

Before the Expert Panel
Mahinerangi Wind Farm

FTAA-2510-1125

Under Fast-track Approvals Act 2024

In the matter of an application by Tararua Wind Power Limited to take construct and operate approximately 44 additional wind turbines, and connect and supply electricity to the national grid

Section 53 Comment

Te Rūnanga o Ōtākou

Date: 30/03/2026

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Comment on behalf of Te Rūnanga o Ōtākou

- 1 The Panel has invited Te Rūnanga o Ōtākou (*Ōtākou Rūnaka*) to comment on the application by Tararua Wind Power Limited (*the Applicant*) for consents and approvals relating to the Mahinerangi Wind Farm (*Application*), to be known as Puke Kapo Hau, under the Fast-track Approvals Act 2024 (*FTAA or Act*).
- 2 Ōtākou Rūnaka is one of the eighteen Papatipu Rūnanga of Ngāi Tahu who uphold the mana whenua and mana moana of their respective takiwā.
- 3 As recorded in the Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001, the takiwā of Te Rūnanga o Ōtākou centres on Ōtākou and extends from Purehurehu to Te Matau and inland, sharing an interest in the lakes and mountains to the western coast with Rūnanga to the North and to the South.
- 4 The Application site is located solely within the takiwā of Ōtākou Rūnaka, within the Upper Waipori headwaters. Kāi Tahu has a long association and involvement with the Taiari catchment, which the Waipori forms part of, and it remains of importance to the whanau of Ōtākou Rūnaka and Kāi Tahu whānau whānui. Taiari is the correct spelling for the Taiari River, flowing around Pātearoa down to Te Tai-o-Āraiteuru.
- 5 As mana whenua, the members of Ōtākou Rūnaka have a responsibility to the Waipori and Taiari, and to engage in the processes affecting the catchment and awa, and their relationship with it.
- 6 Whānau from Ōtākou have always held an appreciation for economic development and the importance of the energy and electricity sector to the productivity of New Zealand. Since the signing of Te Tiriti o Waitangi in 1840, Ōtākou has on many occasions recognised the need to support large scale projects that benefit the people of New Zealand but in doing so, knowing that the effects of such projects would result in cultural, environmental and socio-economic impacts on the Ōtākou rohe and whānau.
- 7 The existence of the Lake Mahinerangi from damming Waipori awa, and the Stage 1 Mahinerangi Wind Farm are examples of Ōtākou manaakitaka, while also being left to carry the cost of the wider benefits that these large-scale developments bring.
- 8 Stage 2 of Puke Kapo Hau represents a new significant development. It will contribute to meeting New Zealand's emissions reduction targets, supporting a shift in New Zealand's energy mix as well as enabling population and

economic growth. The benefits of this project resonate with Ōtākou Rūnaka and its intergenerational outlook.

- 9 The Ōtākou Rūnaka assessment of the Application has identified significant impacts that cannot be adequately addressed through conditions of consent, that go to the heart of the relationship between the Applicant and Ōtākou Rūnaka, and to the fundamental question of how Ōtākou whānau can maintain their cultural connections to this part of the Taiari catchment in the context of a significantly modified landscape.
- 10 At the time of providing these comments Ōtākou Rūnaka have completed extensive kōrero with the Applicant (and Mercury NZ Limited (*Mercury*)) and a proposed Relationship Agreement has been developed between the parties. The Agreement remains subject to final Rūnaka approval but consistent with the principles of good faith and partnership, these comments have been provided in reliance of the position reached.
- 11 Ōtākou Rūnaka is grateful for the opportunity to comment on the Application. This response outlines:
 - (a) Kāi Tahu relationship with the Taiari catchment and project area;
 - (b) engagement with the Applicant;
 - (c) the Treaty Impact Assessment prepared on behalf of Ōtākou Rūnaka for the Application;
 - (d) Ōtākou Rūnaka position on the Application; and
 - (e) consent conditions and mitigations.
- 12 Included alongside (and forming part of) the comments on behalf of Ōtākou Rūnaka is the Treaty Impact Assessment (*TIA*) for Mahinerangi Wind Farm (Stage 2). This document is therefore intentionally brief and focused on the high-level position of Ōtākou Rūnaka in relation to the Application.
- 13 The TIA provides:
 - (a) an overview of the proposal and explanation of the purpose and structure of the TIA;
 - (b) the legal and Treaty context for the consent discussions with the Applicant;
 - (c) a summary of the changes from the consented windfarm before summarising the impacts of the proposed changes on Ōtākou whānau.

