

FTC#226 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

Application 2023-143 Harmony Energy Solar Farm–Marton Project

Date submitted:	5 May 2023	Tracking #: BRF-3152	
Security level	In-Confidence	MfE priority:	Urgent

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

Actions for Minister's Office staff	Return the signed briefing to MfE. Send the attached notice of decisions letter (if signed).
Number of appendices: 7	Appendices: 1. Harmony Energy Solar Farm–Marton Project application documents (Databox link) 2. Stage 1 Briefing Note and decisions (Databox link) 3. Statutory framework for making decisions (Databox link) 4. Draft Notice of Decisions letter to Harmony Energy NZ #3 Limited 5. Section 17 Report (Databox link) 6. Comments received from Ministers, Rangitikei District Council, Horizons Regional Council and Transpower New Zealand Limited (Databox link) 7. Further information received post-consultation (Databox link).

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Melissa McGrath		
Acting Manager	Rebecca Perrett	s 9(2)(a)	✓
Acting Director	Lorena Stephen	s 9(2)(a)	

FTC#226: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

Key messages

1. This briefing seeks your final decisions on the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from Harmony Energy NZ #3 Limited to refer the Harmony Energy Solar Farm–Marton Project (project) to an expert consenting panel (panel). A copy of the application is in Appendix 1.
2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-2853) with your initial decisions annotated is in Appendix 2.
3. The project is to construct and operate a solar farm on an approximately 120-hectare site comprising 3 properties at 122 and 196 Whales Lane and 379 Pukepapa Road, Marton, and to connect to and supply electricity to the national grid via the Pukepapa Road legal road reserve. The solar farm will have an output of approximately 65 megawatts peak.
4. The solar farm will comprise:
 - a. approximately 103,000 solar panels, occupying approximately 93 hectares
 - b. arrays and mounting structures, inverter cabinets, underground cables and associated infrastructure
 - c. 28 power stations, two substations and one transformer
 - d. ancillary buildings, structures and infrastructure (including a storage building, roads, access, security fencing, CCTV poles and other infrastructure)
 - e. underground electricity cables, including within road reserve to connect to the Transpower substation at 362 Pukepapa Road, Marton
 - f. restoration and planting of riparian margins of the Tuaenui Stream.
5. The project will involve activities such as:
 - a. removing vegetation (including within, or within 10 metres of, a natural wetland)
 - b. carrying out earthworks (including within, or within 10 metres of, a natural wetland and disturbing potentially contaminated soils)
 - c. diverting groundwater
 - d. discharging groundwater, stormwater and contaminants to land and water
 - e. constructing buildings and other structures
 - f. installing underground electricity cables
 - g. installing infrastructure ancillary to the solar farm
 - h. constructing and upgrading roads, vehicle access and parking areas
 - i. landscaping and planting (including for boundary screening and for enhancing streams)
 - j. operating a solar farm
 - k. offering educational visits for students and other visitors
 - l. carrying out 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 paragraphs 3 and 4.

6. The project will require land use consents under the Rangitikei District Plan (RDP), water and discharge permits under the Horizons Regional One Plan (HROP), and resource consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).
7. The project site is in the Rural zone under the RDP and the project will have discretionary activity status under that plan. The applicant notes the project is considered 'specified infrastructure' and will have discretionary activity status under the NES-F due to the construction of specified infrastructure in a natural wetland.
8. Rangitikei District Council (RDC) opposed project referral and considered the project should proceed through standard Resource Management Act 1991 (RMA) processes. RDC considered the project has the potential for significant adverse effects, including cumulative effects, on rural landscape, character and visual amenity, and that the Marton community has a significant interest in the loss/alteration of rural character and amenity. With respect to the potential for cumulative effects, we note you invited comments on a separate referral application for Energy Farm Limited's Marton Solar Farm Project¹ that is proposed to be located approximately 1 kilometre to the south-east of the project site. We expect to provide you a Stage 2 briefing on that project in mid-May.
9. We consider the project meets the purpose of the FTCA and the concerns raised by RDC are not reasons you should decline the referral application. These matters are discussed further in the issues and risks section of this briefing.
10. 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 recommendations for directions to the applicant and a panel, and notification of your decisions.

Assessment against statutory framework

11. 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.
12. 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 Ministers, RDC, Horizons Regional Council (HRC) 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.
13. 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

14. You did not request any further information from the applicant under section 22 of the FTCA.

¹ Application 2023-140 Marton Solar Farm Project (Stage 1 briefing – BRF-2937)

15. Following our Stage 1 briefing on the project, the applicant provided updated information relating to approvals required under the Overseas Investment Act 2005. The applicant confirmed consent will be required from the Overseas Investment Office (OIO) for an interest in sensitive land and it also intends to notify the OIO of investment in a strategically important business. We have included analysis of this additional information below and in Table A.

Section 17 report

16. The Section 17 report indicates that Ngā Wairiki-Ngāti Apa Charitable Trust is the sole iwi authority and treaty settlement entity relevant to the project area. The Ngāti Apa (North Island) Claims Settlement Act 2010 is the only relevant treaty settlement.
17. No specific cultural or commercial redress provided under the treaty settlement would be affected by the project and the treaty settlement does not create any new co-governance or co-management processes that would affect decision-making under the RMA for the project.

Comments received

18. Comments were received from ^{s 9(2)(f)(ii), s 9(2)(a)(i)} [redacted], RDC, HRC and Transpower. The key points of relevance to your decision are summarised in Table A.
19. ^{s 9(2)(f)(ii), s 9(2)(g)(i)} [redacted]
20. ^{s 9(2)(f)(ii), s 9(2)(g)(i)} [redacted]
21. ^{s 9(2)(f)(ii), s 9(2)(g)(i)} [redacted]
22. ^{s 9(2)(f)(ii), s 9(2)(g)(i)} [redacted]
23. ^{s 9(2)(f)(ii), s 9(2)(g)(i)} [redacted]
24. RDC opposed project referral and considered the project should proceed through standard RMA processes as RDC has the benefit of local knowledge and context of the site and surrounding area. RDC noted the land surrounding Marton includes some of the most fertile land in the south-western North Island, and the project is located on one of the main roads into Marton and has potential to generate significant adverse effects on rural landscape, character and visual amenity. RDC considered the Marton community has a significant interest in the loss/alteration of rural character and amenity that would result from the project.
25. RDC noted it is currently processing a resource consent application for a 42 Megawatt peak solar farm on the corner of Whales Line and Pukepapa Road (Part Lot 7 A 2790) that is directly across the road from the project site. RDC also advised it has had pre-application

² Harmony Energy Solar Farm-Opunake Project and Harmony Energy Solar Farm-Masterton Project

discussions regarding a further solar farm proposed on Part Lot 5 DP 9509 that is also across the road from the project site. RDC noted that consideration of the cumulative effects of three solar farms in close proximity to each other will be important.

26. HRC did not oppose project referral but due to the project's scale saw no reason why it could not be processed under standard RMA processes.
27. RDC and HRC noted several reports and assessments that would normally be required for a project of this type.
28. Transpower supported project referral and noted any construction activities will need to avoid compromising the 110kV Bunnythorpe-Whanganui B line that traverses the site in two locations. Transpower noted a connection to the national grid via the Marton substation may require the construction of new Transpower assets and it has had discussions with the applicant regarding this. Transpower also identified agreements/approvals³ the applicant will require but noted that obtaining these, and any required works on the Marton substation, should not prevent construction activities for the project commencing as per the applicant's proposed timing. We note Transpower's comments were received 3 working days late and under section 21(5) of the FTCA you are not required to consider comments received after the 10-working day period but may do so at your discretion as you have not already made a decision on the application.

