

## FTC#251 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

### Application 2023-140 Marton Solar Farm Project

Date submitted:	30 May 2023	Tracking #: BRF-3152	
Security level	In-Confidence	MfE priority:	Urgent

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

Actions for Minister's Office staff	<b>Return</b> the signed briefing to MfE. <b>Send</b> the attached notice of decisions letter (if signed).
Number of appendices: 7	Appendices: 1. Marton Solar Farm 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 Energy Farms 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 <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#251: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

### Key messages

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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 Energy Farms Limited to refer the Marton Solar Farm 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-2937) with your initial decisions annotated is in Appendix 2.
3. The project is to construct and operate a solar farm on an approximately 194-hectare site at 1646 Wellington Road, Marton<sup>1</sup>, and to connect to and supply electricity to the national grid via existing 110kV Transpower New Zealand Limited (Transpower) transmission lines. The solar farm will have an approximate output of 80-110 megawatts peak.
4. The solar farm will comprise:
  - a. approximately 230,000 solar panels, occupying approximately 154 hectares
  - b. arrays and mounting structures, inverter cabinets, underground cables and associated infrastructure
  - c. 16 inverter stations, one substation and one transformer
  - d. ancillary buildings, structures and infrastructure (including an energy storage facility, roads, access, security fencing, CCTV poles and other infrastructure)
  - e. underground electricity cables
  - f. restoration and planting of riparian margins of streams.
5. The project will involve activities such as:
  - a. removing vegetation
  - b. carrying out earthworks (including 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. constructing or installing infrastructure and structures, including private accessways for vehicles, parking areas and culverts (in the beds of streams) and in drains
  - h. landscaping and planting (including for enhancing streams and for boundary screening)
  - i. operating a solar farm
  - j. carrying out other activities that are:
    - i. associated with the activities described in paragraphs (a) to (i); and

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<sup>1</sup> The first (Stage 1) briefing (BRF-2937) referred to the project site's physical address as 1618 Wellington Road, Marton, however this has been amended to 1646 Wellington Road, Marton as per Rangitikei District Council's rating information.

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), land use consent and a water permit 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.
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 decided to refer the Harmony Energy Solar Farm—Marton Project to a panel on 11 May 2023. That project is proposed to be located approximately 1 kilometre to the north-west of the project site.
9. Part of the project site is covered by a designation<sup>2</sup> in the RDP in favour of Horizons Regional Council (HRC), and HRC considered the applicant may require written consent from HRC under section 176 of the Resource Management Act 1991 (RMA) if the project will impact on the designation. The applicant notes the project has been specifically designed to avoid the designation, and we consider this is a matter which can be addressed through detailed design with the benefit of relevant technical reports.
10. 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.
11. 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

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12. 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.
13. 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.

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<sup>2</sup> Designation D7 – Tutaenui Dam W1, is for soil conservation and river control purposes. The designation covers a flood retention dam and ponding area located in the eastern corner of the project site on the corner of Wellington and Read Roads.

14. 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**

15. In response to your request under section 22 of the FTCA the applicant provided further information on project funding. We have taken this information into account in our analysis and advice.

#### **Section 17 report**

16. The Section 17 report indicates there are two iwi authorities, two treaty settlements, and two treaty settlement entities.
17. No specific cultural or commercial redress provided under the treaty settlements would be affected by the project and the treaty settlements do 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)(g)(i) 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)

20. s 9(2)(f)(ii), s 9(2)(g)(i)

21. s 9(2)(f)(ii), s 9(2)(g)(i)

22. s 9(2)(f)(ii), s 9(2)(g)(i)

23. s 9(2)(f)(ii), s 9(2)(g)(i)

