

Before the Panel Convener

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 advance of the
Panel Convener conference

Dated 23 July 2026

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MAY IT PLEASE THE PANEL CONVENER

INTRODUCTION

1. We act for Nova Energy Limited (**Nova**) in respect of its substantive application under the Fast-track Approvals Act 2024 (**FTAA**) for the Twizel Solar Project (**Project**).
2. The Project is to establish and operate a 300-megawatt solar plant on an 868 hectare site to the east of Twizel Township, Mackenzie District, within the Canterbury region. The Project will include:
 - (a) General earthworks and site establishment including the construction of operational and management buildings, inverters, internal roads/tracks;
 - (b) Solar panels situated on solar tables with a single axis tracking system covering 565 hectares;
 - (c) 33kv overhead transmission lines to connect the project to the Transpower New Zealand Twizel Substation; and
 - (d) Establishment of exclusion areas and buffers to protect significant native vegetation, habitat and freshwater.
3. The Project is a referred project under section 21 of the FTAA and includes applications for resource consents required under the Mackenzie District Plan (**MDP**) and Canterbury Land and Water Regional Plan (**CLWRP**), and wildlife approvals relating to the Wildlife Act 1953 (**Wildlife Act**).
4. The number and range of approvals sought by Nova is set out in detail at paragraph 28 of the Memorandum of Counsel dated 5 June 2026 filed in support of the Application (**Application Memorandum**) and is summarised below. Nova is seeking:
 - (a) Three resource consents which would otherwise be applied for under the RMA under the MDP;
 - (b) Three resource consents which would otherwise be applied for under the RMA under the CLWRP; and

- (c) Two wildlife approvals as described in section 53 of the Wildlife Act 1953.
- 5. Nova filed its application for referral under the FTAA (**Referral Application**) on 8 April 2025. The Referral Application was approved by the Minister for Infrastructure on 1 August 2025. Nova then filed its substantive application on 9 June 2026. On 30 June 2026, the Environmental Protection Authority (**EPA**) issued its completeness decision, and it subsequently determined on 15 July 2026 that there were no competing applications under section 47.
- 6. We refer to Minute Three of the Panel Convener dated 15 July 2026 scheduling the Panel Convener's conference for 10:00am on Tuesday 28 July 2026 (subsequently postponed to Wednesday 29 July) and directing participants to file a written response to matters set out in the Minute by 10:00am Thursday 23 July 2026. The purpose of this memorandum is to respond to those matters.

CASE MANAGEMENT MATTERS

- 7. This section addresses the questions raised in paragraph 7 of Minute 3 as relevant, generally in the order listed in the Minute.

Extent of engagement by the applicant with stakeholders before and following lodgement

- 8. Prior to lodgement of the application Nova engaged constructively with key stakeholders, which has been effective in identifying and narrowing issues. Details of that consultation are recorded in the Consultation Register and Consultation Summary attached to the application as attachments 3.14 and 3.14A respectively. Engagement undertaken by Nova in respect of the application followed on from earlier engagement undertaken in respect of a draft application for the Project under the Resource Management Act 1991 (which was ultimately not filed). As a result, Nova has been engaging with key stakeholders about its proposal over an extended timeframe and considers that it has established positive working relationships.
- 9. Nova has continued engaging with key stakeholders since lodgement. Nova has received and considered the substantive feedback from the Department of Conservation, Canterbury Regional Council and Mackenzie District

Council that was contained in those parties' section 46 completeness reports. Nova is preparing responses to that feedback for the Panel and anticipates that it will propose some changes to conditions of consent as a result.

10. In addition, Nova is continuing to engage with Te Rūnanga o Ngāi Tahu and te Rūnanga o Arowhenua, Te Rūnanga o Moeraki and Te Rūnanga o Waihao (**Mana Whenua**) specifically in respect of conditions of consent relating to cultural matters, as discussed below.

Key issues in contention and procedural steps that may be helpful to resolve them:

11. Matters which Nova considers will be key issues for determination by the Panel were identified and discussed at paragraphs 87-115 of the Application Memorandum. These issues comprise:
 - (a) Ecological effects;
 - (b) Cultural effects;
 - (c) Landscape effects; and
 - (d) Cumulative effects.
12. These issues were identified by reference to consultation with stakeholders and review of materials relating to decision-making on the Haldon and The Point solar farm applications. While Nova's position on key matters has not changed, Nova is continuing to engage with stakeholders to narrow issues and agree draft conditions of consent to the extent possible.

Ecology

13. Issues in contention in relation to ecology primarily relate to potential effects on avifauna, flora, lizards and invertebrates.
14. Nova's independent technical expert ecology team has prepared comprehensive assessments of the ecological values of the site, the potential effects of the project and proposed management measures.
15. As part of preparing its application, Nova and its expert team have paid close attention to deliberations on Haldon and The Point, both of which raised

issues relating to ecological effects, particularly in terms of effects on flora and avifauna. As a result, Nova has been able to address potential issues in its application, particularly in terms of the content of draft conditions, in a more comprehensive manner.

16. Nova has also received detailed feedback on ecological matters from the Department of Conservation and Canterbury Regional Council based on a draft of its application.
17. In response to feedback from the Department of Conservation (and observation of issues that have emerged via RFIs and stakeholder feedback on the Point and Haldon Station), Nova is undertaking further analysis on matters relating to effects on avifauna (specifically, population viability analysis, preparation of an avifauna carcass monitoring programme and preparation of responses to questions posed by the Department of Conservation during the course of consultation) that will be available to support the application shortly after commencement of processing.
18. Nova anticipates that expert conferencing is likely to be helpful to enable narrowing and resolution of any remaining issues relating to ecology.

Cultural effects

19. Nova has been engaging with Mana Whenua to understand their position on the cultural effects of the application, including identifying relevant cultural effects and development of appropriate conditions which provide for ongoing mana whenua consultation and involvement in the implementation of the resource consent. The underlying principles of conditions are largely agreed, and engagement is ongoing with Mana Whenua to confirm the precise wording. Nova expects to file revised conditions once agreed.

Landscape and visual effects

20. Nova's application includes a comprehensive landscape and visual assessment (**LVA**) and a peer review of that report, both prepared by experienced independent landscape architects. Based on feedback provided to date, Nova anticipates that some stakeholders may raise issues relating to effects of the project on the outstanding natural landscape in their section 53 comments. However, Nova has considered these issues carefully, taking

advice from its experts, in refining and finalising the application. These matters will need to be considered by the Panel alongside the LVA and peer review. However, Nova does not anticipate that expert conferencing or any other process steps in respect of these matters will be required at this stage.

Cumulative effects

21. Nova's site is near to the:
 - (a) Proposed Haldon Station Solar Project, in relation to which a draft decision to grant the application has been issued; and
 - (b) Proposed Point Solar Farm, the application for which is currently suspended.
22. Nova has paid careful attention to the deliberations on those projects.
23. Based on feedback from some stakeholders, Nova anticipates that some stakeholders may raise issues relating to cumulative effects in their section 53 comments which will need to be considered by the Panel.
24. Nova is aware that at the Panel Convener Conference for the Point and Haldon Station solar projects, stakeholders raised a concern that processing of a number of solar farm applications in the area at the same time could give rise to difficult legal issues concerning how to assess cumulative effects.¹
25. In the draft decision on Haldon Station, the Panel for that project traverses the established RMA case law regarding the correct approach to assessment of cumulative effects and records that:²
 - (a) The Court of Appeal has stated that the application that is first is considered as if the second application did not exist. Only if another application has been granted is it to be taken into account.³
 - (b) While "cumulative effects" on the existing environment at the time of the application can be considered in accordance with the accepted approach under the RMA, "cumulative effects" in the sense of

¹ Haldon Solar Panel Convener Minute dated 24 November 2025.

