

Version  
as at 8 July 2023



**COVID-19 Recovery (Fast-track Consenting) Referred  
Projects (Waiuku and Southland Wind Farms)  
Amendment Order 2023**  
(SL 2023/169)

COVID-19 Recovery (Fast-track Consenting) Referred Projects (Waiuku and Southland Wind Farms) Amendment Order 2023: revoked, on 8 July 2023, by Schedule 1 clause 1(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35).

Cindy Kiro, Governor-General

**Order in Council**

At Wellington this 3rd day of July 2023

Present:

The Right Hon Chris Hipkins presiding in Council

This order is made under section 27 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 on the advice and with the consent of the Executive Council and on the recommendation of the Minister for the Environment.

**Contents**

		Page
1	Title	2
2	Commencement	2
3	Principal order	2

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**Note**

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This order is administered by the Ministry for the Environment.**

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

Version as at  
8 July 2023

cl 1

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4	New schedules inserted	2
	<b>Schedule</b>	<b>3</b>
	<b>New Schedules 104 and 105 inserted</b>	

**Order**

**1 Title**

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Waiuku and Southland Wind Farms) Amendment Order 2023.

**2 Commencement**

This order comes into force on 6 July 2023.

**3 Principal order**

This order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020.

**4 New schedules inserted**

After the last schedule,—

- (a) insert the schedules set out in the Schedule of this order; and
- (b) make all necessary consequential amendments.

**Schedule**  
**New Schedules 104 and 105 inserted**

cl 4

**Schedule 104**  
**Waiuku Wind Farm**

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is Waiuku Wind Farm (the **project**).

**2 Authorised person**

The authorised person for the project is LET Capital Number 3 Limited Partnership.

**3 Description of project**

(1) The scope of the project is to do the following:

(a) on land in the Waikato region that is south of Waiuku and is described in clause 5(1)(a) to (f) (the **main project site**),—

(i) construct and operate a wind farm; and

(ii) construct or install infrastructure or structures associated with the wind farm; and

(iii) install a concrete batching plant for the purpose of constructing the wind farm or infrastructure or structures associated with the wind farm:

(b) on land in the Waikato and Auckland regions that is described in clause 5(1)(g), do the following for the purpose of supplying electricity to the national grid:

(i) install 1 or more transmission lines:

(ii) carry out upgrades to existing transmission lines.

(2) The wind farm is proposed to have an output of approximately 80 megawatts peak and to include—

(a) up to 18 wind turbines with blade tips that are up to 190 metres high; and

(b) 2 wind monitoring masts that are up to 100 metres high.

**4 Description of activities involved in project**

(1) The project may involve the following activities:

- (a) removing vegetation, including—
  - (i) within, or within 10 metres of, a natural inland wetland; and
  - (ii) within a high risk erosion area.
- (b) carrying out earthworks, including—
  - (i) earthworks that disturb potentially contaminated soil; and
  - (ii) earthworks within, or within 10 metres of, a natural inland wetland; and
  - (iii) earthworks within a high risk erosion area:
- (c) taking, using, damming, or diverting water (including within 100 metres of a natural inland wetland) and discharging it onto land or into water (including within 100 metres of a natural inland wetland):
- (d) discharging contaminants (by way of stormwater) onto land or into water:
- (e) discharging contaminants into the air:
- (f) placing and using culverts in, on, or over the bed of a river:
- (g) using, erecting, reconstructing, placing, altering, extending, removing, or demolishing other structures or parts of structures in, on, under, or over the bed of a river:
- (h) upgrading or constructing bridges:
- (i) constructing or installing other structures or infrastructure, including—
  - (i) private accessways for vehicles; and
  - (ii) a concrete batching plant; and
  - (iii) wind turbines and turbine platforms; and
  - (iv) wind monitoring masts; and
  - (v) underground electrical cables and underground fibre-optic cables; and
  - (vi) a collector station building; and
  - (vii) transformers; and
  - (viii) infrastructure for three waters services; and
  - (ix) 1 or more transmission lines and support structures for those lines:
- (j) upgrading transmission lines:
- (k) operating a wind farm:
- (l) carrying out any other activities that are—
  - (i) associated with the activities described in paragraphs (a) to (k); and
  - (ii) within the scope of the project as described in clause 3 of this schedule.

- (2) In this clause, **high risk erosion area** has the meaning given in the Glossary of Terms in the Waikato Regional Plan.

## 5 Approximate geographical location

- (1) The project will occur on the following land:

*Main project site*

- (a) land at 66 Huarau Way, Waiuku that is comprised in the following:
- (i) Part Allotment 355 Parish of Waiuku West:
  - (ii) Lot 96B Parish of Waiuku West:
  - (iii) Lot 3 Deposited Plan 407996:
- (b) land at Robertson Road, Waiuku that is comprised in the following:
- (i) Part Lot 2 Deposited Plan 22917, Lot 1 Deposited Plan 116009, and Lot 3 Deposited Plan 120338:
  - (ii) Lot 2 Deposited Plan 427487:
- (c) land at 136 Thomson Road, Waiuku that is comprised in Lot 1 Deposited Plan 448864:
- (d) land at 191 Thomson Road, Waiuku that is comprised in Lot 2 Deposited Plan 456384:
- (e) land at 260 Thomson Road, Waiuku that is comprised in Lot 1 Deposited Plan 526041:
- (f) land at 612 Forestry Road, Waiuku that is comprised in the following:
- (i) Allotment 144 and Allotment 199 Parish of Waiuku West:
  - (ii) Lot 1 Deposited Plan 497779:
  - (iii) Lot 1 Deposited Plan 497891:
  - (iv) Lot 1-2 Deposited Plan 507466:

*Route of transmission lines*

- (g) land in the Waikato and Auckland regions shown as the routes of existing and possible transmission lines at Attachment 3 (Possible Transmission Route Options) of the section 17 report.
- (2) In this clause, **section 17 report** means the report, on the application for referral of the project, that was obtained under section 17 of the Act.

## 6 Further information to be submitted

The following information must be submitted to the panel with any consent application relating to the project (in addition to the information required by clause 9 of Schedule 6 of the Act):

- (a) the data from and results of surveying for the presence of birds and bats at the main project site:

- (b) an assessment of the effects of the activities involved in the project (including the operation of the wind farm) on the local ecology, including on—
- (i) vegetation; and
  - (ii) natural inland wetlands; and
  - (iii) 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.

**7 Persons who must be invited to comment on project**

The panel must invite comments on any consent application relating to the project from the following persons (in addition to the persons listed in clause 17(6) of Schedule 6 of the Act):

- (a) the Minister of Energy and Resources:
- (b) the Minister of Agriculture:
- (c) Transpower New Zealand Limited:
- (d) Counties Energy Limited:
- (e) Te Ākitai Waiohua Waka Taua Incorporated:
- (f) the Ngāti Koheriki Claims Committee:
- (g) the Ngāti Karewa Ngāti Tāhinga Trust.

**8 No further provision required**

No further provision is necessary to give effect to decisions made by the Minister under section 24 of the Act in respect of the project.

*Statement of reasons*

*This statement of reasons is published for the purposes of clause 4 of Schedule 3 of the Act*

The Minister for the Environment (the **Minister**) has accepted this application for referral. The Minister considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the Act's purpose, and sought and considered written comments from the following:

- the relevant Ministers listed in section 21(6) of the Act:
- the Minister of Energy and Resources:
- the Minister of Agriculture:
- Waikato District Council:
- Waikato Regional Council:
- Auckland Council:

- Transpower New Zealand Limited:
- Counties Energy Limited.

The Minister has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act because—
  - it has the potential to generate—
    - approximately 330 direct full-time equivalent jobs (**FTE jobs**) over a 2-year construction period; and
    - 31 ongoing direct FTE jobs after construction is complete; and
  - it has the potential to provide infrastructure that will contribute to improving economic and employment outcomes; and
  - it has the potential to contribute to New Zealand’s efforts to mitigate climate change and transition more quickly to a low-emissions economy by generating renewable energy; and
  - it is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any actual and potential effects on the environment, and proposed measures to avoid, remedy, mitigate, offset, or compensate for any adverse effects, can be appropriately tested by an expert consenting panel against Part 2 of the Resource Management Act 1991 and the purpose of the Act.

## Schedule 105 Southland Wind Farm

cl 5

*Project referred to expert consenting panel*

### 1 Name of project

The name of the project is Southland Wind Farm (the **project**).

### 2 Authorised person

The authorised person for the project is Contact Energy Limited.

### 3 Description of project

(1) The scope of the project is to do the following:

(a) on land in Oware, Southland that is described in clause 5(1)(a) (the **main project site**),—

- (i) construct and operate a wind farm; and
- (ii) construct or install infrastructure or structures associated with the wind farm; and
- (iii) construct or install other structures associated with constructing the wind farm (or with constructing or installing infrastructure or structures associated with the wind farm):

(b) on land in Gore, Southland that is described in clause 5(1)(b),—

- (i) construct or install infrastructure or structures associated with the wind farm; and
- (ii) construct or install other structures associated with constructing the wind farm (or with constructing or installing infrastructure or structures associated with the wind farm):

(c) on land in Oware and Gore, Southland that is described in clause 5(1)(b) to (d), construct a private accessway for vehicles to the main project site:

(d) on land in the Southland region that is described in clause 5(1)(e) and (f), upgrade roads:

(e) on land in the Southland region, or in the Southland and Otago regions, that is described in clause 5(1)(g), install a transmission line that runs from the main project site to an existing transmission line.

(2) The wind farm is proposed to have an output of 230 to 300 megawatts peak and to include—

- (a) up to 55 wind turbines with blade tips that are up to 220 metres high; and
- (b) 2 meteorological masts that are approximately 140 metres high.

#### **4 Description of activities involved in project**

The project may involve the following activities:

- (a) removing vegetation, including within, or within 10 metres of, a natural inland wetland:
- (b) carrying out earthworks, including—
  - (i) earthworks that disturb potentially contaminated soil; and
  - (ii) earthworks within, or within 10 metres of, a natural inland wetland; and
  - (iii) extracting gravel:
- (c) taking, using, damming, or diverting water (including within 100 metres of a natural inland wetland) and discharging it onto land or into water (including within 100 metres of a natural inland wetland):
- (d) discharging contaminants (by way of stormwater) onto land or into water:
- (e) discharging contaminants into the air:
- (f) placing and using culverts in, on, or over the bed of a river:
- (g) using, erecting, reconstructing, placing, altering, extending, removing, or demolishing other structures or parts of structures in, on, under, or over the bed of a river:
- (h) upgrading roads:
- (i) constructing or installing other infrastructure or structures, including—
  - (i) private accessways for vehicles; and
  - (ii) bridges; and
  - (iii) concrete batching plants; and
  - (iv) a machinery workshop; and
  - (v) workers' accommodation; and
  - (vi) wind turbines and turbine platforms; and
  - (vii) meteorological masts; and
  - (viii) underground electrical cables and underground communication cables; and
  - (ix) transformers; and
  - (x) infrastructure for three waters services; and
  - (xi) a substation; and
  - (xii) a transmission line and support structures for that line; and
  - (xiii) infrastructure for three waters services:
- (j) operating a wind farm:

- (k) carrying out any other activities that are—
  - (i) associated with the activities described in paragraphs (a) to (k); and
  - (ii) within the scope of the project as described in clause 3 of this schedule.

## 5 Approximate geographical location

- (1) The project will occur on the following land:

*Main project site*

- (a) land at 248 and 794 Venlaw Road and 232 Campbell Road, Oware:  
*Associated infrastructure or structures, including private accessway for vehicles*
- (b) land at 16 Davidson Road East, Gore:
- (c) land at 9999 Kaiwera Downs Road, Gore:
- (d) land at 1401 Venlaw Road, Oware:  
*Upgrades of roads*
- (e) the road reserves of State Highways 1, 93, and 98 that are in the Southland region:
- (f) the road reserves of Kaiwera Road and Kaiwera Downs Road, Gore:  
*Route of transmission line*
- (g) land in the Southland region that is shown as Option A or Option D, or land in the Southland and Otago regions that is shown as Option B, at Attachment 3 (Planned Layout—Site Plan) of the section 17 report.

