

## FTC #107: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

### Application 2021 077 Te Rere Hau Wind Farm Repowering Application 2021 079 Selfs Road

Date Submitted:	20 January 2022	Tracking #: BRF-1071
Security Level	In-Confidence	MfE Priority: Urgent

	<b>Action sought:</b>	<b>Response by:</b>
To Hon David Parker, Minister for the Environment	Decision on recommendations in Table A	TBA

Actions for Minister's Office Staff	<b>Return</b> the signed briefing to MfE
Number of attachments: 3	<b>Attachments:</b> <ol style="list-style-type: none"> <li>Letter from the Minister of the Environment to relevant Ministers of the Crown</li> <li>Te Rere Hau Wind Farm Repowering application form and supporting information</li> <li>Selfs Road application form and supporting information</li> </ol>

### Ministry for the Environment contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Max Gander-Cooper		
Manager	Stephanie Frame	s 9(2)(a)	✓
Director	Sara Clarke	s 9(2)(a)	

## FTC #107: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

### Key Messages

1. We seek your initial decisions on two applications for referral to an expert consenting panel (a panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) for the following projects:
  - a. Te Rere Hau Wind Farm Repowering, from NZ Windfarms Limited
  - b. Selfs Road, from Acanthus Limited.
2. The Te Rere Hau Wind Farm Repowering project is to redesign and upgrade the existing Te Rere Hau wind farm to increase operational efficiency and output of renewable electricity supplied to the national grid.
3. The project site is located on ridgelines of the Tararua Range lying north of the Aokautere–Pahiatua Road (Pahiatua Track), approximately 11 kilometres south-east of Palmerston North.
4. The project will expand the overall footprint of the existing windfarm, remove 97 existing two-blade turbines 47 metres high and install 30 new three-blade turbines which are 162 metres high. This represents a 70% (approximately) reduction in the total number of turbines and an increase of approximately 245% in turbine height at the wind farm. The project scope includes options to uprate the existing underground transmission line connecting the wind farm to the national grid, or to install a new overhead transmission line.
5. Activities will include vegetation removal, earthworks, removal of existing turbines, constructing new turbines including foundations and building pads, upgrading existing roads, constructing new roads and culverts, constructing new infrastructure including hardstand areas, underground electrical and communication cables, substation and grid connection equipment, and discharge of stormwater and contaminants.
6. The project will require land use resource consents under the Tararua District Plan and the Palmerston North City District Plan, land use consents, water takes, water diversion and discharge consents under the Horizons One Plan and resource consents under the Resource Management (National Environmental Standard for Freshwater) Regulation 2020 (NES-F). The proposed activities would have overall non-complying activity status due to the project potentially involving construction of transmission lines not proposed by a Network Utility Operator.
7. The Selfs Road project is to subdivide a 3.64-hectare site and construct approximately 115 residential units along with roads and three-waters services.
8. The project site is located at 1 Selfs Road, Papatoetoe, Auckland on the north-eastern fringes of Ngā Kapua Kohuora / Crater Hill, one of several South Auckland volcanic features. Crater Hill is privately owned, and the main part of the land was recently the subject of an unsuccessful application by the owners to rezone the area for future residential development, which also failed in subsequent Environment and High Court appeals – principally on the basis of the strong cultural connection of local Māori (particularly Te Ākitai Waiohū) to it. The project site forms part of the Crater Hill property but is physically separate from it as it lies on the eastern side of State Highway 20 which bisects the land and separates it from the main part of Crater Hill. The project site was not affected by the litigation issue as it already lies in the Residential Mixed-Housing Suburban zone under the Auckland Unitary Plan (AUP).

