

FTA#06: Application for listed project under the Fast-track Approvals Bill – Stage 1

Application FTA06 The Point Solar Farm Project for Schedule 2A

Date submitted to secretariat:	10 May 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

Number of attachments: #	Attachments: <ol style="list-style-type: none"> 1. Application documents for The Point Solar Farm Project 2. Agency feedback
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Ministry for the Environment contacts

Position	Name	Mobile	1 st contact
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Manager	Stephanie Frame	s 9(2)(a)	✓
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Key messages

1. The Point Solar Farm project is to construct and operate a solar farm on a 670-hectare site in the Mackenzie Basin, and to connect to and supply electricity to the national grid. The solar farm will have an approximate peak output of 420 Megawatts.
2. The solar farm will comprise:
 - a. approximately 737,000 solar panels, occupying approximately 225 hectares
 - b. arrays and mounting structures, inverter cabinets, and associated infrastructure
 - c. approximately 82 inverters within 20-foot shipping containers
 - d. a substation and transmission line to connect to the national grid
 - e. an energy storage facility
 - f. underground electricity cables
 - g. ancillary buildings, structures and infrastructure (including roads, access, culverts, cabling, fencing, and other infrastructure)
 - h. landscaping including planting, boundary screening
 - i. establishment of approximately 89 hectares of ecological enhancement area.
3. The project will require resource consents under the Resource Management Act 1991 (RMA) and authority under the Wildlife Act 1953.

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', written in a cursive style.

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				N	N	N	N			
<p>Schedule requested 2A</p> <p>Name The Point Solar Farm Project</p> <p>Applicants Far North Solar Farm Limited <i>Company directors</i> Richard Homewood John Telfer</p> <p>Location The site is located on the northern shore of Lake Benmore on a parcel of land between the Pukaki River and the Ohau C hydro canal.</p> <p>Legal description is Section 3 SO 384036.</p> <p>The records of title show that the wider site includes DOC-managed marginal strip, but it appears that the project has been designed so as to avoid the need for concessions under the Conservation Act 1987.</p>	<p>The Point Solar Farm project is to construct and operate a solar farm on a 670-hectare site in the Mackenzie Basin, and to connect to and supply electricity to the national grid. The solar farm will have an approximate peak output of 420 Megawatts.</p> <p>The solar farm will comprise:</p> <ol style="list-style-type: none"> approximately 737,000 solar panels, occupying approximately 225 hectares arrays and mounting structures, inverter cabinets, and associated infrastructure approximately 82 inverters within 20-foot shipping containers a substation and transmission line to connect to the national grid an energy storage facility underground electricity cables 	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 (RMA) Wildlife Act 1953. 	<p>The applicant has engaged with Te Rūnanga o Ngāi Tahu, including Arowhenua, Maeraki and Waihao. Maeraki and Waihao have commenced preparation of Cultural Impact assessments and contact with Arowhenua is ongoing.</p> <p>The applicant has met with DOC to discuss the ecological issues related to the project.</p> <p>The applicant has met with Mackenzie District Council (MDC) and Canterbury Regional Council (CRC), and those councils have recommended the project be considered for Ministerial call-in under the RMA.</p>	<p>The applicant has consulted with Ngāi Tahu and has not identified any Treaty settlement land which is affected by the project.</p> <p>The project site does not include any Māori land and is not subject to any customary right or customary marine title.</p> <p>We do not consider the project triggers these ineligibility criteria.</p>	<p>No access arrangements under the Crown Minerals Act 1987 are required.</p>	<p>No activity is proposed on a national reserve.</p>	<p>The activity does not include activities covered by the EEZA or offshore renewable energy.</p>	<p><i>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</i></p> <p>We have not identified the project as being inconsistent with any of these documents. We note the applicant may not have notified the relevant Treaty settlement entities that the project is proposed, and there may be value in seeking advice from Te Arawhiti on this matter.</p> <p><i>It is more appropriate to deal with the application under another Act</i></p> <p>The applicant has applied for a Ministerial call-in under the RMA. The Minister has not yet made a decision on whether the application should be called in. The resource consent application the applicant lodged with CRC has received 19</p>	<p><i>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</i></p> <p>The applicant considers that consenting large-scale solar farms in New Zealand is often time-consuming and can take two or more years if a project is appealed. The applicant informed us that MDC and CRC both requested the project be considered for fast-track.</p> <p><i>The impact referring this project will have on the efficient operation of the fast-track process</i></p> <p>The applicant considers the project is consent-ready, with all the necessary technical assessment prepared and project details confirmed. Therefore, the project is not expected to have any impact on the efficient operation of the fast-track process.</p> <p><i>Whether the application contains sufficient information to inform the referral decision</i></p> <p>We consider the applicant has provided sufficient information to consider it for listing in Schedule 2A.</p>	<p><i>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</i></p> <p>No</p> <p><i>The project will deliver regionally or nationally significant infrastructure</i></p> <p>The applicant considers the project will provide electricity generation to meet the demands of approximately 100,000 homes making it a nationally significant generator of electricity.</p> <p><i>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment</i></p> <p>No</p> <p><i>The project will deliver significant economic benefits</i></p> <p>The applicant considers the project will provide employment opportunities for approximately 330 full time equivalent staff during the construction of the solar farm (over an 18-24 month period). There will also be significant employment opportunities in relation to the proposed planting and ongoing</p>

