



## FTC #219: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

### Application 2023-155 Kilvarock Solar Village Project

|                 |               |                      |        |
|-----------------|---------------|----------------------|--------|
| Date submitted: | 19 April 2023 | Tracking #: BRF-3060 |        |
| Security level: | In-Confidence | MfE priority:        | Urgent |

|   |  |                     |
|---|--|---------------------|
|   | <b>Action sought:</b>                  | <b>Response by:</b> |
| To Hon David Parker, Minister for the Environment | Decision on recommendations in Table A | to be advised       |

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|-------------------------------------|---|
| Actions for Minister's Office staff | <ol style="list-style-type: none"> <li><b>Return</b> the signed briefing to MfE.</li> <li><b>Send</b> attached letters (if signed) with accompanying template and links to application documents.</li> </ol>                                |
| Number of attachments: 2            | <p>Attachments:</p> <ol style="list-style-type: none"> <li>Application documents for Kilvarock Solar Village Project (Databox link)</li> <li>Letter to Ministers – inviting comments on Kilvarock Solar Village Project referral</li> </ol> |

### Ministry for the Environment contacts

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

## FTC#219: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

### Key messages

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1. This briefing seeks your initial decisions on an application from North Rakaia Limited to refer the Kilvarock Solar Village Project (project) to an expert consenting panel (panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the FTCA).
2. The project is to subdivide approximately 124 hectares of land and construct a mixed-use development, and construct and operate a solar farm, at 2830 North Rakaia Road and 317 South Two Chain Road, Bankside, Selwyn.
3. The mixed-use development will comprise:
  - a. approximately 900 residential units in a range of typologies, including approximately 200 residential units located within 33 apartment buildings up to three storeys in height, and terraced, duplex and detached houses
  - b. approximately 5000 square metres of land development and buildings for unspecified commercial activities
  - c. approximately 30 hectares of land development for an industrial innovation campus including multiple buildings for greenhouses and microalgae, cultured meat/dairy and sheep milk drying production, and general industry.
4. The applicant has not provided any details of the commercial buildings and has only provided a design concept for a typical industrial building. The applicant intends to use a development plan, design guidelines and built form controls, to be specified in consent notices, to control development on the site.
5. The solar farm will be located on approximately 220 hectares of land and will supply electricity to the mixed-use development and the national grid. The solar farm will have an approximate installed capacity of 280 Megawatt peak and will comprise:
  - a. approximately 300,000 solar panels occupying approximately 220 hectares
  - b. arrays and mounting structures, inverter cabinets, and associated infrastructure
  - c. one power station, one substation and a battery storage facility
  - 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 the North Rakaia Road and Rakaia Terrace Road road reserves.
6. The project includes upgrade works within Breadings Road, South Two Chain Road and State Highway 1 road reserves, creation of private open spaces, landscaping and planting, and construction of supporting infrastructure including roads, accessways, car-parking areas and three-waters services. The project also includes the ecological restoration of approximately 17.2 hectares of low-lying land adjacent to the Rakaia River.
7. The project will require subdivision and land use consents under the operative Selwyn District Plan (SDP), land use consent under the Proposed Selwyn District Plan (PDP), and land use consent and water and discharge permits under the Canterbury Land and Water Regional Plan (CLWRP).
8. The project site is located in the Outer Plains zone and within the Outline Development Plan Water overlay under the SDP. The SDP promotes rural activities as the predominant land use within the Outer Plains zone and seeks to maintain rural character and a low overall

residential density, and avoid adverse effects, including reverse sensitivity effects. The proposed activities would have overall non-complying activity status due to the density of residential subdivision and development within the Outer Plains zone, and stormwater and wastewater discharges.

