage; and
- the need to ensure that legal protection of the wetland and aquatic offset and compensation areas continues for as long as the residual ecological effects persist.

ORC's proposed amendments, together with the reasons for each amendment, are set out in the table below to assist the Panel in finalising a robust and effective condition framework.

ORC's suggested amendments have been made in **red tracked changes** over the Expert Panels' black tracked changes, with a comment explaining the reason for the suggested change.

Condition number	Condition	ORC Comment
G12	The following draft management plans prepared by the Consent Holder and submitted with the Puke Kāpo Hau – Mahinerangi Wind Farm Stage 2 – Fast-track Approvals Act Application dated 31 March 2025 must be submitted as final s to the Consent Authority for written certification, not less than 20 working days prior to construction works commencing: ... <u>j) Water Quality Management Plan (WQMP)</u>	The Water Quality Management Plan is missing from the list.
G13	Certification is required to verify that the management plans: a) include actions, methods and monitoring programmes as where appropriate to meet the objectives in Conditions G16 (ECMP), G18 (EMP), <u>G21 (CTMP), and G23 (EMMP), G24 (RMP), G26 (WMMP), G28 (WAOCP), Condition 7 of Discharge Permit RMFT25.008.08 (WQMP) and Condition 12 of Water Permit RMFT25.008.11 (NFRP);</u> and... b) Satisfies the objectives requirements in Conditions G12A, G198 (EMP), G22 (CTMP), G25 (RMP), G27 (WMMP), G29 (WAOCP), G30A (EMRP), <u>Condition 8 of Discharge Permit RMFT25.008.08 (WQMP)</u> and Condition 13 of Water Permit RMFT25.008.11 (NFRP).	The Water Quality Management Plan is missing from the list.
G13A	The Consent Holder must follow the process set out below for the certification of the management plans identified in G13, from the Consent Authority: ... c) If satisfied, The Consent Authority will provide written certification to the Consent Holder within 5 <u>20</u> working days, unless (de) below applies: d) <u>For the purpose of determining whether a management plan meets the relevant objectives and requirements of these consents, the Consent Authority may obtain advice from suitably qualified and experienced technical specialists. The reasonable costs incurred by the Consent Authority in obtaining such advice shall be met by the Consent Holder</u> de) If the Consent Authority's response is that they are not able to certify the documents, the reasons are to be provided in writing, and the Consent Holder must consider the Consent	The suggested change to c) provides the Council with sufficient time to certify of the management plans. The suggested change to d) provides Council with the ability to engage external technical specialists given the specialised nature of the management plans.

	Authority's reasons and resubmit amended documents for written certification; <u>and</u> ef)	
G14	The Consent Holder may make amendments to the certified Environmental Construction Management Plan and associated certified management and/or monitoring plans (as listed in conditions G12 and G16). ...	Clarifies that the amendment process applies to certified management plans.
G23	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 implementation of the following certified management plans individual management plans listed: ... c) Wetland and Aquatic Offsetting and Compensation Plan; d) Water Quality Monitoring Management Plan; and	c) Updated on the basis of the draft decision. d) Updated to align with G-12 and Discharge Permit RMFT25.008.08
G24	The Rehabilitation Management Plan (RMP) must achieve the following objectives: a) Following the practical completion of earthworks, disturbed areas and fill batters, create stable landforms by establishing vegetation cover (which may include pasture) and erosion-resistant surfaces that have characteristics that favour growth of sustainable plant communities and manage run off and sediment generation; and b) Provide methods for rehabilitation of snow tussock in the Wetland and Aquatic Offsetting and Compensation Sites; and c) Prevent weeds and pests invading the site.	The objectives in the applicant's updated Rehabilitation Management Plan (provided in response to the s53 comments) are preferred, as these include the requirement to prevent weeds and pests invading the site.
G25	In order to achieve the objectives established in Condition G24, the RMP must, as a minimum, contain the following details: a) d) Rehabilitation of snow tussock within the certified Wetland and Aquatic Offsetting and Compensation Sites, including on-site sourcing, storage and planting methodology;	Updated on the basis of the draft decision.
G28	The objective of the Wetland and Aquatic Offsetting and Compensation Plan (WAOCP) is to: a) Offset and compensate for loss of wetland and aquatic habitat that cannot be avoided, minimised or remedied; and b) Ensure no net loss of a net gain of ecological values.	The NES-FW requires the effects management hierarchy to be applied. Under that hierarchy, aquatic offsetting must achieve no net loss, and preferably a net gain, in the extent and values of the affected wetland or river. Aquatic compensation follows offsetting in the hierarchy and