	<p>g. ancillary buildings, structures and infrastructure (including roads, access, culverts, cabling, fencing, and other infrastructure)</p> <p>h. landscaping including planting, boundary screening</p> <p>establishment of approximately 89 hectares of ecological enhancement area.</p>							<p>submissions. You may consider whether the project would be more appropriately considered under the RMA.</p> <p><i>The project may have significant adverse effects on the environment</i></p> <p>The project is located within an Outstanding Natural Landscape, and the applicant has identified that the adverse landscape and visual effects may be more than minor. We note that adverse effects and their appropriate management and mitigation can be considered by an Expert Panel if the project is listed.</p> <p><i>The applicant has a poor compliance history under the relevant legislation</i></p> <p>The applicant has not identified that they have been subject to any compliance or enforcement action.</p> <p><i>The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i></p> <p>The project site does not include land available for Treaty settlement address.</p> <p><i>The project includes an activity that is a prohibited activity under the RMA</i></p> <p>The applicant has not identified any prohibited activities under the RMA. A brief assessment has not identified any additional prohibited activities not identified by the applicant.</p>		<p>maintenance of the screening and ecological enhancement areas.</p> <p>More broadly, the provision of renewable electricity generation to meet the demands of approximately 100,000 homes provides significant economic</p> <p>benefits for both the Mackenzie district and its surrounds.</p> <p><i>The project will support primary industries, including aquaculture</i></p> <p>N/A</p> <p><i>The project will support development of natural resources, including minerals and petroleum</i></p> <p>The applicant considers the project will generate significant renewable electricity from solar energy, a natural resource critically under-utilised in New Zealand for energy generation purposes. We note the FTA Bill does not include a definition of natural resources.</p> <p><i>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions</i></p> <p>The applicant considers the project directly supports the uptake of zero-carbon renewable electricity generation and supports New Zealand's greenhouse gas emissions reduction targets, in line with target Nine - reduced net greenhouse gas emissions - of the Government Targets approved by Cabinet.</p> <p>More broadly, the project will help reduce the reliance on gas and coal electricity generation to meet the current generation shortfall in times of need.</p> <p><i>The project will support adaptation, resilience, and recovery from natural hazards</i></p> <p>The project will increase the resilience of the National Grid by providing additional electricity generation capacity through solar energy. This will complement the existing hydro schemes and provide an alternative energy source, which is important during times when the</p>
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										<p>hydro lakes are at low supply (i.e. during drought conditions). More extreme and frequent weather events are expected in the future as a result of climate change meaning a heightened risk of severe drought affecting the performance of hydro lakes.</p> <p><i>The project will address significant environmental issues</i></p> <p>The applicant considers the project will address significant environmental issues by:</p> <ul style="list-style-type: none"> Retiring the site project use as a dairy farm, thereby eliminating discharge of nitrogen Creating an 89-hectare ecological enhancement area, which DOC describe as the largest private ecological restoration project ever proposed in the Mackenzie Basin. <p><i>The project is consistent with local or regional planning documents, including spatial strategies</i></p> <p>The Canterbury Regional Policy Statement, Canterbury Land and Water Regional Plan and Mackenzie District Plan contain provisions that support and encourage renewable electricity generation activities, while ensuring that adverse effects on the receiving environment are appropriately managed and mitigated.</p> <p><i>Any other matters</i></p> <p>The applicant is in discussions with Transpower New Zealand Limited about obtaining the approvals required to connect to the national grid.</p>
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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.

