

Version  
as at 8 July 2023



# COVID-19 Recovery (Fast-track Consenting) Referred Projects (Taheke Geothermal Project and Te Rere Hau Wind Farm Extension) Amendment Order 2023

(SL 2023/146)

COVID-19 Recovery (Fast-track Consenting) Referred Projects (Taheke Geothermal Project and Te Rere Hau Wind Farm Extension) 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 26th day of June 2023

Present:

The Hon Carmel Sepuloni 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.

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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.**

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## **Order**

### **1 Title**

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Taheke Geothermal Project and Te Rere Hau Wind Farm Extension) Amendment Order 2023.

### **2 Commencement**

This order comes into force on 29 June 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 90 and 91 inserted**

cl 4

**Schedule 90**  
**Taheke Geothermal Project**

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is the Taheke Geothermal Project (the **project**).

**2 Authorised person**

The authorised person for the project is Roopu Whakarite Mahi Limited Partnership.

**3 Description of project**

The scope of the project is to do the following on land at or near the Taheke geothermal field, Okere Falls, Rotorua:

- (a) construct, operate, and maintain a power station that generates electricity by using approximately 10,000 tonnes of geothermal fluid per day from the geothermal field:
- (b) construct, install, or upgrade the following infrastructure:
  - (i) underground and overhead transmission lines that are connected to a switchyard for the purpose of supplying electricity to the national grid:
  - (ii) roads and other accessways for vehicles:
  - (iii) infrastructure for three waters services:
- (c) construct or install other infrastructure or structures, including—
  - (i) approximately 14 wells within the geothermal field; and
  - (ii) a pipeline that extends across or under State Highway 33; and
  - (iii) other pipelines.

**4 Description of activities involved in project**

The project may involve the following activities:

- (a) carrying out earthworks:
- (b) removing vegetation:
- (c) taking and using geothermal fluid and discharging it onto land or into water:

- (d) taking and using surface water and groundwater:
- (e) discharging groundwater, stormwater, and contaminants onto land or into water:
- (f) discharging contaminants into the air:
- (g) constructing, operating, and maintaining a geothermal power station:
- (h) constructing, installing, or upgrading the following infrastructure:
  - (i) infrastructure for transmitting electricity:
  - (ii) roads and other accessways for vehicles:
  - (iii) infrastructure for three waters services:
- (i) constructing or installing other infrastructure or structures, including the following:
  - (i) infrastructure for taking, reinjecting, and transmitting geothermal fluid:
  - (ii) pipelines:
- (j) landscaping and planting, including for screening:
- (k) carrying out any other activities that are—
  - (i) associated with the activities described in paragraphs (a) to (j); 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 land (the **project site**) at or near the Taheke geothermal field, Okere Falls, Rotorua.
- (2) The project site is generally shown at Attachment 3 of the section 17 report.
- (3) 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

- (1) 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) an assessment of the effects of taking and using geothermal fluid on the geothermal resource of the Taheke geothermal field (and, if applicable, any other geothermal field), including—
    - (i) modelling and analysis of the geothermal reservoir (including reservoir geochemistry and geophysics); and
    - (ii) an assessment of effects on other users of the geothermal field or fields:

- (b) a flood hazard assessment, including—
  - (i) modelling that accounts for the effects of climate change; and
  - (ii) information as to whether the project site is subject to flooding in a 1% annual exceedance probability (AEP) or 0.2% AEP flood event; and
  - (iii) an assessment of whether the geothermal power station will be able to operate during and after a flood event:
- (c) an assessment of the greenhouse gas emissions that may be generated by the power station using geothermal energy, compared with other methods of generating electricity that are currently used in New Zealand:
- (d) an aeronautical study of the effects of discharges into the air that includes—
  - (i) modelling of well-testing plumes and steam plumes from cooling towers; and
  - (ii) an assessment of whether the velocity of discharges into the air will require the Director of Civil Aviation to be notified under rules made under the Civil Aviation Act 1990.

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**Guidance note**

See rule 77.7 of the Civil Aviation Rules, which are available at <https://aviation.govt.nz/rules>

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- (2) The aeronautical study is to be prepared in consultation with the following persons:
  - (a) Bay of Plenty Regional Council:
  - (b) Rotorua Regional Airport Limited:
  - (c) the Civil Aviation Authority of New Zealand:
  - (d) Air New Zealand Limited:
  - (e) Airways Corporation of New Zealand Limited.

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

- (1) 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) the Minister for Māori Development:
  - (d) Rotorua Regional Airport Limited:
  - (e) the New Zealand Transport Agency:
  - (f) Transpower New Zealand Limited:

- (g) the Civil Aviation Authority of New Zealand:
  - (h) Air New Zealand Limited:
  - (i) Airways Corporation of New Zealand Limited:
  - (j) the members of Te Maru o Kaituna/the Kaituna River Authority established under section 114 of the Tapuika Claims Settlement Act 2014:
  - (k) the trustees, acting in their capacity as trustees, of Ngāti Pikiao Iwi Trust:
  - (l) Te Arawa Lakes Trust:
  - (m) the trustees, acting in their capacity as trustees, of the Tapuika Iwi Authority:
  - (n) representatives of the Te Maru o Ngāti Rangiwewehi Iwi Authority.
- (2) To avoid doubt, a person or persons referred to in subclause (1) includes anyone who is appointed to represent the person or persons in any material respect (for example, anyone appointed as the appropriate contact for matters relating to the Resource Management Act 1991).

## **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 for Māori Development:
- Rotorua District Council:
- Bay of Plenty Regional Council:
- Rotorua Regional Airport Limited:
- the New Zealand Transport Agency:
- 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 120 direct full-time equivalent jobs (**FTE jobs**) over a 5-year design and construction period; and
    - approximately 10 ongoing FTE jobs; 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 91****Te Rere Hau Wind Farm—Aokautere Extension**

cl 5

*Project referred to expert consenting panel***1 Name of project**

The name of the project is the Te Rere Hau Wind Farm—Aokautere Extension (the **project**).

**2 Authorised person**

The authorised person for the project is NZ Windfarms Limited.

**3 Description of project**

The scope of the project is to do the following on land at Aokautere, Palmerston North:

- (a) further expand the Te Rere Hau Wind Farm by—
  - (i) installing up to 9 triple-bladed turbines that will stand up to 162 metres high; and
  - (ii) installing or constructing other infrastructure and structures, including transmission lines that are connected to a switchyard for the purpose of supplying electricity to the national grid:
- (b) remove 8 turbines from the wind farm:
- (c) widen and upgrade roads:
- (d) construct, upgrade, and widen other accessways for vehicles.

**4 Description of activities involved in project**

The project may involve the following activities:

- (a) removing vegetation:
- (b) carrying out earthworks:
- (c) removing infrastructure, including the existing turbines:
- (d) discharging stormwater (which may contain contaminants) onto land:
- (e) taking and diverting groundwater and discharging it onto land:
- (f) constructing and installing infrastructure or structures, including—
  - (i) hardstand areas; and
  - (ii) foundations and building pads; and
  - (iii) turbines; and
  - (iv) transmission lines; and
  - (v) culverts:

- (g) widening and upgrading roads:
- (h) constructing, widening, and upgrading other accessways for vehicles:
- (i) carrying out any other activities that are—
  - (i) associated with the activities described in paragraphs (a) to (h); and
  - (ii) within the scope of the project as described in clause 3 of this schedule.

**5 Approximate geographical location**

The project will occur on the following land at Aokautere, Palmerston North:

- (a) land at Forest Hill Road that is comprised in—
  - (i) Section 27 Block II Mangahao SD; and
  - (ii) Section 34 Block II Mangahao SD; and
  - (iii) Section 25 Block II Mangahao SD; and
  - (iv) Section 22 Block II Mangahao SD; and
  - (v) Section 3 Block II Mangahao SD; and
  - (vi) Section 5 Block II Mangahao SD; and
  - (vii) Section 7 Block II Mangahao SD; and
  - (viii) Section 2 Block II Mangahao SD; and
  - (ix) Subdivision 3 Sec 26 Block II Mangahao SD; and
  - (x) Section 36 Block I Mangahao SD; and
  - (xi) Section 18 Block II Mangahao SD; and
  - (xii) Part Section 363 Town of Fitzherbert; and
  - (xiii) Section 2 SO 556274:
- (b) the road reserve of North Range Road.

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

- (1) 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 New Zealand Transport Agency:
  - (c) Transpower New Zealand Limited:
  - (d) Ngā Kaitiaki o Ngāti Kauwhata Incorporated.
- (2) To avoid doubt, a person or persons referred to in subclause (1) includes anyone who is appointed to represent the person or persons in any material respect

(for example, anyone appointed as the appropriate contact for matters relating to the Resource Management Act 1991).

**7 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:
- Palmerston North City Council:
- Manawatū–Whanganui Regional Council:
- Tararua District 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 271 full-time equivalent jobs (**FTE jobs**) during construction and 30 ongoing FTE jobs after construction is completed; and
  - it has the potential to provide infrastructure to improve economic, employment and environmental outcomes; and
  - it has the potential to contribute to New Zealand's efforts to mitigate climate change and to transition more quickly to a low emissions economy; 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 29 June 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 90 and 91*.

The effect of the referral is—

- to authorise Roopu Whakarite Mahi 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 90*; and
- to authorise NZ Windfarms 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 91*.

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*: 27 June 2023.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Taheke Geothermal Project and Te Rere Hau Wind Farm Extension) 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)