

Application for a project to be referred to an expert consenting panel

(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)

For office use only:

Project name: Waerenga Solar Farm
Application number: PJ-0000823
Date received: 22/09/2022

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: fasttrackconsenting@mfe.govt.nz

The Ministry has also prepared [Fast-track guidance](#) to help applicants prepare applications for projects to be referred.

Part I: Applicant

Applicant details

Person or entity making the request: Joint Applicants: Waerenga Solar Farm Limited (WSFL) | Transpower NZ Limited (Transpower)

Contact person: Joss Ryall | Sarah Shand

Job title: Development Manager | Environmental planner

Phone: s 9(2)(a)

Email: s 9(2)(a)
s 9(2)(a)

Postal address:

Contact details:

- C/- Joss Ryall, Island Green Power UK Limited, Unit 20.2, Coda Studios, 189 Munster Road, London, SW66AW
- Transpower New Zealand Ltd, Waikoukou, 22 Boulcott Street, Wellington 6011 or PO Box 1021, Wellington 6140

Relationship between entities for purposes of Application:

- WSFL and Transpower have agreed to submit a joint fast-track referral application for the purposes of the Project. If the Project is referred, both entities anticipate lodging separate but related consent applications, as relevant to their respective activities. This Application has been prepared to cover activities required for both WSFL and Transpower's consent applications.

Please note given the constraints of the application boxes above, we have inserted details relating to WSFL only, but Transpower's details in relation to the joint application are also included above.

Address for service (if different from above)

Organisation: Chapman Tripp

Contact person: Alana Lampitt | Nicola de Wit

Job title: Partner | Senior Associate

Phone: (W) 09 357 9891 s 9(2)(a) | (W) 09 357 9286 s 9(2)(a)

Email: s 9(2)(a)

s 9(2)(a)

Postal address:

C/- Alana Lampitt, Chapman Tripp, Level 34, PWC Tower, 15 Customs Street West, Auckland 1010, New Zealand.

Part II: Project location

The application: does not relate to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

Waerenga Road, Keith Road and Awariki Road (primary address), Waerenga, Waikato, New Zealand

Site/Location: Various sites located on Waerenga Road, Keith Road and Awariki Road, New Zealand, contained in the following Records of Title: SA3A/1296, SA20B/562, SA1053/289, SA22/199, SA43/152, SA23/236, SA44D/512, SA44D/511, SA11B/453, SA71D/538, 325250, SA70B/256, SA70B/257, SA70B/258, SA71D/536, SA71D/537, SA221/253 and SA66B/76. Jointly referred to in this application as the "Site".

There may also be some works undertaken in adjoining road reserve to establish new/upgrades existing vehicle entrances: Parcel IDs 4590723, 4590724, 4591626, 4598001, 4572451, 4586093, 4590718, 4590721 and 4590722.

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

Please see *Appendix 2* for the Records of Title and Legal Descriptions (exceeds character limits).

Registered legal land owner(s):

- R and T Pastoral Limited: SA3A/1296, SA44D/512, SA44D/511, SA11B/453, SA71D/538, 325250, SA70B/256, SA70B/257, SA70B/258, SA71D/536, SA71D/537, SA221/253 and SA66B/76.
- Professional Trustee Services Limited, Brian Hugh Laing, Julie Anne Laing: SA20B/562, SA1053/289, SA22/199, SA43/152 and SA23/23

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

WSFL has an agreement with the landowners providing for its interest in part of the land relating to the Project. This agreement provides WSFL with the right to develop and operate the Project. These interests are protected by registered caveats over the relevant titles, being as follows: SA3A/1296, SA20B/562, SA1053/289, SA22/199, SA43/152, SA23/236, SA44D/512, SA44D/511, SA11B/453, SA71D/538, 325250, SA70B/256, SA70B/257, SA70B/258, SA71D/536, SA71D/537, SA221/253 and SA66B/76.

WSFL will enter into an agreement with Transpower to provide the necessary property rights in relation to the future substation (Records of Title SA70B/256 and SA71D/536).

Part III: Project details

Description

Project name: Waerenga Solar Farm

Project summary:

Please provide a brief summary (no more than 2-3 lines) of the proposed project.

Please see Part 3, Appendix 7 for Project summary (exceeds character limits).

Project details:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

Project details:

The Project seeks to increase renewable energy generation in New Zealand by providing new solar power infrastructure. Solar photovoltaic generation is currently underrepresented in New Zealand by world standards, making up less than 1% of New Zealand's energy supply. The predicted energy output from the Project is approximately 300 GWh/year, which will be supplied into the National Grid.

The Project also seeks to increase energy storage infrastructure in New Zealand by providing new battery storage.

The Project may involve the following activities:

- installation of solar panel arrays, mounting structures, inverter cabinets, an energy storage facility and associated infrastructure:
- construction of a substation and transmission line (including supporting poles) to connect to the National Grid:

- landscaping that includes planting and environmental enhancement areas and boundary screening:
- ecological mitigation and enhancement works associated with streams and waterways:
- clearing vegetation:
- carrying out earthworks, including disturbing potentially contaminated soil:
- taking, using, and diverting groundwater:
- discharging groundwater, stormwater run-off, and contaminants into water and onto land:
- constructing fencing, buildings and other structures:
- installing underground electricity cables (including directional drilling to pass under public roads):
- constructing or upgrading access roads, culverts, vehicle access areas, temporary construction compound and parking areas;
- developing and restoring wetland areas:
- landscaping and planting:
- operating and maintaining a solar farm to supply electricity to the National Grid:
- continuing agricultural activities on the Site:
- carrying out activities that are described in the Project summary and associated with the activities described above.

Where applicable, describe the staging of the project, including the nature and timing of the staging:

No staging of the Project is proposed at this stage, however detailed construction programming will occur after consents are obtained.

Consents / approvals required

Relevant local authorities: Waikato District Council, Waikato Regional Council

Resource consent(s) / designation required:

Land-use consent, Water permit, Discharge permit

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
Please see Appendix 2 for relevant Records of Title.	Operative Waikato District Plan	Rural Zone	Transmission corridor: The OTA-WKM-A, OTA-WKM-B, OTA-WKM-C 220 kV transmission lines transect the site.	N/A
Please see Appendix 2 for relevant Records of Title.	Proposed Waikato District Plan	Rural Zone	Transmission corridor: The OTA-WKM-A, OTA-WKM-B, OTA-WKM-C 220 kV transmission lines transect the site.	N/A
Please see Appendix 2 for relevant Records of Title.	Waikato Regional Plan	N/A	N/A	Significant Indigenous Fisheries and Fish Habitat Water Class:

Legal description(s)	Relevant plan	Zone	Overlays	Other features
				Applies to Waerenga Stream.

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Operative Waikato District Plan, Proposed Waikato District Plan, Waikato Regional Plan.	Please see Part 3, Appendix 7 for full details.	Rules require consent.	Please see Part 3, Appendix 7 for full details.	Site.
National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health	Regulation 11 – Discretionary activity	Regulation requires consent.	Discretionary activity.	
National Environmental Standards for Freshwater.	Construction of specified infrastructure - Regulation 45 Discretionary activities.	Regulation requires consent.	Discretionary activity.	Site.
National Environmental Standards for Freshwater	Maintenance and operation of specified infrastructure and other infrastructure - Regulation 47 Restricted discretionary activities	Regulation requires consent.	Restricted discretionary activity.	Site.

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

No resource consent applications or notices of requirement have been lodged for the same or a similar project on the Site.

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

As noted earlier, Transpower NZ Limited will be a joint applicant for the referral application and may lodge separate but adjoining consent applications. Decisions about the specific approach to consenting the separate but related works, including their timing, are to be confirmed.

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

The following additional legal authorisations may be required (subject to further investigations):

- Authorisation to hold, catch, handle or release wildlife (possibly including native lizards and bats) under the Wildlife Act 1953.
- Approval to close unformed legal roads on site under the Public Works Act 1981.
- Corridor access approval to upgrade/establish vehicle entranceways under the Local Government Act 1974.

An Archaeological Assessment for the site has identified that there are no known reasons to obtain an archaeological authority for earthworks under the Heritage New Zealand Pouhere Taonga Act 2014.

Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

Detailed design of the solar farm part of the Project is largely complete and will be fully complete well before resource consent approval. The substation Solution Study Report and Transpower Works agreement are scheduled to be completed prior to resource consent approval.

Following resource consent approval, the remaining funding and procurement requirements of the Project will be worked through over a period of approximately 9 months.

WSFL has a proven track record of delivering solar projects through its parent entity Island Green Power, which is 50% owned by Macquarie Asset Management. Island Green Power has consented and developed 20 solar projects that are successfully operating, with more under construction. Of those, Island Green Power successfully funded 9 projects totalling 660MW in Australia between 2016 - 2020 working with 6 different funding partners (Please see Part 3, Appendix 7 for Table: Illustrative Solar Projects by Island Green Power).

For a full list of Island Green Power's solar projects including other projects currently under development, please refer to the Island Green Power projects page: <https://islandgp.com/our-projects/>

The total construction period will take approximately 15-18 months, including shipping, site preparation, installation and commissioning.

In relation to the National Grid part of the Project, Transpower anticipates construction will take approximately 12-14 months.

With respect to OIO approval, WSFL has a right to secure a leasehold interest in the Project Site, which would require Overseas Investment Office (OIO) consent, and has also agreed with the landowners that, if suitable, it may pursue the Project via easements, which would not require OIO approval. WSFL understands easements have been proposed to enable other solar projects including those that have been pursued via the fast track consenting pathway.

WSFL has provided for both options within the Project timeline set out in the Fast Track referral application. More specifically, any OIO consent processes are programmed to occur concurrently with detailed design and procurement requirements and will not affect the Project's commencement of construction. WSFL has had preliminary discussions with the OIO in relation to OIO consents related to solar projects, which have been positive, and we are confident that any relevant OIO approval can be obtained within the project timeline.

