

BEFORE THE PANEL CONVENER

IN THE MATTER of the Fast-track Approvals Act 2024 (**FTAA**)

AND

IN THE MATTER of an application by Far North Solar Farm Limited under section 42 of the FTAA for a substantive application for The Point Solar Farm

APPLICATION NO. FTAA-2509-1100

**MEMORANDUM ON BEHALF OF THE DIRECTOR-GENERAL OF
CONSERVATION IN RESPONSE TO MINUTES 1 AND 2 OF THE PANEL
CONVENER - CONVENER'S CONFERENCE 17 NOVEMBER 2025**

Dated: 13th November 2025

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Introduction

1. This memorandum has been prepared on behalf of the Director-General of Conservation (the **D-G**). It responds to Minutes 1 and 2 of the Panel Convener dated 5th and 6th November 2025 respectively.
2. Minute 2 sets down a convener's conference for 17th November 2025. The purpose of the conference is to inform two key decisions of the Panel Convener, being:
 - (a) the appointment of panel members (Schedule 3),¹ including the expertise required of the panel, and the number of panel members; and
 - (b) the timing of the panel decisions (section 79).
3. Minute 1 requests that the D-G indicate her view as to the application for concessions at the convener's conference. Statutory delegations are in place for the Department of Conservation (**DOC**) to respond on the D-G's behalf, and this response is under those delegations.
4. Our representatives will attend the conference. Those representatives are Ceri Warnock and Murray Brass, and their details are set out above.

Minute 1

The concession application

5. Our initial view is that the concession should be suitable for approval, subject to full assessment of the application and adoption of suitable conditions. However, we consider that an easement for ROW and telecommunications conveyance may also be required where they would cross a section of marginal strip which is not currently covered by the application. We have sought further information from the applicant on this issue.

Minute 2

Approvals required

6. The Applicant's Assessment of Ecological Effects (**AEE**) noted that protected wildlife species were likely to be present and may be affected by the project.² This would lead to a requirement for wildlife approval for the proposed development, which has not been applied for.
7. We agree with this assessment and consider it is highly likely wildlife approvals will be required in respect of the disturbance, taking and incidental killing of lizards, avifauna, and any terrestrial invertebrates that are included in Schedule 7 of the Wildlife Act 1953. Accordingly, separate approval would

¹ All legislative references are to the Fast Track Approvals Act 2024 (the **FTAA Act**) unless otherwise stated.

² Assessment of Ecological Effects, Wildlands, May 2023.

need to be obtained through 'business as usual' processes under the Wildlife Act 1953.

Complexity, Issues and Panel Membership

8. Given the factual, evidential and legal complexities set out below, we consider it would be useful if the panel includes relevant ecological expertise, (ideally, panel members with expertise in avifauna ecology) and legal expertise.
9. In terms of ecological values, the site itself has limited vegetation values. However, it is habitat for native lizards, invertebrates and avifauna, including many Threatened and At-Risk ('TAR') species, as are surrounding areas. The site is adjacent to an Important Bird Area³ and DOC's Project River Recovery programme. It is near to the Kakī Recovery Programme aviary (kakī are Nationally Critical with a current population of c. 150 and are a taonga species to Ngāi Tahu) and the largest colony in NZ for black-fronted terns (Nationally Endangered). There are multiple recordings of Australasian bittern close to the site. These species and (at least) 13 other TAR species of avifauna are likely to be present and some have been confirmed foraging and breeding on site. The AEE identifies Robust grasshopper (Nationally Endangered), Minute grasshopper (Nationally Vulnerable) and Short-horned grasshopper (At-Risk Declining) are possibly present on site, as are five TAR species of lizard (with two species confirmed present). Surrounding waterways are also likely to be habitat for indigenous freshwater fauna (including galaxiids and bullies). The primary effects of concern to DOC of the proposal therefore are likely to be on indigenous fauna. As the Applicant's AEE notes, such effects include mortality and injury, loss and fragmentation of habitat, displacement, breeding failure, sedimentation in waterways, and the risk of avifauna colliding with solar panels and infrastructure.⁴
10. In relation to the risk of avifauna collision, the technical comments are likely to be complex and potentially conflicting. Given the lack of current monitoring and reporting of avifauna collision at New Zealand solar farms, ecological comments will draw on the scientific literature from overseas; avifauna physiology, vision and behaviour; impacts on birds of polarisation; ecological data relevant to this context (for example, tracking data and population impact modelling); and expert opinion.
11. Mitigation techniques to avoid avifauna collision will be necessary (and include design and operational measures) but the efficacy of various measures is currently uncertain. Methods for adequate monitoring may be challenging given the size of the solar farm, size of species impacted, carcass persistence rates in this environment, and current technical limitations to monitoring methods. Offsetting and compensation may also be required to address collision effects, which will raise questions as to the efficacy of intervention to grow avifauna populations of impacted species.

³ Important Bird Area (IBA), BirdLife International, available at <<http://datazone.birdlife.org/about-our-science/ibas>>

⁴ Assessment of Ecological Effects, Wildlands, May 2023 at p 30-34.

12. In respect of habitat displacement, offsetting and compensation may also be relevant to provide habitat for TAR lizards, avifauna and invertebrates - noting that terrestrial ecological enhancement is proposed as a significant benefit of the proposal.
13. We would welcome the opportunity to discuss potential mitigations, offsetting and compensation with the Applicant. The Applicant carried out good engagement with DOC when the original application was progressing through the RMA process but has had limited engagement since the FTAA application was filed.
14. In addition to ecological complexity, the legal issues are also likely to be difficult and possibly novel in the FTAA context, and require consideration of cumulative effects (particularly in light of paragraph 15 below), potential effects, and the (relatively challenging) case law on assessing risk where TAR species are affected.

Number of Panel members

15. We do not have any views on the number on panel members. However, as the maps in Appendix A below show, there are six proposals for solar farms in the Mackenzie District currently in train via the FTAA and RMA, and applicants have publicly signalled their intent to progress two other proposals. This context may be a matter for the Convener to consider under Schedule 3 cl 3(7)(b).

Other procedural requirements

16. We are willing to engage directly with the Panel where that would assist.
17. Counsel for the D-G has information concerning expert availability to assist in any discussion on expert conferencing.
18. We consider it may be appropriate for the parties to have time to discuss the issue of avifauna collision, including mitigation measures to avoid collision, and potential offsetting and compensation measures (either informally or through mediation).
19. Subject to those discussions, it may not be necessary to have any form of hearing process.
20. Likely disputed facts, opinions and legal issues are indicated above.
21. The proposed conditions are currently inadequate and require significant work.

Timeframes

Statutory framework

22. The timeframe for a panel to issue its decision under section 88 is either:
- (a) 30 working days after the date specified for receiving comments under section 53 (section 79(1)(b)); or
 - (b) a timeframe set by the Panel Convener in accordance with section 79(2) (section 79(1)(a)).
23. A timeframe set in accordance with section 79(2) must be a timeframe that the Panel Convener considers appropriate: *having regard to the scale, nature and complexity of the approvals sought in, and any other matters raised by, the substantive application*. The Panel Convener must also consult the relevant administering agencies.

Applicant's views on timing

24. At the time of writing, the Applicant's views on timing were not available.

Director-General's views on timing

25. There is likely to be legal, factual and evidential complexity, stemming from the technical nature of the material, likely conflicting expert evidence, difficult legal issues, and the (relatively) untested statutory framework. Accordingly, the statutory default for issuing a decision set out in s 79(1)(b) may be insufficient.
26. What procedural steps will be necessary and appropriate will need to be determined by the panel once the key issues have crystallised.⁵ The timetable will need to accommodate necessary procedures.
27. The Department is cognisant of the time allocated for the steps in the second half of the table in Schedule 1 – specifically, from the point that draft conditions are provided to participants (s 70). If the application is approved, the refinement of conditions will be critical. The Department also notes that its staff and experts are involved in a range of other FTAA applications. Availability of relevant participants will therefore need to be factored into the timeframe. The Department considers that at least 30 working days will be required from the date draft conditions are provided to the step of issuing a decision.