9. Selwyn District Council (SDC) notified its PDP in October 2020. Under the PDP the project site is located in the General Rural Zone and is covered by multiple overlays including West Plains and Foothills/ Kakapō-tahi me Ngā Pākihi Whakatekateka o Waitaha, EIB Major Rivers and Canterbury Plains Area, Outstanding Natural Landscape Rakaia River, Plains Flood Management and Liquefaction. The anticipated outcomes for the site under the PDP are similar to those under the SDP. SDC anticipate decisions on the PDP will be released prior to 20 August 2023.
10. The SDP and PDP do not appear to support the urban development proposed and we are not aware of any strategic growth documents that support urban development on the project site. Councils within the greater Christchurch area, including SDC, have undertaken strategic planning for housing growth through the Greater Christchurch Partnership<sup>1</sup>. The project site is located outside of the greater Christchurch area mapped in the Canterbury Regional Policy Statement and we do not consider it necessary to invite comments from the Greater Christchurch Partnership for this project.
11. The applicant acknowledges the project will have some tension with the objectives and policies of the SDP and the CLWRP but considers adverse effects will be no more than minor and the project can pass at least one of the 'gateway tests' in section 104D of the Resource Management Act 1991 (RMA).
12. We have undertaken an initial (Stage 1) analysis of the referral application and this is presented along with our recommendations in Table A.
13. The project meets all the eligibility criteria in section 18(3) of the FTCA and we consider it may help to achieve the FTCA's purpose. More analysis is needed before we can advise you on matters in section 23(5) which may influence your referral decision. Key issues are:
  - a. key components of the project such as the commercial buildings/activities and the industrial buildings are yet to be confirmed, and the applicant's approach to enable a land development framework without specific building details is more similar to a plan change rather than a resource consent process. This may affect the applicant's ability to deliver the project in a timely manner and suggests there would be a wider public interest in the project that may make it more appropriate to go through standard processes under the RMA
  - b. the project is of a large scale, the applicant does not have a track record of delivering similar projects and the funding for all aspects of the project is unclear. This raises uncertainty regarding project delivery
  - c. the need to obtain further approval/agreements from other parties, including Transpower New Zealand Limited (Transpower) and Waka Kotahi New Zealand Transport Agency (Waka Kotahi), to deliver the project. This may affect the project delivery timeframe.
14. Although there is a risk that processing of a referral order may not be completed in the remaining available time, we recommend you progress consideration of the application to the next stage of analysis (Stage 2) and invite comments from Selwyn District Council, Environment Canterbury Regional Council and specific Ministers listed in section 21(6) of the FTCA.
15. We recommend you invite comments from the following additional Ministers under section

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<sup>1</sup> The Greater Christchurch Partnership includes Environment Canterbury, Te Rūnanga o Ngāi Tahu, Canterbury District Health Board, Christchurch City Council, Waimakariri District Council, Selwyn District Council and Waka Kotahi NZ Transport Agency.

21(6)(n) of the FTCA:

- a. Minister of Energy and Resources
  - b. Minister of Agriculture, as the project site includes land that is likely to meet the definition of 'highly productive land' under the National Policy Statement for Highly Productive Land 2022.
16. We also recommend that you invite comments from Transpower and Waka Kotahi as additional parties under section 21(3) of the FTCA.
17. We recommend you request further information from the applicant and Selwyn District Council as detailed in Table A.

## Statutory framework summary

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18. You are the sole decision maker for applications to refer projects that do not occur in the coastal marine area.
19. You may decline a referral application before seeking comments from the relevant local authorities and any relevant Ministers:
- a. if you are satisfied the project to which it relates does not meet the referral criteria in section 18 of the FTCA, which include helping to achieve the purpose of the FTCA (see sections 18(2) and 23(1) of the FTCA)
  - b. for any other reason (see section 23(2) of the FTCA), including that there is insufficient time for referral of the application before the FTCA is repealed.
20. If you do not decline a referral application at this stage:
- a. you must provide the application to, and invite comments from, the relevant local authorities and the relevant Ministers prescribed by section 21(6) of the FTCA
  - b. you may provide the application to and invite comments from any other person.
21. You are also able to request further information from an applicant or any relevant local authority at any time before you decide to decline or accept a referral application (see section 22 of the FTCA).

