

APPENDIX 2

Statutory Framework to support the Treaty Impact Assessment for Mahinerangi Wind Farm (Stage 2)

1. Introduction

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. Tatarua 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 statutory framework identifies the legislative and planning provisions that are relevant to consideration of mana whenua rights, interests, values and associations that may be affected by the proposal. It is intended to be read alongside and to support the Treaty Impact Assessment (TIA) that has been prepared for Te Rūnanga o Ōtākou.¹

2. Relevant legislation

2.1 Fast-track Approvals Act 2024

The Fast-track Approvals Act 2024 requires that functions, powers and duties under the Act are exercised in a way that is consistent with obligations under existing Treaty settlements.

Chapter 4.3 of the TIA discusses the obligations under the Act with respect to mana whenua participation in fast-track processes and consideration of Treaty settlements, recognised customary rights and other Treaty-related obligations.

The Act also requires various assessments that would otherwise be required if the proposal was being considered under other consenting legislation.

Under Schedule 5 of the Act, applications for activities that would otherwise require approval under the Resource Management Act 1991 (RMA) must include:

- an assessment of the project against sections 5, 6 and 7 of the RMA;²

¹ Tipa, G. Treaty impact assessment for Mahinerangi Wind Farm (Stage 2), October 2025.

² Provisions of particular relevance to the current proposal are highlighted in section 2.3 below.

- an assessment against any relevant national policy statement, national environmental standard, regional policy statement or proposed regional policy statement, plan or proposed plan;³
- an assessment against any recognised iwi planning document;⁴ and
- identification of relevant Treaty settlement provisions and a summary of any redress provisions affecting natural and physical resources relevant to the project or area.⁵

Schedule 7 sets out the information required in relation to a wildlife approval that would otherwise need to be sought under the Wildlife Act 1953. This includes assessment of the impacts of the activity on protected wildlife and methods to be used to avoid, minimise, offset or compensate for adverse effects.

2.2 Ngāi Tahu Claims Settlement Act 1998 (NTCSA)

The NTCSA was enacted to settle the historical Ngāi Tahu claims against the Crown and provides redress under Te Tiriti o Waitangi. The Crown apology in sections 4-6 of the NTCSA explicitly recognises the rakatirataka of Kāi Tahu within its takiwā. The practical implications of this are discussed in Chapter 4.1 of the TIA.

The NTCSA includes specific mechanisms that provide for the exercise of rakatirataka and kaitiakitaka by mana whenua in relation to mahika kai, taoka species, and other resource management matters. These include rights in relation to the management of listed taoka species and specified significant areas including statutory acknowledgement areas and tōpuni.

Statutory acknowledgements are a mechanism to highlight the interest of Kāi Tahu in resource management processes affecting the areas covered by the acknowledgement and tōpuni similarly draw attention to the interests of Kāi Tahu in management of conservation land.

Kāi Tahu whānau have a long association and involvement with the Taiari catchment. Recognition of this in the NTCSA includes:

- a Statutory Acknowledgement recognising the significant associations with the Waipori/ Waihola Wetland located in the lower catchment. This is described in Schedule 70 NTCSA, which is set out in Appendix 1.
- a Tōpuni recognising the cultural significance of Maukaatua. This is described in Schedule 84 NTCSA, which is set out in Appendix 2.

Schedule 97 of the NTCSA details species the Crown recognises as taoka species. A number of these species have been identified in the ecological reports commissioned by the applicant, and these are listed in Appendix 3.

³ Provisions of particular relevance to the current proposal are identified in Section 3 below.

⁴ The relevant iwi planning document is discussed in Section 4 below.

⁵ Relevant provisions are discussed in Section 2.2 below.

2.3 Resource Management Act 1991 (RMA)

All decision-making under the RMA is subject to the provisions of Part 2, which describes the purpose and principles of the RMA. Sections 5, 6 and 7 in Part 2 must be considered under the Fast Track Approvals Act.

Section 5 requires that natural resources are managed in a way that enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety while safeguarding the life-supporting capacity of te taiao and sustaining its potential to meet the needs of future generations. This is consistent with the kaitiakitaka obligations held by mana whenua; maintaining a balance between the right to access and use natural resources and the responsibility to care for te taiao, with a focus on providing a sustainable base for future generations, is implicit in kaitiakitaka, to which particular regard must be paid under Section 7.

