



FTC#102 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

Application 2021-068 Tauhei Solar Farm

Date Submitted:	9 December 2021	Tracking #: BRF-921	
Security Level	In-Confidence	MfE Priority:	Urgent
		Action sought:	Response by:
To Hon David Parker, Minister for the Environment		Decisions on recommendations	TBA
Actions for Minister's Office Staff	Return the signed briefing to MfE.		
Number of appendices: 6	Appendices: 1. Tauhei Solar Farm application and further information received 2. Stage 1 Briefing Note and decisions 3. Statutory framework for making decisions 4. Draft Notice of Decisions letter to Harmony Energy NZ Limited 5. Section 17 Report 6. Comments received from Ministers and local authorities		

Ministry for the Environment contacts

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FTC#102: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

Key Messages

1. This briefing relates to the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from Harmony Energy NZ Limited for referral of the Tauhei Solar Farm project (the Project) to an expert consenting panel (a panel). A copy of the application is in Appendix 1.
2. This is the second briefing relating to this application. The first (Stage 1) briefing (BRF-820) with your initial decisions annotated is in Appendix 2.
3. The Project is located on 262.5 hectares of privately-owned land and parts of the Mikkelson Road and O'Donoghue Road reserves, in Te Aroha West, Waikato. It is to construct and operate a solar farm with capacity to generate approximately 185 Megawatt-peak (MWp) electricity for supply to the national electricity grid, and to install associated underground cabling from the solar farm to the boundary of the Waihou substation.
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 (including roads, fencing and security lighting)
 - f. landscaping, including planting and enhancement of biodiversity corridors and boundary screening, and creation of a 7-hectare wetland.
5. The Project will involve activities such as:
 - a. clearing vegetation
 - b. 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
 - f. installing underground electricity cables and ancillary infrastructure
 - g. constructing and/or upgrading roads, culverts, vehicle access and parking areas
 - h. developing and restoring wetland areas, including constructing wetland utility structures
 - i. landscaping including planting
 - j. operating a solar farm
 - k. ancillary educational activities
 - 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 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). The Project may require a land use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) and water take and discharge consents under the Waikato Regional Plan.
 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 discretionary activities.
 8. We recommend you accept the referral application under section 24 of the FTCA and refer the Project to a panel for fast-track consenting. We seek your decision on this recommendation and on our recommendations on directions to the applicant and a panel, and notification of your decisions.

Assessment against Statutory Framework

9. The statutory framework for your decision-making is set out in Appendix 3. You must apply this framework when you are deciding whether or not to accept the application and when deciding on any further requirements or directions associated with Project referral.
10. Before accepting the application, you must consider the application and any further information provided by the applicant (in Appendix 1), the Section 17 Report (in Appendix 5) and comments from local authorities and Ministers (in Appendix 6). Following that, you may accept the application if you are satisfied that it meets the referral criteria in section 18 of the FTCA. We provide our advice on these matters below.
11. We have also considered if there are any reasons for declining the Project, including the criteria in section 23(5) of the FTCA, and provide our advice on these matters to assist your decision-making.

Further information provided by applicant

12. In response to your request under section 22 of the FTCA the applicant provided further information on:
 - a. timing and nature of lease agreement with property owners
 - b. works required to connect to Transpower distribution assets
 - c. location of underground cables
 - d. project funding
 - e. Overseas Investment Act 2005 requirements.
13. We have taken this information into account in our analysis and advice.

Section 17 Report

14. The Section 17 Report indicates that there are ten iwi authorities, three Treaty settlements and eight Treaty settlement entities relevant to the Project area.
15. The southern part of the Project site lies within a statutory acknowledgement area for the Waihou River and its tributaries under the Ngāti Hinerangi Treaty settlement. The statutory acknowledgement only applies to the beds of watercourses that are Crown-owned, however Ngāti Hinerangi is likely to have an interest in the waterways within this area even if they are not directly affected by the statutory acknowledgement.
16. The Project site also lies in an area to be included in co-governance arrangements over the Waihou, Piako and Coromandel waterways under the pending Treaty settlement with the Pare Hauraki Collective. A commercial redress property, to be transferred to Ngāti Maru (Hauraki) and Ngāti Rāhiri Tumutumu once the Pare Hauraki settlement is enacted, lies adjacent to the eastern side of the Project site.
17. The relevant iwi authorities will have opportunity to provide their comments to a panel on these and any other matters of interest, should you decide to refer the Project.

