

FTA#266: Application for listed project under the Fast-track Approvals Bill – Haldon Solar Project for Schedule 2A

Date submitted to secretariat:	27 May 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

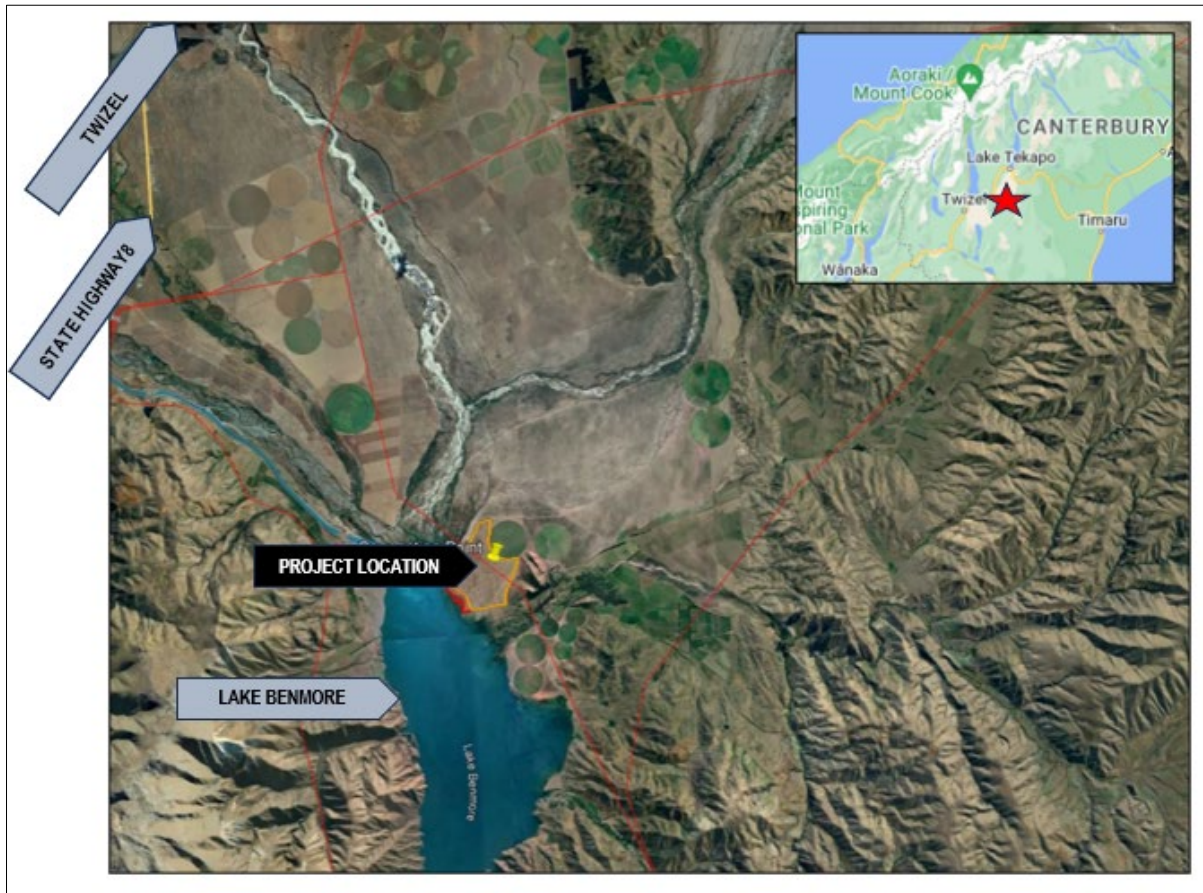
Number of attachments: #	Attachments: 1. Application documents for Haldon Solar Project
--------------------------	---

Applicant	Sector	Region	Identified in a priority/strategy?
Lodestone Energy Limited	Solar	Canterbury	No

