

In Confidence

Office of the Minister for the Environment

Chair, Cabinet

COVID-19 Recovery (Fast-track Consenting) Referred Projects (Waiuku and Southland Wind Farms) Amendment Order 2023

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Waiuku and Southland Wind Farms) Amendment Order 2023 (the Amendment Order).
- 2 The Amendment Order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 to include as projects referred to an expert consenting panel (panel):
 - 2.1 LET Capital Number 3 Limited Partnership's Waiuku Wind Farm
 - 2.2 Contact Energy Limited's Southland Wind Farm.

Executive Summary

- 3 The COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) is one of the Government's temporary actions to support New Zealand's economic recovery from COVID-19. The FTCA enables any person to apply to me, as Minister for the Environment, to fast-track certain approvals required under the Resource Management Act 1991 (RMA) for their project.
- 4 Projects that I accept are referred to a panel by an amendment to the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020, subject to Cabinet's agreement. This allows an applicant to lodge resource consent applications and/or notices of requirement for a designation with the Environmental Protection Authority (EPA) for consideration by a panel.
- 5 Before granting RMA approvals a panel must conduct a merit-based assessment of the project's actual and potential effects and test these against the requirements of both Part 2 of the RMA and the purpose of the FTCA.
- 6 I received applications from:
 - 6.1 LET Capital Number 3 Limited Partnership (LET Capital) to fast-track the Waiuku Wind Farm
 - 6.2 Contact Energy Limited (Contact Energy) to fast-track the Southland Wind Farm.
- 7 The Waiuku Wind Farm project is to construct and operate a windfarm with generation capacity up to 80 megawatts in the northern coastal environment of Waikato Region, approximately 6 kilometres south-west of Waiuku. The Southland Wind Farm project

is to construct and operate a windfarm with generation capacity up to 300 megawatts in Southland District, approximately 30 kilometres south-east of Gore.

- 8 I sought written comments on the applications from the relevant local authorities, relevant Ministers prescribed by the FTCA including the Minister of Energy and Resources and the Minister of Agriculture, and from Transpower New Zealand Limited (Transpower).
- 9 For the Waiuku Wind Farm project, I also sought comments from Counties Energy Limited (CEL) and Auckland Transport.
- 10 For each project I considered all comments received and the reports prepared under section 17 of the FTCA. I also requested and considered further information from the applicant and local authorities for the Waiuku Wind Farm project.
- 11 I have accepted both projects for referral as I am satisfied they each meet the eligibility criteria specified in section 18 of the FTCA. Both projects will help achieve the FTCA's purpose by generating employment, providing infrastructure that will contribute to improving economic and employment outcomes, and contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low emissions economy.
- 12 I consider both projects will likely progress faster using the FTCA processes than if consents were sought through standard RMA processes, and any actual and potential effects on the environment, together with any measures to mitigate, offset or compensate for adverse effects, can be considered and determined by a panel subject to Part 2 of the RMA and the purpose of the FTCA.
- 13 I now seek authorisation for submission of the Amendment Order to the Executive Council. The Amendment Order enables LET Capital and Contact Energy to apply via the EPA to a panel for the relevant approvals needed under the RMA for their respective projects, in accordance with the process in the FTCA.

Background

- 14 The FTCA is one of the Government's temporary actions to support New Zealand's economic recovery from COVID-19, by promoting employment and supporting on-going investment. Access to the FTCA referral process remains in place until the FTCA is repealed in July 2023.
- 15 The FTCA enables any person to apply to me, in my role as Minister for the Environment, to access the fast-track consenting process for their project. If I accept an application, the project is referred by Order in Council – specifically, via an amendment that adds the project as a new schedule to the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 – subject to Cabinet's agreement. This allows an applicant to lodge a resource consent application or notice of requirement for a designation with the EPA for consideration and decision by a panel.
- 16 Panels are appointed by Panel Convener Judge Laurie Newhook and are constituted according to the specific representation, skills and knowledge required for the project under consideration. Before a panel grants any RMA approvals for the project it must, among other things, consider comments from invited parties on the applications for these approvals, assess the project's actual and potential effects, and test these effects against the requirements of Part 2 of the RMA and the purpose of the FTCA.

As part of this process the panel may seek further information from a range of parties, including those invited to comment.

- 17 I receive weekly updates on the projects accessing the fast-track provisions and their progress.
- 18 As of 28 June 2023, 167 applications have been made under the FTCA to refer projects to a panel, of which:
 - 18.1 103 projects have been referred and Orders in Council gazetted. Details are in Appendix one. In summary, for these projects:
 - 18.1.1 36 have been granted RMA approvals by a panel (Kapuni Green, Ariki Tahī Sugarloaf Wharf, Botanic Riverhead are under appeal)
 - 18.1.2 2 have had applications for RMA approvals declined by a panel (Flints Park - Ladies Mile is under appeal)
 - 18.1.3 14 are under active panel consideration
 - 18.1.4 49 have yet to lodge RMA applications
 - 18.1.5 2 have subsequently decided not to seek RMA approvals through the panel process or have withdrawn from a panel process before it was completed.
 - 18.2 5 projects have been accepted for referral and are awaiting Orders in Council. This includes the projects that are the subject of this paper
 - 18.3 3 referral applications are being processed and are yet to receive referral decisions
 - 18.4 40 referral applications have been declined for a range of reasons including not meeting the purpose of the FTCA and it being more appropriate for them to go through the standard RMA consenting process
 - 18.5 16 referral applications have been withdrawn by the applicants.
- 19 I am not required to make referral decisions on projects listed in Schedule 2 of the FTCA. Authorised persons or entities for these projects may lodge their applications for RMA approvals with the EPA at any time while the relevant FTCA provisions are in force. An update on the listed projects is in Appendix two.

