Version
as at 8 July 2023

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 14) 2022

(SL 2022/311)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 14) 2022: revoked, on 8 July 2023, by Schedule 1 clause 1(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35).

Cindy Kiro, Governor-General

Order in Council

At Wellington this 28th day of November 2022

Present:
Her Excellency the Governor-General in Council

This order is made under section 27 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 on the advice and with the consent of the Executive Council and on the recommendation of the Minister for the Environment.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This order is administered by the Ministry for the Environment.

Schedule 3
New Schedule 59 inserted

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 14) 2022.

2 Commencement

This order comes into force on 2 December 2022.

3 Principal order

This order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020.

4 New Schedule 59 inserted

After Schedule 58, insert the Schedule 59 set out in the Schedule of this order.

Schedule
New Schedule 59 inserted

cl 4

Schedule 59
Waiterimu Solar Farm

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Waiterimu Solar Farm (the **project**).

2 Authorised person

The authorised persons for the project are Waikato Solar Farms Limited and Transpower New Zealand Limited.

3 Description of project

(1) The scope of the project is to develop approximately 380 hectares of land in Waiterimu, Waikato by—

(a) constructing and operating a solar farm (with an output of approximately 140 megawatts peak) for the purpose of supplying electricity to the national grid; and

(b) constructing or installing associated buildings, infrastructure, and structures, including—

(i) a substation and a transmission line for the purpose of supplying electricity to the national grid; and

(ii) an energy storage facility; and

(iii) underground electricity cables; and

(iv) private accessways for vehicles; and

(v) driveways and parking areas; and

(c) upgrading roads; and

(d) carrying out landscaping and planting (including to restore natural wetlands and streams).

(2) The solar farm is proposed to contain, on approximately 63 hectares of the land,—

(a) approximately 225,000 photovoltaic panels (with an installed height of approximately 3.5 metres from ground level); and

(b) inverter cabinets, arrays, mounting structures, poles to support the photovoltaic panels, and motors.

4 Description of activities involved in project

The project may involve the following activities:

(a) carrying out earthworks (including earthworks that disturb potentially contaminated soils and earthworks within 10 metres of natural wetlands):

(b) removing vegetation (including within 10 metres of natural wetlands):

(c) taking, using, and diverting groundwater and discharging it onto land or into water:

(d) discharging stormwater (which may contain contaminants) onto land or into water:

(e) constructing or installing buildings, infrastructure, or structures for the purposes of the solar farm, including—

(i) approximately 225,000 photovoltaic panels; and

(ii) inverter cabinets, arrays, mounting structures, poles to support the photovoltaic panels, and motors; and

(iii) a substation and a transmission line for the purpose of supplying electricity to the national grid; and

(iv) an energy storage facility; and

(v) underground electricity cables; and

(vi) private accessways for vehicles; and

(vii) driveways and parking areas; and

(viii) fencing; and

(ix) security lighting:

(f) operating the solar farm:

(g) landscaping and planting (including to restore natural wetlands and streams):

(h) carrying out any other activities that are—

(i) associated with the activities described in paragraphs (a) to (g); and

(ii) within the scope of the project as described in clause 3 of this schedule.

5 Approximate geographical location

The project will occur on the following land (the **project site**):

(a) 304 and 345 Waiterimu Road, Waiterimu, Waikato:

(b) the road reserve adjacent to the land referred to in paragraph (a).

6 Further information to be submitted

(1) The following information must be submitted to the panel with any consent application or notice of requirement relating to the project (in addition to the information required by clause 9 of Schedule 6 of the Act):

(a) an integrated transport assessment that identifies—

(i) the existing capacity of the local road network to service project-associated traffic; and

(ii) the effects of that traffic on the safety and durability of the local road network:

(b) an assessment of glint and glare caused by the sun striking the photovoltaic panels that—

(i) contains modelling that shows the locations at which glint and glare will affect sensitive receptors (such as road users and occupants of dwellings) and the intensity of glint and glare at those locations; and

(ii) identifies any measures to mitigate the effect of glint and glare at those locations:

(c) an assessment of the effects of the activities involved in the project (including the operation of the solar farm) on the local ecology, including on—

(i) significant natural areas (within the meaning of the proposed Waikato District Plan—Decisions Version, as at 17 January 2022); and

(ii) native vegetation; and

(iii) natural wetlands; and

(iv) streams; and

(v) birds, lizards, and bats:

(d) a description of measures to avoid or mitigate these effects, including a bat management plan that specifies—

(i) how the loss of native and other vegetation will be mitigated and how the loss of roost trees will be avoided; and

(ii) how the effects of lighting and noise on bats will be mitigated or avoided:

(e) an assessment of the visual effects of the solar farm (including associated buildings, infrastructure, and structures) on the natural and rural character of the surrounding landscape:

(f) the following information:

(i) the amount of electricity expected to be generated by the solar farm, in gigawatts per year, together with information and calculations showing how that amount has been determined:

(ii) the amount of carbon dioxide emissions, in kilograms per year, that would be emitted if that amount of electricity were to be generated using fossil fuels:

(g) an assessment of the risk of flooding, including as an anticipated effect of climate change, on the activities involved in the project (including the construction and operation of the solar farm):

(h) a description of measures to mitigate the anticipated effect of flooding due to climate change on the activities referred to in paragraph (g) (including measures relating to batteries and substation infrastructure):

(i) an archaeological assessment of the project site.

(2) In this clause, **project-associated traffic** means traffic that is associated with the earthworks, construction, and other activities involved in the project (including the operation of the solar farm).

7 Persons who must be invited to comment on project

An expert consenting panel must invite comments on any consent application or notice of requirement relating to the project from the following persons (in addition to the persons listed in clause 17(6) of Schedule 6 of the Act):

(a) Ngāti Koheriki Claims Committee:

(b) Waahi Whaanui Trust:

(c) the Minister of Energy and Resources.

8 No further provision required

No further provision is necessary to give effect to decisions made by the Minister under section 24 of the Act in respect of the project.

Statement of reasons

This statement of reasons is published for the purposes of clause 4 of Schedule 3 of the Act

The Minister for the Environment (the **Minister**) has accepted this application for referral. The Minister considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the Act's purpose, and sought and considered written comments from the following:

- the relevant Ministers listed in section 21(6) of the Act:
- the Minister of Energy and Resources:
- Waikato District Council:
- Waikato Regional Council.

The Minister has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act because—
  - it has the potential to generate approximately 105 to 127 direct full-time equivalent jobs (**FTE jobs**), over a 15- to 18-month construction period, and approximately 15 ongoing FTE jobs; and
  - it has the potential to provide infrastructure that will contribute to improving economic and employment outcomes; and
  - it has the potential to contribute to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy by generating renewable energy; and
  - it has the potential to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any actual and potential effects on the environment, and proposed measures to avoid, remedy, mitigate, offset, or compensate for any adverse effects, can be appropriately tested by an expert consenting panel against Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 2 December 2022, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer a project to an expert consenting panel for the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**). The referred project is the project named and described in *new Schedule 59*.

The effect of the referral is to authorise—

- Waikato Solar Farms Limited and Transpower New Zealand Limited to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 59*; and
- Transpower New Zealand Limited to lodge notices of requirement under the Act, instead of under the Resource Management Act 1991, for designations, or to alter designations, relating to the project.

The expert consenting panel will be appointed under Schedule 5 of the Act and make decisions in accordance with Schedule 6 of the Act.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 1 December 2022.

Notes

1 General

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 14) 2022 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35): Schedule 1 clause 1(1)

Wellington, New Zealand:
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