## Timeframe for referral

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22. The FTCA will be repealed on 8 July 2023, meaning that a referral order must be in force for the project by this date if the project's approvals are to be considered by a panel under FTCA process.
23. The timeframe for processing the referral application is dependent on certain statutory obligations and the capacity and resourcing of officials. The ability for a referral order for the project to be successfully completed, even if you make a decision to refer the project, is becoming increasingly time-pressured as the 8 July deadline approaches.


## Action sought

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24. Please indicate your decisions on the recommendations in Table A.

## Signature

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

Rebecca Perrett  
**Acting Manager – Fast-track Consenting**

**Table A: Stage 1 initial assessment of project eligibility – projects where the Minister for the Environment is the only decision maker**

**Project to progress**

| Project details   | Project description  | Project funding  | Is project eligible for referral? [section 18(3) and 18(2)]  | Will project help to achieve the purpose of the FTCA? [section 19 assessment criteria]   |   |  |  |   | Recommendations   | Minister's decisions  |  |
|---|--|--|--|--|---|--|--|---|---|---|--|
|   |  |  |  | Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]  | Effect on social and cultural wellbeing of current and future generations [section 19(b)]   | Likelihood project will progress faster under the FTCA than would otherwise be the case [section 19(c)]  | Public benefit [section 19(d)]   | Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]   |   |   | Any other relevant matters [section 19(f)] |
| <p><b>Name</b><br/>Kilvarock Solar Village Project</p> <p><b>Applicant</b><br/>Rakaia North Limited</p> <p>c/- Juliette Lovett, Town Planning Group</p> <p><b>Location</b><br/><u>Solar Farm and Mixed-Use Development Site:</u><br/>2830 North Rakaia Road and 317 South Two Chain Road, Bankside, Selwyn</p> <p>(Section 1 Survey Office Plan 1509, Lot 2 Deposited Plan 345273, Lot 2 Deposited Plan 78940 and Lot 2 Deposited Plan 347786,</p> <p>Lot 1 Deposited Plan 81616,</p> <p>Lot 2 Deposited Plan 81616, Rural Section 40748, Section 1 Block 13, Lot 1 DP 73371,</p> | <p>The project is to subdivide approximately 124 hectares of land and construct a mixed-use development, and construct and operate a solar farm, in Bankside, Selwyn.</p> <p>The mixed-use development will comprise:</p> <p>a. approximately 900 residential units in a range of typologies, including approximately 200 residential units located within 33 apartment buildings up to three storeys in height, and terraced, duplex and detached houses</p> <p>b. approximately 5000 square metres of land development and buildings for unspecified commercial activities</p> <p>c. approximately 30 hectares of land development for an industrial innovation campus including multiple buildings for greenhouses and microalgae, cultured meat/dairy and sheep milk drying production, and general industry.</p> <p>The applicant has not provided any details of the commercial buildings and has only provided a design concept for a typical industrial building. The applicant intends to use a development plan, design guidelines and built form controls, to be specified in consent notices, to control development on the site.</p> <p>The solar farm will be located on approximately 220 hectares of land and will supply electricity to the mixed-use development and the national grid. The solar farm will have an approximate installed capacity of 280 Megawatt peak and will comprise:</p> <p>a. approximately 300,000 solar panels occupying approximately 220 hectares</p> <p>b. arrays and mounting</p> | <p>The applicant states it will fully fund the project via an international and national investor funding model.</p> <p>The applicant has supplied evidence of funding investors, however this evidence relates primarily to the solar farm.</p> <p>Should you agree to progressing this application, we recommend seeking further information from the applicant to confirm funding is available for the full scope of the project.</p> | <p>Based on available information at this stage, we consider the project is eligible for referral because:</p> <ul style="list-style-type: none"> <li>it does not include any prohibited activities</li> <li>it does not include land returned under a Treaty settlement</li> <li>it does not occur in a customary marine title area or protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.</li> </ul> <p>The FTCA's purpose is to urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.</p> <p>The economic and social impacts of the COVID-19 global pandemic are on-going, evolving and will be long lasting.