Project for referral: Waiuku Wind Farm

- 20 LET Capital applied to use the fast-track consenting process for the Waiuku Wind Farm project. The project is to construct and operate a wind farm on an approximately 560-hectare site in Waikato Region, to the south of Waiuku, and to connect and supply electricity to the national grid at Glenbrook in Auckland Region. The wind farm will have an approximate installed capacity of 80 megawatts peak and will include up to 18 wind turbines up to 190 metres high, and supporting infrastructure including internal roads, turbine platforms, foundation and crane pads, underground electrical and fibre optic cables, an energy storage facility, ancillary buildings and two wind monitoring masts up to 100 metres high. A concrete batching plant is also included for the construction phase of the project.

- 21 The project includes two options to connect and supply electricity to the national grid, each involving a combination of new, and upgrades to existing, 33kV lines between the project site and Glenbrook.
- 22 The project requires land use consents under the operative and proposed Waikato District Plans, water and discharge permits under the Waikato Regional Plan, and resource consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).
- 23 I sought written comments on the referral application from the relevant local authorities – Waikato District Council (WDC), Waikato Regional Council (WRC) and Auckland Council, from relevant Ministers as determined by section 21(6) of the FTCA including the Minister of Energy and Resources and the Minister of Agriculture, and from Transpower, CEL and Auckland Transport.
- 24 To better understand the job creation potential and approvals potentially affecting certainty of project delivery, I sought further information under section 22 of the FTCA from LET Capital, WDC and Auckland Council.

Overview of comments

- 25 s 9(2)(f)(ii), s 9(2)(g)(i)

- 26 s 9(2)(f)(ii), s 9(2)(g)(i)

- 27 s 9(2)(f)(ii), s 9(2)(g)(i)

- 28 s 9(2)(f)(ii), s 9(2)(g)(i)


29 s 9(2)(f)(ii), s 9(2)(g)(i)

30 s 9(2)(f)(ii), s 9(2)(g)(i)

31 s 9(2)(f)(ii), s 9(2)(g)(i)

32 s 9(2)(f)(ii), s 9(2)(g)(i)

33 WDC and Auckland Council did not oppose project referral. WDC identified potential issues including increased traffic and damage to roads, structural capacity of bridges, erosion and sedimentation during construction, impact of stormwater on waterbodies, ecological effects, cultural and archaeological impacts, and loss of highly productive land.

34 WRC did not oppose project referral and acknowledged the potential benefits for the Waikato Region including climate and resilience-related benefits associated with renewable energy infrastructure and wider socio-economic benefits associated with job creation and increased revenue for landowners. WRC also identified potential risks to biodiversity, particularly adverse effects on birds and bats. WRC requested if the project were referred that I require the applicant to provide further information with resource consent applications to a panel to address WRC's concerns. I have included a direction in the Amendment Order to this effect.

35 Transpower supported project referral and noted it has had preliminary discussions with CEL about the proposed connection to the national grid. Transpower agreed with timeframes identified by the applicant for the option to connect via existing lines, which would not require upgrade to Transpower assets, and the connection option via a new transmission line, which would need to be managed via Transpower's queue management framework.

36 CEL neither supported nor opposed project referral but noted that no approvals for connection or infrastructure upgrades have yet been granted and project timeframes will remain uncertain until detailed investigations have been completed. CEL noted the need for additional landowner agreements and resource consents for upgrades to, and/or relocation of, CEL lines and infrastructure may impact project timeframes.

Decision

- 37 In making my decision, and in accordance with section 24 of the FTCA, I considered the application and further information received, all comments and requests for directions to the applicant and a panel provided in response to my invitation, and the eligibility criteria in section 18 of the FTCA. I also considered the report prepared under section 17 of the FTCA.
- 38 I have decided to accept LET Capital's application for referral of the Waiuku Wind Farm project to a panel. I am satisfied the project meets the eligibility criteria in sections 18(2) and 18(3) of the FTCA. I consider it will help achieve the FTCA purpose as it has the potential to:
- 38.1 generate employment by providing approximately 330 direct full-time equivalent (FTE) jobs over a 2-year construction period, and 31 ongoing direct FTE jobs once construction is complete
 - 38.2 provide infrastructure that will contribute to improving economic and employment outcomes
 - 38.3 contribute to New Zealand's efforts to mitigate climate change and transition more quickly to a low emissions economy by increasing New Zealand's renewable energy generation
 - 38.4 progress faster than would otherwise be the case under standard RMA processes.
- 39 To address matters raised by the Minister of Conservation and WRC, I have decided to specify the applicant must provide the additional ecological information described in Appendix three with their resource consent applications to a panel.
- 40 The FTCA requires a panel to invite comments from the relevant local authorities, relevant iwi authorities and Treaty settlement entities, specific Ministers, owners and occupiers of adjacent land, specific non-governmental organisations and other groups listed in the FTCA¹. In addition to these requirements and to address matters raised, I have decided to specify a panel must seek comment on LET Capital's resource consent applications from the seven parties listed in Appendix three.
- 41 I consider any actual and potential effects on the environment, together with any measures to mitigate, offset or compensate for adverse effects, can be appropriately tested by a panel against Part 2 of the RMA and the purpose of the FTCA. The additional material listed in Appendix three that must be submitted to a panel will assist with this.
- 42 I consider there are no reasons to decide under section 24(2) of the FTCA to:
- 42.1 limit the scope of the project by referring it only in part
 - 42.2 refer the project in stages
 - 42.3 place any restrictions on the project
 - 42.4 impose specific timeframes for panel consideration.