Section 18 referral criteria

29. You may accept the application for project referral if you are satisfied the project does not include ineligible activities (section 18(3)) and will help to achieve the purpose of the FTCA (section 18(2)).
30. The project does not include any ineligible activities, as explained in Table A.
31. 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 thus meet the requirements of section 18(2), as it has the potential to:
 - a. generate employment by creating approximately 87-130 direct full-time equivalent (FTE) jobs over a 12-18 month construction period and approximately 5 ongoing FTE jobs
 - b. provide infrastructure that will contribute to improving economic and employment outcomes
 - c. contribute to New Zealand's efforts to mitigate climate change and transition more quickly to a low emissions economy by increasing New Zealand's renewable energy generation
 - d. progress faster than would otherwise be the case under standard RMA process.
32. We consider 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

33. 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.

³ Investigation Services Agreement and a Transpower Works Agreement

Section 23 FTCA matters

34. 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.
35. Section 23(5)(b) of the FTCA enables you to decline a project if it is more appropriate for the project to go through standard RMA consenting processes. This is the key issue for this project as standard RMA consenting processes might enable more public input than under the FTCA process, because of the potential adverse effects on rural landscape, character and visual amenity as identified by RDC.
36. The applicant's preliminary landscape advice concludes that there will be no significant landscape effects and that design mitigation refinement can be undertaken to address specific issues if required. We note RDC's concerns regarding the cumulative effects of this project and the proposed solar farm directly opposite the project site on Part Lot 7A 2790. If you decide to refer the project, we consider you should require the applicant to provide a panel with a landscape and visual assessment which includes consideration of cumulative effects and takes into account any other solar farms.
37. There is a risk that referring the project could be viewed negatively by the wider community who may expect to be involved in a standard consenting process under the RMA due to the nature and scale of the project. If you decide to refer the project, a panel must invite comments from adjacent landowners and occupiers under clauses 17(6)(g) and 17(6)(h), Schedule 6 of the FTCA. A panel also can invite comments from any person they consider appropriate (clause 17(8), Schedule 6 of the FTCA). We consider a panel will be best placed to assess the project's effects, with the benefit of a complete resource consent application. Therefore, we do not consider that you should decline the referral application on the basis that it would be more appropriate for the project to go through the standard consenting process under the RMA (section 23(5)(b)).
38. Section 23(5)(c) enables you to decline a project if the project is considered to be inconsistent with a relevant national policy statement. The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) came into effect on 17 October 2022 and includes a definition of 'highly productive land'⁴. The project site includes areas of land that are Land Use Capability Class 3 and therefore are likely to meet the definition of 'highly productive land' under the NPS-HPL. The NPS-HPL places restrictions on development, subdivision and inappropriate use of highly productive land. The applicant considers the project meets the definition of specified infrastructure under the NPS-HPL and has noted the project site will continue to be used for productive farming activities (sheep grazing) beneath and around the solar panels and will return to productive land use at the end of the operational life of the solar farm in approximately 30 to 40 years. The applicant has provided a high-level assessment of the project against the NPS-HPL and considers the project is not inconsistent with it.
39. RDC noted the land surrounding Marton includes some of the most fertile land in the south-western North Island but did not raise significant concerns regarding loss of productive land for this project. If you decide to refer the project the applicant will need to undertake a detailed assessment, and a panel must have regard to any relevant provisions of the NPS-HPL when

⁴ Until a regional policy statement contains maps of highly productive land, each territorial and consent authority must apply the NPS-HPL as if references to 'highly productive land' were references to land that, at the commencement date: (a) is (i) zoned general rural or rural production; and (ii) LUC 1, 2, or 3 land; but (b) is not: (i) identified for future urban development; or (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

Under the NPS-HPL, 'Identified for future urban development' means: (a) identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years; or (b) identified: (i) in a strategic planning document as an area suitable for commencing urban development over the next 10 years; and (ii) at a level of detail that makes the boundaries of the area identifiable in practice. While the land has been identified for future development in the KDCD growth strategy and WRGF, it is unclear whether this will be commenced over the next 10 years.

considering resource consent applications for the project. We consider a panel will be best placed to assess the project against the NPS-HPL, with the benefit of a complete resource consent application, and we do not consider that you should decline the referral application on the basis that it would be inconsistent with a relevant national policy statement (section 23(5)(c)).

