
MINUTE 5 OF THE PANEL CONVENER
Decision on timeframe and panel appointments
[FTAA-2604-1217]
7 August 2026

[1] A conference was held on 29 July 2026 to gather participant views on matters arising in relation to the application filed under the Fast-Track Approvals Act 2024 (FTAA).

[2] I am grateful for the consideration given to this application in the detailed memoranda filed. A list of persons who attended the conference is attached to this memorandum and marked “A”. The EPA will provide the memoranda to the panel after it is set up; they serve as a snapshot of the current topics and issues.

Background

[3] Nova Energy Ltd filed for consent and wildlife approvals required to install and operate a solar farm on the 868-ha site on State Highway 8, Twizel (the Project).

[4] This is the third application lodged under the Fast-track Approvals Act 2024, for a solar farm project in the Mackenzie Basin.¹ Applications filed by Lodestone Ltd (Haldon) and Far North Solar Farm Ltd (Point) are currently before expert panels. Except for the resource management planners, Haldon and Point panels have common panel members.

¹ Being considered under the fast-track, the Haldon and Point solar farms have 80 working day timeframe for a decision. However, due to lengthy suspensions, the decisions on those projects have yet to be released. Indeed, the timeframe for Haldon decision is now August 2026 and Point is November 2026.

[5] A fourth solar farm application has been lodged under the Resource Management Act (I will refer to this as the 'Ruataniwha' application). Submissions on this application have closed, with a hearing in front of the consent authorities likely to take place this year.

[6] All four projects are located within the same general area. If the three other applications are granted approval prior to the determination of the Twizel project, this will likely require the filing of additional reports addressing the cumulative effects of the Twizel project. The panel considering Haldon project has released its draft decision to grant that application. A final decision is due in August 2026.

[7] These multiple applications create a challenging and complex consenting environment for the applicant and the other participants alike.

Demand on participants' experts

[8] Noting their engagement on multiple fast-track projects within the Mackenzie Basin and around New Zealand, several participants asked that the demands this creates on the organisations and their experts be considered when deciding the project timeframe.²

[9] For example, the Department of Conservation is engaged on 100 projects nationwide but employs five or fewer avifauna experts. I am also aware of the large number of applications and referrals within the rohe of Kā Rūnaka and the Canterbury Regional Council. In response, two participants at the conference asked that the timeframe for a decision allow 20-30 working days after the release of a draft decision to accommodate experts who are engaged on multiple projects. This Minute flags to the Panel the need to check expert availability when making

² The Department of Conservation is engaged on 100 fast-track projects nationwide.

procedural directions following the release of the draft decision.

Principal issues in contention

[10] In the Minute inviting participants to this conference, I asked:

- (a) where there is a difference of opinion between the applicant and any other participant, identify:
 - (i) the principal issues in contention; and
 - (ii) those issues capable of resolution through conditions of approval.

[11] The Applicant and participants agree that there are four principal issues in contention. These are:

- (a) Ecological impacts –
 - (i) the risk that collision with solar panels and associated infrastructure will cause mortality of black stilt (Threatened – Nationally Critical) and black-fronted tern (Threatened – Nationally Endangered) at a rate sufficient to result in adverse population-level effects; and
 - (ii) more broadly, whether the adverse ecological impacts³ have been appropriately addressed in conditions.
- (b) the effect on landscape;
- (c) the cumulative ecological effect if other solar farms are approved and, related to this, what is the ‘environment’ or ‘existing environment’ when assessing cumulative effects; and
- (d) the effect on Māori cultural values, including the cumulative effect on those values if other solar farms are approved.

[12] The other issues that arise for the participants at the conference are capable

³ Ecological effects include additional impacts on avifauna such as loss of habitat and on other taonga species (including indigenous flora and fauna).

of being addressed through appropriately worded consent and wildlife conditions. Work to narrow or resolve the drafting of conditions has not commenced.

Concurrent processing of multiple projects

[13] As noted, the concurrent processing of multiple solar energy projects within the same general vicinity is challenging.

[14] Apart from Haldon, it is uncertain whether the two other solar farm applications will be granted and, therefore, how much time the panel may need to reconsider cumulative effects.

[15] Unlike the RMA, a fast-track panel cannot place an application on hold pending the production of further information. Nor can the panel convener extend the timeframe for a decision, if time proves to be inadequate. Because of these uncertainties, I invited Nova to consider a decision timeframe longer than 90 working days⁴. However, Nova has not agreed to this.⁵

[16] If the Haldon application is granted in August, Nova anticipates filing supplementary reports by 11 September 2026. The subject matter of the reports include:

- (a) the cumulative ecological impacts on avifauna, lizards, invertebrates and indigenous vegetation;
- (b) economic benefits
- (c) landscape and visual effects
- (d) transport
- (e) noise
- (f) natural hazards (flooding) and
- (g) planning (including management plans).

⁴ Minute 4 dated 30 July 2026

⁵ FTAA s 79

Suspension – strong encouragement given to Applicant

[17] If more time is required by participants and the panel, Nova may apply to suspend the application. It is a matter for the panel to decide whether to grant a suspension.

[18] Before seeking a suspension, I strongly encourage the applicant to confer with other participants who have produced relevant expert reports and to agree on the terms of any proposed suspension.