¹ Clause 17(6) of Schedule 6, FTCA.

Project for referral: Southland Wind Farm


- 43 Contact Energy applied to use the fast-track consenting process for the Southland Wind Farm project. The project is to construct and operate a wind farm on an approximately 5,500-hectare site in Oware, Southland, approximately 30 kilometres south-east of Gore, and to connect and supply electricity to the national grid. The wind farm will have an installed capacity of up to 300 megawatts-peak and will include up to 55 wind turbines up to 220 metres high, and supporting infrastructure including roads, turbine foundations and hard stand areas, underground electrical cables, transformers, a substation, ancillary buildings including a machinery workshop and workers' accommodation, two meteorological masts approximately 140 metres high, and two concrete batching plants.
- 44 The project also includes construction of a 220 kV transmission line, approximately 17 kilometres long with up to 50 pylons, extending north along one of three possible routes from the wind farm to a switching station connecting to Transpower's existing 220kV North Makarewa–Three Mile Hill A Circuit. Minor upgrades to public roads will also be undertaken to enable transport of the wind turbines and other equipment to the project site.
- 45 The project requires land use consents under the Southland District Plan and either under the Gore District Plan or Clutha District Plan depending on the confirmed transmission line route. The project also requires water and discharge permits under the Environment Southland Regional Air Plan and Regional Water Plan, water and discharge permits under the Proposed Southland Water and Land Plan, and consents under the NES-CS and the NES-F.
- 46 The applicant may also lodge notice of a requirement to designate a 400-metre-wide transmission corridor for the new transmission line with a panel for consideration under the FTCA process.
- 47 I sought written comments on the referral application from the relevant local authorities – Southland District Council (SDC), Gore District Council (GDC), Clutha District Council (CDC), Southland Regional Council (SRC) and Otago Regional Council (ORC), from relevant Ministers as determined by section 21(6) of the FTCA including the Minister of Energy and Resources and the Minister of Agriculture, and from Transpower.

Overview of comments

48 s 9(2)(f)(ii), s 9(2)(g)(i)



49 s 9(2)(f)(ii), s 9(2)(g)(i)



50 s 9(2)(f)(ii), s 9(2)(g)(i)

51 s 9(2)(f)(ii), s 9(2)(g)(i)

52 s 9(2)(f)(ii), s 9(2)(g)(i)

53 I have not included a direction to this effect in the Amendment Order as I consider Schedule 6 of the FTCA adequately provides for submission of relevant information needed to support an applicant's consent applications. However, I have included a direction that a panel must seek comment on the applications from the Minister of Agriculture.

54 s 9(2)(f)(ii), s 9(2)(g)(i)

55 s 9(2)(f)(ii), s 9(2)(g)(i)

56 SDC opposed project referral on the basis that the fast-track process does not provide sufficient consultation with the local community and may prevent full identification of the project's adverse effects and benefits. SDC considered a publicly notified resource consent process would be more appropriate. While I acknowledge SDC's concerns, I consider that a panel can appropriately identify and assess a project's benefits and effects under fast-track process and I note that in undertaking its assessment, a panel may consult as widely as it considers necessary.

- 57 CDC and ORC did not oppose project referral, although ORC noted there was no reason the project could not proceed through standard RMA consenting processes.
- 58 GDC supported project referral subject to sufficient community consultation being undertaken and GDC having input into conditions on any granted consents. GDC advised its primary interest is in the management of construction traffic and potential upgrades to roads and bridges for transportation of turbines in Gore District. I note that GDC would be a relevant local authority for the project under the FTCA if any part of the project were to occur in Gore District, and as such GDC would be invited by a panel to comment on consent applications for the project. Provided GDC responded to this invitation, a panel would also seek GDC's comment on any proposed consent conditions.
- 59 SRC neither supported nor opposed project referral but noted the area contains significant ecology and biodiversity, including bat species, and the effects of the project will require close scrutiny.
- 60 Transpower supported project referral and advised it has had preliminary discussions with the applicant about the proposed connection to the North Makarewa-Three Mile Hill A transmission line. Transpower did not anticipate that approvals needed from Transpower would impact on Contact Energy's stated project delivery timeframe.