- 14 Appendices to the TIA outline:
- (a) in Appendix 1: the cultural association to the Application area that was included in a Cultural Impact Assessment prepared by Kāi Tahu Ki Otago in 2006 for Trustpower, for the Stage 1 consents;
 - (b) in Appendix 2: the statutory framework within which the Application needs to be assessed;
 - (c) in Appendix 3: an evaluation of the consent conditions and management plans proposed by the Applicant against the concerns raised in the TIA.
- 15 The TIA was authored by Dr Gail Tipa, with Appendices 2 and 3 prepared by Sandra McIntyre, Principal Planner – Mana Taiao at Aukaha. The TIA and appendices were prepared prior to the proposed Relationship Agreement being finalised, with a number of identified concerns now addressed through the proposed Relationship Agreement.

Kāi Tahu relationship with the Taiari

- 16 The TIA explains that Kāi Tahu whanau have a long association and involvement within the Taiari catchment and it remains of importance to the whanau of Ōtākou Rūnaka and Kāi Tahu whānau whānui.
- 17 The Crown has recognised this significance in the Ngāi Tahu Claims Settlement Act 1998. Schedules 70 and 84 contain the Statutory Acknowledgement of the Waipori Waiholā Wetland and the tōpuni for the Maukaatua respectively.
- 18 Another schedule of relevance from the Kai Tahu Claims Settlement act 1998 is Schedule 97 which details species the Crown recognises as taoka species.
- 19 As mana whenua, the members belonging to Ōtākou Rūnaka have a responsibility to assess how any proposal for resource use, development or protection impacts their wahi taoka and the cultural beliefs, values and practices underpinned by those taoka.
- 20 The CIA prepared for Trustpower in 2006 provided a detailed description of the history of Kai Tahu in the Taiari catchment. This description outlines that Kāi Tahu were familiar not only with the coastline of the South Island, where most of the permanent settlements were based, but also with the inland plains, mountains and lakes. The interior and mountain passes were crossed by a network of trails. Inland resources were an integral part of the tribe's subsistence and of their trade both internally and with other tribes (Waitangi Tribunal Reports, p.184).

- 21 The Waipori catchment was the focus of those seasonal migrations. While the lower reaches of the Waipori River were used frequently and valued highly by Kāi Tahu, the upper reaches were nonetheless used and explored, but less often. The use of this catchment by Kāi Tahu is an example that typifies the distinctive pre-european lifestyle. Historically, mana whenua had multiple permanent and temporary settlements throughout the West Taiari and Maniototo.
- 22 The TIA explains that, when land is in private ownership there is always the potential for acquisition or revisioning the future of the landscape. The newly constructed scheme with the added components of the transmission line, battery, and depot adds a degree of permanence to the changes to the landscape. This has the potential to further disconnect Ōtākou whānau from this part of the Taiari catchment.

Mana whenua engagement with the Applicant

- 23 Ōtākou Rūnaka involvement in the Mahinerangi Wind Farm significantly predates the interests of the Applicant and the existence of the Fast-track Act. Ōtākou prepared a Cultural Impact Assessment in 2006 for the original proposal. Ōtākou Rūnaka initially opposed the original proposal, which was publicly notified, and filed a submission in opposition dated 28 February 2007. Consistent with the wider context provided for in paragraph [6] and [7] above, Ōtākou Rūnaka subsequently engaged constructively with Trustpower and reached agreement in respect of the effects and relevant mitigations. As a result, Ōtākou Rūnaka withdrew its opposition to the original proposal.
- 24 In reaching the previous agreement with Trustpower and withdrawing its opposition, Ōtākou Rūnaka saw efficiencies in there being one generator operating the windfarm alongside the nearby Waipori hydro scheme, with the synergy benefitting Ōtākou Rūnaka efforts to protect and restore the downstream waterways, including the highly significant Waipori Waiholā wetland complex.
- 25 The Mahinerangi Wind Farm was subsequently sold to Mercury, the parent company of the Applicant.
- 26 This Fast-track process represents another opportunity for Ōtākou to voice their concerns with respect to potential losses and effects associated with the proposed changes to the revised scheme for Stage 2.
- 27 The history of engagement between Mercury and Te Rūnaka o Ōtākou is set out in the table in TIA, as well as in the Application. Te Rūnaka o Ōtākou has proactively sought to constructively engage with the Applicant to ensure that

the project progresses in a timely manner while ensuring that the Application, its effects and the proposed mitigations are well understood.

- 28 Subsequent to the Application being lodged, Ōtākou Rūnaka has continued to engage with the Applicant to:
- (a) work through a suite of issues identified by Ōtākou Rūnaka following the technical review of the application documents;
 - (b) discuss proposed mitigations and a possible Relationship Agreement;
 - (c) share information, including the draft TIA; and
 - (d) ultimately agree a package of mitigations that addresses the remaining concerns held by Ōtākou Rūnaka, particularly in relation to effects on rakatirataka and manaakitaka.
- 29 Given the position reached, Ōtākou Rūnaka will update the Panel in coming days as to provide confirmation of the agreement being finalised (or, in the alternative, whether any further alternative matters need to be considered).

Treaty Impact Assessment

- 30 The TIA assesses the significance of the impacts of the Application from the perspective of mana whenua, based on sensitivity of a taonga or value to change and scale of impact, as perceived by whanau. Instead of focusing on the cultural values, interests and associations with the Taiari, the TIA focuses on the impacts of the changes to the Mahinerangi Wind Farm consented in 2009, how the Applicant proposes to mitigate those impacts, and, as a result, the extent to which the consent applications are consistent with Ōtākou Rūnaka expectations, informed by Te Tiriti o Waitangi.
- 31 The assessment combines scale and sensitivity in a matrix, and the Assessment then extracts, first, the impacts of concern that require the provision of further information for whanau to complete their assessment and, second, the impacts that are of major significance to Ōtākou and require further discussion.
- 32 These impacts have been rated as 'very high' on the matrix, meaning the setting is crucial to an understanding and experience of the taonga, and there is very high sensitivity to change to its setting. This is particularly relevant where setting or elements of make a crucial and essential direct contribution to significance.

- 33 The following are identified as impacts of major significance:
- (a) **Rangatiratanga:** relationships are essential to the successful implementation of any project and to provide assurance to Ōtākou that their concerns will be addressed. The Applicant is a new generator to the region, with relationships still to be formed.
 - (b) **Kaitiakitanga:** Ōtākou whānau have a responsibility to care for the lands, waters and resources within their takiwā. Their ability to fulfil this obligation is challenged by developments. It is unclear to whānau whether the inclusion of a battery and transmission line will add stability to the transmission network and be a catalyst for other developments in the catchment i.e. it will be part of but also exacerbate the cumulative effect.
 - (c) **Mahinga kai & Taonga species:** when fully operational it is likely that whānau cultural use of lands, waters and resources in the Taiari catchment will have a smaller footprint and be centered on the Lower Taiari – arguably the most impacted and degraded part of the whole catchment.
 - (d) **Wāhi tūpuna:** the peer review of the Application Landscape and Visual Assessment identifies concerns that:
 - (i) the visibility of the 37km of roading is unknown.
 - (ii) “The road/track network has been aligned to ridgelines”
 - (iii) The roading will not improve access for whanau or communities.
 - (iv) The roading network will require further earth disturbance.
 - (e) **Rakatirataka & kaitiakitaka:** the Application includes a new connection to the transmission network, with the TIA querying whether stabilised conditions will enable other new generators to enter the catchment, creating a cumulative effect that undermines the rakatirataka of Ōtākou.
 - (f) **Manaakitaka, wāhi tupuna, taoka species:** the proposed Battery Energy Storage System changes the risk profile for the windfarm. Although unlikely or low probability this will introduce the risk of fire in a remote rural landscape. If that occurs what wāhi taonga could be affected? What contaminants could be released over what area in the event of a fire?

