

FTA#055: Application for listed project under the Fast-track Approvals Bill – Huriwaka Wind Farm for Schedule 2A

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| Date submitted to secretariat: | 27 May 2024 |
| Security level: | In-Confidence |
| To: | David TAPSELL, Chair – Fast-track Projects Advisory Group |

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| Number of attachments: # | Attachments: 1. Application documents for Huriwaka Wind Farm Project |
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| Applicant | Sector | Region | Identified in a priority/strategy? |
|-----------------------|-----------|--------------------|------------------------------------|
| Manawa Energy Limited | Wind Farm | Manawatū-Whanganui | No |

Ministry for the Environment contacts

| Position | Name | Mobile | 1 st contact |
|-------------------|---------------------------|-----------|-------------------------|
| Principal Authors | Marlene Youl, Anna Galvin | | |
| Manager | Stephanie Frame | s 9(2)(a) | ✓ |
| Director | Ilana Miller | s 9(2)(a) | |

s 9(2)(b)(ii)

Key messages

1. s 9(2)(b)(ii)
[REDACTED]
2. The wind farm will have capacity of 300 Megawatts and an annual output of 1030 GWh.
3. The wind farm will comprise:
 - a. 60 wind turbines (and transformers)
 - b. earthworks and vegetation clearance to establish access roads, hard stands for wind turbines, turbine foundations, and ancillary activities
 - c. culverts for vehicle crossings
 - d. meteorological masts
 - e. underground cabling between each wind turbine
 - f. an overhead transmission line within the wind farm and to the National Grid an operations / maintenance building and switchyard / substation within the project site.
4. The project will require land use consent, water permits and discharge permits under the Resource Management Act 1991 (RMA). The site received consent in 2009 for a wind farm (known as Project Central Wind) but resource consents for the project lapsed in 2019 and technology has evolved significantly since the original project design.
5. Subject to site assessments, approvals and/or authority under the Heritage New Zealand Pouhere Taonga Act 2014 and the Wildlife Act 1953 may be required.
6. Manawa Energy Ltd has a wind farm development agreement with each of the five property owners s 9(2)(a)
[REDACTED]
The application states that agreement gives the applicant “the legal right to investigate the potential for a wind farm on the property, and to construct, operate and maintain a wind farm if all the necessary approvals are granted.” The site previously received consent in 2009 for a wind farm (known as Project Central Wind) but resource consents for the project lapsed in 2019 and technology has evolved significantly since the original project design.
7. We have undertaken an initial (Stage 1) analysis of the application(s) and this is provided in Table A.
8. We consider the applicant has provided sufficient information to consider the project for inclusion on Schedule 2A (although we note it could still be included on Schedule 2B based on the information provided).
9. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
10. Advice on PSGE development priorities and Māori development is provided in Table A. Table A also includes the relevant PSGEs or Māori groups and the settlement mechanisms, that will/may be impacted by the project and whether the project is low, medium or high impact on Treaty settlement/s and other relevant arrangements. Appendix 1 provides further detail on how this advice should be considered and our approach to analysis.

Signature

A handwritten signature in black ink, appearing to read 'S. Frame', written over a light gray grid background.

Stephanie Frame
Manager – Listed Projects

Table A: Stage 1 initial assessment of project eligibility and Treaty settlement assessment and advice¹

| Project details | Project description | Approvals sought | Consultation undertaken | Does the project trigger the ineligibility criteria [clause 18]? | | | | Discretionary ground to decline [clause 21(2)] | Eligibility [clause 17] | |
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| | | | | Treaty settlement land, Māori customary land, customary marine title, customary rights, aquaculture settlement area, or prevented by RMA clauses [clauses 18(a-e, g)] | Access arrangement under CMA where a permit can't be granted, or is listed in items 1-11, 14 [clauses 18(f,h)] | Activity on a national reserve under Reserves Act which requires approval under that Act [clause 18(i)] | Prohibited activity under EEZA or regulations under that Act, decommissioning-related activities, offshore renewable energy progressing ahead of permitting legislation [clause 18(j-l)] | | Is the project eligible [clause 17(2)] | Would the project have significant regional or national benefits [clause 17(3)] |
| High level summary | | | Y | N | N | N | N | N | Y | Y |
| <p>Schedule requested 2A</p> <p>Project Name Huriwaka Wind Farm</p> <p>Applicants Manawa Energy Limited</p> <p>Company directors Margaret Joanna Breare Sheridan Adelene Broadbent Deion Mark Campbell Phillippa Mary Harford Michael John Smith Joseph Michael Windmeyer</p> <p>Location Hihitahi Plateau s 9(2)(b)(ii) s 9(2)(b)(ii)</p> | <p>The project is to construct a wind farm, and supply and connect to the Manawatu-Whanganui region electricity network</p> <p>The wind farm will have an approximate peak output of 300 Megawatts and have an annual output of 1030 GWh.</p> <p>The construction operation and maintenance will comprise:</p> <ul style="list-style-type: none"> earthworks and vegetation clearance to establish access roads, hard stands for wind turbines, turbine foundations, and ancillary activities; culverts for vehicle crossings; the establishment of up to 60 wind turbines (and transformers) across the project site; meteorological masts | <p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 <p>Approvals may also be required under the:</p> <ul style="list-style-type: none"> Wildlife Act 1953 Heritage New Zealand Pouhere Taonga Act 2014 | <p>The application identifies:</p> <ul style="list-style-type: none"> Ruapehu District Council Rangitikei District Council Horizons Regional Council New Zealand Defence Force, and a number of iwi as affected by the project. <p>The application indicates introductory conversations and some site visits undertaken.</p> | <p>Project site is within the "area of interest" associated with the Deed of Settlement between the Crown and Ngāti Rangī and the associated Ngāti Rangī Claims Settlement Act 2019.</p> <p>However, no private land is involved in the settlement. The settlement includes a statutory acknowledgement over nine areas, all of which Manawa Energy understands are outside of the project site.</p> <p>We do not consider any of these ineligibility matters are triggered by the application.</p> | No. | No. | No. | <p>The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHNP Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</p> <p>No - We do not consider any of these ineligibility matters are triggered by the application.</p> <p>It is more appropriate to deal with the application under another Act</p> <p>No</p> <p>The project may have significant adverse effects on the environment</p> <p>Yes - The presence of long-tailed bats has been confirmed on the project site. Further assessment work is currently occurring to understand the potential adverse effects.</p> <p>The applicants consultants consider the wind farm can operate without harming the pair of NZ Falcon on site.</p> <p>The applicant also proposes management measures in relation to other listed potential adverse effects (noise, freshwater, wetland, construction and stormwater management).</p> | <p>Whether access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way than under normal processes</p> <p>Yes</p> <p>The impact referring this project will have on the efficient operation of the fast-track process</p> <p>Project was previously consented by the Environment Court (see Rangitikei Guardians Society Inc v Manawatu-Wanganui Regional Council [2010] NZEnvC 14) for Meridian Energy's Central Wind project.</p> <p>The site received consent in 2009 for a wind farm (known as Project Central Wind) but resource consents for the project lapsed in 2019 and technology has evolved significantly since the original project design.</p> | <p>The project has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy) or central government infrastructure priority list</p> <p>No – The applicant refers to the National Policy Statement for Renewable Energy, the New Zealand Energy Strategy being advanced by MBIE, and the Government's Electricity New Zealand policy. While these promote renewable energy, they do not specifically identify this application.</p> <p>The project will deliver regionally or nationally significant infrastructure</p> <p>Yes – The project will supply up to 300 Megawatts of additional renewable electricity capacity to the Manawātū-Whanganui Region.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment</p> <p>No – The application notes that provision of reliable electricity supply is critical to well-functioning urban environments. The project does not otherwise address housing or urban issues.</p> <p>The project will deliver significant economic benefits</p> <p>Yes – The application states that wind energy is low cost, displacing higher cost energy sources, and therefore reduces energy system costs.</p> <p>The project will generate employment and spending in the region (estimate 117-129 FTE over 2 year construction period and 13-15 FTE over 30 years of operation)</p> |

¹ **Disclaimer:** Given time and scope constraints, the initial assessment is solely based on information provided by applicants. There may be additional relevant information which has not been provided to MfE.

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| <p>s 9(2)(b)(ii)</p> | <ul style="list-style-type: none"> • underground or overhead cabling between each wind turbine; • an operations / maintenance building and switchyard / substation within the project site; • - an overhead transmission line between the onsite substation within the wind farm site to the National Grid west of the site. | | | | | | | <p>The applicant has a poor compliance history under the relevant legislation</p> <p>Yes</p> <ul style="list-style-type: none"> • received handful of abatement or infringement notices with no further action by regulators • one prosecution by Otago Regional Council against Trustpower for sediment discharge from Waipori Scheme into the Beaumont River. Pled guilty. <p>The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</p> <p>No</p> <p>The project includes an activity that is a prohibited activity under the RMA</p> <p>No</p> | <p>Whether the application contains sufficient information to inform the referral decision</p> <p>Yes</p> | <p>Landowner payments and royalties may stimulate local spending, though the economic benefits of this in particular are unlikely to be significant</p> <p>The project will support primary industries, including aquaculture</p> <p>No</p> <p>The project will support development of natural resources, including minerals and petroleum</p> <p>Yes– The project will utilise a wind resource site, and require the use of aggregate for access roads and concrete</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions</p> <p>Yes - Greenhouse gas emission reductions of between 510,000 tCO₂-e (for gas) or 1,295,000 tCO₂-e (for coal).</p> <p>The project will support adaptation, resilience, and recovery from natural hazards</p> <p>Yes - While not specifically stated, by helping diversify New Zealand's electricity supply, this project can help with resilience and recovery from natural hazard events if other generation is offline (depending on wind resource availability at the time).</p> <p>The project will address significant environmental issues</p> <p>No - Other than supporting emissions reduction and increasing security of supply.</p> <p>The project is consistent with local or regional planning documents, including spatial strategies</p> <p>Yes – Spatial strategies not addressed in the Horizons District. Project site zoned for rural purposes in Ruapehu and Rangitikei District Plans and not submit to any landscape or biodiversity overlays. Applicant is preparing its application to include ecological mitigation / compensation where necessary in order to satisfy the likes of Policy EIT-P3 of the Horizons One Plan.</p> |
| <p>Land Status</p> <p>Manawa Energy Ltd has a wind farm development agreement with each of the five property owners</p> <p>s 9(2)(a)</p> | | | | | | | | | | |
| <p>The application states that agreement gives the applicant "the legal right to investigate the potential for a wind farm on the property, and to construct, operate and maintain a wind farm if all the necessary approvals are granted."</p> | | | | | | | | | | |

PSGE Settlement Priorities and Māori Development assessment –

Note - given the time and scope constraints of this advice, some assumptions have been made and engagement has only been undertaken in limited circumstances. Given this, the advice may not be comprehensive and is not intended to reflect the views of relevant Post Settlement Governance Entities or other groups (unless specifically noted). In limited circumstances where engagement has been able to occur, it has most likely not been comprehensive due to the timeframes available.

