BEFORE THE EXPERT PANEL **FTAA-2508-1097**
HALDON SOLAR PROJECT

UNDER THE	Fast-track Approvals Act 2024
IN THE MATTER OF	a substantive application for resource consents relating to the establishment and operation of Haldon Solar on Haldon Station in the Mackenzie Basin | Te Manahuna
BY	Lodestone Energy Limited

MEMORANDUM OF COUNSEL ON BEHALF OF LODESTONE ENERGY LIMITED

10 February 2026

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1 INTRODUCTION

1.1 Lodestone Energy Limited (*Lodestone* or *the Applicant*) has lodged a substantive application under the Fast-track Approvals Act 2024 (*FTAA*) for resource consent to authorise Haldon Solar Farm on part of Haldon Station in the Mackenzie Basin | Te Manahuna (*the Project*).

1.2 Comments on Lodestone's application were received by various parties on 2 February 2026. This letter accompanies Lodestone's response to those comments and addresses the following legal matters relevant to that response:

(a) The decision-making framework for determining substantive applications for resource consents under the FTAA.

(b) Cumulative effects and comparative assessments under the FTAA.

(c) The appropriateness of monitoring plans under the FTAA.

2 DECISION-MAKING FRAMEWORK UNDER THE FTAA

2.1 Comments received from the Royal Forest & Bird Protection Society of New Zealand Inc (*Forest & Bird*) and the Environmental Defence Society (*EDS*) provide a summary of the decision-making framework which applies to the Expert Panel's determination of whether to grant the substantive application for the Project.[1]

2.2 We do not agree with certain elements of the summaries provided by those parties, for reasons outlined in the next section.

Weighting

2.3 When considering a resource consent application and conditions, clause 17(1) in Schedule 5 of the FTAA directs panels to take into account the following matters:

(a) the purpose of the FTAA;

[1] Comments of the Royal Forest & Bird Protection Society of New Zealand Inc on the substantive application for Haldon Solar under the Fast-track Approvals Act 2024 (*FTAA*) (*F&B*), at [21] – [70]; Comments of the Environmental Defence Society Inc on the substantive application for Haldon Solar under the FTAA (*EDS*), at [9] – [24].

(b) the provisions of Part 2, 3, 6 and 8 – 10 of the Resource Management Act 1991 (*RMA*) that direct decision-making on an application (excluding section 104D of the RMA); and

(c) the relevant provisions of any other legislation that directs decision-making under the RMA.

2.4 Of those matters, the greatest weight must be given to the purpose of the FTAA.[2]

2.5 Forest & Bird and EDS comment on the way in which the Expert Panel should exercise their authority under clause 17(1), with reference to the decision of the Court of Appeal in *Enterprise Miramar Peninsula Inc v Wellington City Council*[3] *(Enterprise Miramar*) and the way in which *Enterprise Miramar* has influenced other panels' decision-making.[4] Forest & Bird observes (and we agree) that the Expert Panel is not bound by the approach taken by other FTAA panels, but that decisions made by those panels may provide useful assistance.[5]

2.6 In general, we agree that:[6]

(a) The weighting direction under clause 17(1):

(i) does not allow the Expert Panel to disregard, or fail to give due consideration to, the matters outlined in (b) and (c); and

(ii) requires the Expert Panel to take into account each of the matters in (a) – (c) before "standing back and conducting an overall weighting" of those matters. In doing so, the Panel must ensure the greatest weight is, in accordance with clause 17(1), given to the purposes of the FTAA.[7]

(b) The purpose of the FTAA will not change the way in which environmental effects are assessed (i.e. whether they are minor

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2 FTAA, Schedule 5, clause 17(1).
3 *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541.
4 F&B, at [30] – [37]; EDS, at [12].
5 F&B, at [37]; EDS, at [12].
6 Refer F&B, at [37]. Refer also Record of Decision of the Expert Consenting Panel under Section 87 of the Fast-track Approvals Act in relation to the Bledisloe North Wharf and Fergusson North Berth Extension, 21 August 2025, at [121]; *Drury Quarry Draft Decision,* at [117].
7 Refer also *Drury Quarry Draft Decision,* at [117.2]; *Enterprise Miramar,* at [52] – [53].

