

3 July 2024

**RESOURCE CONSENT APPLICATION APP.045356.01.01**

**Meridian Energy Limited**

**New solar farm, Ruakaka**

Tena koe Alissa

In response to your recent correspondence:

- A review of the groundwater assessment; and
- Legal advice from the Applicant re Functional need,

Interestingly, Appleyard & Hawkins have advised Humphrey Tapper Meridian Energy that, in their view,

... due to the location of the Bream Bay substation and the BESS, this “particular environment” (i.e. the Ruakaakaa/Marsden Point area) is the only possible broader location for the Proposal. And that

Within that environment, a large, continuous area of flat land that would receive sufficient solar irradiance was necessary for the purposes of yield and capacity. Yield is an important aspect of project viability, servicing the BESS, and providing national and regional benefits (as recognised in the TiGa Minerals decision). We understand that constraints across the rest of the Ruakaakaa/Marsden Point area for finding such a site include existing land uses and **ownership**, zoning constraints and compatibility, and ecological conditions (i.e. the presence of more wetlands, or wetlands in less degraded condition, on other undeveloped sites). And

Ultimately, various factors, including proximity to the Bream Bay substation and BESS, existing transmission infrastructure, topographical suitability, surrounding land uses, the underlying zoning, support from local **iwi** and locating near a growth area strongly support the appropriateness of the site for the Proposal and, in fact, indicate there were no real alternatives to the proposed site in the broader area. The fact that MEL has already obtained the necessary district land use consents for the Proposal equally supports this position, with a solar land use already forming part of the existing environment. And

Based on the above, we consider that due to the nature of the solar infrastructure and its role in the electricity system, the requirements for a functioning solar farm, and the

fact that the alternatives are constrained by cost, energy yield/capacity, constructability (including worker safety), ecological and maintenance issues, the Proposal meets the functional need test. And

We therefore consider that the “jurisdictional” requirement of Regulation 45(6)(b) of the NES-FW is met, enabling the Proposal to be considered substantively for consent.

Arguably,

By requiring Te Parawhau to forfeit 1,000 acres of the Whangarei headlands (known as Te Poupouwhenua) as payment for the January 1845 taua muru against the settlers Millon and Patten, the Governor acted inconsistently with its obligation to act with utmost good faith, in breach of te maataapono o te houruatanga, the principle of partnership (*Waitangi Tribunal Report 2022. WAI 1040 Te Rangatiratanga me Te Kawanatanga Pre Publication* (page 1883)). And that

170 years ago, in John Grant Johnson’s initial report from Whangarei, forwarded to the Colonial Secretary in December 1853:

He declared that ‘the nature of the native claims’ in the district were ‘clearly defined’, with Te Parawhau, the ‘original tribe of Whangarei, occupying and claiming the southern bank, and the Ngapuhi the northern bank of the Whangarei, but both parties being connected with, and, in a great measure, controlled by Tirarau, the chief of the Wairoa River in Kaipara’ (Vincent O’Malley. *Waipu Historical Overview*, 1839-1860, report commissioned by the Whangarei District Council, June 2022 page 276).

In my view, then, there is a clear “functional need” for the applicant to talk with the Te Parawhau Hapu, on the “southern bank” rather than merely a Trust of Trustees in Takahiwai. Please let me know if you would like to discuss any aspects of my advice.

Naku noa na Mere

(Dr) T. Mere. A. Kepa



Te Parawhau Hapu and Te Patuharakeke o Te Parawhau Hapu, Takahiwai.