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.
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<p>Affected Māori group/s</p>	<p>Te Rūnanga o Ngāi Tahu Relevant Papatipu Rūnanga: Arowhenua, Moeraki and Waihao</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>Yes, the applicant states they have consulted with Ngāi Tahu and the three relevant Papatipu Rūnanga. According to the applicant, engagement with the various Papatipu Rūnanga has been ongoing since May 2023 and has included virtual hui, site visits and the sharing of all professional and environmental reports and plans associated with the development. Papatipu Rūnanga have raised several cultural concerns regarding the proposal and the applicant has now engaged a specialist Cultural Consultant to assist with ongoing engagement efforts to ensure these are appropriately managed.</p> <p>The applicant has provided a record of engagement with Ngāi Tahu in early-mid 2023. This shows Ngāi Tahu have passed on the relevant information of three Papatipu Rūnanga, however, there is no further information about the progression of the consultation other than the initial contact, possible meetings, and the referral by Papatipu Rūnanga to the consultancy firm they use for engagement and cultural impact assessments.</p> <p>The applicant notes they intent to continue to build on efforts to facilitate successful long-term relationships and outcomes with Papatipu Rūnanga groups. The applicant hopes to collaborate with Papatipu Rūnanga through the construction process and the roll out of the Ecological Enhancement Plan, including seed sourcing from locally owned nurseries.</p>
<p>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</p>	<p><u>Māori Development and PSGE Settlement Priorities</u></p> <p>From the information available we have not identified information relating to these matters relevant to the application.</p> <p><u>Treaty Settlement Arrangements</u></p> <p><i>Ngāi Tahu Claims Settlement Act 1998</i></p> <p>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.</p> <p><u>Iwi Management Plans/Other documents</u></p> <p>There are a number of relevant iwi management plans/other documents that are relevant to the application. From the information available, we have considered the relevant aspirations expressed in the below documents and any relevant material from the application proposal.</p> <p><i>Waitaki Iwi Management Plan 2019</i></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><i>Iwi Management Plan of Kati Huripa</i></p> <p>The Iwi Management Plan of Kati Huirapa sets forward several key aspirations / objectives for their rohe.</p> <p>Of relevance to this application are the following aspirations:</p> <ul style="list-style-type: none"> • The Crown and other agents with authority delegated by the Crown, consult with Takata Whenua on all matters Māori as set out in the Resource Management Act; • Breeding areas for fish, birds, all species in waterways remain undisturbed; • Corridors of undisturbed vegetation be maintained along all rivers, and between rivers and forests, any areas of indigenous flora and habitats of indigenous fauna to maintain the seasonal migration and movement of birds, all creatures; • The protection and restoration of natural habitats be encouraged; and • The planting of flax and other native species which are a source of traditional materials be encouraged. <p><i>Ngāi Tahu Resource Management Strategy for the Canterbury Region</i></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><i>Ngāi Tahu 2025</i></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><i>Relevant information from application</i></p> <p>In terms of relevant information from the application that relates to the above plans and documents, the applicant proposes that this project will:</p> <ul style="list-style-type: none"> • Include extensive planting that will increase the biodiversity value of the site through the proposed ecological enhancement area, • provide an important habitat for At-Risk and Threatened species, • result in a transition away from intensive dairy farming to an activity that will have no discharge of contaminants or stormwater to any waterbody/wetland and will have no impact on waterways. • provide mana whenua with opportunities for engagement and kaitiakitanga throughout the entire lifecycle of the project, • provide ecological enhancement to ensure the landscape values of the surrounding area are protected.

	<p>An area of 89ha will be restored in accordance with a proposed Ecological Enhancement Plan (EEP), which is currently being created in collaboration with the Department of Conservation and is intended to generate a net gain for ecology at the site. The EEP represents the largest private restoration project ever undertaken in the Mackenzie Basin.</p> <p><u>Other matters</u></p> <p>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, 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.</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.</p> <p>From the information provided, it is unclear whether Ngāi Tahu and the Papatipu Rūnanga of Arowhenua, Moeraki & Waihao are aware the project is being progressed through the fast-track process and whether this would have bearing on Ngāi Tahu and the Papatipu Rūnanga support. The applicant has stated that the Mana Whenua Hapū have raised several cultural concerns, and the applicant has now engaged a specialist Cultural Consultant to assist with ongoing engagement efforts to ensure these are appropriately managed.</p>
<p>Has the Ministry for the Environment undertaken engagement?</p>	<p>Officials consider engagement would be beneficial to confirm Ngāi Tahu and the Papatipu Rūnanga of Arowhenua, Moeraki and Waihao position on the project being listed and proceeding through fast-track processes but were unable to undertake it due to the time available.</p>
<p>Additional comments/context</p>	<p>The applicant has stated that engagement with the Departmental of Conservation has been undertaken and is ongoing. The applicant has stated that they are expecting the Department of Conservation to provide further comments regarding the proposal in due course.</p>

Appendix One: Approach and considerations for Table A advice

Treaty settlement advice on listed project applications

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’, 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.