

Before the Expert Panel

Under the Fast-track Approvals Act 2024 (**FTAA**)

And

In the matter of an application for approvals by Nova Energy Limited to establish and operate a 300-megawatt solar plant over 565 hectares of an 868-hectare site to the east of Twizel Township, Mackenzie District, within the Canterbury region
(**Twizel Solar Project**)

Memorandum on behalf of Nova Energy Limited in relation to
supplementary application materials

Dated 11 September 2026

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MAY IT PLEASE THE PANEL

INTRODUCTION

1. We act for Nova Energy Limited (**Nova**) in respect of its substantive application (**Application**) under the Fast-track Approvals Act 2024 (**FTAA**) for the Twizel Solar Project (**Project**).
2. The Panel Convener Conference (**Conference**) for the Application was held on 29 July 2026. At the Conference, the parties discussed the provision of further information by Nova prior to Panel commencement relating to:
 - (a) Updated cumulative effects assessments following the approval of the Haldon Solar Farm on 10 August 2026; and
 - (b) Nova's responses to feedback provided by Mackenzie District Council (**MDC**), Canterbury Regional Council (**ECAN**) and the Department of Conservation (**DOC**) in its section 46 completeness reports.
3. We refer to the following correspondence issued after the Conference:
 - (a) Minute 4 of the Panel Convener dated 30 July 2026 seeking clarification of the date on which Nova proposed to file certain supplementary reports;
 - (b) The Memorandum of Counsel for Nova Energy Limited dated 5 August 2026 which identified the supplementary reports to be filed and the proposed filing date (being 11 September 2026); and
 - (c) Minute 5 of the Panel Convener dated 7 August 2026 which recorded (at paragraphs [16] and [19]-[22]) the further information to be filed and Nova's proposed filing date.
4. Nova has now prepared the additional information requested, which is attached to this memorandum as **Attachments A to L**. The documents comprise:
 - (a) Cumulative effects assessments in relation to each relevant discipline which consider the Haldon Solar Farm;

- (b) Responses to feedback on ecology matters and associated updated ecology management plans; and
 - (c) Updated draft conditions of consent.
5. The purpose of this memorandum is to provide an overview of the context for, and key features of, this additional information.

Nova has prepared supplementary cumulative effects assessments to address the approval of Haldon Solar Project

6. The Haldon Solar Project was approved by a Fast-track Panel on 10 August 2026 (**Haldon Decision**).
7. Consideration of cumulative effects in the Application did not take into account the Haldon Solar Project because at the time the Application was lodged, the Haldon Decision had not been issued and therefore the Haldon Solar Project did not form part of the “existing environment”.
8. In terms of the correct approach to consideration of cumulative effects and what is the “existing environment” Nova agrees with and adopts the analysis set out in the Haldon Decision at paragraphs [144]-[154] which records, consistent with the decision of the Court of Appeal in *Queenstown Lakes District Council v Hawthorn Estate Limited*, that the “existing environment” includes the future environment as modified by what is permitted in the relevant plan and what would arise from resource consents likely to be implemented.¹ It does not include the future environment as modified by effects of proposed activities where resource consent has not been granted.²
9. Under section 97 of the FTAA, a resource consent granted under the FTAA commences on the date on which the panel's decision document for the approval is issued, unless otherwise specified in the decision document. The Haldon Decision does not specify an alternative commencement date, so it follows that the consent commenced on 10 August 2026. Nova knows of no

¹ *Queenstown Lakes District Council v Hawthorn Estate Limited* [2006] ELHNZ 226, CA 45/05 12 June 2006, at [82], [84]

² *Decision of the Expert Panel on the Haldon Solar Project*, 10 August 2026, at [150].

³ Nova would be willing to provide further detailed submissions on cumulative effects and the “existing environment” if directed to do so by the Expert Panel.

reason why the Haldon Solar Project may not be implemented and therefore has assumed that the Haldon Solar Project now forms part of the existing environment.

10. Nova understands that the Haldon Decision has been appealed by the Environmental Defence Society. An appeal does not automatically stay the commencement of a consent under the FTAA (as would be the case under section 116 of the Resource Management Act 1991). A stay of the consent would need to be sought and granted by the High Court pursuant to the appeal to prevent the commencement of the consent. Therefore, until any such stay may be granted, Nova understands that the Haldon Solar Project forms part of the existing environment and is relevant in terms of assessment of cumulative effects. Nova will update the Panel should that position change.

11. Having regard to the above, Nova has prepared a planning cumulative effects memorandum supported by a series of technical cumulative effects assessments which consider the combined effects of the Project and the Haldon Solar Project. As contemplated in Minute 5, these address the following matters:
 - (a) Acoustic effects;
 - (b) Transport effects;
 - (c) Economic effects;
 - (d) Stormwater and flooding effects;
 - (e) Ecology effects;
 - (f) Landscape and visual effects; and
 - (g) A planning assessment in relation to cumulative effects.

12. The planning assessment and appended technical cumulative effects assessments are attached to this memorandum as **Attachment A**.

Nova has prepared responses to feedback from ECAN and DOC in the section 46 completeness reports

13. Prior to lodgement of the Application, Nova engaged with a range of stakeholders, including MDC, ECAN, DOC, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki (**Rūnanga**). The final application materials were informed by stakeholder feedback.
14. Following lodgement of the Application, MDC, ECAN and DOC issued compliance assessments under section 46 of the FTAA which:
 - (a) recorded that the Application was complete in terms of section 46 of the FTAA; but
 - (b) provided further technical feedback on aspects of the Application, including requests for additional information.
15. At the Conference, all parties recorded agreement that there had been engagement between Nova and stakeholders prior to lodgement. Nova also indicated that it was considering and preparing responses to the further feedback provided in the section 46 reports.
16. The Panel Convener encouraged Nova to prepare and file responses to the feedback in the section 46 reports in advance of Panel commencement, to enable the parties to advance discussions about the content of proposed conditions of consent.
17. In response to the feedback from ECAN and DOC, Nova has prepared a package of additional materials as identified below.
18. The MDC section 46 feedback did not give rise to any need for further comment.

Supplementary Ecology materials

19. In response to feedback from ECAN and DOC on ecology matters, Nova's ecology experts have prepared supplementary reports and updated the draft management plans in relation to vegetation, herpetofauna, invertebrates and avifauna.

20. The supplementary reports address the specific matters raised in the section 46 reports and supplement the Assessment of Potential Ecological Effects that was attached to the Application as Attachment 2.14.
21. The updated draft management plans replace the versions of these documents that were included in the Application.⁴
22. Draft versions of these documents have been provided to stakeholders where possible prior to the lodgement date. Due to timing, it has not been possible to consider feedback received, have any associated discussions, or make any further changes to the documents in response to feedback. Nova anticipates that any feedback can be provided and addressed as part of responses to invitations to comment issued under section 53 of the FTAA.
23. An overview of the key matters addressed in these documents is set out in paragraphs 24 to 45 below.

Vegetation

24. The following documents are provided in response to matters of vegetation ecology:
 - (a) Response to section 46 comments from DOC and ECAN (**Attachment B**);
 - (b) Updated Biosecurity and Vegetation Management Plan (**BVMP**) (**Attachment C**);
25. The response to comments addresses various matters raised in comments from ECAN and DOC. In response to these comments, the following key changes have been made to the BVMP:
 - (a) Section 5.1 has been amended to provide for the pre-construction botanical survey that was already required by proposed conditions of consent to confirm that no vascular plants will be shaded by the panels.

⁴

Attachments 3.9, 3.11, 3.12 and 3.13 to the substantive application.

- (b) Section 5.3 has been expanded to provide further detail regarding the methods for monitoring edge effects, including how monitoring plots will be selected.
 - (c) Section 5.5 has been refined to detail further how data collected during monitoring will be used to inform adaptive management triggers.
26. In addition, Section 5.3.2 of the Terrestrial Invertebrate Management Plan (**TIMP**) and Section 7.3.2 of the Lizard Management Plan (**LMP**) have been updated to provide that plantings for fauna enhancement will not occur within five metres of any Threatened or At Risk plant species. The TIMP and LMP are addressed further below.

