TREATY IMPACT ASSESSMENT

for

Mahinerangi Wind Farm (Stage 2)

An assessment prepared on behalf of Te Rūnaka o Ōtākou

for

Tararua Wind Power Ltd (a subsidiary of Mercury NZ Ltd)

March 2026

Cover photos

Top left: The Lammerlaw Range	Top right: A new 6km transmission line is included as part of the revised proposal. This is an example of one of the poles to be placed along the proposed route. .
Bottom left: A restoration initiative in a tributary of Lee Stream will protect habitat and improve fish passage for the Eldon Galaxiid.	Bottom right: a battery (BESS) is included as part of the proposal. This is just a generic photo of a battery and is not representative of the one proposed to be added to the windfarm.

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Executive Summary

Kāi Tahu whānau have a long association and involvement with the Taiari catchment (known more commonly as the Taieri catchment), and it remains of importance to the whānau of Te Rūnaka o Ōtākou (Ōtākou) and Kāi Tahu whānau whānui. The Crown has recognised this significance in the Kāi Tahu Claims Settlement Act 1998. Schedules 70 and 84 contain the Statutory Acknowledgement of the Waipori Waihola Wetland and the topuni for the Maukaatua respectively. Another schedule of relevance from the Kāi Tahu Claims Settlement act 1998 is Schedule 97 which details species the Crown recognises as taoka species. As mana whenua, the members belonging to Te Rūnaka o Ōtākou have a responsibility to assess how any proposal for resource use, development or protection impacts their wāhi taoka and the cultural beliefs, values and practices underpinned by those taoka.

Tararua Wind Power Limited ("TWP"), a fully owned subsidiary of Mercury NZ Limited, is progressing Stage 2 of the Mahinerangi Wind Farm (MWF) under the Fast-track Approvals Act 2024 (FTAA).

The site of the MWF is approximately 1,723 ha and is located on the eastern foothills of the Lammermoor Range, situated approximately 5 km north of Lake Mahinerangi and approximately 50 km west of Dunedin.

Resource consents for the MWF were granted by the Environment Court in 2009 and authorise up to 100 wind turbines, with a maximum tip height of 145m. Stage 1 of the wind farm was completed in 2011 and saw construction of 12 turbines with a tip height of 125m. Stage 2 is proposed to consist of 44 turbines (in addition to those 12 turbines already constructed in Stage 1) which will have a maximum tip height of 165m.

Through the use of larger turbines, the Stage 2 proposal includes a smaller footprint and the Thomas Block, a high-quality tussock-grassland dominated area, is excluded from the Stage 2 layout. In addition to the Stage 2 variation approval, TWP seeks new consents for other activities including a new 110 kV transmission line, a substation, and a Battery Energy Storage System (BESS).

The Resource Management Act 1991 (RMA) requires comprehensive assessments of effects on the environment, including cultural effects. Instead of focusing on the cultural values, interests and associations with the Taiari (which are well documented elsewhere), this document focuses on the impacts of the changes to the MWF consented in 2009, how Mercury proposes to mitigate those impacts, and, as a result, the extent to which the consent applications are consistent with mana whenua expectations, informed by Te Tiriti.

We used two criteria to help assess the significance of the impacts from the perspective of mana whenua:

- Sensitivity of a taoka or value to change; and
- Scale of impact as perceived by whānau.

By combining scale and sensitivity in a matrix we extracted the impacts of concern that require the provision of further information in order for whānau to complete their assessment. These are listed below

whānau ora	A priority for Kāi Tahu is advocating for developments likely to contribute to affordable power for whānau and communities. It is unclear whether this proposal will simply add capacity to Mercury, provide flexibility for Mercury, or add to security of

	supply to alleviate the risk of shortages across NZ. The benefits of the development to whānau need to be clarified.
Wai Māori Mahika kai Taoka species	When Ōtākou supported the proposal in 2006 they saw advantages in one company operating the windfarm alongside the nearby Waipori hydro scheme. Although Ōtākou raised questions, it was felt that this synergy could benefit the downstream Waipori Waihola wetland complex.
Wahi tūpuna Mauka	The location of the turbines and infrastructure was unclear with one report stating roads and towers will be on ridgelines. It is important that positioning does not conflict with the stated preference of Ōtākou. Mercury has advised that turbines are to be located on the higher ground of the peneplain and not ridgelines. All but three turbines are located within the original contingency zones as consented in 2009. This suggests that all but three of the turbine locations are the same as previously accepted by Te Rūnaka o Ōtākou.
Wai Māori	The extent to which the roading network, and other infrastructure including sediment disposal areas will intercept flows that are meant to contribute to flows in the Lower Taiari catchment is unknown.
Wai Māori Wahi tūpuna	It is unclear what contaminants (e.g. oils) are needed in each tower once the farm is operational and the contingency plans that are needed for extraordinary events.
Wai Māori Taoka species	Although the total amount of land disturbance will be less (1400x100 compared to 1855x44) there will be land disturbance and sediment disposal areas on gently sloping lands directed away from gullies. Mercury advised that that any disposal sites located in gullies from the original consents have been relocated so that no disposal sites are in gullies. The risk of these and downstream waters in an extraordinary event is unknown.

The matrix also identifies the impacts that are of major significance to Ōtākou and require further discussion. These are listed below.

Rakatirataka Kaitiakitaka	• Relationships are essential to the successful implementation of any project and to provide assurance to Ōtākou that their concerns will be addressed. Mercury as a generator is new to the region with relationships still to be formed. • 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.
Kaitiakitaka	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.

Mahika kai Taoka 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.
Wahi tūpuna	• The visibility of the 37km of roading is unknown. • "The road/track network has been aligned to ridgelines" • The roading will not improve access for whānau or communities. • The roading network will require further earth disturbance.
Rakatirataka Kaitiakitaka	• Approximately 6km comprising up to 25 towers will be connected by tracks. This line will connect the windfarm to the national grid. • An issue in 2006 was the impact of new generation on the existing transmission network. The new line is expected address this. • However will more stable conditions mean that it will be easier for other new generators to come into the catchment? In other words will it help create the cumulative effect that ultimately undermines the rakatirataka of Ōtākou?
Manaakitaka Wahi tūpuna Taoka species Mahika kai Wai Māori	• The BESS 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 taoka could be affected? What contaminants could be released over what area in the event of a fire? [
Wahi tūpuna Whānau 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 whānau from this part of the catchment

To further assist Ōtākou, whānau Aukaha staff and advisers are re-evaluating the management plans and proposed consent conditions (forwarded by the applicant) to determine whether they are sufficient to address concerns raised by Ōtākou.

PART 1

Chapter 1

1.1 Introduction

Kāi Tahu has a long association and involvement with the Taiari catchment, and it remains of importance to the whānau of Te Rūnaka o Ōtākou (Ōtākou) and Kāi Tahu whānau whānui. 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 Waihola Wetland and the topuni for the Maukaatua respectively. Other schedules of relevance from the Kāi Tahu Claims Settlement Act 1998 include Schedule 97 which details species the Crown recognises as taoka species. As mana whenua, the members belonging to Te Rūnaka o Ōtākou have a responsibility to assess how the proposal impacts their wāhi taoka and the cultural beliefs, values and practices underpinned by those taoka.

Tararua Wind Power Limited ("TWP"), a fully owned subsidiary of Mercury NZ Limited, is progressing Stage 2 of the Mahinerangi Wind Farm which is to be known as "Puke Kapo Hau" under the Fast-track Approvals Act 2024 (FTAA).

The site area of the Mahinerangi Wind Farm (MWF) site is approximately 1,723 ha and is located on the eastern foothills of the Lammermoor Range, situated approximately 5 km north of Lake Mahinerangi and approximately 50 km west of Dunedin.

Figure 1: The location of the Mahinerangi Wind Farm[1]

[1] This map was produced by Tararua Wind Farm Ltd and included in a presentation to members of Te Runanga o Ōtākou and their advisers.

Resource consents for the MWF were granted by the Environment Court in 2009 and authorise up to 100 wind turbines, with a maximum tip height of 145m. Stage 1 of the wind farm was completed in 2011 and saw construction of 12 turbines with a tip height of 125m. Stage 2 is proposed to consist of 44 turbines (in addition to those 12 turbines already constructed in Stage 1) which will have a maximum tip height of 165m.

Through the use of larger turbines, the Stage 2 proposal includes a smaller footprint and the Thomas Block, a high-quality tussock-grassland dominated area, is excluded from the Stage 2 layout. In addition to the Stage 2 variation approval, TWP seeks new consents for various activities including a new 110 kV transmission line, a substation, and a Battery Energy Storage System (BESS).

1.2 The 2006 consenting process for the Mahinerangi Windfarm.

Mahinerangi Wind Farm was consented in 2009. The consents for 100 turbines were given effect to with the construction of Stage 1 which has been operational since 2011 and comprises 12 x 3MW wind turbines 125m high. Tararua Wind Power (TWP), a subsidiary of Mercury NZ Ltd (Mercury) now wishes to complete the wind farm (Stage 2) and seeks changes to the conditions of consent to enable it to use larger and more efficient wind turbines now available. It also seeks regional consents (including for such construction activities as modifications of wetlands, and diversion of a stream to construct a culvert crossing), in part to replace those that have expired, and new land use consents for the transmission infrastructure to connect with the National Grid, and an associated Battery Energy Storage System (BESS).

This consenting 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. A Cultural Impact Assessment was prepared in 2006 for the initial proposal. Subsequent to that project being consented, the windfarm was sold. It is now owned by Mercury Energy Ltd who have revised the proposal. This TIA focuses on a discussion of impacts of the changes that have been advised to Ōtākou.

1.3 The cultural association with the affected area

The CIA prepared for Trustpower in 2006 provided a detailed description of the history of Kāi Tahu in the Taiari catchment. That description remains relevant to this TIA and is therefore included as Appendix 1.

1.4 Tararua Wind Farm Ltd and Mercury NZ Ltd[2]

Tararua Wind Farm Ltd is a subsidiary of Mercury Wind Ltd, that is a subsidiary of Mercury NZ Limited. Mercury NZ Ltd is a New Zealand electricity generation and multi-product utility retailer of electricity, gas, broadband and mobile telephone services. All the company's electricity generation is renewable. Mercury Energy is also the largest electricity retailer in New Zealand.

Mercury generates most of its energy from nine hydro stations on the Waikato River and five geothermal plants in the central north island as well as a number of wind farms.

1.5 Methodology used for Impact Identification

The methodology used to prepare this TIA was to:

(a) Work with members from Ōtākou to ensure that the significance of the lands, waters and resources of the Taiari catchment is conveyed to Mercury.

[2] See https://en.wikipedia.org/wiki/Mercury_Energy

(b) Work with Ōtākou technical advisers to untangle what was previously consented, what the existing environment is, and what is now proposed as Stage 2.

(c) Review the 2006 CIA and update the effects of concern to assess continuing relevance of those concerns to ensure consistency.

(d) Review reports prepared by Ōtākou on the Taiari catchment to the extent that the information is relevant to assessing the impact of the expanded windfarm (e.g., previous CIAs, cultural monitoring reports, Iwi Management Plans).

(e) Assist Ōtākou to determine whether the revised windfarm will have any negative or positive effects on their values, and the significance of the effects.

(f) Collaborate with representatives of Ōtākou to discuss how the effects could be mitigated or remedied and the best mechanism for achieving the relief sought..

The principal sources of information from Kāi Tahu should be considered as valid and demanding of respect. Sadly, over the years that infrastructure has been in place in the Taiari catchment and the plethora of new proposals needing to be evaluated by Rūnaka on behalf of mana whenua, the living sources of information in the form of kaumātua who possess the matauraka, are passing away. The range of methods utilised to identify both the taoka, beliefs, values and practices, and the potential effects, demonstrates good faith by mana whenua to fully identify the impacts on the catchment.

1.6 Consultation timeline

The history of engagement between Mercury and Te Rūnaka o Ōtākou is set out in the table below. Te Rūnaka o Ōtākou has proactively sought to constructively engage with Mercury to ensure that the project progresses in a timely manner while ensuring that the project, its effects and the proposed mitigations are well understood.

