

BEFORE THE PANEL CONVENER

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

AND

IN THE MATTER of an application by Nova Energy Limited under section 42
of the FTAA for the Twizel Solar Farm.

APPLICATION NO. FTAA-2604-1217

**MEMORANDUM FROM THE DIRECTOR-GENERAL OF CONSERVATION
RESPONDING TO MINUTE 3 OF THE PANEL CONVENER**

22 July 2026

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Introduction

1. This memorandum has been prepared on behalf of the Director-General of Conservation (**D-G**) by the Department of Conservation (DOC). It responds to a minute of the Panel Convener dated 15 July 2026 in respect of the Twizel Solar Farm (the “Minute”).
2. The Minute refers to an upcoming conference, to gather participant views, that will inform decisions of the Convener regarding:
 - a) Appointment of panel members (Fast-track Approvals Act 2024 (“FTAA”), Schedule 3), including the expertise required of the panel, and the number of panel members; and
 - b) The timing of the panel decision (FTAA Section 79).
3. This memorandum addresses the matters identified in Schedules 1 and 2 of the Minute, as relevant to the two decisions required of the Panel Convener set out at paragraph [3] of the Minute. It also addresses each of the issues identified in paragraph [7] of the Minute.
4. For the Panel Convener’s assistance, DOC’s comments on completeness in relation to the application for Wildlife Act permits are attached (see Appendix A).

Overview of ecological issues

5. By way of background, DOC notes that the proposed solar farm footprint itself is already developed for pastoral farming, so has relatively low terrestrial ecology values. However, there are some areas of indigenous vegetation within the site, and indigenous invertebrates and lizards are present.
6. There are higher values around the margin of the site, including significant occurrences of threatened plants. These will require further survey and management to avoid edge effects.
7. Of most concern to DOC is that the site is located in an area that is heavily used by threatened species of birds, particularly kakī / black stilt (Nationally Critical) and tarapirohe / black-fronted tern (Nationally Endangered). There is a real risk of population level effects on these species from collisions with the solar panels and associated infrastructure. The same issue has arisen for the nearby Haldon and The Point solar farms, and has been addressed

through a combination of upfront compensation, ongoing monitoring, and response measures. In respect of the Twizel Solar Farm, the significance of potential effects on avifauna and what measures, if any, may effectively mitigate that risk remain in contention.

8. DOC considers that ecological effects will be a key consideration for this application.

Response to Minute 3

Paragraph 3(a): Appointment of panel members

9. In accordance with FTAA Sch 3 cl 7, DOC suggests that the following expertise should be represented on the Panel:
 - Legal
 - Planning
 - Te ao Māori
 - Avifauna Ecology
 - Drylands Ecology
 - Landscape
10. In accordance with FTAA Sch 3 cl 3(7)(c) 'nature and scale of the application' and (e) 'collective knowledge and experience needed', the Panel Convener may wish to consider exercising her discretion to appoint more than four panel members if that is required in order to cover the relevant areas of expertise.
11. There may also be an advantage in appointing panel members that have sat on Haldon and / or The Point applications, if that is at all possible.

Paragraph 3(b): Timing of panel decision

12. Having regard to the scale, nature, and complexity of the approvals sought, and the likely disagreement between the parties as to the issues identified below, DOC considers that additional time will be necessary for issuing a panel decision (i.e. beyond the statutory default set out in FTAA s 79(1)(b)).
13. In other Mackenzie basin utility-scale solar applications, the Panel Conveners have required panel decisions to be issued **80 working days** after the date specified under s 54 for receiving comments under s 53. While that timing has proved challenging for all parties in Haldon and The Point,

and there have been numerous suspensions in both, the information in the current application appears more comprehensive than in either of those matters. Accordingly, an 80-day timeframe may be more achievable.

Paragraph 7(a): Comment on the extent of engagement by the applicant both before and following lodgement of the application;

14. Nova Energy has undertaken substantial consultation with DOC from an early stage and has incorporated various outcomes from that engagement into the application. From DOC's point of view, this has successfully narrowed, but not fully resolved, the matters that remain in contention.

Paragraph 7(b): Identify in-house experts and external consultants engaged on this project;

15. The experts engaged for DOC include:

- Avifauna – Dr Colin O'Donnell
- Terrestrial Ecology – Dr Susan Walker
- Invertebrates – Warren Chinn
- Lizards – Lynn Adams
- Planning — Herb Familton

Dr Walker is an external consultant and all others are in-house experts.

Paragraph 7(c): Where there is a difference of opinion between the applicant and any other participant, identify:

16. **(i) principal *issues* in contention;**

- Effects on avifauna, including collision risk;
- Effects on drylands ecosystems;
- Cumulative ecological effects;
- What constitutes the “existing environment” and which if any of the other consented / applied for solar farms can be taken into account in determining cumulative effects;
- The significance of the potential adverse ecological effects;
- Whether conditions can mitigate those effects.

17. **(ii) those *issues* capable of resolution through conditions of approval.**

DOC considers that the only issue raised above which is not capable of resolution through conditions is the collision risk to avifauna. The likelihood of collisions is uncertain, but the effects are potentially highly significant (i.e.

population decline towards extinction) and there are no proven measures that would reduce the risk.

Paragraph 7(d): Record processes agreed with the applicant to narrow or reduce any *issues* relevant to the application and the decision that the panel is required to make;

18. Nova Energy and DOC have both committed to ongoing consultation to seek to narrow or reduce the issues that remain in contention (subject to the consenting process allowing time and scope for this to happen).

Paragraph 7(e): Identify any changes made, or currently underway, to the application since lodgement, whether as a result of engagement with participants or other work undertaken by the applicant, including any new or supplementary reports and draft conditions;

19. As above, engagement is ongoing and the Panel will be updated of any outcomes from this. DOC does not have any changes to report at this stage.

Paragraph 7(f): Describe the *complexity* of this application;

20. This is a factually and legally complex application presenting the following, amongst other, challenges:

- Assessment of potential effects to Threatened and At-risk (“TAR”) avifauna (including Nationally Critical species) given clear evidence of high numbers of collisions with utility-scale solar in the international literature, but without a singular or tested hypothesis for this phenomenon;
- Quantification of the magnitude of that collision risk in the current context given the lack of empirical data in the New Zealand context;
- Need for population viability analysis for TAR species to assess species level impacts of any collisions;
- Need for robust monitoring protocols and how they might be established;
- Untested and / or purely experimental mitigation methods to prevent avifauna collisions with macro solar;
- Whether compensation is appropriate for the loss of values and if so how to assess appropriate levels of compensation;
- Uncertain effects on drylands eco-systems, including indigenous vegetation and invertebrates;

- The experimental nature of measures to mitigate effects on drylands eco-systems;
- Challenges of applying an adaptative management approach (iterative development of proposal) with utility-scale solar;
- What the “existing environment” constitutes (legally -in the context of the FTAA- and factually);
- The need to take into account cumulative effects, given the number of consented to, applied for, or proposed applications for solar farms in the locality, and how that assessment should be done;
- Given the level of uncertainty, the legal validity of tasking a Technical Review Panel with formulating future adaptive management, offsetting or compensation measures at a date post consent (see DOC comments on Haldon Solar Farm Draft Mackenzie District Council Conditions¹).

Paragraph 7(g): State whether the drafting of proposed consent conditions (including any draft management plan filed) is accepted;

21. DOC considers that further amendments and additions to conditions are still required. In particular, amendments are necessary in relation to: survey, monitoring and management of indigenous vegetation around the margins of the site; avifauna collision risk, including upfront compensation, statistically meaningful monitoring, and response measures; management plan requirements; and management of cumulative effects.

Paragraph 7(h): Propose efficient processes to enable the panel to understand, resolve or narrow the scope of any likely issues and indicate how these processes may be accounted for under the decision timeframe.

22. It may be appropriate for the Panel to instruct an **independent avifauna advisor** at the outset, as avifauna values, collision risk, monitoring protocols, and mitigation measures are likely to constitute the main areas of disagreement.
23. DOC’s experience with other utility-scale solar applications suggests that adequate time must be provided for the appropriate experts to **workshop what are likely to be extensive conditions**.
24. In conjunction with this point, it may be appropriate for a **specialist condition writer** to be employed to ensure amongst other things that draft conditions

¹ <https://www.fasttrack.govt.nz/projects/haldon-solar/draft-decision-and-conditions>

align with the Panel Conveners' Guidance Note 2025 (if this has not already been done).

Schedule 2 – Proposed timetable

25. The Department is cognisant of the time allocated for the steps in the second half of the table in Schedule 2 – specifically, from the point that draft conditions are provided to participants (s70). If the application is approved, the refinement of conditions will be critical as stated above. 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, allowing for s70 processes, to the step of issuing a decision.
26. What other procedural steps will be necessary and appropriate will need to be determined by the Panel once the key issues have crystallised (likely to be those identified above)². The timetable will need to accommodate necessary procedures.

Conclusion

27. The D-G's representatives will be happy to elaborate further on any of the above points at the conference set for Tuesday 28 July at 10:00am
28. DOC confirms willingness to engage directly with the applicant and Panel as necessary to advance the progress of the application.
29. The D-G's representatives will attend the conference.



Ceri Warnock
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² 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.

APPENDIX A – DOC ADVICE ON COMPLETENESS

Department of Conservation advice for EPA compliance assessment

Overview

Project name	Twizel Solar Project
Project applicant	Nova Energy Limited
EPA unique ref. no	FTAA-2604-1217
EPA Request Number	CRM:0139015778
Conservation approvals sought	Wildlife approval (as defined in clause 1 of Schedule 7 of the Act) (section 42(4)(h) of the Act)
EPA request summary	Please provide DOC's views on whether the documentation provided by the EPA regarding the above approval/s, as provided by the applicant, meet the requirements of sections 42 and 43 of the Act and has been provided in sufficient detail to satisfy the purpose for which it is required, in accordance with section 44 of the Act. In your response, please include: • whether any relevant matters listed in clause 2 of Schedule 7 (information required in application for wildlife approval) have not been addressed or have not been provided in sufficient detail.
Date due to EPA	17 June 2026

On 10/06/2026 the Department of Conservation (DOC) received a request from the EPA seeking its views whether the application meets the requirements of sections 42 and 43 of the Fast-track Approvals Act 2024 (the Act) and whether the information is in sufficient detail to satisfy section 44 of the Act.

The purpose of this document is to provide advice to assist the EPA in making its decision whether the application lodged by Nova Energy Limited on 05/05/2026 complies with the requirements of section 46(2) of the Act.

The advice covers compliance with the following:

- Information requirements for relevant approvals.

The advice also includes further observations of relevance to further processing of the application, for example where further information could be needed for a decision by the panel.

DOC understands that this document will be passed on to the applicant, the Panel Convener and the Panel.

Compliance with information requirements

Our detailed assessment of the information requirements for the relevant approval is provided in the attached table. In summary, DOC's advice is that **the Wildlife Approval application meets the requirements of sections 42, 43, and 44 of the Act.**

Further observations

Although the application is sufficient to be considered complete for the purposes of ss 42-44 of the Act, DOC considers that it could be improved, and it would likely be faster and more efficient to process, if the following matters were addressed by the applicant:

- Review avifauna species lists and references in the Avifauna Management Plan (AMP) and Assessment of Ecological Effects (AEE) for consistency;
- Consider cumulative effects on lizards with other development across their range;
- In section 9.2. of the Lizard Management Plan (LMP) add an additional objective to determine the recovery of lizards within the rodent control area;
- In the LMP add provision for monitoring to determine the success of rodent control in the areas of high-quality rocky habitat described as “the scarp and old river terrace in the central southern part of the site” (section 7.3.6) to ensure that perverse outcomes don't occur;
- Provide proof of consultation with hapū and iwi.

Further information

Although DOC's advice is that the application meets the requirements of sections 42, 43, and 44 of the Act in terms of the application for a Wildlife Approval, DOC considers that further information will be important for processing and deciding on the overall proposal. The purpose of the Act is to facilitate the delivery of the relevant projects, and we consider that the information outlined below is important to minimise the risk of delays and re-work in the processing of this application. We consider the following information should therefore be requested from the applicant.

- Details as to offsetting and / or compensation measures. The Expert Panels for the nearby Haldon and The Point Solar Farm projects have suggested that a substantial, upfront and secured funding commitment for avifauna recovery is likely to be necessary to address risks to threatened avifauna. Such compensation would be additional to a detailed adaptive management programme. DOC's understanding is that this application presents the same or greater risk to avifauna as those projects. Accordingly, it will be necessary for this applicant to give consideration to providing an upfront commitment, unless it

can provide evidence to show that the risk to avifauna is significantly less at this site;

- Population Viability Analysis should be undertaken up front for threatened avifauna species (at least kakī) to assist the Panel to understand the population risk of bird collisions with the solar panels or infrastructure;
- Further work is required on (a) bird carcass monitoring design by a suitably qualified biostatistician to ensure it is statistically robust, and (b) description of effective response measures that would apply if bird collision trigger thresholds are reached;
- There are significant occurrences of threatened plants around the perimeter of the site, which will require either further survey to confirm their locations and appropriate management; or protection through increased setbacks. (We understand this was Nova's intent, but it is not confirmed by the application documents);
- To avoid edge effects on threatened plants outside the site perimeter, the applicant should undertake a cross-check of the locations of restoration and enhancement areas with threatened plant information;
- The applicant should also provide a monitoring plan for effects on vegetation, which is currently absent. This should be statistically robust, and include response measures that would apply if trigger thresholds are reached.

Applications for wildlife approvals

Clause 2 of Schedule 7 outlines the information required in an application for a wildlife approval.

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
Schedule 7 clause 2(1) - For the purposes of section 43(3)(h), an application for a wildlife approval must include the following information:				
(a) specify the purpose of the proposed activity:	Y	Application 9.1 p155	Y	
(b) identify the actions the applicant wishes to carry out involving protected wildlife and where they will be carried out (whether on or off public conservation land):	Y	Actions: Application 9.2 p155 Location: Application 3.1.1 p27; LMP 1.1 p5	Y	The specified activities do not include handling or holding injured birds, although this is covered in the AMP. If not included in this application, separate approval under the standard Wildlife Act process would be required to cover those activities.
(c) include an assessment of the activity and its impacts against the purpose of the Wildlife Act 1953:	Y	Application 9.3 p156	Y	
(d) list protected wildlife species known or predicted to be in the area and, where possible, the numbers of wildlife present and numbers likely to be impacted:	Y	Lizards: Application 9.4.1 p157; AEE 7.1-7.2 p33; LMP 4.1-4.2 p10	Y for lizards ? for birds	Species listed for lizards are sufficient. An attempt to determine numbers has been made, and is reasonable, but DOC agrees with the applicant that it is difficult to estimate numbers and the most likely scenario is that more lizards

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
		Avifauna: AEE 6.1-6.2 p29, Table 3 p34; AMP Appendix 2 p22		will be present than have been accounted for. While avifauna species are listed, there are some inconsistencies and gaps in how they are presented. Australasian bittern and spotless crane are referred to as known in the vicinity in Section 4.0 of the AMP and Section 6.2 of the AEE, but missing from the species list in Appendix 2 of the AMP. Pied shag (At risk, recovering) is known in the vicinity but not recorded anywhere in the application documents.
(e) outline impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System):	Y	Lizards: Application 9.5.2 p157; AEE 12.4 p60 Avifauna: Application 9.5.1 p157; AEE 12.3 p57	Y	Information provided for lizards is sufficient. Information provided for avifauna is sufficient, noting that birds being handled will already be dead (or injured, if that is included).
(f) state how the methods proposed to be used to conduct the actions specified under paragraph (b) will ensure that best practice standards are met:	Y	Lizards: Application 9.6.2 p158;	Y	The information provided for lizards is sufficient, with particular reference to Table 1 in the LMP.

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
		LMP Table 1 p6 Avifauna: Application 9.6.1 p158; AMP 6.7 p10		The approach to handling dead or injured birds aligns with DOC expected good practice.
(g) describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes:	Y	Lizards: LMP 8.2 p26, 8.4 p27 Avifauna: AMP 6.11 p 11-12, 6.14 p 14	Y	The information provided for lizards is sufficient. The methods to hold dead birds are adequately described. The Avifauna Management Plan establishes protocols to hold injured birds and handle dead birds.
(h) state the location or locations in which the activity will be carried out, including a map (and GPS co-ordinates if available):	Y	Application 3.1.1 p27; LMP 1.1 p5 Lizard release: LMP 8.3 p27, Figure 4 p20	Y	The maps are sufficient, and GPS coordinates are not required.
(i) state whether authorisation is sought to temporarily hold or relocate wildlife:	Y	Application 9.2 p155 Lizards:	Y	

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
		LMP 8.3 p27 Avifauna: AMP 6.14 p13		
(j) list all actual and potential wildlife effects (adverse or positive) of the proposed activity, including effects on the target species, other indigenous species, and the ecosystems at the site:	Y	Lizards: Application 9.7.3 – 9.7.4 p158; LMP 6.1 p16; AEE 12.4 p60 Avifauna: Application 9.7.1-9.7.2 p158	Y	Although the information for lizards is sufficient in terms of the direct effects of this proposal, it does not address the cumulative impacts of development across the range of these species. This point is not relevant for avifauna given that handled birds will already be dead.
(k) where adverse effects are identified, state what methods will be used to avoid and minimise those effects, and any offsetting or compensation proposed to address unmitigated adverse effects (including steps taken before the project begins, such as surveying, salvaging, and relocating protected wildlife):	Y	Lizards: Application 9.7.5 p159; AEE 13.3 p71; LMP 7.0 p18 Avifauna: Application 9.7.5 p159; AEE 13.6 p66; AMP 6.0 p6	Y	The information provided for lizards is appropriate, but DOC considers that two additions are required: 1. In section 9.2. add an additional objective to determine the recovery of lizards within the rodent control area. 2. Add provision for monitoring to determine the success of rodent control in the areas of high quality rocky habitat described as “the scarp and old river terrace in the

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
				central southern part of the site” (section 7.3.6) to ensure that perverse outcomes don’t occur. The Avifauna Management Plan establishes protocols to handle dead and injured birds.
(l) state whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence under the Wildlife Act 1953:	Y	Application 9.8 p160	Y	
(m) state whether the applicant or any company director, trustee, partner, or anyone else involved with the application has any current criminal charges under the Wildlife Act 1953 pending before a court:	Y	Application 9.8 p160	Y	
(n) provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts:	Y	Application 9.9 p160, Consultation Register, Consultation Summary	Y	Although the Applicant has provided descriptions and summaries of consultation, including with hapū and iwi, no proof of this is provided. For Wildlife Act approvals DOC would normally expect copies of correspondence or a letter of acknowledgement from the consulted parties to be provided.

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
(o) provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal.	N	N/A		