Comments received

18. Comments were received from s 9(2)(f)(ii), s 9(2)(g)(i), Matamata-Piako District Council and Waikato Regional Council. s 9(2)(f)(ii), s 9(2)(g)(i)
[Redacted]
19. s 9(2)(f)(ii), s 9(2)(g)(i)
[Redacted]
20. s 9(2)(f)(ii), s 9(2)(g)(i)
[Redacted]
21. The Matamata-Piako District Council did not oppose Project referral. It considered that a panel should seek comments from local parties and identified potentially significant issues (high quality soils, rural character, ecological, and effects on Te Aroha West settlement) and technical assessments required with any resource consent applications for the Project.

Section 18 referral criteria

22. You may accept the application for Project referral if you are satisfied that the Project does not include ineligible activities (section 18(3)) and will help to achieve the purpose of the FTCA (section 18(2)).
23. We confirm that the Project does not include ineligible activities, and therefore meets the requirements of section 18(3) of the FTCA, as explained in Table A.
24. The matters that you may consider when deciding if a project will help achieve the purpose of the FTCA are in Section 19 of the FTCA. Our assessment of these matters is summarised in Table A. We consider the Project will help to achieve the purpose of the FTCA, and meet the requirements of section 18(2), as it has the potential to:

- a. generate approximately 568 direct full-time equivalent (FTE) jobs in engineering, design and construction over a two-year period and approximately 7 direct FTE jobs on an on-going basis
 - b. provide infrastructure that will contribute to improving economic and employment outcomes
 - c. assist New Zealand's efforts to mitigate climate change and transition more quickly to a low greenhouse gas emissions economy by increasing New Zealand's total amount of renewable energy generation.
 - d. progress faster than would otherwise be the case under standard Resource Management Act 1991 processes, provided that the applicant lodges their applications for resource consent in a timely manner following Project referral.
25. We consider that any actual and potential effects arising from the Project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the RMA and the purpose of the FTCA.

Issues and Risks

26. Even if the Project meets the referral criteria in section 18 of the FTCA, section 23(2) of the FTCA permits you to decline to refer the Project for any other reason including one or more of the reasons specified in section 23(5) of the FTCA. A summary of our analysis of these matters is in Table A.
27. We considered whether it was more appropriate to assess the project under the RMA (under section 23(5)(b)) given the Project scale¹, the potential for landscape, visual and character effects on both the surrounding rural area and the neighbouring Te Aroha West settlement, glint and glare effects on neighbouring dwellings, and public interest in a large-scale solar farm in a rural area.
28. Despite the Project's potential for adverse effects, we consider that a panel could assess a full resource consent application on its merits. If you decide to refer the Project, we recommend that you require the applicant to provide technical assessments on landscape, visual and character effects, glint and glare and other environmental effects to assist a panel with timely consideration of the application.
29. If you decide to refer the Project, a panel must invite comments from adjacent landowners and occupiers under clauses 17(6)(g) and 17(6)(h), Schedule 6 of the FTCA. A panel also has the ability to invite comments from any person they consider appropriate (clause 17(8), Schedule 6 of the FTCA). We consider that a panel would be best placed to consider whether other parties should be invited to comment following a review of the resource consent applications for the Project and the recommended technical assessments.

