

From: Todd Wilson s 9(2)(a)
Sent: Friday, 31 March 2023 4:39 pm
To: Thomas Keogh; Fast Track Consenting
Cc: Steve Hawkins
Subject: RE: [COMMERCIAL]Fast Track Application Opunake Solar Farm - Request for further information

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Hi All

Please find draft updated response to Questions 1, 2 and 3 below.

I will endeavour to get the supporting email from PTS back with a final version on Monday.

1. Clarify whether all three options detailed in the Aurecon report are being pursued under the referral application (we understand Option 1 may require significant additional assessment to progress and therefore may likely be excluded)

All three options outlined in the Aurecon report will be discarded for this application, with the preferred option to now connect using the existing 33kv line infrastructure already in place and owned by Poweco. As evidenced by the diagram below, the existing 33KV line intersects our property in the bottom left corner.

PTS (Powerco) will be able to provide a new 33KV line on a pole, intersecting the existing line in the diagram below. From the new intersecting line/pole, Energy Farms will be able to connect it to our switch yard allow power to flow from the solar farm to the Opunake Substation.

Under this design, there will be no need to upgrade the lines. Looking at the existing the existing 33kv board at the Opunake substation, it is rated to 1250A so would likely be rated to 40MW. As a result, it could mean that the solar farm distribution is curtailed down from 76MW to 40MW, on the basis that the 33kv board is not upgraded before the farm is connected to the grid. This constraint is perfectly acceptable to Energy Farms and by way of mitigating power losses, would allow us to adopt battery storage inside the switchyard to be distributed into the grid during the evening when the solar farm is not generating any power.

While there will be no change to the existing power network to support this solution, Powerco are required to assess our application and confirm suitability from an engineering perspective. Energy Farms has applied to Powerco to commence the process and it is expected that once the Panel notifies Powerco for comment of this resource consent application, Powerco confirmation will be available to support this option.



Any works by Powerco located on our farm to install the new intersecting 33kv line and pole are supported under the Electricity Act 1992, Section 23, clause (3) (a) and (b):

23 Rights of entry in respect of existing works

- (1) Any person that owns any existing works may enter upon land for the purpose of gaining access to the works or may perform any act or operation necessary for the purpose of—
 - (a) inspecting, maintaining, or operating the works;
 - (b) in the case of works the construction of which had not been completed before 1 January 1988 (in the case of works owned by the Corporation) or before 1 January 1993 (in the case of works owned by any other person or operator), completing the works.
- (2) A certificate signed by the owner of any existing works containing a statement that any works were constructed (in whole or in part) before 1 January 1988 (in relation to works owned by the Corporation) or before 1 January 1993 (in the case of works owned by any other person) under the authority of any Act repealed by that Act) or the Electric Power Boards Act 1925 or the [Local Government Act 1981](#) or any local or private Act shall be admissible in evidence in any proceedings and shall, if proved to the contrary, constitute proof of that statement.
- (3) In this section, **maintenance** includes—
 - (a) any repairs and any other activities for the purpose of maintaining, or that have to do with, the existing works; and
 - (b) the carrying out of any replacement or upgrade of existing works as long as the land is not materially affected as a result of the replacement or upgrade.
- (4) Further rights of entry, which concern the use of existing works to deploy and use fibre for telecommunications purposes, are provided for in the [Telecommunications Act 2001](#) (section 192 of that Act).

Compare: 1987 No 116 s 12; 1988 No 164 s 14

Section 23(3): added, on 8 August 2001, by [section 10\(1\)](#) of the Electricity Amendment Act 2001 (2001 No 4)

Section 23(4): inserted, on 3 May 2017, by [section 19\(2\)](#) of the Telecommunications (Property Access) Amendment Act 2017 (2017 No 16).

2. If both Option 2 and 3 in the Aurecon report are being pursued under the referral application:
 - a. For Option 2, provide written evidence that Powerco, as owners/operators of the infrastructure that is proposed to be upgraded as part of the project, are agreeable to the infrastructure and works on it being included within the project scope. Alternatively you may wish to consider, in consultation with Powerco, whether they should be joint applicants for the referral application.
 - b. For Option 3, provide written evidence that Powerco, as owners/operators of the infrastructure that is proposed to be upgraded as part of the project, are agreeable to the infrastructure and works on it being included within the project scope. Alternatively you may wish to consider, in consultation with Powerco, whether they should be joint applicants for the referral application. Additionally, provide the information requested in question 3(d)(i)-(iv) of the request for further information letter dated 17 February 2023, relating to the South Taranaki District Council.

