

FTC#122: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

Application 2021-077 Te Rere Hau Wind Farm Repowering

Date Submitted:	17 March 2022	Tracking #: BRF-1141
Security Level	In-Confidence	MfE Priority: Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decisions on recommendations	TBA

Actions for Minister's Office Staff	Return the signed briefing to MfE.
Number of appendices: 6	Appendices: 1. Te Rere Hau Wind Farm Repowering application documents and further information received 2. Stage 1 Briefing Note and decisions 3. Statutory framework for making decisions 4. Draft Notice of Decisions letter to NZ Windfarms Limited 5. Section 17 Report 6. Comments received from Ministers, local authorities and Transpower

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Max Gander-Cooper		
Manager	Stephanie Frame	s 9(2)(a)	✓
Director	Caroline Hart	s 9(2)(a)	

FTC#122: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

Key Messages

1. This briefing seeks your decisions on the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from NZ Windfarms Limited for referral of the Te Rere Hau Wind Farm Repowering project (the Project) to an expert consenting panel (a panel). A copy of the application is in Appendix 1.
2. This is the second briefing relating to this application. The first (Stage 1) briefing (BRF-1071) with your initial decisions annotated is in Appendix 2.
3. The Project is located on ridgelines of the Tararua Range north of the Aokautere-Pahiatua Road (Pahiatua Track), approximately 11 kilometres south-east of Palmerston North. It will expand the overall footprint of the existing Te Rere Hau wind farm, remove 97 existing 2-blade, 47-metre-high turbines and install 30 new 3-blade, 162-metre-high turbines and construct associated infrastructure.
4. The Project scope includes options to upgrade the existing underground transmission line connecting the wind farm to the national electricity grid, or to install a new overhead transmission line.
5. The Project will involve activities such as:
 - a. removing vegetation
 - b. carrying out earthworks (including on potentially contaminated soils)
 - c. removing existing infrastructure including turbines
 - d. upgrading existing roads
 - e. constructing roads and culverts
 - f. constructing infrastructure, including hardstand areas, foundations and building pads for turbines and (if a new transmission line is included) electricity transmission pylons
 - g. installing turbines, underground electricity transmission lines, underground electrical and communication cables, substation and grid connection equipment, and (if a new transmission line is included) electricity transmission pylons and overhead electricity transmission lines and associated infrastructure
 - h. taking and diverting surface water and groundwater
 - i. discharging stormwater and contaminants to land
 - j. any other activities that are –
 - i. associated with the activities described in paragraphs a to i
 - ii. within the scope of the Project as described in paragraph 3.
6. The Project requires 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 have overall non-complying activity status under the Palmerston North City District Plan due to the Project potentially involving construction of transmission lines not proposed by a Network Utility Operator.

7. The Project has the potential for adverse effects on landscape, visual amenity, birds and noise due to the height and operation of the proposed wind turbines. Noise arising from turbine operations has the potential to affect nearby residents, who have previously complained about existing wind farm operations. These issues could be considered by a panel as part of a merit assessment provided the applicant provides sufficient information to assess these effects and appropriate mitigation.
8. Despite the potential for the adverse effects referred to above, we recommend you accept the referral application under section 24 of the FTCA and refer the Project to a panel for fast-track consenting. We seek your decision on this recommendation and on our recommendations on directions to the applicant and a panel, and notification of your decisions.

Assessment against Statutory Framework

9. The statutory framework for your decision-making is set out in Appendix 3. You must apply this framework when you are deciding whether or not to accept the application and when deciding on any further requirements or directions associated with Project referral.
10. Before accepting the application, you must consider the application and any further information provided by the applicant (in Appendix 1), the Section 17 Report (in Appendix 5) and comments from local authorities, Ministers, and Transpower New Zealand Limited (Transpower) (in Appendix 6). Following that, you may accept the application if you are satisfied that it meets the referral criteria in section 18 of the FTCA. We provide our advice on these matters below.
11. We have also considered if there are any reasons for declining the Project, including the criteria in section 23(5) of the FTCA, and provide our advice on these matters to assist your decision-making.

Further information provided by applicant

12. In response to your request under section 22 of the FTCA the applicant provided further information on job creation, Project scope and location, which transmission line option will be used, and how the Project is expected to pass the gateway tests in section 104D of the Resource Management Act 1991 (RMA). We have taken this information into account in our analysis and advice.

