

Fast-track Approvals Act 2024 – Treaty settlements and other obligations (Section 18) report

Project Name: FTAA-2510-1125 Mahinerangi Wind Farm

To:	Date:
Panel Convener, Jane Borthwick	16 December 2025

Number of attachments: 3	Attachments: 1. Provisions of section 18 of the Fast-track Approvals Act 2024 2. Project location map 3. List of relevant Māori groups
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Ministry for the Environment contacts:

Position	Name	Cell phone	1 st contact
Principal Author	Stephen Church		
Manager, Fast-track Operations	Stephanie Frame	██████████	✓
General Manager	Ilana Miller	██████████	

Key points

1. As required by section 49 of the Fast-track Approvals Act 2024 (the Act), the Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations (section 18 of the Act) in relation to the substantive application FTAA-2510-1125 Mahinerangi Wind Farm.
2. The applicant, Tararua Wind Power Limited, proposes to develop Stage 2 of the Mahinerangi Wind Farm, to be known as Puke Kapo Hau, on the eastern foothills of the Lammermoor Ranges, approximately 50km west of Dunedin. The applicant is seeking approvals that would be otherwise sought under the following statutes: Resource Management Act 1991 (RMA), including variation to the existing land use consent, new land use consents, water permits and discharge permits; Wildlife Act 1953; and the Heritage New Zealand Pouhere Taonga Act 2014.
3. Section 18(2) of the Act requires that the report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. Most of those groups must be invited by the panel to comment on a substantive application under section 53(2) of the Act. We have identified Te Rūnanga o Ngāi Tahu, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka-Aparima, Aukaha, and Te Ao Marama Incorporated as relevant groups for the project area.
4. The Ngāi Tahu Claims Settlement Act 1998 is the relevant Treaty settlement for the project area. The project area does not include the marine and coastal area, and we have not identified any other obligations such as Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area.

5. In its acknowledgements and apology to Ngāi Tahu, the Crown recognised its failures to fulfil its Treaty obligations and committed to a new age of co-operation with Ngāi Tahu. The Crown also recognised Ngāi Tahu as holding rangatiratanga and mana within the takiwā of Ngāi Tahu Whānui. We have not identified any other principles and provisions of the settlement which have direct implications for this application, but note that other redress – such as that relating to taonga species – provide relevant context regarding the traditional connection of Ngāi Tahu with the surrounding environment.

Signature

A handwritten signature in black ink, appearing to read 'Ilana Miller'.

Ilana Miller
General Manager – Investment Strategy & Operations

Introduction

6. For a substantive application that relates to a listed project, under section 49 of the Act, the Environmental Protection Authority (EPA) must request a report from the responsible agency (Secretary for the Environment) that is prepared in accordance with sections 18(2) and 18(3)(a) of the Act (but does not contain the matters in section 18(2)(l) and (m)).
7. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and other Māori groups with interests in the project area; and
 - b. relevant principles and provisions in Treaty settlements and other arrangements.
8. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

9. The applicant, Tararua Wind Power Limited, proposes to develop Stage 2 of the Mahinerangi Wind Farm, to be known as Puke Kapo Hau, on the eastern foothills of the Lammermoor Ranges, approximately 50km west of Dunedin. The applicant is seeking approvals that would be otherwise sought under the following statutes: RMA, including variation to the existing land use consent, new land use consents, water permits and discharge permits; Wildlife Act 1953 (approval to catch/relocate lizards, GPS tracking kārearea/falcon, handling of dead protected birds); and the Heritage New Zealand Pouhere Taonga Act 2014 (archaeological authority).
10. The primary purpose of varying the existing land use consent is to enable the use of larger and more efficient wind turbines that have become available since the original consent was granted, resulting in fewer turbines than first envisaged. In addition to this variation, the applicant is seeking a new land use consent for the construction and use of a new 110kV transmission line to connect to the national grid, a batter energy storage system, and a new operations and maintenance facility.
11. The project area is located on private farmland and land owned by Landcorp Farming Limited (Pāmu Farms). We have provided a location map at **Attachment 2**.

Relevant iwi authorities, Treaty settlement entities, and other Māori groups

12. We note that some entities identified below may be included in more than one category. We have included a composite list of all groups at **Attachment 3**, including contact details.¹

Iwi authorities

13. We consider the following groups to be the relevant iwi authorities for the project area:
 - a. Te Rūnanga o Ngāi Tahu, representing Ngāi Tahu.