</p> <p>Enabling</p> | <p>The applicant estimates the project will:</p> <ul style="list-style-type: none"> <li>provide approximately 1,471 full-time equivalent (FTE) jobs over a 7-year construction period</li> <li>provide approximately 1,472 on-going FTE jobs.</li> <li>s 9(2)(b)(ii)</li> </ul> <p>There are inconsistencies within the applicant's economic report relating to the scope of the project and the construction timeframes, particularly with respect to the commercial activity.</p> <p>Should you agree to progressing this application, we recommend seeking further information from the applicant to confirm the direct economic benefits associated with all activities to</p> | <p>The applicant considers the project will:</p> <ul style="list-style-type: none"> <li>generate employment and broader economic benefits</li> <li>contribute to increased electricity supply and security</li> <li>provide opportunities for recreation and public amenity.</li> </ul> <p>With respect to cultural wellbeing, the application details that initial consultation has been undertaken with Ngai Tahu. No cultural impact assessments have been obtained to date.</p> | <p>The applicant estimates the FTCA process will allow the project to progress 3.5 years faster than under standard RMA processes involving a plan change and subsequent resource consents, due to notification, a hearing and potential for appeals.</p> <p>Should you agree to progressing this application, we will seek feedback on your behalf from Selwyn District Council and Environment Canterbury Regional Council on the appropriateness of using the FTCA process.</p> | <p>Based on the applicant's information we consider the project may result in the following public benefits:</p> <ul style="list-style-type: none"> <li>generating employment</li> <li>increasing housing supply</li> <li>providing infrastructure that will contribute to improving economic and employment outcomes</li> <li>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.</li> </ul> | <p>The applicant considers the project has the potential for adverse environmental effects including:</p> <ul style="list-style-type: none"> <li>reverse sensitivity effects</li> <li>amenity effects</li> <li>on rural character, landscape and visual amenity values</li> <li>access and traffic effects</li> <li>ecological effects</li> <li>glint and glare effects</li> <li>temporary construction effects, including noise and vibration</li> <li>loss of productive land</li> </ul> <p>The applicant has engaged specialists to prepare technical assessments on the above matters, and based on these reports considers the project will not result in significant adverse environmental effects.</p> | <p>We have identified that key components of the project are yet to be confirmed, the scale and complexity of the project and the applicant's lack of experience delivering similar projects, and the need for the applicant to obtain further approvals/agreements, as key risks to project delivery.</p> <p>The proposed solar farm will be located on Land Use Class 3 soils and the project site therefore includes land that is likely to meet the definition of 'highly productive land' under the National Policy Statement for Highly Productive Land 2022 (NPS-HPL). The applicant considers the project can be granted consent under the NPS-HPL. Should you agree to progressing this application, we recommend you invite comments from the Minister of Agriculture.</p> <p>The project site is in the Outer Plains zone under the Operative Selwyn</p> | <p>a. <b>Note</b> that section 23(3) of the FTCA permits you to decline the referral application without inviting comments from the relevant local authorities and any relevant Ministers.</p> <p>b. <b>Note</b> that you have not yet provided the application to, nor sought any comments on it from, relevant local authorities or relevant Ministers but that you are required to do so if you do not decline the application under section 23(3) of the FTCA.</p> <p>c. <b>Note</b> that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person.</p> <p>d. <b>Note</b> that section 22 of the FTCA permits you to request further information from the applicant or relevant local authorities at any time before you decide whether to accept or decline an application.</p> <p>e. <b>Agree</b> to progress the Kilvarock Solar Village Project to our Stage 2 analysis. The project is eligible for referral but we need to consider some matters further before providing you with our final advice.</p> <p>f. <b>Agree</b> to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> <li>the Ministers listed in section 21(6)(a)–(m) of the FTCA</li> <li>the Minister of Energy and Resources and the Minister of Agriculture as additional relevant Ministers under section 21(6)(n) of the FTCA</li> <li>the relevant local authorities – Selwyn District Council</li> </ul> | <p>Yes/No</p> <p>Yes/No</p>                |

