



FURTHER COMMENTS OF THE ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED ON THE POINT SOLAR PROJECT

Introduction

1. These further comments are provided in response to the Panel's invitation to comment on various documents provided by the Applicant for The Point. The documents were provided by the Applicant in response to the Panel's request for further information of 23 January 2026 and were received after the initial deadline for comments.
2. Our comments focus on several draft management plans which have now been provided by the Applicant, and which set out the Applicant's proposed approach to effects management. The redaction of key Figures in the several of the draft plans prevents a complete understanding of what is currently being proposed by the Applicant.
3. We reiterate our concerns that the most recent set of proposed conditions do not include measurable and enforceable standards which the Applicant's draft management plans can then provide further detail on. What the Applicant is trying to achieve should be included in consent conditions, the details of how to go about achieving it can be left to management plans. The latest documents indicate that the same contrary approach of deferring standards to management plans is potentially being continued. We urge the Panel to ensure that any consent conditions include clear and enforceable standards that the Applicant must achieve.

Draft Avifauna Management Plan (AMP)

4. Dr McClellan has provided comments on the draft AMP, including recommendations for additional measures to reduce the risk of bird-strike and to improve monitoring. Dr McClellan's comments are attached.

5. There is a degree of scientific uncertainty around the risks to avifauna, and the potential for very significant adverse effects on Threatened and At-Risk bird species if these risks do eventuate. Therefore, Forest & Bird maintains that, if the Panel is considering granting approval, it would be appropriate for the Panel to adopt a precautionary approach when setting conditions. In terms of s 83 of the FTAA, a precautionary approach would be necessary due to the degree of scientific uncertainty and the high potential risks.
6. The effects management approach being proposed by the Applicant appears to be an attempt at adaptive management, which is an established method of applying the precautionary principle when approving activities. It is therefore particularly concerning that:¹
 - there remains a lack of adequate environmental baseline information against which the effects of the proposed activity can be assessed
 - the proposed monitoring is likely to be ineffective at identifying adverse effects
 - the Applicant has failed to set out effective steps that would be taken to remedy any significant adverse effects (as identified by monitoring) before they become irreversible.

Draft Vegetation Management Plan (VMP)

7. In its 9 February 2026 response to the Panel’s request for further information, the Applicant provided a “proposed ecological enhancement approach” as Appendix 9. This included a “small, intensively managed predator-proof fenced enhancement area” of approximately 12–15ha.
8. In our initial comments, Forest & Bird questioned whether this proposal was commensurate with previously proposed measures across a much wider area,

¹ See *Sustain Our Sounds Inc v The New Zealand King Salmon Company Ltd and others* [2014] NZSC 40, at [124]–[133]

which had been assessed by the Applicant as being necessary to address adverse effects on ecological and landscape values.

9. The draft VMP states that its purpose is “to maintain existing biodiversity values and prevent the establishment and spread of pest plants”. It is unclear whether the draft VMP is intended to implement the proposed “ecological enhancement approach” referred to above. It appears that the draft VMP is not relied on by the Applicant to address adverse effects on landscape values, meaning that these adverse effects would not be managed other than by the limited visual screening planting referred to in the Applicant’s Appendix 5 to its 9 February 2026 response. The draft VMP refers to a Landscape Management Plan, but this does not appear to have been provided.
10. Overall, it appears that the Applicant has substantially reduced the proposed level of effects management, compared to what has previously been proposed. The reasons for such a reduction in scale are not stated and are unclear.
11. The draft VMP now proposes a new effects management approach consisting of identifying “five sites with dense exotic grass or weeds around the periphery of the site which can be mechanically cleared or scraped to induce dryland habitat”.² This proposal appears to be at an early stage of development. It is described by Wildlands as “experimental”, yet there do not appear to be any further requirements for the Applicant if it fails to be effective.
12. The proposed sites for mechanical clearance have not yet been identified, nor has the spatial extent of these areas, and the draft VMP lacks environmental baselines, objectives and performance standards which could provide the basis for clear and enforceable consent conditions.
13. The methodology for ecological restoration appears to consist of scraping off the topsoil and hoping that nature will do the rest. Forest & Bird strongly encourages

² Draft VMP at 5.1

the Panel to ensure that this new proposal is fully peer reviewed by a suitable expert in dryland terrestrial ecology before accepting it as mitigation.