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. RDC also noted the western corner of the project site is located within the Ohakea Height Restrictions RNZAF Base designation – D142.
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). RDC also advised it has had pre-application discussions regarding a further solar farm proposed on Part Lot 5 DP 9509 that is also approximately 2.5 kilometres to the north-west of the project site. RDC also noted it has recently provided you with comments on the Harmony Energy Solar Farm—Marton Project, and that consideration of the cumulative effects of four 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. HRC identified a number of potential issues associated with the project, including ecological effects, and effects on the existing designated flood retention dam on the project site. HRC noted the flood retention structure on the project site is managed by HRC for the management of an unnamed tributary of the Tutaenui Stream and HRC need to maintain access to both the dam and ponding area behind the dam. HRC considered a report should be prepared by a suitably qualified person which assesses the existing stormwater runoff and predicted stormwater runoff post development, and if the report identifies that there is no change to the proposed operation of the retention dam and ponding is not impacted then written approval from HRC may not be required. If there is an impact on the designation, then HRC consider written approval may be required.
27. RDC and HRC noted several reports and assessments that would normally be required for a project of this type.
28. Transpower neither supported nor opposed project referral but noted the project must not compromise the existing 110kV Bunnythorpe-Whanganui A line that traverses the site. Transpower noted that a connection cannot occur directly into the 110kV line and a new 110kV grid injection point (substation) would be required, and it has had discussions with the applicant regarding the grid connection. Transpower identified that future investigation for the grid injection point will need to include identification of the appropriate location, engineering design and acquisition of any necessary property rights and environmental approvals. Transpower also identified agreements/approvals<sup>3</sup> the applicant will require from Transpower to connect to the grid. Transpower confirmed the project is not yet in its queue management framework and considered it would likely be at least three years before any electricity generated could be connected to the grid.

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<sup>3</sup> Investigation Services Agreement and a Transpower Works Agreement

## **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 445 direct full-time equivalent (FTE) jobs over a 24-month construction period and approximately 33 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.

### *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 overall the potential adverse landscape effects will be low and that the occupants of a number of dwellings on Kilkern Road will experience a range of potential adverse effects that are minor or more than minor (but not significant). We note RDC's concerns regarding the cumulative effects of this project, the recently referred Harmony Energy Solar Farm—Marton Project, and the proposed solar farm approximately 2.5 kilometres to the north-west of 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'<sup>4</sup>. The project site includes areas of land that are Land Use Capability Class 2 and 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 should the solar farm activity cease the land can easily be re-utilised to facilitate a range of productive rural activities, noting that the life supporting capacity of the soil will be retained.. 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 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. Section 23(5)(g) enables you to decline a project if there is insufficient time for the application to be referred and considered before the FTCA is repealed. 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. Transpower identified agreements/approvals relating to the national grid that the applicant will require to complete the project. Transpower also noted it could be at least 3 years before any electricity generated could be connected to the national grid. We note if you refer the project, it will be considered by a panel which the applicant estimates could take approximately 6 to 7 months, and if resource consents are granted the project is proposed to be constructed over a 24-month period. Therefore, we consider the potential 3-year delay in being able to connect to the national grid will not significantly impact project delivery.

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<sup>4</sup> 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 KDCDC growth strategy and WRGF, it is unclear whether this will be commenced over the next 10 years.



42. Transpower have also raised a concern that the solar farm cannot be connected directly to the Transpower 110kV line. We note the application includes the construction of a substation within the project site to enable the 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. The project site is partly covered by RDP Designation D7 – Tutaenui Dam W1, for soil conservation and river control purposes, and HRC is the requiring authority. The designation covers a flood retention dam and ponding area located in the eastern corner of the project site on the corner of Wellington and Read Roads. HRC considered a report should be prepared by a suitably qualified person which assesses the existing stormwater runoff and predicted stormwater runoff post development. If the report identifies that there is no change to the proposed operation of the retention dam and ponding is not impacted then HRC noted written approval from HRC may not be required. However, if there is an impact on the designation then HRC consider written consent under section 176 of the RMA may be required. If this was not obtained it may delay or prevent project delivery.
44. The applicant notes the project has been specifically designed to avoid the designation and considers written consent under section 176 of the RMA will not be required. We consider this matter can be clarified through detailed design and considered by a panel as part of a merits-based assessment. There is a risk that if you decide to refer the project and written consent is required from HRC, that project delivery may be delayed. However, we note that HRC do not oppose project referral and we consider delays can be reduced by requiring the applicant to provide the assessment requested by HRC with their resource consent applications to a panel.
45. The western corner of the project site is covered by RDP Designation D142 - Height Restrictions RNZAF Base, Ohakea, s 9(2)(f)(ii), s 9(2)(g)(i) is the requiring authority. The applicant has not addressed the potential effects of the project on the Ohakea base, however we note the project site is on the outer edge of the designation and the solar panels are likely to be below the height thresholds specified under the designation. s 9(2)(f)(ii), s 9(2)(g)(i)

## Conclusions

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46. 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.
47. 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
  - b. a stormwater assessment
48. 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. the New Zealand Defence Force
- d. Transpower New Zealand Limited
- e. Te Runanga o Raukawa Incorporated.