None of the submitted Aurecon options are being progressed as outlined in Question 1 response. As a side issue, Energy Farms may wish to pursue a separate and new option to upgrade the existing 33KV lines running between our farm and the Opunake Substation from 33KV to 110KV. This is only to provide greater redundancy if switch gear/circuits within the Opunake substation were to fail in the future resulting in further curtailing of our power distribution. Such future works are not in the scope of this application.

3. You have confirmed that upgrade of the Transpower substation is required and is included within the project scope. Provide written evidence that Transpower, as owners/operators of the infrastructure that is proposed to be upgraded as part of the project, are agreeable to the infrastructure and works on it being included within the project scope. Alternatively you may wish to consider, in consultation with Transpower, whether they should be joint applicants for the referral application.

As outlined in question 1 response, an upgrade to the substation is not necessary for the solar development to proceed.

We have also stated the existing 33KV board is only rated to 1250A potentially limiting output to 40MW. On this basis Energy Farms would enquire with PTS to see if the 33KV board can be upgraded at our expense. Again, clarification of this, while not an essential piece of work, would be available from Powerco upon the Panel notification process.

I hope this addresses the first three questions satisfactorily.

Regards



Todd Wilson

Co-Founder

Energy Farms Limited



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www.energyfarms.co.nz

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From: Thomas Keogh s 9(2)(a)

Sent: Wednesday, March 29, 2023 12:27 PM

To: Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>

Subject: RE: [COMMERCIAL]Fast Track Application Opunake Solar Farm - Request for further information

Hi Jacob,

Please see below our response to the matters raised by Melissa during our phone conversation on 14 March 2023. Our responses are in red.

1. Clarify whether all three options detailed in the Aurecon report are being pursued under the referral application (we understand Option 1 may require significant additional assessment to progress and therefore may likely be excluded)

Energy Farms will progress all options presented by Aurecon and a further option presented by PowerCo (see details below) and will adopt the solution which provides the shortest timeframe to connection.

As per all solar farm connections, it is prudent to note that grid connection approvals from Transpower always come after the resource consent is granted.

With regards to the newest connection option presented by Powerco, conversations have revealed that the solar farm can be connected to the Opunake substation via the existing Powerco Pungarehu and Ngariki 33kV feeder lines located in proximity to the site (one traverses the site and one traverses the Kina Road to the east of the site). These lines have existing connections at the Opunake substation, meaning that no upgrade works are required with respect to the substation. Powerco have provided an email outlining this option – see attached. They advise that there is engineering design to be completed before Powerco can approve the solution – this will be undertaken as part of the detailed design and an application submitted to Powerco ASAP. Energy Farms Limited advise that the network approvals have been accounted for in their estimated timeframes.

Energy Farms Limited have submitted an application for connection for the Opunake Solar Farm to Transpower, this will be assessed in the first 10 business days of April 2023.

The scope of the project does not need to be amended to account for the various connection options.

2. If both Option 2 and 3 in the Aurecon report are being pursued under the referral application:
 - a. For Option 2, provide written evidence that Powerco, as owners/operators of the infrastructure that is proposed to be upgraded as part of the project, are agreeable to the infrastructure and works on it being included within the project scope. Alternatively you may wish to consider, in consultation with Powerco, whether they should be joint applicants for the referral application.
 - b. For Option 3, provide written evidence that Powerco, as owners/operators of the infrastructure that is proposed to be upgraded as part of the project, are agreeable to the infrastructure and works on it being included within the project scope. Alternatively you may wish to consider, in consultation with Powerco, whether they should be joint applicants for the referral application. Additionally, provide the information requested in question 3(d)(i)-(iv) of the request for further information letter dated 17 February 2023, relating to the South Taranaki District Council.

Please see above.

3. You have confirmed that upgrade of the Transpower substation is required and is included within the project scope. Provide written evidence that Transpower, as owners/operators of the infrastructure that is proposed to be upgraded as part of the project, are agreeable to the infrastructure and works on it being included within the project scope. Alternatively you may wish to consider, in consultation with Transpower, whether they should be joint applicants for the referral application.

Please see above.

4. Confirmation of: a. the number of solar panels and b. the area which these will occupy within the project site.

The number of panels has been specifically calculated by Beca as part of their civil report (152,000 panels +-5%). Beca have confirmed that the panels will occupy 137.8ha of the site. This does not cover the switchgear yard, or internal access roads – it specifically relates to the portion of the site occupied by panels in accordance with the requested information.