		must achieve a net gain in ecological benefits. As the condition has been amended to include compensation, ORC suggest that clause (b) be amended to require a net gain in ecological values.
30A	The Consent Holder must prepare and submit an annual Environmental Monitoring Report to the Consent Authority.... i a) Summarise all environmental monitoring undertaken; ii b) Summarise all the data collected, ...	Minor formatting change – the list should start with a), b) rather than i., ii.
G33	All disturbed areas, other than the turbine hard stand areas and access tracks, must be progressively rehabilitated in accordance with the objectives of the <u>certified</u> ECMP outlined in Condition G16 and the objectives of the <u>certified</u> RMP outlined in Condition G24.	Clarifies that the condition applies to certified management plans.
G35	During construction works authorised by this consent, the Consent Holder must take all practicable steps to minimise the spread of pest plants and aquatic weeds. In particular, the Consent Holder must: a) Prior to entering the site, ensure all machinery and equipment is cleaned within the designated wash-down areas established in accordance with the <u>certified</u> approved Environmental Construction Management Plan (including Section 2.3 – Wash Down Water), b)	Replaces the term "approved" with "certified" to align with the certification process.
G38	The Consent Holder must inspect, maintain, and, where necessary, repair sediment control devices in accordance with the <u>certified</u> EMP. If there is any evidence that the water quality downstream of the site is declining and this is attributable to the onsite construction activities or performance of sediment control devices, the Consent Holder must immediately undertake any necessary maintenance of sediment control devices or take appropriate measures in order to ensure the ongoing and future effectiveness of water quality controls on site.	Clarifies that the condition applies to certified management plans.
G41	i If an unidentified archaeological site is located during works, the following applies: ii a) Work must cease immediately at that place and within 20m around the site. iii b)...	Minor formatting change to update bullet point to a), b)..

Land Use Consent (RMFT25.008.02)

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

Condition number	Condition	ORC Comment
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1	The activities authorised by this consent must be undertaken in general accordance with the plans and all information submitted with the application, except where otherwise required by this consent including, where relevant, General Conditions G1 – G38 41 of RMFT25.00.01. ...	Updated to include the additional archaeology conditions (G39 – G41) included within the Panel's decision.
2A	The design of the culvert must be in accordance with the New Zealand Fish Passage Guidelines (NIWA, 2024) At least 15 working days prior to the installation of the culvert within the Lee Stream Tributary, the Consent Holder must submit the final culvert design to the Consent Authority for certification.	ORC's fish passage expert considers that additional hydraulic assessment is required to demonstrate that the culvert will provide for effective upstream and downstream passage of the fish species present. Given this, ORC has suggested an amendment to this condition which requires an additional hydraulic assessment to demonstrate that the culvert will provide effective fish passage and address the matters relevant to Regulation 70 of the NES-FW.
2B	The Consent Authority shall certify the final culvert design where it is satisfied that the final design: a) is consistent with the New Zealand Fish Passage Guidelines (NIWA, 2024); b) includes a hydraulic assessment demonstrating that the culvert will provide for effective upstream and downstream passage of the fish species present; c) includes an assessment of water depths and velocities across a representative range of stream flows, including low-flow and high-flow conditions relevant to fish passage; and d) identifies any design measures required to provide hydraulic diversity, low-velocity refuge areas, suitable water depths, and stable bed substrate through the culvert.	While ORC supports the draft condition requiring compliance with the New Zealand Fish Passage Guidelines (NIWA, 2024), ORC considers that additional hydraulic assessment is required to confirm that water depths, velocities, hydraulic diversity and bed substrate will be appropriate for the fish species present across a representative range of stream flows.
2C	The culvert must not be installed until the final culvert design has been certified by the Consent Authority	ORC considers this a pragmatic approach to demonstrating that the culvert will provide for effective upstream and downstream passage of the fish species present, achieving the requirements of Regulation 70. The proposed condition provides a certification step prior to installation and will assist in confirming that the final culvert design achieves the relevant fish passage outcomes.
4	The Consent Holder must, provide to the Consent Authority, no later than 20 working days following completion of the installation of the culvert, the following information:	These additional information matters required by Reg 63(a) and (b) of NES-FW.