Decision

- 61 In making my decision, and in accordance with section 24 of the FTCA, I considered the application and further information received, all comments and requests for directions to the applicant provided in response to my invitation, and the eligibility criteria in section 18 of the FTCA. I also considered the report prepared under section 17 of the FTCA.
- 62 I have decided to accept Contact Energy's application for referral of the Southland Wind Farm project to a panel. I am satisfied the project meets the eligibility criteria in sections 18(2) and 18(3) of the FTCA. I consider it will help achieve the FTCA purpose as it has the potential to:
- 62.1 generate employment by providing 160–240 direct full-time equivalent (FTE) jobs over a 2-year construction period, and 10–14 ongoing direct FTE jobs once construction is complete
 - 62.2 provide infrastructure that will contribute to improving economic and employment outcomes
 - 62.3 contribute to New Zealand's efforts to mitigate climate change and transition more quickly to a low emissions economy by increasing New Zealand's renewable energy generation
 - 62.4 progress faster than would otherwise be the case under standard RMA processes.
- 63 To address matters raised by the Minister of Conservation and SRC, I have decided to specify the applicant must provide the additional ecological information described in Appendix four with their resource consent applications to a panel.
- 64 The FTCA requires a panel to invite comments from the relevant local authorities, relevant iwi authorities and Treaty settlement entities, specific Ministers, owners and

occupiers of adjacent land, specific non-governmental organisations and other groups listed in the FTCA². In addition to these requirements and to address matters raised, I have decided to specify a panel must seek comment on Contact Energy's resource consent applications and notice of requirement from the additional five parties listed in Appendix four.

- 65 I consider any actual and potential effects on the environment, together with any measures to mitigate, offset or compensate for adverse effects, can be appropriately tested by a panel against Part 2 of the RMA and the purpose of the FTCA. The additional material listed in Appendix four that must be submitted to a panel will assist with this.
- 66 I consider there are no reasons to decide under section 24(2) of the FTCA to:
- 66.1 limit the scope of the project by referring it only in part
 - 66.2 refer the project in stages
 - 66.3 place any restrictions on the project.
- 67 To ensure that a panel has sufficient timeframe for its consideration and decision-making on the wind farm and associated transmission line, I have decided to allow the panel a longer timeframe for its consideration and decision-making than the standard period provided under FTCA process. To this end, I have included in the Amendment Order a requirement that a panel must issue its final decision on any resource consent application and notices of requirement for the project no later than 50 working days after the date specified for receiving comment under clause 18 of Schedule 6 of the FTCA rather than the standard 25 working days, with the option to extend the period for issuing its final decision by up to a further 50 working days.

Timing and 28-day rule

- 68 Cabinet has agreed to waive the 28-day rule for Orders in Council relating to projects to be referred to a panel³. Therefore, the Amendment Order will come into force on the date specified in the Amendment Order. LET Capital and Contact Energy may then lodge resource consent applications (and, in the case of Contact Energy, a notice of requirement for a designation) for their respective projects with the EPA, for consideration by a panel.

Compliance

- 69 The Amendment Order complies with:
- 69.1 the principles of the Treaty of Waitangi
 - 69.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993
 - 69.3 the principles and guidelines set out in the Privacy Act 2020
 - 69.4 relevant international standards and obligations

² Clause 17(6) of Schedule 6, FTCA.

³ ENV-20-MIN-0033 and CAB-20-MIN-0353 refer

69.5 the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

70 I do not consider that there are grounds for the Regulations Review Committee to draw this Order in Council to the attention of the House of Representatives under Standing Order 319.

Certification by Parliamentary Counsel Office

71 The Amendment Order has been certified by the Parliamentary Counsel Office as being in order for submission.

Impact Analysis

Regulatory Impact Assessment

72 The Regulatory Impact Assessment (RIA) requirements for this proposal have been waived. Cabinet has agreed that a RIA is not required for Orders in Council relating to projects to be referred to a panel⁴.

Climate Implications of Policy Assessment

73 The Climate Implications of Policy Assessment (CIPA) team at the Ministry for the Environment has been consulted and confirms that the CIPA requirements⁵ do not apply to the projects.

Publicity

74 The Amendment Order will be available on the New Zealand Legislation website following its notification in the New Zealand Gazette.

75 To meet my obligations under section 25 of the FTCA, I have directed the Ministry for the Environment to make my decisions to refer the projects to a panel for consideration, the reasons for these decisions, and the reports obtained under section 17 of the FTCA available to the public on the Ministry for the Environment's website.

Proactive release

76 I intend to proactively release this paper on the Ministry for the Environment's website subject to redaction as appropriate under the Official Information Act 1982.

Consultation

77 The Ministry for the Environment sought comment on this paper from Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development, Ministry for Culture and Heritage, Te Puni Kōkiri, Ministry of Education, Department of Corrections, Land Information New Zealand, Treasury, Ministry of Transport, Ministry of Business, Innovation and Employment, Ministry for Primary Industries, Department of Prime Minister and Cabinet, Ministry of Health, Ministry of Defence, Department of Internal Affairs, Department of Conservation and The Office for Māori Crown Relations – Te Arawhiti.