Ministry for the Environment contacts

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

Project location



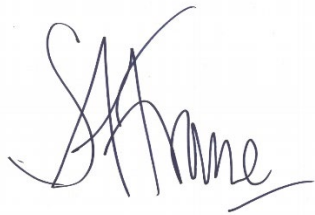
Key messages

1. The Haldon Solar project is to construct and operate a solar farm on 320-hectares of a 7689-hectare site adjacent to Lake Benmore, south of Haldon Arm Road, 14-kilometres southeast of Twizel, and to connect and supply electricity to the national grid. The solar farm will have an approximate peak output of 180 Megawatts.
2. The project will comprise:
 - a. solar panels, occupying approximately 320 hectares
 - b. arrays and mounting structures, inverter cabinets, and associated infrastructure
 - c. a substation and transmission line to connect to the national grid
 - d. underground electricity cables
 - e. site earthworks.
3. The project will require recourse consents under the Resource Management Act 1991 (RMA).
4. The applicant identifies that the project has secured land tenure via an option to lease agreement of the site with the landowner.
5. We have undertaken an initial (Stage 1) analysis of the application and this is provided in Table A.
6. We consider the applicant has provided sufficient information to consider the project for

inclusion on Schedule 2A (although we note it could still be included on Schedule 2B based on the information provided).

7. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
8. 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', with a stylized flourish at the end.

Stephanie Frame
Manager – Listed Projects

Table A: Stage 1 initial assessment of project eligibility and Treaty settlement assessment and advice¹

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			
<p>Schedule requested 2A</p> <p>Project Name Haldon Solar</p> <p>Applicants Lodestone Energy Ltd</p> <p>Company Director</p> <ul style="list-style-type: none"> John David Guy Haddleton Gary Robert Holden Jack Beverly Jr Matthews Gareth Samuel Morgan Susan Marie Paterson Joanna Mary Gordon Perry <p>Location adjacent to Lake Benmore, south of Haldon Arm Road, 14-kilometres southeast of Twizel, Waitaki District</p> <p>Land ownership The applicant notes the registered owner as:</p>	<p>The project is to construct and operate a solar farm and to connect and supply electricity to the national grid. The solar farm will have an approximate peak output of 180 Megawatts.</p> <p>The project will comprise:</p> <ul style="list-style-type: none"> solar panels, occupying approximately 320 hectares arrays and mounting structures, inverter cabinets, and associated infrastructure a substation and transmission line to connect to the national grid underground electricity cables site earthworks. 	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 <p>The applicant has identified that approvals may be required at a later stage under the:</p> <ul style="list-style-type: none"> Wildlife Act 1953 Heritage New Zealand Pouhere Taonga Act 2014 	<p>The application identifies the following as persons affected:</p> <ul style="list-style-type: none"> Mackenzie District Council Canterbury Regional Council Ngāi Tahu – ongoing early stage engagement since December 2023 Haldon Arm Campground Cooperative (owners of the Haldon Arm Campsite) Department of Conservation – regarding any threatened species Fire and Emergency New Zealand (in respect of fire risk matters) Transpower – ongoing relating connecting to the national grid 	No.	No.	No.	No.	<p>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 Whakahono ā Rohe, or a joint management agreement.</p> <p>No – The application and Treaty advice below has not identified any inconsistency grounds.</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>No – Although the application identifies that approvals will be required under the RMA, we consider the project could be assessed by an expert panel with the benefit of a full application, in a post-enactment context.</p> <p>The project may have significant adverse effects on the environment.</p> <p>No – The application identifies potential effects relating to landscape values (visual amenity), ecological values, fire risk, traffic, construction activities, rural</p>	<p>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.</p> <p>The applicant refers that solar farm applications in this locality are routinely being subject to public notification and hearing procedures under the RMA with appeals to the Environment Court or higher courts possible. These processes add considerable cost and time delay. The processing timeframes proposed under the Bill are shorter and an opportunity to secure approvals under the Wildlife Act adds significant time advantage.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</p> <p>The applicant notes that technical experts have recently been commissioned that are expected to take three months, there are no</p>	<p>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.</p> <p>No – The applicant refers to the National Policy Statement for Renewable Energy Generation. While this document promotes renewable energy, it does not specifically identify this application.</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>Yes – The applicant notes the project accords with the Canterbury Regional Policy Statement's definition of regionally significant infrastructure which includes renewable electricity generation activities of any scale.</p> <p>We consider the project will be regionally significant delivering 180MW of renewable energy through solar infrastructure.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</p> <p>No.</p> <p>The project will deliver significant economic benefits.</p> <p>Yes – The project to construct the solar will create employment of 250-300 full-time equivalent jobs over a 12-16 month construction period and further opportunities over the 35-year expected operating life of the solar farm.</p>

¹ **Disclaimer:** Given time and scope constraints, the initial assessment is solely based on information provided by applicants. There may be additional relevant information which has not been provided to MfE.