Table 1: Timeline of engagement

Date	Nature of Engagement
5 December 2024	Te Rūnaka o Ōtākou (Ōtākou) write to Mercury Energy Ltd (Mercury) to set out its status as mana whenua, acknowledging the inclusion of Stage 2 of the Mahinerangi Project in Schedule 2 of the Fast-track Approvals Bill (Bill), and set out expectations of engagement in respect of the project.
26 March 2025	Ōtākou initiate kanohi ki te kanohi engagement with Mercury with hui held between Ōtākou representatives and Mercury representatives at Mercury offices in Auckland.
21 May 2025	Process Agreement finalised and executed by both parties. The Process Agreement sets out principles of engagement between Te Rūnaka o Ōtākou and Mercury.
9 July 2025	Relationship building engagement between Mercury representatives and Ōtākou representatives in Dunedin.
12 August 2025	Ōtākou write to Mercury seeking approval for funding of resources to review the project, its effects, proposed mitigations and complete a refreshed Cultural Impact Assessment (CIA)
13 August 2025	Mercury provide approval of funding of resources to review the project, its effects, proposed mitigations and complete a refreshed CIA
14 August 2025	Mercury initiate provision of technical documents to enable review of the project, its effects, proposed mitigations and complete a refreshed CIA.
12 September 2025	Mercury technical team provides overview of project to advisors of Ōtākou.
26 September 2025	Mercury upload ‘last’ technical reports for review by advisors of Ōtākou

Date	Nature of Engagement
3 October 2025	Mercury advises that it is targeting a mid-October lodgment of its FTAA application to position the project for the 2026/2027 summer construction season while providing sufficient time for the application's effects to be appropriately assessed through the process. Mercury commits to continued and meaningful engagement post lodgement with Ōtākou both through the FTAA process (we anticipate the EPA panel not being set up until early 2026) and beyond. Mercury acknowledges that although it is unlikely we will receive comprehensive feedback before lodgement, they will provide you with the AEE sections that relate to our engagement with Ōtākou so this can be reviewed and commented upon ahead of submission.
6 October 2025	Ōtākou advises that it expects be able to start providing Mercury with feedback on the Project, its effects and mitigations in the week beginning 20 October with the target of resolve any feedback and arrangements in 4-5 weeks. Ōtākou requests a copy of the financial model/business case for the project. Ōtākou also notes Mercury's desire to get in the FTAA queue. It notes that the decision to submit (with the associated risks) is a decision for Mercury. It also state that it is likely that Te Rūnaka o Ōtākou would inevitably take the position that it opposes the consent application as consultation is incomplete.
14 October 2025	Mercury communicates to Ōtākou that they have reflected on Ōtākou's commitment to provide feedback in the week commencing 20 October (pending approval) and have decided to delay lodgement of an FTAA application by a few weeks, to the end of October, to receive and consider Ōtākou feedback before lodging. Mercury notes that delaying lodgement to end of October respects your commitment to provide feedback while still preserving the programme certainty we need. Mercury re-iterates its commitment to ongoing engagement post lodgement Mercury communicates that it declines to provide a copy of the business case/financial model.
17 October 2025	Kanohi ki Kanohi engagement between Mercury and Ōtākou Advisory Rōpū with Mercury presenting the project.
20 October 2025	Mercury advises verbally that it intends to submit its substantive FTAA application by 31 October 2025
23 October 2025	Ōtākou requests a copy of the draft FTAA application from Mercury

1.7 Structure of this assessment

There are three parts to this TIA.

Part 1 is the introductory section that provides an overview of the proposal and explains the purpose and structure of the TIA.

Part 2 provides the legal and Treaty context for the consent discussions with Tararua Wind Ltd. This part has been prepared with assistance from Anderson Lloyd.

Part 3 provides a summary of the changes from the consented windfarm before summarising the impacts of the proposed changes on Ōtākou whānau. This part has been prepared by Gail Tipa from Tipa and Associates Ltd.

Appendices are included. The cultural association included in Appendix 1 was that submitted in 2006. Appendix 2 summarises the statutory framework within which this application needs to be assessed. This review was prepared by Sandra McIntyre (Aukaha Ltd).

Having different authors, with differing professional backgrounds, drafting the respective sections of the TIA means that it is inevitable that writing styles differ.

Note that the Kāi Tahu dialect uses a 'k' interchangeably with 'ng', and this document reflects this approach.

PART 2

Chapter 2

2.1 Purpose of this Treaty Impact Assessment

This Treaty of Waitangi / Te Tiriti o Waitangi (Te Tiriti) assessment relates to the Taiari catchment and the proposal of Mercury Energy Ltd to seek consents via Fast Track to a revised proposal for a windfarm on the Lammerlaw Range.

This assessment is a living document and will be updated as required to respond to changing circumstances. This part of the assessment addresses the relevance of Te Tiriti to the re-consenting proposal.

The Resource Management Act 1991 (RMA) requires comprehensive assessments of effects on the environment, including cultural effects. Instead of focusing on the cultural values, interests and associations with the Taiari (which are well documented elsewhere), this document focuses on the impacts of the revised windfarm, how Mercury proposes to mitigate those impacts, and, as a result, the extent to which the consent applications are consistent with mana whenua expectations, informed by Te Tiriti. This approach is both necessary and appropriate, given the context of the significant importance of the Taiari to Kāi Tahu, and the direct relevance of Te Tiriti.

As an indigenous cultural assessment, this document reflects the aspirations of the mana whenua side of the Treaty partnership and is intended to contribute to a Treaty-compliant resource management regime. The Waitangi Tribunal (2011) defined this as a regime that enables iwi/hapū to express tino rakatirataka in their traditional territories and is capable of delivering effective influence and appropriate priority to kaitiaki interests. That is the purpose of this assessment. Te Tiriti and, to an extent, the RMA, establish mana whenua as partners in environmental decision-making (Ruckstuhl et al 2014). It is for this reason that this Treaty-based impact assessment model does not relegate mana whenua to the status of stakeholder.

As a reflection of good practice (Jolly, 2016), this assessment:

- has been developed through a process that was on mana whenua terms and led by mana whenua;
- is Te Tiriti based, as the legal framework that requires that such an assessment be taken seriously (Ruckstuhl et al. 2014); and
- strictly avoids narrow definitions of cultural effects, to prevent the marginalisation of mana whenua in this process.

This document should be given the weight and respect akin to a planning document recognised by mana whenua, as a comprehensive assessment that reflects the perspective of those holding and exercising rakatirataka in the Taiari.

Chapter 3

3.1 Origins of Kāi Tahu in Te Waipounamu

Kāi Tahu take their name from Tahupōtiki, a descendant of Paikea. Sometime in the seventeenth century his descendants gradually migrated south from the Poverty Bay-Hawkes Bay area, travelling first to the Wellington coast and then crossing Raukawamoana (Cook Strait) in several waves to Te Wai Pounamu. Over a number of generations, they spread through Te Waipounamu and on to Rakiura (Stewart Island) (Wai 27, Chapter 3).

As Kāi Tahu moved south, they sometimes fought and defeated, and sometimes intermarried with, other tribes. In doing so they absorbed these peoples' older knowledge and experience of the land and its resources, forging links with more ancient history and resources. Kāi Tahu is therefore an amalgam, formed from three main lines of descent which flowed together to make the modern tribe (Wai 27, Chapter 3).

These three tribes can be described as:

- First, Waitaha, being also a collective name given to a number of ancient tribal groups which occupied Te Waka o Aoraki (South Island), descending from the founding ancestor Rakaihautu of the Uruao canoe.
- The second tribe, Kāti Mamoe came from the Heretaunga (Napier) area around the sixteenth century and gradually filtered through the South Island to intermarry with Waitaha and assume control.
- The third, Kāi Tahu, also migrated from the eastern region of the North Island and gradually united with Kāti Mamoe, absorbing Waitaha at the same time and inheriting many traditions.

By the time of Te Tiriti, Kāi Tahu were in control of a vast territory, but existed in hapū and whānau communities, with different genealogies, often reflecting the mixed origins of the tribe (Wai 27, Chapter 3).

3.2 Te Rūnaka o Kāi Tahu

Te Rūnaka o Kāi Tahu is the present iteration of a process that has spanned nearly two centuries, involving at various times tribal councils, tribal parliaments at Ōtākou, Kaiapoi, and Temuka and the Kāi Tahu Māori Trust Board.

On 6 September 1991, the Waitangi Tribunal issued a *'Supplementary Report on Kāi Tahu Legal Personality'* to its Minister recommending the Minister of Māori Affairs introduce legislation constituting a Kāi Tahu Iwi Authority. The Tribunal noted in that report that Kāi Tahu had engaged widely with tribal members and that:

> *'Te Rūnakanui o Tahu' has been formed which is recognised as the real 'owners' of Ngai Tahu and the repository of the tribe's collective tino rangatiratanga. Ngai Tahu affirm that tino rangatiratanga resides ultimately in the Papatipu Rūnaka which comprise the runanganui.*

Te Rūnaka o Kāi Tahu Bill was introduced to Parliament by Hon Doug Kidd in mid-1993 but was not passed until 1996. It was passed as a Private Act, for the particular interest and benefit of Kāi Tahu

Whānui. The 1996 Act says Te Rūnaka o Kāi Tahu was established for the benefit of, and as the representative of, " *Kāi Tahu Whānui*". That Act states that:

- Te Rūnaka o Kāi Tahu shall be recognised for all purposes as the representative of Kāi Tahu Whānui.
- Kāi Tahu Whānui "*means the collective of the individuals who descend from the primary hapū of Waitaha, Ngāti Mamoe, and Kāi Tahu, namely, Kati Kuri, Kati Irakehu, Kati Huirapa, Ngāi Tuahuriri, and Kāi Te Ruahikihiki*".
- Where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Kāi Tahu Whānui, be held with Te Rūnaka o Kāi Tahu .

The 1996 Act specifies the charter of Te Rūnaka o Kāi Tahu as the charter adopted at a meeting of representatives of the Papatipu Rūnaka of Kāi Tahu Whānui at Aparima on 21 August 1993. The Kaupapa Whakakotahi of the charter adopted at Aparima, as recognised by the 1996 Act, is that the poupou of the House of Tahu are the Papatipu Rūnaka of our people, each with their own mana and woven together with the tukutuku of our whakapapa. In them resides the tino rakatirataka of Kāi Tahu. Its collective voice is Te Rūnaka o Kāi Tahu.

Te Rūnaka o Kāi Tahu sits at the centre of an integrated system that supports Kāi Tahu hapū and Rūnaka throughout the takiwā. Te Rūnaka operates according to tikaka, and on the shared understanding throughout Kāi Tahu that tino rakatirataka rests with hapū and Rūnaka.

In accordance with this tikaka, while Te Rūnaka o Kāi Tahu has been involved, it is Ōtākou that have led this process, consistent with their tino rakatirataka.

3.3. Te Rūnaka o Ōtākou

The Papatipu Rūnaka representing mana whenua for the affected area within the Taiari Catchment is Te Rūnaka o Ōtākou

The takiwā of Te Rūnaka 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 Rūnaka to the North and to the South (Te Rūnaka o Kāi Tahu (Declaration of Membership Act) Order 2001). This means Puke Kapo Hau is located solely within the takiwā of Te Rūnaka o Ōtākou.

Ōtākou Marae is located near the end of Otago Peninsula, Dunedin. Ōtākou is 'home' to Waitaha, Rapuwai, Kāti Hāwea and Kāti Māmoe; where in the early 19th century, Kāi Tahu , Ngāti Māmoe and Waitaha had blended into a single tribal entity.

Tūpuna laid claim to the eastern coast of Otago stretching inland to Whakatipu and Piopiotahi (Milford Sound). The original settlement was centred on Pukekura, the fortified pā at Taiaroa Head, and the Otago Harbour.

Figure 2: Ōtākou Marae

Ōtākou was the name of a channel running in the lower harbour and became applied to the entire region. Of significant importance is Ōtākou Marae, which was one of the places where the Treaty of Waitangi was signed in 1840.

3.4 Kāi Tahu Whānui

After many years of negotiations, Kāi Tahu signed the Deed of Settlement for its historic claims against the Crown at Kaikoura on 21 November 1997, and the Kāi Tahu Claims Settlement Act was passed on 29 September 1998. The Kāi Tahu settlement was expressed on the basis that it was full and final with regard to the specified claims of Kāi Tahu Whānui. Importantly, the validity of the Deed of Settlement cannot be undermined.

The legislation records Kāi Tahu Whānui tikaka that Te Rūnaka o Kāi Tahu is "*recognised for all purposes as the representative of the Kāi Tahu Whānui*". Kāi Tahu Whānui is defined as "*the collective of the individuals who descend from the primary hapū of Waitaha, Ngāti Mamoe, and Kāi Tahu , namely, Kati Kuri, Kati Irakehu, Kati Huirapa, Ngāi Tuahuriri, and Kāi Te Ruahikihiki*" (Te Rūnaka o Kāi Tahu Act 1996, ss 6 and 15).

For the avoidance of doubt, Waitaha in Te Waipounamu is part of Kāi Tahu Whānui. The plain words of the Te Rūnaka o Kāi Tahu Act 1996 state Te Rūnaka is the representative of Waitaha and other Kāi Tahu Whānui. The Kāi Tahu settlement has settled all Waitaha claims in Te Waipounamu (as part of Kāi Tahu Whānui) that are specified in the Deed of Settlement (Kāi Tahu Deed of Settlement, cl 1.2.1; and Kāi Tahu Claims Settlement Act 1998, s 10), and Te Rūnaka o Kāi Tahu is to be recognised for all purposes as the representative of Kāi Tahu Whānui.