Section 17 Report

13. The Section 17 Report indicates that there are five iwi authorities, four Treaty settlements and four Treaty settlement entities relevant to the Project area.
14. The report notes that in settlements with Rangitāne o Tamaki nui-a-Rua and Rangitāne o Wairarapa, and with Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, the Crown acknowledges the relationship that each iwi has with their mountains (among other things) forms part of their tribal identity and is integral to their spiritual and physical wellbeing.
15. The Crown also specifically acknowledges, in the settlement with Rangitāne, that historic environmental legislation before the late 1980s did not provide for the recognition of Māori cultural values and practices and limited the ability of Rangitāne to exercise kaitiakitanga over their natural environment or taonga.

16. Additionally, the Project site lies within the statutory acknowledgement area for the Manawatū River catchment, which forms part of the settlement with Rangitāne o Manawatū.
17. We note that both the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Treaty of Waitangi Negotiations have requested that specific information assisting relevant iwi to better assess Project effects on the Taraua Range be provided with any resource consent applications for the Project. This is further discussed below.
18. The relevant Treaty settlements do not create any new co-governance or co-management processes that would affect decision-making under the Resource Management Act 1991 (RMA) for this project.

Comments received

19. Comments were received from s 9(2)(b)(ii) Palmerston North City Council (PNCC) and Horizons Regional Council (HRC), and Transpower. The key points of relevance to your decision are summarised in Table A.
20. s 9(2)(f)(ii), s 9(2)(g)(i)
Transpower also supported Project referral.
21. s 9(2)(f)(ii), s 9(2)(g)(i)
22. s 9(2)(f)(ii), s 9(2)(g)(i)
23. PNCC provided comments jointly with HRC. The councils were not opposed to Project referral but noted that the existing consent for the operation of the wind farm has been subject to several noise complaints and court actions. While the outcome of High Court and Court of Appeal proceedings¹ determined that the wind farm was not breaching its consent conditions, these conditions were reviewed in 2017 and more onerous conditions subsequently imposed. The councils are concerned about potential acoustic effects from the proposed expansion of the windfarm and requested that the applicant be required to provide a detailed acoustic assessment with consent applications to a panel.

Section 18 referral criteria

24. You may accept the application for Project referral if you are satisfied that the Project does not include ineligible activities (section 18(3)) and will help to achieve the purpose of the FTCA (section 18(2)).

¹ *New Zealand Windfarms Limited v Palmerston North City Council* [2013] NZHC 1504, 20 June 2013, Williams J; *Palmerston North City Council v New Zealand Windfarms Limited* [2014] NZCA 601 (CA)

25. The Project does not include any ineligible activities, as explained in Table A.
26. The matters that you may consider when deciding if a project will help achieve the purpose of the FTCA are in Section 19 of the FTCA. Our assessment of these matters is summarised in Table A. We consider the Project will help achieve the purpose of the FTCA, and meet the requirements of section 18(2), as it has the potential to:
- a. generate employment by providing approximately 197 direct full-time equivalent (FTE) jobs over a 3-year construction period, and 40 direct ongoing FTE jobs once construction is complete
 - b. provide infrastructure to improve economic, employment and environmental outcomes
 - c. contribute to New Zealand's efforts to mitigate climate change and transition more quickly to a low greenhouse-gas-emissions economy by increasing New Zealand's total amount of renewable energy generation
 - d. progress faster than would otherwise be the case under standard Resource Management Act 1991 process, provided that the applicant lodges their applications for resource consent in a timely manner following Project referral.
27. We consider that any actual and potential effects arising from the Project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the RMA and the purpose of the FTCA.

Issues and Risks

28. Even if the Project meets the referral criteria in section 18 of the FTCA, section 23(2) of the FTCA permits you to decline to refer the Project for any other reason.

Section 23 FTCA matters

29. Section 23(5) of the FTCA provides further guidance on reasons to decline an application, and our analysis of these matters is summarised in Table A. Note that you may accept an application even if one or more of those reasons apply.
30. We considered whether it was more appropriate to assess the project under the RMA (under section 23(5)(b)) particularly given the height of the turbines, their potential for noise effects and the potential for public interest in changes to a large-scale wind farm in a rural area.
31. While the number of wind turbines will reduce overall, the new turbine height is 162 metres which is approximately 245 per cent higher than existing turbines. The increased turbine height has the potential for landscape and visual effects on the surrounding rural area.
32. Local authorities reported ongoing noise complaints with Te Rere Hau Wind Farm despite rulings from both the High Court and Court of Appeal in 2014 that the wind farm is not in breach of its consent conditions. More onerous noise conditions were imposed in 2017 following a review of the consent. We note that local authorities have indicated that the Project may alleviate the existing noise issues associated with the operation of the wind farm and the applicant states that an objective of the Project is to utilise newer technology to materially reduce noise effects. Given the scale of the turbines and noise complaint history, it is likely that some members of the public will consider that the Project should be subject to the full scrutiny and public consultation provided by the RMA.
33. Despite the Project's potential for adverse effects and public concerns about regulatory compliance, we consider that these issues do not prevent the project's consideration under the FTCA and a panel could assess a full resource consent application on its merits. If you decide to refer the Project, we recommend that you require the applicant to provide technical assessments on effects including landscape and visual, noise, transport and birds to assist