40. At this stage we consider there is sufficient time before 8 July 2023 for you to progress an Order in Council through Cabinet and for it to be authorised by the Executive Council, should you decide to refer the project. Therefore, we consider you should not decline to refer the project on the basis that there is insufficient time for the project to be referred and considered before the FTCA is repealed (23(5)(g)).

Other matters

41. There is a risk that if you decide to refer the project and the necessary resource consents are granted by a panel, the applicant may not be able to exercise them because the necessary OIO approval is not in place. The applicant noted it has met with officials from the OIO and been advised applications relating to renewable energy projects are prioritised and processing times have materially reduced. The applicant considers four to six months will be ample time for preparation, submission and processing of applications for OIO consent and is confident it can obtain the required OIO approval. Overall, we do not consider this matter presents a high risk to project delivery or timing.
42. Transpower identified agreements/approvals relating to the national grid that the applicant will require to complete the project. Transpower noted that obtaining these, and any required works on the Marton substation, should not prevent construction activities for the project commencing as per the applicant's proposed timing. Transpower supported project referral and did not raise any significant concerns regarding the applicant's proposed national grid connection, therefore we do not consider the need to obtain separate agreements/approvals from Transpower presents a high risk to project delivery or timing.
43. We do not consider that you should decline the referral application on the basis that additional approvals are required.

Conclusions

44. We do not consider that you should decline to refer the project in whole or in part on the basis of the risks and issues identified above. You could accept the application under section 24 of the FTCA and refer all of the project to a panel.
45. If you decide to refer the project, we consider you should specify under section 24(2)(d) of the FTCA that the applicant must submit the following information to a panel with their consent applications, in addition to the requirements of clause 9 of Schedule 6 of the FTCA:
 - a. a landscape and visual assessment
46. If you decide to refer the project, we consider you should specify under section 24(2)(e) of the FTCA that a panel must invite comments on consent applications for the project from the following parties:
 - a. Minister of Energy and Resources
 - b. Minister of Agriculture
 - c. Transpower New Zealand Limited
 - d. Tūwharetoa Māori Trust Board
 - e. Tūwharetoa Settlement Trust

- f. Te Runanga o Raukawa Incorporated
- g. Ngā Kaitiaki o Ngāti Kauwhata Incorporated.

Next steps

- 47. If you decide to refer the project, you must give notice of your decisions on the referral application, and the reasons for them, to the applicant, anyone invited to comment under section 21, and the persons, entities and groups listed in section 25(2) of the FTCA. We consider you should also give the notice of decisions together with a copy of the application to Tūwharetoa Māori Trust Board, Tūwharetoa Settlement Trust, Te Runanga o Raukawa Incorporated and Ngā Kaitiaki o Ngāti Kauwhata Incorporated as identified in the Section 17 report.
- 48. If you decide to decline project referral, you must give the notice of your decisions, and the reasons for them, to the applicant and anyone invited to comment under section 21.
- 49. We have attached a notice of decisions letter to the applicant based on our recommendations (refer Appendix 4). Once you have signed the letter we will assist your office to copy it to all relevant parties.
- 50. To refer the project, you must recommend that a referral order be made by way of an Order in Council (OiC). 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.⁵
- 51. As required by section 25(3) of the FTCA, you must ensure that your decisions on the referral application, the reasons and the Section 17 report are published on the Ministry for the Environment's website. We will undertake this task on your behalf in accordance with your direction.
- 52. Our recommendations for your decisions follow.

⁵ 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].

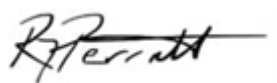
Recommendations

53. We recommend that you:

- a. **Note** section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline the referral application from Harmony Energy NZ #3 Limited unless you are satisfied that the Harmony Energy Solar Farm–Marton Project (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 (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 creating approximately 87–130 direct full-time equivalent (FTE) jobs over a 12-18 month construction period and approximately 5 ongoing FTE jobs
 - ii. provide infrastructure that will contribute to improving economic and employment outcomes
 - iii. contribute to New Zealand's efforts to mitigate climate change and transition more quickly to a low emissions economy by increasing New Zealand's renewable energy generation

