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## MINUTE 2 OF THE PANEL CONVENER

Directions following convener conference

FTAA–2508-1097

(5 November 2025)

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[1] A conference was held on 3 November 2025 for the purpose of informing my decisions on:

- (a) the appointment of panel members;<sup>1</sup>
- (b) the timing of the panel decision.<sup>2</sup>

[2] At the request of the Applicant, the panel, once appointed, will not commence before 1 December 2025. Having considered memoranda filed in advance of this conference, and the views of participants during engagement preceding this conference, the Applicant seeks time to respond to the matters raised.

[3] I agree to this slight delay as it is preferable to a longer timeframe for a decision. The delay is to assist participants to narrow or resolve issues arising in relation to this application by the time they come to file a comment pursuant to s 53.

[4] As discussed, I will make directions with the purpose of encouraging engagement before 1 December 2025.

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<sup>1</sup> FTAA, schedule 3

<sup>2</sup> FTAA, section 79

Convener's Conference Delmore [FTAA-2502-1015]

### **Pre-lodgement consultation**

[5] The Regional and District Council received a copy of the draft application before lodgement with the EPA. This approach assists with the smooth and efficient running of the process.

[6] While both Councils have responsibilities in relation to ecology, the Regional Council will take the lead role on this topic. The District Council is taking the lead on the outstanding natural landscape values of the McKenzie Basin, and the Regional Council and mana whenua on the landscape's cultural values.

### **Iwi authorities/Treaty settlement entities**

[7] Before lodgement, the Applicant consulted representatives of the three rūnanga both in person and online. From the perspective of the rūnanga and Te Rūnanga o Ngāi Tahu (TRoNT), the Applicant was providing information, and mana whenua have yet to engage on matters of importance to them. There remains sufficient time for engagement to occur before comments are filed. The memoranda filed by the three rūnanga and TRoNT provide a good starting point for identifying the needs of mana whenua in this regard. The Applicant and rūnanga are to report next week on what is proposed with respect to ongoing engagement. As an aside, I understand that mana whenua did not receive a copy of the draft application before lodgement, which would have been preferable as a basis for engagement.

[8] The matter as to cost-recovery was raised. As with the local authorities, I encourage the rūnanga and TRoNT to take this matter up with the Applicant directly. The Applicant is expecting this approach.

[9] An important issue arises concerning the cumulative effects of this proposal together with other listed or referred solar farms yet to be processed under the FTAA and, secondly, future applications for solar farms that may be lodged under the RMA. The proposed Mackenzie District Plan does not include a spatial plan

for infrastructure. I encourage the rūnanga to obtain legal advice on the extent to which cumulative effects may be considered by the panel processing this application.

### **Canterbury Regional Council**

[10] The Applicant is undertaking lizard and invertebrate surveys and has agreed to provide the Regional Council with the survey results as they become available. I understand the lizard survey aims to determine whether any absolutely protected species are present on site.

[11] The Applicant is encouraged to discuss the proposed survey methodology with the Regional Council to ensure that the further information sought is adequately addressed. The Applicant is to confirm that the scope of work and methodology have been provided to the Regional Council by the end of this week.

[12] If the Panel commences on 1 December, the survey reports will not be completed until early to mid-January. I understand that the Regional Council has in-house expert who is able to review and comment within the 20-working-day period. The Regional Council will correct me if I have misunderstood.

### **McKenzie District Council**

[13] Except in relation to Nick Boyes, an experienced resource management consultant, the District Council has not yet engaged any technical consultants to review the application. Lacking the internal capacity to respond to an application of this scale and significance, the District Council has identified a requirement for landscape and transportation expertise.

[14] If the District Council does not appoint consultants until it is invited by the Panel to provide its comments, this, as the Council has recorded, will affect its ability to do so. Should that occur, the Panel may need to seek information or reports from the District Council under section 67.

[15] It would be preferable for the Applicant and the District Council to engage before comments are filed, with a view to narrowing or resolving any issues that arise. This way, any issues relating to the availability and capacity of consultants during January can be minimised. If an arrangement is not already in place, the District Council should consider recovering costs directly from the Applicant.

### **Conditions**

[16] Both local authorities rightly emphasise the importance of suitable conditions. Conditions must be clear, certain, and enforceable. No participant should underestimate the time required to finalise appropriately worded conditions.

[17] The Regional Council is generally satisfied with the proposed conditions, although there are specific topics on which it wishes to engage with the Applicant. These topics include avifauna, soil erosion, and contamination. The Regional Council is to confirm that it has responded to the Applicant's draft conditions by Monday, 10 November.

[18] The District Council's position on conditions is forthcoming, as Nick Boyes has only recently been engaged.

### **Directions**

[19] By **Friday 7 November 2025**, the Applicant is to confirm that study methodology for lizards and invertebrates has been provided to the Regional Council. If any issue arises in relation to the methodology, the Regional Council is to advise the Applicant no later than **Tuesday 11 November 2025**.

[20] By **Monday 10 November 2025 at 10:00am**, the:

- (a) The District Council is to advise whether transportation and landscape consultants have been engaged.

- (b) The Regional Council is to confirm whether it has responded to the draft conditions of consent.
- (c) The participants are to confirm their capacity to respond to further technical reports filed by the Applicant during the 20-working day period when comments are sought.
- (d) The Applicant and mana whenua are to file memorandum (preferably agreed) reporting on the timing of further engagement.

[21] Once I have this information, I will consider any further procedural steps that may be required before setting up the panel.

A handwritten signature in cursive script that reads "Jane".

Jane Borthwick

Panel convener for the purpose of the Fast-track Approvals Act 2024

## Appendix A: Persons attending the Convener's Conference

Jane Borthwick  
Daniel Cunningham  
Brad Henderson  
Naomi Humbles  
Mark Henry  
Reuben Herz-Edinger  
Joanne Mitten  
Robyn Fitchett  
Julie Shanks  
Nick Boyes  
Rachael Pull  
Kylie Hall  
Alison McLaughlin  
Tim Vial  
June Cahill