

Your Ref

In reply please quote

If calling, please ask for
Summer Salmon

Postal Address

Private Bag 544, Ngaruawahia
3742
New Zealand

0800 492 452

www.waikatodistrict.govt.nz

26 October 2022

Fast Track Consenting Team
Ministry for the Environment
fasttrackconsenting@mfe.govt.nz

To whom it may concern

**RE: COMMENT ON FAST TRACK APPLICATION – WAERENGA SOLAR FARM PROJECT
AND RANGIRIRI SOLAR FARM PROJECT**

Thank you for the invitation to comment on the following applications to refer to an expert consenting panel under the Covid-19 (Fast-track Consenting) Act 2020:

- 1) Waerenga Solar Farm Project from Waerenga Solar Farm Limited and Transpower New Zealand Limited
- 2) Rangiriri Solar Farm Project from Rangiriri Solar Farm Limited and Transpower New Zealand Limited

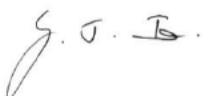
The land subject to the proposed applications are wholly within the Waikato District Council (**WDC**) boundaries. The application advises that land use resource consent is required from WDC under the Operative District Plan 2013 and the Proposed District Plan – Appeals Version 2022.

A response to the Minister's specific questions on the Applications is provided in the attached document.

From a customer and economic development perspective, WDC do not oppose the application being processed as a fast-track consent and would like to continue to work closely with the Applicant prior to any consent application.

Please find attached our response to the questions you have set out. I trust the information contained in this response is adequate for your current purposes. Please do not hesitate to contact me if you have any further questions.

Yours faithfully



Gavin Ion
CHIEF EXECUTIVE

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Waikato District Council
Contact person (if follow-up is required)	Summer Salmon
	Principal Planner
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Waerenga Solar Farm Project and Rangiriri Solar Farm Project
General comment – potential benefits	<p>WDC recognises the importance of renewable electricity generation and the social and economic benefits of this at a local, regional, and national level in the post- Covid-19 era.</p> <p>Job creation during construction and ongoing operation and maintenance, ideally using the local work force</p> <p>Benefits to air quality by reducing reliance on fossil fuels for energy generation thereby contributing to efforts to mitigate climate change.</p> <p>Ecological and landscape enhancements that will be undertaken as part of the Project (e.g. through planting and environmental enhancement areas and ecological mitigation and enhancement work)</p>
General comment – significant issues	<p>Not necessarily significant, but potential issues include:</p> <ul style="list-style-type: none"> • Erosion & sedimentation into waterways during construction • Stormwater management and impacts on waterways/waterbodies • Ecological impacts associated with works near to Significant Natural Features, waterways and Lake Waikare, having regard to climate change and how it impacts on emissions reduction requirements • Managing people's expectations in relation to an unanticipated activity in this area, especially in consideration of the size and scale of the activity • Localised environmental effects including reverse sensitivity, amenity (including visual amenity), landscape & character effects especially in relation to existing land use activities in the vicinity of the site • Increase in traffic volumes along Council roads especially during construction phase • Loss of some high class soil/land for productive use – consideration of the NPS for Highly Productive Land
Is Fast-track appropriate?	<p>Waikato District Council does not oppose the application being processed as a fast-track consent.</p> <p>Due to the scale of the project, unfamiliarity with large scale solar facilities within the Waikato region, and assessment constraints posed by COVID-19 (i.e. resourcing by the Council and its external specialists) it is likely the fast-track process will deliver an outcome in a shorter timeframe.</p>

Environmental compliance history	Waikato District Council is not aware of the applicant or company owned by the applicant as having any past or current breaches/notices or litigation related to environmental regulatory compliance.
Reports and assessments normally required	Stormwater Management Plan, Integrated Traffic Assessment, Ecological Assessment, Landscape & Visual Assessment, Noise (including Construction Noise), Cultural Impact Assessment, Assessment of Glint & Glare, Assessment of the proposal against the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, Assessment of Natural Hazards having consideration to Climate Change, Three Waters Assessment, A property scale site specific assessment Land Use Capability Classification, Hazardous Substances. All assessments to be prepared by a suitably qualified person
Iwi and iwi authorities	Waikato-Tainui is the relevant iwi authority and the mandated representative(s) from, but not limited to, Ngaa Muka Development Trust & Ngaati Tamaoho
Relationship agreements under the RMA	Waikato River Joint Management Agreement under the RMA 1991 between Waikato Tainui and Waikato District Council
Insert responses to other specific requests in the Minister's letter (if applicable)	<p>Regarding specific requests 1 – 3 for both applications; these have been addressed in the responses above.</p> <p>Regarding specific request 4; the information provided is not sufficient to undertake a full District Plan assessment, however the following rules may apply:</p> <ul style="list-style-type: none"> • Rules within Part 2: AINF - All Infrastructure • Rules within Part 2: EGEN - Community Scale Electricity Generation • Rules within Part 2: EDIS – Electricity Distribution • Rules within Part 2: NH – Natural Hazards and Climate Change (in relation to defended areas) • Rules within Part 3: GRUZ – General Rural Zone <p>It is noted that the proposal may also require resource consent under the Operative District Plan under the following rules (but not limited to):</p> <ul style="list-style-type: none"> • Rule 25.10: Type of Activity (industrial activity – includes electricity generation) - Discretionary Activity • Rule 25.13 Network utility (which only permits above-ground structures for electricity where they do not exceed 10m2 in area and do not exceed a height of 2.8m) as a Discretionary Activity <p>Regarding specific request 5; no appeals on the Proposed District Plan have been resolved at this time.</p>
Other considerations	On 8 August 2022 Waikato District Council notified the Proposed Waikato District Plan – Appeals Version.

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Waikato Regional Council
Contact person (if follow-up is required)	Katrina Andrews
	s 9(2)(a)
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Waerenga Solar Farm Project
General comment – potential benefits	<p>Waikato Regional Council (WRC) appreciates the opportunity to provide comments on this application. The following comments were approved by the Regional Consents Manager under delegated authority. It is considered that the proposal to establish a solar farm at Waerenga, Keith and Awariki Roads has the potential to deliver benefits for the Waikato region. This includes climate and resilience-related benefits associated with the provision of renewable energy infrastructure and wider socio-economic benefits associated with job creation. However, we have identified some issues with the application for MfE's consideration.</p>
General comment – significant issues	<p>WRC staff have reviewed the application documents and identified a data deficiency within the documentation provided. Further documentation would be required to enable us to properly assess the application. The documentation required includes:</p> <ul style="list-style-type: none"> • A systematic assessment of all regional consents required. • Final Ecological Assessment report and management plans. • Maps/plans showing the proposed location of the solar panels, substation, and other infrastructure on the site, including in relation to wetlands. <p>We have also identified the following issues:</p> <ol style="list-style-type: none"> 1. The application sets out a list of activities that the project 'may' involve under the heading 'Project details'. However, the list of Waikato Regional Plan (WRP) rules identified as being triggered by the proposal does not incorporate all relevant rules for the activities listed under this 'Project details' section. For example: <ul style="list-style-type: none"> - The application acknowledges water permits are required for the proposal but none of the rules identified in the table of WRP rules triggered relate to water take/use/diversion. - The application refers to wastewater disposal via a new septic system on the subject site. No assessment has been provided to demonstrate compliance with the relevant WRP rules relating to wastewater disposal. - The application states that consent is required under WRP Rule 5.2.5.8, however this does not appear to correspond to any specified activities described in the documentation.

	<p>Accordingly, we recommended that a systematic assessment against all relevant rules of the WRP is required to identify all regional consents required.</p> <ol style="list-style-type: none"> 2. The application indicates that the take and use of water will be required for the project. No assessment has been provided against the provisions of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F) relating to taking and use of water within 100m of a natural wetland. We recommend that an assessment against these provisions is undertaken to identify all consents required under the NES-F. 3. The application notes that additional run-off from the impervious surfaces related to the substation and office platform will be attenuated back to pre-development flows before discharge. However, the application lacks detail on whether the solar panel areas will act as a hardstand with greater levels of run-off and concentrated flows, and on potential effects on drainage and waterways if this is the case. We recommend that a more detailed assessment is required to fully understand the stormwater effects of the proposal. 4. The list of activities the project 'may' involve within the application includes, among other activities: <ul style="list-style-type: none"> - Landscaping that includes environmental enhancement areas. - Ecological mitigation and enhancement works associated with streams and waterways. - Clearing vegetation. - Developing and restoring wetland areas. <p>However, the assessment of ecological effects within the application states that vegetation clearance is not proposed within the project footprint. We recommend this be clarified and a thorough assessment be required in relation to any proposed vegetation clearance.</p> 5. The Initial Ecological Assessment report assesses vegetation on the subject site as having 'Very Low' ecological value, however, goes on to identify that this vegetation could form habitat for threatened species. Additionally, the report refers to potential habitats but does not provide any further detail on the species (including any native species) comprising these habitats. We recommend that more detailed assessment is required in relation to vegetation and habitats for threatened species on the subject site. 6. The Initial Ecological Assessment report states that no solar panel installation is proposed within the wetland features but does not clarify what buffers are proposed around these features. We are also concerned that the placement and angle of the solar panels will essentially channel the water and will influence the runoff path and surface flow, which may influence the receiving wetlands. We therefore recommend that proposed buffer areas around wetlands should be identified, and the hydrology of the current wetlands be assessed to identify their catchments and to ensure disturbance is avoided. 7. To assist with a full assessment of effects on wetlands, we recommend that the following matters also need to be clarified: <ul style="list-style-type: none"> - The Initial Ecological Assessment report states that the installation of the solar panels requires only "minor ground shaping". We recommend this be clarified/quantified. - The Initial Ecological Assessment report states that barriers are recommended to be installed to avoid sedimentation and "other harmful chemicals" entering the wetlands. We recommend further clarification should be provided regarding the type of harmful chemicals referred to, potential for soil contamination from these chemicals, and the type of barriers proposed to prevent seepage into wetlands.
--	--

	<p>8. The application documents refer to the wetlands on the subject site as being of 'low ecological value'. Given the above noted risks to wetlands, we have concerns about this conclusion and recommend that further assessment is required in relation to ecological effects on wetlands.</p> <p>9. We also note that the 'value' of a wetland is not a relevant consideration for the requirement of a resource consent under the NES-F. All wetlands, regardless of their assessed value, are to be considered if the regulations of the NES-F apply. The application defines the proposed activities as "specified infrastructure" under the National Policy Statement for Freshwater Management (NPS-FM) and we agree with this interpretation.</p> <p>10. The Initial Ecological Assessment report assesses the avifauna value impact as being low, however, this has been conducted via desktop methods only. We recommend an avifauna ground survey to determine presence/extent, especially along waterways. The reflection from the solar panels on migrating species is also of concern and has not been considered/addressed within the documentation.</p> <p>11. The assessment of ecological effects within the application refers to a fish management plan as a proposed form of effects management. We recommend that this, and any other relevant management plans be provided for the proposal.</p> <p>12. The application states that the project will include environmental enhancement areas for the planting of native species and enhancement of existing wetland habitats and waterways. However, little detail has been provided in relation to specific enhancement measures proposed. We recommend that the application and final Ecological Assessment report elaborate on all specific enhancement measures proposed.</p> <p>13. The references to wetland restoration are not accompanied by any description of what is proposed so that it can be confirmed whether this is permitted or restricted under the NES-F. Therefore, we again recommend that an assessment against all relevant provisions of the NES-F is required.</p> <p>14. The Initial Ecological Assessment report does not include details of the weather conditions during the bioacoustic bat survey period as would be standard, or the number of survey nights within the 2.5 week period that were suitable for surveying bats. We also note the survey period coincided with the arrival of Cyclone Dovi in NZ (12/13 February 2022; recorders were deployed on 11 Feb) which would have reduced bat activity at this time, and potentially also impacted the positioning of the recorders. This may account for the low level of activity recorded; although regardless, the results confirm that long-tailed bats are present at the subject site.</p> <p>15. Given that long-tailed bats are a critically endangered species and the ecological assessment confirms their presence at the site, we recommend that a detailed assessment of effects on bats is required. More detailed monitoring of the use of the site and surrounding area by long-tailed bats would usually be appropriate, and consideration of effects beyond just tree removal; for example, effects on foraging and commuting habitat.</p>
Is Fast-track appropriate?	As noted above, the application does not contain sufficient detail to understand all regional consents required for the proposal. However, based on the information provided, WRC staff generally consider the fast-track process appropriate for this proposal provided the full application thoroughly addresses all relevant matters. WRC would usually give careful consideration to the issues set out above under the existing Resource Management Act 1991 (RMA) consenting process.
Environmental compliance history	There is no record of any non-compliance for Waerenga Solar Farm Limited, while Transpower New Zealand Limited received one infringement in 2013.
Reports and assessments normally required	<p>1. The proposal requires a systematic assessment of the regional consents that are required. This assessment should:</p>

	<p>(a) Identify in reasonable detail, the proposed activities which fall within regional council jurisdiction;</p> <p>(b) Identify the regional rules and/or regulations that apply or potentially apply to these activities;</p> <p>(c) Confirm the rule(s) and/or regulation(s) that apply; and</p> <p>(d) Identify where consent is required and the activity status of that consent.</p> <p>2. The project would require an Erosion and Sediment Control Plan (E&SCP) for activities assessed against Rules 5.1.4.13, 5.1.4.15 and 5.2.5.8 of the WRP.</p> <p>3. The application indicates the proposal may involve taking, using, and diverting water however no assessment against the relevant WRP rules for these activities has been provided.</p> <p>4. A design for the structure required under Rule 4.2.4.4 as WRC may require one of our engineers to assess/provide comment on these. Depending on what structure is proposed, a hydrology report may be required.</p> <p>5. An ecological assessment and proposed management plans including for effects on wetlands and long-tailed bats their habitat.</p> <p>6. An assessment against Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River.</p> <p>7. Evidence of consultation with relevant iwi.</p> <p>8. Evidence of consultation with effected neighbours or other parties.</p>
Iwi and iwi authorities	The relevant iwi authorities with interests in the subject site and its wider surrounds include Hauraki iwi (collective), Waikato Tainui and Ngāti Tamaoho (hapū). WRC regularly engages with these iwi and hapū for RMA purposes. It is noted that it is the responsibility of the applicant to engage with mana whenua regarding the application.
Relationship agreements under the RMA	As above.
Insert responses to other specific requests in the Minister's letter (if applicable)	N/A
Other considerations	<p>Assessment of National Environmental Standards</p> <p>The application should specifically spell out the relevant clauses of each NES pertinent to the proposal and signal which activities are required to be reviewed under each clause.</p> <p>National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCO)</p> <p>The assessment in the application is brief but it does assess whether there is a need for resource consent under the NESCO regulations. It also identifies that any human health risks can be managed through the appropriate site management protocols.</p> <p>National Policy Statement on Highly Productive Land (NPS-HPL)</p> <p>The application identifies the NPS-HPL as a relevant consideration for the proposal due to the site containing high class soils. We note the site is predominantly Land Use Capability (LUC) Class 2, with some LUC Class 3 soils near the river margin.</p>

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.