Conclusions

30. We do not consider the matters noted above provided sufficient reason for declining to refer the Project. We consider that you could accept the application under section 24 of the FTCA and that all of the Project could be referred to a panel.
31. If you decide to refer the Project, we consider that you should specify under section 24(2)(d) of the FTCA that the applicant must provide the following information, additional to the

¹ Approximately 185 hectares of structures in a rural location.

requirements of clause 9 of Schedule 6 of the FTCA, in an application submitted to a panel:

- a. an integrated transport assessment
 - b. a solar photovoltaic glint and glare assessment
 - c. an ecological assessment
 - d. a landscape, natural character and visual effects assessment
 - e. an acoustic assessment
 - f. information on discussions and agreements reached with Matamata-Piako District Council or Transpower.
32. The above information is required in response to comments from Matamata-Piako District Council requesting directions to the applicant.
33. If you decide to refer the Project we consider that you should specify under section 24(2)(e) of the FTCA that a panel must invite comments on a consent application from the following parties:
- a. the Minister of Energy and Resources
 - b. Transpower.
34. These parties are considered to have a specific interest in an application for renewable energy connecting to the national electricity grid.
35. Our recommendations for your decisions follow.

Next Steps

36. You must give notice of your decisions on the referral application, and the reasons for them, to the applicant and the persons, entities and groups listed in section 25 of the FTCA.
37. We have attached a notice of decisions letter to the applicant based on these requirements and our recommendations (refer Appendix 4). We will assist your office to give copies to all relevant parties.
38. To refer the Project, you must recommend that a referral order be made by way of an Order in Council (OIC).
39. Cabinet has agreed that you can issue drafting instructions to the Parliamentary Counsel Office without the need for a policy decision to be taken by Cabinet in the first instance.²

² Following the first OIC, the Minister for the Environment (and Minister of Conservation for projects in the Coastal Marine Area) can issue drafting instructions directly to the Parliamentary Counsel Office. Cabinet has also agreed that a Regulatory Impact Assessment is not required for an OIC relating to projects to be referred to a panel [ENV-20-MIN-0033 and CAB-20-MIN-0353 refer].

Recommendations

1. We recommend that you:

- a. **Note** section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline this application for referral unless you are satisfied that the Project meets the referral criteria in section 18 of the FTCA including that it would help to achieve the FTCA's purpose.
- b. **Note** when assessing whether the Project would achieve the FTCA's purpose, you may consider a number of matters under section 19, including the Project's economic benefits and costs, and effects on social or cultural well-being; whether it may result in a public benefit (such as generating employment or increasing housing supply) and also whether it could have significant adverse effects.
- c. **Note** before deciding to accept the application for Project referral under section 24(1) of the FTCA you must consider:
 - i. the application
 - ii. the report obtained under section 17 of the FTCA
 - iii. any comments and further information sought and provided within the required timeframe.
- d. **Note** if you are satisfied that all or part of the Project meets the referral criteria in section 18 of the FTCA you may:
 - i. refer all or part of the Project to an expert consenting panel (a panel)
 - ii. refer the initial stages of the Project to a panel while deferring decisions about the Project's remaining stages
 - iii. still decline the referral application for any reason under section 23(2) of the FTCA.
- e. **Note** if you do refer all or part of the Project you may:
 - i. specify restrictions that apply to the Project
 - ii. specify the information that must be submitted to a panel
 - iii. specify the persons or groups from whom a panel must invite comments
 - iv. set specific timeframes for a panel to complete their process.
- f. **Agree** the Project meets the referral criteria in section 18 (3) of the FTCA.

Yes/No
- g. **Agree** the Project will help achieve the purpose of the FTCA (and therefore meets the referral criteria in section 18(2) of the FTCA) as it has the potential to:
 - i. generate approximately 568 direct full-time equivalent (FTE) jobs in engineering, design and construction over a two-year period and approximately 7 direct FTE jobs on an on-going basis
 - ii. provide infrastructure that will contribute to improving economic and employment outcomes
 - iii. assist New Zealand's efforts to mitigate climate change and transition more quickly to a low greenhouse-gas-emissions economy by increasing New Zealand's total amount of renewable energy generation.

Yes/No

- h. **Agree to refer** all of the Project to a panel.