a panel with timely consideration of the application.

34. We consider that provision of appropriate information by the applicant, including information on noise effects and mitigation proposed to address issues raised in previous noise complaints relating to the existing wind farm, will enable a panel to identify the necessary parties to seek comment from. Therefore, we consider there is no overriding reason why this Project should go through standard RMA processes in preference to consideration under the FTCA.

Conclusions

35. We do not consider there are any significant reasons for you to decline to refer the Project. You could accept the application under section 24 of the FTCA and all of the Project could be referred to a panel.
36. If you decide to refer the Project, we consider that you should specify under section 24(2)(d) of the FTCA (as requested in comments) that the applicant must provide the following information, additional to the requirements of clause 9 of Schedule 6 of the FTCA, with their consent applications to a panel:
 - a. a landscape and visual assessment
 - b. an assessment of options to mitigate effects of the Project workforce on the local housing market
 - c. a detailed ecological assessment
 - d. an acoustic assessment
 - e. an integrated transport assessment.
37. The above information is required to assist a panel with their assessment of the application.
38. If you decide to refer the Project, we consider that you should specify under section 24(2)(e) of the FTCA that a panel must invite comments on a consent application from the following groups:
 - a. Minister of Energy and Resources
 - b. Ngā Kaitiaki o Ngāti Kauwhata
 - c. Transpower.
39. We consider that if you decide to refer the Project, the application and notice of decisions should be copied to the parties listed in paragraph 38.
40. Our recommendations for your decisions follow.

Next Steps

41. You must give notice of your decisions on the referral application, and the reasons for them, to the applicant and the persons, entities and groups listed in section 25 of the FTCA.
42. We have attached a notice of decisions letter to the applicant based on these requirements and our recommendations (refer Appendix 4). We will assist your office to give copies to all relevant parties.

43. To refer the Project, you must recommend that a referral order be made by way of an Order in Council (OIC).
44. Cabinet has agreed that you can issue drafting instructions to the Parliamentary Counsel Office without the need for a policy decision to be taken by Cabinet in the first instance.²

Released under the provision of
the Official Information Act 1982

² Following the first OIC, the Minister for the Environment (and Minister of Conservation for projects in the Coastal Marine Area) can issue drafting instructions directly to the Parliamentary Counsel Office. Cabinet has also agreed that a Regulatory Impact Assessment is not required for an OIC relating to projects to be referred to a panel [ENV-20-MIN-0033 and CAB-20-MIN-0353 refer].

Recommendations

1. We recommend that you:

- a. **Note** section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline this application for referral unless you are satisfied that the Project meets the referral criteria in section 18 of the FTCA including that it would help to achieve the FTCA's purpose.
 - b. **Note** when assessing whether the Project would achieve the FTCA's purpose, you may consider a number of matters under section 19, including the Project's economic benefits and costs, and effects on social or cultural well-being; whether it may result in a public benefit (such as generating employment or increasing housing supply); and whether it could have significant adverse effects.
 - c. **Note** before deciding to accept the application for Project referral under section 24(1) of the FTCA you must consider:
 - i. the application
 - ii. the report obtained under section 17 of the FTCA
 - iii. any comments and further information sought and provided within the required timeframe.
 - d. **Note** if you are satisfied that all or part of the Project meets the referral criteria in section 18 of the FTCA you may:
 - i. refer all or part of the Project to an expert consenting panel (a panel)
 - ii. refer the initial stages of the Project to a panel while deferring decisions about the Project's remaining stages
 - iii. still decline the referral application for any reason under section 23(2) of the FTCA.
 - e. **Note** if you do refer all or part of the Project you may:
 - i. specify restrictions that apply to the Project
 - ii. specify the information that must be submitted to a panel
 - iii. specify the persons or groups from whom a panel must invite comments
 - iv. set specific timeframes for a panel to complete their process.
 - f. **Agree** the Project meets the referral criteria in section 18(3) of the FTCA.
- Yes/No
- g. **Agree** the Project will help achieve the purpose of the FTCA (and therefore meets the referral criteria in section 18(2) of the FTCA) as it has the potential to:
 - i. generate employment by providing approximately 197 direct full-time equivalent (FTE) jobs over a 3-year construction period, and 40 direct ongoing FTE jobs once construction is completed
 - ii. provide infrastructure to improve economic, employment and environmental outcomes
 - iii. contribute to New Zealand's efforts to mitigate climate change and transition more quickly to a low greenhouse-gas-emissions economy by increasing New Zealand's total amount of renewable energy generation
 - iv. progress faster than would otherwise be the case under standard Resource

Management Act 1991 process, provided that the applicant lodges their applications for resource consent in a timely manner following Project referral.

Yes/No

- h. **Agree** to refer all of the Project to a panel

Yes/No

- i. **Agree** to specify under section 24(2)(d) of the FTCA the following additional information that the **applicant** must submit with any resource consent application lodged with the Environmental Protection Authority:

- i. a landscape and visual assessment including visual depictions of the new turbines, and any overhead pylons and transmission lines to be installed, from the west and east of the Tararua Range
- ii. an assessment of options to mitigate the effects of the Project workforce on the local housing market
- iii. a detailed ecological assessment including –
 1. analysis of effects on birds, including –
 - a. cumulative effects
 - b. effects of turbine size
 - c. effects of turbine rotation speed
 - d. acoustic effects
 2. a draft bird collision monitoring programme
 3. a lizard survey report
 4. an assessment of effects on lizards
 5. a draft lizard management plan
- iv. an acoustic assessment that includes:
 1. an assessment of construction and operational noise on the amenity of nearby dwellings in comparison to existing noise levels and proposed mitigation measures
 2. methods for monitoring and reporting operational noise and vibration, and reporting and responding to noise complaints.
- v. an integrated transport assessment that:
 1. identifies and addresses the effects of additional traffic on the road network during construction including on road safety and maintenance
 2. identifies how works required to repair construction damage to roads will be funded
 3. includes information about discussions held, and agreements made, by the authorised person and Palmerston North City Council.

Yes/No

- j. **Agree** to specify under section 24(2)(e) of the FTCA that a panel must invite comments from the following additional persons or groups:

- i. Minister of Energy and Resources
- ii. Ngā Kaitiaki o Ngāti Kauwhata

iii. Transpower New Zealand Limited.

Yes/No

- k. **Agree** to copy the application and notice of decisions to the parties listed in paragraph j.

Yes/No

- l. **Agree** to the Ministry for the Environment issuing drafting instructions to the Parliamentary Counsel Office for an Order in Council to refer the Te Rere Hau Wind Farm Repowering Project to a panel in accordance with your decisions recorded herein.

Yes/No

- m. **Sign the attached (Appendix 4)** notice of decisions to NZ Windfarms Limited.

Yes/No

- n. **Note** to comply with section 25(3) of the FTCA, you must ensure that the decisions, the reasons, and the Section 17 Report are published on the Ministry for the Environment's website. We will work with your office to complete this task.

Signatures



Stephanie Frame
Manager – Fast-track Consenting
Date: 17 March 2022

Hon David Parker
Minister for the Environment

Date

Table A: Stage 2 - Project Summary and Section 24 Assessment

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received (Note: for analysis and/or recommended responses to these comments refer to column 7)	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the Project help achieve the purpose of the FTCA (as per section 19)?			
Project name Te Rere Hau Wind Farm Repowering Applicant NZ Windfarms Limited c/- Aurecon New Zealand Limited Location Ridgelines of the Tararua Range accessed from North Range Road, approximately 11 km south-east of Palmerston North	The Project will expand the overall footprint of the existing Te Rere Hau wind farm, remove 97 existing 2-blade, 47-metre-high turbines and install 30 new 3-blade, 162-metre-high turbines and associated infrastructure. The Project scope includes options to upgrade the existing underground transmission line connecting the wind farm to the national electricity grid, or to install a new overhead transmission line. The Project will involve activities such as: - removing vegetation - carrying out earthworks (including on potentially contaminated soils) - removing existing infrastructure including turbines - upgrading existing roads - constructing roads and culverts - constructing infrastructure, including hardstand areas, foundations and building pads for turbines and (if a new transmission line is included) electricity transmission pylons - installing turbines, underground electricity transmission lines, underground electrical and communication cables, substation and grid connection equipment, and (if a new transmission line is included) electricity transmission pylons and overhead electricity transmission lines - taking and diverting surface water and groundwater	The Project is eligible for referral under section 18(3)(a)–(d) as: - it does not include any prohibited activities - it does not include activities on land returned under a Treaty settlement - it does not include activities in a customary marine title area under the Marine and Coastal Area (Takutai Moana) Act 2011.	Economic benefits for people or industries affected by COVID-19 (19(a)) The applicant estimates that the Project will provide: - approximately 197 direct full-time equivalent (FTE) jobs over a 3-year construction period and approximately 40 direct FTE ongoing jobs once construction is complete - approximately \$66.7 million to GDP, including \$58.4 million to the local economy. Economic costs for people or industries affected by COVID-19 (19(a)) N/A Effect on the social and cultural well-being of current and future generations (19(b)) The Project has the potential for positive effects on the social wellbeing of current and future generations as it will: - provide employment opportunities during construction and ongoing after construction - provide additional renewable energy. Is the Project likely to progress faster by using this Act? (19(c)) 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. Will the Project result in a public benefit? (19(d)) Based on the information provided we consider that the project is likely to result in the following public benefits:	Ministers s 9(2)(f)(ii), s 9(2)(g)(i)	Section 23(5) matters: Insufficient information (23(5)(a)) The applicant has provided sufficient information for you to determine whether the amended Project meets the criteria in section 18 of the FTCA. More appropriate to go through standard RMA process (23(5)(b)) We considered whether it was more appropriate to assess the project under the RMA particularly given the height of the turbines, their potential for noise effects and the potential for public interest in changes to a large-scale wind farm in a rural area. While the number of wind turbines will reduce overall, the new turbine height is 162 metres which is approximately 245 per cent higher than existing turbines. The increased turbine height has the potential for landscape and visual effects on the surrounding rural area. Local authorities reported ongoing noise complaints, despite rulings from both the High Court and Court of Appeal that the wind farm is not in breach of its consent conditions. We note that local authorities have indicated that the Project may alleviate the existing noise issues associated with the operation of the wind farm. Given the scale of the turbines and noise complaint history, it is likely that some members of the public will consider that the Project should be subject to the full scrutiny and public consultation provided by the RMA. Despite the Project's potential for adverse effects and public concerns about regulatory compliance, we consider that these issues do not prevent the project's consideration under the	In response to comments from Ministers: s 9(2)(f)(ii), s 9(2)(g)(i) In response to comments from councils: - we consider you should agree to councils' requests that you require the applicant to provide a landscape assessment, an acoustic assessment and an integrated transport assessment with their consent applications. There are no significant reasons to decline to refer the Project. We recommend that you accept the application under section 24 of the FTCA and refer all of the Project to a panel. We recommend that you require the applicant to provide the following further information with their consent applications: - a landscape and visual assessment including visual depictions of the new turbines and any overhead pylons and transmission lines to be