Part IV: Consultation

Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

The primary driver for the Project is the establishment of the solar farm. Accordingly, the consultation to date has been led by and undertaken by WSFL. Transpower would be more heavily involved in consultation at the consenting

stage, including engagement with the community, and iwi/hapū etc. WSFL has engaged with Transpower since December 2018 and has had regular fortnightly meetings since September 2021. These meetings have canvassed all Project related matters that Transpower has an interest in, including site design and consenting.

A letter providing information on the Project was sent on 15 August 2022 to the Ministers identified in the COVID-19 Recovery (Fast-Track Consenting) Act 2020 namely Ministers of the Crown responsible for the following portfolios: Arts, Culture and Heritage; Climate Change; Conservation; Defence; Education; Housing; Infrastructure; Land Information; Local Government; Māori Crown Relations: Te Arawhiti; Transport; Treaty of Waitangi negotiations; Urban Development.

Local authorities

Detail all consultation undertaken with relevant local authorities:

WSFL has undertaken early engagement with the relevant local authorities. On 4 August 2022, two separate online project presentations were provided to WDC and WRC's councillors and regulatory staff[1]. The presentations covered:

- An overview of Island Green Power (the parent company of WSFL) as a company;
- An overview of solar power and the strategic considerations for renewable energy;
- An overview of the project site;
- What investigations/engagement has been undertaken to date;
- Consenting process and next steps.

The feedback/questions provided by the attendees related to the following project matters:

- Clarity on the term of WSFL's land interests over the Site and who will have the ongoing responsibility for compliance with the relevant conditions of any resource consents granted;
- How WSFL will address the visual effects/change in character of rural sites becoming solar farms;
- Whether there is the option of siting solar farms in areas of lower class soils; noting this is a limited resource that is ideally suited for productive purposes;
- Given the areas of grass to be retained within the solar farms, whether WSFL considered the potential to utilise this as a wastewater disposal field;
- The importance of WSFL being open, enabling the community to have their say on the project, and ensuring any contributions made by WSFL are reflective of the wishes of community/mana whenua;
- Whether there are any fire risks associated with the project;
- Effects on local flora and fauna; and
- Alignment with the Future Proof Sub-regional Growth Strategy.

WSFL will work closely with the relevant Council regulatory staff prior to any fast track or standard consent application being lodged.

Footnote [1]: WDC attendees were Councillors: Barry Quayle, Angela Strange, Stuart Kneebone, Hugh Vercoe, Jennifer Nickel, Pamela Storey and Tipa Mahuta, and Staff: Amy Robinson, Brett Sinclair and Blair Dickie. WRC attendees were Councillors: Shelley Lynch and Chris Woolerton, and Staff: Sue O'Gorman, Clive Morgan, Deb McIntosh, Ana-Maria d'Aubert, and Wade Hill.

Other persons/parties

Detail all other persons or parties you consider are likely to be affected by the project:

WSFL has undertaken early engagement with landowners and occupiers adjacent to the site, sending out a letter on 15 August 2022 providing information on the Project and inviting those with questions or comments to get in touch.

The following response have been received to date:

- 31 August 2022 – Phone call with Charles Webb, owner of land to the immediate west of the site at 82 Jefferis Road. Mr Webb's primary questions/concerns in relation to the project were the change in outlook from the site (noting it is slightly elevated) and how glare effects are to be considered/addressed.

Information on the project was also sent to the relevant Members of Parliament (Waikato and Port Waikato electorates) and to those organisations identified in Schedule 6 cl17(6)(j)-(u) of the Act, being: the Director-General of Conservation, Business New Zealand Incorporated, Employers' and Manufacturers' Association (Northern) Incorporated, Environmental Defence Society Incorporated, Generation Zero Incorporated, Greenpeace of New Zealand Incorporated, Heritage New Zealand Pouhere Taonga, Infrastructure New Zealand Incorporated, the New Zealand Fish and Game Council, the New Zealand Infrastructure Commission/Te Waihangā, Property Council of New Zealand Incorporated, and Royal Forest & Bird Protection Society of New Zealand Incorporated.

The following responses have been received to date:

- The New Zealand Infrastructure Commission/Te Waihangā acknowledged receipt of the introductory letter (19 August 2022).
- Email from Environmental Defence Society Incorporated asking to confirm any landscape and/or ecological values of the site (17 August 2022). A response was provided via email on 22 August 2022.
- Andrew Bayly (MP for Port Waikato) acknowledged receipt of the information and expressed an interest in the project and meeting WSFL/landowners.

Detail all consultation undertaken with the above persons or parties:

Please see above for details of consultation undertaken with the above persons/parties, detailed in Part 4, Appendix 7.

Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to [Te Kāhui Māngai – Directory of Iwi and Māori Organisations](#).

Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

Iwi authority	Consultation undertaken
Te Whakakitenga o Waikato Incorporated (Waikato-Tainui Rohe), Hauraki Māori Trust Board (Ngāti Tamaterā, Ngāti Pāoa and Ngāti Maru Rohe), Ngāti Pāoa Trust Board (Ngāti Pāoa Rohe), Ngāti Maru Ruunanga Trust (Ngāti Maru Rohe) and Ngāti Tamaoho Trust.	Please see Part 5, Appendix 7 for full details of consultation undertaken.

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
Te Whakakitenga o Waikato Incorporated (Waikato-Tainui Rohe), Ngāti Pāoa Iwi Trust (Ngāti Pāoa Rohe), Ngāti Tamaterā Treaty Settlement Trust (Ngāti Tamaterā) and Ngāti Tamaoho Settlement Trust.	Please see Part 5, Appendix 7 for full details of the consultation undertaken.

Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

There are three Treaty settlements relevant to the geographical location of the Project:

- Waikato - Waikato Raupatu Claims Settlement Act 1995;

- Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010;
- Ngāti Paoa Rohe – Deed of Settlement 20 March 2021; and
- Ngāti Tamaoho Claims Settlement Act 2018.

Please see Part 5, Appendix 7 for a formatted version, the following provides a summary of the relevant principles and provisions in those settlements.

Waikato - Waikato Raupatu Claims Settlement Act 1995:

The settlement applies to the Waikato rohe, which extends from Auckland central in the north to the south of Cambridge and Te Awamutu. The settlement was made in the spirit of co-operation, compromise and good faith whereby the Crown agreed to atone for the wrong done to Waikato-Tainui by the raupatu, in recognition of the mana of the Kiingitanga and to discharge the Crown's obligations to Waikato-Tainui.

There are no principles or provisions of the settlement that are particularly relevant to the location of the Project.

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010:

The overarching purpose of the settlement is to “restore and protect the health and wellbeing of the Waikato River for future generations.”

The geographic location of the Project falls within the Waikato River catchment, and therefore the Act applies to the Waerenga Stream and Whangamarino unnamed tributary stream within the site.

The vision for the Waikato River is “a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.”

Ngāti Paoa Rohe – Deed of Settlement 20 March 2021:

The settlement applies along the western shores of the Hauraki Gulf and the eastern suburbs of Auckland, from Te Aroha to Warkworth.

The settlement includes an apology acknowledging the Crown's failure to protect the iwi from the rapid alienation of land in the decades following the signing of te Tiriti o Waitangi / the Treaty of Waitangi, the loss of life and the devastation caused by hostilities, and the enactment of laws and policies that have led to the loss of whenua and Te Reo Māori.

The settlement is intended to enhance the ongoing relationship between Ngāti Paoa and the Crown (in terms of Te Tiriti o Waitangi/the Treaty of Waitangi, its principles, and otherwise).

There are no principles or provisions of the settlement that are particularly relevant to the location of the Project.

Ngāti Tamaoho Claims Settlement Act 2018:

Ngāti Tamaoho is a Waikato-Tainui hapū and are beneficiaries of both the Waikato Raupatu Claims Settlement Act 1995 (Waikato Raupatu Act) and the Waikato River Settlement Act 2010 (Waikato River Act).

The settlement applies to the Manukau Harbour and extends to Franklin, the Hūnua Ranges, Awhitū Peninsula, the Waikato wetlands, Tikapa Moana (Firth of Thames) and north to central Auckland including Remuera and Ellerslie. Historically the tribe also maintained ancestral connections (through their Ngariki and Ngaiwi antecedents) with the North Shore and Waiheke Island.

The settlement includes a Crown apology to Ngāti Tamaoho for its acts and omissions which breached the Crown's obligations under the Treaty of Waitangi and for the damage those actions or omissions caused to Ngāti Tamaoho. The settlement is intended to recognise the traditional, historical, cultural and spiritual associations of Ngāti Tamaoho, including places and sites owned by the Crown within their area of interest.

The Crown has offered a statutory acknowledgement over the following areas and waterways relevant to the Project:

- Whangamarino River and adjacent Whangamarino River Marginal Strip.

Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

The Project does not affect any customary marine title areas.

Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

The Project does not affect any protected customary rights areas.

Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

Landscape and Visual Effects

The Site is characterised by open areas of agricultural farmland with occasional trees and shelterbelts, with the Maramarua forest providing a backdrop to the site to the north. A number of small streams are present across the landscape within and surrounding the Site.

Visual impacts are likely to be relatively localised due to the limited visual catchment provided by the flat topography and shelterbelt enclosures. Views would be from a limited number of private properties and from local roads.

There are no Outstanding Natural Features or Landscapes or Special Amenity Landscapes within the site boundary or the immediate area.

The Initial Landscape and Visual Memorandum attached as *Appendix 3* provides additional detail on the landscape and visual effects and concludes that the Project will not have any significant adverse landscape, visual or natural character effects.

Ecology

Freshwater values are variable across the Site, two main perennial watercourses are present, the Whangamarino unnamed tributary stream and the Waerenga Stream. The overall assessed values of these watercourses is Low to Moderate. A large network of artificial drainage channels is also present throughout the Site, these are assessed as having Very Low ecological value. The freshwater assessments identified the presence of Longfin eel (*Anguilla dieffenbachii*) and Inanga (*Galaxias maculatus*), both native fish species with a conservation threat status 'At Risk – Declining'. However, subject to the implementation of the recommended effects management (including avoidance of the watercourses within the Site and additional mitigation measures for sedimentation and erosion protocols as well as a fish management plan), the freshwater ecological effects will be Low to Very Low.

The terrestrial ecological values on site are Low. However, monitoring indicates the occasional presence of the 'Threatened – Nationally Critical' long-tailed bat (*Chalinolobus tuberculatus*) in the area. Furthermore, there is a potential for the 'At Risk – Declining' copper skink (*Oligosoma aeneum*) to be present on site. The presence of long-tailed bats and copper skink elevates the values of the habitat features on site preferred by these species. There will be no loss of available habitats for indigenous fauna on site as vegetation clearance is not proposed within the Project footprint.

Overall the level of effect of the solar farm on terrestrial ecological values on site is assessed as Low to Very Low. Furthermore, given the cessation of dairy farming from the Site and the opportunities for significant enhancements through habitat/riparian restoration, the Project has the potential to result in an overall net gain for ecological values. The Initial Ecological Assessment memorandum attached as *Appendix 4* provides additional detail on the effects on ecological values from the project, subject to the implementation of the recommended mitigation measures, has been assessed as having a Very Low– Low level of ecological effect, with the potential to have a net gain in the long-term. In an RMA context this confirms that there are no significant adverse effects.

Noise

Noise effects during the construction phase (outlined in Part 3 above) will be managed to comply with the requirements of NZS 6803:1999 “Acoustics – Construction Noise”. The existing ambient noise levels within the subject site and surrounding rural area are low.

Operational noise from the project will primarily be generated by the cooling fans within the inverter units, and the 220kV/33kV transformer within the substation. Operational noise effects on receivers (neighbouring dwellings) will be managed through the design and location of noise generating plant. Final site design will determine the inverter unit(s) position on the Site but will specifically be located as far away from the site boundaries and external receivers as practicable. Additionally, the substation is planned to be located more than 700m from the nearest external receiver. Overall, the design and location of the noise sources will result in noise levels that are very low, and reasonable.

Traffic

The subject site is served by both the arterial Waerenga Road and a local road network with low traffic volumes. Given its location either side of Waerenga Road, the Site is well connected to the wider distributional state highway transport system to the east and west via the Te Kauwhata Road / Waerenga Road / Okaeria Road arterial route. The increase in vehicle movements (including heavy vehicles) to the site over the construction period can be managed through potential local road upgrades and temporary traffic management measures. These measures, in conjunction with constructing the proposed site access points off Waerenga Road and the minor local roads in appropriate locations and to a ‘Heavy Commercial’ standard to allow for two-way vehicle movements, will ensure the ongoing safe operation of the surrounding road network.

Once operational, the Project will generate very low traffic volumes and have a negligible effect on the surrounding road network.

Archaeology

Desktop research and a field-survey have determined that there are no known archaeological sites within the project footprint and there is no current cause to suspect that such material will be present. As such there are no known adverse effects in relation to archaeological sites. In order to manage the low risk of uncovering archaeological sites, features, or deposits, earthworks required for the project will be undertaken under the provisions of an Accidental Discovery Protocol.

Three Waters / Servicing

There are no reticulated public water, wastewater or stormwater networks that serve the Site.

The pole mounts supporting the solar panels have a small footprint so the majority of the ground underneath the materials will remain grassed. Due to the small footprint, the change in runoff as a result of increasing impervious surface is considered to be negligible, and rainwater will run off the panels and onto the grassed paddock beneath. Accordingly, no stormwater disposal infrastructure is required for the majority of the Site.

For the impervious surfaces related to the substation and office platform, additional runoff will be attenuated back to pre-development flows before discharge. Runoff from the substation will likely be collected and discharged to a newly constructed wetland for treatment and attenuation back to pre-development flow rates before being discharged to the natural wetland network.

Site services will be required for some onsite activities. For example, the office unit within the substation will require water supply and wastewater disposal. A new septic system will be required.

Water supply will also be required for dust suppression during construction and for cleaning and maintenance of the panels once the solar farm is operational. There are five existing bores on the site that are expected to have sufficient

capacity to meet the water needs of the Project. An additional water source will be needed for the substation office, such as roof capture.

Cultural and Community

There are no identified sites or features of cultural significance identified on the Site within the District Plan, nor have any been identified in consultation to date. A cultural impact assessment is currently being drafted with input from mana whenua and will identify specific values of the site, and the potential effects of the Project on these values. As outlined in the consultation discussed in Part 4 and 5 above, WSFL has had initial engagement with the local community and iwi representatives and is committed to continuing that engagement throughout the consenting process.

Transpower is expected to be more heavily involved in consultation at the consenting stage, including engagement with the community, and iwi/hapū etc.

Contaminated Land

There are historic farm dumps present within the Site, and persistent pesticide use (diquat) which are activities on the Hazardous Activity or Industry List (HAIL). Any human health risks will be managed in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, including through appropriate site management protocols.

Natural Hazards

The Site has been subject to a comprehensive geotechnical assessment and can be split into two distinct landforms. Landform 1 comprises the western alluvial plains dominated by surficial Holocene peat deposits to depths of 1.2m to 5.0m, underlain by stiff to very stiff silt/clay mixtures with interbedded sands. Landform 2 comprises the eastern alluvial plains of typically very stiff silt/clay mixtures with interbedded sands.

The near-surface soils across the Site are considered suitable to support the driven pile foundations proposed for the solar panels, providing that for Landform 1 the piles are founded below any surficial peat deposits.

There is a minor risk of liquefaction for the Landform 1 soils (excluding surficial peat deposits) and Landform 2 soils during the design 1:100 year Ultimate Limit State seismic event. A quantitative liquefaction assessment at the proposed substation predicted minor settlements during the design 1:500 year and 1:2500 year Ultimate Limit State seismic events. It is considered that the risk posed by liquefaction can be appropriately mitigated through specific foundation design.

The proposed solar farm design has already taken into account the low-lying areas in proximity to the existing watercourses so as to minimise the impacts potential flooding.

Rural/Productive Land Uses

The subject Site contains high class soil (Land Use Capability Class II). There is minimal impact from the Project on high class soils.

The Project generally involves minimal earthworks, and the configuration of the solar panels will enable the continued agricultural use of the Site in the form of sheep grazing, which will also reduce the need for grass mowing and weed management. The Project's solar panel structures can be relatively easily decommissioned without any material permanent impact on the productive capacity of the underlying soils.

The only proposed paved area on the Site will be the substation and the energy storage facility (approximately 15,000m² in area or 0.40% of the Site) and will be located on high class soil.

Hazardous Substances

The substation will include the storage/use of approximately 38,000 litres of transformer oil. In order to effectively mitigate any risks associated with the storage/use of this substance, the proposed design will include appropriate impervious bunding.

Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

The following National Direction is relevant to the Project:

- National Policy Statement for Renewable Energy 2011 (NPSREG);
- National Policy Statement on Electricity Transmission 2008 (NPSET) / Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESTA);
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESC);
- National Policy Statement for Freshwater Management 2020 / Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESFM); and
- National Policy Statement on Highly Productive Land 2022 (NPS-HPL).

The purpose of the NPSET is to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while managing the adverse environmental effects of the network, and managing the adverse effects of other activities on the network. The Project will help to achieve the purpose of the NPSET.

The purpose of the NESTA is to set out which transmission activities are permitted subject to conditions to control environmental effects near high voltage electricity transmission lines and give effect to the NPSET. As per investigations to date, the parts of the Project regulated by NESTA are anticipated to be permitted activities.

The purpose of the NPSREG is to recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation. The Project will help to achieve the purpose of the NPSREG.

The purpose of the NESC is to provide national environmental standards for activities on pieces of land whose soil may be contaminated in such a way as to be a risk to human health including removing or replacing a fuel storage system, sampling the soil, disturbing the soil, subdividing land, and changing the use of the piece of land. The Project requires consent under the NESC but, as described above, any human health risks can be managed through appropriate remediation and site management protocols.

The purpose of the NESFM is to ensure that natural and physical resources are managed in a way that prioritises: (a) first, the health and well-being of water bodies and freshwater ecosystems (b) second, the health needs of people (such as drinking water) (c) third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future. The Project is consistent with the purpose of the NESFM.

Under the NESFM, "specified infrastructure" is able to be advanced with a less restrictive activity status. "Specified infrastructure" means any of the following:

(a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002);

(b) regionally significant infrastructure identified as such in a regional policy statement or regional plan;

(c) any public flood control, flood protection, or drainage works carried out:

- 1. by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or*
- 2. for the purpose of drainage by drainage districts under the Land Drainage Act 1908.*

The Project is considered a lifeline utility under the Civil Defence Emergency Management Act 2002 and also meets the definition of regionally significant infrastructure as identified in the Waikato Regional Policy Statement.

The purpose of the NESFM is to provide national environmental standards to regulate activities that pose risks to the health of freshwater and freshwater ecosystems, and give effect the National Policy Statement for Freshwater Management. The Project requires consent under the NESFM but as described above, any adverse effects on freshwater environments can be appropriately managed and mitigated.

The purpose of the NPS-HPL is to protect highly productive land for use in land-based primary production, both now and for future generations. The NPS-HPL intends to protect highly productive land from inappropriate use and development. As the Project is zoned rural under the ODP / PDP and contains Land Use Capability Class II soils, it is subject to the NPS-HPL.

As the Project enables the continuation of farming on Site, it will continue to allow for land-based primary production through agricultural activities. This continuation will limit any loss or potential cumulative loss of the availability and

productive capacity of highly productive land as the development and use of solar activities will allow farming activities to be continued on Site.

The Project's solar panel structures can be relatively easily decommissioned without any material permanent impact on the productive capacity of the underlying soils.

The hard stand areas associated with the Project (generally limited to transmission) are also minimal by comparison to the Site size and the scale of highly productive land within the wider rural catchment.

Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that 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”.

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project’s economic benefits and costs for people or industries affected by COVID-19:

The Project will result in direct and indirect economic benefits for people and industries (including those affected by COVID-19) within the Waerenga area, Waikato District and wider Waikato Region. As is explained in greater detail in the Initial Economic Assessment attached as *Appendix 5*, the construction of the Project will create economic benefits and jobs for local contractors, tradespeople and suppliers through the spending of **s 9(2)(b)(ii)** during the construction phase. Many of the key components will be sourced from outside New Zealand, but it is anticipated that approximately one third of the construction expenditure will be retained within New Zealand, the majority of which will be in the Waikato region. When the Project is built, there will be additional economic benefits from the roles necessary to ensure ongoing operation and maintenance of the solar farm. These economic benefits and jobs will help stimulate the local and regional economy.

While the Project will result in the cessation of dairy farming and horticulture on the Project site, employment associated with these activities is expected to be more than offset by increased employment associated with the construction and operation of the Project, including the on-going (non-dairy) agricultural operations.

Annual expenditure on operation, maintenance and ground rent for the solar farm is expected to **s 9(2)(b)(ii)** of which c. **s 9(2)(b)(ii)** is anticipated to be spent on wages and salaries of employees in the Waikato District and **s 9(2)(b)(ii)** in the Waikato region.

Project’s effects on the social and cultural wellbeing of current and future generations:

The employment opportunities throughout the construction and operation of the Project will help stimulate the local economy and further contribute to social wellbeing through the flow on effects from increased economic activity.

Consultation with relevant iwi authorities and preparation of a cultural impact assessment (which is currently underway) will inform how the Project can contribute to cultural wellbeing. Positive discussions with iwi representations are continuing in relation to the Project and potential cultural initiatives, and discussions are ongoing with other relevant iwi authorities, with a view to move towards a partnership agreement for the betterment of the Site’s environment values and opportunities for mana whenua.

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

The fast-track process under the COVID-19 Recovery (Fast-track Consenting) Act 2020 will enable resource consents for this Project to be obtained quicker than under the standard RMA consenting process. We have estimated the overall timeframe from lodgement of applications to securing consents using the standard consenting pathway will likely be at least one year depending on the extent of opposition, council capacity and complexity, while the fast-track

consenting pathway enables a decision less than 6 months after seeking referral to a Panel. At present, infrastructure of the scale proposed here is likely to take over a year to obtain resource consents through the standard process. The possibility of merits appeals in that process creates a further risk of extended timeframes that would critically delay the development of infrastructure. The fast-track process will therefore enable construction to occur quicker, helping to realise the benefits of the Project earlier.

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

As discussed above, the construction of the Project will create jobs for local contractors, tradespeople and suppliers. The Project is anticipated to directly employ approximately 130-160 FTE people for the duration of the construction period (with a higher number (potentially up to 250 FTE) during 'peak' of mechanical installation), as well as indirectly supporting employment in the District and Region. Further information on Employment and job creation is provided in the Initial Economic Assessment attached as *Appendix 5* to the Application.

Designing and building the substation will also employ engineering consultants, service providers, local civil contractors – both local and wider spread across the country – during the investigation, design and build stages.

The Project will also provide ongoing employment for approximately 6–8 FTE jobs within the Waikato District and 7-9 FTE jobs within the Waikato region (including the Waikato District) relating to maintenance of the Site and solar farm (including stock management, vegetation management, annual panel cleaning, etc). For the construction and operation phases, WSFL will look for opportunities to utilise the local workforce, including iwi/hapū members, where practicable.

Housing supply:

It is expected that housing availability for employees will be well serviced. Workers are expected to be primarily local. The Site is within readily commutable distance to Hamilton (45 minutes' drive) and Auckland (1 hour drive) should additional workers be required. The Lakeside development at Te Kauwhata where over 1,600 homes are planned is within 10 minutes' drive.

Contributing to well-functioning urban environments:

This is not applicable as the site is in a rural location.

Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

The Project will provide additional large-scale electricity generation infrastructure within the Waikato region and contribute to encouraging further uptake of renewable energy within New Zealand. The Government is setting a target of 50 per cent of total final energy consumption (TFEC) coming from renewable sources by 2035[2]. This builds on the Government's target of 100% renewable electricity by 2030[3]. More renewable electricity/energy will be needed to meet these targets and can only be achieved through increasing renewable generation infrastructure, which this Project enables.

Footnote [2]: In 2020, Aotearoa New Zealand's renewable energy share of TFEC was 28 per cent.

Footnote [3]: Emissions Reduction Plan, at Action 11.5.1, p. 220.

Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

The Project will improve environmental outcomes for air quality and climate change by reducing reliance on fossil fuels for energy generation. The burning of fossil fuels is a major pollutant, generating emissions upon combustion. Transitioning to electrical power sources will help lower emissions by enabling greater uptake of renewable energy generation.

One major contributor to poor air quality is the transportation sector, identified as some of New Zealand's major carbon dioxide emitters. At present, the Government is seeking to reduce emissions within the transportation sector

by supporting transition to electric vehicles. Another significant contributor to emissions is the industrial sector, through emissions generated during industrial processes.

As the Government seeks to transition individuals, businesses and industry from fossil fuel energy sources to electricity, additional renewable electricity generation will be needed to meet increased demands on the electricity sector. At present, it is estimated Aotearoa New Zealand will need 70% more renewable generation to electrify process heat and transport, and decarbonise the economy[4]. By increasing renewable energy capacity through the consenting of solar projects, more vehicles will be able to move away from fossil-fuel powered modes of transportation. Participants in the industrial sector will also be able to transition without increasing electricity generation from non-renewable sources.

Electrification, particularly in these industries, will enable reduced emissions and improved air quality outcomes. By enabling development of solar projects, there will be a reduced reliance on fossil fuel electricity generation, helping to reduce greenhouse gas emissions and making a meaningful contribution towards achieving the Government's climate change policy goals.

The Project will generate approximately 300 GWh of renewable electricity per annum which could potentially displace about 120 million kilograms or more of New Zealand's CO₂ emissions from fossil fuel electricity generation, or power additional transport from electric vehicles by 1.5 billion vehicle-kilometres travelled. For estimated emissions displacement and electric vehicle power consumption, please see *Appendix 6*.

Regarding local ecology, WSFL is planning ecological and landscape enhancements that will be undertaken as part of the Project (e.g. through on-site riparian planting contributing to freshwater and terrestrial ecological outcomes). These measures are currently being assessed and designed and will be included in the Project application.

Regarding water quality in particular, there will be a continuation of farming operations on the site. However, it will be at a lower intensity than that which occurs at present. Further, the livestock farming which will occur is expected to have lesser reliance on nitrogen fertilisers and pesticides. As a result there will be improvements in diffused discharges to ground and surface water systems, including the Waerenga Stream.

Footnote [4]: Emissions Reduction Plan, p. 211.

Minimising waste:

N/A

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

The Project will help contribute to New Zealand's efforts to mitigate climate change and transition to a low emissions economy by creating a new source of renewable energy generation that will supply New Zealand's National Grid. The Government has identified that, although NZ is well-positioned to tackle emissions in the energy and industrial sectors due to high levels of renewable energy, more must be done[5].

As the Government seeks to decarbonise business and industry by encouraging further electrification, it is important that a steady source of electricity from renewable energy sources is developed and maintained to meet additional demands placed on the sector. By enabling development of solar projects, there will be a reduced reliance on the fossil fuel sector and other non-renewable energy sources, helping to reduce emissions associated with energy generation.

Footnote [5]: Emissions Reduction Plan Discussion Document at 81.

Promoting the protection of historic heritage:

There are no historic heritage features related to the Project.

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

The Project will help contribute to environmental, economic and social resilience by further diversifying renewable energy sources. At present, other types of renewable energy experience gaps in generation. For example, when the levels of hydro-dams are low due to dry seasons impacting inflows[6].

By increasing capacity for solar power generation, the Project will further diversify New Zealand's renewable energy sources, reducing the need for use of non-renewable energy sources (e.g. coal).

Footnote [6]: Emissions Reduction Plan, Action 11.2.2, p. 214

Other public benefit:

As outlined in the consultation discussed in Part 4 and 5, Appendix 7, WSFL has commenced engagement with the local community and iwi representatives and is committed to supporting specific community and iwi projects in conjunction with the development of the Project. Such projects are currently under discussion with stakeholders and will be included in the application as lodged.

Whether there is potential for the project to have significant adverse environmental effects:

The activities required for the Project as part of this application are not anticipated to result in any significant adverse effects. All adverse effects will be avoided, remedied or mitigated to the extent appropriate and practicable.

Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

Climate change and natural hazards*:

- The Project has been designed to mitigate the risk of natural hazards and climate change effects.
- Natural hazards: See part 7, Appendix 7.
- Flooding risk: Potential flooding effects have been assessed with reference to anticipated climate change effects in accordance with relevant guidelines. See part 7, Appendix 7.

Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

Local authority	Compliance/Enforcement Action and Outcome
No details	

Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

JRyall

22/09/2022

Signature of person or entity making the request

Date

Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.
- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.
- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at www.ombudsman.parliament.nz.

Checklist

Where relevant to your application, please provide a copy of the following information.

No	Correspondence from the registered legal land owner(s)
No	Correspondence from persons or parties you consider are likely to be affected by the project
No	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
No	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
No	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.