	a) The date on which installation of the culvert was completed; b) A description of the structure, including dimensions, design drawings, and materials used, <u>identification number and ownership</u>; c) Details of the culvert's physical characteristics and hydraulic performance, including erosion from the outlet drop, water depth and velocity, downstream low-velocity areas, bed substrate, remediation features, wetted margins, slope and alignment, associated structures (such as wingwalls or screens), and the presence and characteristics of any apron or ramp; d) Provision for fish passage in accordance with the WAOCP.	
10	The Consent Holder must implement the aquatic offsetting <u>and compensation</u> required by this consent in accordance with the <u>certified</u> Wetland and Aquatic Offsetting <u>and Compensation</u> Plan.	Clarifies that the condition applies to a certified plan.
11	No later than six months after the establishment of the Wetland and Aquatic Offsetting <u>and Compensation</u> Sites [Part Section 5 Block X Lee Stream SD (CT OT14C/331)] and shown on Appendix 2, the Consent Holder shall provide legal protection from stock grazing for the period of the operation of the Wind Farm via a covenant or similar legally binding mechanism. Evidence that this condition has been complied with must be provided to the Consent Authority.	ORC notes that there is no proposal to decommission the Lee Stream culvert or reinstate the affected wetlands. The loss of aquatic habitat and wetland extent and values will therefore persist beyond the operating life of the Wind Farm, while the draft conditions limit legal protection of the offset and compensation areas to the operational period. ORC's concern remains that, where an ecological effect is permanent and irreversible, the protection and function of the associated offset or compensation should endure for as long as that effect persists. Particularly given that the condition is limited to requiring legal protection from stock grazing. Limiting the protection to the operational period may therefore leave the continuing residual effects unsecured once the Wind Farm ceases operating. However, ORC acknowledges and respects the Expert Panel's decision not to require protection in perpetuity. ORC does not seek to revisit that decision through amendments to the draft conditions and has

		therefore not proposed any further change to this condition.
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Water Permit (RMFT25.008.11)

To divert Lee Stream Tributary

Condition number	Condition	ORC Comment
11	The Consent Holder must ensure that as part of the construction of the culvert within the Lee Stream Tributary the fish salvage and fish relocation will be generally carried out in accordance with the methodologies set out in the <u>certified</u> Native Fish Recovery Plan (NFRP).	Clarifies that the condition applies to a certified plan.

NES-F Consent (RMFT25.008.12)

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

Condition number	Condition	ORC Comment
1	The activities authorised by this consent must be undertaken in general accordance with the plans and all information submitted with the application, except where otherwise required by this consent including, where relevant, General Conditions G1 – G 38 <u>41</u> of RMFT25.00.01. ...	Updated to include the additional archaeology conditions (G39 – G41) included within the Panel's decision.
4	The wetland and aquatic offsetting required by this consent shall be implemented in accordance with the <u>certified</u> Wetland and Aquatic Offsetting <u>and Compensation</u> Plan (SLR, 2025).	Clarifies that the condition applies to a certified plan.