



FTC #92: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decision

Application 2021-068 Tauhei Solar Farm

Date Submitted:	4 November 2021	Tracking #: BRF- 820	
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	TBA

Actions for Minister's Office Staff	Return the signed briefing to MfE
Number of attachments: 2	Titles of attachments: <ol style="list-style-type: none"> Letters from the Minister for the Environment to relevant Ministers of the Crown Copy of Tauhei Solar Farm project application and supporting information – to send with letters to Ministers

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Rachel Ducker		
Manager	Stephanie Frame	s 9(2)(a)	✓
Acting Director	Sara Clarke	s 9(2)(a)	

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FTC #92: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decision

Key Messages

1. We seek your initial decisions on an application for referral to an expert consenting panel (a panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) for the Tauhei Solar Farm project (the Project), from Harmony Energy NZ Limited.
2. The Project is to construct, install and operate a solar farm with capacity to generate approximately 185 Megawatt peak (MWp) electricity for supply to the national electricity grid. The applicant intends to operate the solar farm but may also negotiate a joint venture with a third party and retain an equity position.
3. The Project is located on 262.5 hectares of private land, which extends from Mikkelson Road to Stanley Road South, and on parts of the Mikkelson Road and O'Donoghue Road reserves, in Te Aroha West, Waikato.
4. The solar farm will comprise:
 - a. solar panels, arrays, mounting structures and poles covering approximately 182 hectares of the Project site
 - b. two sub-stations
 - c. a power station
 - d. underground electricity cables
 - e. ancillary buildings, structures and infrastructure.
5. The Project will involve activities such as:
 - a. clearing vegetation
 - b. carrying out earthworks (including disturbing potentially contaminated soils)
 - c. taking, using and diverting groundwater
 - d. discharging groundwater, stormwater run-off and contaminants to land and water
 - e. constructing buildings and structures for renewable energy generation
 - f. installing underground electricity cables and ancillary infrastructure
 - g. constructing and/or upgrading roads, culverts, vehicle access and parking areas
 - h. restoring wetland and riparian areas, including constructing wetland utility structures
 - i. planting for biodiversity corridors and boundary screening
 - j. operating a solar farm
 - k. hosting educational visits
 - l. any other activities that are:
 - i. associated with activities described in paragraph a to k
 - ii. within the project scope.
6. The Project will require land use consents under the Matamata-Piako District Plan and land use consents, and potentially water take and discharge consents, under the Waikato Regional Plan. The Project also requires land use consents under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F)

and potentially under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).

7. The Project site is located in the Rural Zone under the Matamata-Piako District Plan. The Rural Zone provides for farming as a permitted activity and for renewable energy generating facilities and some transformers, substations, switching stations and ancillary buildings, and educational activities as a discretionary activity.
8. We have undertaken an initial (Stage 1) analysis of the application and this is presented along with our recommendations in Table A.
9. The Project meets all of the eligibility criteria in section 18 of the FTCA, but more analysis is needed to confirm if the Project meets the purpose of the FTCA and to enable us to advise you on matters in section 23 (5) which may influence your referral decision.
10. We recommend you progress consideration of the application to the next stage of analysis (Stage 2) and invite comments from:
 - a. Ministers listed in section 21(6) of the FTCA
 - b. the Matamata-Piako District Council
 - c. Waikato Regional Council.
11. We recommend that you invite comments from the:
 - a. Minister of Energy and Resources as an additional Minister under section 21(6)(n) of the FTCA
 - b. Transpower New Zealand Limited as an additional party under section 21(3) of the FTCA.
12. We also recommend you request further information from the applicant as detailed in Table A.

Statutory Framework Summary

13. You are the sole decision maker for referral of the Project as it will not occur in the coastal marine area.
14. You may decline the 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 you being satisfied they meet 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).
15. If you do not decline the 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.
16. 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 applications (see section 22 of the FTCA).

Action Sought

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

Signature



Stephanie Frame
Manager – Fast Track Consenting

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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? [section 18(3)]	Will the Project help to achieve the purpose of the FTCA? [section 18(2)]						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 the 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>Project name Tauhei Solar Farm</p> <p>Applicant Harmony Energy NZ Limited</p> <p>C/- 4Sight Consulting Limited</p> <p>Location 262.5 hectares of private land, which extends from Mikkelson Road to Stanley Road South, and on parts of the Mikkelson Road and O'Donoghue Road reserves, in Te Aroha West, Waikato</p>	<p>To construct, install and operate a solar farm with capacity to generate approximately 185 Megawatt peak (MWp) electricity for supply to the national electricity grid. The applicant intends to operate the solar farm but may also negotiate a joint venture with a third party and retain an equity position.</p> <p>The solar farm will comprise:</p> <ol style="list-style-type: none"> solar panels, arrays, mounting structures and poles covering approximately 182 hectares of the Project site two sub-stations a power station underground electricity cables ancillary buildings, structures and infrastructure <p>The Project may involve the following activities:</p> <ol style="list-style-type: none"> clearing vegetation carrying out earthworks (including disturbing potentially contaminated soils) taking, using and diverting groundwater discharging groundwater, stormwater run-off and contaminants to land and water constructing buildings and structures for renewable energy generation installing underground electricity cables and ancillary infrastructure constructing and/or upgrading roads, culverts, vehicle access and parking areas 	<p>The applicant has advised that funding is available through a mix of equity and debt.</p> <p>We recommend that you request further information from the applicant regarding project funding.</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 applicant's assessment concluded that works in wetlands are not prohibited under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). We recommend seeking confirmation from the</p>	<p>The applicant estimates the Project will provide:</p> <ul style="list-style-type: none"> approximately 568 direct full-time equivalent (FTE) jobs over a 2 year construction period approximately 3 indirect full-time equivalent (FTE) jobs over a 2 year construction period approximately 7.2 direct full-time equivalent (FTE) ongoing jobs 	<p>The applicant estimates that the Project will provide for the social and cultural wellbeing of current and future generations as it will:</p> <ul style="list-style-type: none"> contribute to increased electricity supply and security which will assist communities contribute ancillary social benefits by opening the site to schools and community groups for educational purposes. 	<p>The applicant considers that the fast-track process will allow the Project to progress approximately 15 months faster than under standard Resource Management Act (RMA) processes, due to the likelihood of notification and a hearing, and potential for appeals under the standard process.</p>	<p>Based on the information provided we consider that the Project may result in the following public benefits:</p> <ul style="list-style-type: none"> generating employment throughout the construction and planting/restoration works providing infrastructure to assist in providing a secure energy supply and improve economic and employment outcomes contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low emissions economy 	<p>The Project has the potential for adverse environmental effects associated with:</p> <ul style="list-style-type: none"> traffic and access character and amenity landscape and visual amenity ecology noise and vibration glint and glare contaminated soil rural productive land values. <p>The applicant has confirmed that specialists have prepared technical assessments on the following matters; landscape/visual, construction traffic, productivity, ecology, cultural impact assessments, noise and vibration, glint and glare.</p> <p>The applicant considers that the Project will not result in significant adverse environmental effects. This could be tested by a panel as part of a merit assessment.</p>	<p>The registered owner of the private land is Tauhei Farms Limited. The applicant advises that it leases the project site from the owner. The Project also includes underground cabling on the Mikkelson Road and O'Donoghue Road road reserves.</p> <p>The applicant company is registered in New Zealand and is a wholly owned subsidiary of Harmony Energy Limited which has operated in the United Kingdom for ten years. It is likely that the applicant is an overseas person within the meaning of the Overseas Investment Act 2005.</p> <p>We recommend seeking further information from the applicant about the location of the project on road reserves and discussions with the Matamata-Piako Council about use of the road reserve, lease tenure,</p>	<ol style="list-style-type: none"> 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. 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. Note that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person. 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. Agree to progress the Tauhei 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. Agree to provide the application to, and invite comments from: <ul style="list-style-type: none"> the Ministers listed in section 21(6) of the FTCA the Minister of Energy and Resources Matamata-Piako District Council Waikato Regional Council the following additional entity under section 21(3) of the FTCA: <ul style="list-style-type: none"> Transpower New Zealand Limited Agree to seek further information 	<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>

Project details	Project description	Project funding	Is Project eligible for referral? [section 18(3)]	Will the Project help to achieve the purpose of the FTCA? [section 18(2)]					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 the 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)]		
	<p>h. restoring wetland and riparian areas, including constructing wetland utility structures</p> <p>i. planting for biodiversity corridors and boundary screening</p> <p>j. operating a solar farm</p> <p>k. hosting educational visits</p> <p>l. any other activities that are:</p> <p>i. associated with activities described in paragraph a to k</p> <p>ii. within the project scope.</p> <p>The Project requires land use consents under the Matamata-Piako District Plan and the land use consents, and potentially water take and discharge consents, under the Waikato Regional Plan. The Project also requires land use consents under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F) and potentially under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).</p>		Waikato Regional Council on this issue.						<p>project funding, and whether any approvals are required under the Overseas Investment Act 2005.</p> <p>h. Sign the attached letters to Ministers listed in section 21(6) of the FTCA and the Minister of Energy and Resources.</p> <p>i. Note that while awaiting these comments 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>	Yes/No

Signed:

Hon David Parker
Minister for the Environment

Date

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