- iv. progress faster than would otherwise be the case under standard Resource Management Act 1991 process.
- 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 of the proposed solar farm (including associated buildings, infrastructure and structures), that includes assessment of the cumulative effects of solar farms, on the biophysical landscape and the character of the existing rural landscape, taken from both private and public vantage points.
- Yes/No
- j. **Agree** to specify under section 24(2)(e) of the FTCA that a panel must invite comments from the following persons or groups in addition to the parties listed in clause 17 of Schedule 6 of the FTCA:
- i. Minister of Energy and Resources
ii. Minister of Agriculture
iii. Transpower New Zealand Limited
iv. Tūwharetoa Māori Trust Board
v. Tūwharetoa Settlement Trust
vi. Te Runanga o Raukawa Incorporated
vii. Ngā Kaitiaki o Ngāti Kauwhata Incorporated.
- Yes/No
- k. **Agree** to copy the application and notice of decisions to the following parties additional to those specified in section 25 of the FTCA:
- i. Tūwharetoa Māori Trust Board
ii. Tūwharetoa Settlement Trust
iii. Te Runanga o Raukawa Incorporated
iv. Ngā Kaitiaki o Ngāti Kauwhata Incorporated.
- 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 project to a panel in accordance with your decisions recorded herein.
- Yes/No
- m. **Sign** the notice of decisions letter to the applicant (attached in Appendix 4).
- Yes/No
- n. **Require** the Ministry for the Environment to publish your decisions, reasons and the Section 17 report on the Ministry for the Environment's website.

Signatures

A handwritten signature in black ink, appearing to read 'R Perrett', enclosed within a thin black rectangular border.

Rebecca Perrett
Acting Manager – Fast-track Consenting

Hon David Parker
Minister for the Environment

Date:

Table A: Stage–2 - Project summary and section 24 FTCA assessment for projects where the Minister for the Environment is the sole decision maker

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received <i>(Note: for analysis and/or recommended responses to these comments refer to column 7)</i>	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(–) - does the project help achieve the purpose of the FTCA (as per section 19)?			
Name Harmony Energy Solar Farm–Marton Project Applicant Harmony Energy NZ #3 Limited c/- Christina Walker, 4sight Consulting Limited – Part of SLR Location 122 and 196 Whales Lane and 379 Pukepapa Road, Marton and Pukepapa Road road reserve. (Lot 1 DP 301560, Lot 6A Application Plan 1550, Part Sections 1 – 3 5 Rangitikei Agricultural Reserve)	The project is to construct and operate a solar farm on an approximately 120-hectare site comprising 3 properties at 122 and 196 Whales Lane and 379 Pukepapa Road, Marton, and to connect to and supply electricity to the national grid via the Pukepapa Road legal road reserve. The solar farm will an output of approximately 65 megawatts peak. The solar farm will comprise: a. approximately 103,000 solar panels, occupying approximately 93 hectares b. arrays and mounting structures, inverter cabinets, underground cables and associated infrastructure c. 28 power stations, two substations and one transformer d. ancillary buildings, structures and infrastructure (including a storage building, roads, access, security fencing, CCTV poles and other infrastructure) e. underground electricity cables, including within road reserve to	The project is eligible for referral under section 18(3)(a)–(d) as: <ul style="list-style-type: none"> 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 or a protected customary rights 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 the project will: <ul style="list-style-type: none"> provide approximately 87–130 direct full-time equivalent (FTE) jobs over a 12-18 month construction period and 5 ongoing FTE jobs for the life of the project (approximately 35 years). Economic costs for people or industries affected by COVID-19 (19(a)) <ul style="list-style-type: none"> N/A Effect on the social and cultural well-being of current and future generations (19(b)) The applicant considers the project will contribute to the overall wellbeing of the area from the economic benefits and employment opportunities, and contribute to increased electricity supply and security which will assist communities. Is the project likely to progress faster by using this Act? (19(c)) The applicant estimates the FTCA process will allow the project to progress 12-20 months faster than under standard RMA processes due to the likelihood of notification, a hearing and potential for appeals under standard process. We consider the applicant's estimate is reasonable. Will the project result in a public benefit? (19(d)) Based on the applicant's information we consider the project may result in the following public benefits: <ul style="list-style-type: none"> generating employment by providing approximately 130 FTE jobs over a 12-month construction period or 87 FTE jobs over an 18-month 	Ministers s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) Local authorities	Section 23(5) matters: Insufficient information (23(5)(a)) The applicant has provided sufficient information for you to determine whether the project meets the criteria in section 18 of the FTCA. More appropriate to go through standard RMA process (23(5)(b)) This is the key issue for the project because of the potential adverse effects on rural landscape, character and visual amenity as identified by RDC. The applicant's preliminary landscape advice concludes that there will be no significant landscape effects and that design mitigation refinement can be undertaken to address specific issues if required. There is a risk that referring the project could be viewed negatively by the wider community who may expect to be involved in a standard consenting process under the RMA due to the nature and scale of the project and potential adverse effects. If you decide to refer the project, a panel must invite comments from adjacent landowners and occupiers under clauses 17(6)(g) and 17(6)(h), Schedule 6 of the FTCA. A panel also can invite comments from any person they consider appropriate (clause 17(8), Schedule 6 of the FTCA). We consider a panel will be best placed to assess the project's effects, with the benefit of a complete resource consent application. Therefore, we do not consider that you should decline the referral application on the basis that it would be more appropriate for the project to go through the standard consenting process under the RMA (section 23(5)(b)). Inconsistency with a national policy statement (23(5)(c)) The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) came into effect on 17 October 2022 and includes a definition of 'highly productive land'. The project site includes areas of land that are Land Use Capability Class 3 and therefore are likely to meet the definition of 'highly productive land' under the NPS-HPL. The NPS-HPL places restrictions on development, subdivision and inappropriate use of highly productive land. The applicant considers the project meets the definition of specified infrastructure under the NPS-HPL and has noted the project site will continue to be used for productive farming activities (sheep grazing) beneath and around the solar panels and will return to productive land use at the end of the operational life of the solar farm in approximately 30 to 40 years. The applicant has provided a high-level assessment	In response to key comments: <ul style="list-style-type: none"> s 9(2)(f)(ii), s 9(2)(g)(i) we note that RDC and HRC identified a number of reports and assessments which would normally be required for a project of this type. We consider these reports are generally covered by the requirements of clause 9 Schedule 6 of the FTCA and RDC and HRC will have the opportunity to comment on a resource consent application to a panel. We therefore do not consider you need to require the applicant to provide all the information specified by RDC and HRC in their resource consent applications to a panel. we note the specific concerns of RDC regarding cumulative effects of this project and other solar farms. If you decide to refer the project, we consider you should require the applicant to provide a panel with a landscape and visual assessment which specifically includes consideration of cumulative effects and takes into account any other solar farms. We do not consider you should decline to refer the project in whole or in part on the basis of the issues and risks identified. We recommend that you accept the application under section 24 of the FTCA and refer all of the project to a panel. We recommend you require the applicant to provide the following information with their resource consent applications to a panel:

