

# Response ID ANON-URZ4-5F9K-M

Submitted to Fast-track approval applications  
Submitted on 2024-05-02 15:07:08

## Submitter details

Is this application for section 2a or 2b?

2A

### 1 Submitter name

Individual or organisation name:  
Andrew William Simpson and Karen Frances Simpson

### 2 Contact person

Contact person name:  
Amanda Simpson

### 3 What is your job title

Job title:  
Leaseholders, and farmers of Balmoral Station.

### 4 What is your contact email address?

Email:  
amanda.simpson@thecairns.co.nz

### 5 What is your phone number?

Phone number:  
0220218176

### 6 What is your postal address?

Postal address:  
  
PO Box 3  
Lake Tekapo 7945  
New Zealand.

### 7 Is your address for service different from your postal address?

No

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

## Section 1: Project location

Site address or location

Add the address or describe the location:

397 Braemar Road  
Balmoral Station  
Lake Tekapo.

File upload:

BM200509\_001\_A4P\_GPS\_Locations.mxd was uploaded

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Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

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Who are the registered legal land owner(s)?

Please write your answer here:

Land Information New Zealand  
Crown Property Christchurch  
Crown Property Christchurch (Pastoral)  
Private Bag 4721  
Christchurch 8140.

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

Andrew William Simpson and Karen Frances Simpson (the Applicant) are the leaseholders and currently operate the site as part of their Balmoral Station leasehold. LINZ granted a Deed of Easement on 19 October 2023 (in perpetuity) to establish and operate a solar farm at this site, and no further landowner permissions are required to establish a solar array.

## Section 2: Project details

What is the project name?

Please write your answer here:

Balmoral Station Solar Array

What is the project summary?

Please write your answer here:

Construct and operate an approximately 88MW solar array at Balmoral Station in the Mackenzie District.

The Applicant confirms that if the Ministers consider 2B is most appropriate, then this application allows for that possibility too.

What are the project details?

Please write your answer here:

Purpose: To establish and operate a solar array that will support Balmoral Station's farming and other commercial operations, whilst enabling significant electricity generation for the Mackenzie District, and contributing to New Zealand's greenhouse gas emission reduction targets.

Objectives:

To establish a solar array that contributes to the Simpson family's vision to "create an environmentally and economically diverse business for the benefit of future generations and our community".

To provide for solar generation, in an area with long sunshine hours, limited shading and a high clear sky index, along with good proximity to the national electricity transmission network (National Grid).

To carefully manage potential adverse effects on ecological values by:

- relocating lizards prior to construction, and
- planting and creating lizard refuges within the wetland and setback areas, and
- undertaking predator control, and
- bird strike monitoring, and
- undertake baseline and on-going vegetation monitoring and
- fencing the wetland to exclude stock.

Activities:

- Establish electricity generating infrastructure on the Site including solar panels, inverters,

switchgear and connections to the nearby transmission lines.

- The modules will be setback from the existing shelterbelts and at least 24m from the edge of the wetland areas which includes a 4m strip for light vehicles i.e. quad bikes to access the modules.
- Fence the wetland areas with a stock and rabbit-proof fence, which will be setback at least 20m from the edge of the wetlands.
- Fence the entire site with a 2.4m tall deer style fencing with two lines of barbed wire at the top that will be located inside the shelterbelt with gates at each access point, throughout its construction and operation.
- Undertake construction activities: establish 4m wide internal tracks and 4 vehicle crossings, parking and laydown area with temporary buildings/storage facilities, and a self-contained site office.
- Undertake indigenous planting within the wetlands and associated setbacks.
- Plant any existing gaps in the pine shelterbelt where appropriate with non-wilding radiata pine species to further increase visual screening.
- Prepare a Vegetation Management Strategy to address the anticipated longevity of the existing shelterbelts in relation to the life of the solar farm; the time required / growth rates for replacement trees to attain sufficient heights for mitigation purposes; any measures that could protect or enhance the existing shelterbelts to ensure they can continue to effectively enclose the site over the long-term and a strategy for successional replacement/enhancement.
- Undertake vegetation clearance resulting in a small area of permanent and temporary loss.
- Undertake a small volume of earthworks to install the piles and cable trenches within 50m of a wetland.
- Implement an Erosion and Sediment Control Plan (ESCP) that will incorporate a Dust Management Plan (DMP).
- Generate approximately twenty light vehicle trips and up to 8 heavy vehicle movements per day at times during the construction period. During operation, the Site will generate approximately four vehicle trips per month.
- Graze sheep or other small animals under the panels and undertake weed and pest plant monitoring and management during the life of the solar farm, and within the wetlands in perpetuity.
- Discharge operational stormwater to land.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

It is proposed to construct the solar array in its entirety and not stage the works.