Invertebrates

27. The following documents are provided in relation to terrestrial invertebrates:
- (a) Response to section 46 comments from ECAN (**Attachment D**);
 - (b) Updated TIMP (**Attachment E**);
28. The response to comments addresses various matters raised in comments from ECAN. In response to these comments, the following key changes have been made to the TIMP:
- (a) Section 5.3.3 relating to monitoring and adaptive management describes performance standards for terrestrial invertebrates. The standards, reporting and auditing requirements have been made more explicit.
 - (b) Figures 10 and 11 in the TIMP have been updated to clearly show where construction activities take place in potential or confirmed terrestrial invertebrate habitat.
 - (c) Table 6 has been updated to provide for invertebrate monitoring to occur for the life of the project, rather than for 12 years post-construction, to enable adaptive management in the event of any population decline in later years of the project.

Herpetofauna

29. The following documents are provided in relation to herpetofauna:
 - (a) Response to section 46 comments from DOC (**Attachment F**); and
 - (b) Updated LMP (**Attachment G**).
30. In response to comments from DOC, the LMP has been updated as follows:
 - (a) Sections 9.2, 9.4 and 9.5: Monitoring Objective 2 has been separated into two objectives (revised Objective 2 and new Objective 3) to explicitly separate lizard population monitoring within lizard habitat corridors and within the rodent control area. The purpose of this is so that the successful recovery of lizards can be specifically assessed within the rodent control area, and any perverse outcomes that may arise from either the habitat enhancement or rodent control activities to be identified.
 - (b) Section 9.8: The adaptive management regime has been amended to specifically provide for changes to the pest mammal control regime so that this can be altered if required to address perverse outcomes on lizards due to pest mammal control.

Avifauna

31. The following documents are provided in relation to avifauna:
 - (a) Response to section 46 comments from DOC and ECAN (**Attachment H**);
 - (b) Population Viability Analysis (**PVA**) (**Attachment I**); and
 - (c) Updated AMP with attached Avifauna Carcass Monitoring Programme (**ACMP**) (**Attachment J**).
32. These documents respond to various comments raised in feedback from ECAN and DOC. A summary of the key changes is set out below.

Population Viability Analysis

33. In accordance with DOC's recommendations, Nova's expert ecology team, (including a biostatistician) has prepared a PVA for relevant avifauna species. The PVA does not assess the potential for bird death associated with the proposed solar farm; rather its purpose is to:
 - (a) project how each species' population is likely to change over the next few decades without the presence of solar farms, to understand how populations of species may hypothetically respond in the event that there are additional bird deaths each year over time; and
 - (b) inform the proposed trigger levels for avifauna collisions in the draft conditions of consent which trigger an adaptive management response.
34. The results of the PVA have confirmed that the triggers for adaptive management are set at the correct levels. The results have also been used to inform refinement of the adaptive management and compensation frameworks, as discussed below.

AMP: tiered adaptive management

35. In accordance with recommendations contained in the PVA, the AMP and proposed conditions of consent relating to adaptive management have been strengthened and refined to specify that adaptive management must be implemented on an escalating / tiered basis on the recommendation of a suitably qualified avifauna ecologist each occasion the trigger level is reached. If a trigger level is reached for a third time, the adaptive management options available include decommissioning any solar panels that are posing a risk.

AMP: Funding and compensation

36. In response to the conclusions and recommendations in the PVA, as well as DOC's feedback, Nova has also reconsidered its approach to avifauna funding initiatives/compensation to address bird strike risk.

37. In the version of the AMP that was submitted as part of the Application, Nova proposed that compensation towards off-site conservation initiatives for affected avifauna species would be payable as a “backstop” in the event that:
 - (a) adaptive management approaches were not fully effective; or
 - (b) if a strike of high-value Threatened species, including kakī/black stilt, occurred.
38. The AMP proposed that compensation would be explicitly linked to quantified ecological risk, so that it is species specific and proportionate to predicted effects. Funding would be targeted at projects which aim to increase reproductive success, enhance adult survival, or improve knowledge of these species.
39. In response to the further avifauna assessment work and stakeholder feedback, Nova has now included more detail and refinement in the updated draft AMP regarding the proposed framework for the payment of compensation.
40. Specifically:
 - (a) In the event that a trigger level for Critically Threatened and Nationally Endangered avifauna (i.e. the death of one bird) is met, compensation is payable immediately. A formula for calculating the quantum payable, conservatively set at the cost of breeding a kakī of approximately the same age/quality, is set out in the AMP.
 - (b) In addition, because the trigger level for Critically Threatened and Nationally Endangered species is set at one bird, it is acknowledged that proactive upfront funding to support avifauna recovery is appropriate. Nova proposes that this should be determined on the same principled basis relating to the cost of breeding additional birds as set out in (a) above. Nova has not specified the quantum of any upfront payment; it wishes to discuss this further with DOC and Rūnanga before confirming its approach.
 - (c) For other species (not Critically Threatened or Nationally Endangered) compensation is proposed as a “backstop” that would be payable if trigger levels are breached on multiple occasions and adaptive