## Next steps

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- 49. 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 the New Zealand Defence Force, and Te Runanga o Raukawa Incorporated as identified in the Section 17 report.
- 50. 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.
- 51. 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.
- 52. 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.<sup>5</sup>
- 53. 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.
- 54. Our recommendations for your decisions follow.

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<sup>5</sup> 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

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1. 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 Energy Farms Limited unless you are satisfied that the Marton Solar Farm 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 445 direct full-time equivalent (FTE) jobs over a 24-month construction period and approximately 33 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
  - ii. a stormwater assessment of the proposed solar farm, including an assessment of pre- and post-development stormwater flows, that identifies any impacts on the operation of the flood retention dam and ponding area covered by Designation D7 – Tutaenui Dam W1 under the Rangitikei District Plan.
- 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. the New Zealand Defence Force
  - iv. Transpower New Zealand Limited
  - v. Te Runanga o Raukawa 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. the New Zealand Defence Force
  - ii. Te Runanga o Raukawa 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

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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)?			
<b>Name</b> Marton Solar Farm Project  <b>Applicant</b> Energy Farms Limited  c/- Thomas Keogh, Reyburn and Bryant 1999 Limited  <b>Location</b> 1646 Wellington Road, Marton (Lots 4 and 5 DP 10517)	<p>The project is to construct and operate a solar farm on an approximately 194-hectare site at 1646 Wellington Road, Marton, and to connect to and supply electricity to the national grid via existing 110kV Transpower New Zealand Limited (Transpower) transmission lines. The solar farm will have an approximate output of 80-110 megawatts peak.</p> <p>The solar farm will comprise:</p> <ol style="list-style-type: none"> <li>approximately 230,000 solar panels, occupying approximately 154 hectares</li> <li>arrays and mounting structures, inverter cabinets, underground cables and associated infrastructure</li> <li>16 inverter stations, one substation and one transformer</li> <li>ancillary buildings, structures and infrastructure (including an energy storage building, roads, access, security fencing, CCTV poles and other infrastructure)</li> <li>underground electricity cables</li> <li>restoration and planting of riparian margins of streams.</li> </ol> <p>The project will involve</p>	<p>The project is eligible for referral under section 18(3)(a)–(d) as:</p> <ul style="list-style-type: none"> <li>it does not include any prohibited activities</li> <li>it does not include activities on land returned under a Treaty settlement</li> <li>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</li> </ul>	<p><b>Economic benefits for people or industries affected by COVID-19 (19(a))</b></p> <p>The applicant estimates the project will:</p> <ul style="list-style-type: none"> <li>provide approximately 445 direct full-time equivalent (FTE) jobs over a 24-month construction period and 33 ongoing FTE jobs.</li> </ul> <p><b>Economic costs for people or industries affected by COVID-19 (19(a))</b></p> <ul style="list-style-type: none"> <li>N/A</li> </ul> <p><b>Effect on the social and cultural well-being of current and future generations (19(b))</b></p> <p>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.</p> <p><b>Is the project likely to progress faster by using this Act? (19(c))</b></p> <p>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.</p> <p><b>Will the project result in a public benefit? (19(d))</b></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 by providing approximately 445 FTE jobs over a 24-month construction period and 33 ongoing FTE jobs</li> <li>providing infrastructure that will contribute to improving</li> </ul>	<p><b>Ministers</b></p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p>	<p><b>Section 23(5) matters:</b></p> <p><b>Insufficient information (23(5)(a))</b></p> <p>The applicant has provided sufficient information for you to determine whether the project meets the criteria in section 18 of the FTCA.</p> <p><b>More appropriate to go through standard RMA process (23(5)(b))</b></p> <p>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.</p> <p>The applicant's preliminary landscape advice concludes that overall, the potential adverse landscape effects will be low and that the occupants of a number of dwellings on Kilkern Road will experience a range of potential adverse effects that are minor or more than minor (but not significant). We note RDC's concerns regarding the cumulative effects of this project, the recently referred Harmony Energy Solar Farm-Marton Project, and the proposed solar farm approximately 2.5 kilometres to the north-west of 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.</p> <p>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)).</p> <p><b>Inconsistency with a national policy statement (23(5)(c))</b></p> <p>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</p>	<p><b>In response to key comments:</b></p> <ul style="list-style-type: none"> <li>s 9(2)(f)(ii), s 9(2)(g)(i)</li> </ul> <p>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.</p> <p>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 recommend you 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.</p> <p>we note HRC's comments regarding potential effects on the operation of the flood retention dam and ponding area covered by a designation but consider this is a matter a panel could consider with the benefit of a full resource consent application. If you decide to refer the project, we recommend you require the applicant to provide a panel with a stormwater assessment that identifies any impacts on the operation of the flood retention dam and ponding area.</p> <p>We do not consider you should decline to refer the project in whole or in part on the basis of the issues and risks</p>