5. Consideration of whether the proposed solar farm is considered 'specified infrastructure' when taking into account the definition of lifeline utility in the Civil Defence Emergency Management Act 2002, and any implications on your assessment under the NES-F and NPS-HPL.

I have review the definition for 'lifeline utility' in the Civil Defence Emergency Management Act 2022 – copied below. Energy Farms Limited is not a specific entity described in Part A of Schedule 1. However, they will be generating electricity for distribution through a network, which is a business described in Part B of Schedule 1. This means that Energy Farms are a 'lifeline utility' as defined in the Civil Defence Emergency Management Act 2022.

lifeline utility means an entity named or described in [Part A](#) of Schedule 1, or that carries on a business described in [Part B](#) of Schedule 1

Part A Specific entities

- 1 Radio New Zealand Limited and Television New Zealand Limited.
- 2 The company (as defined in [section 2](#) of the Auckland Airport Act 1987) that operates Auckland international airport.
- 3 The company (as defined in [section 2](#) of the Wellington Airport Act 1990) that operates Wellington international airport.
- 4 The airport company (as defined in [section 2](#) of the Airport Authorities Act 1966) that operates Christchurch international airport.
- 5 The entity (being an airport authority as defined in [section 2](#) of the Airport Authorities Act 1966, whether or not it is also an airport company as defined in that section) that operates the primary airport at Bay of Islands, Blenheim, Dunedin, Gisborne, Hamilton, Hokitika, Invercargill, Napier, Nelson, New Plymouth, Palmerston North, Queenstown, Rotorua, Tauranga, Wanganui, Westport, Whakatane, or Whangarei.
- 6 The port company (as defined in [section 2\(1\)](#) of the Port Companies Act 1988) that carries out port-related commercial activities at Auckland, Bluff, Port Chalmers, Gisborne, Lyttelton, Napier, Nelson, Picton, Port Taranaki, Tauranga, Timaru, Wellington, Westport, or Whangarei.
Schedule 1 Part A clause 6: amended, on 25 March 2012, by [section 10](#) of the Civil Defence Emergency Management Amendment Act 2012 (2012 No 6).
- 7 The Grey District Council, acting as the Greymouth harbour authority and owner and operator of the Port of Greymouth under Parts 4 and 6 of the Local Government (West Coast Region) Reorganisation Order 1989, [Part 39A](#) of the Local Government Act 1974, and [section 16](#) of the Local Government Amendment Act (No 2) 1999.

Part B Entities carrying on certain businesses

- 1 An entity that produces, supplies, or distributes manufactured gas or natural gas (whether it is supplied or distributed through a network or in bottles of more than 20 kg of gas).
- 2 An entity that generates electricity for distribution through a network or distributes electricity through a network.
- 3 An entity that supplies or distributes water to the inhabitants of a city, district, or other place.
- 4 An entity that provides a waste water or sewerage network or that disposes of sewage or storm water.
- 5 An entity that provides a telecommunications network (within the meaning of the [Telecommunications Act 1987](#)).
- 6 An entity that provides a road network (including State highways).
- 7 An entity that produces, processes, or distributes to retail outlets and bulk customers any petroleum products used as an energy source or an essential lubricant or additive for motors for machinery.
- 8 An entity that provides a rail network or service.

Turning to the NES-F, the definition for specified infrastructure is copied below (taken from the NPS-F). The solar farm is infrastructure that will deliver a service (the generation of electricity and distribution into the grid) that Energy Farms Limited operate as a lifeline utility. The proposal therefore meets the definition for specified infrastructure under the NES-F.

specified infrastructure means any of the following:

- (a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)
- (b) regionally significant infrastructure identified as such in a regional policy statement or regional plan
- (c) any water storage infrastructure
- (d) any public flood control, flood protection, or drainage works carried out:
 - (i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or
 - (ii) for the purpose of drainage by drainage districts under the Land Drainage Act 1908
- (e) defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990
- (f) ski area infrastructure

As part of the application, we had applied for consent as a non-complying activity under s54(b) and (c) of the NES-F. This was due to earthworks and vegetation clearance being undertaken within 10m, and the diversion/discharge of water occurring within 100m of a natural wetland.

However, given that the solar farm meets the definition for specified infrastructure, s54 is not relevant and the proposal can be considered under s45 of the NES-F. I have addressed the relevant requirements below.