⁴ ENV-20-MIN-0033 and CAB-20-MIN-0353 refer

⁵ CO (20) 3 refers

Recommendations

I recommend that Cabinet:

- 1 **note** that I have decided under section 24 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 to accept the applications for referral of the following projects to a panel:
 - 1.1 LET Capital Number 3 Limited Partnership's Waiuku Wind Farm
 - 1.2 Contact Energy Limited's Southland Wind Farm
- 2 **note** that the Waiuku Wind Farm Project meets the eligibility criteria in section 18(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020, and will help achieve the Act's purpose, as required by section 18(2) of the Act, as it has the potential to:
 - 2.1 generate employment by providing approximately 330 direct full-time equivalent (FTE) jobs over a 2-year construction period, and 31 ongoing direct FTE jobs once construction is complete
 - 2.2 provide infrastructure that will contribute to improving economic and employment outcomes
 - 2.3 contribute to New Zealand's efforts to mitigate climate change and transition more quickly to a low emissions economy by increasing New Zealand's renewable energy generation
 - 2.4 progress faster using the Act's processes than would otherwise be the case under standard Resource Management Act 1991 processes
- 3 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Waiuku and Southland Wind Farms) Amendment Order 2023 requires LET Capital Number 3 Limited Partnership to provide to an expert consenting panel the additional ecological information described in Appendix three, which I specified under section 24(2) of the FTCA and outlined in my notice of decision on the referral application for the project
- 4 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Waiuku and Southland Wind Farms) Amendment Order 2023 requires an expert consenting panel appointed to consider LET Capital Number 3 Limited Partnership's Waiuku Wind Farm project to seek comments from the seven additional parties listed in Appendix three
- 5 **note** that the Southland Wind Farm project meets the eligibility criteria in section 18(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020, and will help achieve the Act's purpose, as required by section 18(2) of the Act, as it has the potential to:
 - 5.1 generate employment by providing 160–240 direct full-time equivalent (FTE) jobs over a 2-year construction period, and 10–14 ongoing direct FTE jobs once construction is complete
 - 5.2 provide infrastructure that will contribute to improving economic and employment outcomes
 - 5.3 contribute to New Zealand's efforts to mitigate climate change and transition more quickly to a low emissions economy by increasing New Zealand's renewable energy generation

- 5.4 progress faster using the Act's processes than would otherwise be the case under standard Resource Management Act 1991 processes
- 6 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Waiuku and Southland Wind Farms) Amendment Order 2023 requires Contact Energy Limited to provide to an expert consenting panel the ecological information described in Appendix four, which I specified under section 24(2) of the FTCA and outlined in my notice of decision on the referral application for the project
- 7 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Waiuku and Southland Wind Farms) Amendment Order 2023 requires an expert consenting panel appointed to consider Contact Energy Limited's Southland Wind Farm project to seek comments from the five additional parties listed in Appendix four
- 8 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Waiuku and Southland Wind Farms) Amendment Order 2023 requires that an expert consenting panel appointed to consider Contact Energy Limited's Southland Wind Farm project must issue its final decision on any resource consent application and notice of requirement for the project no later than 50 working days after the date specified for receiving comment under clause 18 of Schedule 6 of the FTCA rather than 25 working days specified in clause 37(2)(b)(i) of Schedule 6 of the FTCA. The Amendment Order also allows that the panel may extend the period for issuing its final decision by up to a further 50 working days rather than the period specified in clause 37(3)(b)(i) of Schedule 6 of the FTCA
- 9 **authorise** submission of the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Waiuku and Southland Wind Farms) Amendment Order 2023 to the Executive Council
- 10 **note** that on 27 July 2020, Cabinet agreed to waive the standard 28-day rule relating to Orders in Council made under the COVID-19 Recovery (Fast-track Consenting) Act 2020 [CAB-20-MIN-0353 refers]. Consequently, the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Waiuku and Southland Wind Farms) Amendment Order 2023 will come into force on the date specified in the Amendment Order.

Authorised for lodgement

Hon David Parker

Minister for the Environment

Appendix one – Referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020

Referred projects with Orders in Council gazetted		
Project - Location	Applicant	EPA Status
Clutha Upper Waitaki Lines Project - Works and Workers' Village - Clutha Upper Waitaki	Transpower New Zealand Limited	Not progressing through FTC
Northbrook Wanaka Retirement Village - Wanaka	Winton Property Limited	Consented by Panel (4 August 2021)
Kohimarama Comprehensive Care Retirement Village - Kohimarama, Auckland	Ryman Healthcare Limited	Consented by Panel (12 May 2021)
Molesworth Street Office Development - Thorndon, Wellington	Prime Property Group Limited	Consented by Panel (12 November 2021)
The Vines Affordable Subdivision - Richmond, Tasman	Jason and Angela Mudgway	Declined by Panel (17 September 2021)
Dominion Road Mixed-use Development - Mount Eden, Auckland	Pudong Housing Development Company Limited, Foodstuffs North Island Limited, and Silk Road Management Limited	Consented by Panel (29 September 2021)
Ohinewai Foam Factory - Ohinewai, Waikato	Ambury Properties Limited	Consented by Panel (24 August 2021)
Eastern Porirua Regeneration Project - Infrastructure Works - Porirua	Kāinga Ora-Homes and Communities' and Porirua City Council	Consented by Panel (9 September 2022)
Silverlight Studios - Wanaka	Silverlight Studios Limited	Consented by Panel (8 December 2021)
Brennan winery, restaurant, education, and event complex - Gibbston Valley, Otago	Otago Viticulture and Oenology Limited's (trading as Brennan Wines)	Not progressing through FTC
Nola Estate - Glen Eden, Auckland	CPM 2019 Limited	Consented by Panel (1 October 2021)
Wooing Tree Estate – Cromwell	Wooing Tree Property Development LP	Consented by Panel (29 September 2021)
Kapuni Green Hydrogen - Kapuni, Taranaki	Hiringa Energy Limited's and Ballance Agri-Nutrients Limited	Consented by Panel (1 December 2021) Currently under appeal
New Dunedin Hospital – Whakatuputupu – Dunedin Package 1 – enabling works	The Minister of Health's and the Ministry of Health	Consented by Panel (23 December 2021)
New Dunedin Hospital – Whakatuputupu – Dunedin Package 2 - buildings	The Minister of Health's and the Ministry of Health	Consented by Panel (17 August 2022)