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	<p>activities such as:</p> <p>a. removing vegetation</p> <p>b. carrying out earthworks (including 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. constructing or installing infrastructure and structures, including private accessways for vehicles, parking areas and culverts (in the beds of streams) and in drains</p> <p>h. landscaping and planting (including for enhancing streams and for boundary screening)</p> <p>i. operating a solar farm</p> <p>j. carrying out other activities that are:</p> <p>i. associated with the activities described in paragraphs (a) to (i); and</p> <p>ii. within the scope of the project as described above.</p> <p>The project will require land use consents</p>		<p>economic and employment outcomes</p> <ul style="list-style-type: none"> <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><b>Potential to have significant adverse environmental effects, including greenhouse-gas emissions (19(e))</b></p> <p>The project has the potential for adverse environmental effects including:</p> <ul style="list-style-type: none"> <li>traffic and access</li> <li>amenity effects</li> <li>landscape, rural character and visual amenity</li> <li>ecological effects</li> <li>noise and vibration</li> <li>temporary construction effects</li> <li>contaminated land effects</li> <li>loss of productive land.</li> </ul> <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><b>Other relevant matters (19(f))</b></p>	<p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p><b>Local authorities</b></p> <p>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. RDC also noted western corner of the project site is located within the Ohakea Height Restrictions RNZAF Base designation – D142.</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). RDC also advised it has had pre-application discussions regarding a further solar farm proposed on Part Lot 5 DP 9509 that is also approximately 2.5 kilometres to the north-west of the project site. RDC also noted it has recently provided you with comments on the Harmony Energy Solar Farm—Marton Project, and that consideration of the</p>	<p>includes a definition of 'highly productive land' . The project site includes areas of land that are Land Use Capability Class 2 and 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 should the solar farm activity cease the land can easily be re-utilised to facilitate a range of productive rural activities, noting that the life supporting capacity of the soil will be retained.. The applicant has provided a high-level assessment 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><b>Inconsistent with a Treaty settlement (23(5)(d))</b></p> <p>The project is not inconsistent with Treaty Settlement redress.</p> <p><b>Involves land needed for Treaty settlements (23(5)(e))</b></p> <p>The project is located on private land which is not available for Treaty settlement purposes.</p> <p><b>Applicant has poor regulatory compliance (23(5)(f))</b></p> <p>RDC and HRC did not identify a poor history of environmental regulatory compliance for the applicant.</p> <p><b>Insufficient time for the project to be referred and considered before FTCA repealed (23(5)(g))</b></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</p>	<p>identified. We recommend that you accept the application under section 24 of the FTCA and refer all of the project to a panel.</p> <p>We recommend you require the applicant to provide the following information with their resource consent applications to a panel:</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>ii. a stormwater assessment of the proposed solar farm, including an assessment of pre- and post-development stormwater flows, that identifies any impacts on the operation of the flood retention dam and ponding area covered by Designation D7 – Tutaenui Dam W1 under the Rangitikei District Plan.</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"> <li>Minister of Energy and Resources</li> <li>Minister of Agriculture</li> <li>Transpower New Zealand Limited</li> <li>the New Zealand Defence Force</li> <li>Te Runanga o Raukawa Incorporated.</li> </ul> <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"> <li>the New Zealand Defence Force</li> <li>Te Runanga o Raukawa Incorporated.</li> </ul>