9. The project will involve activities such as demolition of existing residential buildings, vegetation clearance, earthworks (including disturbing contaminated land), subdivision, constructing residential units, constructing roads and three-waters services, and landscaping.
10. The project will require land use and subdivision resource consents under the AUP and resource consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health). The proposed activities will have overall restricted discretionary status due to earthworks and new buildings within the extent of the Crater Hill (Ngā Kapua Kohuora) Outstanding Natural Feature overlay.
11. We have undertaken an initial (Stage 1) analysis of the applications, and these are presented along with our recommendations in Table A.
12. The projects meet all the eligibility criteria in section 18(3) of the FTCA, but more analysis is needed before we can advise you if they meet the purpose of the FTCA (thus satisfying section 18(2) of the FTCA) and advise you on matters in section 23(5) which may influence your referral decision.
13. We recommend you progress consideration of both applications to the next stage of analysis (Stage 2) and invite comments from specific Ministers listed in section 21(6) of the FTCA, Tararua District Council, Palmerston North City Council and Horizons Regional Council (for Te Rere Hau Wind Farm Repowering) and Auckland Council (for Selfs Road).
14. We recommend that you invite comments on the Te Rere Hau Wind Farm Repowering application from the Minister of Energy and Resources as an additional Minister under section 21(6)(n) of the FTCA and Transpower New Zealand Limited as an additional party under section 21(3) of the FTCA.
15. We recommend that you invite comments on the Selfs Road project from Auckland Transport and Watercare Services Limited as additional parties under section 21(3) of the FTCA.
16. We also recommend you request further information from both applicants as detailed in Table A.

### Statutory Framework Summary

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17. You are the sole decision maker for referral of the projects as they will not occur in the coastal marine area.
18. You may decline the referral applications before seeking comments from the relevant local authorities and any relevant Ministers:
  - a. if you are satisfied the projects do not meet the referral criteria in section 18 of the FTCA, (which include helping to achieve the purpose of the FTCA) (see sections 18(2) and 23(1) of the FTCA)
  - b. for any other reason (see section 23(2) of the FTCA).
19. If you do not decline the referral applications at this stage:
  - a. you must provide the applications to, and invite comments from, the relevant local authorities and the relevant Ministers prescribed by section 21(6) of the FTCA
  - b. you may provide the applications to and invite comments from any other person.
20. You are also able to request further information from the applicant or any relevant local authority at any time before you decide to decline or accept the referral applications (see section 22 of the FTCA).

## Action Sought

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21. Please indicate your decisions on the recommendations in Table A.

## Signature

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Stephanie Frame  
**Manager – Fast-track Consenting**

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the Official Information Act 1982



**Table A: Stage 1 initial assessment of project eligibility – projects where the Minister for the Environment is the only decision maker**