<p>ID CB437/82 (7689 ha) – Haldon Station Limited.</p> <p>Company director/s</p> <p>Haldon Station Limited</p> <ul style="list-style-type: none"> Patrick John Boyd Richard Alwyn Braddock Laurence George Chilcott Edward Elkan Klisser Janna Klisser Andrew Webster Macfarlane <p>Land Status</p> <p>The applicant identifies that the project has secured land tenure via an option to lease agreement of the site with the landowner.</p>								<p>production, historic and archaeological values and noise.</p> <p>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.</p> <p>The applicant has a poor compliance history under the relevant legislation.</p> <p>No.</p> <p>The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes.</p> <p>No.</p> <p>The project includes an activity that is a prohibited activity under the RMA.</p> <p>No.</p>	<p>unusual adverse effects, and the application is likely to be relatively straightforward to process.</p> <p>We note the applicant has provided information on the timing of site construction, technical assessments required for detailed design, procurement, Transpower grid connection, and funding.</p> <p>Whether the application contains sufficient information to inform the referral decision.</p> <p>We consider the applicant has provided sufficient information to consider it for listing in Schedule 2A.</p>	<p>The project will support primary industries, including aquaculture.</p> <p>No.</p> <p>The project will support development of natural resources, including minerals and petroleum.</p> <p>No.</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</p> <p>Yes – The project will reduce the need for coal and fossil gas methods, thereby reducing the carbon emissions from such sources.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>Yes –Through the provision of a diverse electricity supply including multiple generation options in the event of a natural hazard event that may render of other generation sources or transmission connections inoperable.</p> <p>The project will address significant environmental issues.</p> <p>No.</p> <p>The project is consistent with local or regional planning documents, including spatial strategies.</p> <p>Yes – The application states they believe the project is consistent with local and regional planning and spatial strategies.</p> <p>The local (Mackenzie District Plan) and regional (Canterbury Regional Policy Statement and Canterbury Land and Water Regional Plan) planning documents contain provisions that enable renewable electricity generation activities, where adverse effects on the receiving environment are able to be appropriately managed and mitigated.</p> <p>On the basis that the potential adverse effects of the project on the surrounding environment are able to be appropriately managed, the project will be consistent with the local and regional planning documents.</p>
---	--	--	--	--	--	--	--	---	---	--

PSGE Settlement Priorities and Māori Development assessment –

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.

Advice on Māori development and PSGE settlement priorities includes information relating to:

- 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;

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.

<p>Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)</p>	<p>This project does not appear to be ineligible according to the information provided in the application.</p>
<p>Affected Māori group/s</p>	<p>Te Rūnanga o Ngāi Tahu Relevant Papatipu Rūnanga: Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Runanga o Moeraki.</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>The applicant states they have been engaging with Ngāi Tahu since December 2023 and are actively working with Ngāi Tahu alongside the landowner (Haldon Station Limited) to ensure the project is supported. The application does not mention any of the Papatipu Rūnanga, but states that the landowner has a long history (30+ years) of managing the land and engaging with iwi in respect of its land management. Evidence of this support has not been provided. No information has been provided on further engagement or consultation with these groups.</p>
<p>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</p>	<p><u>Impacts on PSGE settlement priorities and Māori development</u></p> <p>Relevant information from Māori groups</p> <p>Te Rūnanga o Ngāi Tahu has expressed its aspiration to aim for 100% renewable energy use and reducing greenhouse gas emissions from energy use in its own, and its partner operations¹, however it is unclear whether this specific project aligns with their interests or priorities.</p> <p>Relevant information from application</p> <p>The applicant has assessed the project against the National Policy Statement for Renewable Energy Generation (NPS-REG) and states that the construction and maintenance of this project would increase electricity generation capacity without resulting in the emission of greenhouse gases, and use renewable natural resources rather than finite resources, or imported fuels, for the generation of electricity.</p> <p>The applicant has assessed the project against the National Policy Statement for Freshwater Management (NPS-FM) and states that there is potential for the discharge of stormwater during construction and operation of the project to impact on freshwater resources. The applicant plans to avoid this by taking steps to maintain existing ground cover where possible and provide for appropriate spacing between solar arrays so as to concentrate stormwaters flows.</p> <p>Considerations in relation to PSGE settlement priorities and Māori development include</p> <p>there are no explicit references to solar generation projects in the various iwi environmental management plans and documents listed - Ngāi Tahu 2025, Ngāi Tahu Resource Management Strategy for the Canterbury Region, and Waitaki Iwi Management Plan 2019</p> <p>the project does not specifically contribute to addressing historical or systemic inequities faced by Māori</p> <p>there is no indication in the application that the project is led by or in partnership with a Māori entity or business</p> <p><u>Impact on Treaty settlements and other relevant arrangements</u></p> <p>Ngāi Tahu Claims Settlement Act 1998</p> <p><i>Statutory acknowledgement over Te Ao Mārama (Lake Benmore)²</i></p> <p>There is statutory acknowledgement over Te Ao Mārama (Lake Benmore) provided for in the Ngāi Tahu Claims Settlement Act 1998, which is adjacent to the project site. Generally, these are statutory acknowledgements by the Crown of a 'statement of association' between the iwi and an identified area. The Te Ao Mārama (Lake Benmore) site has great spiritual, cultural, traditional, and economic significance for Ngāi Tahu. Te Ao Mārama now covers areas which have been very important in Ngāi Tahu history. Relevant councils must have regard to the statutory acknowledgement when deciding whether Ngāi Tahu is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. The councils must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the EPA.</p> <p>Listing this project, and the fast-track process generally, in some respects will not provide equivalent impact to the statutory acknowledgement which may limit the substantive input from Ngāi Tahu on this project that would occur through the normal consenting regime.</p> <p>For example, under the RMA process, if a PSGE is notified because of the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide those same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and appeal). For</p>

	<p>Schedule 2 Part A projects, there is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement).</p> <p>Officials have not identified any other matters relating to Ngāi Tahu's Treaty settlement.</p> <p><u>Iwi Environment Management plans</u></p> <p>Ngāi Tahu 2025</p> <p>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."</p> <p>Ngāi Tahu Resource Management Strategy for the Canterbury Region</p> <p>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:</p> <ul style="list-style-type: none"> • that Ngāi Tahu retain the right to be involved in and contribute to, the resource allocation and management decisions which impact on Tribal resources; and • that the Canterbury Regional Council should encourage landowners or occupiers to plant vegetation on riparian strips to prevent contaminated run-off into any wetland, waterway or lake. <p>Waitaki Iwi Management Plan 2019³</p> <p>The Waitaki Iwi Management Plan 2019 sets forward the aspirations for Te Runanga o Arowhenua, Te Runanga o Waihao and Te Runanga o Moeraki (Ka Papatipu Rūnanga). It constitutes their expression of rakatirataka in fulfilment of their kaitiaki responsibilities in the Waitaki Catchment.</p> <p>Of relevance to this proposal, the plan outlines the following strategic objectives:</p> <ul style="list-style-type: none"> • Mana whenua have a co-governance and co-management role over the Aoraki; and • Wahi tupuna are protected and the relationship mana whenua have with these landscapes is enhanced. <p>Other matters</p> <p>In the time available, officials have not identified any other impacts for Treaty settlements, the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is outside the marine and coastal area), groups yet-to-settle their historical claims (noting that Treaty settlements have been completed over the Ngāi Tahu takiwā), Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe, or a relevant iwi management plan.</p>
<p>Is the project considered low, medium or high impact (based on assessment criteria above)</p>	<p>Officials consider the application to be medium impact based on the criteria outlined above including:</p> <ul style="list-style-type: none"> • the potential effect of listing the project on the statutory acknowledgement over the Te Ao Mārama (Lake Benmore). • it is unclear whether relevant Papatipu Rūnanga are aware the project is being processed through the Fast Track Approvals process and whether this would have a bearing on their support. • an additional impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their "referral discretion" including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. For Part A projects, there is a requirement on the expert panel to invite comment from the PSGE on the application
<p>Has the Ministry for the Environment undertaken engagement?</p>	<p>Officials consider engagement would be necessary to confirm whether the relevant Papatipu Rūnanga are aware the project is being processed through the Fast Track Approvals process and whether this would have a bearing on their support but were unable to undertake engagement this in the time available.</p>
<p>Additional comments/context</p>	<p>The applicant has also stated that the relocation of threatened lizards may be necessary from the project site, and therefore a permit to catch, hold, and/or translocate wildlife under the Wildlife Act 1953 may be required. Officials note that lizards are not listed in the Ngāi Tahu Claims Settlement Act as one of the taonga species found within the Ngāi Tahu claim area.</p>

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.