Section 6 states that the relationship of mana whenua with ancestral lands, water, sites, wāhi tapu and other taoka in these areas is a matter of national importance that must be recognised and provided for in managing natural and physical resources.⁶ In the area of this proposal, this relationship includes associations with wāhi tūpuna (cultural landscape), wai māori, mahika kai and taoka species.⁷

Further commentary on the way in which mana whenua interests and associations must be considered in RMA decision-making is included in Chapter 4.2 of the TIA.

3 RMA instruments

3.1 National Policy Statement for Freshwater Management 2020 (NPSFM 2020)

The activities included in the proposal will involve modification of wetlands, diversion of a stream, and earthworks that may have potential to impact on water quality in streams and wetlands.

The NPSFM 2020 requires that freshwater is managed in a way that gives effect to Te Mana o te Wai. The concept of Te Mana o te Wai has been part of the NPSFM since 2014 but was brought to the forefront of freshwater management in Aotearoa through the NPSFM 2020 (updated 2024). Te Mana o te Wai recognises that protecting the health of freshwater protects the health and wellbeing of the wider environment.⁸

The NPSFM 2020 recognises the relationship of mana whenua with freshwater, requires that Māori freshwater values are provided for, and requires that mana whenua are actively involved in freshwater management processes.⁹

⁶ RMA, section 6(e)

⁷ Associations with the area are described in detail in the Cultural Impact Assessment prepared for the original proposal in 2007 (Tipa and Associates. Cultural Impact Assessment Mahinerangi Windfarm, February 2007).

⁸ NPSFM 2020, Clause 1.3(1)

⁹ NPSFM 2020 Clause 1.3(4)(a)-(c), Policy 2, Clause 3.4.

Specific provisions in the NPSFM 2020 relating to protection of the extent and values of natural inland wetlands and of rivers¹⁰ are as follows:

- Policy 6 requires that there is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted. The NPSFM 2020 and the related National Environmental Standards for Freshwater 2020 (NESF) provide a consent pathway for some activities, including regionally significant infrastructure, if this has a functional need to be in that location and will provide significant national or regional benefits.¹¹ Adverse effects on wetland values must be avoided where practicable, or otherwise managed in accordance with an effects management hierarchy.
- Policy 7 requires that the loss of river extent and values is avoided to the extent practicable. A consent pathway, subject to application of an effects management hierarchy, is available if there is a functional need for the activity in that location.¹²

Policy 9 also requires that the habitats of indigenous freshwater species are protected.

3.2 National Policy Statement for Indigenous Biodiversity 2023 (NPSIB)

The NPSIB applies to terrestrial indigenous biodiversity. Its objective is to maintain indigenous biodiversity across New Zealand with no overall loss.¹³

Decision-making principles that must be given effect to in implementing the NPSIB prioritise the mauri, intrinsic value and wellbeing of indigenous biodiversity. The principles also recognise the whakapapa relationship of takata whenua with indigenous biodiversity and the associated kaitiakitaka obligation.¹⁴

3.3 National Policy Statement for Renewable Electricity Generation 2011 (NPSREG)

The intent of the NPSREG is to enable the sustainable management of renewable electricity generation and to increase national consistency in how decision-makers address potential conflicts between the benefits to be gained from renewable energy generation and other values needing to be considered under Part 2 of the RMA (including the matters of particular relevance to mana whenua interest referred to in Section 2.3 above).¹⁵

The NPSREG recognises the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new

¹⁰ In the RMA and the policy statements and plans that give effect to the RMA, rivers are defined to include streams and modified watercourses.

¹¹ NPSFM 2020 Clause 3.22(1)(e); NESF Clause 45D. The consent pathway provides for vegetation clearance, earthworks, land disturbance, taking/ use/ damming/ diversion of water and discharge of water as a discretionary activity.

¹² NPSFM 2020 Clause 3.24.

¹³ NPSIB Clause 2.1. See also Clause 1.7 for a description of specific ecosystem attributes that must be maintained.

¹⁴ NPSIB Clause 1.5(1) and (3).

¹⁵ NPSREG Preamble

and existing renewable electricity generation activities to ensure Government targets for renewable energy generation can be met or exceeded.¹⁶

Decision-makers must have particular regard to matters affecting the ability to achieve generation targets and the logistical, technical and locational constraints applying to renewable electricity generation.¹⁷ However this does not negate the requirement to manage adverse effects. If there are residual environmental effects that cannot be avoided, remedied or mitigated, decision-makers must have regard to offsetting measures or environmental compensation.¹⁸

3.4 Proposed Otago Regional Policy Statement 2021 (PORPS)¹⁹

Direction in the PORPS reflects changes in national direction, case law and the understanding of resource management best practice developed since the district plan and regional plan applying to the area of this proposal were made operative 27 and 21 years ago. Except where otherwise stated, the PORPS provisions referred to here are beyond challenge and therefore are effectively operative.