Yes/No

- i. **Agree** to specify under section 24(2)(d) of the FTCA the following additional information that the applicant must submit with any resource consent application lodged with the Environmental Protection Authority:

- i. an integrated transport assessment that:

1. identifies and addresses the effects of additional traffic on the road network during construction including on road safety and maintenance
2. identifies how works required to repair construction damage to roads will be funded

- ii. a solar photovoltaic glint and glare assessment, including modelling the location and nature of glint and glare effects on road users and sensitive receptors including dwellings, and appropriate mitigation measures

- iii. an assessment of the effects of the project on local ecology and biodiversity, including on aquatic fauna

- iv. a landscape, natural character and visual effects assessment of the Project including effects on rural landscape and the Te Aroha West settlement

- v. an acoustic assessment that identifies:

1. the effect of noise from the solar farm on the amenity of nearby dwellings
2. any measures to mitigate noise effects

- vi. information on any discussions held, or any agreements made, between the applicant and Matamata-Piako District Council or Transpower about the following matters:

1. occupation of road reserves for underground infrastructure
2. connecting to the national electricity grid.

Yes/No

- j. **Agree** to specify under section 24(2)(e) of the FTCA that a panel must invite comments from the following additional persons or groups:

- i. the Minister for Energy and Resources
- ii. Transpower.

Yes/No

- k. **Agree** to the Ministry for the Environment issuing drafting instructions to the Parliamentary Counsel Office for an Order in Council to refer the Tauhei Solar Farm project to a panel in accordance with your decisions recorded herein.

Yes/No

- l. **Sign the attached (Appendix 4)** notice of decisions to Harmony Energy NZ Limited.

Yes/No

- m. **Note** that to ensure compliance with section 25(3) of the FTCA, you must ensure that the decisions, the reasons, and the Section 17 Report are published on the Ministry for the Environment's website. We will work with your office to complete this task.

Signatures



Stephanie Frame
Manager – Fast-track Consenting

Date: 9 December 2021

Hon David Parker
Minister for the Environment

Date

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the Official Information Act 1982

Table A: Stage 2 - Project Summary and Section 24 Assessment

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
<p>Project name Tauhei Solar Farm project</p> <p>Applicant Harmony Energy NZ Limited</p> <p>Location 262.5 hectares of privately-owned land and parts of the Mikkelson Road and O'Donoghue Road reserves, in Te Aroha West, Waikato</p>	<p>To construct and operate a solar farm with capacity to generate approximately 185 Megawatt-peak (MWp) electricity for supply to the national electricity grid, and install associated underground cabling to the boundary of the Waihou substation.</p> <p>The solar farm will comprise:</p> <ul 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 (including roads, fencing and security lighting) landscaping, including planting and enhancement of biodiversity corridors and boundary screening, and a creation of a 7-hectare wetland. <p>The Project will involve activities such as:</p> <ol style="list-style-type: none"> clearing vegetation earthworks (including disturbing potentially contaminated soils) 	<p>The Project is eligible under section 18(3)(a-d) as:</p> <ul style="list-style-type: none"> it does not include any prohibited activities it does not include activities on land returned under a Treaty settlement it does not include activities in a customary marine title area or a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011. 	