BEFORE THE PANEL

IN THE MATTER	of the Fast-track Approvals Act 2024
AND	
IN THE MATTER	of an application for approvals under the FTAA for Haldon Solar

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COMMENTS OF THE ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED

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INTRODUCTION

1. These are the Environmental Defence Society's (**EDS**) comments on Lodestone Energy Limited's (**Applicant**) substantive application (**Application**) under the Fast-track Approvals Act 2024 (**FTAA**) for the Haldon Solar Project (**Project**). EDS's interest in the Application relates to approvals required under the Resource Management Act 1991 (**RMA**), including matters of national importance relevant to indigenous biodiversity and landscape.

2. EDS supports renewable electricity generation, in the right location. That includes areas where development will not adversely impact significant ecological values and outstanding natural landscape values.

3. The Project is located within a significant natural area. The draft ecological evidence that EDS has reviewed indicates that the Project site has significant ecological values and that actual or potential adverse impacts on those values will likely result. The Project is also located within an outstanding natural landscape, adjacent to a lake with significant values.

4. The Project site sits within the wider Mackenzie Basin, an area of national significance. Past intensification of the Basin has resulted in a strengthened planning regime to protect its outstanding landscapes and significant indigenous biodiversity. EDS was directly involved in this multi-year litigation, which incorporated landowner and consent authority agreements to manage risks to these values. The ecological and landscape effects of solar farms require careful management within the Mackenzie Basin. EDS has also been involved in litigation (and policy analysis) promoting renewable energy in appropriate locations.

5. To prevent further degradation of the Basin's values, the planning framework now seeks to avoid, as a priority, adverse ecological and landscape effects. Only those developments with a functional or operational need to locate in high value areas are provided for.

6. The Mackenzie Basin is a 'hot spot' for solar radiance, and the Project is only one of many solar farm proposals currently being progressed in the area. It is the only one that EDS is aware of which is being progressed on land that has not already been intensified.

7. EDS submits that renewable generation should proceed on already developed land to manage and avoid adverse impacts, including cumulative impacts, on significant ecological values and outstanding landscapes. There is no specific functional or operational need for the Project to progress at its proposed location. The other proposals demonstrate that other options are available.

8. The FTAA framework provides a discretion to decline consent. As currently proposed, the Application's benefits are not in proportion to its adverse impacts, and the project should therefore be declined.

DECISION-MAKING FRAMEWORK FOR RESOURCE CONSENT APPROVALS

9. Under the FTAA, a panel must decide whether to grant (with or without conditions) or decline each approval sought in a substantive application.[1] Section 81(2) of the FTAA steps through that decision-making process. These comments focus on the statutory requirements of s 81(2)(b), (d) and (f) of the FTAA, read in light of the wider statutory purpose, namely:

    a. When making a decision, a panel must apply the applicable clauses set out in s 81(3) of the FTAA. Of relevance here is cl 17 and cl 18 of Sch 5 of the FTAA (relating to approvals for a resource consent that would otherwise be applied for under the RMA);[2]

    b. When imposing conditions of consent, they cannot be more onerous than necessary to address the reason for which they are set in accordance with the provision of the FTAA that confers the discretion;[3] and

    c. An approval may be declined under s 85 of the FTAA.[4]

Clause 17 of Schedule 5 of the FTAA

10. Under cl 17 of Sch 5, when considering a resource consent approval, a panel must "take into account", relevantly:

    a. The purpose of the FTAA to "facilitate the delivery of infrastructure and development projects with significant regional or national benefits" (s 3 of the FTAA);[5]

    b. The following decision-making provisions of the RMA:[6]

        i. Sections 5, 6, and 7 (the purpose and principles of the RMA);[7]

        ii. Part 3 relating to duties and restrictions on land, including the s 17 RMA duty to avoid, remedy or mitigate adverse effects; and

        iii. Part 6 (resource consents), including s 104 (but not s 104D) of the RMA which requires the panel to have regard to:

            - Any actual and potential effects on the environment
            - Conditions that offset or compensate for any adverse effects on the environment

[1] FTAA, s 81(1)
[2] FTAA, ss 81(2)(b) and 81(3)(a)
[3] FTAA, ss 81(2)(d) and 83
[4] FTAA, ss 81(2)(f) and 85
[5] FTAA, Sch 5, cl 17(1)(a)
[6] FTAA, Sch 5, cl 17(1)(b)
[7] FTAA, Sch 5, cl 17(2)(a) excludes s 8 of the RMA from consideration

- Relevant provisions of national environmental standards, national policy statements, regional policy statements and plans.

11. The direction to "take into account" means that each matter must be given genuine consideration.[8] This includes directive language used in policy instruments, directed at avoiding adverse impacts to nationally significant values. When taking the above matters into account, a panel must give the "greatest weight" to the purpose of the FTAA.[9] But this does not require a Panel to grant approval - a merits assessment is required.

12. Other FTAA panels[10] have taken guidance on what this means from the Court of Appeal decision of *Enterprise Miramar Peninsula Inc v Wellington City Council*,[11] which considered similar directive weighting in s 34 of the Housing Accords and Special Housing Areas Act 2013:[12]

    a. While the greatest weight is to be placed on the purpose of the FTAA, panels must be careful not to rely solely on that purpose at the expense of due consideration of the other matters listed in cl 17 of Sch 5;

    b. Clause 17 requires a panel to consider the matters listed in cl 17(1) on an individual basis, prior to standing back and conducting an overall weighting in accordance with the specified direction; and

    c. The purpose of the FTAA is not logically relevant to the assessments otherwise required under the RMA, including an assessment of environmental effects. None of those matters become irrelevant, insignificant, or less than minor simply because of the purpose of the FTAA. What changes is the weight to be placed on them - they may be outweighed by the purpose of the FTAA, or they may not.[13]

13. The purpose in s 3 FTAA is to 'facilitate' projects of national and regional significance. This does not mean 'grant' projects. Facilitation is procedurally focused on an efficient one-stop process for all relevant approvals applied for; it does not mean 'grant' or 'approve'. There is no presumption in favour of the approval of projects under the FTAA.

14. Other matters, individually or collectively, can take precedence over the purpose of the FTAA in the weighting exercise. Alternatively, the purpose of the FTAA is consistent with

[8] See Waihi North FTAA decision at Part G para [3] and Kings Quarry Expansion – Stages 2 and 3 FTAA decision at [112] with reference to *Royal Forest and Bird Protection Society of New Zealand Inc v New Zealand Transport Agency* [2024] NZSC. EDS reserves its position on the correctness of aspects of the Waihi North FTAA decision, including as noted below.
[9] FTAA, Sch 5, cl 17(1)
[10] See Bledisloe North Wharf and Fergusson North Berth Extension FTAA decision [121], Dury Quarry Expansion – Sutton Block FTAA decision at [114], Mildale – Stages 4C and 10 to 13 FTAA decision at [60]
[11] *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541
[12] The difference between the Housing Accords and Special Housing Areas Act 2013 (**HASHAA**) formulation and that of the FTAA is that the HASHAA created a hierarchy of criteria, with the greatest weight to be given to criterion (a) and the least weight to be given to criterion (e), whereas in the FTAA the requirement is simply for the decision maker to give the greatest weight to criterion (a) (the purpose of the FTAA)
[13] Maitahi Village FTAA decision at [70], Tekapo Power Scheme – Application for Replacement Resource Consents FTAA decision at [48] and Kings Quarry Expansion – Stages 2 and 3 FTAA decision at [111]

such an approach. There is no inherent conflict, particularly given the requirement to assess net regional or national benefit.

15. Clauses 17(3) and (4), read in conjunction with s 85(4) of the FTAA, are instructive when navigating the intersection between the purpose of the FTAA and directive avoidance policies in planning instruments:

> "Clause 17(3): Subclause (4) applies to any provision of the Resource Management Act 1991 (including, for example, section 87A(6)) or any other Act referred to in subclause (1)(c) that would require a decision maker to decline an application for a resource consent."
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> "Clause 17(4): For the purposes of subclause (1), the Panel must take into account that the provision referred to in subclause (3) would normally require an application to be declined, but must not treat the provision as requiring the Panel to decline the application the Panel is considering."
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> "Section 85(4): To avoid doubt, a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider in complying with section 81(2)."