Draft Lizard Management Plan (LMP)

14. It appears that the Applicant has decided to put more resources into managing effects on lizards and enhancing lizard habitat. However, the redaction of key Figures in the draft LMP means that it is not possible to understand the extent of these proposed measures.
15. Proposed Objective 1 is potentially problematic. Because the habitat corridors are intended to be “created” by the Applicant,³ it may be that there are currently no, or very few, lizards in these areas. This means that a 10% increase could either be impossible to calculate (if no lizards are found prior to creation of the habitat corridor) or represent extremely limited success. For example, if monitoring establishes the presence of 1 lizard in a proposed corridor area, at least a 100% increase would be needed before the corridor could be considered effective in any real sense. Even then, the benefits of this approach for dealing with the impacts on lizards is unclear at best.
16. In general terms, the draft LMP is also lacking in clear and enforceable objectives and standards. It includes some positive features, such as a requirement for replacement planting in the event of plant losses. However, these requirements are sometimes internally inconsistent (for example, [5.4.4] states that replacement planting will be undertaken if plant losses exceed 10 percent, whereas [6.2] refers to a survival rate of 75 percent).
17. There also appears to be reliance on agreement by the Applicant to any measures not specified in the management plan. For example, the draft LMP states that “the exact number and extent (size) of rocky refuge will be determined in consultation with FNSF”.⁴

³ Draft LMP at [5.4.1]

⁴ Draft LMP at [5.4.2]

Draft Terrestrial Invertebrate Management Plan (TIMP)

18. The previously proposed “ecological enhancement area” appears to have evolved into “The Point Grasshopper Reserve”. Forest & Bird supports the objective of restoring habitat, but the TIMP appears to still be at an early stage of development. There are very few specific and enforceable requirements currently included in the TIMP. Problems with the draft TIMP include (without limitation):

- In the basic proposed requirements for enhancement at [4.6.4], the requirement to remove topsoil is potentially at odds with the requirement to retain indigenous shrubs.
- Protection or avoidance of other Threatened or At-Risk indigenous plant species that may be present (especially given that the site is proposed to sit “adjacent to robust grasshopper habitat on the braided riverbed”) is not mentioned.
- Site plans have been redacted, but if the proposal is to place the reserve adjacent to the riverbed, then the potential for flooding to cause damage to fences should be considered and provided for.
- There are no requirements for numbers of plants to be planted.
- The TIMP acknowledges the difficulties in establishing dryland herb species by planting, yet there are no requirements for minimum survival rates and replanting in the event of failure.
- It is unclear where rock piles will be created if not in the reserve.⁵
- The TIMP often relies in a non-specific way on other management steps that are being taken “throughout the site”.

⁵ Draft TIMP at [4.6.9]

Draft Pest Mammal Management Plan (PMMP)

19. Forest & Bird supports efforts to control mammalian predators and pest species at the site. It is important that these efforts are maintained at least for the duration of the consent, if the project is approved.

Conclusions

20. The draft Avifauna Management Plan does not represent a genuine precautionary or adaptive management approach and should not be treated as such.
21. Overall, the draft management plans fail to provide a clear, effective and enforceable framework for effects management. The late stage, and speed, at which the Applicant's proposed effects management approach has evolved has resulted in partially developed plans and a general lack of rigour.
22. Any performance standards which the Applicant is required to achieve (such as a percentage increase in lizard numbers, for example) should be set out in consent conditions. The respective management plans can then explain the detail of how the standards will be achieved.
23. The draft management plans are not accompanied by an assessment of effects, which is a significant omission, given how different they are to earlier versions of proposed effects management.
24. The general impression is that the Applicant has substantially scaled back its proposed effects management, compared to what has previously been proposed.

Dated 27 February 2026