- (2) In this clause, **section 17 report** means the report, on the application for referral of the project, that was obtained under section 17 of the Act.

## 6 Further information to be submitted

The following information must be submitted to the panel with any consent application or notice of requirement relating to the project (in addition to the information required by clause 9 of Schedule 6 of the Act):

- (a) the data from and results of surveying for the presence of birds, bats, and lizards at the main project site:
- (b) an assessment of the effects of the activities involved in the project (including the operation of the wind farm) on the local ecology, including on—
  - (i) vegetation; and
  - (ii) natural inland wetlands; and
  - (iii) birds, bats, and lizards and their habitats:

- (c) a description of measures to avoid, remedy, mitigate, offset, or compensate for those effects.

**7 Persons who must be invited to comment on project**

The panel must invite comments on any consent application or notice of requirement relating to the project from the following persons (in addition to the persons listed in clause 17(6) of Schedule 6 of the Act):

- (a) the Minister of Energy and Resources:
- (b) the Minister of Agriculture:
- (c) Transpower New Zealand Limited:
- (d) Te Ao Marama Incorporated:
- (e) Aukaha (1997) Limited.

**8 Time frame for processing application**

- (1) The panel must issue its final decision no later than 50 working days after the date specified for receiving comments under clause 18 of Schedule 6 of the Act.
- (2) However, if the scale or nature of the proposal is such that the panel is unable to complete its decision within the time specified in subclause (1), the panel may extend the period for issuing its final decision by up to a further 50 working days.
- (3) This clause applies instead of clause 37(2)(b)(i) and (3)(b)(i) of Schedule 6 of the Act.

**9 No further provision required**

No further provision is necessary to give effect to decisions made by the Minister under section 24 of the Act in respect of the project.

*Statement of reasons*

*This statement of reasons is published for the purposes of clause 4 of Schedule 3 of the Act*

The Minister for the Environment (the **Minister**) has accepted this application for referral. The Minister considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the Act's purpose, and sought and considered written comments from the following:

- the relevant Ministers listed in section 21(6) of the Act:
- the Minister of Energy and Resources:
- the Minister of Agriculture:
- Southland District Council:
- Gore District Council:

- Clutha District Council:
- Southland Regional Council:
- Otago Regional Council:
- Transpower New Zealand Limited.

The Minister has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act because—
  - it has the potential to generate—
    - approximately 160 to 240 direct full-time equivalent jobs (**FTE jobs**) over a 2-year construction period; and
    - 10 to 14 ongoing FTE jobs after construction is complete; and
  - it has the potential to provide infrastructure that will contribute to improving economic and employment outcomes; and
  - it has the potential to contribute to New Zealand’s efforts to mitigate climate change and transition more quickly to a low-emissions economy by generating renewable energy; and
  - it is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any actual and potential effects on the environment, and proposed measures to avoid, remedy, mitigate, offset, or compensate for any adverse effects, can be appropriately tested by an expert consenting panel against Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Diana Hawker,  
Acting Clerk of the Executive Council.

## Explanatory note

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which comes into force on 6 July 2023, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer 2 projects to expert consenting panels for the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**). The referred projects are the projects named and described in *new Schedules 104 and 105*.

The effect of the referral is—

- to authorise LET Capital Number 3 Limited Partnership to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 104*; and
- to authorise Contact Energy Limited—

- to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 105*; and
- to lodge notices of requirement under the Act, instead of under the Resource Management Act 1991, for designations, or to alter designations, relating to that project.

The expert consenting panels will be appointed under Schedule 5 of the Act and make decisions in accordance with Schedule 6 of the Act.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 5 July 2023.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Waiuku and Southland Wind Farms) Amendment Order 2023 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35): Schedule 1 clause 1(1)