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received (Note: for analysis and/or recommended responses to these comments refer to column 7)	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the Project help achieve the purpose of the FTCA (as per section 19)?			
	i. discharging stormwater and contaminants to land j. any other activities that are – i. associated with the activities described in paragraphs a to i ii. within the scope of the Project as described above. The Project requires 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 have overall non-complying activity status under the Palmerston North City District Plan due to the Project potentially involving construction of transmission lines not proposed by a Network Utility Operator.		- generating employment during and post-construction - providing infrastructure to improve economic, employment and environmental outcomes - contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emission economy. Potential to have significant adverse environmental effects, including greenhouse gas emissions (19(e)) The applicant states that the project has the potential for adverse effects, including: - landscape and visual effects - ecological effects - transport and traffic effects - acoustic effects from turbine operation - temporary construction effects (including noise, dust and sediment discharge). The applicant states that the adverse effects arising from the Project will not be significant and has provided an assessment of how they anticipate that the Project will pass the non-complying tests in section 104D of the RMA. 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. Other relevant matters (19(f)) N/A	s 9(2)(f)(ii), s 9(2)(g)(i) Local authorities Palmerston North City Council (PNCC) and Horizons Regional Council (HRC) provided joint comments and considered that the Project may be appropriate for referral, if the consenting process can provide for the views of the persons affected by the Project to be heard and considered. The councils noted the following public benefits: - potentially alleviating existing noise issues - potentially reducing landscape and visual effects - increased employment - increased renewable electricity generation The councils noted that there was not enough information provided to identify significant issues with the Project but they expect that the likely significant issues will be: - acoustic effects on the local community - effects on transport network - landscape and visual effects. The councils identified that regulatory compliance in respect of the Te Rere Hau wind farm has been the subject of scrutiny over the life of its consent. The performance of the wind farm in relation to its conditions of consent relating to noise was considered at the Environment Court following many complaints from affected residents. Decisions on appeals to the High Court and Court of Appeal (New Zealand Windfarms Limited v Palmerston North City Council [2013] NZHC 1504) and [2014] NZCA 601 determined that the wind farm was not breaching its conditions. Considering the history of complaints, the potential noise impacts of this Project (positive or negative) will be of significant interest to affected residents in the vicinity of the wind farm, and to PNCC in relation to its consent monitoring and compliance functions. Therefore, if the Project	FTCA and a panel could assess a full resource consent application on its merits. If you decide to refer the Project, we recommend that you require the applicant to provide technical assessments on effects including landscape and visual, noise, transport and birds to assist a panel with timely consideration of the application. We consider that provision of appropriate information by the applicant, including information on noise effects and mitigation proposed to address noise complaints received in relation to the existing wind farm, will enable a panel to identify the necessary parties to seek comment from, and do not consider that this Project should go through standard RMA processes. Inconsistency with a national policy statement (23(5)(c)) Ministers and local authorities have not raised any concerns regarding consistency with any national policy statement and we do not consider that you should decline the referral application on the basis of section 23(5)(c) of the FTCA. Inconsistent with a Treaty settlement (23(5)(d)) Project referral would not be inconsistent with the relevant Treaty settlements provided the associated iwi have opportunity to participate meaningfully in assessment of consent applications for the Project. Involves land needed for Treaty settlements (23(5)(e)) The Project does not include land needed for treaty settlements. Applicant has poor regulatory compliance (23(5)(f)) Local authorities identified that regulatory compliance of the Te Rere Hau wind farm has been the subject of scrutiny over the life of its consent. The performance of	introduced from the west and east of the Tararua Range b. an assessment of options to mitigate the effects of the Project workforce on the local housing market c. a detailed ecological assessment including – i. analysis of effects of wind turbine operation on birds, including – 1. cumulative effects 2. effects of turbine size 3. effects of turbine rotation speed 4. acoustic effects ii. a draft bird collision monitoring programme iii. a lizard survey report iv. an assessment of effects on lizards v. a draft lizard management plan d. an acoustic assessment that includes: i. an assessment of construction and operation noise on the amenity of nearby dwellings in comparison to existing noise levels ii. an assessment of construction and operation noise on the amenity of nearby dwellings in comparison to existing noise levels and proposed mitigation measures iii. methods for monitoring and reporting on operational noise and vibration, and reporting and responding to noise complaints e. an integrated transport assessment that: i. identifies and addresses the effects of additional traffic on the road network during construction including on road safety and maintenance ii. identifies how works required to repair construction damage to roads will be funded

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received (Note: for analysis and/or recommended responses to these comments refer to column 7)	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the Project help achieve the purpose of the FTCA (as per section 19)?			
				is accepted to the fast track, PNCC would expect a process that enables comment on and careful consideration of noise related issues including potential conditions of consent. Other parties Transpower supported Project referral and noted they have had preliminary discussions with the applicant about connecting to the national power grid, and the implications of that. In particular, the existing transmission line (along North Range Road) may need to be upgraded or a new (overhead) line connection constructed. Both broad options are feasible, subject to significant detailed work. Transpower have provided a high-level timeline for any contracting, investigations into connection options for the connection, consenting, and delivery of any works. Provided appropriate management occurs, including time to carry out necessary investigations, the Project would not be inconsistent with Policy 10 (in particular) of the National Policy Statement on Electricity Transmission (section 23(5)(c) of the Act). All responses received by parties invited to comment are attached at Appendix 6.	the wind farm in relation to its conditions of consent relating to noise was considered at the Environment Court following many complaints from affected residents. Decisions on appeals to the High Court and Court of Appeal determined that the wind farm was not breaching its conditions. Insufficient time for the Project to be referred and considered before FTCA repealed (23(5)(g)) There is sufficient time for the Project to be considered before the FTCA is repealed.	iii. includes information about discussions held, and agreements made, by the authorised person and Palmerston North City Council We recommend you direct a panel to invite comments on any resource consent applications for the Project from: a. Minister of Energy and Resources b. Ngā Kaitiaki o Ngāti Kauwhata c. Transpower New Zealand Limited.

Released under the Official Information Act 1982