What are the details of the regime under which approval is being sought?

Please write your answer here:

RMA.  
Wildlife Act 1953.

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Mackenzie District Council.  
Canterbury Regional Council.

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

In May 2022, the Applicant made an application to Mackenzie District Council (MDC) to establish and operate a solar array and to Canterbury Regional Council (CRC) to undertake earthworks.

The Applicant consulted with MDC, MDC appointed technical ecology and landscape experts, and local Runanga in both the application development and hearing phases. The application was informed by extensive site investigation/ survey, and a robust assessment of environmental effects. MDC did not request any further information to inform its decision making.

CRC and MDC made the decision to jointly consider the applications, which were publicly notified at the request of the Applicant to expediate the process. The Applicant hosted numerous site visits and engaged with all submitters, including environmental interest groups, throughout the process. A hearing was held in August 2023, before an independent panel of Commissioners.

Ecological advice received from the Applicant's expert advisors confirms that the site is unremarkable (as compared to other areas on Balmoral Station) and ecological effects generated by the solar array are unlikely to be significant. However, taking a conservative approach, as the effects of shading (resulting from solar panels) on indigenous vegetation are largely unknown, a comprehensive suite of conditions volunteered by the Applicant, provided

for an extensive indigenous monitoring programme over the life of the consent, avoidance of and setbacks from an identified central wetland, and an environmental compensation package. Environmental compensation comprised an area of land (three times the size of the proposed solar array) with higher ecological values being set aside in perpetuity for conservation purposes.

The decision dated 8 November 2023 declined the application citing more than minor (significant) potential adverse effects. These effects related to the permanent and irreversible loss of threatened land environments and Threatened and At Risk indigenous species.

The decision acknowledged that the site is a working high-country farm and is subject to a regime of pasture development – through a history of topdressing and oversowing practices – authorised under the Balmoral Station crown pastoral lease. It was acknowledged that this regime could continue.

The applications to CRC were declined because the Panel declined the MDC consents and as a result, no consideration was given to the CRC applications.

The Applicant appealed the decision to the Environment Court on 29 November 2023 (ENV-2023-CHC-000133) and is currently in informal discussions with the respondents (CRC and MDC) and the s274 parties (Royal Forest and Bird Protection Society, Mackenzie Guardians Incorporated and Environmental Defence Society).

If this Application is successful, the Applicant would withdraw its appeal prior to lodging the application under the Fast Track legislation.

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

The Applicant does not own the Site and therefore approval is required from the landowner. LINZ granted the Applicant a Deed of Easement in 2023 to establish and operate a solar array on Crown pastoral lease land. No further approvals are required.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

There is an anticipated development timeframe of 15 months, from resource consent being granted, to the solar array being energised. The key steps are outlined below:

- Financial close and contracts signed;
- Panels, frames and inverters ordered;
- Long lead work (Planting and fencing construction);
- Various site survey and pre-construction works completed (dependent on consent condition requirements), including the development of site management plans;
- Detailed construction activities planned and civil contractor appointed;
- Civil works commenced – entranceway, roading and erosion and sediment control;
- Staged commencement of works – piling, framing and panels;
- Inverters (low and high voltage) and reticulation;
- Energise.

### Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Mackenzie District Council.  
Canterbury Regional Council.  
Ministry of Defence.  
Te Rūnanga o Arowhenua and Te Rūnanga o Waihao both hold mana whenua over the Site.

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

MDC and CRC recommended granting the applications. The Applicant actively engaged with Councils and their appointed experts, in particular to ensure that the solar array was a feasible proposition, and the potential and adverse effects were being addressed in an appropriate manner.

The Applicant also consulted with the Ministry of Defence who use Braemar Road to access their land for military exercises, and need to ensure the road is clear for emergency vehicles. As such, it was agreed that the Applicant would advise the MoD when large trucks delivering construction materials would be travelling along the road and turning into the Site.

The Applicant initially engaged with both Te Rūnanga o Arowhenua and Te Rūnanga o Waihao but was advised by Aukaha that Aoraki Environmental

Consultancy Limited (AECL) would take the lead on this project and that no reply would be provided on behalf of Te Rūnanga o Waihao.

Engagement with iwi has been a key part of the process and a hui in March 2022 provided an opportunity to discuss the project and for iwi to provide comments and/or recommendations on the application. Mike McMillian (Te Rūnanga o Arowhenua representative) was also on-site for some ecological survey(s).

A record of the hui with AECL is attached which documents the key issues raised and how these have been addressed by the Applicant.

Te Rūnanga o Arowhenua and AECL provided a letter of support to the project expressing their appreciation in being involved in the project from conception and being able to review the draft conditions of consent.

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Record\_of\_meeting\_with\_AECL.pdf was uploaded

Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

None are required.

#### Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

The Ngāi Tahu Claims Settlement Act 1998 applies to this geographical location.

The relevant statutory acknowledgement areas in Mackenzie are: Aoraki/Mount Cook, Hakataramea River, Lake Ōhau, Lake Pūkaki, Takapo (Lake Tekapo), Te Ao Mārama (Lake Benmore), and Waitaki River.

There are none that relate to the proposed solar farm site.

There are no relevant principles and provisions that apply to the subject site.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

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## Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

The solar array has several known effects, and some anticipated (or less certain) effects. The proposal includes mitigation measures to ensure that the adverse effects are no more than minor. These can be summarised as:

Known effects:

- Earthworks can impact on water quality, and the wetlands. An Erosion and Sediment Control Plan will manage adverse effects.
- Effects on wetland natural character where works are proposed in the vicinity. A setback will maintain vegetation cover within the bounds of the wetland.
- Development within an ONL and associated landscape and character values will have some effect on the values of the ONL especially its openness. But, in this location that openness is already compromised by the existing shelterbelts.
- The proposal will have some effects on visual amenity as glimpsed views will be achieved from the Braemar Road. However, existing and proposed planting will screen the majority of the solar array from public views.
- Permanent vegetation clearance (including native species) to establish roads and other key infrastructure. The extent of this has been minimised as far as possible.
- Effects on drainage patterns and concentration of stormwater. There will be no increase in the volume of stormwater being discharged from pre to post development, no change to drainage patterns as there is a minimal change to existing landforms and no significant compaction of the ground, and no increase in the concentration of stormwater.

Potential effects:

- Vegetation may be impacted by shading from the solar panels. The level of change on indigenous species is anticipated to be low, noting that this location was chosen due to the already modified nature of the site, including a history of grazing. However, the Applicant is proposing to undertake on-going monitoring of changes in vegetation cover and species diversity.

A copy of the original AEE is attached.

Upload file:

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## Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

National Policy Statement for Renewable Electricity Generation (NPS-REG)

The project aligns with the objectives and policies of the NPS-REG 2011 by providing new renewable (solar) electricity generation in a location where the solar array can efficiently connect into the local distribution network. It will also contribute to the diversification of the local electricity network and contributes to the Government's national target to increase generation of electricity from renewable resources.

National Policy Statement for Freshwater Management (NPS-FM)

The objective and policies in Part 2 of the NPS-FM have been assessed, and overall, it is considered that the proposal is not contrary to the objective and relevant policies of the NPS-FM and is therefore generally consistent with the concept of Te Mana o te Wai because:

- the stormwater assessment prepared by Tonkin and Taylor and the Ecological Impact Assessment prepared by Boffa Miskell have determined that adverse effects on the health and well-being of the wetlands will be low, and with the adoption of the recommended mitigation measures, potential adverse effects will be very low.
- there will be no drainage of the wetlands resulting in loss of extent. Furthermore, the health of the wetlands will be enhanced by maintaining vegetation along the wetlands to minimise the risk of sediment entering the wetlands.
- while the wetlands are likely to be habitats of indigenous freshwater species, they will be protected by the mitigation measures that will be adopted.

- it is proposed to undertake ecological and cultural health monitoring in the wetlands, and measures will be enacted if water quality in the wetlands deteriorates.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

- The discharge of operational stormwater for the purpose of operating specified infrastructure (a solar array) is a permitted activity as it complies with the relevant conditions.

National Policy Statement for Indigenous Biodiversity 2023

- This document is not considered relevant due to the exclusion of the development of renewable energy found in Section 1.3(3).

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## Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

The decision on the application lodged with MDC and CRC is heavily focussed on ecological values, particularly indigenous vegetation, and did not provide a balanced consideration of competing requirements: protection of significant indigenous vegetation (albeit vegetation found within improved pasture) v provision of REG as required by the NPS-REG.

Given the robust proposition put forward by the Applicant, and the purpose of the Fast Track Approvals Act to facilitate appropriate regional and national infrastructure, the fast-track process will enable the project to proceed in a timely manner with balanced consideration of potential adverse effects, proposed mitigation measures and the need to provide for REG.

Furthermore, it has been a lengthy and costly process from lodgement of the initial application through the notification and hearing process, only for the application to be declined. The Applicant has appealed that decision and is now facing time and costs associated with mediation and an Environment Court hearing. Given the robustness of the application, it is anticipated that the fast-track process will provide a more timely and cost-efficient processing pathway.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

It is not anticipated that this application will impact on the efficient operation of the fast-track process. Previous fast track consenting regimes have considered (and granted) solar applications which are fairly comparable to this proposal.

Has the project been identified as a priority project in a:

Not Answered

Please explain your answer here:

Although the project has not been specifically identified as a priority project (by name), the proposal will deliver renewable electricity generation which is an identified infrastructure priority by central government.

This proposal aligns with the Climate Change Response (Zero Carbon) Amendment Act in November 2019, which includes a domestic emissions reduction target. It will assist in reducing greenhouse gas emissions by reducing reliance on fossil fuels and build resilience into the electricity generation network. Solar, particularly in this location, is a sensible 'energy partner' for hydro electricity generation.

Furthermore, it will provide a locally generated, resilient electricity supply; reducing the need for long transmission distances and the costs associated with that. It may also assist with lowering the risk of unreliable supply due to events such as earthquakes that can disrupt supply.

Will the project deliver regionally or nationally significant infrastructure?

National significant infrastructure

Please explain your answer here:

This project will deliver infrastructure that is significant at a regional and a national level.

National: Multiple studies (including those from the Climate Change Commission, Transpower, and the Boston Consulting Group (BCG)) have identified a significant growth in NZ's electricity demand to 2050.

To meet the 22.7 GW capacity target identified by the BCG, over 222 MW of solar is required to be installed in New Zealand each year until 2050. Currently

New Zealand is building 80MW in 2023.

Solar development must identify sites with sufficiently high irradiance levels, as well as access to a network with the capacity to take more generation.

The site satisfies both critical criteria with Mackenzie Basin having some of the highest irradiance to be found in New Zealand translating into highest solar output. The Basin also has one of the lowest historical frequency of hailstorms in New Zealand. This project is a well-considered, technically sensitive facility that is part of New Zealand's energy and decarbonisation goals to 2030 and 2050.

Regional: At a smaller scale, the solar array will provide an alternative source for Tekapo and the wider Mackenzie Basin and is a sensible partner to hydro electricity generation.

Will the project:

Please explain your answer here:

The project does not increase the supply of housing, however it will contribute to a well-functioning urban environment. Policy 1 of the National Policy Statement on Urban Development (NPS-UD) articulates a set of outcomes for local authorities to use when preparing plans and making decisions and sets direction for the intended outcomes of the NPS-UD. It includes 'support reductions in greenhouse gas emissions.'

This Proposal will enable new development in Tekapo and the surrounding area to be powered by renewable energy, thus achieving part of Policy 1 of the NPS-UD.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

Several economic benefits follow from the project:

- The project enables the dual use of land for the generation of electricity and primary production;
- Development of a solar array in a location which maximises irradiance hours, and proximity to transmission lines;
- National benefits from contributions to meeting renewable energy generation targets;
- Development and construction will result in jobs for local people;
- A reliable and affordable electricity supply is critical to all sectors.

Will the project support primary industries, including aquaculture?

Yes

Please explain your answer here:

The project will enable the dual use of land, enabling the Applicant to have two income streams from generating and selling renewable electricity and from farming. It provides support to the farming community by enabling diversification of income in a part of the country where farming is coming under pressure from legislative constraints and climate change. Electricity usage in the Mackenzie Basin over summer is high due to irrigator/pivot use. Solar energy will generate at a time of high demand for the District (and a traditionally lower point for hydro electricity generation).

Will the project support development of natural resources, including minerals and petroleum?

Yes

Please explain your answer here:

The sun is a natural resource, which will be utilised to generate electricity.

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

At 103g/kWh (16/2/2023) (a little below average), the Proposal will offset approximately 13-15,000 tons of CO2 per year helping to achieve the objective of the NPS REG, and New Zealand to achieve zero carbon, as part of the Climate Change Response (Zero Carbon) Amendment Act in 2019.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

The electricity generation network is vulnerable to natural hazards. Most relevant to the Mackenzie Basin, is the likelihood of the rupture of the alpine fault (AF8 research has indicated a 75% probability of this occurring in the next 50 years). If that occurred, large scale damage to most of the South Island



hydro schemes would be likely, including potential damage to transformer sites, dams, pylons and canals. A solar array faces different pressure from an earthquake and may come out relatively unscathed due to the mounting of the panels. The proposed array is located close to Tekapo (approx. 10km) and Twizel (approx. 38km) and electricity could be re-routed to supply these settlements. The solar array may also act as a back-up for failures or faults in the hydro schemes.

Will the project address significant environmental issues?

Yes

Please explain your answer here:

The project will support New Zealand's efforts to manage climate change (arguably the most pressing environmental issue) through increasing renewable energy capabilities.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

Yes, the project is broadly consistent with the local and regional planning documents, and in particular those sections that address energy generation, utilities, landscape and natural character, water bodies, and hazardous substances management.

The solar array is proposed in a paddock subject to an oversowing and topdressing regime, and is not identified as a Site of Natural Significance in the Mackenzie District Plan. Through ecological assessment, it has been found to support significant indigenous vegetation. As such, it meets both the definitions for significant indigenous vegetation and improved pasture.

Policy 2 of the Mackenzie District Plan seeks to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna by, amongst other matters, ensuring that land use 'avoids' the clearance of indigenous vegetation or any reduction in its extent.

As it stands, the Mackenzie District Plan provides no pathway for renewable electricity generation outside of the Waitaki Power Scheme, the National Grid and the Opuha Scheme, and the policy direction is to avoid the clearance of indigenous vegetation. The project is therefore contrary to Policy 2, but this needs to be considered in the context of a district planning document which arguably fails to give effect to the national direction as it relates to the establishment of new renewable energy.

A full assessment of the objectives and policies can be found in the original application document (attached), although it should be noted that subsequent changes have been made to Chapter 19 since the time of the hearing.

Anything else?

Please write your answer here:

Waitaki Iwi Management Plan

The Waitaki Iwi Management Plan (WIMP) was developed by Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki as an expression of rākatirataka and in fulfilment of their kaikiaki responsibilities.

The WIMP has a focus on improving water quality. As discussed above, the stormwater assessment prepared by Tonkin and Taylor and the Ecological Impact Assessment prepared by Boffa Miskell have determined that adverse effects on the health and well-being of the wetlands will be low, and with the adoption of the recommended mitigation measures, potential adverse effects will be very low.

As such, it is considered that the proposal accords with the outcomes sought by the WIMP.

Does the project include an activity which would make it ineligible?

No

If yes, please explain:

## Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

The Site is not subject to natural hazards.

The risk of fire in the Mackenzie Basin could increase as temperatures rise and drought conditions prevail for longer but, a Fire Emergency Plan will be prepared for approval by the local fire service. This condition was approved by Fire and Emergency New Zealand as part of the Council application process. Otherwise, the project will not be affected by climate change.

## Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

None.

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## Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Amanda Simpson

Important notes