² Haldon Solar Draft Decision, paragraphs [139] – [161].

³ *Fleetwing Farms Limited v Marlborough District Council* [1997] 3 NZLR 257 (CA); [1997] NZRMA 385; *Central Plains Water Trust v Synlait Limited* [2009] NZCA 609, [2010] 2 NZLR 363 at [4]

potential effects if similar applications are granted in the future, cannot.⁴

- (c) It is in accord with the spirit of the FTAA and its tight timeframes that when there are applications on similar nearby projects, applications are considered on a standalone basis, and a first-in-time application should not include assumptions about what will happen with later applications. If cumulative effects become relevant in the second application because the first has been granted, then those effects will have to be considered on their merits at the time that the second application is being considered by a panel.⁵

- 26. Nova sees no reason to depart from this approach, which is consistent with the conventional legal position. Approvals for no other solar projects in the vicinity have been granted at the time of lodgement of the application and therefore they do not form part of the existing environment. The application therefore does not include assessment of the cumulative effects assessments of Nova's project alongside other solar projects in the area. However, Nova's technical expert team has considered potential cumulative effects in the event that one or more of the other projects is granted consent during the course of processing, and will readily be able to provide technical analysis on this matter if required to do so at the time that any other project is granted consent.

Level of complexity:

- 27. Nova does not anticipate that any significant legal, evidential or factual complexities will arise during the Panel's consideration of the application. This is because:
 - (a) Utility scale solar projects are relatively straightforward insofar as the infrastructure and processes utilised are less complex, as compared with other industrial or energy activities;

⁴ Haldon Solar Draft Decision paragraph [157].

⁵ Haldon Solar Draft Decision paragraph [160].

- (b) The application has been in development for some years. Nova has taken the time to develop a technically robust, thorough application that has been developed in consultation with stakeholders.
 - (c) There has been constructive engagement with stakeholders in advance of lodgement, and engagement is continuing, meaning that potential issues in contention have and are continuing to be narrowed and have been robustly addressed in the application;
 - (d) As set out above, the potential remaining issues in contention fall within a relative narrow scope;
 - (e) Other solar projects on nearby land in the Mackenzie Basin are already advancing through the Fast-track process. While they are separate projects with their own considerations, they have been instructive in terms of enabling Nova to address potential issues before they arise.
28. Overall, it is considered that the application is of low complexity. We expand below.

Legal complexity:

29. Nova does not consider that any legally complex issues arise.

Evidential complexity:

30. Nova considers that the majority of the Project does not give rise to any evidential complexity.
31. Low-moderate evidential complexity arises in respect of the potential ecological effects of the project, having regard to the matters addressed at paragraphs 13-18 above. Nova considers that this evidential complexity warrants a small increase in the time for a decision to be made on the application to enable expert conferencing (if considered appropriate) and panel deliberations.

Factual complexity:

32. The application is supported by a comprehensive suite of technical reports spanning a range of specialised fields. However, as noted above, the design

and operation of utility scale solar projects is less complex than many other energy or industrial activities and the range of potential adverse effects associated with them is well understood. The overall extent of information accompanying the application and its factual complexity is low-moderate for a Fast-track application.

Whether the proposed consent conditions are accepted:

33. The draft land use consent conditions included in Nova's application are based on conditions of consent utilised for other utility scale solar projects and the draft regional consent conditions have been prepared on the basis of Canterbury Regional Council's standard condition set for solar projects.
34. Similarly, the Wildlife Approval conditions have been prepared based on the Department of Conservation's conditions template.
35. Various draft management plans also form part of the application.
36. Nova has received feedback on a number of iterations of the draft conditions and draft management plans from key stakeholders and has made changes in response.
37. Nova is now working on a further revised set of conditions and some amendments to the ecology management plans to respond to further feedback on matters of detail raised in the completeness checks by the Department of Conservation and Canterbury Regional Council and as a result of ongoing engagement with Mana Whenua. These will be filed in due course.
38. In preparing its conditions, Nova has also noted the comments and directions recorded in minutes from the Panels for the Point Solar Project and Haldon Solar Project regarding the expected format and content of conditions, and has endeavoured to achieve consistency with those comments and directions.

