

# Fast-track Approvals Act 2024

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## MINUTE #3 OF THE EXPERT PANEL

Request to restrict publication of information  
Haldon Solar [FTAA-2508-1097]

15 December 2025

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### Application for Restriction on Publication

1. The applicant, Lodestone Energy Limited (**Lodestone**), requests the Panel to make an order that publication of information relating to its Haldon Solar application be structured in order to avoid unreasonable prejudice to Lodestone's commercial interests. The focus of the request is the fact that there is another solar farm application by a different applicant, Far North Solar Farm Limited (**Far North**), whose panel was appointed 12 working days after that of Lodestone. This Panel is also to consider Far North's application, with the change of one member.
2. Lodestone does not seek permanent non-publication. The specific order sought is for the Panel to:

Restrict publication of any information supplied to, or obtained by, the Panel in relation to the Haldon Station application until the equivalent stage of The Point application has been completed.
3. It puts forward, in support of the request, the claim that the relevant prejudice arises "...from the timing of the publication, not its content...". It states that advance release of Lodestone's information to a competitor, with an application for a competing project being considered before a common panel, creates a clear information imbalance and material prejudice to Lodestone's commercial position. It claims that this is precisely the kind of imbalance that s 42(1) of the Resource Management Act 1991 (the **RMA**) is designed to avoid.

## Relevant Statutory Provisions

4. Clause 11 of Schedule 3 of the Fast-track Approvals Act 2024 (the **FTAA**) provides:

"Protection of sensitive information", when a panel is assessing a proposed approval under the Resource Management Act 1991, section 42 of that Act applies with any necessary modifications, as if the panel were a Board of Inquiry given authority to conduct a hearing under section 149J of that Act".

5. Section 42 of the RMA provides:

### **Protection of sensitive information**

- (1) A local authority may, on its own motion or on the application of any party to any proceedings or class of proceedings, make an order described in subsection (2) where it is satisfied that the order is necessary—

(a) to avoid serious offence to tikanga Maori or to avoid the disclosure of the location of waahi tapu; or

(b) to avoid the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information,—

and, in the circumstances of the particular case, the importance of avoiding such offence, disclosure, or prejudice outweighs the public interest in making that information available.

- (2) A local authority may make an order for the purpose of subsection (1)—

(a) that the whole or part of any hearing or class of hearing at which the information is likely to be referred to, shall be held with the public excluded (which order shall, for the purposes of subsections (3) to (5) of section 48 of the Local Government Official Information and Meetings Act 1987, be deemed to be a resolution passed under that section):

(b) prohibiting or restricting the publication or communication of any information supplied to it, or obtained by it, in the course of any proceedings, whether or not the information may be material to any proposal, application, or requirement.

[...]

6. It is stated at s 10 of the FTAA:

### **10 Procedural principles**

(1) Every person performing functions and duties and exercising powers under this Act *must take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions, duties, or powers being performed or exercised.*

(2) Without limiting subsection (1), that subsection—

- (a) includes *a duty to act promptly in circumstances where no time limit has been set* for the performance or exercise of a function, power, duty, or requirement under this Act:
- (b) applies to any chief executive of a department when they are providing any advice, report, or comment under this Act or supporting a Minister to do so.

[emphasis added]

[...]

7. It is stated at cl 10(1) of Schedule 3 of the FTAA that the Panel must regulate its own procedure as it thinks appropriate “without procedural formality”. It must do so in a manner that “best promotes the just and timely determination of the approvals...”. It is stated that a body such as a Fast Track Panel “must” take all practical steps to use timely, efficient, consistent, and cost-effective processes that are “proportionate’ to the functions, duties, and powers being performed or exercised.
8. The Panel accepts that it has the power to restrict the publication of information it receives and proceeds on that basis.

## **Discussion**

9. The event that led to this application was the oral video presentation of Lodestone’s representatives to the Panel by way of introduction and in response to any questions of the Panel. Lodestone’s representatives were speaking to a very detailed application that extended to 155 pages. Much of the material discussed in the presentation was already in the application.
10. Lodestone has not suggested that any part of the information disclosed in that presentation and that will be disclosed if it is published in the usual way on the Fast Track website, is a trade secret. The focus of its request for non-disclosure is on the alleged competitive advantage that Far North will be able to enjoy as its application follows 12 working days behind that of Lodestone, with all of Lodestone’s information provided to the Panel being provided in advance of its presentation to Far North. It appears to be Lodestone’s concern that Far North will be able to learn and benefit from the work Lodestone will do.

11. The Panel understands the wish of Lodestone to maximise its position as first in time. Indeed, Lodestone has already, in a response to a Panel query about the cumulative effects if there were one or two solar farms, emphasised that it is first in time and that, in its view, it would be wrong to consider Far North's application in assessing cumulative effects in its application. The Panel has no view at this stage on this issue, but it does comment that the applicant sees some advantage in going first.
12. Invitations to comment have been extended to many adjacent owners and parties whom the Panel has exercised its discretion to invite under s 53(3) of the FTAA. It would be contrary to the interests of all those potentially interested parties to delay the publication of relevant material. Those invitees should be aware of what Lodestone is proposing as soon as possible. The tight timeframes mean that efforts should be made to publish all material as it becomes available. Delay in providing information about the Lodestone application will have the effect of delaying the ability of invitees to respond. It will have the opposite effect of aiding timeliness and efficiency.
13. The proportionality of such a disadvantage in comparison to the advantage of the proposed compulsory delay to Lodestone must be assessed. No specific disadvantage to Lodestone is referred to, save the claim of a competitive disadvantage in relation to the Far North application. While understanding Lodestone's wish to maximise its position, the Panel does not regard the two applications of Lodestone and Far North as a competition. The purpose of the Act is to facilitate the delivery of infrastructure and development projects with significant national or regional benefits. The Panel's duty is to observe that purpose in accordance with the relevant provisions of the Act, including the facilitation of timeliness.
14. The Panel is unable to see how there is any significant prejudice to Lodestone in all parties, including Far North, being able to access the presentation. Most of the factual material referred to can be found in the application. It is difficult to see how the Far North could use the presentation or any additional matters discussed to its

significant advantage. Certainly, Lodestone has not pointed to any part of its oral presentation which would give the Far North such an advantage.

15. The Panel is not persuaded that any advantage to Lodestone in ordering a delay in publication would be proportionate to the significant disadvantage of all invitees having free access to all information to be put on the website as soon as it is available.

## **Result**

16. The request to restrict publication is declined.

17. The video recording is available on the FTTA website here:

<https://www.fasttrack.govt.nz/projects/haldon-solar/conferences,-workshops-and-hearings>

18. The Lodestone's response to Minute-1 from the Panel and its request to restrict publication is available on the FTAA website here:

<https://www.fasttrack.govt.nz/projects/haldon-solar/correspondence>



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Hon Raynor Asher KC  
**Haldon Solar Expert Panel Chair**