> or more significant) but, in accordance with clause 17(1), it may change the weight that is afforded to those effects in considering a resource consent application and any proposed conditions.

2.7 In applying that guidance however, the Expert Panel must be careful to ensure that the clear directive from Parliament to give greatest weight to the purpose of the FTAA is not diluted. The error of law found in *Enterprise Miramar* was not the Council's decision to treat the purpose of the Housing Accords and Special Housing Areas Act 2013 as "the most important and influential matter to be weighed";[8] rather, it was the Council's use of that purpose "to eliminate or greatly reduce its consideration and weighting of the other…factors".[9]

2.8 In the FTAA context, facilitating the delivery of infrastructure and development projects with significant regional or national benefits is the most important and influential matter to be weighed in deciding whether to grant resource consent for the Project. To "facilitate" does not require resource consent for those projects to be granted;[10] that is apparent from the provisions of the FTAA which authorise panels to decline substantive approvals in certain circumstances.[11] We do not, however, agree with EDS that "facilitate" merely reflects the "one-stop shop" procedural nature of the FTAA process.[12] The Select Committee recommended changes to the FTAA purpose so as to deliberately ensure that the focus of the FTAA was on the delivery of projects – not delivery of a process.[13]

2.9 In addressing those changes, the Select Committee stated:

> Some submitters suggested that the purpose statement in the Bill as introduced is overly focused on providing a fast-track decision-making process, and that more weight should be given to the delivery of the projects. We agree that the purpose as stated in the bill as introduced could be seen as focused on process … We, by majority, emphasise that the policy intent is

8 Referencing the discussion in F&B, at [35].
9 *Enterprise Miramar,* at [59].
10 EDS, at [13].
11 FTAA, section 85.
12 EDS, at [13].
13 Fast-track Approvals Bill, as reported from the Environment Committee, 22 October 2024, at page 3; https://selectcommittees.parliament.nz/view/SelectCommitteeReport/087dc74e-66d5-4699-84c7-08dcf2022ae4, accessed 4 February 2026.

> to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

2.10 The directive to "facilitate the delivery" of those projects is then reflected in the ways in which:

(a) the purpose of the FTAA and the benefits of the project are elevated in the decision-making framework for substantive approvals under the FTAA;[14]

(b) certain considerations which might result in the declining of resource consent under the RMA are removed or reduced in effect under the FTAA;[15] and

(c) the grounds on which panels may decline a substantive approval – described as a "high bar" – are substantially more limited than those in the RMA.[16]

2.11 In summary, once a project's benefits have been established, it is clear that the FTAA strongly orientates decision-makers towards granting the approval – not declining it. That does not absolve the Expert Panel of the requirement to give due consideration and weight to the other matters in clause 17(1)(b) – (c). In conducting its overall assessment however, it must ensure that, where the extent of those benefits has been established, facilitating the delivery of the Project remains the most important and influential matter in its decision.

2.12 With that framework in mind, the significant national and regional benefits of the Project are set out in the Project's substantive application.[17] They include the delivery of a substantial increase in renewable electricity generation capacity and security for the Canterbury region and Aotearoa at a significantly lower emissions cost per gigawatt-

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14 FTAA, Schedule 5, clause 17(1); section 85(3)(b) – requires adverse impacts to be weighed proportionally against the benefits.

15 FTAA, Schedule 5, clause 17(1)(b) which excludes the gateway test under section 104D; section 42(5) which allows applicants to seek resource consent for prohibited activities.

16 Refer Amendment Paper No 238 to the Fast-track Approvals Bill, Explanatory Note; and CAB-24-MIN-0484, 9 December 2024, at [2.4] https://environment.govt.nz/assets/publications/CAB-493-MfE.pdf, accessed 4 February 2026.

17 Lodestone Energy Limited, Haldon Solar Project – Substantive Application for Approvals under the Fast-track Approvals Act 2024, 29 August 2025 (*Substantive Application*), at sections 2.6, 6.3.1, 9.10.2.

hour (GWh) compared to most other forms of electricity generation.[18] The Project's contribution of 370 GWh annually will contribute meaningfully to the national supply of electricity at a time when new generation capacity is required to meet increasing demand and to support electrification occurring across Aotearoa. The Project's significant benefits also include an economic contribution of between $134m – $135.4m of direct and indirect value added, and support for over 500 direct and indirect jobs related to the Project.[19]

2.13 Drawing on the technical analysis of the Applicant's experts, Mitchell Daysh has carefully considered the potential adverse impacts arising from the Project, and concludes that those adverse impacts will not outweigh the significant national and regional benefits of the Project.[20] In particular, any adverse environmental effects can be appropriately managed through the design and layout of the Project and through the suite of proposed conditions, which require, among other matters, the preparation and implementation of detailed management plans.[21]

2.14 In light of those conclusions, and mindful of the requirements of clause 17(1) of the FTAA, the Panel can and should direct its focus toward delivery of the Project.

Objectives and policies approach

2.15 In relation to the requirement for the Expert Panel to take account of various RMA provisions, Forest & Bird summarises recent higher court authority on the approach to interpreting and reconciling planning instruments. We agree that the decisions of the Supreme Court in *Royal Forest & Bird Protection Society of New Zealand Inc v New Zealand Transport Agency* (referred to as *East West Link*)[22] and *Port Otago Limited v Environmental Defence Society Inc*[23] provide relevant guidance for the Expert Panel on those matters.

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18 Substantive Application, at section 6.3.1.
19 Substantive Application, at section 6.3.1; see also Appendix 10 to the Substantive Application, M.E Consulting, Haldon Solar Project Economic Impact Assessment, 14 April 2025, page 4.
20 Substantive Application, at sections 2.6, 6.14.
21 Substantive Application, at sections 6.14, 7.
22 *Royal Forest & Bird Protection Society of New Zealand Inc v New Zealand Transport Agency* [2024] NZSC 26.
23 *Port Otago Limited v Environmental Defence Society Inc* [2023] NZSC 112.

2.16 Both cases were addressed more recently in *Te Rūnanga o Ngāti Whatua Ōrākei v Auckland Council* where the Court held that:[24]

> …in *Port Otago,* there is recognition that it may be necessary to find a structured balance between competing "directive" policies. The structured balancing in that case directly engaged notions of pragmatism and proportionality in the sense that the policies must be considered as a whole, be given practical effect and applied in a way that is proportionate to…their objectives.
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> …in *East West Link,* the majority effectively deployed a pragmatic and proportionate approach to reconciliation of important conflicting values, noting that the AUP policy matrix must be considered as a whole; there must be close scrutiny of any proposal that contravenes the avoid policy; [that proposal] must be necessary rather than desirable; the effects to be avoided must be mitigated to a standard that corresponds to the significance of the environment; and the benefits of the solution plainly justify the environmental cost of granting the consent.

2.17 In accordance with those authorities, the objectives and policies of the RMA documents which are relevant to the Project must be read as a whole. Where there are competing provisions, a pragmatic and proportionate approach of the kind outlined in *East West Link* may be required in order to reconcile conflicting values.

2.18 Of particular relevance to the Project:

(a) As Forest & Bird has identified, Policy F(2) of the National Policy Statement on Renewable Electricity Generation 2011 (*NPS-REG*) will be a material consideration in the Expert Panel's decision on the Project, as will REG-P6 in the Mackenzie District Plan (*MDP*).[25] Those provisions include directions for renewable energy generation activities which propose to locate in high value areas such as Sites of Significance to Māori (*SASM*) and Outstanding Natural Landscapes (*ONL*). REG-P6 of the MDP seeks to provide for renewable electricity generation activities in those areas where specific criteria are satisfied.

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24 *Te Rūnanga o Ngāti Whatua Ōrākei v Auckland Council* [2024] NZHC 3794, at [233] and [234].

25 F&B, at [118] and [132].

(b) Policy F(2) of the NPS-REG and REG-P6 are not, however, the only policies containing directive language that apply to the Project. In addition to those provisions, careful consideration must also be given to the directions within the NPS-REG and the MDP which strongly enable renewable energy projects.[26] The objective of the NPS-REG, for example, is to:[27]

(i) ensure the national, regional and local benefits of renewable energy generation are provided for;

(ii) enable renewable electricity generation capacity to significantly increase;

(iii) enable renewable energy generation to support the social, economic and cultural wellbeing of people and communities, and for their health and safety;

(iv) enable renewable energy generation to provide greater security of electricity supply and resilience to supply disruptions to all people and communities;

(v) enable renewable energy generation to support achieving New Zealand's emission reduction target and implementation of the emissions reduction plan under the Climate Change Response Act 2002; and

(vi) ensure renewable energy generation is developed and operated in a safe, efficient and effective manner while managing the adverse effects from or on renewable energy generation activities.

(c) Within the context of that objective, the NPS-REG directs that decision-makers on renewable energy generation activities are to "recognise and provide for the national significance and the national, regional and local benefits of [those activities]".[28] As

26 For example, NPS-REG, 2.1, Policy A(1), (2), Policy B, Policy C.
27 NPS-REG, 2.1.
28 NPS-REG, 2.1, Policy A(1).

confirmed in *Port Otago*, such directive policies have greater potency than non- or less directive policies.[29]

(d) Importantly, with reference to REG-P6(1), the NPS-REG also provides specific direction for decisions-makers on what may constitute an "operational need or functional need" for renewable electricity generation activities to establish in particular locations and environments. This includes the need for those activities to:[30]

(i) be established where renewable electricity resource is located and available at a viable scale and quality to sustain the generation activity;

(ii) be accessible and to connect to electricity networks and be nearby to electricity demand; and

(iii) have sufficient and accessible land available to support all associated current and reasonably foreseeable future renewable energy generation activities at that particular location.

(e) Additionally, Objective REG-O1 in the MDP is that "[t]he output from renewable electricity generation activities in the District for national, regional and local use is increased to support achievement of the New Zealand Government's national target for renewable electricity generation". Objective REG-O2 directs that the adverse effects of renewable generation activities are "managed in a way that recognises and provides for the national significance of renewable electricity generation activities".

2.19 For completeness, and in reference to the comments from EDS, we note that there are no provisions within the NPS-REG, the Canterbury Regional Policy Statement 2016, or the MDP which prioritise the establishment of renewable energy generation activities on, or otherwise limit those activities to, "already developed land".[31]

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29 *Port Otago Limited v Environmental Defence Society Inc* [2023] NZSC 112, at [69].
30 NPS-REG, Policy C(2).
31 EDS, at [7].

3 CUMULATIVE EFFECTS AND COMPARATIVE ASSESSMENTS

3.1 EDS and Forest & Bird contend that the effects of the Project in conjunction with the effects of other solar farms proposed to locate in the Mackenzie Basin | Te Manahuna should be a matter that is assessed by the Applicant and considered by the Expert Panel in its decision on the Project.[32] Forest & Bird also suggests that the FTAA enables – or indeed requires – a comparative assessment of the Project's regional and national benefits against the other solar farms proposed to locate in the Mackenzie Basin | Te Manahuna.[33]

3.2 As discussed below, we disagree with Forest & Bird and EDS on those matters. There is no basis under the FTAA for a Panel to undertake a comparative assessment of the Project or its benefits against any other project. Further, we say the only cumulative effects which are relevant to the Panel's decision on the Project (noting that cumulative effects will likely become more relevant for future applications) are those arising from the Project in conjunction with the effects which already form part of the receiving environment, per *Hawthorn.*[34]

3.3 Nevertheless, in recognition of the Panel's interest in the potential for cumulative effects if subsequent solar projects are consented and constructed, the Applicant has commissioned expert analysis of the effects of the Project in conjunction with the effects of The Point Solar Farm, being the only other solar farm proposal for which a resource consent application has been lodged under the FTAA. We understand that this analysis will be provided with Lodestone's response to comments package.

Cumulative effects under the RMA

3.4 The definition of "effect" under the RMA includes "any cumulative effect which arises over time or in combination with other effects…".[35]

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32 F&B, at [51] – [58]; EDS, at [46].
33 F&B, at [9], [142].
34 *Queenstown-Lakes District Council v Hawthorn Estate Limited* [2006] ELHNZ 226, CA45/05, 12 June 2006, at [82] – [84].
35 Resource Management Act 1991, section 3(d).

3.5 In relation to that definition, the courts have held that:

(a) Cumulative effects include the effects of the proposed activity in combination with the effects of activities already forming part of the existing environment.[36]

(b) Cumulative effects will only arise where the effect in question is already part of the existing environment to be considered.[37] The existing environment, as per *Hawthorn*, includes the future environment as modified by what is permitted in the relevant plan and what will arise from resource consents likely to be implemented.[38]

(c) Cumulative effects do not include the effects of the proposed activity in combination with proposed activities for which resource consent has not yet been granted.[39]

3.6 In circumstances where there are two extant applications for proposals which overlap in some way, the courts have confirmed:

(a) The RMA does not allow those applications to be considered contemporaneously or "as a package".[40]

(b) The environment against which the applications should be considered "includes the environment as it might be modified by the implementation of resource consents which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented".[41]

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36 See *Outstanding Landscape Protection Society Inc v Hastings District Council* ENV-2006-WLG-000477, W24/2007, at [50], applied in *Yaldhurst Quarries Joint Action Group v Christchurch City Council* [2017] NZEnvC 165, at [18] – [19]; *Queenstown-Lakes District Council v Hawthorn Estate Limited* [2006] ELHNZ 226, CA45/05, 12 June 2006, at [82] – [84].

37 Ibid.

38 *Queenstown-Lakes District Council v Hawthorn Estate Limited* ELHNZ 226, CA45/05, 12 June 2006, at [84].

39 See *Rodney District Council v Gould* [2006] NZRMA 217 (HC), at [114].

40 *Royal Forest & Bird Protection Society Inc v Buller District Council* [2013] NZHC 1324, at [50]; *Unison Networks Limited v Hastings District Council* ENC Wellington W058/06 17 July 2006, at [10] – [12], affirmed by the High Court in HC Napier CIV-2006-441-810, 15 May 2007, at [73].

41 *Queenstown-Lakes District Council v Hawthorn Estate Limited* ELHNZ 226, CA45/05, 12 June 2006, at [84].

(c) In accordance with the "first in time" priority rule confirmed by the Court of Appeal in *Fleetwing Farms,*[42] the application with the first priority (i.e. first lodged and determined as complete[43]) should be considered as if the second application did not exist.[44] If the first application is granted, then the second application should be considered. An assessment of the second application must consider the effects on the development authorised by the first application.

Cumulative effects under the FTAA

3.7 As EDS observes, the term "effect" in the FTAA has the same meaning as it does under the RMA.[45] By virtue of section 4(2) of the FTAA, the RMA definition of "environment" also applies to that term under the FTAA. In accordance with sections 4(2), 81(3)(a) and Schedule 5, clause 17(1)(b) of the FTAA, the Expert Panel must therefore take account of any cumulative effects on the environment of allowing the Project.

3.8 In our opinion, the scope of that assessment is necessarily limited (as it is under the RMA) to the effects of the Project in conjunction with the effects that *already* form part of the receiving environment (as defined by the RMA). It does not include the effects of proposals that have not yet received resource consent.

3.9 We say that because:

(a) Had the Legislature intended for panels to depart from the RMA understanding of "effects" or the "environment", it was entitled to include a separate definition for either concept under the FTAA. The fact it did not do so is, in our opinion, significant – illustrating an intent for panels to be able to rely on the RMA definitions and

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42 *Fleetwing Farms Limited v Marlborough District Council* [1997] 3 NZLR 257; reaffirmed by the Court of Appeal in *Central Plains Water Trust v Ngāi Tahu Properties* [2008] NZCA 71 and *Central Plains Water Trust v Synlait Limited* [2009] NZCA 609.

43 *Central Plans Water Trust v Synlait Limited* [2009] NZCA 609, at [4], [87]; *Central Plains Water Trust v Ngai Tahu Properties Limited* [2008] NZRMA 200 (CA).

44 *Unison Networks Limited v Hastings District Council* ENC Wellington W058/06 17 July 2006, at [10] – [12], affirmed by the High Court in HC Napier CIV-2006-441-810, 15 May 2007, at [73].

45 EDS, at [46]; FTAA, section 4(2).

the way in which those definitions have been interpreted by the courts. To the extent that specific departures from the RMA regime were intentional, those departures are explicit within the provisions of the FTAA – the respective definitions of "owner" and "determination" under the FTAA and the RMA provide two such examples.[46]

(b) Contrary to Forest & Bird's contention,[47] the same policy settings which underpin the "first in time" principle in *Fleetwing* also apply under the FTAA. Specifically:

(i) The timeframes for processing a substantive application under the FTAA are, adopting the language of the Court of Appeal, "prescriptive and tight".[48] In that context, there is an even greater need to "achieve procedural efficiency, rather than permitting [the process] to be swamped by aspiring to achieve substantive perfection".[49]

(ii) Relatedly, as is the case for the Environment Court under the RMA, the ability for the Expert Panel to determine a number of substantive applications concurrently under the FTAA does not equate to requiring a comparative assessment of those applications.[50] As with the RMA, there is no provision within the FTAA which requires panels to undertake a comparative assessment of projects or their benefits, or allows the refusing of resource consent on the grounds that another, later-in-time application may be more appropriate or may better meet the requirements of the FTAA. If this was the intention or objective of the FTAA regime, it would be expressly provided for within the FTAA, rather than left to inference by individual Expert Panels.

(iii) Although not binding on the Expert Panel, the panel appointed to determine the substantive application for the

46 FTAA, section 4; Resource Management Act 1991, section 2.
47 F&B, at [54].
48 *Fleetwing Farms Limited v Marlborough District Council* [1997] 3 NZLR 257, CA 255/96, at page 8.
49 *Central Plans Water Trust v Synlait Limited* [2009] NZCA 609, at [92(b)].
50 Refer Resource Management Act 1991, section 270; *Fleetwing Farms Limited v Marlborough District Council* [1997] 3 NZLR 257, CA 255/96.

Drury Metropolitan Centre – Consolidated Stages 1 and 2 Project accepted that the "first in time" principle applied in an FTAA context.[51] We have reviewed the legal opinion which provided the basis for the Panel's decision on that matter and endorse its conclusions.[52]

3.10 Accounting for the effects of activities which are not yet established nor consented in the receiving environment creates the potential for significant legal uncertainty and unintended consequences. For example, some or all of the following might occur:

(a) Technical assessments in support of an application lodged first (*Application A*) would need to be continuously updated to account for applications for proposals within the receiving environment which are lodged following Application A (in this example, referred to as *Applications B, C and D*).

(b) Application A could be declined on the basis of the cumulative effects that *might* result from Applications B, C and D, notwithstanding that the effects of Application A itself on the existing environment can be managed appropriately.

(c) Accounting for the cumulative effects of Applications A – D, a panel could conclude that Application A can be granted (being the application before it), provided that only Applications C and D are granted in future – but not Application B.

(d) But if Applications C and D are subsequently withdrawn while Application A is being decided, the panel for Application A could conclude that the cumulative effects of Application A along with Application B are now acceptable.

(e) Because Application D has assessed Applications A – C in its supporting application material, it is processed faster and is granted ahead of those Applications, despite being lodged much

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51 Record of Decision of the Expert Consenting Panel under Section 87 of the Fast-track Approvals Act in relation to the Drury Metropolitan Centre – Consolidated Stages 1 and 2 Project, 7 November 2025, at [110] – [111].

52 Memorandum from Holland Beckett, *Drury Metropolitan Centre – Request for Legal Advice,* 12 September 2025, at [18] – [22].

later and having more significant individual effects than the individual effects of Applications A or B.

(f) Applications A – C could be declined on the basis of their cumulative effects, if considered "as a package". Application D, which is the last proposal to be lodged and decided, could then be granted on the basis that there are no longer any other proposals that may give rise to significant cumulative effects.

3.11 These examples illustrate the function and utility of the orthodox RMA approach to the receiving environment and the assessment of cumulative effects, and the clarity provided to all parties by adopting a consecutive approach to determining resource consent applications. They also illustrate the significant practical and substantive problems which arise if that approach is not adopted – particularly in absence of any alternative criteria which would allow a panel to distinguish between projects if they were to be assessed on a comparative basis.

3.12 In summary, the scope of any cumulative effects assessment for the purposes of the Project must be limited to the effects of the Project in conjunction with the effects which form part of the receiving environment. That includes effects from energy infrastructure which is established or consented to establish near the Project. It does not currently include any solar farms.

3.13 If resource consent for the Project is granted however, then in accordance with the legal position outlined above, the effects of the Project will form part of the receiving environment within which any other subsequent solar farm proposal must be assessed. The only other proposal for which that is currently a relevant consideration is The Point Solar Farm. The consecutive approach to assessing these proposals as they are received has been enabled for the Project and The Point through the setting of staggered timetables which reflect the order of priority in which the respective applications for those proposals were determined as complete.[53] As at the date of this letter, we are not aware of any other resource consent applications that have been lodged for solar farms in the Mackenzie Basin | Te Manahuna.

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[53] The substantive application for the Project was determined as complete on 22 September 2025. The substantive application for The Point Solar was determined as complete on 16 October 2025.

3.14 If and when further applications for solar farms in the Mackenzie Basin | Te Manahuna are lodged however, the cumulative effects of those proposals in addition to the effects of The Project and The Point (if granted) will be a relevant consideration, whether they are progressed under the RMA or the FTAA. In an FTAA context, there may well come a point where the cumulative effects of the solar farms on the landscape, cultural and/or ecological values of the Mackenzie Basin | Te Manahuna are sufficiently significant to be out of proportion to the benefits of those projects (which have been listed or referred on the basis of their significant benefits) – but it is unlikely that that point will arrive at the stage of the first application. The Expert Panel may nevertheless decide to decline the application for the Project under section 85 – but that decision should not be made on the basis that there are currently – or will be at some stage – too many solar farms in the Mackenzie.

4 MANAGEMENT AND MONITORING PLANS UNDER THE FTAA

4.1 EDS contends that the use of "as yet undrafted" plans to manage the monitoring of the Project's ecological impact is inappropriate.

4.2 Management and monitoring plans are standard mechanisms used regularly in RMA contexts for managing the effects of proposals on the environment.[54] Resource consents for renewable energy projects across Aotearoa have been granted under fast-track legislation, subject to conditions requiring the preparation and certification of detailed management plans relating to a wide range of matters including the construction of the project, effects on avifauna, effects on biodiversity, and effects on cultural values.[55]

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54 Recognised by the Environment Court in *Horowhenua District Council v Manawatu-Wanganui Regional Council* [2018] NZEnvC 163, at [313].

55 See, for example, conditions 9, 10, 33 of the resource consent granted for Waerenga Solar Farm under the COVID-19 Recovery (Fast-track Consenting) Act 2020; condition EC2 of the resource consent granted for the Te Rere Hau Wind Farm Repowering under the COVID-19 Recovery (Fast-track Consenting) Act 2020; conditions 28 – 30, 42 – 46, 55 – 56 of the resource consent granted for Glorit / Omaumau Road Solar Farm under the Natural and Built Environment Act 2023.

4.3 In *Horowhenua District Council v Manawatu-Wanganui Regional Council*, the Environment Court confirmed that:[56]

> …management plans can have a role in managing effects on the environment, namely, to set out the methods to be used to ensure conditions of consent will be met.

4.4 In that context, there is nothing inappropriate – or indeed unusual – about the Applicant's proposal to require the preparation and implementation of management and monitoring plans to address effects arising from the Project. It is however important that the conditions requiring those plans are sufficiently detailed so the objective of the management plan is clear. Equally, the consent conditions must clearly set out – through the use of specific methods, parameters and performance standards (where appropriate) – how that objective will be met.[57]

4.5 We understand that Lodestone has reviewed the proposed consent conditions for the Project in light of the comments received and has identified opportunities to improve and align those conditions with the requirements outlined above. An updated suite of conditions will be provided as part of the Applicant's response.

Dated 10 February 2026

Francelle Lupis
Counsel for Lodestone Energy Limited

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56 *Horowhenua District Council v Manawatu-Wanganui Regional Council* [2018] NZEnvC 163, at [313].

57 *Remediation (NZ) Ltd v Taranaki Regional Council* [2024] NZEnvC 213, at [466]; affirmed by the High Court in *Let Capital Number 3 Partnership v Expert Consenting Panel* [2025] NZHC 3531, at [121].