Treaty settlement entities

14. Under section 4(1) of the Act, “Treaty settlement entity” means any of the following:

¹ These are the contact details we could locate in the time available, and in some cases they will be the generic email address for the entity.

- (a) a post-settlement governance entity (PSGE):
- (b) a board, trust, committee, authority, or other body, incorporated or unincorporated, that is recognised in or established under any Treaty settlement Act:
- (c) an entity or a person that is authorised by a Treaty settlement Act to act for a natural resource feature with legal personhood:
- (d) Te Ohu Kai Moana or a mandated iwi organisation (as those terms are defined in section 5(1) of the Maori Fisheries Act 2004):
- (e) an iwi aquaculture organisation (as defined in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004).

15. We have identified the following relevant Treaty settlement entities for this project area:

- a. Te Rūnanga o Ngāi Tahu, PSGE for the Ngāi Tahu Claims Settlement Act 1998;
- b. Kāti Huirapa Rūnaka ki Puketeraki, representing Puketeraki, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- c. Te Rūnanga o Ōtākou, representing Ōtākou, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- d. Hokonui Rūnanga, representing Hokonui, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- e. Waihōpai Rūnaka, representing Waihōpai, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- f. Te Rūnanga o Awarua, representing Awarua, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998; and
- g. Te Rūnanga o Ōraka-Aparima, representing Ōraka-Aparima, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998.

Groups mandated to negotiate Treaty settlements

16. There are no groups which have recognised mandates to negotiate a Treaty settlement over an area which may include the project area. All historical claims under te Tiriti o Waitangi / the Treaty of Waitangi have been settled in respect of the project area.

Takutai Moana groups and ngā hapū o Ngāti Porou

- 17. The project area does not include the common marine and coastal area, and accordingly there are no relevant applicant groups under MACA, and no court orders or agreements that recognise protected customary rights or customary marine title within the project area.
- 18. The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).

Iwi or hapū whose practices are recognised under the Fisheries Act 1996 through regulation or bylaws

- 19. The project area is not within a taiāpure-local fisheries area, mātaitai reserve, or area subject to a bylaw or regulations made under Part 9 of the Fisheries Act 1996.

Owners of identified Māori land where electricity infrastructure or land transport infrastructure is proposed

20. Section 23 of the Act provides that, in making a decision on a referral application under section 21, the Minister may determine that, for the purposes of the project, an activity described in section 5(1)(a) is not an ineligible activity if it:

- is the construction of electricity lines or land transport infrastructure by (or to be operated by) a network utility operator that is a requiring authority; and
- would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.

21. This project does not involve an activity described in section 23(1) (i.e. including both (a) and (b)) of the Act.

Iwi authorities and groups representing hapū who are party to relevant Mana Whakahono ā Rohe or joint management agreements

22. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or joint management agreement, and the application includes a proposed RMA approval described in section 42(4)(a) to (d) (resource consent, certificate of compliance, or designation), we are required to identify the relevant iwi authority/group that represent hapū that are parties to these arrangements.

23. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there are no parties to these arrangements to identify.

Any other Māori groups with relevant interests

24. We have also identified the following entities, owned collectively by the relevant papatipu rūnanga, as other Māori groups with relevant interests, as they may represent the papatipu rūnanga on environmental and other matters in the project area:

- Aukaha, representing the Otago-based papatipu rūnaka² – Waihao, Moeraki, Puketeraki, Ōtākou and Hokonui; and
- Te Ao Mārama Incorporated, representing Murihiku papatipu rūnanga – Ōraka Aparima, Waihōpae, Awarua and Hokonui.

25. Based on the information provided by the applicant, we understand that they have primarily engaged with Aukaha and Te Rūnanga o Ōtākou.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

26. Under section 4(1) of the Act, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by both the Crown and representatives of a group of Māori.

² The variation in use of rūnaka/rūnanga is due to regional dialects.

27. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:

- a. Ngāi Tahu Claims Settlement Act 1998.

Relevant principles and provisions

28. Section 7 of the Act requires all persons exercising powers and functions under the Act to act in a manner consistent with Treaty settlements. The relevant principles and provisions for each of these settlements are set out below.

Crown acknowledgements and apologies

29. The Crown offers acknowledgements and an apology to relevant groups as part of Treaty settlement redress to atone for historical wrongs that breached te Tiriti o Waitangi/the Treaty of Waitangi, to restore honour, and begin the process of healing.

