

FTC #212: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Application 2023-138 Opunake Solar Farm Project Application 2023-140 Marton Solar Farm Project

Date submitted:	5 April 2023	Tracking #: BRF-2937	
Security level:	In-Confidence	MfE priority:	Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decision on recommendations in Table A	to be advised

Actions for Minister's Office staff	<ol style="list-style-type: none"> Return the signed briefing to MfE. Send attached letters (if signed) with accompanying template and links to application documents.
Number of attachments: 3	<p>Attachments:</p> <ol style="list-style-type: none"> Application documents for Opunake Solar Farm Project (Databox link) Application documents for Marton Solar Farm Project (Databox link) Letter to Ministers – inviting comments on Opunake Solar Farm and Marton Solar Farm Project referrals

Ministry for the Environment contacts

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

FTC#212: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Key messages

1. This briefing seeks your initial decisions on applications to refer the following projects to an expert consenting panel (a panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA):

- a. Opunake Solar Farm Project, from Energy Farms Limited
- b. Marton Solar Farm Project, from Energy Farms Limited.

Opunake Solar Farm Project

2. The project is to construct and operate a solar farm on an approximately 188-hectare site comprising 2 properties at 574 and 575 Kina Road, Opunake, Taranaki, and to connect to and supply electricity to the national grid via existing 33kV Powerco Limited (Powerco) transmission lines. The solar farm will have an approximate installed capacity of between 80-110 peak Megawatts.
3. The solar farm will comprise:
 - a. approximately 152,000 solar panels occupying approximately 180 hectares
 - b. arrays and mounting structures, inverter cabinets, and associated infrastructure
 - c. 11 inverter stations, one substation and a battery storage facility
 - d. ancillary buildings, structures and infrastructure (including a storage building, roads, access and other infrastructure)
 - e. underground electricity cables, including within the Kina Road road reserve
 - f. enhancement of wetlands and streams.
4. The project will require land use consents under the South Taranaki District Plan (STDP), water and discharge permits under the Taranaki Regional Freshwater Plan (TRFP), 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).
5. The project site is in the Rural zone under the STDP and the project will have discretionary activity status under that plan. The applicant notes the project is considered 'specified infrastructure' and will have discretionary activity status under the NES-F relating to construction, maintenance and operation of infrastructure in a natural wetland.

Marton Solar Farm Project

6. The project is to construct and operate a solar farm on an approximately 194-hectare site at 1618 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 installed capacity of 80-110 peak Megawatts.
7. 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 a storage building, roads, access, security fencing, CCTV poles and other infrastructure)
 - e. underground electricity cables
8. The project will require land use consent under the Rangitikei District Plan (RDP), land use consent and a water permit under the Horizons Regional One Plan (HROP), and resource consent under the NES-CS and NES-F. The project site is in the Rural zone under the RDP and will have overall discretionary activity status under the plans and regulation.

Analysis of projects

9. We have undertaken an initial (Stage 1) analysis of the referral applications and this is presented along with our recommendations in Table A.
10. The projects meet all the eligibility criteria in section 18 of the FTCA, and we consider they will 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 that may affect the projects' delivery timeframe include the need to obtain further approval/agreements from other parties, including Transpower and Powerco, and unconfirmed funding arrangements.
11. 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 both applications to the next stage of analysis (Stage 2) and invite comments from the relevant local authorities and specific Ministers listed in section 21(6) of the FTCA.
12. We recommend that for both projects you invite comments from the following additional Ministers under section 21(6)(n) of the FTCA:
- a. Minister for Energy and Resources
 - b. Minister of Agriculture, as both project sites include land that is likely to meet the definition of 'highly productive land' under the National Policy Statement for Highly Productive Land 2022.
13. We also recommend that for the Opunake Solar Farm Project you invite comments from Powerco Limited and that for both projects you invite comments from Transpower New Zealand Limited, as additional parties under section 21(3) of the FTCA.
14. We recommend that you request further information as detailed in Table A:
- a. from the applicant, South Taranaki District Council and Taranaki Regional Council for the Opunake Solar Farm Project
 - b. from the applicant, Rangitikei District Council and Horizons Regional Council for the Marton Solar Farm Project.

Statutory framework summary

15. You are the sole decision maker for the referral applications as the projects will not occur in the coastal marine area.
16. 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 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, as specified in sections 23(2) and 23(5) of the FTCA), including that there is insufficient time for referral of the application before the FTCA is repealed.
17. 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.
18. You are also able to request further information from the 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

19. 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.
20. 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

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

Signature



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

Projects to progress

Project details	Project description	Project funding	Is project eligible for referral? [sections 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>Name Opunake Solar Farm Project</p> <p>Applicant Energy Farms Limited</p> <p>[c/- Thomas Keogh, Reyburn and Bryant 1999 Limited]</p> <p>Location 574 and 575 Kina Road Opunake</p> <p>(Lot 3 DP 682 and Lot 15 DP 682)</p> <p>Kina Road road reserve</p>	<p>The project is to construct and operate a solar farm on an approximately 188-hectare site in Opunake, Taranaki, and to connect to and supply electricity to the national grid via existing 33kV Powerco Limited (Powerco) transmission lines. The solar farm will have an approximate installed capacity of between 80-110 peak Megawatts.</p> <p>The solar farm will comprise:</p> <p>a. approximately 152,000 solar panels occupying approximately 180 hectares</p> <p>b. arrays and mounting structures, inverter cabinets, and associated infrastructure</p> <p>c. 11 inverter stations, one substation and a battery storage facility</p> <p>d. ancillary buildings, structures and infrastructure (including a storage building, roads, access and other infrastructure</p> <p>e. underground electricity cables, including within</p>	<p>The applicant states it will fully fund the project via a national and international investor funding model.</p> <p>The applicant has supplied some evidence of funding investors and we note this funding is primarily sourced overseas and subject to consent approval.</p> <p>We recommend that further supporting information with respect to funding is requested from the applicant.</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"> it does not include any prohibited activities it does not include land returned under a Treaty settlement 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. <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</p>	<p>The applicant estimates the project will:</p> <ul style="list-style-type: none"> provide approximately 306 direct full-time equivalent (FTE) jobs over a 24-month construction period; and 54 ongoing FTE jobs for the life of the solar farm (approximately 30 years). 	<p>The applicant considers the project will:</p> <ul style="list-style-type: none"> generate employment and broader economic benefits contribute to increased electricity supply and security which will assist communities. 	<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 and a hearing and potential for appeals under standard process.</p> <p>Should you agree to progressing this application, we will seek feedback on your behalf from South Taranaki District Council and Taranaki 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"> generating employment by providing approximately 306 direct FTE jobs over a 24-month construction period and 54 ongoing FTE jobs providing infrastructure that will contribute to improving economic and employment outcomes assisting New Zealand's efforts to mitigate climate change and transition more quickly to a low emissions economy by increasing New Zealand's total amount of renewable energy generation. 	<p>The project has the potential for adverse environmental effects including:</p> <ul style="list-style-type: none"> traffic and access amenity effects landscape, rural character and visual amenity ecological effects noise and vibration temporary construction effects contaminated land effects loss of productive land <p>The applicant has confirmed that specialists have prepared technical assessments on the above matters. The applicant considers the project will not result in significant adverse environmental effects.</p> <p>We note that you do not require a full Assessment of Environment Effects and supporting evidence to make a referral decision, and that a panel will consider the significance of effects and appropriate mitigation should the project be referred.</p>	<p>The project involves vegetation clearance, earthworks and land disturbance within, or within a 10-metre setback from, natural wetlands. The applicant has provided an assessment which states the project meets the definition of specified infrastructure under the NES-F and National Policy Statement for Freshwater Management 2020 (NPS-FM), as it is infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002). We are satisfied at this stage that the project will not include prohibited activities.</p> <p>The applicant is proposing to connect to the national grid via existing 33kV Powerco transmission lines that extend across the project site. The applicant has not provided evidence of consultation with or approval/ agreement from Transpower or Powerco. We recommend you seek comment from Transpower and Powerco on whether any approvals are</p>	<p>a. Note 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. Note 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. Note 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. Note 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. Agree to progress the Opunake Solar Farm Project to our Stage 2 analysis. The project warrants further analysis but we need to consider some matters further before providing you with our final advice on the referral application.</p> <p>f. Agree to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> the Ministers listed in section 21(6)(a)–(m) of the FTCA. the Minister of Energy and Resources and Minister of Agriculture as an additional relevant Minister under section 21(6)(n) of the FTCA. the relevant local authorities – South Taranaki District Council and Taranaki Regional Council. the following additional entities/persons under section 21(3) of the FTCA: Powerco Limited and Transpower New 	<p>Yes/No</p> <p>Yes/No</p>

