

Version  
as at 8 July 2023



**COVID-19 Recovery (Fast-track Consenting) Referred  
Projects (Marton and Ōpunake Solar Farms)  
Amendment Order 2023**  
(SL 2023/151)

COVID-19 Recovery (Fast-track Consenting) Referred Projects (Marton and Ōpunake Solar Farms)  
Amendment Order 2023: 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 26th day of June 2023

Present:

The Hon Carmel Sepuloni presiding 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.

**Contents**

		Page
1	Title	2
2	Commencement	2
3	Principal order	2

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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.**

**COVID-19 Recovery (Fast-track Consenting) Referred  
Projects (Marton and Ōpunake Solar Farms)  
Amendment Order 2023**

Version as at  
8 July 2023

cl 1

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4	New schedules inserted	2
	<b>Schedule</b>	<b>3</b>
	<b>New Schedules 100 and 101 inserted</b>	

**Order**

**1 Title**

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Marton and Ōpunake Solar Farms) Amendment Order 2023.

**2 Commencement**

This order comes into force on 4 July 2023.

**3 Principal order**

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

**4 New schedules inserted**

After the last schedule,—

- (a) insert the schedules set out in the Schedule of this order; and
- (b) make all necessary consequential amendments.

**Schedule**  
**New Schedules 100 and 101 inserted**

cl 4

**Schedule 100**  
**Marton Solar Farm**

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

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

**2 Authorised person**

The authorised person for the project is Energy Farms Limited.

**3 Description of project**

(1) The scope of the project is to do the following on approximately 194 hectares of land in Marton, Rangitikei:

- (a) construct and operate a solar farm on approximately 154 hectares of the land (with an output of approximately 80 to 110 megawatts peak) for the purpose of supplying electricity to the national grid:
- (b) construct or install associated infrastructure and structures, including—
  - (i) 16 inverter stations, a substation, and a transformer; and
  - (ii) an energy storage facility; and
  - (iii) underground electricity cables; and
  - (iv) private accessways for vehicles:
- (c) carry out landscaping and planting, including for enhancing and restoring streams and for boundary screening.

(2) The solar farm is proposed to include—

- (a) approximately 230,000 photovoltaic panels; and
- (b) inverter cabinets, arrays, and mounting structures.

**4 Description of activities involved in project**

The project may involve the following activities:

- (a) carrying out earthworks (including earthworks that disturb potentially contaminated soil):
- (b) removing vegetation:
- (c) diverting groundwater:

- (d) discharging stormwater, groundwater, and contaminants onto land or into water:
- (e) constructing or installing infrastructure and structures, including—
  - (i) approximately 230,000 photovoltaic panels; and
  - (ii) inverter cabinets, arrays, and mounting structures; and
  - (iii) 16 inverter stations, a substation, and a transformer; and
  - (iv) an energy storage facility; and
  - (v) underground electricity cables; and
  - (vi) private accessways for vehicles; and
  - (vii) parking areas; and
  - (viii) fencing; and
  - (ix) poles on which CCTV monitors are mounted; and
  - (x) culverts in the beds of streams and in drains:
- (f) operating a solar farm:
- (g) landscaping and planting, including for enhancing and restoring streams (by planting in the riparian margins of those streams) and for boundary screening:
- (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 land (the **project site**) at 1646 Wellington Road, Marton that is comprised in Lots 4 and 5 Deposited Plan 10517.

## **6 Further information to be submitted**

- (1) The following information must be submitted to the panel with any consent application relating to the project (in addition to the information required by clause 9 of Schedule 6 of the Act):
  - (a) a landscape assessment that assesses—
    - (i) any visual effects of the solar farm on the biophysical features and rural character of the surrounding landscape (from the vantage points of both public and private land); and
    - (ii) any cumulative visual effects of solar farms on those features and that character:
  - (b) a stormwater assessment that—

- (i) assesses stormwater flows onto and from the project site before and after the construction of the solar farm; and
- (ii) identifies any anticipated effects of those stormwater flows, after the solar farm is constructed, on the operation of the detention dam (including the ponding area) that is located on part of the project site.

**Guidance note**

A designation in the Rangitikei District Plan applies to the detention dam as part of the Tutaenui Flood Control Scheme. Manawātū–Whanganui Regional Council is the requiring authority for that work. See Schedule C5 of the Plan for further information about designation No. D7 (Tutaenui Dam W1) and related designation conditions.

- (2) In this clause, a reference to a **solar farm** includes a reference to the infrastructure and structures that are associated with the solar farm.

**7 Persons who must be invited to comment on project**

The panel must invite comments on any consent application 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) the Minister of Energy and Resources;
- (b) the Minister of Agriculture;
- (c) the New Zealand Defence Force;
- (d) Transpower New Zealand Limited;
- (e) Te Runanga o Raukawa Incorporated.

**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;
- the Minister of Agriculture;
- Rangitikei District Council;

- Manawatū–Whanganui Regional Council;
- Transpower New Zealand Limited.

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 contribute to improving economic and employment outcomes through the provision of infrastructure; and
  - it has the potential to generate—
    - approximately 445 direct full-time equivalent jobs (**FTE jobs**) over a 24-month construction period; and
    - approximately 33 ongoing FTE jobs; 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 is likely 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.

## Schedule 101 Ōpunake Solar Farm

cl 5

*Project referred to expert consenting panel*

### 1 Name of project

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

### 2 Authorised person

The authorised person for the project is Energy Farms Limited.

### 3 Description of project

(1) The scope of the project is to do the following on approximately 188 hectares of land to the north of Ōpunake, South Taranaki:

- (a) construct and operate a solar farm on approximately 180 hectares of the land (with an output of approximately 80 to 110 megawatts peak) for the purpose of supplying electricity to the national grid:
- (b) construct or install associated infrastructure and structures, including—
  - (i) 11 inverter stations and a substation; and
  - (ii) an energy storage facility; and
  - (iii) underground electricity cables; and
  - (iv) private accessways for vehicles:
- (c) carry out landscaping and planting (including for enhancing and restoring streams and natural inland wetlands).

(2) The solar farm is proposed to include—

- (a) approximately 152,000 photovoltaic panels; and
- (b) inverter cabinets, arrays, and mounting structures.

### 4 Description of activities involved in project

The project may involve the following activities:

- (a) carrying out earthworks, including—
  - (i) earthworks that disturb potentially contaminated soil; and
  - (ii) earthworks within, or within 100 metres of, natural inland wetlands:
- (b) removing vegetation (including within, or within 10 metres of, natural inland wetlands):
- (c) diverting groundwater:

- (d) discharging stormwater, groundwater, and contaminants onto land or into water:
- (e) constructing or installing infrastructure and structures, including—
  - (i) approximately 152,000 photovoltaic panels; and
  - (ii) inverter cabinets, arrays, and mounting structures; and
  - (iii) 11 inverter stations and a substation; and
  - (iv) an energy storage facility; and
  - (v) underground electricity cables; and
  - (vi) private accessways for vehicles; and
  - (vii) parking areas; and
  - (viii) culverts in the beds of streams and in drains:
- (f) operating a solar farm:
- (g) landscaping and planting (including for enhancing and restoring streams and natural inland wetlands):
- (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 to the north of Ōpunake, South Taranaki:

- (a) land at 574 Upper Kina Road that is comprised in Lot 15 Deposited Plan 682:
- (b) land at 575 Upper Kina Road that is comprised in Lot 3 Deposited Plan 682:
- (c) the road reserve that is part of Upper Kina Road.

## **6 Persons who must be invited to comment on project**

The panel must invite comments on any consent application 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) the Minister of Energy and Resources:
- (b) the Minister of Agriculture:
- (c) Transpower New Zealand Limited:
- (d) Powerco Limited.

**7 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:
- the Minister of Agriculture:
- South Taranaki District Council:
- Taranaki Regional Council:
- Transpower New Zealand Limited:
- Powerco Limited.

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 contribute to improving economic and employment outcomes through the provision of infrastructure; and
  - it has the potential to generate—
    - approximately 306 direct full-time equivalent jobs (**FTE jobs**) over a 24-month construction period; and
    - approximately 54 ongoing FTE jobs; 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 is likely 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.

Diana Hawker,  
Acting 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 4 July 2023, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer 2 projects to an expert consenting panel for the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**). The referred projects are the projects named and described in *new Schedules 100 and 101*.

The effect of the referral is to authorise Energy Farms Limited to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the projects described in *new Schedules 100 and 101*.

The expert consenting panels 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*: 27 June 2023.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Marton and Ōpunake Solar Farms) Amendment Order 2023 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)