- S45(1) and (2) relate to earthworks and vegetation clearance within 10m of a natural wetland for the purpose of constructing specified infrastructure. These activities are provided for as a discretionary activity. These provisions are relevant to some of the earthworks/vegetation clearance associated with this project. We therefore ask that the application is updated to replace the request for consent as a non-complying under s54(b) with a request for consent as a discretionary activity under s45(1) and (2) of the NES-F.
- S45(4) and (5) relate to diversion/discharge of water within 100m of a natural wetland for the purpose of constructing specified infrastructure. However, these rules are only relevant if there is hydrological connection with the wetland and the diversion/discharge will change the water level range or hydrological function of the wetland. I have discussed this further with Beca, who have confirmed that there will be no change to the hydrological function of the wetlands located on the site. As such, the proposal does not require resource consent under s45(4) or (5) of the NES-F. We ask that the application is updated to remove the request for consent as a non-complying activity under s54(c) of the NES-F is removed.

Please be aware that we also require financial and other supporting information to demonstrate the project will be able to deliver on the employment and investment certainty objectives of the FTCA, however this information is not critical to completing our Stage 1 briefing to the Minister. You may wish to provide at the same time as the above:

- information outlining how the project will be funded including any parties likely to fund the construction (in full or part)
- business referees

Energy Farms Limited advise that they are currently negotiating the funding (at termsheet stage) of their solar farm program of work with two parties – see below. They will make their selection of a preferred partner by mid May 2023.

Aquila Capital:

Amin Kalam

Project Development Manager
Investment and Development APAC

Aquila Capital Renewables Asia Pte. Ltd.

s 9(2)(a)

s 9(2)(a) | Web: www.aquila-capital.com

Green Investment Group (GIG):

Penny Wang

Division Director/Managing Director



s 9(2)(a)

s 9(2)(a)

I trust that the above is sufficient to address the queries raised by Melissa. Please contact me if you would like to discuss.

Kind Regards,

Thomas Keogh

Senior Planner



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From: Fast Track Consenting [<mailto:fasttrackconsenting@mfe.govt.nz>]

Sent: Wednesday, 15 March 2023 3:45 PM

To: Thomas Keogh s 9(2)(a)

Cc: Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>

Subject: [COMMERCIAL]Fast Track Application Opunake Solar Farm - Request for further information

Kai ora Thomas,

This email is to confirm your phone conversation on 14 March 2023 with analyst Melissa McGrath. The following information is required to clarify the scope of the project and whether the identified issues will have any impact on project timing or delivery:

1. Clarify whether all three options detailed in the Aurecon report are being pursued under the referral application (we understand Option 1 may require significant additional assessment to progress and therefore may likely be excluded)
2. If both Option 2 and 3 in the Aurecon report are being pursued under the referral application:
 - a. For Option 2, provide written evidence that Powerco, as owners/operators of the infrastructure that is proposed to be upgraded as part of the project, are agreeable to the infrastructure and works on it being included within the project scope. Alternatively you may wish to consider, in consultation with Powerco, whether they should be joint applicants for the referral application.
 - b. For Option 3, provide written evidence that Powerco, as owners/operators of the infrastructure that is proposed to be upgraded as part of the project, are agreeable to the infrastructure and works on it being included within the project scope. Alternatively you may wish to consider, in consultation with Powerco, whether they should be joint applicants for the referral application. Additionally, provide the information requested in question 3(d)(i)-(iv) of the request for further information letter dated 17 February 2023, relating to the South Taranaki District Council.
3. You have confirmed that upgrade of the Transpower substation is required and is included within the project scope. Provide written evidence that Transpower, as owners/operators of the infrastructure that is proposed to be upgraded as part of the project, are agreeable to the infrastructure and works on it being included within the project scope. Alternatively you may wish to consider, in consultation with Transpower, whether they should be joint applicants for the referral application.
4. Confirmation of: a. the number of solar panels and b. the area which these will occupy within the project site.
5. Consideration of whether the proposed solar farm is considered 'specified infrastructure' when taking into account the definition of lifeline utility in the Civil Defence Emergency Management Act 2002, and any implications on your assessment under the NES-F and NPS-HPL.

Please be aware that we also require financial and other supporting information to demonstrate the project will be able to deliver on the employment and investment certainty objectives of the FTCA, however this information is not critical to completing our Stage 1 briefing to the Minister. You may wish to provide at the same time as the above:

- information outlining how the project will be funded including any parties likely to fund the construction (in full or part)
- business referees

Many thanks

Jacob

Fast Track Consenting

Ministry for the Environment | Manatū Mō Te Taiao

fasttrackconsenting@mfe.govt.nz | mfe.govt.nz

This email account is monitored by several members of the team, to ensure responses are managed in a timely manner.