| Project details  | Project description  | Project funding | Is project eligible for referral? [section 18(3) and 18(2)]  | Will project help to achieve the purpose of the FTCA? [section 19 assessment criteria]    |   |   |                                |   |   | Recommendations   | Minister's decisions                      |
|--|--|-----------------|--|---|---|---|--------------------------------|---|---|---|---|
|  |  |                 |  | Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)] | Effect on social and cultural wellbeing of current and future generations [section 19(b)] | Likelihood project will progress faster under the FTCA than would otherwise be the case [section 19(c)] | Public benefit [section 19(d)] | Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)] | Any other relevant matters [section 19(f)]  |   |   |
| Reserve 5078, Reserve 2327)<br>Breadings Road, South Two Chain Road and State Highway 1 road reserves.<br><u>National Grid Connection:</u><br>Works within North Rakaia Road and Rakaia Terrace Road road reserves | <p>structures, inverter cabinets, and associated infrastructure</p> <p>c. one power station, one substation and a battery storage facility</p> <p>d. ancillary buildings, structures and infrastructure (including a storage building, roads, access, security fencing, CCTV poles and other infrastructure)</p> <p>e. underground electricity cables, including within the North Rakaia Road and Rakaia Terrace Road road reserves</p> <p>The project includes upgrade works within Breadings Road, South Two Chain Road and State Highway 1 road reserves, creation of private open spaces, landscaping and planting, and construction of supporting infrastructure including roads, accessways, car-parking areas and three-waters services. The project also includes the ecological restoration of approximately 17.2ha of low-lying land adjacent to the Rakaia River.</p> <p>The project will require subdivision and land use consents under the operative Selwyn District Plan (SDP), land use consent under the Proposed Selwyn District Plan (PDP), land use consent and water and discharge permits under the Canterbury Land and Water Regional Plan (CLWRP).</p> |                 | <p>progression of shovel-ready projects that promote employment and investment that can deliver economic and other social and public benefits is one way that the government can continue to support the recovery and response to these effects.</p> <p>The specific ways in which the project meets the FTCA's purpose are noted in the six columns to the right.</p> | be constructed by the applicant.  |   |   |                                |   | <p>District Plan (SDP) and General Rural Zone under the Proposed Selwyn District Plan (PDP). The SDP and PDP do not appear to support the urban development proposed and we are not aware of any strategic growth documents that support urban development on the project site. Should you agree to progressing this application, we will seek feedback on your behalf from Selwyn District Council on any relevant strategic growth documents and on the appropriateness of enabling urban development in this location.</p> | <p>and Environment Canterbury Regional Council</p> <ul style="list-style-type: none"> <li>• Transpower New Zealand Limited and Waka Kotahi New Zealand Transport Agency as additional entities/persons under section 21(3) of the FTCA.</li> </ul> <p>g. <b>Agree</b> to seek further information from the applicant on project funding and confirmation of direct economic benefits associated with all activities proposed to be constructed.</p> <p>h. <b>Agree</b> to seek further information from Selwyn District Council on the appropriateness of using the FTCA process and of enabling urban development in this location.</p> <p>i. <b>Agree</b> to seek further information from Environment Canterbury Regional Council on the appropriateness of using the FTCA process.</p> <p>j. <b>Sign</b> the attached letters to Ministers.</p> <p>k. <b>Note</b> that while awaiting comments from invited parties and further information, the Ministry for the Environment will, in consultation with the Office of Māori Crown Relations – Te Arawhiti, prepare a report for the purpose of section 17 of the FTCA.</p> | <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> |

Signed:

Hon David Parker  
Minister for the Environment

Date: