

FTA#054: Application for listed project under the Fast-track Approvals Bill – Bunnythorpe Solar Farm Project for Schedule 2A

Date submitted to secretariat:	16 May 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

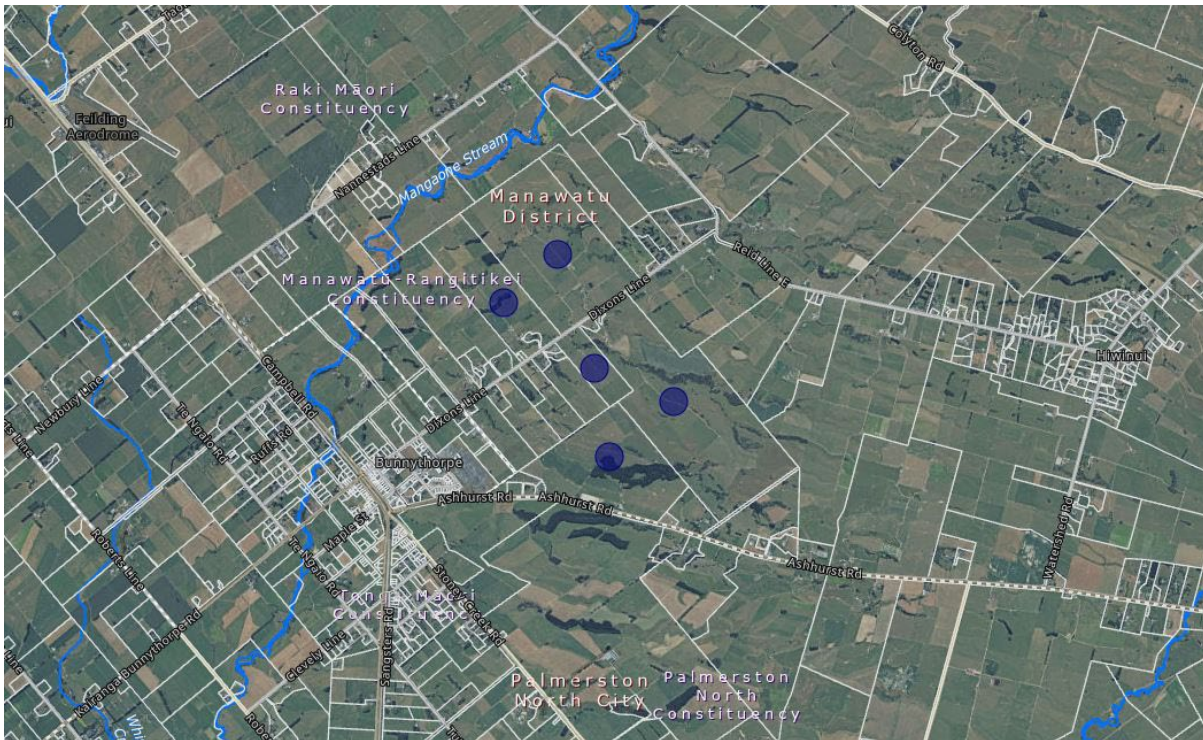
Number of attachments: #	Attachments: 1. Application documents for Bunnythorpe Solar Farm project
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Applicant	Sector	Region	Identified in a priority/strategy?
Harmony Energy NZ #5 Limited	Solar	Manawatu-Whanganui	No

Ministry for the Environment contacts

Position	Name	Mobile	1 st contact
Principal Authors	Max Gander-Cooper s 9(2)(a)		
Manager	Stephanie Frame	s 9(2)(a)	✓
Director	Ilana Miller	s 9(2)(a)	

Project location



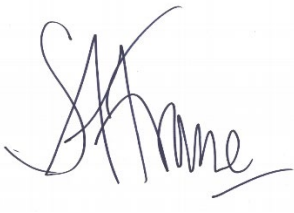
Key messages

1. The Bunnythorpe Solar Farm project is to construct and operate a solar farm on a 433-hectare site in Bunnythorpe, and to connect to and supply electricity to the national grid. The solar farm will have an approximate peak output of 400 Megawatts.
2. The solar farm will comprise:
 - a. approximately 660,000 solar panels
 - b. arrays and mounting structures, inverter cabinets, and associated infrastructure
 - c. approximately 107 inverters within 20-foot shipping containers
 - d. a substation and transmission line to connect to the national grid
 - e. an energy storage facility
 - f. underground electricity cables
 - g. ancillary buildings, structures and infrastructure (including roads, access, culverts, cabling, fencing, and other infrastructure)
 - h. landscaping including planting, boundary screening.
3. The project will require resource consents under the Resource Management Act 1991 (RMA).
4. We have undertaken an initial (Stage 1) analysis of the application and this is provided in Table A.
5. We consider the applicant has provided sufficient information to consider the project for inclusion on Schedule 2A (although if you disagree we note it could still be included on Schedule 2B based on the information provided).
6. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals

Bill (the Bill).

7. Advice on PSGE development priorities and Māori development is provided in Table A. Table B also includes the relevant PSGEs or Māori groups and the settlement mechanisms, that will/may be impacted by the project and whether the project is low, medium or high impact on Treaty settlement/s and other relevant arrangements. Appendix 1 provides further detail on how this advice should be considered and our approach to analysis.

Signature

A handwritten signature in blue ink, appearing to read 'S. Frame', is written over a light blue rectangular background.

Stephanie Frame
Manager – Listed Projects

Table A: Stage 1 initial assessment of project eligibility and Treaty settlement assessment and advice

Project details	Project description	Approvals sought	Consultation undertaken	Does the project trigger the ineligibility criteria [clause 18]?				Discretionary ground to decline [clause 21(2)]	Eligibility [clause 17]	
				Treaty settlement land, Māori customary land, customary marine title, customary rights, aquaculture settlement area, or prevented by RMA clauses [clauses 18(a-e, g)]	Access arrangement under CMA where a permit can't be granted, or is listed in items 1-11, 14 [clauses 18(f,h)]	Activity on a national reserve under Reserves Act which requires approval under that Act [clause 18(i)]	Prohibited activity under EEZA or regulations under that Act, decommissioning-related activities, offshore renewable energy progressing ahead of permitting legislation [clause 18(j-l)]		Is the project eligible [clause 17(2)]	Would the project have significant regional or national benefits [clause 17(3)]
High level summary			N	N	N	N	N			
Schedule requested 2A Name Bunnythorpe Solar Farm project Applicants Harmony Energy NZ #5 Limited Company Directors Peter Grogan Peter Kavanagh Alexander Thornton Note: Harmony Energy is an overseas registered company, and Overseas Investment Office approvals will be required for the project to go ahead. The applicant does not consider this is a barrier to listing, but you may wish to seek advice on this matter. Location The applicant has listed the following records of title for the application: - Lot 1 Deposited Plan 69251 - Lot 2 Deposited Plan 10074 - Section 2 Deposited Plan 236 - Lot 3 Deposited Plan 551427	The Bunnythorpe Solar Farm project is to construct and operate a solar farm on a 433-hectare site in Bunnythorpe, and to connect to and supply electricity to the national grid. The solar farm will have an approximate peak output of 400 Megawatts. The solar farm will comprise: - approximately 660,000 solar panels - arrays and mounting structures, inverter cabinets, and associated infrastructure - approximately 107 inverters within 20-foot shipping containers - a substation and transmission line to connect to the national grid - an energy storage facility - underground electricity cables - ancillary buildings, structures and infrastructure (including roads, access, culverts, cabling, fencing, and other infrastructure)	The applicant seeks approval under the: Resource Management Act 1991. The applicant notes they may require approval under the Wildlife Act 1953 and the Heritage New Zealand Pouhere Taonga Act 2014 but considers this is unlikely.	The applicant has identified the following groups as likely to be affected, but has not undertaken consultation yet: - Manawātū District Council - Palmerston North City Council - Horizons Regional Council - Rangitāne o Manawātū - Ngāti Raukawa ki te Tonga - Adjoining neighbours.	None of these ineligibility criteria are triggered.	No access arrangements are required under the Crown Minerals Act 1991 and the project does not include any Schedule 4 land.	The project site does not include any reserves.	The project will not take place in the EEZ.	<i>The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHNP Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahoā ā Rohe, or a joint management agreement</i> There is a statutory acknowledgement over the Manawātū River and its tributaries provided for in the Rangitāne o Manawatu Claims Settlement Act 2016 at Schedule 1, Part 2. The applicant notes that the Mangaone Stream "flows through and around the subject site". Generally, these are statutory acknowledgements by the Crown of a 'statement of association' between the Iwi and an identified area. Relevant councils must have regard to the statutory acknowledgement when deciding whether Rangitāne o Manawātū Settlement Trust is an 'affected person' for the purposes of	<i>Whether access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way than under normal processes</i> The proposal represents a large solar farm project in the current New Zealand context so there is the potential for the doubling of timeframes under standard processes due to the scale and complexity of the project. There is also the potential for public notification of the proposal under 'special circumstances', which would result in delays to the project. In addition, given the relative 'newness' of large-scale solar technology in New Zealand there is a risk that a lack of expertise and experience both within local government and the community could result in unnecessary delays through the traditional consenting pathways. Under a traditional consenting process, the requirement for doubling of timeframes, public notification and a hearing could result in a processing time of	<i>The project has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy) or central government infrastructure priority list</i> No - The applicant refers to the National Policy Statement for Renewable Energy Generation, the New Zealand Infrastructure Strategy and the Infrastructure Action Plan. While these documents promote renewable energy, they do not specifically identify this application. <i>The project will deliver regionally or nationally significant infrastructure</i> Yes - The project will significantly contribute to the supply and resilience of electricity within the national grid and reduce reliance on fossil fuels. The site is located in proximity to Palmerston North, Whanganui, and Wellington, being areas of high economic activity, where demand for electricity is high and increasing. The level of generation is sufficient to power the annual requirements of over 70,000 New Zealand households. <i>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment</i> No - The applicant considers the project will contribute to a well-functioning urban environment by providing a new secure energy supply within proximity to some of New Zealand's prospective growth centres. This does not align with the definition of a well-functioning urban environment under the National Policy Statement on Urban Development 2020

- Section 66 Sbdn O Manchester Block DIST - Section 1 and Section 14 Sbdn O Manchester Block and Defined on Deposited Plan 236 - Section 64 Sbdn C Manchester DIST - Section 74 Sbdn C Manchester DIST - Section 75 Sbdn C Manchester DIST - Lot 2 Deposited Plan 47513 - Lot 2 Deposited Plan 591066 - Lot 3 Deposited Plan 591066. We have identified the general project location in the attached image.	h. landscaping including planting, boundary screening.							notification decisions under the RMA. The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. The councils must send summaries of applications for resource consents to the iwi. The fast-track process does not provide those same rights to the PSGE. For Schedule 2A projects, there is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement) <i>It is more appropriate to deal with the application under another Act</i> The application does not appear to be so complex or contentious that it should be considered under another Act. We note Harmony Energy is progressing several projects under the COVID fast-track regime. <i>The project may have significant adverse effects on the environment</i> The applicant has provided a brief summary of potential adverse effects and considers they will not be significant. As noted above, Harmony Energy is progressing several applications through other regimes, and the degree of adverse effects is something that can be appropriately	some 200 days. This time could be at least doubled in the event of an appeal. Consequently, it is considered likely that the project will progress faster under the Fast Track process than the traditional RMA consenting pathway. <i>The impact referring this project will have on the efficient operation of the fast-track process</i> The applicant does consider listing the project will impact the efficient operation of the fast-track process and notes they are very familiar with the fast-track consenting process and have a proven track record in providing robust, complete applications that address all relevant environmental, cultural, and operational matters. The application will be prepared by suitably qualified and experienced experts. Harmony Energy secured resource consent to build the Tauhei Solar Farm via the COVID-19 Recovery (Fast-track Consenting) Act 2020, and the project will be constructed during 2024 and 2025. <i>Whether the application contains sufficient information to inform the referral decision</i> We consider the application contain sufficient information for you to assess it for inclusion in Schedule 2A.	<i>The project will deliver significant economic benefits</i> Yes - The project is forecast to cost ^{s 9(2)(b)(ii)} to construct and will yield substantial economic advantages for the region and the nation. The project is expected to generate over 1,020 jobs during the construction phase, and 21 full time operations and maintenance jobs during the operational phase of the project. <i>The project will support primary industries, including aquaculture</i> No - The project will support the farming sector by allowing for the ongoing grazing of stock (sheep) on the land below the solar panels. <i>The project will support development of natural resources, including minerals and petroleum</i> No <i>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions</i> Yes - The applicant states New Zealand must confront two major energy challenges as it meets growing energy demand. The first is to respond to the risks of climate change by reducing greenhouse gas emissions caused by the production and use of energy. The second is to deliver clean, secure, affordable energy while treating the environment responsibly. Solar farming has the lowest emissions of CO2 per kilowatt of energy generated, with only 6 grams of CO2 produced per kilowatt of energy. Further, the components used in the manufacture of solar energy (e.g., steel, glass, copper, cobalt) can all be recycled at the end of life. As such, an increase in solar energy infrastructure and resulting decrease in reliance on coal or new hydro will directly result in the lowering of New Zealand's carbon emissions relative to kilowatts of energy produced. The proposed solar farm will address this second challenge by contributing to central government strategic target that 90 per cent of electricity generated in New Zealand should be derived from renewable energy sources by 2025 and 100 per cent by 2030. <i>The project will support adaptation, resilience, and recovery from natural hazards</i> Yes - New Zealand's current electricity mix primarily relies on hydroelectric power, supplemented by thermal (coal and gas) and wind energy sources. The
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								considered by an expert panel with the benefit of appropriate information. <i>The applicant has a poor compliance history under the relevant legislation</i> It does not appear that the applicant has been subject to any compliance or enforcement action. <i>The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i> The project site is not available for Treaty settlement redress. <i>The project includes an activity that is a prohibited activity under the RMA</i> The project does not include any prohibited activities under the RMA that we are aware of.		addition of solar power to the national electricity mix will enhance resilience and adaptation to natural hazards and support recovery efforts in the aftermath of such events. <i>The project will address significant environmental issues</i> Maybe - Increasing New Zealand's supply of renewable energy is necessary to both meet growing demand for electricity and to reduce greenhouse gas emissions. <i>The project is consistent with local or regional planning documents, including spatial strategies</i> Yes - The applicant considers the project is consistent with the Manawatu District Plan and the Horizon One Plan.
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PSGE Settlement Priorities and Māori Development assessment –

Note - given the time and scope constraints of this advice, some assumptions have been made and engagement has only been undertaken in limited circumstances. Given this, the advice may not be comprehensive and is not intended to reflect the views of relevant Post Settlement Governance Entities or other groups (unless specifically noted). In limited circumstances where engagement has been able to occur, it has most likely not been comprehensive due to the timeframes available.

Advice on Māori development and PSGE settlement priorities includes information relating to:

- *where projects align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents.*
- *where projects contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or are being led by or in partnership with a Māori entity or business;*

to relevant provisions in Treaty settlements, Joint Management Agreements outside of settlement; Mana Whakahono ā Rohe; Iwi Environment Management plans; implications for groups yet to settle their historical Treaty of Waitangi claims; and implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)	This project does not appear to be ineligible according to the information provided in the application.
Affected Māori group/s	The applicant lists Rangitāne o Manawātū and Ngāti Raukawa ki te Tonga as the relevant iwi authorities. Information from Te Kāhui Māngai confirms the project area as being within the area of interest for Rangitāne o Manawātū (as provided in the Rangitāne o Manawātū settlement) and within the area in which Ngāti Raukawa ki te Tonga exercises kaitiakitanga for the purposes of the Resource Management Act 1991.
Has the applicant consulted with those Māori groups?	No – no evidence of consultation with these groups has been provided.
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<u>Impact on Treaty settlements and other relevant arrangements</u> Rangitāne o Manawatu Claims Settlement Act 2016 An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. For Part A projects, there is a requirement on the expert panel to invite comment from the PSGE on the application. Statutory Acknowledgement over the Manawātū River There is a statutory acknowledgement over the Manawātū River and its tributaries provided for in the Rangitāne o Manawatu Claims Settlement Act 2016 at Schedule 1, Part 2. The applicant notes that the Mangaone Stream "flows through and around the subject site". Generally, these are statutory acknowledgements by the Crown of a 'statement of association' between the Iwi and an identified area. Relevant councils must have regard to the statutory acknowledgement when deciding whether Rangitāne o Manawātū Settlement Trust is an 'affected person' for the purposes of notification decisions

	under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. The councils must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the EPA. Listing this project, and the fast-track process generally, in some respects will not provide equivalent impact to the statutory acknowledgement, which may limit the substantive input from Rangitāne o Manawātū on this project that would occur through the normal consenting regime. For example, under the RMA process, if a PSGE is notified as a result of the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide those same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and appeal). For Schedule 2 Part A projects, there is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). <i>Manawātū River Advisory Board</i> The Rangitāne o Manawātū Claims Settlement Act 2016 established the Manawatu River Advisory Board (the Advisory Board), of which its purpose is to provide advice to the Horizons Regional Council in relation to the freshwater management issues relating to the Manawatu River catchment area under the Resource Management Act 1991. The project is located within the Manawātū River catchment. The Horizons Regional Council, when exercising functions and powers and duties, must have regard to the advice of the Advisory Board which relates to freshwater management issues within the Manawatu River catchment area under the Resource Management Act 1991. Listing this project could impact the ability of the Advisory Board to provide advice to the Council on freshwater management issues relating to this project. Officials note however that the Advisory Board is in the process of becoming operational following its establishment. <u>Implications for groups yet to settle their historical Treaty of Waitangi claims</u> The application is within the area in which Ngāti Raukawa ki te Tonga exercises kaitiakitanga for the purposes of the Resource Management Act 1991. Ngāti Raukawa ki te Tonga are yet to settle their historical Treaty of Waitangi claims. Approximately 117 claims are being inquired into as part of the Porirua ki Manawātū district inquiry (Wai 2200). The inquiry is focused on the claims of Muaupoko, Te Ātiawa/Ngāti Awa ki Kāpiti and Ngāti Raukawa and affiliated groups, which include Ngāti Kauwhata, Ngāti Wehiwehi and the hapū of Te Reureu. The impact of the project on the matters contained within the inquiry cannot be determined at this time. <u>Other matters</u> In the time available, officials have not identified any other impacts for Treaty settlements, the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is outside of the common marine and coastal area), Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe, or a relevant iwi management plan, or broader PSGE settlement priorities and Māori development.
Is the project considered low, medium or high impact (based on assessment criteria above)	Officials consider the application to be medium impact due to the operation of the statutory acknowledgement for the Manawātū River and its tributaries, the Mangaone Stream flowing through the proposed site, potential/unknown implications for Raukawa ki te Tonga's unsettled Treaty of Waitangi historical claims and the lack of information available regarding the views of affected Māori groups.
Has the Ministry for the Environment undertaken engagement?	Officials consider engagement would be beneficial but were unable to undertake this in the time available.
Additional comments/context	N/A

Appendix One: Approach and considerations for Treaty settlement advice on listed project applications advice in Table A

1. Ministers have advised the Advisory Group should receive advice from officials on “Māori development and PSGE settlement priorities” relevant to each application. Note this differs from section 13 requirements of the current Fast Track Consenting Bill that ‘Ministers must consider Treaty settlements and other obligations report’ as these reports will not be in existence at the time, although matters identified in section 13 (2)(a)-(j) will be considered as part of official's analysis.
2. We have interpreted “Māori development” and “PSGE priorities” to mean primarily projects that:
 - a. align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents; and/or
 - b. contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or
 - c. the project is being led by or in partnership with a Māori entity or business.
3. Given the time constraints and limited engagement this advice cannot be considered as comprehensive and does not intend to reflect their views, and should not be read as such.
4. Engagement with PSGEs and other relevant groups has been considered based on potential high-risk factors including, but not limited to, if:
 - a. a project will take place on or effect any taonga or areas of significance that are protected by Treaty settlement arrangements.
 - b. a project will have a substantive and/or ongoing environment impact on any taonga or areas of significance.
 - c. a project will include a consenting arrangement that will require a significant take, or be ongoing for an extended period, in relation to a taonga or area of significance, or in regions where PSGEs have specific planning mechanisms in place.
 - d. PSGEs or other Māori entities have previously strongly contested the project or a similar type of project, particularly where court action has been taken.
 - e. The project is clearly in conflict with or undermines PSGE priorities.
 - f. Engagement would be required to maintain and uphold the Te Tiriti Crown relationship.
5. In limited circumstances where engagement occurs, it has been brief. Where engagement has been undertaken it is reflected in our analysis but should not be taken to mean that our Treaty Partners endorse our advice.