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	under the Rangitikei District Plan (RDP), land use consent and a water permit 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>cumulative effects of four solar farms in close proximity to each other will be important.</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 due to the project's scale saw no reason why it could not be processed under standard RMA processes. HRC identified a number of potential issues associated with the project, including effects associated with the ecological impact, potential effects on the existing flood retention dam, potential effects associated with the construction of the solar farm if inappropriately managed. HRC stated that the applicant correctly identified a flood detention structure which is managed by HRC for the management of an unnamed tributary of the Tutaenui Stream for flood retention purposes and noted that access needs to be maintained to both the dam and ponding area. HRC noted that a report should be prepared by a suitably qualified person which assesses the existing stormwater runoff and predicted stormwater runoff post development and if this identifies that there is no change to the proposed operation of the retention dam and ponding is not impacted then written approval from Horizons Regional Council – River Management may not be required. If there is an impact on the designation then written approval from Horizons Regional council – River Management may be required.</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 waterways reports, should be required to support the referral application.</p> <p><b>Other parties</b></p>	<p>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><b>Other issues and risks:</b></p> <p>Transpower identified agreements/approvals relating to the national grid that the applicant will require to complete the project. Transpower also noted it could be at least 3 years before any electricity generated could be connected to the national grid. We note if you refer the project it will be considered by a panel which the applicant estimates could take approximately 6 to 7 months, and if resource consents are granted the project is proposed to be constructed over a 24-month period. Therefore, we consider the potential 3-year delay in being able to connect to the national grid will not significantly impact project delivery.</p> <p>Transpower have also raised a concern that the solar farm cannot be connected directly to the Transpower 110kV line. We note the application includes the construction of a substation within the project site to enable the 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> <p>The project site is partly covered by RDP Designation D7 – Tutaenui Dam W1, for soil conservation and river control purposes, and HRC is the requiring authority. The designation covers a flood retention dam and ponding area located in the eastern corner of the project site on the corner of Wellington and Read Roads. HRC considered a report should be prepared by a suitably qualified person which assesses the existing stormwater runoff and predicted stormwater runoff post development. If the report identifies that there is no change to the proposed operation of the retention dam and ponding is not impacted then HRC noted written approval from HRC may not be required. However, if there is an impact on the designation then HRC consider written consent under section 176 of the RMA may be required. If this was not obtained it may delay or prevent project delivery.</p> <p>The applicant notes the project has been specifically designed to avoid the designation and considers written consent under section 176 of the RMA will not be required. We consider this matter can be clarified through detailed design and considered by a panel as part of a merits-based assessment. There is a risk that if you decide to refer the project and written consent is required from HRC, that project</p>	



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				<p>Transpower neither supported nor opposed project referral and commented on the project connection proposal, stating that in practice a connection cannot occur directly into the 110kV line and, a new 110kV grid injection point (substation) would first be required. Transpower stated that the existing 110kV line which traverses the project site could be not compromised by the development and would need to be protected. Transpower also identified agreements/approvals the applicant will require but noted that obtaining these, including future investigation to consider appropriate means of connecting to the grid for any grid injection point engineering design and other matters, and acquisition of necessary property rights and environmental approvals. Transpower confirmed that the project is not yet in their queue management framework and consider that it would likely be at least three years before any generation could be connected to the grid.</p> <p>All responses received by parties invited to comment are attached in <b>Appendix 6</b>.</p>	<p>delivery may be delayed. However, we note that HRC do not oppose project referral and we consider delays can be reduced by requiring the applicant to provide the assessment requested by HRC with their resource consent applications to a panel.</p> <p>The western corner of the project site is covered by RDP Designation D142 - Height Restrictions RNZAF Base, Ohakea, s 9(2)(f)(ii), s 9(2)(g)(i) is the requiring authority. The applicant has not addressed the potential effects of the project on the Ohakea base, however we note the project site is on the outer edge of the designation and the solar panels are likely to be below the height thresholds specified under the designation. s 9(2)(f)(ii), s 9(2)(g)(i)</p>	