The PORPS includes some key policies describing how mana whenua interests and values are to be provided for in resource management processes and decision-making.

Policy MW-P2 describes the measures required to ensure that functions and powers under the RMA are exercised in accordance with the principles of the Treaty of Waitangi. While this applies specifically to local authorities, the contents also have relevance to other resource management decision-makers. Relevant requirements include the following:

- recognising the status of Kāi Tahu as mana whenua and facilitating Kāi Tahu involvement in decision-making;
- including Kāi Tahu in resource management processes, implementation and decision-making to the extent desired by mana whenua;
- recognising and providing for Kāi Tahu values and addressing resource management issues of significance to Kāi Tahu, as identified by mana whenua, in resource management decision-making processes;
- recognising and providing for the relationship of Kāi Tahu culture and traditions with their ancestral lands, and waters, encompassing wai māori and wai tai, significant sites, wāhi tūpuna, wāhi tapu and wāhi taoka, and other taoka by ensuring that Kāi Tahu have the ability to identify these relationships and determine how best to express them;
- having particular regard to the responsibility of Kāi Tahu to exercise their role as kaitiaki, as an expression of mana and rakatirataka;

¹⁶ NPSREG Objective

¹⁷ NPSREG Policy B and Policy C1

¹⁸ NPSREG Policy C2

¹⁹ The discussion in this section refers to the PORPS as amended by decisions on submissions (30 March 2024).

- taking into account iwi management plans when making resource management decisions; and
- recognising and providing for mātauraka and tikaka in environmental and resource management.

Policy MW-P3 recognises and provides for the relationship of Kāi Tahu with whenua and wai māori as follows:

MW-P3 – Supporting Kāi Tahu hauora

The natural environment is managed to support Kāi Tahu hauora by:

- (1) recognising that Kāi Tahu hold an ancestral and enduring relationship with all whenua, wai māori and coastal waters within their takiwā,*
- (2) protecting customary uses, Kāi Tahu values and relationships as identified by Kāi Tahu to resources and areas of significance, and restoring these uses and values where they have been degraded by human activities,*
- (3) safeguarding the mauri and life-supporting capacity of natural resources, recognising the whakapapa connections of Kāi Tahu with these resources as taoka, and the connections to practices such as mahika kai, and*
- (4) working with Kāi Tahu to incorporate mātauraka into resource management processes and decision-making.*

The relationship of Kāi Tahu with natural resources is also required by Policy IM-P3 to be recognised and provided for by:

- enabling mana whenua to exercise rakatirataka and kaitiakitaka;
- facilitating active participation of mana whenua in processes and decision-making;
- incorporation of mātauraka;
- and providing for connections to wāhi tūpuna, wai māori, mahika kai and habitats of taoka species.

The PORPS incorporates freshwater policies that give effect to the concept of Te Mana o te Wai. Te Mana o te Wai policies require that:

- The environmental, social, cultural, and economic relationships of Kāi Tahu with water bodies are sustained and mātauraka is incorporated into freshwater decision-making, management and monitoring processes;²⁰
- The natural connections and interactions between water bodies and between land and water are sustained;²¹

²⁰ PORPS LF-WAI-P2(2) and (4)

²¹ PORPS LF-WAI-P3(1)(a) and (b)

- The habitats of mahika kai and taoka species associated with water bodies are sustained and restored.²²

The Ecosystems and Indigenous Biodiversity chapter requires that any overall decline in indigenous biodiversity is halted.²³ Objectives and policies:

- recognise the kaitiakitaka role of mana whenua;²⁴
- protect ecosystems that are taoka;²⁵ and
- provide for Kāi Tahu to access and use indigenous biodiversity, including mahika kai, in accordance with tikaka.²⁶ (Note that a decision on appeals on these provisions has not yet been received from the Environment Court.)

The PORPS objectives for wāhi tūpuna are also relevant, requiring protection of the values of wāhi tūpuna and recognition and provision for rakatirataka and kaitiakitaka over these areas.²⁷

Objectives and policies for renewable electricity generation in the PORPS reflect the NPSREG provisions referred to above.²⁸

3.5 Otago Regional Plan: Water (RPW)

The RPW has not been amended to reflect key direction in national policy statements or the PORPS. However it identifies certain water bodies (in Schedule 1D) as having particular significance to Kāi Tahu and requires that:

- identified values and interests in these water bodies are maintained or enhanced, and
- priority is given to avoiding adverse effects on those values and interests from activities involving water and the beds and margins of water bodies.²⁹

The water bodies identified in Schedule 1D include Lee Stream.

3.6 Clutha District Plan (CDP)

The CDP has not been amended to reflect key direction in national policy statements or the PORPS. However it recognises the significance of taoka and of freshwater to Kāi Tahu and requires that adverse effects of activities on wāhi taoka and on water bodies important to Kāi Tahu are avoided, remedied or mitigated.³⁰ It also recognises the importance of mahika kai, seeks to maintain and enhance access to mahika kai where practicable and appropriate, and requires that adverse effects of activities adjacent to mahika kai are avoided or mitigated.³¹

²² PORPS LF-WAI-P3(1)(c)

²³ PORPS ECO-O1

²⁴ PORPS ECO-O3, ECO-P1

²⁵ PORPS ECO-P3

²⁶ PORPS ECO-P1, ECO-P4

²⁷ PORPS HCV-WT-O1 and HCV-WT-O2.

²⁸ In particular, see EIT-EN-O2A, EIT-EN-O2, EIT-EN-P3 and EIT-EN-P6.

²⁹ RPW Objective 5.3.2, Policy 5.4.2

³⁰ CDP Objective MAO.4, Policy MAO.8, Objective MAO.5, Policy MAO.9

³¹ CDP Objective MAO.6, Policy MAO.12, Policy MAO.13

Objectives and policies for electricity generation facilities in the CDP require that adverse environmental, social, cultural and economic effects are avoided, remedied or mitigated, and Policy ELG.3 requires that specific consideration be given to (among other matters):

- The impact on wāhi tapu and wāhi taoka sites and areas;
- The impact on statutory acknowledgment areas under the Ngai Tahu Settlement Act 1998;
- The impact on other resources of value to Kāi Tahu; and
- The impact on the mauri and health of ecosystems of indigenous species, including mahika kai species.

4 Iwi management plans

4.1 Kāi Tahu ki Otago Natural Resource Management Plan 2005 (NRMP)

The NRMP is the principal resource management planning document for Kāi Tahu in the Otago region. The kaupapa of the plan is 'Ki Uta ki Tai' (Mountains to the Sea), which reflects the holistic Kāi Tahu philosophy underpinning resource management in Otago.

The plan is an expression of rakatirataka and kaitiakitaka, and expresses local Kāi Tahu values, knowledge, and perspectives on natural resource and environmental management issues. While the plan is first and foremost a planning document to assist Kāi Tahu in Otago in carrying out their kaitiaki roles and responsibilities, the plan is also intended to assist others in understanding Kāi Tahu values and policy.

Provisions in the NRMP that were relevant to the original proposal were set out in the Cultural Impact Assessment prepared for the original proposal in 2007.³² These remain relevant to the current proposal but do not need to be repeated here.

5 Conclusion

The statutory framework at national, regional and district level recognises and provides for the relationship of Kāi Tahu with the cultural landscape and natural resources affected by this proposal. While the framework also recognises and provides for the benefits of renewable energy generation, it requires that where adverse effects of renewable energy generation activity on the associations and interests of mana whenua cannot be avoided, remedied or mitigated, appropriate offsets or environmental compensation are considered.

The statutory documents provide for the exercise of rakatirataka and kaitiakitaka by requiring engagement with mana whenua in resource management processes and decision-making, to the extent that mana whenua desire such engagement, and by providing for incorporation of mātauraka and tikaka in resource management processes and decisions.

³² Tipa and Associates. Cultural Impact Assessment Mahinerangi Windfarm, February 2007.

Annexure A: Statutory acknowledgement for Waihola/Waipori Wetland (Schedule 70, NTCSA)

Statutory area

The statutory area to which this statutory acknowledgement applies is the wetland known as Waihola/Waipori, the location of which is shown on Allocation Plan MD 55 (SO 24721).

Preamble

Under section 206, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Waihola/Waipori, as set out below.

Ngāi Tahu association with Waihola/Waipori

The Waihola/Waipori wetlands were once one of the most significant food baskets in the Otago region, and featured in the seasonal activity of the coastal settlements as far away as the Otago Peninsula and harbour area, Pūrākaunui and Puketeraki. The wetlands were once much larger in water area and deeper than at present, connected by a labyrinth of waterways and having a gravel bed which has now been overlaid by silt and mud.

The names Waihola/Waipori are likely of Waitaha derivation, with "hola" being the Waitaha form of "hora" meaning flat, spread out or widespread. Waipori may in fact be a misrecording of Waipōuri, which is used in many older manuscripts, being a reference to the dark, tanin-stained water the wetland receives from Waipori River, a heavily wooded catchment.

The Waihola/Waipori area was visited and occupied by Waitaha, Ngāti Mamoe and Ngāi Tahu in succession, who through conflict and alliance, have merged in the whakapapa (genealogy) of Ngāi Tahu Whānui. The wetland supported a number of pā within its environs and nearby. For example, Whakaraupuka, the pā of the Ngāti Mamoe chief Tukiauau was located in the area now known as Sinclair Wetlands, although Tukiauau eventually relocated further to the south as the southward movement of his Ngāi Tahu foes became uncomfortably close.

There were also many nohoanga (temporary campsites) located within the complex, used by food gathering parties which would travel to the lakes and camp on the fringes for two to three days to gather kai; to eel, hunt water fowl and gather flax. There were also permanent or semi-permanent settlements located in a number of locations around the lakes, some on islands in the wetlands system.

A number of other settlements further afield were also dependent on the mahinga kai resources of Waihola/Waipori for sustenance, including Tū Paritaniwha Pā near Mōmona, Ōmoua Pā above Henley, Maitapapa (Henley area), the kaik south of Henley and Takaaihitau near the old Taieri Ferry bridge, in addition to other settlements adjacent to the Taieri River up and downstream of the wetlands. Ōtākou and Puketeraki hapū would also make seasonal visits to gather resources and strengthen and maintain the kupenga (net) of whakapapa on which their rights to use those resources were based.

There is an account which tells of a sudden flood which required people trapped on the bank at a place called Whakaraupō, on the network of waterways that link Waihola with Waipori, to hastily construct a mōkihi out of raupō to reach safety. A meeting place was opened here in 1901 by the locals. The house was named Te Waipounamu.

For Ngāi Tahu, histories such as these reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

Waihola/Waipori was a key mahinga kai resource for Ngāi Tahu based along the Otago coastal region, where an abundance of tuna (eel), inaka (whitebait), pātiki (flounder) and other indigenous fish were available. Waterfowl and fibre resources such as harakeke and raupō were also easily accessible from the wetlands. Spearing, setting hīnaki and nets, and bobbing for eel were regular activities on the wetlands in the season. The gathering of young ducks in the moult, and the catching of herons, pūkeko and other birds supplemented the broad range of kai available from the wetlands.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of Waihola/Waipori, the relationship of people with the lake and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The attractiveness of Waihola/Waipori as a mahinga kai was enhanced by their accessibility. With the direct link to the Taieri River, access via the Taieri to villages on the banks of the Taieri River, upstream and down, and access by waka to the coast and northward to Ōtākou, kai and other resources gathered from the wetlands could be transported back to these home bases with relative ease.

The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the wetlands. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the wetlands.

Because of the long history of use of Waihola/Waipori as a mahinga kai, supporting permanent and temporary settlements, there are numerous urupā, wāhi tapu and wāhi taonga associated with the wetlands. These are all places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are a particular focus for whānau traditions.

The mauri of Waihola/Waipori represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the wetlands. The wetlands represent, in their resources and characteristics, a strong element of identity for those who had manawhenua (tribal authority over the area) whose tūpuna were nurtured on the food and resources of the wetlands for generations.

Purposes of statutory acknowledgement

Pursuant to section 215, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (i) to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- (ii) to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Waihola/Waipori, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- (iii) to empower the Minister responsible for management of Waihola/Waipori or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- (iv) to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to Waihola/Waipori as provided in section 211 (clause 12.2.5 of the deed of settlement).

Limitations on effect of statutory acknowledgement

Except as expressly provided in sections 208 to 211, 213, and 215,—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to Waihola/Waipori (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Waihola/Waipori.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Waihola/Waipori.

Schedule 70: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Annexure B: Tōpuni for Maukaatua Scenic Reserve (Schedule 84 NTCSA)

Description of area

The area over which the Tōpuni is created is the area known as Maukaatua located west of the Taieri Plains, as shown on Allocation Plan MS 23 (SO 24679).

Preamble

Under section 239 (clause 12.5.3 of the deed of settlement), the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional values relating to Maukaatua, as set out below.

Ngāi Tahu values relating to Maukaatua

Maukaatua is an ancient name brought to Te Wai Pounamu from distant homelands, and is one of a number of Māori place names that reappear in a recognisably similar form throughout the Pacific Islands and into Indonesia. The name thus serves as a reminder of the links between Ngāi Tahu and their whānaunga of Te Moana Nui a Kiwa (The Great Ocean of Kiwa—the Pacific Ocean).

Maukaatua stands guard over the interior of Otago and is a dominant feature, visible from many vantage points. Travellers by sea, along the Lower Taieri, travelling inland either side of Maukaatua or returning to the coast from inland could not escape the gaze of Maukaatua. The maunga (mountain) is imbued with spiritual qualities that were respected by the tūpuna (ancestors). The maunga was likened to a sleeping giant and was said to be the source of strange noises in particular winds or climatic conditions.

Maukaatua once sheltered kāinga (villages) within close proximity of its base, including one based at Whakaraupuka. The tūpuna had considerable knowledge of places for gathering kai and other taonga, ways in which to use the resources of the land, the relationship of people with the land and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

An urupā (burial site) is known to be located on the north shoulder of Maukaatua. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of our tūpuna, and are frequently protected by secret locations.

Te Rūnanga Ōtākou has manawhenua (tribal authority over land) and carries the responsibilities of kaitiaki in relation to it. The Rūnanga is represented by the tribal structure, Te Rūnanga o Ngāi Tahu.

The mauri of Maukaatua represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the land.

Annexure C: Species identified in Mahinerangi Windfarm ecological reports that are recognised in Schedule 97 NTCSA as taoka species

Birds

Name in Māori	Name in English	Scientific name
Kāhu	Australasian harrier	<i>Circus approximans</i>
Kakī	Black stilt	<i>Himantopus novaezelandiae</i>
Kārearea	New Zealand falcon	<i>Falco novaeseelandiae</i>
Karoro	Black-backed gull	<i>Larus dominicanus</i>
Kōau	Black shag	<i>Phalacrocorax carbo</i>
	Little shag	<i>Phalacrocorax melanoleucos brevirostris</i>
Kōparapara or Korimako	Bellbird	<i>Anthornis melanura melanura</i>
Kōtuku	White heron	<i>Egretta alba</i>
Kūkupa/Kererū	New Zealand wood pigeon	<i>Hemiphaga novaeseelandiae</i>
Kuruwhengu/ Kuruwhengi	New Zealand shoveller	<i>Anas rhynchotis</i>
Mātā	Fernbird	<i>Bowdleria punctata punctata</i> and <i>Bowdleria punctata stewartiana</i> and <i>Bowdleria punctata wilsoni</i> and <i>Bowdleria punctata candata</i>
Pākura/Pūkeko	Swamp hen/Pūkeko	<i>Porphyrio porphyrio</i>
Pārera	Grey duck	<i>Anas superciliosa</i>
Pīhoihoi	New Zealand pipit	<i>Anthus novaeseelandiae</i>
Pīwakawaka	South Island fantail	<i>Rhipidura fuliginosa fuliginosa</i>

Name in Māori	Name in English	Scientific name
Poaka	Pied stilt	<i>Himantopus himantopus</i>
Pūtakitaki	Paradise shelduck	<i>Tadorna variegata</i>
Riroriro	Grey warbler	<i>Gerygone igata</i>
Tete	Grey teal	<i>Anas gracilis</i>
Tūī	Tūī	<i>Prothemadera novaeseelandiae</i>

Plants

Name in Māori	Name in English	Scientific name
Aruhe	Fernroot (bracken)	<i>Pteridium aquilinum</i> var <i>esculentum</i>
Mānuka Kahikātoa	Tea-tree	<i>Leptospermum scoparium</i>
Taramea	Speargrass, spaniard	<i>Aciphylla</i> spp
Toetoe	Toetoe	<i>Cortaderia richardii</i>
Tutu	Tutu	<i>Coriaria</i> spp
Wharariki	Mountain flax	<i>Phormium cookianum</i>
Wīwī	Rushes	<i>Juncus</i> all indigenous <i>Juncus</i> spp and <i>J. maritimus</i>