**Projects to progress**

Project details	Project description	Project funding	Is Project eligible for referral? [section 18(3)]	Will the Project help to achieve the purpose of the FTCA? [section 18(2)]						Recommendations	Minister's decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood the Project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
<b>Project name</b> Te Rere Hau Wind Farm Repowering <b>Applicant</b> NZ Windfarms Limited c/- Aurecon New Zealand Limited <b>Location</b> Ridgelines of the Tararua Range accessed from North Range Road, approximately 11 km southeast of Palmerston North	<p>The project will expand the overall footprint of the existing windfarm, remove 97 existing two-blade turbines 47 metres high and install 30 new three-blade turbines which are 162 metres high. This represents a 70% (approximately) reduction in the total number of turbines and an increase of approximately 245% in turbine height at the wind farm. The project scope includes options to uprate the existing transmission line connecting the wind farm to the national grid, or to install a new overhead transmission line.</p> <p>Activities will include vegetation removal, earthworks, removal of existing turbines, constructing new turbines including foundations and building pads, upgrading existing roads, constructing new roads and culverts, constructing new infrastructure including hardstand areas, underground electrical and communication cables, substation and grid connection equipment, and discharge of stormwater and contaminants.</p> <p>The project will require land use resource consents under the Tararua District Plan and the Palmerston North City District Plan, land use consents, water</p>	<p>The applicant proposes to fund the project through a combination of private equity and debt financing via BNZ bank.</p> <p>The applicant has provided evidence of funding significant infrastructure projects previously, primarily through generating capital. As a company listed on the NZX the applicant is confident of being able to raise funds relatively quickly.</p> <p>Based on the applicant's information we do not have any concerns about funding.</p>	<p>Based on available information at this stage, we consider the Project is eligible for referral because:</p> <ul style="list-style-type: none"> <li>it does not include any prohibited activities</li> <li>it does not include land returned under a Treaty settlement</li> <li>it does not occur in a customary marine title area or protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.</li> </ul>	<p>The applicant estimates that the project will provide:</p> <ul style="list-style-type: none"> <li>approximately 197 direct full-time equivalent (FTE) jobs over a three-year construction period and approximately 40 direct FTE ongoing jobs once construction is complete</li> <li>approximately \$66.7 million to GDP, including \$58.4 million to the local economy</li> </ul> <p>The applicant states that the project will create 193 direct FTE jobs regionally and 197 direct FTE jobs nationally. It is not clear whether the regional jobs are a subset of the national jobs, or whether the project will create 390 jobs in total. We recommend that you ask the applicant to clarify this.</p>	<p>The project has the potential for positive effects on the social wellbeing of current and future generations as it will:</p> <ul style="list-style-type: none"> <li>provide employment opportunities during construction and ongoing after construction</li> <li>provide additional renewable energy</li> </ul> <p>Although the applicant has commenced engagement with relevant iwi authorities it is not clear at this stage what the impacts on cultural values may be, and whether the project will have any positive effects on cultural well-being.</p>	<p>The applicant estimates that the use of the FTCA process will enable the project to progress 6-18 months faster than standard RMA processes due to the scale of the project and (consequent) likelihood of notification and appeals.</p>	<p>Based on the information provided we consider that the project is likely to result in the following public benefits:</p> <ul style="list-style-type: none"> <li>generating employment during and post-construction</li> <li>providing infrastructure to improve economic, employment and environmental outcomes</li> <li>contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emission economy.</li> </ul>	<p>The applicant states that the project has the potential for adverse effects, including:</p> <ul style="list-style-type: none"> <li>landscape and visual effects</li> <li>ecological effects</li> <li>transport and traffic effects</li> <li>acoustic effects from turbine operation</li> <li>temporary construction effects (including noise, dust and sediment discharge)</li> </ul> <p>The applicant states that the adverse effects arising from the project will not be significant and has provided details of mitigation measures to address potential adverse effects. Since the project may include activities with a non-complying activity status, and it is questionable whether a height increase of 245% would not result in significant adverse effects, we recommend that you seek additional comment from the applicant on how they expect the project to pass the non-complying tests in s104D of the RMA.</p>	<p>The applicant notes that they own or have existing access agreements over most of the land within the project site but still need to arrange a development agreement with the owner of one site in order to construct one of the new turbines. If this agreement cannot be obtained, they intend to progress the project with only 29 turbines. The applicant has provided a shapefile of the project area, but there are six existing turbines located to the north of the area. We recommend that you seek additional information from the applicant on whether these turbines will be removed and replaced as part of the project.</p> <p>The project shapefile includes parcels of Crown-owned land (mostly roads). It is not clear whether these are within the project site and whether any works are proposed on them. We recommend seeking this information from the applicant.</p> <p>The project includes two different options for connection to the national electricity grid. One of these options requires consent under the National Environmental Standards for Electricity Transmission Activities and would be obtained by Transpower, separately to this application. We recommend that you seek comment on this application from Transpower.</p>	<p>a. <b>Note</b> that section 23(3) of the FTCA permits you to decline the referral application without inviting comments from the relevant local authorities and any relevant Ministers.</p> <p>b. <b>Note</b> that you have not yet provided the application to, nor sought any comments on it from, relevant local authorities or relevant Ministers but that you are required to do so if you do not decline the application under section 23(3) of the FTCA.</p> <p>c. <b>Note</b> that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person.</p> <p>d. <b>Note</b> that section 22 of the FTCA permits you to request further information from the applicant or relevant local authorities at any time before you decide whether to accept or decline an application.</p> <p>e. <b>Agree</b> to progress the Te Rere Hau Wind Farm Repowering project to our Stage 2 analysis. The project warrants further analysis because it has potential to achieve the purpose of the FTCA but we need to consider some matters further before providing you with our final advice on the referral application.</p> <p>f. <b>Agree</b> to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> <li>the Ministers listed in section 21(6) of the FTCA</li> <li>the Minister of Energy and Resources</li> <li>Tararua District Council</li> <li>Palmerston North City Council</li> <li>Horizons Regional Council</li> <li>Transpower New Zealand Limited</li> </ul> <p>g. <b>Agree</b> to seek further information from the applicant on job numbers,</p>	<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>



Project details	Project description	Project funding	Is Project eligible for referral? [section 18(3)]	Will the Project help to achieve the purpose of the FTCA? [section 18(2)]						Recommendations	Minister's decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood the Project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
	takes, water diversion and discharge consents under the Horizons One Plan and resource consents under the Resource Management (National Environmental Standard for Freshwater) Regulation 2020 (NES-F). The proposed activities would have overall non-complying activity status due to the project potentially involving construction of transmission lines not proposed by a Network Utility Operator.							We note that you do not require a full Assessment of Environmental Effects and supporting evidence to make a referral decision, and that a panel will consider the significance of effects should the Project be referred.	The applicant states that they need to complete an access arrangement with two more landowners if the transmission line option is to go ahead. We recommend that you seek additional information from the applicant on when they will confirm whether the project scope includes the transmission line option, and whether they expect this to affect project timeframes.	<p>project scope including which turbines will be removed and whether the project area includes Crown land, how the project will pass the 'gateway tests' in s104D of the RMA, and when they can confirm if the project scope includes the transmission line option..</p> <p>h. <b>Sign</b> the attached letters to Ministers listed in section 21(6) of the FTCA and the Minister of Energy and Resources.</p> <p>i. <b>Note</b> that while awaiting these comments and further information, the Ministry for the Environment will, in consultation with the Office of Māori Crown Relations – Te Arawhiti, prepare a report for the purpose of section 17 of the FTCA.</p>	Yes/No
<b>Project name</b> Selfs Road  <b>Applicant</b> Acanthus Limited  c/- Berry Simons  <b>Location</b> 1 Selfs Road, Papatoetoe, Auckland	<p>The project is to subdivide 3.64-hectare site and construct approximately 115 single-level residential units, along with roads and three waters services.</p> <p>The project will involve activities such as:</p> <ul style="list-style-type: none"> <li>demolition of existing buildings</li> <li>vegetation clearance</li> <li>earthworks (including disturbing contaminated land)</li> <li>subdivision</li> <li>constructing residential units</li> <li>constructing roads and three waters services</li> <li>landscaping including planting.</li> </ul> <p>The project will require land use resource consents under the Auckland Unitary Plan and a resource consent under the Resource Management (National Environmental Standard for Assessing and</p>	<p>The applicant proposes to fund the project through a combination of private equity and mortgage funding through a mortgage trust.</p> <p>The applicant is a subsidiary company of Myland Partners Limited, which has a proven track record of delivering significant residential developments in New Zealand. We do not have concerns about the applicant's ability to fund the development at this stage.</p>	<p>Based on available information at this stage, we consider the Project is eligible for referral because:</p> <ul style="list-style-type: none"> <li>it does not include any prohibited activities</li> <li>it does not include land returned under a Treaty settlement</li> <li>it does not occur in a customary marine title area or protected customary rights area under the Marine and Coastal</li> </ul>	<p>The applicant estimates that the project will provide:</p> <ul style="list-style-type: none"> <li>approximately 110 direct full-time equivalent (FTE) and 217 indirect FTE jobs over a three-year construction period</li> <li>contribute approximately \$15 million to GDP through the construction sector.</li> </ul>	<p>The project has the potential for positive effects on the social and cultural wellbeing of current and future generations as it will:</p> <ul style="list-style-type: none"> <li>provide employment opportunities during construction</li> <li>increase housing supply in an area with a housing supply shortage.</li> </ul>	<p>The applicant estimates that the use of the FTCA process will enable the project to progress 12-36 months faster than standard RMA processes due to the scale of the project near a culturally significant site and (consequent) likelihood of notification and appeals.</p>	<p>Based on the information provided we consider that the project is likely to result in the following public benefits:</p> <ul style="list-style-type: none"> <li>generating employment</li> <li>increasing housing supply</li> <li>contributing to a well-functioning urban environment.</li> </ul>	<p>The applicant states that the project has the potential for adverse effects, including:</p> <ul style="list-style-type: none"> <li>landscape and visual effects</li> <li>effects on effects on landscape values including on an outstanding natural feature (ONF)</li> <li>traffic and transport effects</li> <li>temporary construction effects (including noise, vibration, dust, odour and sediment discharge)</li> <li>effects on infrastructure</li> <li>effects on cultural values</li> </ul> <p>The applicant states that adverse effects will not be significant and has provided details of</p>	<p>The site is located immediately adjacent to the Crater Hill (Nga Kapua Kohuora) which is identified as an ONF overlay in the AUP and is a site of significance to mana whenua (particularly Te Ākitai Waiohū). The applicant has provided Cultural Value Assessments from four of the relevant iwi authorities which indicate generally positive engagement and involvement of these iwi in aspects of project design to date.</p> <p>The project will require approvals from Auckland Transport and Watercare Services Limited as they administer the transport and three waters services for the site. We recommend that you seek comments from both these parties.</p>	<p>a. <b>Note</b> that section 23(3) of the FTCA permits you to decline the referral application without inviting comments from the relevant local authorities and any relevant Ministers.</p> <p>b. <b>Note</b> that you have not yet provided the application to, nor sought any comments on it from, relevant local authorities or relevant Ministers but that you are required to do so if you do not decline the application under section 23(3) of the FTCA.</p> <p>c. <b>Note</b> that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person.</p> <p>d. <b>Note</b> that section 22 of the FTCA permits you to request further information from the applicant or relevant local authorities at any time before you decide whether to accept or decline an application.</p> <p>e. <b>Agree</b> to progress the Selfs Road project to our Stage 2 analysis. The project warrants further analysis because it has potential to achieve the purpose of the FTCA but we need to consider some matters further before providing you with our</p>	Yes/No

