



# FTC #162: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

### Application 2022-106 Rangiriri Solar Farm Project Application 2022-107 Waerenga Solar Farm Project

Date submitted:	6 October 2022	Tracking #: BRF-2282			
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> <li>Return the signed briefing to MfE.</li> <li>Send attached letter (if signed) with accompanying template and links to application documents.</li> </ol>
Number of	<ol> <li>Attachments:</li> <li>Application documents for Rangiriri Solar Farm Project (Databox link)</li> <li>Application documents for Waerenga Solar Farm Project (Databox link)</li> <li>Letter to Ministers – inviting comments on Rangiriri Solar Farm Project and</li></ol>
attachments: 4	Waerenga Solar Farm Project referral <li>Template for ministerial comment</li>

### **Ministry for the Environment contacts**

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Authors	Alison Grayston, Max Gander- Cooper		
Acting Manager	Madeleine Berry	s 9(2)(a)	✓
Acting Director	Matthew Barbati-Ross	s 9(2)(a)	

# FTC#162: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

#### Key messages

- 1. This briefing seeks your initial decisions on two 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. Rangiriri Solar Farm Project, from joint applicants: Rangiriri Solar Farm Limited and Transpower New Zealand Limited (Transpower)
  - b. Waerenga Solar Farm Project, from joint applicants: Waerenga Solar Farm Limited and Transpower
- 2. The <u>Rangiriri Solar Farm Project</u> is to construct and operate a solar farm on a 275-hectare site comprising 4 properties on Glen Murray Road, Rangiriri West, Waikato (the primary address is 241 Glen Murray Road), and to connect to and supply electricity to the national grid. The solar farm will have an approximate peak output of 130 Megawatts.
- 3. The solar farm will comprise:
  - a. approximately 200,000 solar panels, occupying approximately 58 hectares
  - b. arrays and mounting structures, inverter cabinets, and associated infrastructure
  - c. a 220kV substation and transmission line to connect to the national grid
  - d. an energy storage facility
  - e. underground electricity cables
  - f. ancillary buildings, structures and infrastructure (including roads, access, culverts, cabling, fencing, CCTV poles and other infrastructure)
  - g. landscaping including planting, boundary screening and enhancement of streams and waterways
- 4. The project will require land use consents under the Operative and Proposed Waikato District Plan; land use consent, water permits and discharge permits under the Waikato Regional Plan; 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 Operative Waikato District Plan and General Rural zone under the Proposed Waikato District Plan and, subject to confirmation by Waikato District Council through a request for further information, will have discretionary activity status under those plans. The applicants note the project is considered 'specified infrastructure' and will have overall discretionary activity status under the NES-F relating to construction, maintenance and operation of infrastructure in a natural wetland.
- 6. The <u>Waerenga Solar Farm Project</u> is to construct and operate a solar farm on a 385-hectare site at 3 properties located on Waerenga Road, Keith Road and Awariki Road, Waerenga, Waikato, and to connect to and supply electricity to the national grid. The solar farm will have an approximate peak output of 180 Megawatts.
- 7. The solar farm will comprise:
  - a. approximately 290,000 solar panels, occupying approximately 81 hectares
  - b. arrays and mounting structures, inverter cabinets, and associated infrastructure

- c. a 220kV substation and transmission line to connect to the national grid
- d. an energy storage facility
- e. underground electricity cables
- f. ancillary buildings, structures and infrastructure (including roads, access, culverts, cabling, fencing, CCTV poles and other infrastructure)
- g. landscaping including planting, boundary screening and enhancement of streams and waterways
- 8. The project will require land use consents under the Operative and Proposed Waikato District Plans; land use consent, water permits and discharge permits under the Waikato Regional Plan and resource consent under the NES-CS and the NES-F.
- 9. The project site is in the Rural zone under the Operative Waikato District Plan and General Rural zone under the Proposed Waikato District Plan and, subject to confirmation by Waikato District Council through a request for further information, will have discretionary activity status under those plans. The applicants' note the project is considered 'specified infrastructure' and will have overall discretionary activity status under the NES-F relating to construction, maintenance and operation of infrastructure in a natural wetland.
- 10. We have undertaken an initial (Stage 1) analysis of the two referral applications and this is presented along with our recommendations in Table A.
- 11. The two projects meet all the eligibility criteria in section 18(3) of the FTCA, but more analysis is needed before we can advise you if they meet the purpose of the FTCA (thus satisfying section 18(2) of the FTCA) and advise you on matters in section 23(5) which may influence your referral decision.
- 12. We recommend you progress consideration of the two applications to the next stage of analysis (Stage 2) and invite comments from Waikato District Council, Waikato Regional Council and specific Ministers listed in section 21(6) of the FTCA.
- 13. We recommend that you invite comments from the Minister of Energy and Resources as an additional Minister under section 21(6)(n) of the FTCA.