Advice on Māori development and PSGE settlement priorities includes information relating to:

- where projects align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents.
- where projects contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or are being led by or in partnership with a Māori entity or business;

to relevant provisions in Treaty settlements, Joint Management Agreements outside of settlement; Mana Whakahono ā Rohe; Iwi Environment Management plans; implications for groups yet to settle their historical Treaty of Waitangi claims; and implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

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| <p>Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)</p> | <p>This project appears to be eligible according to the information provided in the application.</p> <p>However, the records of title provided with the application indicate that there is a possibility that some of the land blocks in the proposed project area may be 'Māori freehold land' and it is not clear, based on the application, whether the relevant landowner has agreed, which could make the project ineligible under cl 18(a). The application identifies that the applicant has an agreement with the landowners that the applicant has a right to investigate the properties and to construct, operate and maintain a wind farm if all approvals are granted, however a copy of this agreement was not provided with the application.</p> |
| <p>Affected Māori group/s</p> | <p>The applicant has identified the following groups as the groups with interests in the area</p> <ul style="list-style-type: none"> • Ngāti Rangī; • Ngāti Whitikaupeka; and • Ngāti Tamakopiri • Te Roopu Tai o Mōkai Pātea (the "Environmental Working Party") <p><u>Ngāti Rangī</u> Ngāti Rangī is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngati Rangī and the Crown in the Deed of Settlement signed 9 August 2018.</p> <p><u>Ngāti Whitikaupeka and Ngāti Tamakopiri</u> Ngāti Whitikaupeka and Ngāti Tamakopiri are part of the Mōkai Pātea Waitangi Claims Trust.</p> <p>The Mōkai Pātea Waitangi Claims Trust are yet to settle their historical Treaty of Waitangi claims. There is a proposed area of interest included in the Deed of Mandate dated 15 November 2020 and the proposed project location is within the areas of Ngāti Whitikaupeka and Ngāti Tamakopiri. Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.</p> <p><u>Te Roopu Tai o Mōkai Pātea (the "Environmental Working Party")</u> The application does not provide further detail on the nature of this group and who it represents. Further information is required to assess any impact. We have not identified any additional groups beyond those identified by the applicant.</p> |
| <p>Has the applicant consulted with those Māori groups?</p> | <p>The applicant states that it has consulted with these groups. A cultural values assessment has been commissioned. The applicant does not confirm whether or not the groups support the project</p> |
| <p>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</p> | <p><u>Impacts on PSGE settlement priorities and Māori development</u></p> <p>There is no information in the application to suggest that this application is made by or on behalf of a Māori organisation, or that the project will have a direct benefit in terms of Māori development.</p> <p>In the time available, there has been a brief review of the following strategic plans: Ngāti Rangī Taiao Management Plan 2014 (taiao_management_plan_53_889467cc60.pdf (ngatirangi.com))</p> <p>It is not possible to confirm from those documents that the project does or does not align with the strategic objectives of those iwi or Māori groups.</p> <p>The iwi management plan addresses a range of issues, and a full analysis of the plan would need to be undertaken in conjunction with the relevant iwi before any firm conclusions can be reached. That is a matter to be considered in more detail in subsequent stages if this progresses through the fast-track processes.</p> <p><u>Impact on Treaty settlements and other relevant arrangements</u></p> <p>Ngāti Rangī Claims Settlement Act 2019 Statutory Acknowledgement over the Moawhango River</p> <p>There is a statutory acknowledgement over the Moawhango River provided for in the Ngāti Rangī Deed of Settlement (See Attachments Schedule, OTS-083-010). The project site is located in or adjacent to the Moawhango River.</p> <p>Generally, these are statutory acknowledgements by the Crown of a 'statement of association' between the Iwi and an identified area. A Council must have regard to the statutory acknowledgement when deciding whether the iwi/Post Settlement Governance Entity (PSGE) is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the Iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the EPA. The Environment Court must also have regard to a statutory acknowledgement in considering appeals on applications for archaeological authorities under the Heritage New Zealand Pouhere Taonga Act 2014.</p> |

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| | <p>An impact of listing this project under Schedule 2 part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). For a Schedule 2 Part B listing, Ministers will have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, and they will have the benefit of the clause 13 report. The expert panel will also be required to invite comment from the PSGE on the application (again, noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). The same applies to archaeological authorities, as the Environment Court will not hear appeals in the same way as occurs under the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>Listing this project may impact the application of the statutory acknowledgement in the context of this project, compared to the role of the PSGE in the standard RMA consenting regime. For example, under the RMA process, if a PSGE is notified as a result of the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide those same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and substantive appeal, although there are appeals on points of law), but the PSGE will have a statutory right to comment on the application (which as noted is currently discretionary).</p> <p>Joint Management Agreements outside of settlement</p> <p>There are only a few joint management agreements outside of settlement at the current time, and none apply to the project area.</p> <p>Mana Whakahono ā Rohe</p> <p>There are only a few Mana Whakahono in place at the current time and none apply to the project area.</p> <p>Iwi Environment Management plans</p> <p>Note the comments above regarding the Ngāti Rangī Taiao Management Plan 2014</p> <p>Implications for groups yet to settle their historical Treaty of Waitangi claims</p> <p>There are groups still working through their Treaty settlement processes. For example, the Mōkai Pātea claimants noted above. It will be important that these interests are considered in more detail if the project progresses through the fast-track process, but in the time available there are no further impacts noted.</p> <p><u>Implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019</u></p> <p>The project is outside the coastal marine area and it is therefore not relevant to consider the potential implications of this legislation.</p> <p>Other matters</p> <p>In the time available, officials have not identified any other relevant matters.</p> |
| <p>Is the project considered low, medium or high impact (based on assessment criteria above)</p> | <p>From the information available we consider this project is likely to be of low impact. This is because relevant redress is limited to statutory acknowledgements over an adjacent area and consultation has been undertaken (noting that officials are unsure if the affected groups are in support of the proposed project from the information available).</p> |
| <p>Has the Ministry for the Environment undertaken engagement?</p> | <p>Officials recommend that engagement be undertaken with these groups given it is a proposed 2A project however were unable to do so in the time available.</p> |
| <p>Additional comments/context</p> | <p>DOC have noted they are aware of Treaty settlement obligations with Ngāti Rangī in respect of Hihitahi Forest Sanctuary, which may extend to species such as bats which inhabit the Sanctuary and the surrounding area.</p> |

Appendix One: Approach and considerations for Treaty settlement advice on listed project applications advice in Table A

1. Ministers have advised the Advisory Group should receive advice from officials on “Māori development and PSGE settlement priorities” relevant to each application. Note this differs from section 13 requirements of the current Fast Track Consenting Bill that ‘Ministers must consider Treaty settlements and other obligations report’ as these reports will not be in existence at the time, although matters identified in section 13 (2)(a)-(j) will be considered as part of official's analysis.
2. We have interpreted “Māori development” and “PSGE priorities” to mean primarily projects that:
 - a. align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents; and/or
 - b. contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or
 - c. the project is being led by or in partnership with a Māori entity or business.
3. Given the time constraints and limited engagement this advice cannot be considered as comprehensive and does not intend to reflect their views, and should not be read as such.
4. Engagement with PSGEs and other relevant groups has been considered based on potential high-risk factors including, but not limited to, if:
 - a. a project will take place on or effect any taonga or areas of significance that are protected by Treaty settlement arrangements.
 - b. a project will have a substantive and/or ongoing environment impact on any taonga or areas of significance.
 - c. a project will include a consenting arrangement that will require a significant take, or be ongoing for an extended period, in relation to a taonga or area of significance, or in regions where PSGEs have specific planning mechanisms in place.
 - d. PSGEs or other Māori entities have previously strongly contested the project or a similar type of project, particularly where court action has been taken.
 - e. The project is clearly in conflict with or undermines PSGE priorities.
 - f. Engagement would be required to maintain and uphold the Te Tiriti Crown relationship.
5. In limited circumstances where engagement occurs, it has been brief. Where engagement has been undertaken it is reflected in our analysis but should not be taken to mean that our Treaty Partners endorse our advice.