

FTA#155: Application for listed project under the Fast-track Approvals Bill – Hanmer Road Solar Farm (Brookside Stage 2) Project for Schedule 2A

Date submitted to secretariat:	16 May 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

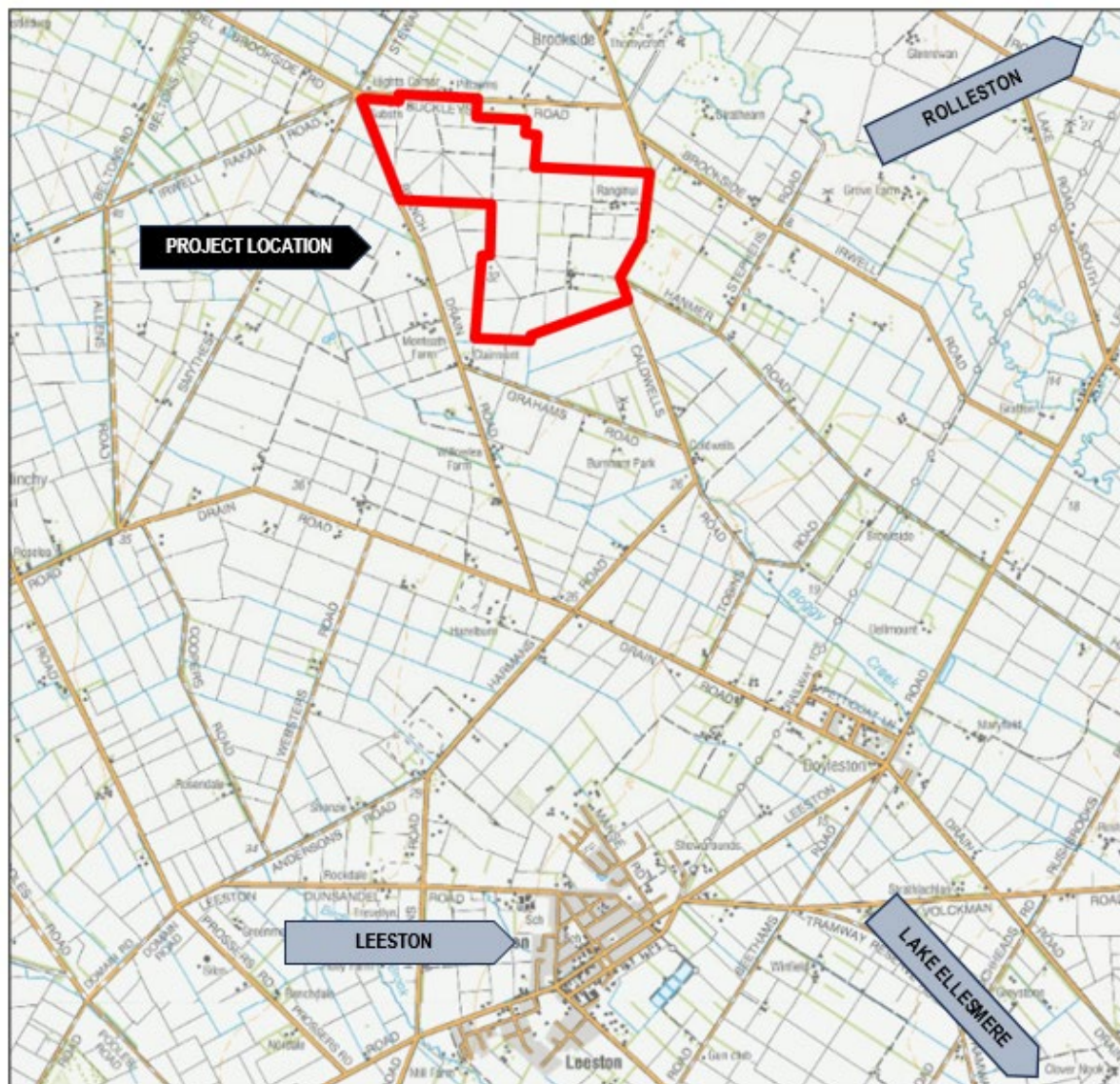
Number of attachments: #	Attachments: 1. Application documents for Hanmer Road Solar Farm (Brookside Stage 2) Project
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Applicant	Sector	Region	Identified in a priority/strategy?
KeaX Limited	Solar	Canterbury	No

Ministry for the Environment contacts

Position	Name	Mobile	1 st contact
Principal Authors	Stephanie McNichol s 9(2)(a)		
Manager	Stephanie Frame	s 9(2)(a)	✓
Director	Ilana Miller	s 9(2)(a)	

Project location



Key messages

1. The Hanmer Road Solar Farm (Brookside Stage 2) project is to construct and operate a solar farm on a 115-hectare site at 821 and 883 Hanmer Road, Leeston, Brookside and to connect to and supply electricity to the national grid. The solar farm will have an approximate peak output of 80 Megawatts.
2. The project will comprise:
 - a. approximately 160,000 solar panels
 - b. arrays and mounting structures, inverter cabinets, and associated infrastructure
 - c. transmission line to connect to the national grid
 - d. an energy storage facility
 - e. underground electricity cables
 - f. ancillary buildings, structures and infrastructure (including roads, access, culverts, cabling, fencing, CCTV poles and other infrastructure)

- g. landscaping including planting, boundary fencing, sediment control and earthworks
- 3. The project will require resource consents and permits under the Resource Management Act 1991 (RMA).
- 4. We have undertaken an initial (Stage 1) analysis of the application and this is provided in Table A.
- 5. We consider the applicant has provided sufficient information to consider the project for inclusion on Schedule 2A.
- 6. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
- 7. Advice on PSGE development priorities and Māori development is provided in Table A. Table A also includes the relevant PSGEs or Māori groups and the settlement mechanisms, that will/may be impacted by the project and whether the project is low, medium or high impact on Treaty settlement/s and other relevant arrangements. Appendix 1 provides further detail on how this advice should be considered and our approach to analysis.

Signature

A handwritten signature in black ink, appearing to read 'S. Frame', is written over a light blue rectangular background.

Stephanie Frame
Manager – Listed Projects

Table A: Stage 1 initial assessment of project eligibility and Treaty settlement assessment and advice

Project details	Project description	Approvals sought	Consultation undertaken	Does the project trigger the ineligibility criteria [clause 18]?				Discretionary ground to decline [clause 21(2)]	Eligibility [clause 17]	
				Treaty settlement land, Māori customary land, customary marine title, customary rights, aquaculture settlement area, or prevented by RMA clauses [clauses 18(a-e, g)]	Access arrangement under CMA where a permit can't be granted, or is listed in items 1-11, 14 [clauses 18(f,h)]	Activity on a national reserve under Reserves Act which requires approval under that Act [clause 18(i)]	Prohibited activity under EEZA or regulations under that Act, decommissioning-related activities, offshore renewable energy progressing ahead of permitting legislation [clause 18(j-l)]		Is the project eligible [clause 17(2)]	Would the project have significant regional or national benefits [clause 17(3)]
High level summary			Y	N	N	N	N			
Schedule requested 2A Project Name Hanmer Road Solar Farm (Brookside Stage 2) We note Stage 1 refers to an associated consented solar farm within the larger site area, nearest Buckleys Road. Applicants KeaX Limited – is negotiating an option to lease, which affects their ability to undertake the project as they require a lease before commencing. The applicant does not own the site and notes approval is required from the landowners. The applicant states the registered owner/s as: 821 Hanmer Road - Geddes and Price Farms Limited. Owner/Occupier: s 9(2)(a) 883 Hanmer Road - Geddes and Price Farms Limited. Owner: s 9(2)(a)	The Hanmer Road Solar Farm (Brookside Stage 2) project is to construct and operate a solar farm on a 115-hectare site at 821 and 883 Hanmer Road, Leeston, Brookside and to connect to and supply electricity to the national grid. The solar farm will have an approximate peak output of 80 Megawatts. The project will comprise: - approximately 160,000 solar panels - arrays and mounting structures, inverter cabinets, and associated infrastructure - transmission line to connect to the national grid - an energy storage facility - underground electricity cables - ancillary buildings, structures and infrastructure (including roads, access, culverts, cabling, fencing, CCTV poles and	The applicant seeks approval under the: Resource Management Act 1991	The application identifies the following as persons affected: - Selwyn District Council – pre-application meeting held Sept 2021 - Canterbury Regional Council - Orion New Zealand Limited (energy network provider) - Mahaanui Kurataio Ltd - Te Taumutu Rūnanga – initial engagement, information gathering and written response. The applicant is proposing a 50m buffer from the Wāhi Taonga Management Site (thought to be a midden).	The application has not identified any triggers. We do not consider any of these ineligibility matters are triggered by the application.	The application has not identified any triggers. We do not consider any of these ineligibility matters are triggered by the application.	There is no activity proposed on a national reserve. We do not consider any of these ineligibility matters are triggered by the application.	The project is land based. We do not consider any of these ineligibility matters are triggered by the application.	The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHNP Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahoā ō Rohe, or a joint management agreement. The application identifies the Mahaanui Iwi Management Plan 2013 and states the project will not be contrary to the framework, objectives and policies. It is proposed to soften the appearance of the site by retaining existing site boundary shelterbelts and landscaping. Further, although no works are proposed within the wāhi taonga site, it is proposed to implement an Accidental Discovery Protocol during construction works. We do not consider any of these ineligibility matters are triggered by the application.	Whether access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way than under normal processes. The original application for Stages 1 and 2 in 2022 to Selwyn District Council was subject to considerable delays from several requests for further information and staff changes. The application was limited notified despite landscape planning experts in agreement that effects on people were less than minor. Canterbury Regional Council has a significant waiting time for applications to be assigned to a planner. Since the granting of KeaX's consent in 2022, more information is being requested on the quality of discharge/potential contamination and groundwater quality monitoring. Applications can take up to 18 months to decide and then risk appeal to the Environment Court, which can add two more years and	The project has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy) or central government infrastructure priority list. No. The applicant refers to the National Policy Statement for Renewable Energy Generation (NPS REG) and central government policy of electrification of NZ. While these documents promote renewable energy, they do not specifically identify this application. The project will deliver regionally or nationally significant infrastructure. Yes. The applicant considers the project will be regionally significant delivering 80 MW of renewable energy to meet the demands of approximately 11,200 homes or 48% of the annual demand in the district. The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment. Yes, by contributing to a well-functioning urban environment. The applicant states that Policy 1 of the National Policy Statement on Urban Development (NPS-UD) articulates a set of outcomes for local authorities in plan making decisions which includes 'support

Location 821 and 883 Hanmer Road, Leeston, Brookside We note both records of title indicate an encumbrance to Orion NZ Ltd.	other infrastructure g. landscaping including planting, boundary fencing, sediment control and earthworks							It is more appropriate to deal with the application under another Act. The application identifies that approvals will be required under the RMA. The project may have significant adverse effects on the environment. The applicant has attached a brief assessment of effects relating to: Landscape/ visual amenity, Ecology (terrestrial and avifauna), Culture, Construction, Earthworks, Operations, Traffic, Stormwater, and Glint and glare. We consider that the appropriate management of adverse effects, including remediation and mitigation could be assessed by an expert panel with the benefit of a full application, in a post-enactment context. The applicant has a poor compliance history under the relevant legislation. None stated. The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes. No. The project includes an activity that is a prohibited activity under the RMA.	significant cost to the applicant (and other participants). Alternatively, under the fast-track process, significant time and cost savings would be achieved, allowing the applicant to progress to detailed design, funding, construction and commissioning many months (if not more than a year) faster and with increased certainty. The impact referring this project will have on the efficient operation of the fast-track process. The applicant states this is a straightforward application and should have little impact on the efficient operation of the fast-track process. The project clearly meets the requirements for eligibility and referring the project will speed up the delivery of critical renewable energy infrastructure. The project's objectives and scope are clearly defined. This means decision-makers will be able to assess the merits of the project without unnecessary delays. We note the applicant has provided information on the timing of electrical design, conceptual design, financial modelling including OIA approval if required, construction and operational phases of the process. Whether the application contains sufficient information to inform the referral decision. We consider the applicant has provided sufficient information to	reductions in greenhouse gas emissions'. The project will enable new development to be supplied with electricity generated from a renewable source. The project will deliver significant economic benefits. Yes. The applicant states the project cost will be in the vicinity of \$9(2)(b)(ii), which is a significant contribution to the regional and national economies. The project enables the dual use of land for the generation of electricity and primary production and will create employment opportunities in rural community as KeaX are based in Leeston. The applicant identifies 16 full-time equivalent direct and indirect roles that would facilitate the solar farm project, plus a construction team for 12 months. The project will support primary industries, including aquaculture. No. Although the applicant states the project will enable the dual use of land, enabling farmers to have two income streams from leasing the land and from farming. The project will support development of natural resources, including minerals and petroleum. No. The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions. Yes. The applicant states at 103g/kWh, the project will offset around 10,300 tons of CO2 per year helping to achieve the objective of the NPS REG, and help New Zealand achieve zero carbon, as part of the Climate Change Response (Zero Carbon) Amendment Act in 2019. The project will support adaptation, resilience, and recovery from natural hazards. Yes. The application identifies a 75% probability of the alpine fault rupturing in the next 50 years, causing disruption to the South Island electricity generation and
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								The project does not appear to include any activities prohibited under the RMA.	consider it for listing in Schedule 2A.	distribution network. In a significant earthquake event some local generation and distribution is anticipated to be achieved in less severely affected areas during the first week of response. The project is part of that local generation, close to the load centre (less than 30km from Christchurch). If one part of the network fails, another part can pick up the load/generation. Having a backup and generation close to the load centre will help bolster energy security following disasters and aid recovery. The project will address significant environmental issues. Yes. The application states the project will support NZ's efforts to manage climate change through reducing reliance on fossil fuels. The project will not cause any environmental significant issues. The project is consistent with local or regional planning documents, including spatial strategies. Yes. The general policy expectations are that the adverse effects of infrastructure are appropriately avoided, remedied and mitigated, and rural amenity is appropriately maintained. On the basis that the potential adverse effects of the project on the surrounding environment are being appropriately managed, the project will be consistent with the local or regional planning documents. We note the applicant recently obtained resource consent approval for Stage 1 of the solar farm adjoining the project site area, nearest Buckley's Road.
PSGE Settlement Priorities and Māori Development assessment – <i>Note - given the time and scope constraints of this advice, some assumptions have been made and engagement has only been undertaken in limited circumstances. Given this, the advice may not be comprehensive and is not intended to reflect the views of relevant Post Settlement Governance Entities or other groups (unless specifically noted). In limited circumstances where engagement has been able to occur, it has most likely not been comprehensive due to the timeframes available.</i> <i>Advice on Māori development and PSGE settlement priorities includes information relating to:</i> • where projects align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents. • where projects contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or are being led by or in partnership with a Māori entity or business; <i>to relevant provisions in Treaty settlements, Joint Management Agreements outside of settlement; Mana Whakahono ā Rohe; Iwi Environment Management plans; implications for groups yet to settle their historical Treaty of Waitangi claims; and implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.</i>										
Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)					This project does not appear to be ineligible according to the information provided in the application.					

Affected Māori group/s	Ngai Tahu Relevant Papatipu Rūnanga: Te Taumutu Rūnanga
Has the applicant consulted with those Māori groups?	The applicant has stated that they have consulted with Te Tautumu Rūnanga through a cultural advisor. In summary, they have identified a Wāhi Taonga Management Site – C59 within the solar array Site. The site C59 is said to be ovens/middens. Te Tautumu Rūnanga Natural Resource Management Plan states that the Rūnanga identifies middens as a Wāhi Taonga, as they are an indication of past occupation and use of the area. The applicant states that they have contacted Te Taumutu Rūnanga, both directly and via Mahaanui Kurataiao Ltd, with details of the proposal and sought to ascertain further information regarding the Wāhi Taonga Management Site – C59. Prior to lodging the application, there was limited correspondence with Mahaanui Kurataiao Ltd but since then, Te Taumutu Rūnanga have provided a written response to the proposal (this written response has not been provided by the applicant). The Applicant states that Te Tautumu Rūnanga have agreed a way forward on protecting Wāhi Taonga Management Site – C59.
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<u>Impact on Treaty settlements and other relevant arrangements</u> <u>Ngāi Tahu Claims Settlement Act 1988</u> No statutory acknowledgement areas are known to apply on or adjacent to the site and officials have not identified any other matters relating to Ngāi Tahu's Treaty settlement. <u>Māori Development and PSGE Settlement Priorities</u> From the information available we have not identified information relating to these matters relevant to the application. <u>Iwi Environment Management plans</u> <i>Ngāi Tahu Resource Management Strategy for the Canterbury Region</i> This document outlines the key issues and aspirations for Ngāi Tahu in the Canterbury region with regards to natural resource management. Of relevance to this proposal are the following policies: - that Ngāi Tahu retain the right to be involved in and contribute to, the resource allocation and management decisions which impact on Tribal resources. <i>Ngāi Tahu 2025</i> Ngāi Tahu's document, Ngāi Tahu 2025 states the aspiration is that "Te Rūnanga o Ngāi Tahu fully participates in the decision-making processes of resource management agencies." <i>Te Tautumu Rūnanga Natural Resource Management Plan</i> This document outlines the key issues and aspirations for Te Tautumu Rūnanga with regards to resource management and wāhi taonga. Of relevance to this proposal are the following: - the applicant shall contact Te Taumutu Rūnanga to discuss the issues of the consent and the nature of the wāhi tapu or wāhi taonga site. - Consultation process will be used to explain to the applicant why the site is significant and allow the Rūnanga to assess the nature of the activity, the location and thus potential impacts. - Te Tautumu Rūnanga reserves the right to oppose any activity that may potentially affect a site of significance and is not required to justify that decision. <u>Relevant information from application</u> Relevant information from the application that relates to the above plans and documents includes, based on the record of engagement provided by the applicant: - With regard for the wāhi taonga site (midden), it is not clear whether the deposit remains in situ. The applicant's offer of establishing indigenous planting on the site is not desired by the Rūnanga, as this would require ground disturbance that would not be consistent with the protection of wāhi taonga values. - The existing fencing and the proposed 50m setback from earthworks are deemed by Mahaanui Kurataiao Ltd to be sufficient to protect this site. - Mahaanui Kurataiao Ltd states that although it is not recommended that indigenous planting is undertaken on the wāhi taonga site, the Rūnanga support enhancing biodiversity elsewhere on site through planting indigenous species of local whakapapa. <u>Other matters</u> In the time available, officials have not identified any other impacts for Treaty settlements (Mana Whakahono ā Rohe agreements, the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is outside the common marine and coastal area), groups yet-to-settle their historical claims (noting that Treaty settlements have been completed over the Ngāi Tahu takiwā including this area) or other relevant matters.
Is the project considered low, medium or high impact (based on assessment criteria above)	Officials consider the application to be medium impact based on the criteria outlined above. From the information provided, it is unclear whether Ngāi Tahu and the Te Tautumu Rūnanga are aware the project is being progressed through the fast-track process and whether this would have bearing on Ngāi Tahu and the Te Tautumu Rūnanga support.
Has the Ministry for the Environment undertaken engagement?	Officials consider engagement would be beneficial to confirm Ngāi Tahu and Te Tautumu Rūnanga position's stated in the record of engagement is still current as well as confirming their position on the project being listed as a schedule 2A project, but were unable to undertake it due to the time available.
Additional comments/context	N/A

Appendix One: Approach and considerations for Treaty settlement advice on listed project applications advice in Table A

1. Ministers have advised the Advisory Group should receive advice from officials on “Māori development and PSGE settlement priorities” relevant to each application. Note this differs from section 13 requirements of the current Fast Track Consenting Bill that ‘Ministers must consider Treaty settlements and other obligations report’ as these reports will not be in existence at the time, although matters identified in section 13 (2)(a)-(j) will be considered as part of official's analysis.
2. We have interpreted “Māori development” and “PSGE priorities” to mean primarily projects that:
 - a. align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents; and/or
 - b. contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or
 - c. the project is being led by or in partnership with a Māori entity or business.
3. Given the time constraints and limited engagement this advice cannot be considered as comprehensive and does not intend to reflect their views, and should not be read as such.
4. Engagement with PSGEs and other relevant groups has been considered based on potential high-risk factors including, but not limited to, if:
 - a. a project will take place on or effect any taonga or areas of significance that are protected by Treaty settlement arrangements.
 - b. a project will have a substantive and/or ongoing environment impact on any taonga or areas of significance.
 - c. a project will include a consenting arrangement that will require a significant take, or be ongoing for an extended period, in relation to a taonga or area of significance, or in regions where PSGEs have specific planning mechanisms in place.
 - d. PSGEs or other Māori entities have previously strongly contested the project or a similar type of project, particularly where court action has been taken.
 - e. The project is clearly in conflict with or undermines PSGE priorities.
 - f. Engagement would be required to maintain and uphold the Te Tiriti Crown relationship.
5. In limited circumstances where engagement occurs, it has been brief. Where engagement has been undertaken it is reflected in our analysis but should not be taken to mean that our Treaty Partners endorse our advice.