#### Statutory framework summary

- 14. You are the sole decision maker for the two referral applications as the projects will not occur in the coastal marine area.
- 15. 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 (see section 23(2) of the FTCA).
- 16. 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.
- 17. 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 the referral application (see section 22 of the FTCA).

**Action sought** 

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

Signature

MSEJ

Madeleine Berry Acting Manager – Fast-track Consenting

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

Project to progress

				Will project help to achieve the purpose of the FTCA? [section 18(2)]							
Project details	Project description	Project funding	Is project eligible for referral? [section 18(3)]	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)]	Recommendations	Minister's decisions
Name Rangiriri Solar Farm Project Applicants Rangiriri Solar Farm Limited Transpower NZ Limited c/- Chapman Tripp Location Four properties located on Glen Murray Road, Rangiriri West, Waikato and the adjacent road reserve.	The project is to construct and operate a solar farm on a 275- hectare site comprising 4 properties on Glen Murray Road, Rangiriri West, Waikato (the primary address is 241 Glen Murray Road), and to connect to and supply electricity to the national grid. The solar farm will have an approximate peak output of 130 Megawatts. The solar farm will comprise: a. approximately 200,000 solar panels, occupying approximately 58 hectares b. arrays and mounting structures, inverter cabinets, and associated infrastructure c. a 220k∨ substation and transmission line to connect to the national grid d. an energy storage facility e. underground electricity cables f. ancillary buildings, structures and	Rangiriri Solar Farm Limited have provided information to demonstrate they have a track record of delivering several projects of a similar or larger scale overseas. We are not concerned about the applicants' ability to fund and deliver the project. We note that the ultimate holding company for Rangiriri Solar Farms Limited is registered overseas. With respect to Overseas Investment Office (OIO) approval, the applicants have stated that they have a right to secure a leasehold interest in the project site, which would require OIO consent, and the applicant have also agreed with the landowners that, if suitable, it may pursue the project via easements, which would not	Based on available information at this stage, we consider the project is eligible for referral because: • 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.	The applicants estimate the project will: • provide approximately 100-120 direct full-time equivalent (FTE) jobs over a 15- 18 month construction period (potentially up to 200 FTE during 'peak' of mechanical installation) and 7-9 ongoing FTE jobs • contribute \$9(2)(b) for GDP during construction.	The applicants' estimate the project will contribute to the social wellbeing of current and future generations as it will contribute to job creation and flow- on economic benefits. While the applicants' have not identified how the project will contribute to cultural wellbeing, they have stated they are in consultation with relevant iwi authorities on how they can contribute to cultural initiatives as part of the project. We also consider the project will contribute to increased electricity supply and security which will assist communities.	The applicants estimate that the FTCA process will allow the project to progress 6-12 months faster than under standard RMA processes due to the likelihood of notification and a hearing and potential for appeals under standard process. We recommend you seek comments from Waikato District Council and Waikato Regional Council on the appropriateness of using the FTCA process.	Based on the applicants' information we consider the project may result in the following public benefits: • generating employment by providing approximately 100-120 direct FTE jobs over a 15-18 month period and 7-9 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.	The project has the potential for adverse environmental effects including: • traffic generation and effects on access • amenity effects • landscape, rural character and visual amenity effects • ecological effects (including on wetlands) • temporary construction effects, including noise and vibration • glint and glare effects • contaminated land effects • loss of productive land The applicants' have confirmed that specialists have prepared technical assessments on the above matters. The applicants consider the project will not result in significant adverse environmental effects. 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.	The project involves works within a 10- metre setback from natural wetlands, which may have a prohibited activity status under the NES-F. The applicant has provided an assessment which states the project meets the definition of specified infrastructure and regionally significant infrastructure under the NES-F and National Policy Statement for Freshwater Management 2020 (NPSFM). We are satisfied at this stage that the project will not include prohibited activities. It is not clear whether the project will have discretionary or non- complying activity status under the Proposed Waikato District Plan. The activity status is subject to confirmation by Waikato District Council and we recommend that you seek comments from Waikato District Council on the activity status of the project and the status of any relevant appeals on the Proposed Waikato District Plan.	<ul> <li>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.</li> <li>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.</li> <li>c. Note that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person.</li> <li>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.</li> <li>e. Agree to progress the Rangiriri Solar Farm Project to our Stage 2 analysis. The project warrants further analysis because it has potential to achieve the purpose of the FTCA but we need to consider some matters further before providing you with our final advice on the referral application.</li> <li>f. Agree to provide the application to, and invite comments from:</li> <li>the Ministers listed in section 21(6)(a)-(m) of the FTCA</li> <li>the Minister under section 21(6)(a)(n) of the FTCA</li> <li>the Minister under section 21(6)(n) of the FTCA</li> <li>the relevant local authorities – Waikato District Council and Waikato Regional Council</li> <li>g. Agree to seek further information from Waikato District Council on the activity status of the project and the status of any relevant appeals on the Proposed Waikato District Plan.</li> </ul>	Yes/No Yes/No