Processes to enable the panel to understand, resolve or narrow issues:

39. Nova is willing to participate and engage with the Panel to advance the application in an efficient manner.

40. Nova proposes that a briefing on the application by Nova to the Panel is factored into the timetable. Based on experience with other projects, counsel anticipates that this would be useful to provide the Panel with an overview of the project, draw the Panel's attention to key information and answer any initial questions.
41. As set out above in respect of the key issues in contention, Nova also expects that the use of expert conferencing on ecology matters could be useful to narrow issues, alongside ongoing direct discussions between parties.
42. These processes are likely to be most useful after Nova has responded to comments filed by invited parties on the application, any further information requests have been responded to, and any technical assessments have been obtained by the Panel.
43. Nova does not consider that a hearing is necessary.

Timing of decision:

44. Nova accepts that the default statutory period for processing of applications under section 79(1)(b) of the FTAA is likely to be insufficient to enable determination of the application.
45. Nova also notes that the Panel Convener may not impose a timeframe exceeding 90 working days, unless agreed to by the Applicant in writing.
46. Nova respectfully requests the Panel Convener sets a timeframe of 50 working days for the Panel to issue its decision under section 79(1)(a). Nova considers that this is a realistic timeframe, considering:
 - (a) The low-moderate level of complexity of the application;
 - (b) The extended time afforded to the preparation of the project which has enabled Nova to prepare a technically robust, thorough application.
 - (c) There has been extensive engagement with stakeholders in advance of lodgement, and engagement is continuing, meaning that potential issues in contention have and are continuing to be narrowed, and have been robustly addressed in the application;

- (d) The potential issues remaining in contention fall within a relative narrow scope;
- (e) While separate projects with their own considerations, the processing of the Haldon Station and The Point solar projects has been instructive in terms of enabling Nova to proactively address potential issues.

Panel membership:

- 47. Nova respectfully suggests that the Panel consider appointing:
 - (a) A lawyer, to ensure procedural fairness, especially given that some Fast-track process steps are unique and emerging.
 - (b) A person with knowledge of the relevant planning context (particularly the MDP and the CLWRP);
 - (c) Background knowledge and experience of utility scale solar projects, if possible.
- 48. Nova also notes that at least one member of the Panel must have an understanding of te ao Māori and Māori development (Schedule 3, clause 7, FTAA).

CONFERENCE ATTENDEES

- 49. The Panel Convener noted in Minute 3 that Bob Warnock (Nova Energy) and Cam Twigley, planning consultant at BTW are invited to attend the conference on behalf of Nova.
- 50. In accordance with previous email correspondence to the EPA, Nova respectfully requests that the following attendees be invited to the Panel Convener's conference on behalf of Nova:
 - (a) Adam Tapsell – Senior Legal Counsel, Nova Energy;
 - (b) Bob Warnock – Project Developer, Nova Energy;
 - (c) Stephanie de Groot – Counsel, MinterEllisonRuddWatts;
 - (d) Kate Storer – Counsel, MinterEllisonRuddWatts;

51. Cam Twigley is unable to attend the Conference, and will watch the recording subsequently made available.

CONCLUSION

52. Nova's representatives will further address the matters raised in this memorandum at the Panel Convener's conference.

DATED this 23rd day of July 2026

A handwritten signature in blue ink, appearing to read 'Stephanie de Groot' or 'Kate Storer', written in a cursive style.

Stephanie de Groot / Kate Storer
Counsel for Nova Energy Limited