Faringdon South West and South East Development - Rolleston	Hughes Developments Limited's	Consented by Panel (27 August 2021)
Summerset Retirement Village - Waikanae - Waikanae	Summerset Villages (Waikanae) Limited	Consented by Panel (23 September 2021)
Beachlands Housing Development - Beachlands, Auckland	Neil Construction Limited and Fletcher Residential Limited	Consented by Panel (23 May 2022)
Kōpū Marine Precinct - Kōpū, Thames	Thames-Coromandel District Council	Consented by Panel (9 March 2022)
Whakatāne Commercial Boat Harbour project - Whakatāne	Whakatāne District Council, Te Rāhui Lands Trust, Te Rūnanga o Ngāti Awa, Ngāti Awa Group Holdings Limited, Te Rāhui Lands General Partner Limited, Te Rāhui Herenga Waka Whakatane Limited, and Provincial Growth Fund Limited	Consented by Panel (22 June 2022)
Karaka North Village - Karaka, Auckland	Capella Group Limited and Karaka North Village Limited	Lodgement expected 2023
Ōmāhu Residential Development - Remuera, Auckland	Urban Resort Limited and Icon Co Pty (NZ) Limited	Consented by Panel (14 February 2022)
George St Mixed Use Development - Newmarket, Auckland	Newmarket Holdings Development Limited Partnership	Lodgement expected 2023
Otawere Water Storage Reservoir - Northland	Te Tai Tokerau Water Trust	Consented by Panel (18 July 2022)
Drury Central & Paerata Stations - Auckland	KiwiRail Holdings Limited	Consented by Panel (3 February 2022)
Rangitane Maritime Development - Kerikeri	Far North District Council & Far North Holdings Limited	Lodgement expected 2023
Brickfields, Scott Road Development - Hobsonville, Auckland	Aedifice Development Limited	Consented by Panel (24 March 2022)
Melia Place - Whangaparāoa, Auckland	Melia Development Limited	Consented by Panel (14 June 2022)
Oruku Landing - Whangārei, Northland	Northland Development Corporation Limited	Lodgement expected mid 2023
Riverbend Residential Development - Napier	Tawanui Developments Limited, K3 Properties Limited & Mana Ahuriri Holdings Limited	Lodgement expected early 2023
Silverlight Studios Accommodation - Wanaka, Otago	Silverlight Studios Limited	Consented by Panel (18 February 2022)
Drury Centre Precinct - Auckland	Kiwi Property Holdings No 2	Under consideration by Panel
Waihoehoe Precinct - Auckland	Oyster Capital Limited	Under consideration by Panel
Drury East Stage 1 Precinct – Auckland	Fulton Hogan Land Development	Under consideration by Panel

Flints Park, Ladies Mile – Te Pūtahi, Queenstown	Glenpanel Development Limited	Declined by Panel (30 November) Currently under appeal
Federal Street Residences, Auckland	P0012 Auckland NZ Pty Limited	Consented by Panel (28 July 2022)
Bellgrove Development, Rangiora	Bellgrove Rangiora Limited	Consented by Panel (29 June 2022)
Lakeview-Taumata	QT Lakeview Developments Limited	Consented by Panel (16 December 22)
Summerset Retirement Village, Half Moon Bay, Auckland	Summerset Villages (Halfmoon Bay) Limited	Consented by Panel (11 April 2023)
Browns Bay Road Apartments, Auckland	Matvin Group Limited	Under consideration by Panel
Te Tauoma Stage 1B, St Johns, Auckland	Shundi Tamaki Village Limited	Consented by Panel (15 February 2023)
Kaiwharawhara Wellington Ferry Terminal Redevelopment	KiwiRail Holdings Limited	Consented by Panel (25 January 2023)
The Rotokauri North project, Hamilton	Rotokauri North Holdings Limited	Consented by Panel (27 July 2022)
Tauhei Farm Solar Project, Te Aroha	Harmony Energy New Zealand Limited	Consented by Panel (20 September 2022)
The Hill, Ellerslie, Auckland	Auckland Thoroughbred Racing Incorporated & Fletcher Residential Limited	Consented by Paenl (17 April 2023)
Ariki Tahi Sugarloaf Wharf Upgrade, Waikato	Ariki Tahi Sugarloaf Wharf Limited	Consented by Panel (20 September) Currently under appeal
Hananui Aquaculture Project, Foveaux Straight	Ngāi Tahu Seafood Resources Limited	Under consideration by Panel
Flints Park West, Ladies Mile – Te Pūtahi, Queenstown	Glenpanel Development Limited	Lodgement expected late 2023
Waimarie Street, St Helliers, Auckland	Sanctum Projects Limited	Under consideration by Panel
Te Rere Hau Wind Farm Repowering, Manawatu	NZ Windfarms Limited	Under consideration by Panel
Bontanic Riverhead, Auckland	Matvin Group Limited	Consented by Panel (29 March 2023) Currently under appeal
Whenuapai Business Park, Auckland	Neil Construction Limited	Under consideration by Panel
Whenuapai Green, Auckland	Neil Construction Limited & Maraetai Land Development Limited	Under consideration by Panel
Faringdon Oval, Rolleston, Christchurch	Hughes Development Limited	Under consideration by Panel
Glenpanel Ladies Mile, Te Pūtahi	Maryhill Limited	Lodgement expected 2023