30. As part of the Ngāi Tahu settlement, the Crown apologised to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries and, in fulfilment of its Treaty obligations, the Crown stated that it recognised Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the takiwā of Ngāi Tahu whānui.

31. Respect for Ngāi Tahu views on resource management matters and enabling effective involvement of Ngāi Tahu as a Treaty partner in resource management decision-making within the takiwā are important ways in which the Crown can give ongoing effect to these acknowledgements and uphold its relationship with Ngāi Tahu.

Other redress

32. While the application includes proposed activities which may affect waterways within the project area (e.g. construction of a culvert within a tributary of Makarara/Lee Stream), the Ngāi Tahu settlement does not provide for specific redress (such as statutory acknowledgements) over these waterways.

33. Importantly, we note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

Taonga species

34. The Crown has acknowledged the special association of Ngāi Tahu with certain taonga species of birds, plants and animals. The Ngāi Tahu Claims Settlement Act 1998 contains several other provisions relating to taonga species, including a requirement that the Minister of Conservation consult with, and have particular regard to the views of, Te Rūnanga o Ngāi Tahu when making policy decisions concerning the protection, management, or conservation of a taonga species.

35. The application seeks approvals under the Wildlife Act 1953, including the capture and relocation of lizards, GPS tracking of kārearea/falcon, handling of any dead protected birds, and accidental kill of lizards. Lizards are not included amongst the taonga species in the Ngāi Tahu Claims Settlement Act 1998, but the bird species observed in or near the project

area include a number of taonga species (including several classified as nationally threatened or at-risk).³

36. Although the settlement provisions regarding taonga species do not place any procedural obligations on the applicant or consent authority in relation to the approvals being sought as part of this application, the redress illustrates the importance of these species to Ngāi Tahu. Accordingly, the panel may wish to take any impact of the application on taonga species into consideration.

Conservation protocol

37. The Ngāi Tahu Claims Settlement Act 1998 provides for the Minister of Conservation to issue a protocol which sets out how the Department of Conservation (DOC) will exercise its functions, powers, and duties in relation to specified matters within the Ngāi Tahu claim area, and how DOC will interact with Te Rūnanga o Ngāi Tahu and provide for their input into DOC's decision-making process.

38. While the current version of the protocol which covers the project area provides for engagement with Te Rūnanga o Ngāi Tahu on certain matters,⁴ it does not address the Wildlife Act 1953 approvals sought by the applicant.

Customary Marine Title/Protected Customary Rights

39. As noted above, the project area is not within a customary marine title area, protected customary rights area, or within or adjacent to ngā rohe moana o ngā hapū o Ngāti Porou.

Taiāpure-local fisheries/mātaitai reserves/areas subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996

40. As noted above, the project area does not include a taiāpure-local fishery, mātaitai reserve, or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.

Mana Whakahono ā Rohe/Joint management agreement

41. As noted above, we have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area.

Consultation with departments

42. In preparing this report, we are required to consult relevant departments. We have previously sought advice from Te Puni Kōkiri and The Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups for other applications in this area, and have incorporated their views into this report. Similarly, we have also previously received advice from DOC on the current status of the Ngāi Tahu conservation protocol.

³ Kārearea/NZ falcon, Pihoihoi/NZ pipit, Kāwau paka/Little shag, Tarapiroe/Black-billed gull, Kāhu/Australasian harrier, Riroriro/Grey warbler, Piwakawaka/Fantail, Pūtangitangi/Paradise shelduck, Karoro/Southern black-backed gull, Matuku moana/White-faced heron.

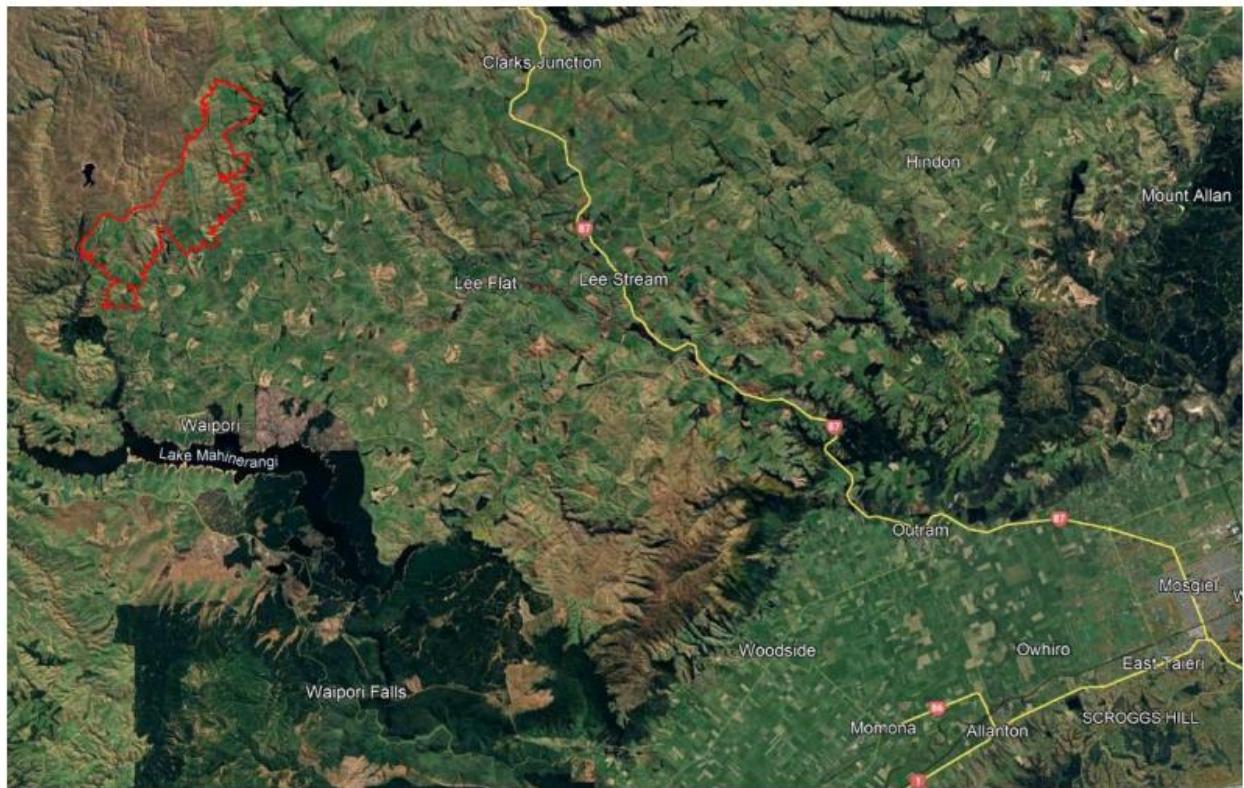
⁴ The protocol specifies the following matters: cultural materials; freshwater fisheries; culling of species of interest to Ngāi Tahu; historic resources; RMA involvement (not relevant to this application); and visitor and public information. The latest version of the protocol is appended to the 2016 Conservation Management Strategy for Otago at pages 285-292: [Otago Conservation Management Strategy 2016 volume 1](#)

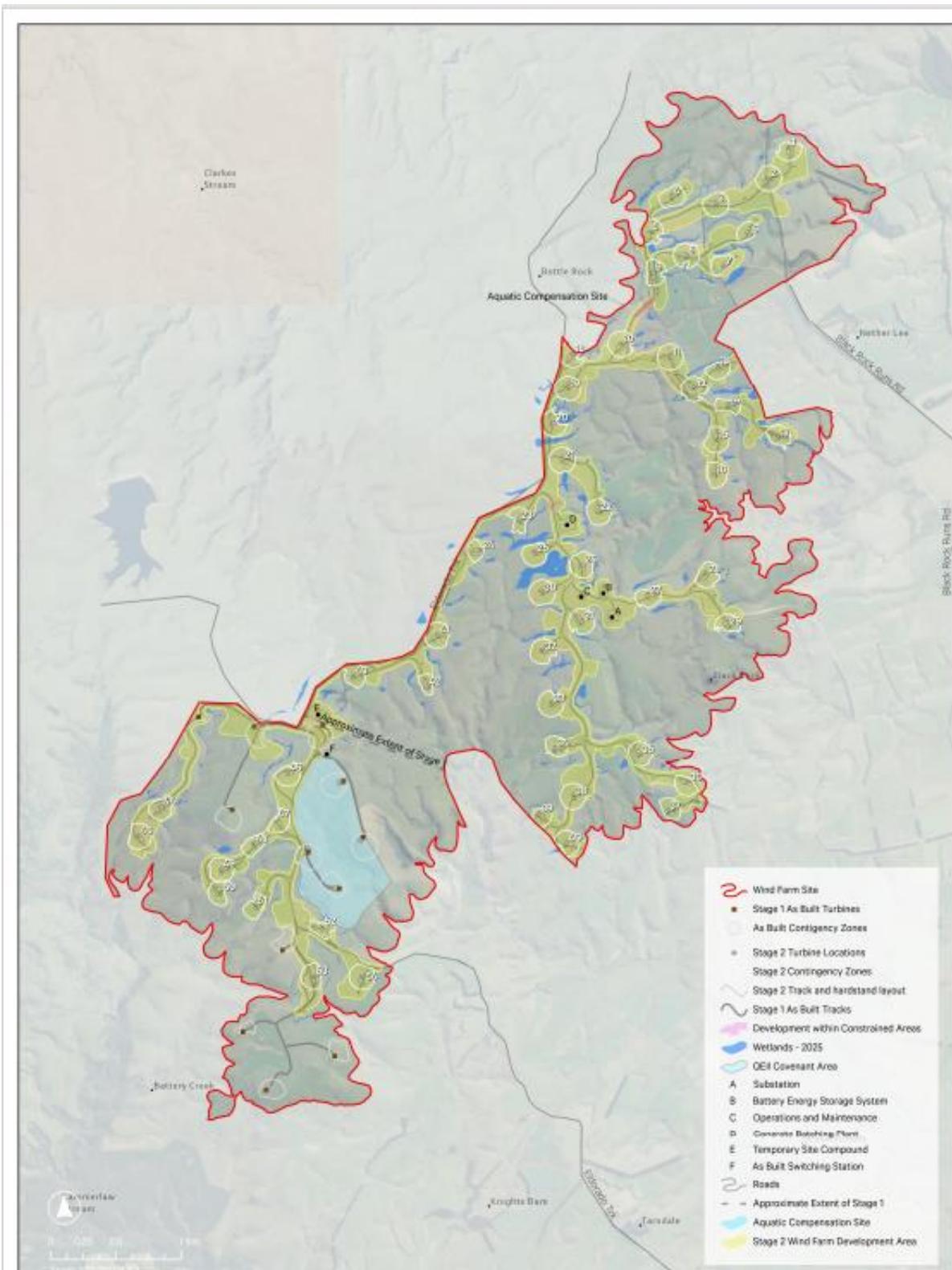
Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	[Not applicable to substantive applications – s 18 report is required by s 49.]
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	13-15
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	26-27
18(2)(c)	The relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991	28-38
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	16
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	17, 39
18(2)(f)	Any applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 that seek recognition of customary marine title or protected customary rights within the project area.	17, 39
18(2)(g)	Whether the project area would be within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou (and, if so, the relevant provisions of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).	18, 39
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaītai reserves, or areas that are subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 (and, if so, who the tangata whenua are).	19, 40
18(2)(i)	Whether the project involves an activity that could be the subject of a determination under 23 (and, if so, who the owners of the land are).	20-21
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation),	22-23, 41

	<p>(i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.</p> <p>(ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.</p>	
18(2)(k)	Any other Māori groups with relevant interests.	24-25
18(2)(l)	<p>A summary of—</p> <p>(i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e);</p> <p>(ii) any further information received by the Minister from those groups</p>	[Not applicable to substantive applications]
18(2)(m)	The responsible agency's advice on whether, due to any of the matters identified in this section, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	[Not applicable to substantive applications]
18(3)	<p>In preparing the report required by this section, the responsible agency must—</p> <p>(a) consult relevant departments; and</p> <p>(b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti.</p>	42 (section 18(3)(a)) [Section 18(3)(b) not applicable to substantive applications]
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	[Not applicable to substantive applications]

Attachment 2: Project location map





Isthmus.

Mercury 

Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact person	Contact email
Te Rūnanga o Ngāi Tahu	Iwi authority (s18(2)(a)); Treaty settlement entity – Ngāi Tahu Claims Settlement Act 1998 (s18(2)(a))		
Kāti Huirapa Rūnaka ki Puketeraki	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))		
Te Rūnanga o Ōtākou	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))		
Hokonui Rūnanga	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))		
Waihōpai Rūnaka	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))		
Te Rūnanga o Awarua	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))		
Te Rūnanga o Ōraka-Aparima	Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))		
Aukaha	Entity owned by Papatipu Rūnanga (s18(2)(k))		
Te Ao Mārama Incorporated	Entity owned by Papatipu Rūnanga (s18(2)(k))		