Project details	Project description	Project funding	Is Project eligible for referral? [section 18(3)]	Will the Project help to achieve the purpose of the FTCA? [section 18(2)]						Recommendations	Minister's decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood the Project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
	<p>Managing Contaminants in Soil to Protect Human Health). The proposed activities will have overall restricted discretionary status due to earthworks and new buildings within the extent of the Crater Hill (Nga Kapua Kohuora) Outstanding Natural Feature overlay within the Auckland Unitary Plan.</p> <p>The applicant states a discharge consent will be required but has not identified any relevant discharge-related rules. We recommend that you seek additional information from the applicant on whether discharge consent and other construction-related consents are required.</p>		Area (Takutai Moana) Act 2011.					<p>proposed mitigation measures.</p> <p>We note that you do not require a full Assessment of Environmental Effects and supporting evidence to make a referral decision, and that a panel will consider the significance of effects should the project be referred.</p>		<p>final advice on the referral application.</p> <p>f. <b>Agree</b> to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> <li>the Ministers listed in section 21(6) of the FTCA</li> <li>Auckland Council</li> <li>Auckland Transport</li> <li>Watercare Services Limited</li> </ul> <p>g. <b>Agree</b> to seek further information from the applicant on whether the project will require discharge consents or other construction related consent under the Auckland Unitary Plan.</p> <p>h. <b>Sign</b> the attached letters to Ministers listed in section 21(6) of the FTCA and the Minister of Energy and Resources.</p> <p>i. <b>Note</b> that while awaiting these comments and further information, the Ministry for the Environment will, in consultation with the Office of Māori Crown Relations – Te Arawhiti, prepare a report for the purpose of section 17 of the FTCA.</p>	<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>

Signed:

Hon David Parker  
Minister for the Environment

Date