Project details	Project description	Project funding	Is project eligible for referral? [sections 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>the Kina Road road reserve</p> <p>f. enhancement of wetlands and streams.</p> <p>The project will involve activities such as: clearing vegetation (including within, or within 10 metres of, a natural wetland); carrying out earthworks (including disturbing potentially contaminated soils) within, or within 10 metres of, a natural wetland; constructing buildings and other structures; installing underground electricity cables; installing infrastructure ancillary to the solar farm; restoring and planting in natural wetlands; constructing and upgrading roads, vehicle access and parking areas; landscaping and planting; operating a solar farm.</p> <p>The project will require land use consents under the South Taranaki District Plan (STDP), water and discharge permits under the Taranaki Regional Freshwater Plan (TRFP), and resource consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil</p>		<p>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 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>						<p>required from them to allow connection to their assets, and whether they anticipate that this may have an impact on project delivery or timing.</p>	<p>Zealand Limited.</p> <p>g. Agree to seek further information from the applicant to confirm funding of the project.</p> <p>h. Agree to seek further information from South Taranaki District Council and Taranaki Regional Council on the appropriateness of using the FTCA process.</p> <p>i. Sign the attached letters to Ministers.</p> <p>j. Note 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>

Project details	Project description	Project funding	Is project eligible for referral? [sections 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)]		
	to Protect Human Health) Regulations 2011 (NES-CS) and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). The referral application initially included an upgrade to Transpower's Opunake substation and three connection options to the national grid. In response to a request for further information, the applicant amended the project scope on 31 March 2023.										
Name Marton Solar Farm Project Applicant Energy Farms Limited [c/- Thomas Keogh, Reyburn and Bryant 1999 Limited] Location 1618 Wellington Road, Marton (Lots 4 and 5 DP 10517)	The project is to construct and operate a solar farm on an approximately 194-hectare site in Marton, and to connect to and supply electricity to the national grid via existing 110kV Transpower transmission lines. The solar farm will have an approximate installed capacity of 80-110 peak Megawatts. The solar farm will comprise: a. approximately 230,000 solar panels, occupying approximately 154 hectares b. arrays and mounting structures, inverter cabinets,	The applicant states it will fully fund the project via a national and international investor funding model. The applicant has supplied some evidence of funding investors and we note this funding is primarily sourced overseas and subject to consent approval. We recommend that further supporting information with respect	Based on available information at this stage, we consider the project is eligible for referral because: <ul style="list-style-type: none"> it does not include any prohibited activities it does not include land returned under a Treaty settlement it does not occur in a customary marine title area or protected customary rights area under the Marine and 	The applicant estimates the project will: <ul style="list-style-type: none"> provide approximately 445 direct full-time equivalent (FTE) jobs over a 24-month construction period; and 33 ongoing FTE jobs for the life of the solar farm (approximately 30 years). 	The applicant considers the project will contribute to: <ul style="list-style-type: none"> generate employment and broader economic benefits contribute to increased electricity supply and security which will assist communities. 	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 and a hearing and potential for appeals under standard process. Should you agree to progressing this application, we will seek feedback on your behalf from Rangitikei District Council and Horizons Regional Council on the	Based on the applicant's information we consider the project may result in the following public benefits: <ul style="list-style-type: none"> generating employment by providing approximately 445 direct FTE jobs over a 24-month construction period and 33 ongoing FTE jobs providing infrastructure that will contribute to improving economic and employment outcomes assisting New Zealand's 	The project has the potential for adverse environmental effects including: <ul style="list-style-type: none"> traffic and access amenity effects landscape, rural character and visual amenity ecological effects noise and vibration temporary construction effects contaminated land effects loss of productive land 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.	The applicant is proposing to connect to the national grid via existing 110kV Transpower transmission lines that extend across the project site. The applicant has not provided evidence of consultation with or approval/ agreement from Transpower. We recommend you seek comment from Transpower on whether any approvals are required from them to allow connection to their assets, and whether they anticipate that this may have an impact on project delivery or timing. The project site is partly covered by	a. Note 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. b. Note 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. c. Note that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person. d. Note 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. e. Agree to progress the Marton Solar Farm Project to our Stage 2 analysis. The project warrants further analysis but we need to consider some matters further	Yes/No

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				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>underground cables and associated infrastructure</p> <p>c. 16 inverter stations, one substation and one transformer</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</p> <p>The project will involve activities such as: clearing vegetation; carrying out earthworks (including disturbing potentially contaminated soils); constructing buildings and other structures; installing underground electricity cables; installing infrastructure ancillary to the solar farm; restoring and planting in natural wetlands; constructing and upgrading roads, vehicle access and parking areas; landscaping and planting; operating a solar farm.</p> <p>The project will require land use consents under the Rangitikei District Plan (RDP), land use consent and water permit under the</p>	to funding is requested from the applicant.	<p>Coastal Area (Takutai Moana) Act 2011.</p> <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 progression of shovel-ready projects that promote employment and investment that can deliver economic and other social</p>			appropriateness of using the FTCA process.	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.	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>designation D7 - Tutaenui Dam (Manawatu-Wanganui Regional Council (Horizons Regional Council)) under the RDP. The applicant notes the project has been designed to avoid the designation and written consent has therefore not been sought. We recommend you seek comment from Horizons Regional Council to confirm whether the project will require written consent under section 176 of the RMA.</p>	<p>before providing you with our final advice on the referral application.</p> <p>f. Agree to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> the Ministers listed in section 21(6)(a)–(m) of the FTCA. the Minister of Energy and Resources and Minister of Agriculture as additional relevant Ministers under section 21(6)(n) of the FTCA. the relevant local authorities – Rangitikei District Council and Horizons Regional Council the following additional entities/persons under section 21(3) of the FTCA: Transpower New Zealand Limited <p>g. Agree to seek further information from the applicant to confirm funding of the project.</p> <p>h. Agree to seek further information from Rangitikei District Council on the appropriateness of using the FTCA process.</p> <p>i. Agree to seek further information from Horizons Regional Council on the appropriateness of using the FTCA process and whether the project will require written consent under section 176 of the RMA.</p> <p>j. Sign the attached letters to Ministers.</p> <p>k. Note 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> <p>Yes/No</p>

Project details	Project description	Project funding	Is project eligible for referral? [sections 18(3) and 18(2)]	Will project help to achieve the purpose of the FTCA? [section 19 assessment criteria]						Recommendations	Minister's decisions
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	Horizons Regional One Plan (HROP), and resource consent under the NES-CS and NES-F.		and public benefits is one way that the government can continue to support the recovery and response to these effects. The specific ways in which the project meets the FTCA's purpose are noted in the six columns to the right.								

Signed:

Hon David Parker
Minister for the Environment

Date: