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24 August 2022

Fast Track Consenting Team

Ministry for the Environment

fasttrackconsenting@mfe.govt.nz

To whom it may concern

RE: COMMENT ON FAST TRACK APPLICATION – WAITERIMU SOLAR FARM PROJECT

Thank you for the invitation to comment on the application to refer Waikato Solar Farms Ltd and Transpower NZ Ltd to an expert consenting panel under the Covid-19 (Fast-track Consenting) Act 2020.

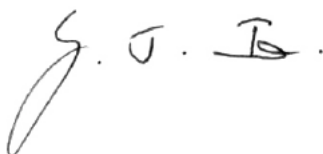
The land subject to the proposed application is wholly within the Waikato District Council (**WDC**) boundaries. The application advises that land use resource consent is required from WDC under the Operative District Plan 2013 and the Proposed District Plan – Appeals Version 2022.

A response to the Minister's specific questions on the Application 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	Waiterimu Solar Farm
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 on-site riparian planting contributing to freshwater and terrestrial ecological outcomes)</p>
General comment – significant issues	<p>Not necessarily significant, but potential issues include:</p> <ul style="list-style-type: none"> • Erosion & sedimentation into waterways and Lake Waikare during construction • Stormwater management and impacts on waterways and/or Lake Waikare • 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 – The NPS for Highly Productive Land final decisions to be made end of August and the application will need to address this
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 is not aware of any past or current breaches/notices or litigation related to environmental regulatory compliance of the applicants or companies owned by the applicants
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 representatives from, but not limited to, Ngaa Muka Development Trust, Waahi Whaanui Trust, Matahuru Marae
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)	The specific requests have been addressed in the responses above
Other considerations	Since preparation of the Application Description Council has notified the Proposed Waikato District Plan – Appeals Version 2022.

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)	Alejandro Cifuentes
	s 9(2)(a)
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Waiterimu Solar Farm Project
General comment – potential benefits	The Waikato Regional Council (WRC) appreciates the opportunity to provide comments on this application. The following comments were signed off under delegated authority by the Regional Consents Manager. It is considered that the proposal to establish a Solar Farm at 345 Waiterimu Road 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 socioeconomic benefits associated with job creation. However, we have identified significant issues that need to be addressed.
General comment – significant issues	<p>WRC staff has reviewed the application documents and have identified a data deficiency within the documentation provided. Further documentation is required to enable us to properly assess the application. The documentation required includes:</p> <ul style="list-style-type: none"> • The final Ecological Impact Assessment report. • A map with the proposed location of the solar panels in relation to the wetlands. • Indication of which vegetation is to be removed or enhanced; maps and a list of the species would be appreciated. <p>We have also identified the following issues.</p> <ol style="list-style-type: none"> 1. Appendix 5 (Initial Ecological Effects Memorandum) indicates that the improvement of fauna habitat will materialise via plantings however, there is no mentioning of what fauna species will be captured by the improvement's approach as only a bat survey was undertaken. We consider this approach insufficient, and recommend that a holistic survey of the site is prepared. 2. Appendix 5 also recommends the planting of fast-growing exotic trees to be used as bat habitats. We strongly recommend planting of indigenous trees and vegetation instead, as these will better provide for all local indigenous biodiversity. We also recommend that the existing bat habitats are not disturbed or removed as part of the proposed activity. 3. The SNA's (usually podocarp dominated) consist of underrepresented forest types in the ecological district and require enhancement. Therefore, we recommend a proper assessment of the SNAs. 4. The direct and indirect impacts on wetlands during the initial set-up phases of the project have not been assessed. We note the documentation comments on a "lack of species

	<p>diversity within the wetlands,” but find this to be hard to justify due to the lack of presented data. Therefore, we recommend the Minister requests an ecological assessment of the site to understand which species are part of the wetlands’ habitats. We also recommend that the applicant provides an assessment of the impacts for the set-up phases, including the indirect impacts on the ecosystems.</p> <ol style="list-style-type: none"> 5. Avifauna value of site has been assessed as low; however, no assessment has been conducted (the documentation only refers to the New Zealand Bird Atlas database). Therefore, we recommend an avifauna survey for the entire site. 6. Appendix 5 mentions the use of eDNA as one of the methods to assess the ecological effects of the project on methods. However, there is no follow up in the assessment section – this data will assist in understanding what species are onsite and it has the potential to alleviate some of the concerns raised in our comments. Therefore, we recommend the Minister requests the applicant to clarify how and when the data will be presented. 7. We also recommend asking that the specific enhancement measures are elaborated on, such as detailing where fencing is going to be erected, where plantings will be established and how pest control will be undertaken. 8. A key concern is the lack of study to determine if any part of the site provides habitat for any threatened/at risk species such as black mudfish, bittern, <i>Sporadanthus</i>, etc. We highlight that survey has not been completed and made available in the documentation attached to the application. Furthermore, there are no historical records available. Therefore, again, we recommend an ecological survey of the site. 9. The application refers to the wetland as ‘low-value.’ However, we note that the ‘value’ of a wetland is not a relevant consideration for the requirement of a resource consent under the NESFM. All wetlands, regardless of their assessed value are to be considered if the regulations of the NESFM apply. The application defines the proposed activity as “specified infrastructure” under the NPSFM and the we agree with this interpretation.
Is Fast-track appropriate?	<p>WRC staff consider it more appropriate that significant proposals such as this one are processed through the existing Resource Management Act 1991 (RMA) consenting processes, instead of the fast-track process. In this case there are potential risks regarding biodiversity that would be better assessed through the ordinary resource consent process. We urge MfE to provide an opportunity for the WRC to review and provide input to the resource consent conditions prior to the application being granted.</p>
Environmental compliance history	<p>The Waikato Solar Farms Limited (WSFL) is a new applicant with no compliance history, while Transpower New Zealand Limited had one infringement in 2013.</p>
Reports and assessments normally required	<ol style="list-style-type: none"> 1. 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 Waikato Regional Plan (WRP). 2. In Appendix 6 of the proposal, the applicant states that activities may involve taking, using, and diverting groundwater. The diversion and take of water would need to be assessed by our water take team as this is not a given. The applicant has not assessed this as one of the consents required. The information required is under section 3.3 of the WRP. 3. A design for the structure required under 4.2.4.4 as WRC may require one of our engineers to assess/provide comment on. Depending on what structure they are proposing, a hydrology report may be required. 4. An ecological assessment and proposed management plans are required for the site. 5. A restoration management plan is required as the ecological memo (attached to the application) states that the applicant will be doing wetland restoration. However,

	<p>additional comments on how the bat population will be protected/enhanced are required.</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 Waahi Whaanui (hapū). WRC regularly engages with these iwi and hapū for RMA purposes. It is noted that it is the responsibility of the applicant and the consenting authority 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)	Click or tap here to insert responses to any specific matters the Minister is seeking your views on.
Other considerations	<p>National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)</p> <p>The assessment in the application is brief but it does identify the need for resource consent under the NESCS regulations. It also identifies that any human health risks can be managed through the appropriate remediation and site management protocols. WRC expects that the EPA will be interested in looking into this further.</p> <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>

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