<p>Economic benefits for people or industries affected by COVID-19 (19(a))</p> <ul style="list-style-type: none"> approximately 568 direct full-time equivalent (FTE) jobs in engineering, design and construction over a two-year period approximately 7 direct full-time FTE jobs on an ongoing basis. <p>Economic costs for people or industries affected by COVID-19 (19(a))</p> <ul style="list-style-type: none"> N/A <p>Effect on the social and cultural well-being of current and future generations (19(b))</p> <ul style="list-style-type: none"> The Project will provide for the social and cultural wellbeing of current and future generations as it will: <ul style="list-style-type: none"> contribute to increased electricity supply and security which will assist communities ancillary social benefits by opening the site to schools and community groups for educational purposes. <p>Is the Project likely to progress faster by using this Act? (19(c))</p> <ul style="list-style-type: none"> 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>Will the Project result in a public benefit? (19(d))</p> <ul style="list-style-type: none"> The Project will result in the following public benefits: <ul style="list-style-type: none"> assist in addressing national energy shortage 	<p>Ministers</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>Local authorities</p> <p>Matamata-Piako District Council (MPDC) was neutral about whether the fast-track consent process is appropriate and consider that a panel should be required to seek localised input and comments from the adjacent property owners and properties identified as being affected in technical assessments as a minimum.</p> <p>MPDC identified positive effects as being increased energy supply via renewable energy source and the potential for</p>	<p>Section 23(5) matters:</p> <p>Insufficient information (23(5)(a))</p> <p>The applicants have provided sufficient information for you to determine whether the amended Project meets the criteria in section 18 of the FTCA.</p> <p>More appropriate to go through standard RMA process (23(5)(b))</p> <p>There is no reason why the Project should be considered under the RMA in preference to the FTCA.</p> <p>While we acknowledge there is a risk of a negative response from the community we consider that representation of relevant interests can be managed by a panel with the benefit of a comprehensive assessment of environmental effects that will accompany resource consent applications for the Project.</p> <p>Inconsistency with a national policy statement (23(5)(c))</p> <p>Ministers and local authorities have not raised any concerns regarding consistency with any national policy statement and we do not consider that you should decline the referral application on the basis of section 23(5)(c) of the FTCA.</p> <p>The National Policy Statement for Renewable Electricity Generation 2011 promotes renewable energy generation and is required to be considered at the consent decision-making stage.</p> <p>Transpower has advised that provided appropriate management occurs the Project would not be inconsistent with Policy 10 (in particular) of the National Policy Statement on Electricity Transmission.</p> <p>Inconsistent with a Treaty settlement (23(5)(d))</p> <p>Project referral would not be inconsistent with the three relevant Treaty settlements provided the associated iwi have opportunity to participate meaningfully in assessment of consent applications for the Project.</p>	<p>In response to comments received from Ministers:</p> <ul style="list-style-type: none"> s 9(2)(f)(ii), s 9(2)(g)(i) <p>In response to Council comments:</p> <ul style="list-style-type: none"> with respect to MPDC's comments that localised input and comments should be sought, we consider that a panel can determine whether any parties in addition to adjoining landowners should be invited to comment. <p>There are no substantive reasons to decline to refer the Project. We recommend that you accept the application under section 24 of the FTCA and refer all of the Project to a panel.</p> <p>We recommend that you require the applicant to provide the following further information with their consent applications in the form of technical assessments in response to recommendations by the Matamata-Piako District Council:</p> <ul style="list-style-type: none"> an integrated transport assessment that: <ol style="list-style-type: none"> identifies and addresses the effects of additional traffic on the road network during construction including on traffic safety and road maintenance identifies how works required to repair