Kepa Road Apartments, Auckland	Sanctum Projects Ltd	Under consideration by Panel
Wellsford North, Auckland	Wellsford Welding Club Limited	Lodgement expected 2023
Johnsonville Town Centre Redevelopment, Wellington	Stride Property Limited	Lodgement expected 2023
Waiterimu Solar Farm, Waikato	Waikato Solar Farms Limited/ Transpower NZ Limited	Lodgement expected 2023
Tauranga Innovative Courthouse, Bay of Plenty	Ministry of Justice	Consented by Panel (19 January 2023)
East Coast Heights, Silverdale	Build Rich Limited / Nation Shine Holdings Limited	Lodgement expected 2023
East Coast Heights, Stage 5 Silverdale	Build Rich Limited	Under consideration by Panel
Strathmill, Orewa	Shildon Ltd	Under consideration by Panel
Great South Homes Park, Auckland	Unispot Great South Limited	Under consideration by Panel
Waikanae North, Wellington	Bulletin Trust	Lodgement expected 2023
Rangiriri Solar Farm, Waikato	Joint Applicants: Rangiriri Solar Farm Limited and Transpower NZ Limited	Lodgement expected 2023
Waerenga Solar Farm, Waikato	Joint Applicants: Waerenga Solar Farm Limited and Transpower NZ Limited	Lodgement expected 2023
Wooing Tree Stage 4, Otago	Wooing Tree Property Development	Under consideration by Panel
Glen Innes to Tamaki shared path, Auckland	Auckland Transport	Under consideration by Panel
Wairatahi	Heretaunga Tamatea Settlement Trust	Lodgement expected 2023
Upland Road Retirement Village	HND Upland Limited and St Andrew's Village Trust Incorporated	Lodgement expected 2023
Metlifecare Retirement Village – Wellington	Metlifecare Retirement Villages Limited	Lodgement expected 2023
Holly Lea Village Buildings D and E, Fendalton, Christchurch	Holly Lea Village Limited	Lodgement expected 2023
Man Street Hotel, Queenstown	The Queenstown Hotel NZ Limited Partnership	Lodgement expected 2023
Project Quarterdeck, Auckland	Box Property Investments Ltd	Lodgement expected 2023
The North, Auckland	617 New North Limited	Lodgement expected 2023
Auckland Surf Park	AW Holdings 2021 Ltd	Lodgement expected 2023

Harmony Energy Solar Farm Opunake, Taranaki	Harmony Energy NZ #4 Limited	Lodgement expected 2023
Harmony Energy Solar Farm Marton, Rangitikei	Harmony Energy NZ #3 Limited	Lodgement expected 2023
Masterton Solar Farm, Wairarapa	Harmony Energy NZ # 2 Limited	Lodgement expected 2023
Ōtaki Māori Racecourse Development, Wgtn	Ōtaki Revisited Limited	Lodgement expected 2023
Moy Estate, Ōtaki	Wakefield Group Holdings Ltd	Lodgement expected 2023
Worker Accommodation Hansen Road, Queenstown	No. 1 Hansen Road Limited	Lodgement expected 2023
Maraekakaho Quarry, Hawkes Bay	Russell Aggregates Limited	Lodgement expected 2023
Brookby Quarry – Stage 3, Auckland	Brookby Quarries Limited	Lodgement expected 2023
Kings Quarry, Wainui, Auckland	Kings Quarry Limited	Lodgement expected 2023
Wairau Housing Development, Blenheim	Hāpai Development Property Limited Partnership's	Lodgement expected 2023
The Foundation Village – Building 3, Auckland	The Foundation Village Partnership	Lodgement expected 2023
Summerset Rotorua	Summerset Villages (Rotorua) Limited	Lodgement expected 2023
Rotokauri Greenway & Minor Arterial, Waikato	Hounsell Holdings Limited and Hamilton City Council	Lodgement expected 2023
Taheke Geothermal project, Rotorua	ROOPU Whakarite Mahi Limited Partnership's	Lodgement expected 2023
Te Rere Hau Wind Farm Aokautere Extn, Manawatu	NZ Windfarms Limited	Lodgement expected 2023
Arawhata Wetland Project, Horowhenua	Manawatu-Wanganui Regional Council (Horizons)	Lodgement expected 2023
Jamaica Rise, Grenada North, Wellington	Grenada North Nominees Limited	Lodgement expected 2023
Peachgrove Mixed-use precinct, Hamilton	Hamilton Campground Limited	Lodgement expected 2023
Plimmerton Farm Stage One, Wellington	KM and MG Holdings Limited	Lodgement expected 2023
Stevensons Crescent, Albany, Auckland	Mansion Rear Limited	Lodgement expected 2023
Verran Mews, Birkdale, Auckland	Sweet New Zealand Co., Limited	Lodgement expected 2023
Whenuapai Development, Auckland	Cabra Developments Limited	Lodgement expected 2023

Reimagining Aquaculture, Tasman Bay	The New Zealand Institute for Plant and Food Research Limited	Lodgement expected 2023
Opunake Solar Farm, Taranaki	Energy Farms Limited	Lodgement expected 2023
Marion Solar Farm, Rangitikei	Energy Farms Limited	Lodgement expected 2023
Ngongotahā Housing Development	Watchman Residential Limited's	Lodgement expected 2023
Lincoln Retirement Village, Canterbury	Arvida Group Limited's	Lodgement expected 2023

Appendix two – Status of projects listed in Schedule 2 of the COVID-19 Recovery (Fast-track Consenting) Act 2020

Listed Project	Status
Matawii Water Storage Reservoir Kaikohe	Consents have been approved.
Papakāinga Development – Rāpaki, Christchurch	Consents have been approved.
Te Ara Tupua – Ngā Ūranga to Pito-one shared path	Consents have been approved.
Waitohi Picton Ferry Precinct Redevelopment	Consents have been approved.
Queenstown Arterials Project	Consents have been approved.
Papakāinga Development - Kaitaia	Consents have been approved.
Papakura to Pukekōhe rail electrification	Package 1 - consents have been approved. Package 2 – minor consents - unlikely to proceed under fast-track at this stage.
Papakura to Drury South State Highway 1 improvements	Package 1 - consents have been approved. Package 2 – consents have been approved.
Unitec Residential Development	Application 1 - consents have been approved. Application 2 - consents have been approved. Application 3 – consents have been approved.
Papakāinga Development – Waitara, Taranaki	Unlikely to proceed under fast-track at this stage.
Northern Pathway – Westhaven to Akoranga shared path	Unlikely to proceed under fast-track at this stage.
Te Pā Tāhuna Residential Development	Unlikely to proceed under fast-track at this stage.
Papakāinga Development - Point Chevalier, Auckland	Unlikely to proceed under fast-track at this stage.
Papakāinga development – Whaingaroa, Raglan	Unlikely to proceed under fast-track at this stage.
Papakāinga Development - Chatham Islands	Unlikely to proceed under fast-track at this stage.
Wellington Metro Upgrade Programme	Unlikely to proceed under fast-track at this stage.
Britomart Station eastern end upgrade	Unlikely to proceed under fast-track at this stage.

Appendix three – Additional requirements specified by the Minister for the Environment under section 24(2) of the FTCA for the Waiuku Wind Farm project

LET Capital Number 3 Limited Partnership is required to provide with its resource consent applications to an expert consenting panel:

1. an ecological assessment, including:
 - a. survey data and survey reports for birds and bats
 - b. an assessment of the effects of the activities involved in the project (including the operation of the wind farm) on vegetation, natural inland wetlands, birds and bats and their habitats
 - c. a description of measures to avoid or mitigate these effects, including a draft bird management plan and a draft bat management plan.

An expert consenting panel appointed to consider LET Capital Number 3 Limited Partnership's resource consent applications for the Waiuku Wind Farm project must seek comments from the following additional persons/organisations:

1. Minister of Energy and Resources
2. Minister of Agriculture
3. Transpower New Zealand Limited
4. Counties Energy Limited
5. Te Ākitai Waiohua Waka Taua Incorporated
6. Ngāti Koheriki Claims Committee
7. Ngati Karewa Ngāti Tāhinga Trust.

Appendix four – Additional requirements specified by the Minister for the Environment under section 24(2) of the FTCA for the Southland Wind Farm Project

Contact Energy Limited is required to provide with its resource consent applications and notice of requirement for a designation to an expert consenting panel:

2. an ecological assessment, including:
 - a. an assessment of the effects of the activities involved in the project (including the operation of the wind farm) on vegetation, natural inland wetlands, birds and bats, and their habitats
 - b. complete field survey data and survey reports for birds and bats
 - c. a description of measures to avoid or mitigate these effects, including a draft bird management plan and a draft bat management plan.

An expert consenting panel appointed to consider Contact Energy Limited's resource consent applications and notice of requirement for a designation for the Southland Wind Farm Project must seek comments from the following additional persons/organisations:

1. Minister of Energy and Resources
2. Minister of Agriculture
3. Transpower New Zealand Limited
4. Te Ao Marama Incorporated
5. Aukaha (1997) Limited.