Chapter 4

4.1 Kāi Tahu rakatirataka

To Kāi Tahu, rakatirataka means chiefly sovereignty, authority and autonomy. Rakatirataka is exercised by leaders (rakatira) of an iwi or hapū and is closely related to and derived from the concept of mana. In exercising rakatirataka leaders must make decisions that consolidate and improve the mana of the wider whānau, hapū and iwi.

Kaitiakitaka is an inherited obligation on mana whenua to maintain the hauora of the taiao and the mauri of the resources of the takiwā to sustain current and future generations. Rakatirataka and kaitiakitaka go hand-in-hand: only those who hold rakatirataka can and must exercise kaitiakitaka.

Wai Māori is a key taoka for Kāi Tahu and, as guaranteed by Te Tiriti, Kāi Tahu continues to hold rakatirataka over wai Māori, which includes rights, responsibilities and obligations. Importantly, the Kāi Tahu Claims Settlement Act 1998 recognised Kāi Tahu as tāngata whenua of, and holding rakatirataka within, the Kāi Tahu takiwā (NTCSA, s 6):

> *The Crown apologises to Kāi Tahu for its past failures to acknowledge Kāi Tahu rakatirataka and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Kāi Tahu as the tāngata whenua of, and as holding rakatirataka within, the Takiwā of Kāi Tahu Whānui.*

The Environment Court has recognised that, where it finds that certain hapū have the right to exercise rakatirataka or customary authority over an area, the finding means that it is the tikaka of those hapū which must be applied (*Ngāi Te Hapū v Bay of Plenty Regional Council*).

The Taiari lies under the cloak of mana whenua rakatirataka and is cared for and managed by mana whenua to the greatest extent possible, in a manner consistent with kaitiakitaka.

As current legislation and regulation do not provide adequate recognition of rakatirataka, Kāi Tahu has lodged a claim in the High Court. This Treaty assessment is provided without prejudice to these ongoing legal proceedings. It is the right and responsibility of Kāi Tahu to protect Te Taiao including freshwater as under the current framework, while pursuing recognition of rakatirataka through the courts and in negotiations with the Crown.

Ōtākou wishes to engage in a constructive relationship that furthers the practical recognition of their rights, responsibilities and obligations to te taiao. The approach that mana whenua has taken to discussions with Mercury, and this TIA, reflects the desire of Ōtākou to fulfil obligations and responsibilities to te taiao to the extent currently possible.

4.2 mana whenua recognised by the RMA

The Environment Court has found that kaitiaki have a right to protect the history of their cultural and customary associations to an area (*Ngāi Te Hapū v Bay of Plenty Regional Council* [2017] NZEnvC 73 at [88]). In a Kāi Tahu context, the Environment Court in *Aratiatia Livestock Ltd v Southland Regional Council* has commented that it is the responsibility of kaitiaki to ensure that water is available for future generations in as good as, if not better, quality, and tikaka goes beyond any rights or obligations that may attach to the use of water (*Aratiatia Livestock Ltd v Southland Regional Council* [2019] NZEnvC 208 at [50]).

The recognition of mana whenua in an RMA context has been summarised in findings of Whata J in *Ngati Maru Trust v Ngati Whatua Orakei,* which discusses the comprehensive provision for Māori and iwi interests in the RMA ([2020] NZHC 2768):

- section 104 of the RMA, which provides a power to grant resource consents, is expressly subject to Part 2 of the Act, which outlines "numerous mandatory considerations concerning a wide range of matters" that, alongside Part 2, provide scope for consideration of mana whenua;

- citing Lord Cooke in *McGuire v Hastings District Council*, sections 6(e), 7(a) and 8 of the RMA are "*focal points*" of "*special significance*" and "*strong directions, to be borne in mind at every stage of the planning process*", going on to note that "*As stated by the Supreme Court in New Zealand King Salmon Co Ltd, planning instruments may set the frame for resource management decision-makers without further need to refer to pt 2"*;

- the RMA is "*replete*" with references to kupu Māori, and Parliament "*plainly anticipated that resource management decision-makers will be able to grasp these concepts and where necessary, apply them in accordance with tikaka Māori*";

- case law over the last 30 years demonstrates "*an evolving understanding and application of mātauranga Māori and tikaka Māori*";

- "*While tikaka Māori is defined in the RMA as* "customary values and practices" *it has come to be understood as a body of principles, values and law that is cognisable by the Courts*";

- iwi involvement in policy and plan promulgation is also anticipated by the RMA "*and that iwi and hapū with defined customary rights will be specifically provided for where relevant*", including through preparation of Mana Whakahono a Rohe agreements, which demands that persons making decisions under the RMA can "*identify, involve and provide for iwi and their manawhenua in accordance with mātauranga Māori and tikaka Māori*";

- "*The statutory obligation to recognise and provide for the relationship of Māori and their culture and traditions with their whenua and tāonga, to have to regard to their kaitiakitaka and take into account the principles of the Treaty of Waitangi, does not permit indifference to the tikaka-based claims of iwi to a particular resource management outcome*";

- decision-makers exercising functions under the RMA are necessarily engaged in ascertaining tikaka Māori in order to discharge statutory directions in Part 2 outlined above and must "*meaningfully respond*" to claims by iwi that a particular resource management outcome is required to meet those statutory outcomes, which may require evidential findings of how "*kaitiakitaka, in accordance with tikaka Māori, is to be provided for in the resource management outcome*".

In light of the above, this TIA sets out the process through which tikaka was followed in preparing for these consent applications, and the approach that Ōtākou takes to the assessment of consent applications, with appropriate mitigation, is informed by tikaka. This must be respected throughout the consenting process.

4.3 mana whenua recognised within the Fast Track Legislation

The Fast-track Act establishes a permanent fast-track regime for infrastructure and development projects of national or regional significance. While the purpose of the Fast-track Act is to accelerate consenting of major infrastructure and development projects, it also embeds obligations that strengthen mana whenua participation at various stages in the consenting process.

The intention for iwi to have a strong and influential voice under the Fast-track Act was emphasised by Minister Hon Tama Potaka in the first reading of the bill when he stated:

> *With regards to Te Arawhiti, and the leaders of tribes, their view is that the Treaty settlements issues be safeguarded - agreed. In the pages and discussion of this initiative of the bill, it can be seen that at every management level, at every decision-making level the applicant and Ministers and the panel must make contact with Māori, with iwi, and with hapū, to discuss in-depth the way forward.*

It is clear that Parliament's intention is not just that the Crown must safeguard Treaty settlement obligations but also actively recognise Māori rakatirataka by ensuring iwi engagement is meaningful, influential, and embedded at every stage of the fast-track process.

Obligations under the Fast-track Act include:

- Consultation before applying: The Fast-track Act imposes strict iwi consultation requirements for both referral and substantive applications, mandating early, genuine, inclusive, and responsive engagement with mana whenua before lodgement. Applicants are required to consult relevant iwi authorities, hapū, Treaty settlement entities, and groups under the Marine and Coastal Area (Takutai Moana) Act and provide a summary of the

consultation and explain how it informed the project. Applications that fail to meet these requirements are deemed incomplete and returned. In a recent judicial review of a Fast-track application for the Port of Tauranga the importance of these obligations was considered when the High Court considered there was an "arguable" case for inadequate consultation occurring particularly in regards to reliance on prior engagement and whether the consultation was in accordance with tikaka.[3] The High Court subsequently confirmed that the following principles from *Land Air Water Association v Waikato Regional Council* apply in relation to consultation with Māori under the Fast-track Act:[4]

> *The nature and object of consultation must be related to the circumstances.*
>
> *Adequate information about a proposal is to be given in a timely manner so that those consulted know what is proposed.*
>
> *Those consulted must be given a reasonable opportunity to state their views.*
>
> *While those consulted cannot be forced to state their views they cannot complain, if having had both time and opportunity, they for any reason fail to themselves of the opportunity.avail*
>
> *Consultation is never to be treated perfunctorily or as a mere formality.*
>
> *The parties are to approach consultation with an open mind.*
>
> *Consultation is an intermediate situation involving meaningful discussions and does not necessarily involve resolution by agreement.*
>
> *Neither party is entitled to make demands.*
>
> *There is no universal requirement as to form or duration.*
>
> *The whole process is to be underlain by fairness.*

- The referral application stage: At the referral application stage the Minister for Infrastructure decides whether the project should be referred to the substantive stage of the Fast-track process. This involves inviting comments on the referral application from relevant iwi authorities, hapū and Treaty settlement entities and other relevant Māori groups.

- The land exchange stage: Before lodging a substantive application, projects seeking approval for a land exchange must lodge their application with the Department of Conservation who must invite comments on the proposed land exchange from relevant iwi authorities, hapū and Treaty settlement entities and other relevant Māori groups.

- The substantive application stage: at the substantive application stage an expert panel decides whether to approve or decline a project, and whether to impose conditions on a project. To do so they are strongly encouraged to invite comments on the application and draft conditions, or request further information about the application, from relevant iwi authorities, hapū and Treaty settlement entities and other relevant Māori groups.[5] To support this process the panel conveners have developed practical guidance for participants, including panel members. The guidance note suggests panels should invite

[3] *Ngāti Kuku Hapū Trust v Environmental Protection Agency* [2025] NZHC 2046.
[4] [2001] ELHNZ 428 at [453].
[5] Fast-track Approvals Act 2024: Panel Conveners Practice and Procedure Guidance (22 July 2025) at page 9.

comments and consider information regarding mātauranga Māori, tikaka, matters of significance to Māori, whether the application aligns with Treaty settlement obligations and recognised customary rights under relevant legislation as well as how iwi feedback could be incorporated into consent conditions and management plans;

- Hearing stage: if a hearing is held, section 58 requires panels to recognise tikaka Māori where appropriate. The guidance note states it is important that panels consider the need to consult with participants over tikaka requirements ahead of the hearing event in either an exchange of memoranda and directions or in a conference.

- At all stages: the guidance note states even if no hearing is required, panels need to be mindful of tikaka throughout the process they are adopting, including during any activity that requires either remote or face-to-face engagement of the participants, such as at panel conferences, wānanga, expert conferences on cultural values, and site visits.[6]

In addition to mana whenua being invited to participate in the process, there are also various provisions in the FTAA which direct decision makers to consider Treaty settlements and other specific arrangements in the process of making decisions around Fast-track projects including:

- section 7: an obligation relating to Treaty settlements and recognised customary rights;

- section 16: pertains to the effect of Treaty settlements and other obligations on decision making;

- section 18: requires a report to be generated that sets out the Treaty settlements and other obligations;

- section 82: sets out the effect of Treaty settlements and other obligations on decision making; and

- section 84: sets out conditions relating to Treaty settlements and recognized customary rights.

In recognition of the potential for applications under the Fast-track Act to affect Māori rohe, whenua, and whānaunga connections to a broad range of Tiriti interests, the Ministry for the Environment has created Te Poka Pū Māori online hub for iwi Māori, which they say recognises the Crown's obligations under Te Tiriti o Waitangi and the Fast-track Act to ensure accessible information is provided to iwi/Māori with genuine intent and respect for Māori rakatirataka.

4.4 Te Tiriti o Waitangi

The position and interests of Ōtākou are informed by Te Tiriti, on the basis that Te Tiriti:

- is a founding constitutional document for New Zealand;
- is the primary nexus between tikaka Māori and the laws of England, which today form the laws of New Zealand; and

[6] At page 19.

- guaranteed for Māori tino rakatirataka, the unqualified exercise of chieftainship, over lands, villages, and all their property and treasures.

There are many New Zealand laws which have referred to the principles of the Treaty. The first law to do so was the Treaty of Waitangi Act 1975, which established the Waitangi Tribunal. Principles have been used as a means of reconciling the differences between the texts, being Te Tiriti (the Māori version), and the Treaty (the English version). In 1983 the Waitangi Tribunal said, *'The spirit of the Treaty transcends the sum total of its component written words and puts literal or narrow interpretations out of place.'* Although recognising that the principles evolve over time and vary depending on the context and issues at play, the following principles are relevant (both procedurally and substantively) and are engaged here.

4.4.1 Rakatirataka

This can be referenced directly with Article 2 of the Treaty and includes ideas and values around sovereignty, leadership, autonomy, and self-determination, as discussed above. Within this are concepts around stewardship and looking after others (in this case that includes both members of Ōtākou and wider New Zealand) along with ensuring well-being.

4.4.2 The Principle of Partnership

This requires that the Crown work together with iwi, and within that owe each other duties of fair conduct and good faith, including through the Crown respecting mana whenua interests. This is not consultation but rather 'co-operation' in light of the obligation of good faith and partnership to each other.

4.4.3 The Principles of Reciprocity and Mutual Benefit

These reflect the equal status of the Treaty Partners and including an obligation to enable Māori wellbeing. This is important as the agreed arrangements between Ōtākou and Mercury will provide for the wellbeing of mana whenua and the wider population of New Zealand.

4.4.4 A duty to make informed decision

Any Crown agent, in exercising their statutory functions, is under a duty to make fully informed decisions. In this instance it is essential that the perspectives of Taiari Rūnaka are properly explored and understood, which is the purpose of this TIA. In light of this principle, this document and the wider position of Ōtākou must be respected and understood, and this TIA should therefore be treated with respect.

4.4.5 The Principle of active protection

This principle is a positive obligation on the Crown to protect Māori interests. It includes a duty on the Crown to protect Māori rakatirataka. We emphasise that:

- Enabling Ōtākou is central to the principle of active protection;
- Ōtākou views are expressed in this document and must be carefully considered and understood by the decision-maker.

The discussion above is not intended to be exhaustive.

PART 3

Chapter 5: Identification of the losses and effects

5.1 Introduction

Kāi Tahu have, for generations, voiced their concerns at the continual development of the lands and waterways within their rohe that impact wahi tapu and wāhi taoka. Many areas and resources are degraded as a result of what Kāi Tahu perceive as inappropriate use and development. In the last two decades, Kāi Tahu have become more vocal in seeking greater recognition of its cultural beliefs, values, and practices. The increased recognition of cultural values that is sought by Kāi Tahu is not intended to threaten the existing economy and bring development to a halt. Rather Kāi Tahu fear that a failure to recognise their customary and Te Tiriti rights will constrain their autonomy and ultimately could destroy many of the foundations of the culture and identity. This tension has surfaced in many forums in recent years, particularly resource consent hearings. However, Kāi Tahu, as rakatira and kaitiaki, are obligated to identify the effects (positive and negative) of a proposed development on their cultural, beliefs, values and practices.

5.2 A mana whenua baseline

A reference condition or a “mana whenua baseline” refers to the mana whenua view of the baseline condition of a catchment at the time of the signing of Te Tiriti in 1840. Other baselines utilised by resource managers may be the state of the catchment now, or how it may be in the future with all consented development occurring and all resulting changes becoming apparent in the catchment. Scientists may use the extent of historical empirical data to establish a baseline.

The sites, the taoka and practices they sustained historically represent the “mana whenua baseline.”

- Historically mana whenua had multiple permanent and temporary settlements throughout the West Taiari and Maniototo
- Despite land sales in the mid nineteenth century, waterways were still accessible and used by mana whenua. Lands could still be accessed and used with the consent of landowners.
- Until recent decades whānau lifestyles remained centered on mahika kai.
- The predominant species taken from the Taiari were birds, tuna and weka.
- mana whenua do not see the catchment in 2025 (nor did they in 2006 when Stage 1 was consented) as the baseline or the starting point for assessing the degree or significance of effects.

Mercury also needs to recognise that no site stands alone. It must always be considered within a set of cultural relationships best described as "linkage" in which traditions about a particular location may not make sense unless information about other locations and their part in a larger cultural, traditional or historical sequence is known.

Linkage can also be seen when tracing the paths of activity of tūpuna. Hīkoi are increasingly being undertaken by rakatahi and other tribal members today to re-enact the events of historical times. A hīkoi may move from one location to another, the path which is used then becoming part of the significance of the two locations for the duration of the hīkoi. For Mercury’s purposes of understanding,

two or more significant sites may exist outside of the footprint of MWF but the path of hīkoi may cross near the construction zone or activity areas. Yet the path becomes, for the purpose of fulfilling the hīkoi, a part of the significant nature of both the site and the activities which celebrate it. The occupation of the Taiari for hundreds of years, has created a unique and complex landscape with numerous cultural associations and sites of significance.

5.3 Comparing what already consented and constructed

Tipa and Associates Ltd prepared a CIA for Trustpower when they were developing the Mahinerangi Windfarm. Although consented only part of the windfarm (approximately 12 turbines) was constructed. Subsequent to the construction of Stage 1, the windfarm was sold.

Mercury (via Tararua Wind Farm Ltd) is now the owner of the windfarm.

Mercury reviewed the original proposal and has now prepared a revised proposal that is subject to consideration under the Fast Track legislation. Table 2 provides a summary of:

- The scheme that was originally evaluated by Ōtākou in 2006;
- Stage 1 of the scheme that was constructed; and
- The revised scheme for which consent is being sought by Mercury

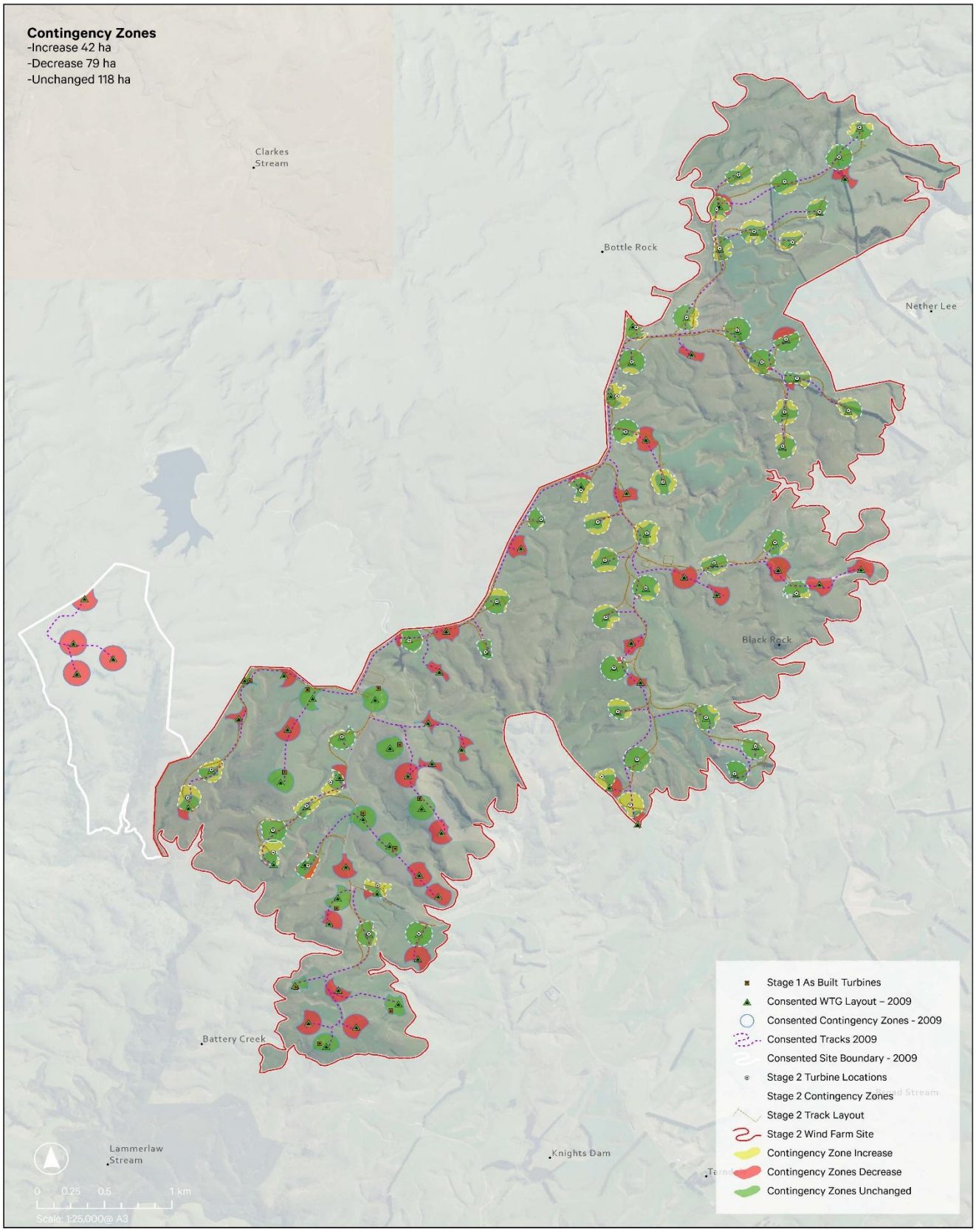
Table 2: Main differences between the consented and proposed layout[7].

Attribute	Consented layout	Realistic 2025 equivalent of consented layout	Proposed layout
Turbine locations	100	88	54
Turbines (built)	100	47	44
Rotor tip height	145	145	165
Turbine capacity	Not specified	3.45 MW	4.3 MW
Maximum installed generation capacity	200 MW	198 MW	226 MW
Transmission line			New application
Thomas Block	Included	Included	Excluded

Figures 3 and 4 that follow illustrate the consented layout and the proposed Stage 2 layout that is the subject of this application.

[7] See SLR (June 2025) "Ecological Assessment – Aquatic Ecology: Mahinerangi Wind Farm Stage 2"

Figure 3: Puke Kapo Hau Stage 2 Wind Farm Development Area (supplied by Mercury Energy)

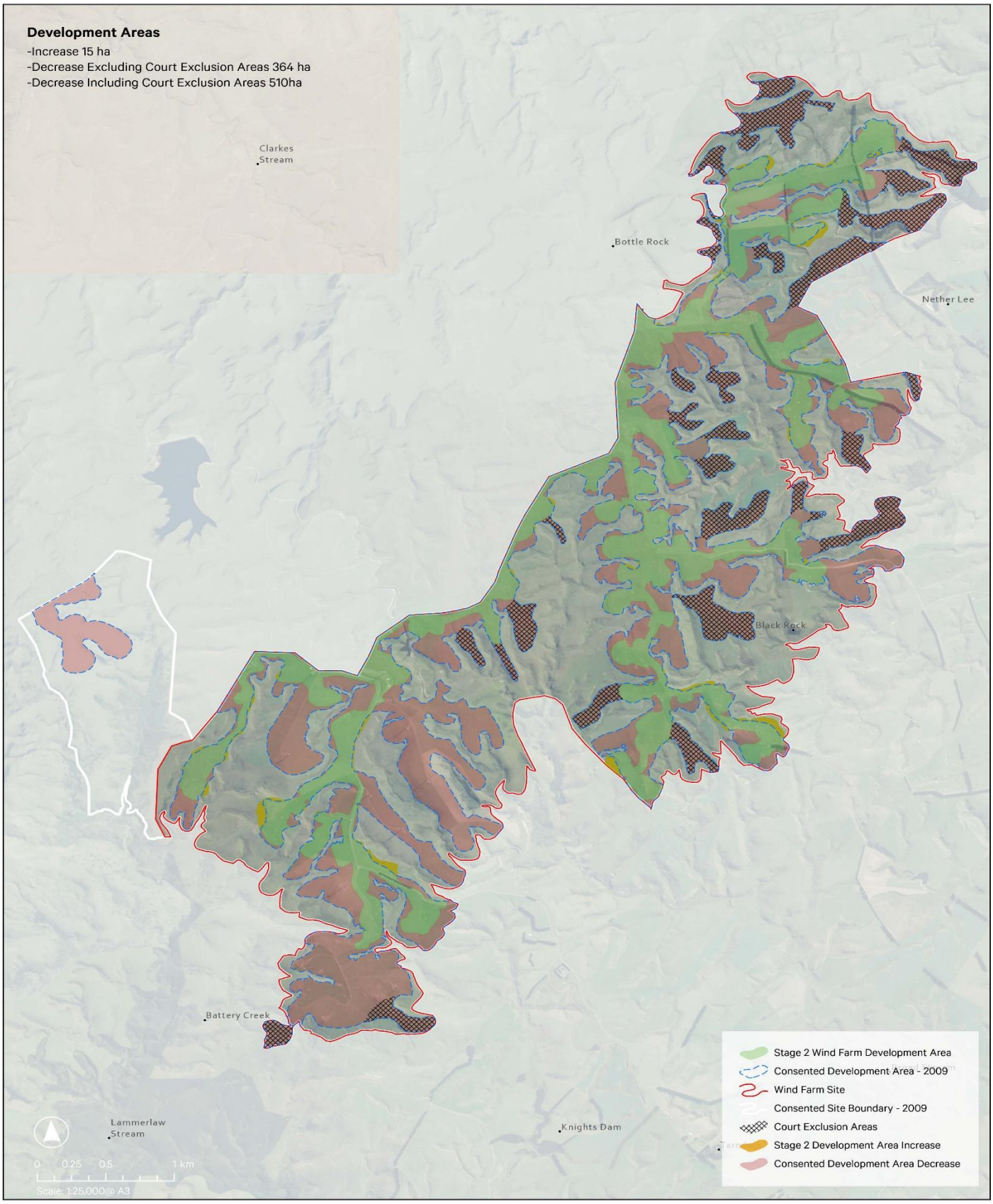


Isthmus.

Map A - Puke Kapo Hau Layout Contingency Zones and Tracks

Mercury

Figure 4: Puke Kapo Hau Stage 2 Wind Farm Development Area (supplied by Mercury Energy)



Isthmus.

Map B - Puke Kapo Hau Stage 2 Wind Farm Development Area

Mercury

5.4 Wāhi taoka

When Ōtākou voice their aspiration to protect wāhi taoka, a range of taoka, sites and resources valued and or used by mana whenua, examples of wāhi taoka are likely to include:

- Ara tawhito (trails)
- Mahika kai
- Pā Tawhito (pā sites)
- Tūāhu (sites important to identity)
- Urupā (human burial sites)
- Wāhi pakanga (battle sites)
- Wāhi raranga (weaving material)
- Wāhi tapu (sacred places)
- Ikoa Tawhito (place names)
- Wāhi kōhatu (rock formations)
- Repo Raupō (wetlands)
- Wai Māori (freshwater areas)
- Wāhi mahi kōhatu (quarry sites)
- Kāika nohoaka (occupation, settlement sites)
- Mauka (important Mountains)
- Tauranga Waka (canoe mooring sites)
- Tuhituhi Neherā (Rock drawing sites)
- Umu (earth ovens)
- Wāhi paripari (cliff areas)
- Wāhi taoka (treasured areas generally)
- Wāhi tāpuke (buried taoka)
- Wāhi kaitiaki (resource indicators)
- Wāhi tohu (locators within the landscape)
- Puna (springs)

Protecting remaining wāhi taoka that are essential for preserving the beliefs, values and practices of whānau, and where feasible seeking opportunities to restore degraded wāhi taoka is a priority for mana whenua. This aspiration has influenced how Ōtākou has assessed this revised proposal.

5.5 Structuring the assessment of impacts

We have used two criteria to help assess the significance of the impacts from the perspective of mana whenua:

- Sensitivity of a taoka or value to change; and
- Scale of impact as perceived by whānau.

5.5.1 Sensitivity

When identifying the significance of a taoka, it is essential, where changes are being assessed, to understand the contribution that the attributes of that taoka and its setting make towards the significance of taoka. Thus, in determining the nature and level of effect upon a taoka by the development, its sensitivity to changes to its attributes setting need to be considered.

Taoka with very high or high sensitivity may be vulnerable to any changes that affect their attributes or settings and even slight changes may erode their key characteristics or the ability of their settings to contribute to the understanding, appreciation or experience of them by Ōtākou whānau. Taoka where sensitivity to changes to their setting is lower may be able to accommodate greater changes to their

settings without key characteristics or attributes being eroded. The criteria used for establishing a relative sensitivity for a taoka to changes to its attributes or setting are detailed in Table 3

Table 3: Scoring sensitivity

Very high	The setting is crucial to an understanding and experience of the taoka, should be regarded as 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.
High	The setting is major to an understanding and experience of the taoka, should be regarded as high sensitivity to change to its setting. This is particularly relevant where setting or elements contribute substantially to significance.
Medium	The setting makes a moderate contribution to an understanding and experience of the taoka, should be regarded as having medium sensitivity to change to its setting. This could be where a where setting or elements contribute to significance but its value is derived equally from other characteristics.
Low	The setting makes some contribution to an understanding and experience of the taoka, should be regarded as having low sensitivity to change to its setting. This could be where the value of a taoka is derived mainly from other characteristics.
Negligible	Where the setting makes minimal contribution to an understanding and experience of the taoka, it should be regarded as having negligible sensitivity to change to its setting.

5.5.2 Scale of impact

Determining the scale of any likely impacts includes consideration of the nature of the activities proposed during the construction and operational phases of the revised development. Changes could potentially include ground disturbance, instream disturbance, habitat changes, loss of access, visual change, vibration, smell, dust, traffic movements etc. Effects may be beneficial or adverse, and may be short term, long term or permanent. Where adverse effects on cultural interests are possible, the scale of impact may be reduced through measures to prevent, reduce and/or, where possible, offset these effects. The scale of any effects has been assessed using professional judgment of Ōtākou representatives and their advisers, with reference to the criteria set out in Table 4

Table 4: Scoring scale of impact

High benefit	The revised development would considerably enhance the cultural significance of the affected taoka / site or the ability to understand, appreciate or experience it.
Medium benefit	The revised development would enhance – to a clearly discernable extent - the cultural significance of the affected taoka / site or the ability to understand, appreciate or experience it
Low benefit	The revised development would enhance – to a minor extent - the cultural significance of the affected taoka / site or the ability to understand, appreciate or experience it
Very low benefit	The revised development would enhance – to a very minor extent - the cultural significance of the affected taoka / site or the ability to understand, appreciate or experience it
Neutral / none	The revised development would not affect the cultural significance of a taoka / site or the ability to understand, appreciate or experience it
Very low adverse	The revised development would erode – to a very minor extent - the cultural significance of the affected taoka / site or the ability to understand, appreciate or experience it
Low Adverse	The revised development would erode – to a minor extent - the cultural significance of the affected taoka / site or the ability to understand, appreciate or experience it
Medium adverse	The revised development would erode – to a clearly discernable extent - the cultural significance of the affected taoka / site or the ability to understand, appreciate or experience it
High adverse	The revised development would considerably erode the cultural significance of the affected taoka / site or the ability to understand, appreciate or experience it.

5.6 Summary of impacts of concern from previous CIA[8]

In this section we provide a summary of the impacts of concern identified by Ōtākou representatives in 2006.

> *The cultural impacts associated with the wind farm (comprising towers, infrastructure including roading network) and transmission line that were identified by Kāi Tahu can be grouped together under the following headings:*
>
> - *Modification to a significant cultural landscape and the association of Kāi Tahu with that area*
> - *Changes to the spiritual value of the area;*
> - *Changes to the ability of Kāi Tahu to gather cultural resources – from the area affected by development and operation of the windfarm, and from habitats elsewhere in the Taiari that are dependent on resources from the affected area*
> - *Impacts on taoka species, specifically -*
>   - *The New Zealand falcon,*
>   - *Other avian fauna, in particular waterfowls;*
>   - *Non-avian fauna, in particular lizards;*
>   - *Indigenous vegetation;*
> - *Erosion and subsequent impacts on water quality;*
> - *Possible interception of flows sourced from the Upper Taiari that feed downstream watercourses*
> - *Introduction of pests and weeds to the area*
> - *The risk of accidental discovery of sites of significance to Kāi Tahu.*
> - *Stability of the transmission network in the southern region.*
> - *Issues associated with a significant amount of waste being on site especially during the construction phase.*
> - *Risks associated with having hazardous substances on site;*
> - *Impacts of sewage and water systems on site during construction and operation.*

Where relevant we have integrated these concerns into the updated assessment of the effects associated with the Stage 2 changes.

Please note, Te Rūnaka o Ōtākou did not oppose the consents for up to 100 wind turbines with an installed capacity of 200MW that were granted in 2009 with construction of Stage 1 complete in 2011.

5.7 Summary of changes as advised by Tararua Wind Farm Ltd

Following public notification of Stage 1 of the Mahinerangi Windfarm (comprising 100 turbines), Te Rūnaka o Ōtākou filed submissions in opposition dated 28 February 2007. Subsequent to lodgement of the submission of opposition Trustpower and Te Rūnaka o Ōtākou engaged constructively to arrive at an agreement in respect of the effects and relevant mitigations. As a result, Ōtākou withdrew its opposition to the Stage 1 consent for 100 turbines.

[8] Tipa and Associates (2006)

With that as context this TIA is only assessing changes to the existing consents; and the new consents that are to be applied for and summarised in sections 5.7.1 and 5.7.2.

5.7.1 Amendments to existing consents.

1. The maximum installed capacity will increase from 200MW to 226MW [condition 11].
2. The maximum number of wind turbines will reduce from 100 to 56 [condition 12], comprising 44 Stage 2 wind turbines in addition to the 12 existing Stage 1 wind turbines.
3. The maximum wind turbine height to blade tip from will increase from 145m to 165m [condition 17].
4. The existing consent identifies 100 approved nominal turbine locations, each with a 100m radius Contingency Zone within which the wind turbine and hardstand are to be located. The revised proposal
    - Will shift the centre of the Contingency Zones (nominal turbine locations) by short distances (between 10m and 160m) in thirteen instances to better respond to environmental constraints.
    - Revise the Contingency Zone exclusions such that they would be constrained by 10m setbacks to wetlands (consistent with the NES-F which was not in place at the time of the original consent) or to comply with natural features such as the rim of gullies, while continuing to comply with the Windfarm Development Area.
    - Increasing the 'hardstand' at each location from 1400m2 to 1855m2.
    - Providing for a 5.5m road width (with localised exceptions to 9.5m) for both construction and operations. The existing Condition 15b provides for the formation of a 12m road width for construction narrowing to 5m carriageway post construction.
    - Removing 34 of the approved locations from the wind farm. That leaves a balance of 54 potential locations amongst which to distribute the proposed 44 Stage 2 wind turbines.

5.7.2 New consents

Tararua Windfarm Ltd also need to apply for a number of new consents.

5. New consents are required to modify wetlands and streams during wind farm construction because previous regional consents for the wind farm have expired.
6. New consents are also required for a 110kV transmission line connection between the wind farm and the National Grid, including the substation and battery storage (BESS).
7. A new consent is required for the operations and maintenance depot. It is proposed to locate the depot in the centre of the wind farm near the proposed substation, rather than adjacent to Eldorado Track as indicated in the approved layout under the existing consent.

The assessment that follows focuses on these 7 consenting changes.

CONSENT CHANGE: The maximum installed capacity will increase from 200MW to 226MW [condition 11].

Component of scheme	Taoka / Value	Sensitivity of the taoka / value	Scale of impact on the taoka / value	Comment/Issue(s) raised	Response / action
All components within the footprint of the scheme	1. Manaakitaka	Very high	Low beneficial	• The project will increase the capacity from a renewable energy source with power fed into the national grid. • In effect Ōtākou is increasing its "gift of electricity to the nation" from 200MW to 226MW.	-
	2. Mauri Rakatirataka[9] whānau ora	Very high	Low adverse	• 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. • During construction (with the extensive earthworks the development entails), there is always the risk of accidental discovery of taoka during construction.	• There remains a need for Mercury to describe how access to the site and future opportunities for whānau are not to be permanently lost. • Aukaha will provide a copy of the Accidental Discovery Protocol that has been endorsed by Ōtākou.

[9] Please note that the Crown has recognised rakatirataka in the Deed of Settlement and the Kāi Tahu Claims Settlement Act 1998.

	3. Rakatirataka Kaitiakitaka	Very high	High adverse	• Relationships are essential to the successful implementation of any project and to provide assurance to Ōtākou that their concerns will be addressed. Mercury as a generator is new to the region with relationships still to be formed. • 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.	The nature and scope of any formal relationship needs to be agreed by the parties across multiple levels (Tararua Wind and Mercury NZ Ltd). .
	4. Kaitiakitaka	High	High adverse	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. In other words it will be part of but also exacerbate the cumulative effect.	How cumulative effects have been assessed and are to be managed is not addressed.
	5. whānau ora	Very high	Unknown	A priority for Kāi Tahu is advocating for developments likely to contribute to affordable power for whānau and communities. It is unclear whether this proposal will simply add capacity to Mercury, provide flexibility for Mercury, or add to security of supply to alleviate the risk of shortages across NZ. The benefits of the development to whānau needs to be clarified.	This issue is not discussed. As noted under impact 1 above, the proposal will increase capacity for the nation, but Ōtākou has a responsibility to think of the impact on power affordability for whānau.
	6. Mahika kai Taoka species[10]	Very high	High adverse	When fully operational it is likely that whānau use of lands, waters and resources in the Taiari catchment will have a smaller footprint and be centered on the Lower Taiari[11] – arguably the most impacted and degraded part of the whole catchment.	All the technical assessments focus on the physical footprint yet it needs to be acknowledged that the cultural impacts will extend beyond that footprint.

[10] Many taoka species found in the Lower Taiari are recognised by the Crown in Schedule 97 of the Kāi Tahu Claims Settlement Act 1998
[11] Please note the waters of the Lower Taiari include the Waipori Waihola Wetland recognised by the Crown in Schedule 70 of the Kāi Tahu Claims Settlement Act 1998.

					With respect to taoka species we note extensive investigations in relation to falcon and lizards, which are both subject to management plans[12] [13].
	7. Wai Māori[14] Mahika kai Taoka species	Very high	Unknown.	When Ōtākou supported the proposal in 2006 they saw advantages in one company (Trustpower) operating the windfarm alongside the nearby Waipori hydro scheme. Although Ōtākou raised questions, it was felt that this synergy could benefit the downstream waterways including the highly significant Waipori Waihola wetland complex.	It is not clear how competition (between two different generators) will impact the downstream areas of significance (e.g. the Waipori Waihola complex).

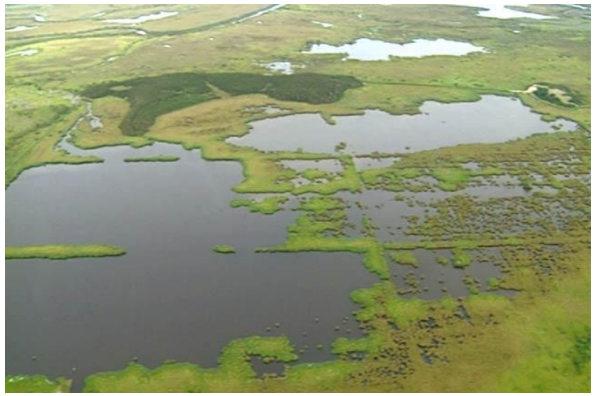


Figure 5: Te Nohoaka o Tukiauau is an important cultural resource that is likely to become more of a focus if developments inland impact access refocus whānau interaction

Figure 6: Lee Stream is an important tributary of the Lower Taiari contributing valuable flows. A very popular walking track connects Lee Stream to the Lower Taiari. Potential impacts on Lee Stream are to be avoided or mitigated.