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
	<p>c. taking, using and diverting groundwater</p> <p>d. discharging groundwater, stormwater run-off and contaminants to land and water</p> <p>e. constructing buildings and structures</p> <p>f. installing underground electricity cables and ancillary infrastructure</p> <p>g. constructing and/or upgrading roads, culverts, vehicle access and parking areas</p> <p>h. developing and restoring wetland and riparian areas, including constructing wetland utility structures</p> <p>i. landscaping including planting for biodiversity corridors and boundary screening</p> <p>j. operating a solar farm</p> <p>k. ancillary educational activities</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>		<ul style="list-style-type: none"> - assist in providing a stable and secure energy supply to support the community and business - increase percentage of electricity generated from renewable energy sources. <p>Potential to have significant adverse environmental effects, including greenhouse gas emissions (19(e))</p> <ul style="list-style-type: none"> • The Project has the potential for adverse environmental effects including: <ul style="list-style-type: none"> - traffic and access effects - amenity effects - landscape, rural character and visual amenity - ecological effects - noise and vibration - glint and glare. • 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. • 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>Other relevant matters (19(f))</p> <ul style="list-style-type: none"> • The registered owner of the land is Tauhei Farms Limited. The applicant proposes to occupy the land under an easement agreement which is a registered option over the land intended to be exercised when consents are granted. As these negotiations are well advanced, this is not considered to delay Project delivery or affect achieving the FTCA purpose regarding investment certainty. 	<p>ecological enhancement and a biodiversity corridor. MPDC identified significant issues being effects on high quality soils, rural character, effects on Te Aroha West settlement and ecological effects that need to be avoided, remedied or mitigated.</p> <p>MPDC identified assessments required including on: integrated transport, landscape and visual, acoustic, ecological, stormwater, glare and light, site suitability, versatile soils and the need for further information on proposed educational visits and infrastructure in the road reserve.</p> <p>Waikato Regional Council (WRC) supported Project referral and was supportive of the concept in principle as it contributes to New Zealand's zero-carbon target.</p> <p>WRC confirmed that the proposed earthworks are permitted under the operative Waikato Regional Plan and does not consider that the NES-F applies to this Project. WRC recommended checking with MPDC to see whether the site is listed on the HAIL register.</p> <p>Other parties</p> <p>Transpower New Zealand Limited (Transpower) provided late comments supporting the Project as it contributes to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy by reducing New Zealand's net emissions of greenhouse gases.</p> <p>Transpower advised that there are potential impacts on the national electricity grid due to the protection and voltage stability works required, but provided appropriate management occurs the Project would not be inconsistent with Policy 10 (in particular) of the National Policy Statement on Electricity Transmission.</p> <p>Transpower advised of preliminary discussions with the applicant and identified works needed to connect the solar farm to the Waihou Substation. These works can be carried out by Transpower within the scope of the existing designation and will not require an outline plan of works as they can be located within existing buildings.</p> <p>All responses received by parties invited to comment are attached at Appendix 6.</p>	<p>Involves land needed for Treaty settlements (23(5)(e))</p> <p>The Project site does not include land needed for Treaty settlement purposes.</p> <p>Applicant has poor regulatory compliance (23(5)(f))</p> <p>MPDC and WRC advised that the applicant has no issues with regulatory compliance.</p> <p>Insufficient time for the Project to be referred and considered before FTCA repealed (23(5)(g))</p> <p>There is sufficient time for the Project to be considered before the FTCA is repealed.</p> <p>Other issues & risks:</p> <p>The applicant provided additional information regarding Project funding confirming that Harmony Energy Limited (UK parent company) will provide equity and has a strong cash position. It has also had numerous discussions with a range of other financiers for solar energy projects including some it has an established relationship with on other projects. On the basis of advice provided by the applicant we do not consider that Project funding is likely to delay project delivery.</p> <p>The applicant advised it 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 land is sensitive land (non-urban and over 5 hectares), under the Overseas Investment Act 2005. The applicant advised that it does not require any Overseas Investment Office approvals for the development to proceed. The reasons provided were that the land will be used under an easement agreement which is outside the scope of the Overseas Investment Act as the landowner will retain access and occupation rights to the land and will continue to graze sheep.</p> <p>The onus is on the applicant to determine whether consent is required under the Overseas Investment Act and comply with this legislation. They are aware of the Act's requirements and have advised that they do not require any overseas investment approvals.</p>	<p>construction damage to roads will be funded</p> <ul style="list-style-type: none"> • a solar photovoltaic glint and glare assessment, including modelling the location and nature of glint and glare effects on road users and sensitive receptors including dwellings, and appropriate mitigation measures • an assessment of the effects of the project on local ecology and biodiversity, including on aquatic fauna • a landscape, natural character and visual effects assessment of the project including effects on rural landscapes and the Te Aroha West settlement • an acoustic assessment that identifies: <ol style="list-style-type: none"> the effect of noise from the solar farm on the amenity of nearby dwellings any measures to mitigate noise effects • information on any discussions held, or any agreements made, between the authorised persons and Matamata-Piako District Council or Transpower New Zealand about the following matters: <ol style="list-style-type: none"> occupation of the road reserve for underground infrastructure connecting to the national electricity grid. <p>We recommend you direct a panel to invite comments on any resource consent applications for the Project from:</p> <ul style="list-style-type: none"> • the Minister of Energy and Resources • Transpower

Schedule of Appendices

Appendix 1 – Tauhei Solar Farm – Application form and additional information received

Appendix 2 – BRF-820 - FTC#92 – Application for referred project under the COVID-Recovery FTCA - Stage 1 decisions on Tauhei Solar Farm project

Appendix 3 – Statutory framework for making decisions

Appendix 4 – Draft Notice of Decisions letter to Harmony Energy NZ Limited

Appendix 5 – Section 17 Report

Appendix 6 – Comments received from Ministers, local authorities, Transpower

Released under the provision of
the Official Information Act 1982