			Will project help to achieve the purpose of the FTCA? [section 18(2)]							
Project description	Project funding	Is project eligible for referral? [section 18(3)]	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)]		
infrastructure (including roads, access, culverts, cabling, fencing, CCT∨ poles and other infrastructure) g.landscaping including planting, boundary screening and enhancement of	require OIO approval.									
streams and waterways The project will require land use consents under the Operative and Proposed Waikato District Plan, land use consent and water and discharge permits under the Waikato Regional Plan, 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 Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).										

Recommendations	Minister's decisions
<ul> <li>Sign the attached letters to Ministers.</li> </ul>	Yes/No
<ol> <li>Note that while awaiting comments from invited parties, 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.</li> </ol>	

Project details	Project description	Project funding	oject funding [section [section [8(3)]	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)]	Recommendations
Name Waerenga Solar Farm Project Applicants Waerenga Solar Farm Limited Transpower NZ Limited c/- Chapman Tripp Location Three properties on 1276 Waerenga Road, 428A Keith Road and 40 Awariki Road, Waerenga, Waikato	The project is to construct and operate a solar farm on a 385- hectare site at 3 properties located on Waerenga Road, Keith Road and Awariki Road, Waerenga, Waikato, and to connect it to the national electricity grid. The solar farm will have an approximate output of 180 Megawatt peak. The solar farm will comprise: a. approximately 290,000 solar panels, occupying approximately 81 hectares b. arrays and mounting structures, inverter cabinets, and associated infrastructure c. a 220kV substation and transmission line to connect to the national grid d. an energy storage facility e. underground electricity cables f. ancillary buildings, structures and infrastructure (including roads, cabling, fencing, CCTV poles and other infrastructure) g. landscaping including	Waerenga Solar Farm Limited has provided information to demonstrate they have a track record of delivering several projects of a similar scale overseas. We are not concerned about the applicants' ability to fund and deliver the project. We note that the ultimate holding company for Waikato Solar Farm Limited is registered overseas. With respect to Overseas Investment Office (OIO) approval, the applicants have stated they have a right to secure a leasehold interest in the project site, which would require OIO consent, and the applicants have also agreed with the landowners that, if suitable, it may pursue the Project via easements, which would not require OIO approval.	Based on available information at this stage, we consider the project is eligible for referral because: • 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.	The applicants' estimate the project will: • provide approximately 130-160 direct full-time equivalent (FTE) jobs over a 15- 18 month construction period (potentially up to 250 FTE during 'peak' of mechanical installation) and 13-17 ongoing FTE jobs • contribute secontribute seconstruction.	The applicants' estimate the project will contribute to the social wellbeing of current and future generations as it will contribute to job creation and flow- on economic benefits. While the applicants have not identified how the project will contribute to cultural wellbeing, they have stated that they are in consultation with relevant iwi authorities on how they can contribute to cultural initiatives as part of the project. We also consider the project will contribute to increased electricity supply and security which will assist communities.	The applicants' estimate that the FTCA process will allow the project to progress 6-12 months faster than under standard RMA processes due to the likelihood of notification and a hearing and potential for appeals under standard process. We recommend you seek comments from Waikato District Council and Waikato Regional Council on the appropriateness of using the FTCA process.	