Figure 7: Outram Glen is an important recreational asset for whānau of the Lower Taiari. Run off from the Rock and Pillar, Lammerlaw and Lammermoor ranges are important contributors to the flows and quality of the Lower Taiari. Potential impacts on the Lower Taiari are to be avoided or mitigated.

[12] Blueprint Ecology (23 September 2025) Draft Lizard Assessment, Puke Kapo Hau – Mahinerangi Wind Farm Stage 2
[13] Boffa Miskell (2025) Assessment of the Effect of Proposed Variations of Consents on Avifauna with a focus on New Zealand Falcon
[14] Please note the waters of concern are recognised by the Crown in Schedule 70 of the Kāi Tahu Claims Settlement Act 1998.

CONSENT CHANGE: The maximum number of wind turbines will reduce from 100 to 56 [condition 12], comprising 44 Stage 2 wind turbines in addition to the 12 existing Stage 1 wind turbines.

Component of scheme	Taoka / Value	Sensitivity of the taoka / value	Scale of impact on the taoka / value	Issue(s) raised	Response / action
All components within the footprint of the scheme	8. Wahi tūpuna Mauka Korero tuku iho Whakapapa whānau ora (social, cultural, spiritual)	Very high	Medium benefit	• Towers, stands, roading, ancillary buildings are being built within a wahi tūpuna. • The waste, contaminants and hazardous materials that will be on site during construction and ongoing as part of normal operations is unclear but is expected to be managed via management plans.	• A positive revision is the reduction from 100 to 56 towers. • The removal of four turbine locations from the Thomas property will avoid an area of high-quality tussock. Similarly, the removal of one consented turbine location from the QEII Trust area will avoid another area of high-quality tussock.
	9. Wahi tūpuna Mauka	High	Low	The location of the turbines on the landforms was unclear. Mercury clarified the location of infrastructure in relation to ridgelines, as the technical reports appeared contradictory. • "The base of most wind turbines is beyond the ridgeline" [15]. • "The handstand areas for the turbines …are located on ridgelines"[16] Mercury advised that the use of the term ridgeline likely confused matters and has been used to distinguish turbine locations being away from gullies, and on the higher ground of the peneplain.	Mercury have since confirmed the location of the turbines and infrastructure and believes it will not conflict with the stated preference of Ōtākou. Mercury have advised that turbines are to be located on the higher ground of the peneplain. All but three turbines are located within the original contingency zones as consented in 2009. This suggests that all but three of the turbine locations should be the same as previously accepted by Te Rūnaka o Ōtākou.

[15] Button, S. Lister, G. (24 June 2005) Landscape and Visual Effects Assessment Draft for Consultation Isthmus page 27
[16] See SLR (June 2025) "Ecological Assessment – Aquatic Ecology: Mahinerangi Wind Farm Stage 2" page iii

				Figures 3 and 4 show the turbines all located within the original contingency zones as consented in 2009 with only three instances where the turbine has moved from the original location and contingency zone. Turbine locations are therefore almost entirely the same as previously accepted by Te Rūnaka o Ōtākou.	
	10. Wahi tūpuna Mauka whānau ora (social, cultural, spiritual)	High	Low adverse	The future relationship of Ōtākou with these lands could be impacted. • Opportunities to reintroduce taoka species (e.g. weka) could be impacted or lost. • Opportunities to reconnect with the lands in the vicinity of the windfarm(e.g. new nohoaka) could be lost. • Opportunities to recreate experiences (e.g. walking trails) could be lost	Please note the earlier comment that the nature and scope of any formal relationship needs to be agreed by the parties across multiple levels (Tararua Wind and Mercury NZ Ltd). .
	11. Wai Māori	Very high	Unknown	The construction of the respective components of the wind farm will involve significant earthworks. extent to which the infrastructure including sediment disposal areas could intercept overland flows that are meant to contribute to flows in the Lower Taiari catchment is unknown.	The question of interception seems to be gap although the aquatic restoration report states that there will be no “impoundment or diversion of water associated with surplus fill disposal sites. Further the assessment of effects on the aquatic environment states that construction of the roads/tracks in accordance with the ECMP and management of stormwater from the roads/tracks

					to maintain existing flow paths will avoid or minimise any adverse effects on the ecological values of the watercourses.. Reports and management plans do not appear to say how this will be monitored so whānau can be assured that no overland flows are intercepted[17] [18].

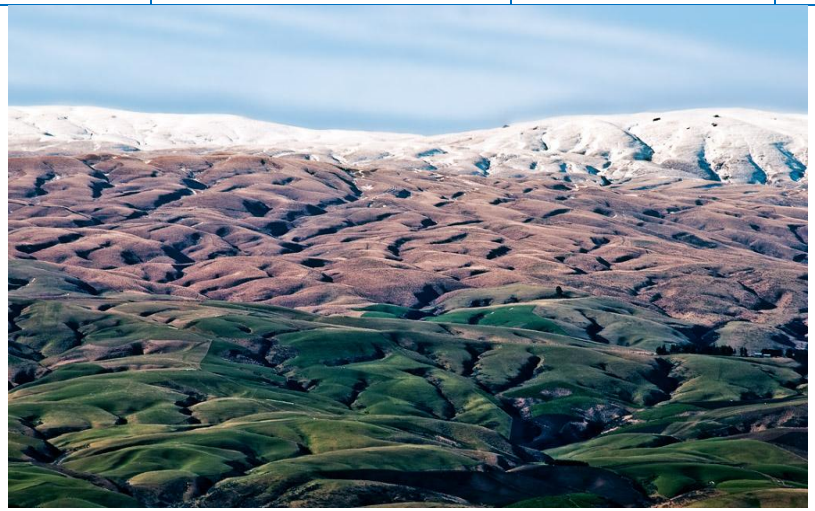


Figure 8: The creation narrative for the wahi tūpuna where this farm is to be located has this landscape formed from the rolling of waves that are represented by the Rock and Pillar, Lammerlaw and Lammermoor ranges.

Figure 9: This is a photograph sourced from internet that shows ripples across sand on a beach that have resulted from wave patterns.

The maximum wind turbine height to blade tip from will increase from 145m to 165m [condition 17].

Component of scheme	Taoka / Value	Sensitivity of the taoka / value	Scale of impact on the taoka / value	Issue(s) raised	Response / action

[17] SLR (June 2025) "Ecological Assessment – Aquatic Ecology: Mahinerangi Wind Farm Stage 2
[18] SLR (June 2025) "Vegetation, Wetland and Terrestrial Invertebrate Assessment Mahinerangi Wind Farm Stage 2

Base, tower and turbine	12. Wahi tūpuna	Very high	High	Please see the review of the Tararua Wind Power Ltd Mahinerangi Wind Farm Stage 2 Landscape and Visual Assessment raised concerns about the potential effects on wahi tūpuna	The effects on wahi tūpuna need to be discussed.
	13. Wai Māori Wahi tūpuna	Very high	Unknown	It is unclear what contaminants (e.g. oils) are needed in each turbine tower once the farm is operational and the contingency plans that are needed for extra ordinary events. But the contaminants in each turbine and what could be released in an extraordinary event need to be clarified.	The technical reports explain that wastewater generated from the facility will be treated on-site using a septic tank with a drip field, with the tanks emptied as required and waste taken off site and only water dripped into the field.[19]

CONSENT CHANGE The existing consent identifies 100 approved nominal turbine locations, each with a 100m radius Contingency Zone within which the wind turbine and hardstand are to be located. The revised proposal

- Will shift the centre of the Contingency Zones (nominal turbine locations) by short distances (between 10m and 160m) in thirteen instances to better respond to environmental constraints.
- Revise the Contingency Zone exclusions such that they would be constrained by 10m setbacks to wetlands (consistent with the NES-F which was not in place at the time of the original consent) or to comply with natural features such as the rim of gullies, while continuing to comply with the Windfarm Development Area.
- Increasing the 'hardstand' at each location from 1400m2 to 1855m2.
- Providing for a 5.5m road width (with localised exceptions to 9.5m) for both construction and operations. The existing Condition 15b provides for the formation of a 12m road width for construction narrowing to 5m carriageway post construction.

[19] SLR (June 2025) "Ecological Assessment – Aquatic Ecology: Mahinerangi Wind Farm Stage 2" pg 42

- Removing 34 of the approved locations from the wind farm. That leaves a balance of 54 potential locations amongst which to distribute the proposed 44 Stage 2 wind turbines.

Component of scheme	Taoka / Value	Sensitivity of the taoka / value	Scale of impact on the taoka / value	Issue(s) raised	Response / action
Increasing the size of the hardstand on which towers are based	14. Wai Māori Taoka species	High	Unknown	• "The handstand areas for the turbines …are located on ridgelines"[20] • Although the total amount of land disturbance will be less (1400x100 compared to 1855x44) there will be land disturbance and multiple sediment disposal areas on gently sloping areas away from gullies. The risk of these and downstream waters in an extraordinary event is unknown.	Ōtākou members are aware that wind farm construction involves significant earthworks. Therefore management of soil is important. In the technical reports and management plans there is significant discussion of "Surplus Fill Disposal" areas. • Excess fill from construction activities at the MWF will be placed in identified Surplus Fill Disposal (SFD) sites which are located on broad ridgeline features with gently to moderately sloping ground <15% gradient and away from gullies and watercourses. • Construction of the SFDs is to be in accordance with the ECMP. • Management of surface water (i.e., no impoundment or diversion of water associated with the SFDs) will avoid or

[20] See SLR (June 2025) "Ecological Assessment – Aquatic Ecology: Mahinerangi Wind Farm Stage 2" page iii

					minimise any adverse effects on the ecological values of the nearby or receiving watercourses from the SFDs.[21] • The SFD sites are designed to be 'blanket fills' on the peneplain surface rather than, for example, filling gullies.[22] • The risk of an extraordinary event impacting SFD needs to be explicit.
Revising the contingency zones	15. Wai Māori Taoka species	High	Low benefit	The contingency zones have been revised to afford an overall greater degree of protection for waterways.	The Contingency Zones will retain the same (up to) 100m radius as in the conditions and approved layout, but it is proposed to change the configuration of some of the circles to better align with natural features. The existing consent has generic 50m Wind Farm Buffers from gully rims. It is proposed that some Contingency Zones be trimmed to 10m[23]

[21] SLR (June 2025) "Ecological Assessment – Aquatic Ecology: Mahinerangi Wind Farm Stage 2" pg iv
[22] Button, S. Lister, G. (24 June 2005) Landscape and Visual Effects Assessment, pg 19
[23] Button, S. Lister, G. (24 June 2005) Landscape and Visual Effects Assessment, pg20

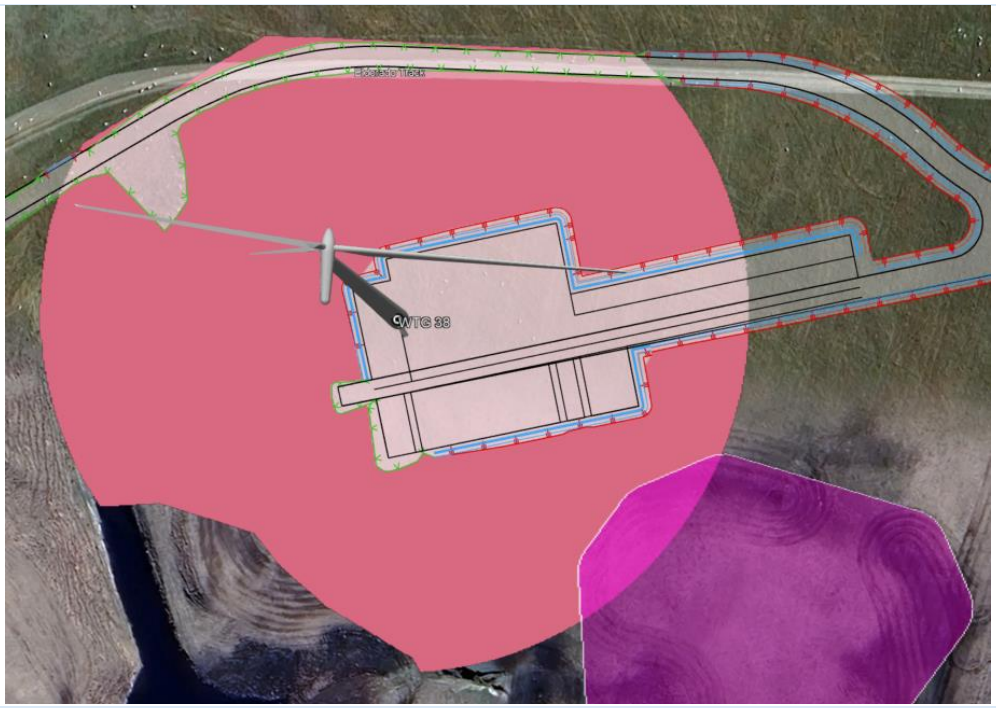


Figure 10: Elements at wind turbine locations, with pink illustrating the turbine's contingency zone and purple illustrating a spoil disposal area.

Roadways	16. Wahi tūpuna	High	High	• The visibility of the 37km of roading is of concern. • "The road/track network has been aligned to ridgelines"[24] • The roading will not improve access for whānau or communities. • The roading network will require further earth disturbance.	The proposed changes reduce the formation width by providing for 5.5m carriageway for both construction and operations with localised widening to a 9.5m wide carriageway on bends. The earthworks and reduction in the overall road length are seen in the technical reports as a positive.

[24] See SLR (June 2025) "Ecological Assessment – Aquatic Ecology: Mahinerangi Wind Farm Stage 2" page 41

				• The location of the roads in relation to ridgelines is unknown.	However, as noted this is a significant earthworks project even with a reduced footprint[25]
Removing 34 contingency zones to create a smaller footprint for the windfarm	17. Wahi tūpuna	High	Medium benefit	• A smaller total footprint is a benefit.	The area to be excluded has high value ecologically.

NEW CONSENTS: Consents are required to modify wetlands and streams during wind farm construction because previous regional consents for the wind farm have expired.

Component of scheme	Taoka / Value	Sensitivity of the taoka / value	Scale of impact on the taoka / value	Issue(s) raised	Response / action
All components within the footprint of the scheme during construction	18 Wai Māori Taoka species	High	Negligible	There is a threat of machinery introducing weeds and pests into the area during construction. Management plans are expected to mitigate this.	This is covered within a management plan.
	19. Taoka species	High	Low benefit	• Elden galaxiid habitat will be protected • Fish passage will be provided to enable passage of Eldon Galaxiids in a protected part of the stream.	Protection of the habitat of taoka species is supported by whānau.
	20. Wai Māori	High	Low benefit	A culvert in a Lee Stream tributary will be upgraded to improve connectivity. Although this requires consent for instream activities, the outcomes are beneficial.	This will connect habitats for the Eldon galaxiids and contribute to protection of a taoka species which is supported.

C

[25] Button, S. Lister, G. (24 June 2005) Landscape and Visual Effects Assessment, pg 19

NEW CONSENTS: Consents are required for a 110kV transmission line connection between the wind farm and the National Grid, including the substation and BESS.

Component of scheme	Taoka / Value	Sensitivity of the taoka / value	Scale of impact on the taoka / value	Issue(s) raised	Response / action
Transmission line	21. Rakatirataka Kaitiakitaka	High	High adverse	• Approximately 6km comprising up to 25 towers will be connected by tracks. This line will connect the windfarm to the national grid. • An issue in 2006 was the impact of new generation on the existing transmission network. The new line is expected address this. • However will more stable conditions mean that it will be easier for other new generators to come into the catchment? In other words will transmission line help create the cumulative effect that ultimately undermines the rakatirataka of Ōtākou? • Please note earlier comments re the impacts on wahi tūpuna.	The indicative transmission line design is approximately 6 km long and includes 15 spans and poles for the transmission line itself, two poles at the substation, and up to eight poles at the tie-in to the National Grid line. The consent therefore provides for up to a total of 25 poles.[26] The corridor provides for poles to be installed on the gently rolling peneplain. Gullies and wetlands that fall within the corridor would be spanned by the conductors[27] • There are three instances where the access tracks will be within the 10m buffers of wetlands. • The track will require upgrading of existing farm tracks in a number of places. • The works are said to not physically impact on the wetlands as it is the buffer zone that will be infringed.

[26] Button, S. Lister, G. (24 June 2005) Landscape and Visual Effects Assessment, pg 38
[27] Button, S. Lister, G. (24 June 2005) Landscape and Visual Effects Assessment, pg 38

					The transmission line will use steel poles rather than pylons (lattice towers). The poles are up to 45m high. These are larger than those typically used for local distribution along rural roads, Using taller poles means that the additional height is offset by fewer poles and longer spans[28].
BESS (the battery)	22. Manaakitaka Wahi tūpuna Taoka species Mahika kai Wai Māori	Very high	High adverse	• The BESS 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 taoka could be affected? What contaminants could be released over what area in the event of a fire?	In the event of fire there are at least two areas of concern: • The aerial spread of any contaminants • The effect of water runoff from fighting fire. Water runoff is covered in the fire management plan. Fire suppression water runoff, which is generated during a firefighting operation, at the BESS will be managed using the stormwater system. As fire suppression water runoff is potentially contaminated, the detention basin will be lined with high-density polyethylene (to prevent soakage of contaminated water into the ground) and will be used to capture and store the contaminated water.

[28] Button, S. Lister, G. (24 June 2005) Landscape and Visual Effects Assessment, pg 37

					The detention basin will be sized appropriately to store the required fire water volume (288 m3), which will make the basin significantly larger than that required to provide stormwater attenuation. The outlet from the detention basin will have a readily accessible isolation valve which will be manually shut off in the event of a fire to prevent contaminated water from discharging to the environment. The stored contaminated water will then be removed from site in a timely manner.[29] The extent of potential aerial spread of contaminants and the potential damage and remediation needed after a fire remians to be clarified.

[29] SLR (June 2025) "Ecological Assessment – Aquatic Ecology: Mahinerangi Wind Farm Stage 2", pg 42

Figure 11: Tower 196 on HWB-ROX-A National Grid line viewed from Eldorado Track. The wind farm line will be connected directly to conductions on the pylon, requiring four adjacent poles, but avoiding a switch yard.

NEW CONSENT: Consent is required for the operations and maintenance depot. It is proposed to locate the depot in the centre of the wind farm near the proposed substation, rather than adjacent to Eldorado Track as indicated in the approved layout under the existing consent

Component of scheme	Taoka / Value	Sensitivity of the taoka / value	Scale of impact on the taoka / value	Issue(s) raised	Response / action
Depot / ancillary buildings (substation, operations and maintenance facility, concrete batching plant	23. Waihi tūpuna whānau ora	Very high	Medium	• "These facilities are located on the ridgelines" • 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 whānau from this part of the catchment	As noted under earlier impacts, there are significant earthworks associated with this proposal. This central depot or hub also requires earthworks. With respect to the concrete batching plant, around the perimeter of the plant, bunds will be constructed to capture and direct runoff (which could influence the pH and water

					quality characteristics) to sumps where water will be collected and chemically treated (if required). The perimeter controls will be maintained for the duration of the batching plant operation[30] Finally, as noted earlier, if the windfarm is to take on a higher degree of permanence in the landscape, which construction of this depot confirms, discussions with Ōtākou need to consider how access to the lands can be maintained,

[30] SLR (June 2025) "Ecological Assessment – Aquatic Ecology: Mahinerangi Wind Farm Stage 2", pg 42

5.8 Identifying effects of major significance

We use a matrix to combine sensitivity and scale of impact to assign a level of significance. The matrix is set out below as Table 5.

Table 5: A Matrix integrating sensitivity and scale of impact ratings

Scale of impact	Sensitivity of taoka / value			
	Very high	High	Medium	Low
High benefit	Major	Major	Moderate	Minor
Medium benefit	Major	Moderate	Minor	Very minor
Low benefit	Moderate	Minor	Very minor	Very minor
Very low benefit	Minor	Very minor	Negligible	Negligible
Neutral / none	Neutral / nil	Neutral / nil	Neutral / nil	Neutral / nil
Very low adverse	Minor	Very minor	Negligible	Negligible
Low Adverse	Moderate	Minor	Very minor	Very minor
Medium adverse	Major	Moderate	Minor	Very minor
High adverse	Major	Major	Moderate	Minor

In Table 6 we take each of the impacts identified in section 5.7 above and assign them a level of significance

Table 6: Identifying the significance of impacts

Scale of impact	Sensitivity of taoka / value			
	Very high	High	Medium	Low
High benefit				
Medium benefit	Major 8	Moderate 17		
Low benefit	Moderate 1	Minor 15, 19, 20		
Very low benefit				
Neutral / none		Negligible 18		
Very low adverse				
Low Adverse	Moderate 2	Minor 9, 10,		
Medium adverse	23			
High adverse	Major 3, 6, 12, 22	Major 4, 16, 21		

Impacts for which significance cannot yet be determined (because the scale of impact is classed as unknown) and for which more information is required include impacts 5, 11, 13 and 14.

5.9 Summary of impacts of where the significance cannot be determined

From the matrix in Table 6 we can extract the impacts of concern that require the provision of further information in order for whānau to complete their assessment. These are listed below in Table 7.

Table 7: Impacts of concern that cannot be fully assessed

5. whānau ora	A priority for Kāi Tahu is advocating for developments likely to contribute to affordable power for whānau and communities. It is unclear whether this proposal will simply add capacity to Mercury, provide flexibility for Mercury, or add to security of supply to alleviate the risk of shortages across NZ. The benefits of the development to whānau needs to be clarified.
11. Wai Māori	The extent to which the roading network, and other infrastructure including sediment disposal areas will intercept flows that are meant to contribute to flows in the Lower Taiari catchment is unknown.
13. Wai Māori Wahi tūpuna	It is unclear what contaminants (e.g. oils) are needed in each tower once the farm is operational and the contingency plans that are needed for extraordinary events.
14. Wai Māori Taoka species	• "The handstand areas for the turbines …are located on ridgelines"[31] • Although the total amount of land disturbance will be less (1400x100 compared to 1855x44) there will be land disturbance and sediment disposal areas on gently sloping areas away from gullies. The risk of these and downstream waters in an extraordinary event is unknown.

5.10 Summary of adverse impacts of moderate and major significance still to be discussed.

The matrix in Table 6 also identifies the impacts that are of major significance and require further discussion. These are listed below in Table 8.

[31] SLR (June 2025) "Ecological Assessment – Aquatic Ecology: Mahinerangi Wind Farm Stage 2" page iii

Table 8: Impacts of moderate and major significance that are still to be fully discussed

3. Rakatirataka / Kaitiakitaka	• Relationships are essential to the successful implementation of any project and to provide assurance to Ōtākou that their concerns will be addressed. Mercury as a generator is new to the region with relationships still to be formed. • 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.
4. Kaitiakitaka	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.
6. Mahika kai / Taoka 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.
12. Wahi tūpuna	Please note Ōtākou hold concerns about the impacts on wahi tūpuna and want to discuss further Tararua Wind Power Ltd Mahinerangi Wind Farm Stage 2 Landscape and Visual Assessment
16. Wahi tūpuna	• The visibility of the 37km of roading is unknown. • "The road/track network has been aligned to ridgelines" • The roading will not improve access for whānau or communities. • The roading network will require further earth disturbance.
21. Rakatirataka / Kaitiakitaka	• Approximately 6km comprising up to 25 towers will be connected by tracks. This line will connect the windfarm to the national grid. • An issue in 2006 was the impact of new generation on the existing transmission network. The new line is expected address this. • However will more stable conditions mean that it will be easier for other new generators to come into the catchment? In other words will it help create the cumulative effect that ultimately undermines the rakatirataka of Ōtākou? •
22. Manaakitaka / Wahi tūpuna Taoka species / Mahika kai Wai Māori	• The BESS 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 taoka could be affected? What contaminants could be released over what area in the event of a fire?
23. Waihi tūpuna / whānau 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 whānau from this part of the catchment

5.11 Residual impacts

In preparing this TIA time was taken to understand the stage 2 proposal and read all the technical reports. This has helped us to understand how the concerns expressed by Ōtākou members could be avoided or mitigated.

Section 5 of this document identifies a number of concerns that we have narrowed down to those:

- That require more information and discussion; and
- Those that are considered to be of major significance.

To further assist Ōtākou whānau, Aukaha staff and advisers reviewed the management plans and proposed consent conditions to determine whether they are sufficient to address concerns summarised in Tables 7 and 8. This is summarised in Appendix 3 and summarised in the paragraphs that follow.

5.11.1 Overview of the conditions evaluation

The evaluation of the proposed conditions prepared by Aukaha's Principal Planner (McIntyre, 2026) assessed whether the proposed conditions, in conjunction with the 20 management and monitoring plans that form part of the application, are sufficient to address the concerns raised in this TIA. The evaluation asked three key questions: whether the conditions are appropriately targeted to the concerns raised; whether they are sufficiently clear and certain to be effective; and where conditions rely on management plans, whether critical standards, requirements and outcomes are clearly set out in the conditions themselves. This last question is important to ensure that the objectives of the management plans are not subject to change and that their key requirements are enforceable

The overall finding is that the objectives and contents of the management plans appropriately target the majority of the concerns raised in this TIA. However, there are important gaps and a lack of certainty in the proposed conditions regarding critical standards and monitoring requirements. The evaluation also confirms that several major impacts identified in this assessment cannot be addressed through the conditions of consent and require further discussion between the applicant and Te Rūnaka o Ōtākou.