management has been unsuccessful. The AMP has been amended to set out the framework applying to the compensation backstop more clearly and again, Nova wishes to discuss this further with relevant stakeholders.

AMP: Avifauna Carcass Monitoring Programme

41. As lodged, the Application (and draft conditions) provided for the preparation of an ACMP prior to commencement of construction.
42. In accordance with DOC recommendations, a draft ACMP has now been prepared. This is appended to the AMP, so that it forms part of that document.⁵
43. The ACMP references modelling to evaluate carcass detection rates under different scenarios conducted by Proteus for the Haldon Solar Farm. The statistical report prepared by Proteus has been reviewed by a biostatistician and used to inform the ACMP.
44. The ACMP adopts the majority of recommendations made by Proteus in respect of Haldon Solar Farm. It details fortnightly carcass monitoring for six months prior to construction, during construction in completed areas, and for at least five years post-construction. It also describes monitoring protocols for carcass detection and carcass persistence trials.

Nova has prepared updated draft conditions to address ECAN feedback and amended ecology reporting

45. A revised set of draft regional and district consent conditions is attached as **Attachment K** (tracked version) and **Attachment L** (clean version).
46. The regional consent conditions are the result of a further workshop and discussions between Nova and ECAN and are now agreed as between these parties.

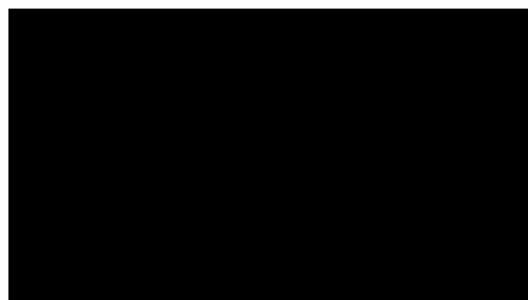
⁵ And would be certified by MDC in accordance with the specified process in the proposed conditions of consent.

47. The district consent conditions have been updated to reflect DOC and ECAN feedback and the recommendations provided in the supplementary ecology reports.
48. Nova is continuing to work with Rūnanga on reaching agreement on proposed conditions of consent relating to cultural matters.⁶ As signalled at the Conference, conditions have been discussed, but drafting details need to be confirmed. A hui has been scheduled for 16 October 2026. Nova is hopeful that, subject to Rūnanga agreement and approval, it will be possible to file a revised set of cultural conditions after this hui.

CONCLUSION

49. Nova is grateful for the Panel's attention to this matter.

DATED this 11th day of September 2026



Stephanie de Groot / Kate Storer
Counsel for Nova Energy Limited

⁶ These conditions were provided as a separate document attached to the Application as Attachment 3.2A.

ATTACHMENTS

ATTACHMENT A: Cumulative effects assessment (including technical reports)

ATTACHMENT B: Vegetation ecology response to section 46 comments

ATTACHMENT C: Updated Biosecurity and Vegetation Management Plan

ATTACHMENT D: Invertebrates response to section 46 comments

ATTACHMENT E Updated Terrestrial Invertebrates Management Plan

ATTACHMENT F: Herpetofauna response to section 46 comments

ATTACHMENT G: Updated Lizard Management Plan

ATTACHMENT H: Avifauna response to section 46 comments

ATTACHMENT I: Avifauna Population Viability Analysis

ATTACHMENT J: Updated Avifauna Management Plan (including Avifauna Carcass Monitoring Programme)

ATTACHMENT K: Updated draft conditions of consent (tracked)

ATTACHMENT L: Updated draft conditions of consent (clean)