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received <i>(Note: for analysis and/or recommended responses to these comments refer to column 7)</i>	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(–) - does the project help achieve the purpose of the FTCA (as per section 19)?			
	<p>connect to the Transpower substation at 362 Pukepapa Road, Marton</p> <p>f. restoration and planting of riparian margins of the Tuaeui Stream.</p> <p>The project will involve activities such as:</p> <p>a. removing vegetation (including within, or within 10 metres of, a natural wetland)</p> <p>b. carrying out earthworks (including within, or within 10 metres of, a natural wetland and disturbing potentially contaminated soils)</p> <p>c. diverting groundwater</p> <p>d. discharging groundwater, stormwater and contaminants to land and water</p> <p>e. constructing buildings and other structures</p> <p>f. installing underground electricity cables</p> <p>g. installing infrastructure ancillary to the solar farm</p> <p>h. constructing and upgrading roads, vehicle access and parking areas</p> <p>i. landscaping and planting (including for boundary screening and for enhancing streams)</p>		<p>construction period and 5 ongoing FTE jobs</p> <ul style="list-style-type: none"> providing infrastructure that will contribute to improving economic and employment outcomes assisting New Zealand's efforts to mitigate climate change and transition more quickly to a low emissions economy by increasing New Zealand's total amount of renewable energy generation. <p>Potential to have significant adverse environmental effects, including greenhouse-gas emissions (19(e))</p> <p>The project has the potential for adverse environmental effects including:</p> <ul style="list-style-type: none"> traffic and access amenity effects landscape, rural character and visual amenity ecological effects noise and vibration temporary construction effects contaminated land effects loss of productive land. <p>The applicant has confirmed that specialists have prepared technical assessments on the above matters. The applicant considers the project will not result in significant adverse environmental effects.</p> <p>We note that you do not require a full Assessment of Environment Effects and supporting evidence to make a referral decision, and that a panel will consider the significance of effects and appropriate mitigation should the project be referred.</p> <p>Other relevant matters (19(f))</p> <p>The project involves vegetation clearance, earthworks and land disturbance within, or within a 10-metre setback, from natural wetlands. The applicant has provided an assessment which states the project is specified infrastructure under the NES-F and NPS-FM, as it is infrastructure</p>	<p>RDC opposed project referral and considered the project should proceed through standard RMA processes as RDC have the benefit of local knowledge and context of the site, in particular in relation to the rural character and amenity of farmland which surrounds Marton town. RDC noted the land surrounding Marton includes some of the most fertile land in the south-western North Island, and the project is located on one of the main roads into Marton and has potential to generate significant adverse effects on rural landscape, character and visual amenity. RDC considered the Marton community has a significant interest in the loss/alteration of rural character and amenity that would result from the project.</p> <p>RDC noted it is currently processing a resource consent application for a 42 megawatt peak solar farm on the corner of Whales Line and Pukepapa Road (Part Lot 7 A 2790) and have been involved in pre-application discussions with a party regarding a solar farm proposed on Part Lot 5 DP 9509. If approved, this would result in three solar farms located in close proximity to each other. RDC considered it important that the cumulative effects of the solar farms are considered.</p> <p>RDC also noted that glint and glare, noise, landscape and visual, PSI/DSI, stormwater assessment, ecological assessment, Cultural Impact Assessment, construction management plan, decommissioning plan (if required) and assessment(s) as required by Clause 3.9 of the NPS-HPL (specified infrastructure pathway), be completed by suitably qualified and experienced person(s) and be required to support the referral application.</p> <p>HRC did not oppose project referral but considered the scale of a project is such that it could be processed via a normal council process. HRC considered the project could result in potential effects associated with the ecological impact and the construction of the solar farm if inappropriately managed.</p> <p>HRC noted that a comprehensive earthworks and erosion sediment control plan, planning assessment, ecological assessment identifying any wetlands and streams and their ecological values, archaeological assessment or management plan for any accidental discovery, assessment of impact of stormwater runoff from the solar panels on both the quality and quantity of water within the streams and wetlands, assessment of the cultural values associated with this land and</p>	<p>of the project against the NPS-HPL and considers the project is not inconsistent with it.</p> <p>RDC noted the land surrounding Marton includes some of the most fertile land in the south-western North Island but did not raise significant concerns regarding loss of productive land for this project. If you decide to refer the project the applicant will need to undertake a detailed assessment, and a panel must have regard to any relevant provisions of the NPS-HPL when considering resource consent applications for the project. We consider a panel will be best placed to assess the project against the NPS-HPL, with the benefit of a complete resource consent application, and we do not consider that you should decline the referral application on the basis that it would be inconsistent with a relevant national policy statement (section 23(5)(c)).</p> <p>Inconsistent with a Treaty settlement (23(5)(d))</p> <p>The project is not inconsistent with Treaty Settlement redress.</p> <p>Involves land needed for Treaty settlements (23(5)(e))</p> <p>The project is located on private land which is not available for Treaty settlement purposes.</p> <p>Applicant has poor regulatory compliance (23(5)(f))</p> <p>RDC and HRC did not identify a poor history of environmental regulatory compliance for the applicant.</p> <p>Insufficient time for the project to be referred and considered before FTCA repealed (23(5)(g))</p> <p>The FTCA will be repealed on 8 July 2023, meaning that a referral order must exist for the project by this date if the project's resource consent applications are to be considered by a panel under FTCA process. The timeframe for completing a referral order following a decision to refer the project is dependent on certain statutory obligations, process steps and the capacity and resourcing of officials. This is becoming increasingly time-pressured as the 8 July deadline approaches.</p> <p>At this stage we consider there is still sufficient time for an Order in Council to be considered by Cabinet and (if approved) authorised by the Executive Council, should you decide to refer the project.</p> <p>Other issues and risks:</p> <p>The applicant has confirmed that the land is 'sensitive land' under the Overseas Investment Act 2005 and Harmony Energy NZ #3 Limited require Overseas Investment Office (OIO) approval for the development to proceed. The applicant states that the OIO have indicated that applications relating to</p>	<p>i. a landscape and visual assessment of the proposed solar farm (including associated buildings, infrastructure and structures), that includes assessment of the cumulative effects of solar farms, on the biophysical landscape and the character of the existing rural landscape, taken from both private and public vantage points.</p> <p>We recommend you direct a panel to invite comment on any resource consent applications for the project from:</p> <ul style="list-style-type: none"> Minister of Energy and Resources Minister of Agriculture Transpower New Zealand Limited Tūwharetoa Māori Trust Board Tūwharetoa Settlement Trust Te Runanga o Raukawa Incorporated Ngā Kaitiaki o Ngāti Kauwhata Incorporated. <p>We recommend you provide a copy of the application and the notice of decision to the following parties in addition to those specified in section 25 of the FTCA :</p> <ul style="list-style-type: none"> Tūwharetoa Māori Trust Board Tūwharetoa Settlement Trust Te Runanga o Raukawa Incorporated Ngā Kaitiaki o Ngāti Kauwhata Incorporated.

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	<p>j. operating a solar farm</p> <p>k. offering educational visits for students and other visitors</p> <p>l. carrying out other activities that are:</p> <p>i. associated with the activities described in paragraphs (a) to (k); and</p> <p>ii. within the scope of the project as described in paragraphs 3 and 4.</p> <p>The project will require land use consents under the Rangitikei District Plan (RDP), water and discharge permits under the Horizons Regional One Plan (HROP), and resource consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).</p>		<p>that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002). We are satisfied the project will not include prohibited activities.</p>	<p>waterways reports, should be required to support the referral application.</p> <p>Other parties</p> <p>Transpower supported project referral and noted any construction activities will need to avoid compromising the 110kV Bunnythorpe-Whanganui B line that traverses the site in two locations. Transpower noted a connection to the national grid via the Marton substation may require the construction of new Transpower assets and it has had discussions with the applicant regarding this. Transpower also identified agreements/approvals the applicant will require but noted that obtaining these, and any required works on the Marton substation, should not prevent construction activities for the project commencing as per the applicant's proposed timing.</p> <p>All responses received by parties invited to comment are attached in Appendix 6.</p>	<p>renewable energy projects are prioritised and processing times have materially reduced. Four-to six months will be ample time for preparation, submission and processing of applications for OIO consent. Should you decide to refer the project and the necessary resource consents get granted by a panel, they may not be able to be exercised until the applicant has the necessary OIO approval in place. This is separate from the FTCA process and we do not consider it presents a high risk to project delivery or timing.</p> <p>The applicant states the solar farm will be connected to Transpower's Marton substation located approximately 3km from the site via an underground cable within the Pukepapa Road reserve. Transpower identified agreements/approvals relating to the national grid that the applicant will require to complete the project. Transpower noted that obtaining these, and any required works on the Marton substation, should not prevent construction activities for the project commencing as per the applicant's proposed timing. Transpower supported project referral and did not raise any significant concerns regarding the applicant's proposed national grid connection, therefore we do not consider the need to obtain separate agreements/approvals from Transpower presents a high risk to project delivery or timing.</p>	