5.11.2 Matters where conditions require strengthening

The conditions evaluation identifies five key areas where the proposed conditions require strengthening in order to adequately address the impacts identified in this TIA.

Protection of natural flow paths (Impact 11): The ECMP and EMP contain measures to minimise adverse effects on existing stormwater runoff patterns, including locating tracks and hardstands along ridgelines and installing stormwater culverts where flow paths are intercepted. The EMP also provides for surplus fill disposal sites to be located on ridgelines and contoured to avoid obstructing overland flow. However, conservation of natural flow paths is not identified as an objective for either the ECMP or the EMP, the relevant requirements have not been incorporated into the proposed conditions, and there are no monitoring requirements relating to this matter. Additional conditions are recommended to ensure that natural flow paths contributing to the Lower Taiari catchment are conserved during construction and operation, and that surplus fill is not disposed of in any wetlands, rivers, or streams.

Water quality standards (Impacts 14, 16, 23): There is an absence of defined receiving water quality standards across most of the conditions relating to discharge of sediment and stormwater from construction sites, fill areas, and the concrete batching plant. The proposed discharge conditions rely on the general requirements of section 107 of the RMA, which do

not provide sufficient certainty for monitoring and compliance purposes. The conditions evaluation recommends that defined receiving water quality standards (including for clarity, pH, total suspended solids, and turbidity) be included in the relevant conditions, that the area of "reasonable mixing" be clearly defined, and that a monitoring programme be established requiring measurement of specified water quality parameters upstream and downstream of construction and fill areas before, during, and after construction. A TSS limit at the point of discharge from sediment retention devices (50 mg/l as referenced in the CTMP) should also be included.

Contaminant management (Impact 13): The evaluation identified that the application does not clarify what potential contaminants (such as oils and lubricants) are used in the operation of the turbines, nor the degree of risk they present, making it impossible to assess whether the conditions are adequate without further information. The applicant has since provided information that resolves this concern. A question posed by the evaluation about how wastewater generated by up to 200 construction workers will be managed during the construction period has also been answered through an update to the ECMP. The approach described in the ECMP is appropriate but the requirement to dispose of wastewater from ablution blocks used during construction should be reflected in the conditions for certainty."

Galaxiid protection (Impact 19): The Native Fish Recovery Plan sets out measures to minimise effects on galaxiid populations in the affected reach of the Lee Stream tributary, but these requirements are not well integrated into the proposed conditions. In particular, the timing restrictions to avoid the galaxiid spawning season (September to November) are currently included only in the diversion conditions but should be extended to all conditions for works in the stream bed. Key requirements of the NFRP, including provisions for successful transfer of salvaged fish, installation of barriers, and cleaning of equipment, should be incorporated directly into the consent conditions to provide certainty for compliance.

Monitoring and reporting (Impacts 6, 14): There is significant variation in the level of certainty and clarity in management plans regarding monitoring and reporting requirements. Some management plans refer to monitoring conducted in compliance with consent conditions, but the related conditions do not specify the necessary requirements. In particular, minimum monitoring requirements for effects on lizards, and minimum reporting requirements for effects on the New Zealand falcon (kārearea), should be specified in the conditions rather than relying solely on the management plans. A structured programme of water quality monitoring is also needed.

BESS fire risk management (Impact 22): The BESS introduces a new risk profile for the windfarm. While the Fire Management Plan addresses management of firefighting runoff including capture and containment of contaminated water, the purpose and minimum contents specified in the proposed conditions (CDC-T 43 and 44) relate only to management of fire risk and do not extend to management of the environmental effects of fire events. There is no reference in conditions to the requirement to avoid discharge of contaminated firefighting water, to the risk of aerial spread of contaminants from fire events, or to remediation of ecological damage. The conditions evaluation recommends that the scope of the Fire Management Plan be expanded in conditions to address these matters, and that this be done in consultation with Te Rūnaka o Ōtākou. A specific condition prohibiting discharge to land of runoff from fire suppression activities is also recommended.

Weed and pest introduction: The evaluation identifies that while the Woody Weed Management Plan and the proposed conditions for the Lee Stream culvert works include requirements for inspecting and cleaning vehicles and equipment, these requirements have not been replicated in the CDC-W conditions for broader earthworks, construction and operational activities across the windfarm site. Additional conditions are recommended requiring vehicles and equipment to be inspected and cleaned before entering the site, with specific requirements for vehicles that have been in waterways.

Accidental Discovery Protocol: An Accidental Discovery Protocol endorsed by Te Rūnaka o Ōtākou has been prepared and is appended to the conditions evaluation. The conditions evaluation notes some inconsistencies between the Archaeological Management Plan conditions and this endorsed protocol that require clarification to ensure the protocol is applied consistently across all activities.

5.11.3 Matters requiring further discussion with Te Rūnaka o Ōtākou

The conditions evaluation confirms that a number of the impacts assessed as being of major significance in this TIA are matters that cannot be adequately addressed through conditions of consent. These are matters that go to the heart of the relationship between the applicant and mana whenua, 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. These matters require direct engagement between Mercury NZ Ltd / Tararua Wind Farm Ltd and Te Rūnaka o Ōtākou, and include the following:

Rakatirataka and kaitiakitaka (Impact 3**):** The nature and scope of a formal relationship between the parties remains to be agreed. Mercury is a new generator in the region and relationships are still to be formed. This is essential to providing Ōtākou with assurance that their concerns will be addressed throughout the life of the project. The conditions evaluation confirms that this cannot be dealt with through conditions of consent.

Cumulative effects (Impacts 4 and 21): Whether the inclusion of the battery and transmission line will be a catalyst for other developments in the catchment, thereby exacerbating cumulative effects that undermine the rakatirataka of Ōtākou, is a matter that must be addressed in the overall assessment of the proposal. The transmission line, while resolving network stability concerns raised in 2006, may create conditions that make it easier for other generators to establish in the catchment. This cannot be addressed through conditions of consent.

whānau ora (Impact 5): It remains unclear whether the proposal will contribute to affordable power for whānau and communities, or whether it will simply add capacity and flexibility for Mercury. This is a matter that should be addressed in the rationale for the proposal.

Wāhi tūpuna and disconnection from the catchment (Impacts 12, 16, and 23): Ōtākou hold significant concerns about the impacts of the windfarm, transmission line, roading network, and ancillary infrastructure on wāhi tūpuna. The added components of the transmission line, battery, and depot add a degree of permanence that has the potential to further disconnect Ōtākou whānau from this part of the Taiari catchment. How these impacts on the ability of Ōtākou whānau to connect with wāhi tūpuna can be effectively addressed is a matter that will require further discussion with Te Rūnaka o Ōtākou. That discussion may result in further recommendations for amendment or addition to consent conditions.

Mahika kai and cultural use (Impact 6): When fully operational, whānau cultural use of lands, waters and resources in the Taiari catchment will have a smaller footprint. Appropriate mitigation of the impact of the windfarm on the area available to whānau for mahika kai and other cultural use is a matter that requires further discussion between the applicant and Te Rūnaka o Ōtākou.

Waipori/Waihola wetland complex (Impact 7): The potential effects of competition between generators in the Taiari catchment on the Waipori/Waihola wetland complex, a matter that was seen as an advantage when the original proposal involved a single operator for both the windfarm and the nearby hydro scheme, must be addressed in the overall assessment of the proposal.

5.11.4 Concluding assessment

In summary, the management plans that form part of this application appropriately identify and target the majority of the environmental effects of concern to Ōtākou whānau. The conditions evaluation, however, reveals that the proposed conditions do not always translate the intent of the management plans into clear, certain, and enforceable standards needed to ensure that the environmental outcomes sought will be achieved. The principal gaps relate to the protection of natural flow paths, the absence of defined water quality standards in discharge conditions, the management of contaminants from turbine operations and the construction workforce, the integration of galaxiid protection measures into conditions, and the adequacy of monitoring and reporting requirements. These are matters that can and should be addressed through amendment and strengthening of the proposed conditions, as detailed in the recommendations set out in the conditions evaluation report (McIntyre, 2026).

Of greater concern to Ōtākou are the impacts of major significance that cannot be addressed through conditions of consent. These impacts go to the essence of the relationship between the applicant and mana whenua, and to the ability of Ōtākou whānau to exercise kaitiakitaka and maintain their cultural connections to this part of the Taiari catchment. The formation of a meaningful and enduring relationship between Mercury and Te Rūnaka o Ōtākou, addressing matters of rakatirataka, kaitiakitaka, whānau ora, and the protection of wāhi tūpuna, is essential if the Stage 2 development is to proceed in a manner that is consistent with Te Tiriti o Waitangi and the statutory obligations set out in the relevant legislation.

Until these outstanding matters are resolved, this assessment concludes that the proposal's residual cultural impacts have not been fully addressed. The conditions evaluation provides a clear pathway for strengthening the regulatory framework, but the conditions alone will not be sufficient. What is required is a demonstrated commitment from the applicant to engage with Te Rūnaka o Ōtākou on the matters identified above, and for the outcomes of that engagement to be reflected in both the conditions of consent and in the broader relationship between the parties.

Glossary

Ara tawhito	Ancient Trails.
Atua	God, supernatural being.
Galaxias	Native fish species.
Hapū	Sub-tribe, extended whānau.
Heritage Order	provision made within a district plan to give effect to a requirement made by a heritage protection authority under s.189 or s.189A of the RMA-91.
Hīkoi	Journey.
Hui	Meeting, assembly.
Iwi	Tribe.
Iwi authority	The authority which represents an iwi and which is recognised by that iwi as having the authority to do so.
Kāi Tahu	Descendants of Tahu, the tribe.
Kāi Tahu ki Otago	The four Papatipu Rūnaka and associated whānau and rōpū of the Otago Region.
Kāi Tahu Whānui	The collective of the individuals who descend from one or more of the of the five primary hapū of Kāi Tahu, Kāti Māmoe and Waitaha.
Kāika/Kāika nohoaka	Place of residence.
Kaitiaki	Guardian.
Kaitiakitaka	The exercise of customary custodianship, in a manner that incorporates spiritual matters, by takata whenua who hold mana whenua status for particular area or resource.
Kanohi ki te Kanohi	Eye to eye or face to face.
Kaumātua	Respected elder.
Mahika kai	Places where food is produced or procured.
Mana	Authority, prestige, influence.
Mana whenua	Customary authority or rakatirataka exercised by an iwi or hapū in an identified area.
Manaaki	Show kindness to, look after, entertain.
Mana whenua	Those who exercise customary authority or rakatirataka.
Marae	Courtyard, meeting place for takata whenua.
Mauri	Essential life force or principle; a metaphysical quality inherent in all things both animate and inanimate. (Kāi Tahu Fresh Water Policy).
Mauka	Mountain.
Mokopuna	Grandchild, descendant.
Ōtākou	Otago.
Papatipu Rūnaka	Traditional Rūnaka.
Papatuanuku	Earth mother.
Pou	Post.
Rakatira	Chief.
Rakatirataka	Chieftainship, decision-making rights.
Rohe	Boundary.
Rōpū	Group.
Rūnaka	Local representative group or community system of representation.
Takaroa	Deity of the sea.
Takata	Person.
Takata whenua	The iwi or hapū that holds mana whenua in a particular area.
Takiwā	Area, region, district.
Taoka	Treasure.
Taoka Tuku Iho	Treasure handed down from the ancestors.
Tapu	Sacred.
Te ao tūroa	The natural environment.
Tiaki	Guardianship.
Tikaka	Lore and custom.

Tikaka	Customary values and practices.
Tino Rakatirataka	Full chiefly authority.
Tūpuna/tīpuna	Ancestor.
Wāhi taoka	Resources, places and sites treasured by mana whenua.
Wāhi tapu	Places sacred to takata whenua.
Wairua	Life principle, spirit.
Wai Māori	Water in a river, stream, lake, pond, wetland, estuary or aquifer, or any part thereof, including land water margins, beds and banks which the mauri of the waterway is reliant on.
Whakapapa	Genealogy.
Whakataukī	Proverb, saying.
Whānau	Family.
Whānau ora	The health and wellbeing of families
Whānui	Large, extended, broad.
Whenua	Land.

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Appendices

Appendix 1: The Cultural Association with the Project Area that was prepared by Kāi Tahu Ki Otago in a CIA for Trustpower

Appendix 2: Statutory Framework to support the Treaty Impact Assessment for Mahinerangi Wind Farm (Stage 2) Prepared by Sandra McIntyre (Aukaha)

Appendix 3: Mahinerangi Wind Farm (Stage 2): Evaluation of proposed conditions against concerns raised In Treaty Impact Assessment. Prepared by Sandra McIntyre (Aukaha)

Appendix 1

This is provided as a separate attachment

Appendix 2

This is provided as a separate attachment

Appendix 3

This is provided as a separate attachment