- (g) **Wāhi tupuna & whanau ora:** The newly constructed scheme with the added components of the transmission line, battery, and depot adds a degree of permanence. This has the potential to further disconnect Ōtākou whanau from this part of the catchment
- 34 The evaluation in Appendix 3 considers whether conditions proposed by the applicant, in conjunction with proposed management plans, are sufficient to address the concerns highlighted in Tables 7 and 8 of the TIA.
- 35 The concerns raised in the TIA have been at least partially addressed in the proposed Relationship Agreement and through the wider korero that has occurred with the Applicant and Mercury. Consistent with the wider context provided for in paragraph [6] and [7] above, the Relationship Agreement ultimately strikes a balance between enabling a project for the benefit of wider New Zealand, while Ōtākou Rūnaka continue to carry some costs in relation the adverse impacts of the Project.


Ōtākou Rūnaka position

- 36 Ōtākou Rūnaka has approached this Fast-track consenting process in a manner consistent with the obligations and responsibility to the Waipori and Taiari, and their relationship with it. Ōtākou Rūnaka has identified that these obligations and responsibilities will be most efficiently and effectively met through working *with* the Applicant. Ōtākou Rūnaka has reached, subject to final Rūnaka approvals being provided, agreement with the Applicant.
- 37 In considering its approach to the Application, Ōtākou Rūnaka is once again making a gesture of manaakitaka to enable the delivery of infrastructure that benefits New Zealand, while securing the support of the Applicant to mitigation arrangements that address the ongoing marginalisation for our whānau from projects of this nature and the intergenerational impacts on the generations who follow.
- 38 The formation of a meaningful and enduring relationship between Mercury and Ōtākou Rūnaka, addressing matters of rakatirataka, kaitiakitaka, whānau ora, and the protection of wāhi tūpuna, is essential for the Application to proceed in a manner that is consistent with Te Tiriti o Waitangi and the statutory obligations set out in the relevant legislation.
- 39 Ōtākou Rūnaka therefore anticipate that the residual cultural impacts of the Application have now been addressed, with some final changes to the conditions to be confirmed through this next stage of the Fast-track process.

Consent conditions

- 40 Appendix 3 to the TIA contains the evaluation of proposed conditions for the Application prepared for Ōtākou Rūnaka. That evaluation has been provided to the Applicant and discussions regarding the proposed changes are ongoing. Ōtākou Rūnaka anticipates that further changes to conditions will be adopted and proposed by the Applicant in due course.
- 41 In particular, the conditions evaluation identifies several areas where the proposed conditions require strengthening in order to adequately address the impacts identified in the TIA:
- (a) protection of natural flow paths;
 - (b) water quality standards;
 - (c) contaminant management;
 - (d) galaxiid protection;
 - (e) monitoring and reporting;
 - (f) BESS fire risk management;
 - (g) weed and pest introduction; and
 - (h) Accidental Discovery Protocol.
- 42 Ōtākou Rūnaka anticipates that it will be able to confirm its final position on the proposed conditions at the s 70 comments on the draft conditions stage.

Dated this 30th day of March 2026



Ben Williams / Rachel Robilliard
Counsel for Te Rūnanga o Ōtākou