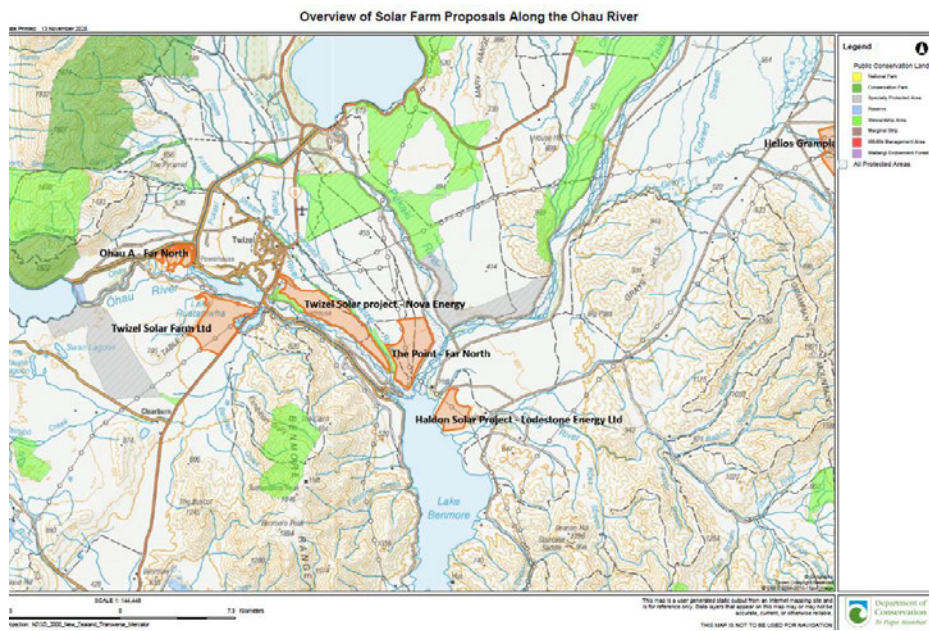
⁵ Pursuant to Clause 3 of Schedule 10, a panel must regulate its own procedure as it thinks appropriate, without a procedural formality, and in a manner that best promotes the just and timely determination of the approvals in a substantive application.

28. The Department therefore considers that additional time will be necessary beyond the statutory defaults, in accordance with s 79(2), and is open to discussing this further at the conference.

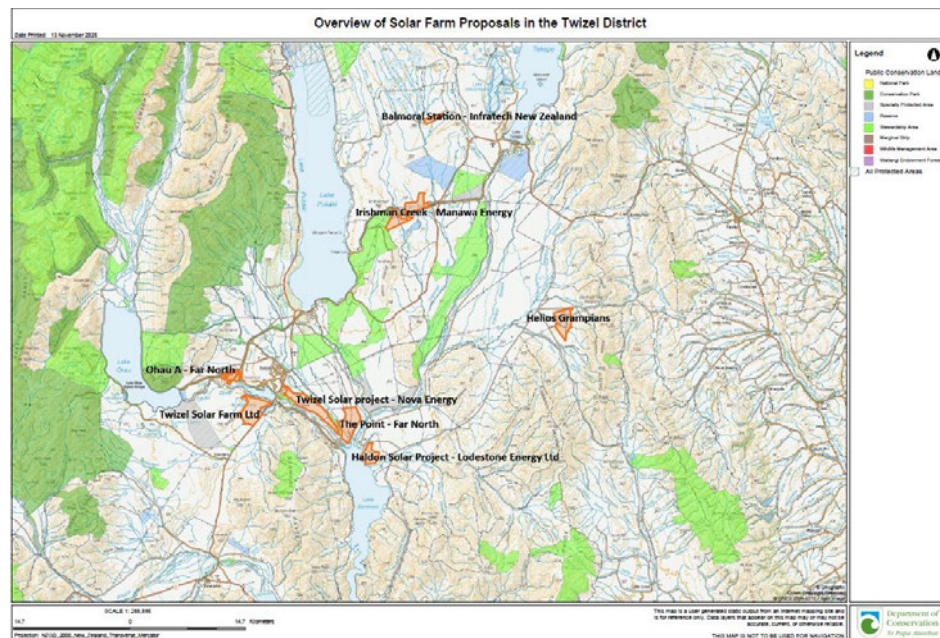


Ceri Warnock
Counsel for the Director-General of Conservation

APPENDIX A



Map A: showing location of three proposals for solar farms currently progressing through the FTAA, one proposal progressing through the RMA in the Twizel area with one additional farm publicly signalled (as of 12th November 2025). GIS map created by Marianne Marot, DOC.



Map B: showing location of eight proposals for solar farms in the Mackenzie District (as of 12th November 2025, from information in public sphere). GIS map created by Marianne Marot, DOC. Proposals additional to Map A are two currently progressing through the FTAA, and one publicly signalled.