

20 February 2023

Madeleine Berry  
Acting Manager, Fast Track Consenting Team  
Ministry for the Environment

By e-mail: [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz)

Dear Madeleine,

## RE: OPUNAKE SOLAR FARM – FURTHER INFORMATION

Regarding your request for further information, dated 16 February 2023, the following provides responses using corresponding numbering for ease of reference:

1. The proposal is considered ‘specified infrastructure’ in regard to both the NES-F and the NPS-HPL as it is *“infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)”*.

Specifically, a lifeline utility is defined in the Civil Defence Emergency Management Act 2002, as *“an entity named or described in Part A of Schedule 1, or that carries on a business described in Part B of Schedule 1”*. Clause 2 of Part B, Schedule 1 is *“An entity that generates electricity for distribution through a network or distributes electricity through a network”*. Consistent with this definition, the proposal allows the Applicant to generate electricity which is distributed through the national grid.

2. a) Please see attached a plan which includes delineation of the natural wetlands on site. Note that this plan has been altered to reflect the extent of wetlands under the amended NES-F and as such, will differ slightly from the plan provided with the application.  
  
b) i) The works will extend into areas of natural wetland. Specifically, as stated in the application, panels will be erected over the wetlands, requiring the driving of support posts into the wetlands. Subject to final design, there may also be trenching or ancillary infrastructure required within the wetlands.

The NES-F was amended in December 2002 and the amended regulations came into force on 5<sup>th</sup> January 2023. Regulation 45 of the NES-F was amended. The proposal has been considered against the amended Regulation 45 of the NES-F.

The proposal will result in vegetation clearance within, or within a 10 m setback from natural inland wetlands, earthworks and land disturbance within, or within a 10m setback from natural inland wetlands and earthworks and land disturbance outside a 10m, but within a 100m, setback from natural inland wetlands.

At this stage it is not known if any taking, use, damming, or diversion of water within, or within a 100m setback from natural inland wetlands will have a hydrological connection with the wetlands and subsequently will likely change the water level range or hydrological function of the wetlands. It is also not known if the proposal will result in the discharge of water within, or within a 100m setback from the natural inland wetlands, but this could be possible. This will be confirmed as the design is progressed.

A conservative approach should therefore be taken, and it is now submitted that resource consent may be required under Regulation 45 (1), (2), (3), (4) and (5) of the NES-F (as amended 2022) for a Discretionary Activity.

ii) There are no prohibited activities arising from the above works under the NES-F due to the proposal being for specified infrastructure (refer clause 45 discussion above). Further as is detailed in the application and in the attached Draft Ecological Assessment, any adverse effects on wetlands will be minimal due to their low quality, please note that this assessment will remain in draft until such time as detailed design is completed.

3. While it is not possible to predict the exact timeframe associated with processing of consents, either via traditional pathways or the fast-track process, the following estimates are provided:

Traditional Consenting Pathway		
Stage	Timeframe (wd)	Comment
Notification	40	Doubling of standard timeframe due to special circumstances
Commissioning peer review of technical reports (s.92(2) RMA.	60	This is considered to be a conservative estimate
Submission Period	20	
Hearing Held	75	
Decision	30	Doubling of standard due to complexity
Total	225	
Fast Track Consenting		
Appointment of Panel	40	Timeframe is the longest possible given on the MfE website
Decision	45	Note: Timeframes were not extended on previous application
Total	85	

As is apparent from the above table, there is a different of 140 days (approximately 4.5 months). This is considered to be a conservative time saving estimate as no allowance has been made for standard s.92 requests, extension of hearing time due to availability of commissioners or appeals in relation to the traditional pathway, all of which can cause significant delays.

4. An allowance has been made for the occasional educational visit to the site (i.e. school children or community groups). This activity would involve school children or community groups being taken on a tour of the solar farm for educational purposes. The tours of the solar farm would not be offered on a commercial basis. The tours would only be provided to parties who contacted Harmony to request a tour and wanted to use the tour for educational purposes.

In pre-liminary discussions with Council there was some uncertainty as how this activity may be provided for under the South Taranaki District Plan and it was suggested that consideration be given to whether this activity would fall under any of the activities listed under Section 3.1 of the District Plan.


The definitions under the District Plan for commercial activity, community activity, education facilities, entertainment activity, private function centre/facility and temporary activity were considered. The educational visits did not strictly or easily fall within any of these definitions given the visits are to a large scale renewable electricity generation site and will be sporadic. A conservative approach was therefore adopted, and the educational visits were considered to be

an activity that is not listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity in conjunction with the large-scale renewable electricity generation activity. This is a Discretionary Activity under Rule 3.14 (n) of the District Plan.

In addition to the above, in response to a phone discussion with Melissa McGrath (Consultant Planner), I also note the following:

5. Please see attached a legal opinion in relation to the National Policy Statement for Highly Productive Land.
6. Please see a redacted version of the land owner agreement demonstrating the agreement of the legal owners. Please note this is commercially sensitive and highly confidential and as such we ask that it not be published or provided to any third party.

Kind Regards,



**Christina Walker**  
Principal Planner and Hamilton Manager  
**4Sight Consulting Ltd**