Based on the applicants' information we consider the project may result in the following public benefits: • generating employment by providing approximately 130-160 direct FTE jobs over a 15-18 month period and 13- 17 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.	The project has the potential for adverse environmental effects including: • traffic generation and effects on access • amenity effects • landscape, rural character and visual amenity effects • ecological effects (including on wetlands) • temporary construction effects, including noise and vibration • glint and glare effects • contaminated land effects • loss of productive land The applicants' have confirmed that specialists have prepared technical assessments on the above matters. The applicants consider the project will not result in significant adverse environmental effects. 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.	The project involves works within a 10- metre setback from natural wetlands, which may have a prohibited activity status under the NES-F. The applicant has provided an assessment which states the project meets the definition of specified infrastructure and regionally significant infrastructure under the NES-F and National Policy Statement for Freshwater Management 2020 (NPSFM). We are satisfied at this stage that the project will not include prohibited activities. It is not clear whether the project will have discretionary or non- complying activity status under the Proposed Waikato District Plan. The activity status is subject to confirmation by Waikato District Council and we recommend that you seek comments from Waikato District Council on the activity status of the project and the status of any relevant appeals on the Proposed Waikato District Plan.	<ul> <li>a. Note that section 23. permits you to declin application without in from the relevant loca and any relevant Min</li> <li>b. Note that you have n the application to, no comments on it from authorities or relevant that you are required do not decline the apsection 23(3) of the F</li> <li>c. Note that section 21. permits you to forwal to, and invite written any other person.</li> <li>d. Note that section 22 permits you to reque information from the relevant local authorib before you decide wh or decline an applicat</li> <li>e. Agree to progress the Solar Farm Project to analysis. The project analysis because it h achieve the purpose we need to consider further before providi final advice on the relevant Minister un 21(6)(a)-(m) of the end invite comments</li> <li>the Ministers listed 21(6)(a)-(m) of the FTC.</li> <li>the relevant local a Waikato District Co Waikato Regional Consider for the relevant local and the section 20 (a) (b) of the FTC.</li> <li>the relevant local and invite comments if from invited parties, for the purpose of the FTCA.</li> </ul>

Re	commendations	Minister's decisions
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 Waerenga Solar Farm Project to our Stage 2 analysis. The project warrants further analysis because it has potential to achieve the purpose of the FTCA but we need to consider some matters further before providing you with our final advice on the referral application.	Yes/No
f.	Agree to provide the application to, and invite comments from:	Yes/No
	<ul> <li>the Ministers listed in section 21(6)(a)–(m) of the FTCA</li> <li>the Minister of Energy and Resources as an additional relevant Minister under section 21(6)(n) of the FTCA</li> <li>the relevant local authorities – Waikato District Council and Waikato Regional Council</li> </ul>	
g.	Sign the attached letters to Ministers.	Yes/No
h.	Note that while awaiting comments from invited parties, 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.	

					Will project					
Project details	Project description	Project funding	ject funding [sect funding [section 18(3)]	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)]	Minister's decisions
	planting, boundary screening and enhancement of streams and waterways									
	The project will require land use consents under the Operative and Proposed Waikato District Plans, land use consent and water and discharge permits under the Waikato Regional Plan and resource consent under the NES- CS and the NES- F.									

Signed:

Hon David Parker Minister for the Environment

nt Date: