

16 December 2024



Dear 

LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT Request: 2024-56

Thank you for your email of Friday 8 November 2024 to the Carterton District Council requesting the following information:

“...for any correspondence any councillors or staff have had with any MPs, Ministers or central government officials relating to the fast-track itself, or relating to any fast-track projects that fall in your area.”

Your request has been considered under the Local Government Official Information and Meeting Act 1987 (the Act).

I have identified 6 emails attached as **Appendix A** that are within scope of your request. Details of these documents are tabled below. I am releasing the 6 emails in part for the reason that some of the information are withheld under section 7(2)(a) of the Act, to protect the privacy of natural persons.

Doc number	Date	Title	Decision
1	28 March 2024	[COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 - Masterton Solar Farm Attachments: Stage 1 Masterton Solar Farm Consultation Letter Carterton District Council - 28 March.pdf; Template for written comments_Councils.docx	Released in part. Information has been withheld under section 7(2)(a) of the Act.
2	29 March 2023	Template for written comments_Councils Attachments: Template for written comments_Councils.docx	Released in part. Information has been withheld under section 7(2)(a) of the Act.
3	12 April 2023	IN CONFIDENCE - Response to COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Masterton Solar Farm	Released in part. Information has been withheld under section 7(2)(a) of the Act.

28 Holloway Street, Carterton, Wairarapa | PO Box 9, Carterton, 5743
info@cdc.govt.nz | 06 379 4030 | www.cdc.govt.nz

LGOIMA ID: 2024-56

Doc number	Date	Title	Decision
		Attachments: CDC Response 331791 - C19 Recovery (Fast-track Consenting) Act 2020 – Referral Application - Masterton Solar Farm .pdf	
4	12 May 2023	Fwd: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 - Masterton Solar Farm Project Attachments: image008.jpg; image002.png; image003.png; image004.png; image005.png; image006.png; image009.jpg; Masterton Solar Farm Project - Notice of Decision.pdf	Released in part. Information has been withheld under section 7(2)(a) of the Act.
5	31 January 2024	Letter from Hon Chris Bishop Attachments: Letter from Chirs Biship.pdf	Released in part. Information has been withheld under section 7(2)(a) of the Act.
6	10 October 2024	CB-COR0836 Letter from Minister Chris Bishop Attachments: CB-COR0836 Letter from Minister Chris Bishop	Released in part. Information has been withheld under section 7(2)(a) of the Act.

Where information has been withheld under section 7(2), I have considered, as required under section 7(1) of the Act, the public interest considerations favouring its release. I have identified no public interest considerations which outweigh the need to withhold information at this time.

Please note, the Council proactively publishes LGOIMA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. You have the right to ask an Ombudsman to review this decision. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Geoff Hamilton', with a stylized flourish at the end.

Geoff Hamilton
Chief Executive
Carterton District Council

RELEASED UNDER LGOIMA

s 7(2)(a)

From: Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>
Sent: Tuesday, 28 March 2023 3:22 pm
To: Geoff Hamilton
Cc: Rachel Round; Fast Track Consenting
Subject: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Masterton Solar Farm
Attachments: Stage 1 Masterton Solar Farm Consultation Letter Carterton District Council - 28 March.pdf; Template for written comments_Councils.docx

Caution: This email originated from outside the council. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tēnā koe Geoff

Attached is a letter inviting your comment on the following application that has been made to the Minister for the Environment under the COVID-19 Recovery (Fast-Track Consenting) Act 2020.

- Masterton Solar Farm – [databox link to documents](#)

NOTE: This information is provided to you in confidence and as part of the statutory process set out in the FTCA. Please do not forward the application or the request for comments to anyone outside your organisation, including any Crown Entity or statutory body.

Many thanks

Jacob

Fast Track Consenting

Ministry for the Environment | Manatū Mō Te Taiao

fasttrackconsenting@mfe.govt.nz | mfe.govt.nz

This email account is monitored by several members of the team, to ensure responses are managed in a timely manner.



Ministry for the
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**A flourishing environment
for every generation.**
He taiao tōnui mō ngā
reanga katoa.



BRF-2853

Geoff Hamilton
Chief Executive
Carterton District Council
Email: geoffh@cdc.govt.nz

Dear Geoff Hamilton

COVID-19 Recovery (Fast-track Consenting) Act 2020 – comments sought on referral application – Masterton Solar Farm Project

The Minister for the Environment (the Minister) has received an application from Harmony Energy NZ #2 Limited to refer the Masterton Solar Farm Project (project) to an expert consenting panel (panel) for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA).

The project is described in Appendix A and the application documents are in Attachment 1.

Under delegated authority from the Minister and pursuant to section 21(2) of the FTCA, I invite Carterton District Council to provide written comments on the referral application. A template is provided for this purpose in Attachment 2. Comment is sought on the specific matters outlined in the table below, and on any other matter you consider relevant to the Minister's decision on whether or not to accept the application.

Specific questions on the application
1. Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?
2. Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your district?

The above information is provided to you in confidence and as part of the statutory process set out in the FTCA. Please do not forward the application or request for comments to anyone outside your organisation.

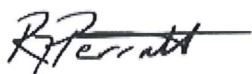
If the Minister accepts the application and the project is referred to a panel, Carterton District Council will have the opportunity to nominate a local authority representative (who could be a councillor or independent hearings commissioner) to sit on the panel and determine the RMA

approvals for the project. The applicant will provide a detailed assessment of environmental effects and cultural impact assessments at this stage and the council will have the opportunity to provide further comments to the panel.

Please provide comments via return email within 10 working days to ensure that the Minister takes them into consideration when making his decision. Note that the Minister is not required to consider any comments provided after this time.

If it is more efficient for you to discuss the applications, please contact the Ministry for the Environment's Fast-track Consenting Team at fasttrackconsenting@mfe.govt.nz to arrange an appointment.

Yours sincerely



Rebecca Perrett
Acting Manager, Fast-track Consenting Team

Appendix:

A. Details of proposed project

Attachments:

1. Application to refer the Masterton Solar Farm Project to an expert consenting panel, including supporting information (Databox link)
2. Response template for written comments

cc: Rachel Round, Consents, Compliance and Operations Manager
rachelr@cdc.govt.nz

Appendix A – Details of proposed projects

Project	Applicant	Details
Masterton Solar Farm Project	Harmony Energy NZ #2 Limited	<p>The project is to construct and operate a solar farm on an approximately 218-hectare site comprising 5 properties at 271 Perrys Road, 510 Hughes Line and 303 East Taratahi Road, Carterton, and to connect to and supply electricity to the national grid via the Hughes Line and Cornwall Road legal road reserves. The solar farm will have an approximate installed capacity of 133 peak Megawatts.</p> <p>The solar farm will comprise: approximately 201,500 solar panels occupying approximately 148 hectares, arrays and mounting structures, inverter cabinets, and associated infrastructure, 32 medium voltage power stations, two substations, one transformer and transmission line to connect to the national grid, ancillary buildings, structures and infrastructure (including a storage building, roads, access, security fencing, CCTV poles and other infrastructure) underground electricity cables, including within road reserve to connect to the Transpower substation at 113 Cornwall Road, Carterton, restoration and planting of riparian areas of the Waikoukou Stream and an unnamed stream.</p>



Ministry for the
Environment
Manatū Mo Te Taiao

Template for written comments from councils

Invitation to comment on applications for referral under the Covid-19 (Fast-track Consenting) Act 2020

You have been invited to provide comments to the Minister for the Environment (the Minister) on an application to refer a project to an expert consenting panel for fast-track consenting under the Covid-19 Recovery (Fast-track consenting) Act 2020 (FTCA).

The information below provides the context for this application, the reasons for the invitation to comment and information to assist you in responding. Please note that the Minister has requested that you reply within 10 working days from receipt of the application and invitation to comment. Under section 21(5) of the FTCA the Minister is not obliged to consider any comments provided after this time.

Overview of the fast-track process

The FTCA introduces a short-term consenting process to fast-track projects that can boost employment and economic recovery.

For a project to access the fast track process the Minister must first make a decision to refer the project to an expert consenting panel. The referral process involves seeking comment from local authorities and Ministers of the Crown. The Minister also has discretion to seek comment from any other person.

It is important to note that the Minister's role is not to undertake a detailed assessment of the merits or effects of the project at this stage.

The Minister's referral decision must be made in the context of the eligibility criteria in section 18 of the FTCA, and the matters in sections 19 and 23(5) of the FTCA. Specifically, section 18 requires the Minister to be satisfied that the proposed project:

- will help to achieve the purpose of the FTCA
- does not include an activity that is prohibited in the RMA, RMA regulations or a local authority plan or proposed plan
- does not occur on land returned under a Treaty settlement if the relevant landowners have not agreed in writing
- does not occur in a customary marine title area if the holder of the relevant customary marine title order has not agreed in writing

- does not occur in a protected customary rights area, and have a more than minor effect on the exercise of the protected customary right, if the holder of the relevant protected customary rights recognition order has not agreed in writing.

In considering whether a proposal would help achieve the purpose of the Act, section 19 of the FTCA specifies matters the Minister may consider. These include whether the project will give rise to economic costs and benefits for people or industries affected by COVID-19; whether the project will create a public benefit; the effect on social and cultural wellbeing of current and future generations, and whether there is potential for significant adverse effects.

Section 23(5) of the FTCA gives reasons why the Minister may decline to refer an application for fast-tracking, whether or not it meets the criteria in section 18. These include:

- the applicant has not provided enough information to determine whether the project meets the section 18 criteria
- it would be more appropriate for the proposed project, or part of the project, to go through standard consenting or designation processes under the RMA
- the proposed project is inconsistent with a relevant national policy statement
- directing the project to a panel would be inconsistent with a Treaty settlement
- the proposed project involves an activity that would occur on land that the Minister for Treaty of Waitangi negotiations considers necessary for Treaty settlement purposes
- the applicant has a poor history of environmental regulatory compliance
- there is insufficient time for the application to be referred and considered before the FTCA is repealed (ie, 8 July 2022).

Comments you choose to provide at this point will assist the Minister to determine whether a project will help to achieve the FTCA's purpose and should be referred. **Please note that your comments, including your name and contact details, will be made available on our website and to 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.

If the Minister decides to refer a project, it progresses to an expert consenting panel who makes a decision on whether to grant consents or notices of requirement. The decision will be made in accordance with the relevant decision-making considerations in the RMA and applying the purpose of the FTCA and section 6 of the Act (Treaty of Waitangi).

Guidance on comments sought

The comments the Minister invites from you at this stage of the fast-track process are intended to be high-level, and in the context of the matters in sections 18, 19 and 23 (outlined above).

For example, the Minister would like:

- your initial thoughts on whether this project could create benefits for your district / region
- your initial thoughts on significant issues that could arise from this project (if any)
- your view on whether it would be more appropriate for the project, or part of the project, to go through standard RMA consenting or designation processes

- a summary of the applicant's environmental regulatory compliance history (if they have a poor compliance history)
- a summary of any joint management agreement, Mana Whakahono ā Rohe, transfer of power, memorandum of understanding, or other relationship agreements under the RMA, including the parties involved
- information on any other significant matters you consider the Minister should be aware of when deciding whether a project should be referred to an expert consenting panel.

The letter from the Minister may also ask for your comment on other specific matters.

Additionally, section 6 of the FTCA requires any person performing functions and exercising powers under this FTCA to act consistently with the principles of the Treaty of Waitangi and Treaty settlements (including Treaty settlement deeds), and this also provides relevant context for your comments.

Please note you are not expected to undertake a detailed assessment of the effects of the proposal.

A template is attached for you to provide your comments on. Please use a separate form for each application.

If you wish to discuss this application, please contact Fast-track Consenting Team officials at fasttrackconsenting@mfe.govt.nz.

Opportunities for further comment and involvement

You will have a further opportunity to provide comments for any projects that the Minister refers to an expert consenting panel.

At that stage of the fast-track process, the applicant is required to lodge a detailed application for resource consents and/or notices of requirement with the Environmental Protection Authority. An application must include an environmental assessment and information about cultural impacts.

An expert consenting panel will be appointed for each project by the panel convener, who is a retired Environment Court judge. The panel must include a chair and one person nominated by the relevant local authorities, and one person nominated by the relevant iwi authorities. Further panel members may be included, as outlined in clause 3 of Schedule 5 of the FTCA. The panel convener will therefore seek nominations from the relevant groups for these positions prior to making the panel appointments.

The panel is responsible for fully assessing the merits of the proposed project and deciding whether to grant the resource consents and/or notices of requirement. The panel will be given any comments you provided earlier to the Minister, and must also invite further comment from you, relevant iwi authorities, Ministers of the Crown and other persons and groups referred to in clause 17 of Schedule 6 of the FTCA.

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	Click or tap here to enter text.
Contact person (if follow-up is required)	Click or tap here to enter text.
	Click or tap here to enter text.
	Click or tap here to enter text.

Comment form

Please use the table below to comment on the application.

Project name	Click or tap here to enter text.
General comment – potential benefits	Click or tap here to indicate any initial views you have on whether the project could create benefits for your district / region, or to state “no comment”.
General comment – significant issues	Click or tap here to indicate any initial views you have on whether the project could create significant issues, or to state “no comment”.
Is Fast-track appropriate?	Click or tap here to indicate whether it would be more appropriate for the project, or part of the project, to go through RMA consenting or designation processes. Please state reasons.
Environmental compliance history	Click or tap here to provide a summary of any environmental compliance and enforcement history for the applicant (or known associated companies).
Reports and assessments normally required	Click or tap here to list reports and assessments normally required by council for the project in this area
Iwi and iwi authorities	Click or tap here to identify the parties with whom the council engages as iwi authorities for RMA purposes
Relationship agreements under the RMA	Click or tap here to summarise any JMAs, Mana Whakahono a Rohe, transfers of power, MOUs, accords or other relationship agreements under the RMA. Include the parties involved.
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	Click or tap here to insert any other responses you consider relevant for the Minister to be aware of.

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.

From: Geoff Hamilton
Sent: Tuesday, 28 March 2023 3:39 pm
To: Solitaire Robertson
Subject: RE: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Masterton Solar Farm

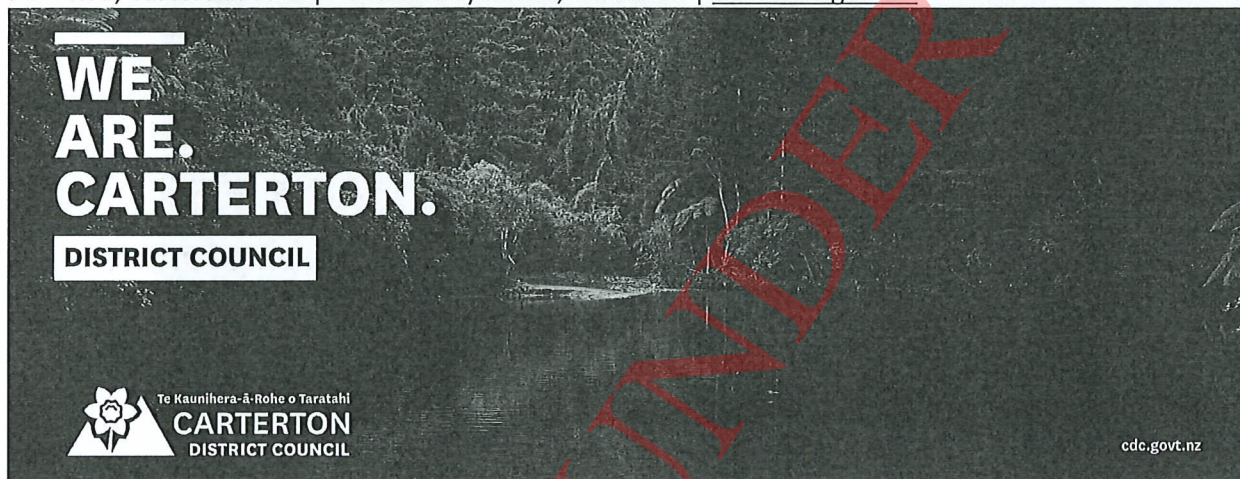
Except it's called the Masterton Solar Farm

In Carterton....

Geoff Hamilton | Chief Executive | Tumuaki Rangatira
CARTERTON DISTRICT COUNCIL | TE KAUNIHERA-Ā-ROHE O TARATAHI

geoffh@cdc.govt.nz | 0274 872 099 | 06 379 4030

PO Box 9, Carterton 5743 | 28 Holloway Street, Carterton | www.cdc.govt.nz



From: Solitaire Robertson <solitaire@cdc.govt.nz>
Sent: Tuesday, 28 March 2023 3:37 pm
To: Geoff Hamilton <geoffh@cdc.govt.nz>
Subject: RE: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Masterton Solar Farm

Becca and I had a meeting with them, I don't have any issues with them using the fast track process as this takes the consenting decision making away from Council which may not be a bad thing given the Greytown experience. We don't have any history with the company, but have looked at their documents from a previous application they have don't in Waikato.

Proactive release of application and decision documents - Tauhei Farm Solar Project | Ministry for the Environment

S



Te Kaunihera-ā-Rohe o Taratahi

CARTERTON
DISTRICT COUNCIL

SOLITAIRE ROBERTSON | Planning & Regulatory Services Manager | **CARTERTON DISTRICT COUNCIL**

Phone: 06 379 4030 | DDI: 06 379 40 48 | Email: solitaire@cdc.govt.nz

PO Box 9, Carterton 5743 | 28 Holloway Street, Carterton 5713 | Website: www.cdc.govt.nz

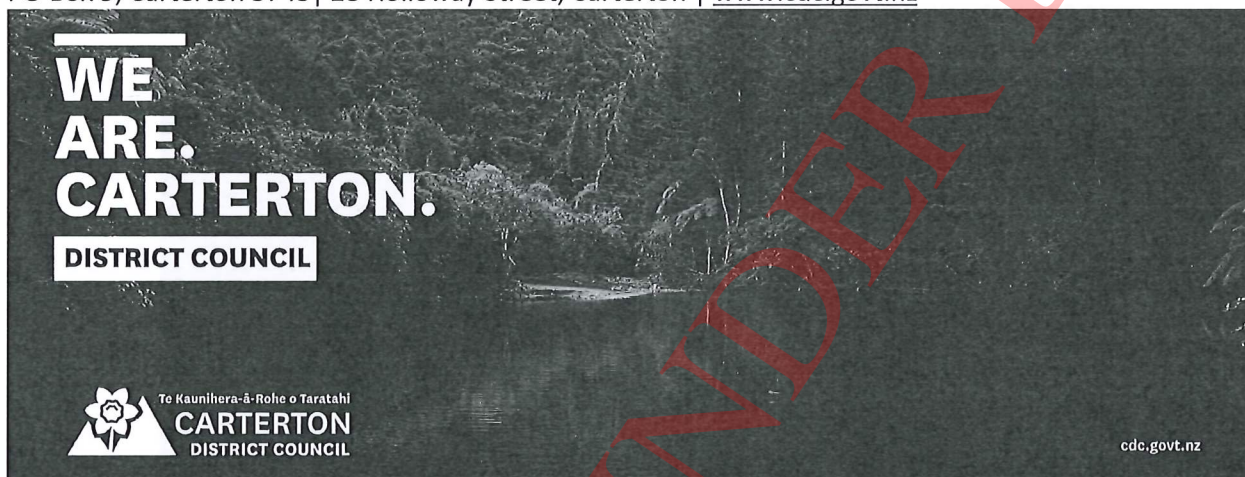
From: Geoff Hamilton <geoffh@cdc.govt.nz>
Sent: Tuesday, 28 March 2023 3:31 pm
To: Solitaire Robertson <solitaire@cdc.govt.nz>
Subject: FW: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Masterton Solar Farm

Interesting indeed.

Keen on your thoughts at some stage.....

Geoff Hamilton | Chief Executive | Tumuaki Rangatira
CARTERTON DISTRICT COUNCIL | TE KAUNIHERA-Ā-ROHE O TARATAHI

geoffh@cdc.govt.nz | 0274 872 099 | 06 379 4030
PO Box 9, Carterton 5743 | 28 Holloway Street, Carterton | www.cdc.govt.nz



From: Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>
Sent: Tuesday, 28 March 2023 3:22 pm
To: Geoff Hamilton <geoffh@cdc.govt.nz>
Cc: Rachel Round <rachelr@cdc.govt.nz>; Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>
Subject: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Masterton Solar Farm

Caution: This email originated from outside the council. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tēnā koe Geoff

Attached is a letter inviting your comment on the following application that has been made to the Minister for the Environment under the COVID-19 Recovery (Fast-Track Consenting) Act 2020.

- Masterton Solar Farm – [databox link to documents](#)

NOTE: This information is provided to you in confidence and as part of the statutory process set out in the FTCA. Please do not forward the application or the request for comments to anyone outside your organisation, including any Crown Entity or statutory body.

Many thanks

Jacob

Fast Track Consenting

Ministry for the Environment | Manatū Mō Te Taiao

fasttrackconsenting@mfe.govt.nz | mfe.govt.nz

This email account is monitored by several members of the team, to ensure responses are managed in a timely manner.



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for every generation.**
He taiao tōnui mō ngā
reanga katoa.



Document 2

s 7(2)(a)

From: Solitaire Robertson
Sent: Wednesday, 29 March 2023 4:32 pm
To: Geoff Hamilton; Becca Adams
Subject: Template for written comments_Councils
Attachments: Template for written comments_Councils.docx

I have started working on the MFE template, fee free to add



Ministry for the
Environment
Manatū Mō Te Taiao

Template for written comments from councils

Invitation to comment on applications for referral under the Covid-19 (Fast-track Consenting) Act 2020

You have been invited to provide comments to the Minister for the Environment (the Minister) on an application to refer a project to an expert consenting panel for fast-track consenting under the Covid-19 Recovery (Fast-track consenting) Act 2020 (FTCA).

The information below provides the context for this application, the reasons for the invitation to comment and information to assist you in responding. Please note that the Minister has requested that you reply within 10 working days from receipt of the application and invitation to comment. Under section 21(5) of the FTCA the Minister is not obliged to consider any comments provided after this time.

Overview of the fast-track process

The FTCA introduces a short-term consenting process to fast-track projects that can boost employment and economic recovery.

For a project to access the fast track process the Minister must first make a decision to refer the project to an expert consenting panel. The referral process involves seeking comment from local authorities and Ministers of the Crown. The Minister also has discretion to seek comment from any other person.

It is important to note that the Minister's role is not to undertake a detailed assessment of the merits or effects of the project at this stage.

The Minister's referral decision must be made in the context of the eligibility criteria in section 18 of the FTCA, and the matters in sections 19 and 23(5) of the FTCA. Specifically, section 18 requires the Minister to be satisfied that the proposed project:

- will help to achieve the purpose of the FTCA
- does not include an activity that is prohibited in the RMA, RMA regulations or a local authority plan or proposed plan
- does not occur on land returned under a Treaty settlement if the relevant landowners have not agreed in writing
- does not occur in a customary marine title area if the holder of the relevant customary marine title order has not agreed in writing

- does not occur in a protected customary rights area, and have a more than minor effect on the exercise of the protected customary right, if the holder of the relevant protected customary rights recognition order has not agreed in writing.

In considering whether a proposal would help achieve the purpose of the Act, section 19 of the FTCA specifies matters the Minister may consider. These include whether the project will give rise to economic costs and benefits for people or industries affected by COVID-19; whether the project will create a public benefit; the effect on social and cultural wellbeing of current and future generations, and whether there is potential for significant adverse effects.

Section 23(5) of the FTCA gives reasons why the Minister may decline to refer an application for fast-tracking, whether or not it meets the criteria in section 18. These include:

- the applicant has not provided enough information to determine whether the project meets the section 18 criteria
- it would be more appropriate for the proposed project, or part of the project, to go through standard consenting or designation processes under the RMA
- the proposed project is inconsistent with a relevant national policy statement
- directing the project to a panel would be inconsistent with a Treaty settlement
- the proposed project involves an activity that would occur on land that the Minister for Treaty of Waitangi negotiations considers necessary for Treaty settlement purposes
- the applicant has a poor history of environmental regulatory compliance
- there is insufficient time for the application to be referred and considered before the FTCA is repealed (ie, 8 July 2022).

Comments you choose to provide at this point will assist the Minister to determine whether a project will help to achieve the FTCA's purpose and should be referred. **Please note that your comments, including your name and contact details, will be made available on our website and to 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.

If the Minister decides to refer a project, it progresses to an expert consenting panel who makes a decision on whether to grant consents or notices of requirement. The decision will be made in accordance with the relevant decision-making considerations in the RMA and applying the purpose of the FTCA and section 6 of the Act (Treaty of Waitangi).

Guidance on comments sought

The comments the Minister invites from you at this stage of the fast-track process are intended to be high-level, and in the context of the matters in sections 18, 19 and 23 (outlined above).

For example, the Minister would like:

- your initial thoughts on whether this project could create benefits for your district / region
- your initial thoughts on significant issues that could arise from this project (if any)
- your view on whether it would be more appropriate for the project, or part of the project, to go through standard RMA consenting or designation processes

- a summary of the applicant's environmental regulatory compliance history (if they have a poor compliance history)
- a summary of any joint management agreement, Mana Whakahono ā Rohe, transfer of power, memorandum of understanding, or other relationship agreements under the RMA, including the parties involved
- information on any other significant matters you consider the Minister should be aware of when deciding whether a project should be referred to an expert consenting panel.

The letter from the Minister may also ask for your comment on other specific matters.

Additionally, section 6 of the FTCA requires any person performing functions and exercising powers under this FTCA to act consistently with the principles of the Treaty of Waitangi and Treaty settlements (including Treaty settlement deeds), and this also provides relevant context for your comments.

Please note you are not expected to undertake a detailed assessment of the effects of the proposal.

A template is attached for you to provide your comments on. Please use a separate form for each application.

If you wish to discuss this application, please contact Fast-track Consenting Team officials at fasttrackconsenting@mfe.govt.nz.

Opportunities for further comment and involvement

You will have a further opportunity to provide comments for any projects that the Minister refers to an expert consenting panel.

At that stage of the fast-track process, the applicant is required to lodge a detailed application for resource consents and/or notices of requirement with the Environmental Protection Authority. An application must include an environmental assessment and information about cultural impacts.

An expert consenting panel will be appointed for each project by the panel convener, who is a retired Environment Court judge. The panel must include a chair and one person nominated by the relevant local authorities, and one person nominated by the relevant iwi authorities. Further panel members may be included, as outlined in clause 3 of Schedule 5 of the FTCA. The panel convener will therefore seek nominations from the relevant groups for these positions prior to making the panel appointments.

The panel is responsible for fully assessing the merits of the proposed project and deciding whether to grant the resource consents and/or notices of requirement. The panel will be given any comments you provided earlier to the Minister, and must also invite further comment from you, relevant iwi authorities, Ministers of the Crown and other persons and groups referred to in clause 17 of Schedule 6 of the FTCA.

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	Carterton District Council
Contact person (if follow-up is required)	Geoff Hamilton CEO
	Solitaire Robertson Manager Planning & Regulatory
	Click or tap here to enter text.

Comment form

Please use the table below to comment on the application.

Project name	Masterton Solar Farm
General comment – potential benefits	Click or tap here to indicate any initial views you have on whether the project could create benefits for your district / region, or to state “no comment”.
General comment – significant issues	We recognise that the Wairarapa Combined District Plan at its creation over 10 years ago did not anticipate large scale solar farms being proposed. The provision of renewable energy however does have direction and associated policies. The only significant concern for us which we have raised with the application is that the land contained in this application is subject to a recent subdivision of 4 lifestyle blocks, a recent check show that one has been sold with the other 3 being retained by the owner. We have expressed our desire that the land owner makes potential purchasers aware of this proposal as until we have formal notification we can not disclose our awareness of this on a LIM report.
Is Fast-track appropriate?	We recognise that using the fast track process removes the risk of councils notifying the consent. We have seen solar farm proposal in adjacent areas cause significant issues and angst within the community
Environmental compliance history	we have not worked with harmony energy prior to this , but have in the past worked on resource consent application that have been lodged by 4sight consulting and have not had any issues or surprises.
Reports and assessments normally required	<ul style="list-style-type: none"> District plan assessment against the rules, objectives and policies Assessment re application against the NES for Highly Productive Land Assessment re application against the NES for contamination Landscape visual assessment Evidence of discussion with Hood Aerodrome as the site falls within the obstacle limitation surface for the runways.

	<ul style="list-style-type: none"> Noise/Traffic impact assessment
Iwi and iwi authorities	The site is in a Treaty Settlement Area for Rangitāne o Wairarapa and Rangitāne o Tamaki Nui-ā-Rua as well as Ngāti Kahungunu ki Wairarapa – Tāmaki Nui ā Rua, specifically in relation to the statutory acknowledgement area, being the Ruamahanga River and tributaries, along with Lowes Bush scenic reserve, which adjoins the site. Carterton District Council has an MOU at a Council level with our hapu partners Hurunui-o-Rangi Marae and work closely with our other hapu partner Ngāti Kahukuraāwhitia.
Relationship agreements under the RMA	Click or tap here to summarise any JMAs, Mana Whakahono a Rohe, transfers of power, MOUs, accords or other relationship agreements under the RMA. Include the parties involved.
Insert responses to other specific requests in the Minister's letter (if applicable)	This has been covered in other areas of this feedback form.
Other considerations	Click or tap here to insert any other responses you consider relevant for the Minister to be aware of. Given the site is in the Carterton District, we find it amusing that the name refers to another region.

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.

Document 3

s 7(2)(a)

From: s 7(2)(a)
Sent: Wednesday, 12 April 2023 9:53 am
To: Fast Track Consenting
Cc: Geoff Hamilton; Solitaire Robertson
Subject: IN CONFIDENCE - Response to COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Masterton Solar Farm
Attachments: CDC Response 331791 - C19 Recovery (Fast-track Consenting) Act 2020 – Referral Application - Masterton Solar Farm .pdf

Tēnā koe,

IN CONFIDENCE

Carterton District Council's response commentary (pages 4 and 5) for review regarding;

COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Referral Application – Masterton Solar Farm

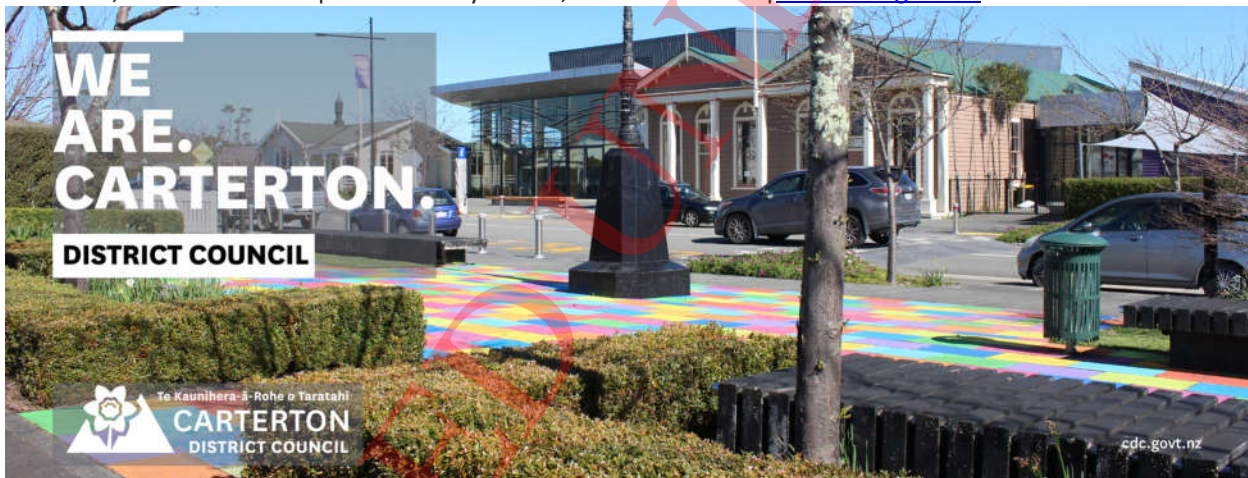
Ngā mihi nui

s 7(2)(a) | Executive Assistant to Chief Executive | Kaiawhina Mātua
CARTERTON DISTRICT COUNCIL | Te Kaunihera-ā-Rohe o Taratahi

s 7(2)(a)

06 379 4034

PO Box 9, Carterton 5743 | 28 Holloway Street, Carterton 5713 | www.cdc.govt.nz



From: Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>
Sent: Tuesday, 28 March 2023 3:22 pm
To: Geoff Hamilton <geoffh@cdc.govt.nz>
Cc: Rachel Round <rachelr@cdc.govt.nz>; Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>
Subject: [COMMERCIAL] COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Masterton Solar Farm

Caution: This email originated from outside the council. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tēnā koe Geoff

Attached is a letter inviting your comment on the following application that has been made to the Minister for the Environment under the COVID-19 Recovery (Fast-Track Consenting) Act 2020.

- Masterton Solar Farm – [databox link to documents](#)

NOTE: This information is provided to you in confidence and as part of the statutory process set out in the FTCA. Please do not forward the application or the request for comments to anyone outside your organisation, including any Crown Entity or statutory body.

Many thanks

Jacob

Fast Track Consenting

Ministry for the Environment | Manatū Mō Te Taiao

fasttrackconsenting@mfe.govt.nz | mfe.govt.nz

This email account is monitored by several members of the team, to ensure responses are managed in a timely manner.



Ministry for the
Environment
Manatū Mō Te Taiao



**A flourishing environment
for every generation.**
He taiao tōnui mō ngā
reanga katoa.

Invitation to comment on applications for referral under the Covid-19 (Fast-track Consenting) Act 2020

You have been invited to provide comments to the Minister for the Environment (the Minister) on an application to refer a project to an expert consenting panel for fast-track consenting under the Covid-19 Recovery (Fast-track consenting) Act 2020 (FTCA).

The information below provides the context for this application, the reasons for the invitation to comment and information to assist you in responding. Please note that the Minister has requested that you reply within 10 working days from receipt of the application and invitation to comment. Under section 21(5) of the FTCA the Minister is not obliged to consider any comments provided after this time.

Overview of the fast-track process

The FTCA introduces a short-term consenting process to fast-track projects that can boost employment and economic recovery.

For a project to access the fast track process the Minister must first make a decision to refer the project to an expert consenting panel. The referral process involves seeking comment from local authorities and Ministers of the Crown. The Minister also has discretion to seek comment from any other person.

It is important to note that the Minister's role is not to undertake a detailed assessment of the merits or effects of the project at this stage.

The Minister's referral decision must be made in the context of the eligibility criteria in section 18 of the FTCA, and the matters in sections 19 and 23(5) of the FTCA. Specifically, section 18 requires the Minister to be satisfied that the proposed project:

- will help to achieve the purpose of the FTCA
- does not include an activity that is prohibited in the RMA, RMA regulations or a local authority plan or proposed plan
- does not occur on land returned under a Treaty settlement if the relevant landowners have not agreed in writing
- does not occur in a customary marine title area if the holder of the relevant customary marine title order has not agreed in writing

- does not occur in a protected customary rights area, and have a more than minor effect on the exercise of the protected customary right, if the holder of the relevant protected customary rights recognition order has not agreed in writing.

In considering whether a proposal would help achieve the purpose of the Act, section 19 of the FTCA specifies matters the Minister may consider. These include whether the project will give rise to economic costs and benefits for people or industries affected by COVID-19; whether the project will create a public benefit; the effect on social and cultural wellbeing of current and future generations, and whether there is potential for significant adverse effects.

Section 23(5) of the FTCA gives reasons why the Minister may decline to refer an application for fast-tracking, whether or not it meets the criteria in section 18. These include:

- the applicant has not provided enough information to determine whether the project meets the section 18 criteria
- it would be more appropriate for the proposed project, or part of the project, to go through standard consenting or designation processes under the RMA
- the proposed project is inconsistent with a relevant national policy statement
- directing the project to a panel would be inconsistent with a Treaty settlement
- the proposed project involves an activity that would occur on land that the Minister for Treaty of Waitangi negotiations considers necessary for Treaty settlement purposes
- the applicant has a poor history of environmental regulatory compliance
- there is insufficient time for the application to be referred and considered before the FTCA is repealed (ie, 8 July 2022).

Comments you choose to provide at this point will assist the Minister to determine whether a project will help to achieve the FTCA's purpose and should be referred. **Please note that your comments, including your name and contact details, will be made available on our website and to 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.

If the Minister decides to refer a project, it progresses to an expert consenting panel who makes a decision on whether to grant consents or notices of requirement. The decision will be made in accordance with the relevant decision-making considerations in the RMA and applying the purpose of the FTCA and section 6 of the Act (Treaty of Waitangi).

Guidance on comments sought

The comments the Minister invites from you at this stage of the fast-track process are intended to be high-level, and in the context of the matters in sections 18, 19 and 23 (outlined above).

For example, the Minister would like:

- your initial thoughts on whether this project could create benefits for your district / region
- your initial thoughts on significant issues that could arise from this project (if any)
- your view on whether it would be more appropriate for the project, or part of the project, to go through standard RMA consenting or designation processes

- a summary of the applicant's environmental regulatory compliance history (if they have a poor compliance history)
- a summary of any joint management agreement, Mana Whakahono ā Rohe, transfer of power, memorandum of understanding, or other relationship agreements under the RMA, including the parties involved
- information on any other significant matters you consider the Minister should be aware of when deciding whether a project should be referred to an expert consenting panel.

The letter from the Minister may also ask for your comment on other specific matters.

Additionally, section 6 of the FTCA requires any person performing functions and exercising powers under this FTCA to act consistently with the principles of the Treaty of Waitangi and Treaty settlements (including Treaty settlement deeds), and this also provides relevant context for your comments.

Please note you are not expected to undertake a detailed assessment of the effects of the proposal.

A template is attached for you to provide your comments on. Please use a separate form for each application.

If you wish to discuss this application, please contact Fast-track Consenting Team officials at fasttrackconsenting@mfe.govt.nz.

Opportunities for further comment and involvement

You will have a further opportunity to provide comments for any projects that the Minister refers to an expert consenting panel.

At that stage of the fast-track process, the applicant is required to lodge a detailed application for resource consents and/or notices of requirement with the Environmental Protection Authority. An application must include an environmental assessment and information about cultural impacts.

An expert consenting panel will be appointed for each project by the panel convener, who is a retired Environment Court judge. The panel must include a chair and one person nominated by the relevant local authorities, and one person nominated by the relevant iwi authorities. Further panel members may be included, as outlined in clause 3 of Schedule 5 of the FTCA. The panel convener will therefore seek nominations from the relevant groups for these positions prior to making the panel appointments.

The panel is responsible for fully assessing the merits of the proposed project and deciding whether to grant the resource consents and/or notices of requirement. The panel will be given any comments you provided earlier to the Minister, and must also invite further comment from you, relevant iwi authorities, Ministers of the Crown and other persons and groups referred to in clause 17 of Schedule 6 of the FTCA.

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	Carterton District Council
Contact person (if follow-up is required)	Geoff Hamilton Chief Executive Officer
	Solitaire Robertson Manager Planning & Regulatory
	Click or tap here to enter text.

Comment form

Please use the table below to comment on the application.

Project name	Masterton Solar Farm
General comment – potential benefits	No Comment
General comment – significant issues	We recognise that the Wairarapa Combined District Plan at its creation over 10 years ago did not anticipate large scale solar farms being proposed. The provision of renewable energy however does have direction and associated policies. The only significant concern for us which we have raised with the application is that the land contained in this application is subject to a recent subdivision of 4 lifestyle blocks, a recent check show that one has been sold with the other 3 being retained by the owner. We have expressed our desire that the landowner makes potential purchasers aware of this proposal as until we have formal notification, we cannot disclose our awareness of this on a LIM report.
Is Fast-track appropriate?	We recognise that using the fast-track process removes the risk of councils notifying the consent. We have seen solar farm proposals in adjacent areas cause significant issues and angst within the community.
Environmental compliance history	We have not worked with harmony energy prior to this, but have in the past worked on resource consent application that have been lodged by 4sight consulting and have not had any issues or surprises.
Reports and assessments normally required	<ul style="list-style-type: none"> • District plan assessment against the rules, objectives and policies • Assessment re application against the NES for Highly Productive Land • Assessment re application against the NES for contamination • Landscape visual assessment • Evidence of discussion with Hood Aerodrome as the site falls within the obstacle limitation surface for the runways. • Noise/Traffic impact assessment

Iwi and iwi authorities	The site is in a Treaty Settlement Area for Rangitāne o Wairarapa and Rangitāne o Tamaki Nui-ā-Rua as well as Ngāti Kahungunu ki Wairarapa – Tāmaki Nui ā Rua, specifically in relation to the statutory acknowledgement area, being the Ruamahanga River and tributaries, along with Lowes Bush scenic reserve, which adjoins the site. Carterton District Council has an MOU at a Council level with our hapu partners Hurunui-o-Rangi Marae and work closely with our other hapu partner Ngāti Kahukuraāwhitia.
Relationship agreements under the RMA	Click or tap here to summarise any JMAs, Mana Whakahono a Rohe, transfers of power, MOUs, accords or other relationship agreements under the RMA. Include the parties involved.
Insert responses to other specific requests in the Minister's letter (if applicable)	This has been covered in other areas of this feedback form.
Other considerations	Given the site is in the Carterton District, we find it amusing that the name refers to another region.

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.

Document 4

s 7(2)(a)

From: Geoff Hamilton
Sent: Friday, 12 May 2023 2:44 pm
To: Solitaire Robertson
Subject: Fwd: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Masterton Solar Farm Project
Attachments: image008.jpg; image002.png; image003.png; image004.png; image005.png; image006.png; image009.jpg; Masterton Solar Farm Project – Notice of Decision.pdf

Interesting!

Keen on your POV



Begin forwarded message:

From: Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>
Date: 12 May 2023 at 12:44:32 PM NZST
To: Geoff Hamilton <geoffh@cdc.govt.nz>, Rachel Round <rachelr@cdc.govt.nz>
Cc: Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>
Subject: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Masterton Solar Farm Project

Caution: This email originated from outside the council. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tēnā koutou

The Minister for the Environment received an application to refer the above project to an expert consenting panel for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) and sought feedback on it from your organisation.

The Minister for the Environment considered advice from officials, the report prepared in accordance with section 17 of the FTCA, written comments from local authorities, Ministers and any other parties who were invited to comment.

Having considered this information, the Minister has decided under section 24(2) of the FTCA to refer the project to an expert consenting panel to determine the Resource Management Act 1991 approvals needed for the project (see attached notice of decision).

This decision is subject to an Order in Council (referral order) process under section 27 of the FTCA.

Please do not release this decision publicly until the Order in Council has been approved by Cabinet.

(Note that approved referral orders will appear in the *New Zealand Gazette* following Cabinet approval, and the project will then be added as a new Schedule to the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020).

All comments that were provided on the referral application will be forwarded to the Environmental Protection Authority (EPA). The EPA supports the expert consenting panel process that commences following approval of the referral order.

If you require any further information, please contact us at fasttrackconsenting@mfe.govt.nz.

Many thanks

Jacob

Fast Track Consenting

Ministry for the Environment | Manatū Mō Te Taiao

fasttrackconsenting@mfe.govt.nz | mfe.govt.nz

This email account is monitored by several members of the team, to ensure responses are managed in a timely manner.

Hon David Parker BCom, LLB

Attorney-General

Minister for the Environment

Minister for Oceans and Fisheries

Minister of Revenue

Associate Minister of Finance



BRF-3075

Harmony Energy NZ #2 Limited
c/- Christina Walker
Principal Planner
4Sight Consulting
christinaw@4sight.co.nz

Dear Christina Walker

COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Notice of Decisions (Section 25) – Masterton Solar Farm Project

Thank you for Harmony Energy NZ #2 Limited's application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of the Masterton Solar Farm Project (project) to an expert consenting panel (panel) for consideration under the FTCA.

The project is to construct and operate a solar farm on an approximately 218-hectare site comprising 5 properties at 271 Perrys Road, 510 Hughes Line and 303 East Taratahi Road, Carterton, and to connect to and supply electricity to the national grid via the Hughes Line and Cornwall Road legal road reserves. The solar farm will have an output of approximately 133 megawatts peak.

The solar farm will comprise:

- a. approximately 201,500 solar panels, occupying approximately 148 hectares
- b. arrays and mounting structures, inverter cabinets, and associated infrastructure
- c. 32 medium voltage power stations, two substations, one transformer and transmission line to connect to the national grid
- d. ancillary buildings, structures and infrastructure (including a storage building, roads, access, security fencing, CCTV poles and other infrastructure)
- e. underground electricity cables, including within road reserve to connect to the Transpower substation at 113 Cornwall Road, Carterton
- f. restoration and planting of riparian areas of the Waikoukou Stream and an unnamed stream.

The purpose of the FTCA is to 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.

I can only refer the project to a panel for consideration under the FTCA if it meets the referral criteria in section 18 of the FTCA, which includes me being satisfied the project will help achieve the FTCA's purpose.

I have decided the project meets the referral criteria in section 18 of the FTCA and I consider it will help to achieve the FTCA's purpose as it has the potential to:

1. generate employment by creating approximately 202-303 direct full-time equivalent (FTE) jobs over a 12-18 month construction period and approximately 5 ongoing FTE jobs
2. provide infrastructure that will contribute to improving economic and employment outcomes
3. contribute to New Zealand's efforts to mitigate climate change and transition more quickly to a low emissions economy by increasing New Zealand's renewable energy generation
4. progress faster than would otherwise be the case under standard Resource Management Act 1991 process.

Any actual and potential effects arising from the project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the Resource Management Act 1991 and the purpose of the FTCA (section 4 and clause 31 Schedule 6).

Accordingly, I have decided to accept your application for referral under section 24(2) of the FTCA and refer all of the project to a panel.

Persons or groups a panel must invite comments from

In accordance with section 24(2)(e) of the FTCA, I have also decided that a panel must invite comments on any resource consent applications for the project lodged with the EPA from the following persons or groups additional to those specified in clause 17 Schedule 6 of the FTCA:

1. Minister of Energy and Resources
2. Minister of Agriculture
3. Transpower New Zealand Limited
4. Waka Kotahi New Zealand Transport Agency
5. Wairarapa Moana Statutory Board.

This will allow those parties the opportunity to have input into the consideration of the application and enable a panel to better understand the potential effects of the proposal.

These directions do not preclude a panel from inviting any other parties to comment on any application lodged with the EPA under the FTCA.

I will progress an Order in Council through the Executive Council for the project. The wording of the referral order may vary slightly from the statements and directions included in this letter, due to legal drafting requirements.

Once this Order is made you will be able to lodge your applications for resource consent with the EPA for a decision by a panel. The decision to approve or decline the resource consents is a matter for the panel appointed by the Panel Convener Judge L J Newhook. You should not take my decision to refer the project as an indication or direction that the determination of those approvals will be successful. Additionally, my decision does not in any way endorse any related planning decisions that may affect the project.

Please do not publicly release my decision or this notice until the Order in Council for this project has been approved by Cabinet and notified in the New Zealand Gazette.

The FTCA requires that:

1. I provide a copy of my decisions to the persons, entities and groups specified in section 25(1) and (2) of the FTCA
2. My decisions, the reasons for them, and the Section 17 Report will be published on the Ministry for the Environment's website in accordance with section 25(3) of the FTCA.

I have also decided to provide a copy of this decision to Waka Kotahi New Zealand Transport Agency and Wairarapa Moana Statutory Board in addition to the parties who are specified in the FTCA.

Please contact the Fast-track Consenting Team at the Ministry for the Environment (fasttrackconsenting@mfe.govt.nz) if you have any questions or wish to discuss this decision.

Yours sincerely



Hon David Parker
Minister for the Environment

cc Relevant Ministers of/for portfolios specified in section 21(6)(a)–(m) of the FTCA:

Arts, Culture, and Heritage; Māori Crown Relations: Te Arawhiti; Housing; Infrastructure; Education; Transport; Land Information; Defence; Treaty of Waitangi Negotiations; Local Government; Conservation; and Climate Change

Additional relevant Ministers:

Minister of Energy and Resources
Minister of Agriculture

Local authorities:

Carterton District Council
Greater Wellington Regional Council

Other parties:

Transpower New Zealand Limited
Waka Kotahi New Zealand Transport Agency
Wairarapa Moana Statutory Board

Relevant iwi authorities:

Ngāti Kahungunu ki Wairarapa Tāmaki nui ā Rua Settlement Trust
Rangitāne o Wairarapa Incorporated
Rangitāne o Tāmaki nui a Rua

Relevant Treaty settlement entities:

Ngāti Kahungunu ki Wairarapa Tāmaki nui ā Rua Settlement Trust
Rangitāne Tū Mai Rā Trust

Environmental Protection Authority

The Panel Convener

Document 5

s 7(2)(a)

From: RMAReform.portfolio <RMAReform.portfolio@parliament.govt.nz>
Sent: Wednesday, 31 January 2024 4:54 pm
To: RMAReform.portfolio
Cc: Environment
Subject: Letter from Hon Chris Bishop
Attachments: Letter from Hon Chris Bishop.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Caution: This email originated from outside the council. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tēnā koe,

Please see attached letter from Hon Chris Bishop.

Ngā mihi,



Office of Hon Chris Bishop

Minister for Housing, Minister for Infrastructure, Minister Responsible for RMA Reform, Minister for Sport & Recreation, Leader of the House, Associate Minister of Finance

Email: christopher.bishop@parliament.govt.nz Website: www.beehive.govt.nz
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

Hon Chris Bishop

Minister of Housing
Minister for Infrastructure
Minister Responsible for RMA Reform
Minister for Sport and Recreation
Leader of the House
Associate Minister of Finance



31 January 2024

Tēnā koe

Development of fast-track consenting legislation and changes to the National Policy Statement for Freshwater Management

I am writing to advise you of the Government's plans to develop fast-track consenting legislation and introduce changes to the National Policy Statement for Freshwater Management 2020 early this year.

This follows on from my 13 December 2023 letter confirming that the Government is committed to reforming the resource management system. This began with the repeal of the Natural and Built Environment Act 2023 and the Spatial Planning Act 2023 and the retention of a temporary fast-track consenting regime.

The next phase is to introduce a permanent fast-track consenting process for locally, regionally and nationally significant infrastructure and developments. This was part of the Government's coalition agreement and will be delivered through a bill introduced in the Government's first 100 days in office, before 7 March 2024. We recognise how important these developments are for New Zealand's prosperity. That is why providing certainty and a faster consenting pathway for significant projects is a priority for us.

In the third phase of the reform, we will replace the Resource Management Act 1991 (RMA) with new resource management laws based on the enjoyment of property rights.

Proposed fast-track consenting bill

I am proposing a new bill which draws on the previous fast-track regimes and that will reflect the following:

- The new fast-track process will be contained in a standalone Act with its own purpose statement.
- Locally, regionally and nationally significant infrastructure and development projects will be prioritised.
- There will be a process for the responsible minister to refer projects for acceptance into the fast-track process, and the bill will also contain a list of projects that will be first to have their approvals granted.
- Referred projects will go to an Expert Panel, which will have limited ability to decline a project once referred and will apply any necessary conditions to ensure adverse effects of the project are managed.

The proposed Bill would contain specific protections for Treaty settlements and other Treaty-related arrangements and commitments. Projects would be assessed for their compliance with these arrangements before being referred to the Expert Panel.

The proposed Bill will set out a 'one-stop shop' process for approvals under a range of legislation, including the RMA.

National Policy Statement for Freshwater Management (NPS-FM)

In my 13 December 2023 letter, I advised we will review and replace the NPS-FM in this parliamentary term. This will be done through the RMA process for developing and amending national direction. This will take time, so we have extended the statutory deadline for councils to notify freshwater planning instruments to implement the NPS-FM by three years.

In the interim we intend to progress changes to how the hierarchy of obligations contained in Te Mana o te Wai provisions of the NPS-FM apply to consent applications and consent decisions. Our intention is that these changes will be made through a separate RMA amendment bill this year.

Next steps

Details of the fast-track consenting regime and NPS-FM changes will be worked through over the coming weeks.

To inform this work, officials will carry out targeted engagement with groups representing Māori, local government, infrastructure, development, and environmental and commercial interests, as well as technical experts. This includes the Local Government Steering Group and local government peak bodies.

There will be an opportunity to provide feedback through a select committee process which is likely to commence in March, shortly after introduction of the fast-track consenting bill.

We will make more information available as work progresses. In the meantime, should you have any questions relating to the content of this letter, please contact RM.Reform@mfe.govt.co.nz.

Yours sincerely



Hon Chris Bishop

Minister Responsible for RMA Reform

Document 6

s 7(2)(a)

From: RMAReform.portfolio <RMAReform.portfolio@parliament.govt.nz>
Sent: Thursday, 10 October 2024 4:38 pm
To: RMReform
Cc: RMReform
Subject: CB-COR0836 | Letter from Minister Chris Bishop
Attachments: CB-COR0836 - Letter from Minister Bishop.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Caution: This email originated from outside the council. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

Please find the attached letter from the Minister for RMA Reform, Hon Chris Bishop.

Kind regards,



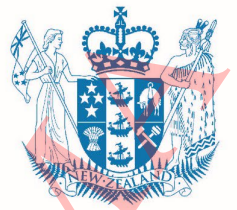
Office of Hon Chris Bishop

Minister for Housing, Minister for Infrastructure, Minister Responsible for RMA Reform, Minister for Sport & Recreation, Leader of the House, Associate Minister of Finance

Email: christopher.bishop@parliament.govt.nz Website: www.beehive.govt.nz
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

Hon Chris Bishop

Minister of Housing
Minister for Infrastructure
Minister Responsible for RMA Reform
Minister for Sport and Recreation
Leader of the House
Associate Minister of Finance



CB-COR0836

14 October 2024

Tēnā koe,

I am writing to inform you of the progress we have made to improve the resource management system and meet the Coalition Government's objective for a faster growing, more productive economy.

It is widely accepted that the resource management system is not fit for purpose. Consensus on that point was reached almost a decade ago. We need a resource management system that protects the environment not by resisting growth but by setting clear rules, so growth occurs within limits.

Progress to date

I would like to update you on the progress we have made over the last year.

We have divided our reform into three phases.

The first phase, repealing the Natural and Built Environment Act and Spatial Planning Act, was completed in December 2023. We did not take the decision to repeal those Acts lightly, but they would not have achieved the objectives needed for New Zealand to grow and thrive.

The goal of Phase Two is to improve the performance of the Resource Management Act 1991 (RMA) by removing unnecessary regulations for primary industries and barriers to investment in development and infrastructure while maintaining environmental protections.

Phase Two includes:

- The *Fast-track Approvals Bill* to create a one-stop shop for approvals, consents and permissions to speed up the delivery of regionally and nationally significant projects. This Bill is currently in front of the select committee and we expect it to be passed into law by the end of 2024. You can find more information about this process here - [Fast-track Approvals Bill | Ministry for the Environment](#)
- Targeted amendments to the RMA will relieve the most significant issues in the Act through the:
 - *Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill*
 - *Resource Management (Freshwater and other Matters) Amendment Bill* which includes changes to freshwater management, stock exclusion and winter grazing rules, marine farming consents, and Significant Natural Areas. This Bill also streamlines the process for changes to national direction. It is currently before select committee, and we also expect it to pass by the end of this year.
 - *Resource Management Act Amendment Bill* (RMA Amendment Bill Two) is currently in development. We expect to introduce it before the end of 2024 and passed into law by mid-2025.

- A package of National Direction – including amendments to 14 current National Policy Statements (NPS) and National Environmental Standards (NES), as well as seven new national direction instruments. We will consult on these in early 2025 and along with the second Bill they are expected to be passed into law in mid-2025.

We have focused our changes to the RMA on the things that will have the largest impact in the short term and contribute to the Coalition Government's priority programmes: Electrify NZ, Infrastructure for the Future, Going for Housing Growth and the Primary Sector Growth Plan.

The second RMA amendment bill and the new national direction package gives effect to these coalition commitments and changes to the RMA will unlock development and drive a more efficient and effective resource management system. These changes will transition into the new system once it is in place.

The changes can be grouped in four distinctive packages. These are:

- Infrastructure and Energy
- Housing
- Farming and primary sector
- Emergency response and natural hazards

Infrastructure and Energy

This package will develop further national direction to enable a range of productivity-boosting energy and infrastructure projects, including a new NPS-Infrastructure. It will also provide a consistent approach to quarrying and extend the duration of port coastal permits by a further 20 years. Changes to the NES-Telecommunications Facilities will keep up to date with technological developments and give telcos greater certainty and reduced consenting costs as they upgrade their infrastructure. The Government's Electrify NZ reforms will make it easier to consent and re-consent renewable energy.

More information on our Electrify work programme is available here - [Next steps on Electrifying New Zealand | Beehive.govt.nz](#).

Housing

The housing package will contain reforms needed to enable the first pillar of the Government's Going for Housing Growth policies. These changes will require councils to provide for 30-years' worth of housing growth while providing flexibility for councils to opt out of the Medium Density Residential Standards. Changes are also being made to the National Policy Statement on Urban Development and the National Policy Statement for Highly Productive Land, along with guidance for effective heritage management and developing new national direction to enable granny flats and papakāinga housing.

More information on our Going for Housing Growth work programme is available here - [Going for Housing Growth speech | Beehive.govt.nz](#)

Farming and the Primary Sector

The primary industries package will contain changes to drive primary sector productivity. This package will mainly give effect to National Party Manifesto promises and coalition agreements. We are amending the National Policy Statement for Highly Productive Land to make it clear that indoor primary production and greenhouses are permitted on highly productive land, as well as specifying that farmers are also allowed to build new specified infrastructure such as solar farms on that land.

More information on our Farming and the Primary sector work programme is available here - [Government confirms RMA reforms to drive primary sector efficiency | Beehive.govt.nz](#)

Emergency Response and Natural Hazards

This package provides a comprehensive, nationally consistent framework for addressing the risks posed by natural hazards, including risks from climate change. Rather than a two-step process as previously intended, we have decided to progress this work as a single instrument. This will provide direction to councils on how to identify natural hazards, assess the risk they pose, and how to respond to that risk through planning controls. The RMA Amendment Bill Two will include improved emergency provisions to better enable rapid responses to disasters.

A list of specific items under these four areas is available in Appendix One. You can find out more about Phase Two in my recent [Speech to the Local Government New Zealand Conference | Beehive.govt.nz](#).

Replacing the RMA

The reforms of Phase Two will carry over into the long-term replacement for the RMA which is the focus of Phase Three of the RM Reform programme. This phase advances the Coalition Government's commitment to replace the RMA by a new system that will be rules-based and embed respect for property rights and the rule of law.

Cabinet has agreed the new resource management system will have three core tasks:

- unlocking development capacity for housing and business growth
- enabling delivery of high-quality infrastructure for the future, including doubling renewable energy
- enabling primary sector growth and development (including aquaculture, forestry, pastoral, horticulture, and mining)

It must achieve these objectives while also:

- safeguarding the environment and human health
- adapting to the effects of climate change and reducing the risks from natural hazards
- improving regulatory quality in the resource management system
- upholding Treaty of Waitangi settlements and other related arrangements

There are ten principles that underpin the new system. These will be tested and refined by a Resource Management Expert Advisory Group (EAG). The EAG will develop a blueprint of the new system over the next three months – a workable and practical plan that officials can quickly turn into new legislation. This blueprint is due back to me before Christmas.

The EAG will bring fresh thinking, expertise and practical knowledge, working closely with officials from across government to make sure Ministers can make the decisions needed to draft the new legislation as quickly as possible. It will be chaired by Janette Campbell and comprises experts with relevant technical knowledge ranging from resource management law to planning and te ao Māori. Members are Christine Jones, Paul Melville, Rukumoana Schaafhausen, Kevin Counsell, Gillian Crowcroft and Mark Chrisp.

Public consultation on the proposals will occur primarily through the select committee process.

Key aspects of the resource management system

Principles guiding the development of the new system are the following:

- narrow the scope of the resource management system and the effects it controls
- establish two Acts with clear and distinct purposes – one to manage environmental effects arising from activities, and another to enable urban development and infrastructure
- strengthen and clarify the role of environmental limits and their development
- provide for greater use of national standards to reduce the need for resource consents and to simplify council plans, such that standard-complying activity cannot be subjected to a consent requirement
- shift the system focus from consenting which happens before the event to strengthening compliance, monitoring and enforcement
- use spatial planning and a simplified designation process to lower the cost of future infrastructure
- realise efficiencies by requiring councils to jointly prepare one regulatory plan for their region
- provide for rapid, low-cost resolution of disputes between neighbours and between property owners and councils
- uphold Treaty of Waitangi settlements and the Crown's obligations
- provide faster, cheaper and less litigious processes within shorter, less complex and more accessible legislation.

I have instructed my officials to test these principles with key partners and stakeholders in parallel with the EAG and I will report back to Cabinet on this feedback too.

Key aspects of the new resource management system will go to Cabinet for agreement at the beginning of 2025, and legislation will be introduced and passed before the next election.

You can find out more about these principles in the [Speech on replacing the Resource Management Act](#) and [Replacement for the Resource Management Act takes shape | Beehive.govt.nz](#).

Looking forward

I know our timeline is ambitious, but we have critical issues to solve if we are to turn New Zealand's economy around, increase productivity and make things easier to do. I am acutely aware of the need to reset the resource management system in a way that is pragmatic and targets the most significant issues first.

The instruments from Phase Two, and other important elements of the existing system such as plans will transfer over, with a “switching off” of any elements incompatible with the new system.

This is critical to accelerate and smooth the transition, lightening the load on councils and those who use the resource management system, and avoiding long implementation times. Some RMA settings will be retained for this work to be carried forward with minimal disruption, and to uphold Treaty settlements.

The proposed Phase Three changes will be designed to be implemented as quickly as possible and to minimise disruption on those who use the system. By limiting scope and targeting council effort to more complex issues, the replacement system will deliver reduced costs to both councils and ratepayers.

Our goal is to replace unnecessary regulation with clear rules to unlock the double dividend of higher growth and better environmental outcomes.

By redirecting only a fraction of the resources consumed by RMA processes, we can protect the environment and provide clear pathways for investment and growth within environmental limits.

We look forward to your working with you as we do this.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Bishop'.

Hon Chris Bishop
Minister Responsible for RMA Reform

Appendix One: Detailed items under RMA Amendment Bill 2 and the National Direction Package

The national direction policy proposals described below are still in development. We have provided this content to support engagement and to seek your initial thoughts on the direction of travel. We expect to formally consult on more detailed policy proposals in early 2025.

RMA Amendment Bill 2
Fisheries Act and RMA
<ul style="list-style-type: none">Reduce regulatory overlap between the RMA and the Fisheries Act 1996 to provide certainty for fishers
Port permits
<ul style="list-style-type: none">Extension of port permits duration – section 384A of the RMA
Consenting
<ul style="list-style-type: none">Amend the RMA to require renewable energy generation consents (excluding hydro and geothermal) to be decided within one year of application.Establish a one-year limit to reconsent existing renewable electricity generation assetsRequire resource consents for wood processing facilities to be decided within one yearImprove flexibility and encourage innovation for existing marine farms by providing more certainty for change of consent conditionsEnable Councils to recover cost for reviewing consent conditions when the review is a result of national directionAmendments to provide greater clarity on the scope of further information requests and requirements for consentsProgress default 35-year consent durations for renewable energy and long-lived infrastructureIncrease the lapse period for designations from 5 to 10 years to provide more time to progress infrastructure projectsIncrease the default lapse period so the time to give effect to a renewable energy consent is 10 years or longerProvide certainty for discharge rules under section 70

Housing Growth
<ul style="list-style-type: none">Ratification vote and allowing relevant councils to opt-out of the Medium Density Residential Standards (MDRS), provided they demonstrate 30 years' worth of housing growthIntervention powers to ensure compliance with National Direction

<ul style="list-style-type: none"> Planning change processes for opting out of the MDRS and for councils still undertaking intensification streamlined planning processes (including Auckland Council)
Heritage management
<ul style="list-style-type: none"> Heritage management (focusing on approaches to listing and de-listing heritage buildings)
System improvements
<ul style="list-style-type: none"> Amend part 9A of the RMA to provide more flexibility for farm plan regulations
<ul style="list-style-type: none"> Improvements to compliance regime, including increased penalties and limiting access to insurance
<ul style="list-style-type: none"> Technical improvements to DOC functions to manage discharges, compliance and enforcement
Natural Hazards and Emergency Response
<ul style="list-style-type: none"> Improvement to emergency provisions, including a new regulation-making power for emergency responses and clarification of notification of entry requirements
<ul style="list-style-type: none"> Ability to decline land-use consents, or attach conditions, where there are significant risks of natural hazards
<ul style="list-style-type: none"> New plan rules relating to natural hazards have immediate legal effect from notification
Integrated National Direction Package
Infrastructure and Energy
<ul style="list-style-type: none"> NES Telco Facilities Update the maximum pole heights in residential areas to reflect requirement for Medium Density Residential Development through the NPS-UD Update cabinet sizes in residential areas to support infrastructure resilience and the roll out of 5G technology Update antenna dimensions (eg, size and height) to reflect 5G technological developments and to avoid larger radio frequency fields from entering the public domain Consider the expansion or amendment of some permitted activities under the NES-TF, in particular to accommodate temporary facilities or emergency activities
<ul style="list-style-type: none"> NPS Infrastructure (new) NPS to provide consistent consenting pathways for enabling the development, operation, maintenance and upgrade of infrastructure while managing its effects across a range of natural environments The interface between infrastructure activities and other activities and people, including in the built environment.
<ul style="list-style-type: none"> NPS Renewable Electricity Generation NPS Electricity Transmission

<ul style="list-style-type: none"> • New content for National Policy Statement for Renewable Electricity Generation (NPS-REG) • New content for National Policy Statement for Electricity Transmission (NPS-ET) • These amendments will create more directive and enabling national direction for renewable electricity generation, transmission and distribution. • Work on national environmental standards for renewable electricity generation, electricity transmission and distribution will follow the national policy statements. The national environmental standards will include nationally consistent rules for these activities, such as specifying activities that can be undertaken without consent, provided the standards are met. • The standards will replace the rules in Regional and District Council, meaning that consent processes will be more certain, and due to the enabling nature of the standards, be more likely to gain approval.
<ul style="list-style-type: none"> • NES Electricity Transmission Activities • Amendments to NES-ETA
<ul style="list-style-type: none"> • NZ Coastal Policy Statement • Targeted review of policies 6, 8, 11, 13 and 15
Housing and Urban Development
<ul style="list-style-type: none"> • NPS Highly Productive Land • Amend the NPS to free up land for urban development and remove unnecessary planning barriers, while managing HPL. This includes: <ul style="list-style-type: none"> • Reviewing the definition of HPL as part of the Going for Housing Growth work programme. • Ease the urban rezoning tests. • Other changes to the NPS-HPL are being considered as part of the wider national direction amendment package (definition of Specified Māori Land, and consistency in mineral extraction and quarrying pathways).
<ul style="list-style-type: none"> • NPS Urban Development • Set requirements for housing growth targets • Enable better spatial planning by aligning Future Development Strategy requirements with housing growth objectives • Change the responsiveness policy to better enable developers to bring forward areas of growth • Strengthen the intensification provisions • Better enable mixed use development • Better manage outcomes for heritage buildings
<ul style="list-style-type: none"> • Enabling granny flats

<ul style="list-style-type: none"> Direction on enabling 'granny flats' (up to 60m²)
<ul style="list-style-type: none"> Enabling Papakainga New national direction for Papakāinga
<ul style="list-style-type: none"> National Direction on Heritage Better manage outcomes for heritage buildings
Farming and the Primary Sector
<ul style="list-style-type: none"> NPS NES Freshwater Scope of amendments to National Policy Statement for Freshwater Management (NPS-FM) and National Environmental Standards for Freshwater (NES-F) to be confirmed. Expect targeted amendments to be completed through this combined national direction package and further work may follow Enable on-farm water storage (ie, as a permitted activity under the RMA, or otherwise)
<ul style="list-style-type: none"> Stock exclusion regulations Tie stock exclusion rules to local conditions to limit unintended consequences Replace nationwide low-slope maps with catchment-level rules that are more consistent with local conditions
<ul style="list-style-type: none"> NES Drinking Water Amending clauses 7, 8 and 10 and two new rules for mapping requirements and targeted activity controls
<ul style="list-style-type: none"> NPS Indigenous Biodiversity Applying consistent and defined tests for extractive activities across the NPS-FM, NPS-HPL and NPS-IB Amendments to significant natural areas (SNA) provisions in the NPS-IB
<ul style="list-style-type: none"> NES – Commercial Forestry Reverse changes that increased council discretion for afforestation Repeal National Environmental Standards for Commercial Forestry (NES-CF) clauses (6)(1)(a) and (6)(4)(a) Review of slash settings
<ul style="list-style-type: none"> NES Marine Aquaculture Amend to increase flexibility to innovate, improve management of existing marine farms and make minor and technical amendments
Natural Hazards and Emergency Response
<ul style="list-style-type: none"> Natural Hazards National Direction Develop new direction for natural hazards that applies to all natural hazards. It may consist of National Policy Statement and National Environmental Standards.

- The objective is to reduce the risk from natural hazards to people, property and infrastructure by providing direction on: identifying natural hazards, and assessing and responding to the risks they pose in a consistent way.