Post-lodgement engagement

[19] Pre-lodgement, all participants recorded good engagement with the Nova. Post-lodgement, the engagement has been limited.

[20] Nova advises that it has been busy and will address the gaps in information identified by the Regional Council and Department of Conservation by filing supplementary by/on the date the panel invites comment on the application (nominally 11 September⁶). Nova also says that it will engage the other participants in advance of the panel's appointment to provide them the information requested and to narrow the issues that arise.⁷

[21] Until the supplementary information is received, the Regional Council and Department of Conservation are clear that discussions about contested conditions cannot be progressed.

[22] If information is filed on the date that the invitations to comment are sent out, this:

- (a) will create inefficiencies for the panel, which will not have the benefit,

⁶ Nova Memorandum dated 5 August 2026 at [5], assuming the panel commences 31 August.

⁷ Nova Memorandum dated 5 August 2026 at [12].

upon commencement, of updated reports resolving information gaps or any updated conditions; and

- (b) risks invited persons not having adequate time to comment on the new information together with the application documents.

Complexity

[23] For the reasons set out in the memoranda filed by the statutory participants, and having regard to the principal issues in contention, I accept that this application has a moderate to high level of factual and evidential complexity.

[24] Complexity will increase if the other solar farm projects are granted.

Timeframe for a decision

[25] The Applicant proposed an 80 working day timeframe (revised up from 50 working days). Based on their individual interests, and knowledge of the application, the other participants proposed timeframes ranging between 65 and 135 working days.

[26] The timeframe for the decision will be 90 working days. In deciding the timeframe, I have had regard to the scale, nature, and complexity of the approvals sought in, and any other matters raised by, the substantive application including the principal issues in contention⁸. I have also had regard to the expert conferencing and workshop hearing processes anticipated after the panel commences. A longer timeframe would have been prudent, given the imminence of decisions on three solar farm applications; however, Nova does not agree to a longer timeframe.

[27] To reduce the risk that other participants will lack adequate time to comment on the application, including on any new or supplementary reports filed

⁸ FTAA, s 79.

on 11 September, the panel will be appointed on 14 September 2026. For the purposes of section 53 of the Act, will commence on 21 September 2026. The panel will invite comments from participants by 5 October 2026; comments will be due by 3 November 2026. The applicant's response will be due 10 November 2026. Subject to the processing of the application being suspended for any of the reasons outlined in section 60 of the Act, the decision on the application will be due on 2 April 2027.

The panel composition

[28] At the conference I indicated that I was considering appointing members of the Haldon panel to the panel deciding Nova Energy's application. The statutory participants support this approach: Nova Energy does not.

[29] Nova seeks a differently composed three-person panel, submitting this is necessary for its project to be considered on its merits. Nova says its application is distinctly different from the Haldon and Point applications insofar as Nova:

- (a) has invested time and resources into the application;
- (b) offers different mitigation;
- (c) has had good engagement with the other participants; and
- (d) has prepared the application taking into account the Minutes released by the panels considering the Haldon and Point applications.

[30] I do not agree a new panel is necessary. A panel, being properly directed on the law, will, in accordance with the Act, decide the merits of Nova Energy's application fairly and with an open mind. I have confidence that the panel chair, Hon Raynor Asher, will give appropriate direction to the other panel members on the requirements of procedural fairness and on the performance and exercise of their functions, duties and powers under this Act.

[31] Given the commonality of issues across the solar farm applications, it is more efficient and cost-effective to appoint panel members who are engaged on

the other fast-track solar farm projects in the Mackenzie Basin. I had indicated that the panel would commence on 31 August 2026. That date is no longer feasible, because the Point⁹ suspension has been extended. The second reason for delaying the panel appointment is to manage the capacity of the panel.

[32] The following persons will be appointed to the panel:

- (a) Hon Raynor Asher (Chair);
- (b) Matthew McCullum-Clark;
- (c) Dr Matthew Baber; and
- (d) Stephen Brown (local authority nominee).

[33] All panel members have knowledge, skills, and expertise relevant to the approvals sought in the substantive application, including, in the sector to which the application relates. While the appointment of a panel member with an understanding of tikanga related to hearings was proposed, I have not made that appointment. I am satisfied that members have a good understanding of the relevant tikanga and of te ao Māori and Māori development.

[34] Finally, I have satisfied myself as to the availability and capacity of the panel members. The members do not have any conflicts of interest, and all have confirmed that they have capacity to decide this application.



Jane Borthwick
Panel convener for the purpose of the Fast-track Approvals Act 2024

⁹ Haldon and Point panels have members in common.

**Attachment A: List of attendees at the Panel Convener Conference on 29
July 2026**

Applicant (Nova Energy Limited)	Adam Tapsell
	Bob Warnock
	Stephanie de Groot
	Kate Storer
Canterbury Regional Council	Jeremy Ecker
	Victoria Kingsbury
	Dwayne Daly
Mackenzie District Council	Nick Boyes
Department of Conservation	Murray Brass
	Ceri Warnock
Te Rūnanga o Ngāi Tahu	Amy Beran
Te Rūnanga o Waihao and Te Rūnanga o Moeraki	Tim Vial
Te Rūnanga o Arowhenua	Kylie Hall

Memoranda filed in advance of the conference can be found here:

<https://www.fasttrack.govt.nz/projects/twizel-solar-project/conferences,-workshops-and-hearings>