16. Together, these provisions mean that directive avoidance policies are to be taken into account by:[14]

    a. Recognising that they would usually require applications for consent to be declined based on the bottom line approach in *King Salmon*;[15]

    b. They do not require the panel to decline an application; and

    c. May be a sufficient basis to decline, when relied on in combination with relevant evidence of adverse impacts.

17. Accordingly, the Panel retains a discretion to decline an application if it breaches a directive avoidance policy, but only if the breach is accompanied by another adverse impact, such as adverse effects on the environment.

18. In that regard, EDS disagrees with the Waihi North FTAA decision that "there are no "bottom lines" of the kind applied in *King Salmon*".[16] Policies must still be given their normal interpretation (having regard to purpose, context and text), and a proposal may well breach a policy bottom line (such as, for example, the avoidance directive in Policy 11 of the New Zealand Coastal Policy Statement). However, their effect is now discretionary not mandatory.

[14] Waihi North FTAA decision at Part G, para [5]
[15] *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38
[16] Waihi North FTAA decision at Part M, para [12(c)]

19. Finally, when giving the greatest weight to the purpose of the FTAA, a panel must consider the "extent" of the project's regional or national benefits.[17] That requires a "forensic exercise", whereby a project's benefits are identified and then assessed for significance.[18] It requires an assessment of the net benefits (by cost-benefit analysis) which are then assessed against the relevant adverse impacts (where those impacts cannot be the subject of cost-benefit analysis, such as intrinsic values).

20. In weighing up whether adverse impacts are sufficiently significant to be out of proportion to a project's benefits, it is particularly important that the benefits analysis is robust and independently verified. The panel should assure itself that all costs (including the potential irreplaceability of any ecological values) are accounted for and appropriately evaluated.

Section 85 of the FTAA

21. Panels have a discretionary ability to decline an approval under s 85(3) of the FTAA:

> *A panel may decline an approval if, in complying with section 81(2), the panel forms the view that—*
> *(a) there are 1 or more adverse impacts in relation to the approval sought; and*
> *(b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account—*
>
> > *(i) any conditions that the panel may set in relation to those adverse impacts; and*
> > *(ii) any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.*

22. A panel's discretion to decline is not a standalone consideration of adverse impacts proportionate to benefits. Rather, import of the words "in complying with section 81(2)" means that the discretion must be exercised in the context of a panel's s 81(2) FTAA assessment.

23. This is confirmed by:

    a. Section 85(5) of the FTAA, which states that "adverse impact" means any matter considered by a panel in complying with s 81(2) that weighs against granting the approval. Thus, adverse impacts include the matters listed in cl 17 of Sch 5 (via s 81(2)(b) of the FTAA); and

    b. Section 85(4) of the FTAA, which as stated above, means that a panel may not form the view that an adverse impact meets the threshold in s 85(3)(b) solely on

[17] FTAA, s 81(4)
[18] Maitahi FTAA decision at [84]

the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider in complying with s 81(2).

Overall decision-making

24. In practice, this means that when making a decision a panel must:[19]

    a. Take into account all the matters listed in cl 17 and cl 18 of Sch 5 of the FTAA;

    b. Give the greatest weight to the purpose of the FTAA when taking the matters into account;

    c. When taking into account the purpose of the FTAA, consider the extent of the project's benefits;

    d. Step back and consider all the adverse impacts raised by the matters listed in s 81(2), which relevantly includes the matters listed in cl 17 and cl 18 of Sch 5 listed above;

    e. Form a view on whether those global adverse impacts are sufficiently significant to be out of proportion to the extent of the project's benefits (after taking into account any conditions). Noting that inconsistency with a provision of a specified Act or other document is not enough on its own to qualify; but may be a sufficient basis to decline, when taken in combination with evidence of other adverse impacts.

ADVERSE IMPACTS OF THE PROJECT

25. The fast-track legal framework means there is scope for a greater than usual focus on the actual and potential scale of effects that are in issue.[20]

26. Adverse impact on the ecological values of the Project site and associated planning provisions is a primary issue in contention for the panel. The other is impacts on landscape values and associated planning provisions.

Ecological impacts

27. EDS is not filing ecological evidence with these comments. However, it has reviewed draft ecological reviews and statements of other participants in relation to the Project. It is clear from that evidence that:

[19] This list only includes the matters relevant to these submissions i.e. s 81(2)(b), (d) and (f) of the FTAA. Other parts of s 81 are also relevant to a panel's decision i.e. effect of Treaty settlements and other obligations as per s 81(2)(c) and s 82 of the FTAA

[20] Waihi North FTAA decision at Part M, para [12(d)]

a. The Project's ecological surveys are either absent (eg invertebrates), inadequate or, in some instances, inaccurate;

b. This has resulted in an underestimation and underrepresentation in reporting on fauna and flora present at, or transiting through, the Project site, including several Threatened and At Risk species; and

c. The Project site is ecologically significant for several reasons.

28. While the Application's ecological assessment accepts (reluctantly) that the site is ecologically significant, its conclusions as to values and impacts is fundamentally different to the other ecological experts referred to above. It concludes that the overall ecological value of the site is "low"[21] and that the Project will not therefore result in significant ecological effects.

Adverse impact: ecological effects

29. Solar farms present direct and indirect threats to indigenous biodiversity, including:

a. Direct loss from construction activities;

b. Direct loss during operation from bird strike and electrocution;

c. Direct loss of habitat due to infrastructure; and

d. Indirect loss due to changes in conditions such as shade, moisture and temperature.

30. These threats, and their actual and potential impact on the flora and fauna of the Project site, are discussed by the ecological experts before the Panel. The Application does not propose any offsetting or compensation for ecological loss because it has proceeded on the basis that there will not be any.

31. However, in light of feedback from parties such as the Department of Conservation and Canterbury Regional Council, it now appears the Applicant is considering some form of offsetting or compensation. As set out below, the planning regime for the Project requires consideration of offsetting and compensation when adverse effects cannot be avoided, remedied or mitigated.

Adverse impact: contrary to ecology plan provisions

32. The Application fails to protect areas of significant indigenous biodiversity. The Project is inconsistent with key planning provisions or attempts to minimise them.

[21] Application, page 40, available here

33. The Canterbury Regional Policy Statement seeks to halt the decline in the quality and quantity of Canterbury's ecosystems and indigenous biodiversity (Objective 9.2.1) and to restore or enhance ecosystem functioning and indigenous biodiversity (Objective 9.2.2).

34. This is to be achieved by protecting areas of ecological significance (which the Project site is) to ensure *no net loss* of indigenous biodiversity or its values (Policy 9.3.1). Whilst the Application refers to Policy 9.3.1, it fails to mention this requirement of no net loss.

35. It also fails to mention Policy 9.3.6, which sets criteria for the use of offsets, including, again, the requirement for no net loss. Indeed, with respect to areas of priority for protection (which the Project site is because of the presence of habitats for Threatened and At Risk species - Policy 9.3.2), the offset must deliver a *net gain* for biodiversity (Policy 9.3.6).

36. Whilst renewable energy is generally encouraged in the Canterbury Regional Policy Statement, there is still a requirement that adverse effects on significant natural and physical resources from renewables are avoided, as a first priority, then remedied or mitigated when that is not practicable (Policy 16.3.5).

37. The proposed Mackenzie District Plan includes several moving pieces, including Plan Change 18 provisions (which includes avoidance directives with respect to clearance of indigenous vegetation and adverse effects on indigenous habitats), and Plan Change 26 (relating to the provision of infrastructure and renewable energy). EDS was involved in Plan Change 18, appeals on which have been withdrawn since the Application was lodged. It was not involved with Plan Change 26, but understands that it is now subject to a consent order before the Environment Court (which EDS has not seen).

38. As a result of these changes, the relevant district plan framework needs to be clearly identified as a starting point, to avoid error of law, and to ensure that cl 17 of Sch 5 of the FTAA is adhered to. It is otherwise unclear what plan provisions apply to the Project, nor is it clear from the Application whether the latest versions of the provisions are referred to. EDS encourages the Panel to undertake a forensic analysis of the Project against the latest planning provisions. It is pleased to see appointment of an independent planning advisor to assist in that regard.

39. The updated National Policy Statement for Renewable Electricity Generation 2011 (amended December 2025) deals with renewable energy locating in or having an impact on section 6 RMA matters, which includes areas of ecological significance (s 6(c) RMA) and outstanding natural landscapes (s 6(b) RMA). Policy F of the statement states that decision makers must enable renewable electricity generation assets in all locations and environments, but that this direction should be read alongside other relevant planning instruments. Here, that includes the directions in the Canterbury Regional Policy Statement and the Mackenzie District Plan to protect areas of ecological significance.

40. Policy F of the NPS REG also requires decision-makers to have regard to offsetting measures or environmental compensation when considering residual adverse effects

that cannot be avoided, remedied or mitigated. This direction is aligned with the regional and district planning instruments in play as discussed above.

41. With respect to those planning instruments, the Application says that:

    a. The Project has a functional and operational need to be located at the site.[22] That is not correct. EDS knows of at least five other solar farm proposals in the Mackenzie Basin, four of which are shown generally in the map below (along with the Project in purple).[23] There are other suitable locations in the Mackenzie Basin that would not give rise to ecological impacts, including on the extensive areas of the Basin that have already been intensified.

    b. The Project will not result in adverse ecological effects. The ecological evidence from other parties raises serious questions about the veracity of that conclusion. The Application's consequential assumption that it does not trigger the offsetting and compensation provisions of the planning instruments is also therefore likely unsound.

42. EDS considers that the Application cannot proceed without offsetting and compensation measures which result in biodiversity *net gain*. This is a minimum requirement anticipated by the planning framework and should be a precondition for any decision to approve the Project.

Landscape impacts

43. The Application states that the site's location within the Basin and the placement of the panels will result in low-moderate and minor adverse effects on landscape values.[24]

[22] Application, page 125, available here
[23] Haldon Solar Project (shown in purple, proceeding via fast track), The Point Solar Farm (shown in red, proceeding via fast track), Twizel Solar Project (shown in blue, proceeding via fast track), Twizel Solar Farm (shown in green, possible fast track referral application), Ohau A Solar farm (shown in yellow, possible fast track referral application), Grampians (proceeding via fast track, not shown on map)
[24] Application, page 122, available here

Consequently, it says that it is not an inappropriate development contrary to the landscape planning provisions.

44. The Panel is well placed to assess landscape effects and therefore adverse impact on planning instruments.

45. Of relevance for that determination is:

    a. The Project site is located within an Outstanding Natural Landscape (**ONL**). The planning direction for ONLs is to protect ONLs from inappropriate development, including by avoidance of adverse effects;

    b. The Canterbury Regional Policy Statement seeks to protect the values of ONLs from inappropriate development (Objective 12.2.1 and Policy 12.3.2);

    c. The proposed Mackenzie District Plan appears to now provide for renewable energy in an ONL only where there is a functional or operational need, and where adverse effects are avoided as far as practicable (REG-P6);

    d. The Project site is also partially within the Lakeside Protection Area;

    e. Typical landscape mitigation such as screen planting is not proposed in the Application (in fact it is expressly considered not to be necessary); and

    f. Offsetting and compensation are unlikely to address landscape effects on nationally significant ONL values.

Cumulative impacts

46. The Panel is aware of the actual and potential cumulative adverse impacts arising from the Project as a result of its proximity to other proposed solar farms within in the Mackenzie Basin. These cumulative effects are relevant to the Project by virtue of the RMA definition of "effects", which the FTAA adopts.[25]

47. The Applicant for The Point proposal has indicated that this Project and The Point proposal cannot both proceed, due to transmission constraints. EDS recommends that the Panel commission an independent energy expert to advise on these issues.

48. EDS would be concerned if this Project, which is on undeveloped ecologically significant land and does not propose any offsetting or compensation, proceeded and others that are on intensified land and include indigenous biodiversity gains, were declined.

[25] FTAA, s 4(2) and RMA, s 3

CONDITIONS OF CONSENT

49. The FTAA provides opportunity for an applicant to voluntarily offer a reduction in its project's development footprint or other conditions to militate against a consent decline, whether in whole or part:

    a. Section 69 of the FTAA, which states that if a panel proposes to decline an approval, the Environmental Protection Authority must invite the applicant to "propose conditions on, or modifications to, any of the approvals sought";

    b. Section 68A of the Fast-track Approvals Amendment Act 2025, which provides an applicant with an opportunity to reduce the scope of its application by modifying an approval sought at any time before a decision is made;[26] and

    c. Section 85(3)(b)(ii) of the FTAA, which requires the proportionality assessment to be undertaken after taking into account "any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts".

50. Conditions of consent must be:

    a. No more onerous than necessary to address the reason for which they are set (which is largely equivalent to the RMA requirement for conditions to be 'appropriate' under the thresholds in ss 108 and 108AA);[27] and

    b. Have regard to s 108 (conditions of resource consents), s 108AA (requirements for conditions of resource consents) and s 108A (bonds) of the RMA.

51. It is important to emphasise that the ability to reduce a project's development footprint or impose conditions is not subject to the proportionality test in s 85 of the FTAA. Rather, the imposition of conditions must be assessed against the matters listed above - being no more onerous than necessary, and in accordance with the well settled legal principles for conditions of consent i.e., that they are appropriate, certain, enforceable, directly connected to specific issues (including adverse effects on the environment) and reasonable.[28]

52. EDS's overarching concern with the Project is the extent to which its infrastructure will adversely impact the significant ecological and outstanding landscape values of the site. EDS's primary relief is therefore that the Project in its current form is not approved.

53. If, contrary to that primary relief, the Panel is minded to grant the Application, EDS considers that the Applicant's proposed conditions need significant reworking. As currently proposed, they are inadequate to address actual or potential effects.

[26] Fast-track Approvals Amendment Act 2025, s 68A
[27] FTAA, ss 81(2)(d) and 83
[28] FTAA, Sch 5, cl 18

54. EDS seeks the following amendments to the conditions of consent:

    a. Offsetting or compensation so the Project results in an indigenous biodiversity net gain.

    b. Monitoring of ecological impact, including vegetation changes as a result of different site conditions, and impact on birds and invertebrates such as the Threatened grasshopper *Sigaus minutus*. It is inappropriate to leave monitoring to an as yet undrafted Plant Monitoring Plan and Avifauna Monitoring Plan.

    c. Flora, avifauna and invertebrate management plans, which are standard for developments of the scale of this Project and that address monitoring, management responses and the avoidance of adverse effects.

    d. Reconsideration of the rabbit proof fence which may result in worse ecological outcomes for indigenous flora if exotic species increase in prevalence under the solar panels (and therefore outcompete indigenous biodiversity due to lack of predation).

    e. Other steps are likely to be required to address impacts on outstanding landscape values.

55. Further, if monitoring shows up significant and ongoing degradation of the ecologically significant values of the site, the Applicant needs to retreat. EDS therefore seeks:

    a. An adaptive management condition (including relevant triggers) requiring that all solar panels and associated infrastructure be removed from the site if monitoring necessitates that, and that the area be remediated; and

    b. A bond to address the remediation costs in the event that the Project does not proceed, in whole or part, or there is a requirement to remove infrastructure. This is required to ensure that Canterbury Regional Council (or the equivalent consent authority) has the ability to intervene to remediate the site.[29]

56. Finally, wildlife approvals may be required to address direct and consequential loss of protected species present on the Project site. Further clarification is required from the Department of Conservation on this matter, in light of further ecological surveying.

CONCLUSION

57. The FTAA framework provides opportunity for panels to decline projects on a discretionary basis. The Panel's discretion extends to the ability to reduce the development footprint in response to adverse impacts or to impose conditions of consent to address those impacts. The test for doing so is not the proportionality one in

[29] In addition, a bond should be adopted to cover decommissioning of the project at its end of life

s 85 of the FTAA, but rather the requirements in s 83 of the FTAA and ss 108 and 108AA of the RMA with respect to conditions of consent.

58. The ability to undertake adaptive management if long-term or permanent effects arise to protected values after the solar farm is built is very limited. EDS submits that the Panel must have sufficient certainty that adverse impacts to indigenous biodiversity and landscape values of national importance will be avoided, or can be adequately offset or compensated, prior to granting approval, and when imposing consent conditions. This is reflected in the national planning framework.

59. EDS's primary position is that the solar farm should avoid the undeveloped site. However, if the panel is inclined to approve the Application, then EDS has identified recommended changes to consent conditions as set out above.

60. Deployment of renewable electricity generation needs to occur at scale and pace to transition the economy to net zero by 2050. That ambition should not come at the expense of significant indigenous biodiversity or outstanding landscapes.