
MINUTE #20 OF THE EXPERT PANEL

Provisional view on ecological effects and effects management, and elements of a response sought from the Applicant; also request to suspend

The Point Solar Farm FTAA-2509-1100

22 June 2026

[1] By way of background, this Minute follows the Panel's consideration of the Applicant's RFI-5 response (29 May 2026) and the section 53 parties' responses received on 11 and 12 June 2026 from the Environmental Defence Society, Forest & Bird, Canterbury Regional Council, Mackenzie District Council and mana whenua (Te Rūnanga o Ngāi Tahu, Aoraki Environmental Consultancy Limited and Aukaha), and the Department of Conservation's response of 17 June 2026.

[2] In addition, this minute responds to a letter dated 19 June 2026 from Far North Solar Farm Limited (the Applicant) requesting a suspension of the processing of the application, to allow the Applicant adequate time to prepare and submit a comprehensive response to the extensive comments received, and to engage further with s53 parties on proposed conditions. The suspension under s 64 FTAA requested is until 20 July 2026.

Suspension

[3] The Applicant seeks additional time because the s53 party comments are extensive and address complex technical matters. Additional time is required for detailed review, specialist assessment, and constructive engagement on conditions. A suspension will support the preparation of high-quality inputs without compromising the overall Fast-track timeline.

[4] Pursuant to section 64(3), the Panel may, at its discretion, suspend the processing

of the Application. Whilst the discretion is broadly framed, the Panel must nevertheless exercise its discretion in a principled way, including by reference to the purpose of the FTAA.

[5] Having reviewed the reason for the extending the suspension, the Panel considers that granting the suspension sought is consistent with the purpose of the FTAA. A complete and robust response by the Applicant to this minute and the comments from the s 53 Parties, as well as the opportunity for engagement with DOC and Mana Whenua, will assist the Panel's assessment of the application.

[6] The Panel approves the suspension to 20 July 2026. It requests the Applicant provide their response by 20 July 2026. This approval is on the basis that the Applicant confirms that it is comfortable for the Panel to continue reviewing the application material and taking such procedural steps as it considers appropriate to progress its consideration of the application during the suspension period.

The Panel's concerns

[7] By way of clarification, having considered that material received so far, the Panel's provisional view is that the assessment of ecological effects, and the proposed effects management, remain notably deficient. The RFI-5 response did not supply key information including but not limited to the per-species residual-effects assessment, quantitative species-specific collision-risk assessment, population viability analysis, information on polarization and UV reflectance signatures of the proposed panels or the offset/compensation accounting calculation that the Panel sought; it largely re-directed the Panel to material already considered and found insufficient, maintaining that the matters raised had already been addressed.

[8] The Panel is therefore presently unable to rule out that the materiality and significance of the residual adverse ecological effects – most acutely collision mortality to Nationally Critical avifauna (kākī/black stilt), the Nationally Endangered black-fronted tern, and the loss of significant indigenous dryland vegetation including the Nationally Critical Maniototo peppercress (*Lepidium solandri*) through edge effects – outweigh the benefits of the Project, notwithstanding the Panel's recognition of the significant regional

and national benefits of renewable electricity generation.

[9] There is a considerable risk that the Project will contribute to regional or national population decline of Nationally Threatened birds via collision-induced mortality, and that edge effects will cause the loss of significant indigenous vegetation and threatened plants on the adjacent terrace edges. These are significant adverse effects. It is our provisional view that the Applicant either has not displaced such outcomes with reliable evidence, or proposed effects management and offsets and compensation commensurate with them.

[10] The Panel is conscious of the significant regional or national benefits of renewable energy projects. It is also conscious of its obligation to act promptly and cost-efficiently, and to regulate its own procedure without procedural formality, and in a manner that promotes the just and timely determination of the approvals sought. The Panel has reached the provisional view that the adverse effects on the ecology of the site are unacceptably high and at risk of outweighing the benefits of the project, even taking into account the presently proposed effects management measures.

[11] The Applicant needs to consider three elements, each directed to the concerns consistently raised by the section 53 parties' experts. Therefore, it sets out below what elements should be addressed by the Applicant:

- (a) **Secured avifauna compensation, with additional defined allocation to carcass monitoring and applied research.** In the absence of the requested offset/compensation accounting calculation and noting the expert comments of the section 53 parties, the level of compensation proffered does not demonstrate that it would likely counterbalance the potential adverse effects. Any proffered compensation is required to be quantified against a precautionary mortality scenario across all affected Threatened and At Risk species (mostly importantly kākī) and for the full duration of the effects (not approximately seven years). In terms of the magnitude of compensation the panel notes:
 - i. the considerable size of the footprint,
 - ii. the ecological sensitivity of the location,
 - iii. Likely high use by avifauna based on limited flight-path information
 - iv. The cumulative nature of effect that must be considered

- v. The magnitude of conservation effort required to generate tangible increases in population size to counterbalance risks posed by the proposed project activities

To this end, funding should be directed to measures expected to deliver tangible, population-level benefit (for example kākī captive-rearing and release, and landscape-scale predator control across the Mackenzie Basin), at a level sufficient to achieve no net loss for each affected species.

Additional to that compensatory funding commitment, a defined, ring-fenced allocation would be needed to fund: (i) a statistically robust carcass-monitoring programme capable of detecting the death of a single kākī – whole-of-site searches, conservation detection dogs, searcher-efficiency and carcass-persistence correction, and independent autopsy of every carcass, designed by a biostatistician, certified by the Department of Conservation, for the life of the consent; and (ii) a long-term applied avifauna research programme addressing collision rates and mechanisms, mitigation efficacy and detection reliability, reporting to a technical review panel and publicly. The level of effort and quantum should be established with the Department of Conservation and mana whenua.

- (b) **A comprehensive, statistically robust threatened-plant survey, monitoring and adaptive-management programme for the terrace-edge vegetation, and a minimum 50 m setback of all project activities.**

To address the loss of significant dryland vegetation and threatened plants – particularly the Nationally Critical *Lepidium solandri* – on the terrace edges that have not been systematically surveyed, the response would provide: a comprehensive, statistically robust threatened-plant survey of the terrace edges, of adequate effort and timed to spring to optimise detection of spring annuals, to establish a reliable baseline; a statistically powered monitoring programme with enforceable outcome thresholds (for example, no more than a 10% increase in exotic grass cover within 10 m of project activities, and no more than a 20% decline in named threatened plant populations); and an adaptive-management programme for the terrace edges, with particular provision for *Lepidium solandri* (including propagation and an ex-situ insurance population, and pre-defined remedial actions where edge effects are detected). It would also provide a minimum 50 m setback of all project activities – the array, landscape screening, irrigation, ancillary infrastructure and construction disturbance – from the terrace edges, with no irrigation within that setback. The survey design, thresholds, setback and adaptive-management actions would be peer-reviewed by independent suitably qualified botanical experts and secured in enforceable conditions for the life of the consent.

- (c) **A predator-exclusion fence secured by way of long-term covenant, together with a funded applied invertebrate research programme.** To

address effects on the threatened and at-risk invertebrate (and associated lizard and plant) values, the response would provide a genuine predator-exclusion fence capable of excluding the full suite of mammalian pests including mice, rats and hedgehogs (and managing feral cats), with an initial eradication programme and ongoing biosecurity and incursion response, established and demonstrated effective before any site clearance. The fenced area and its management would be secured through a long-term covenant, reserve status or equivalent enduring legal mechanism, addressing the temporal and legal mismatch between the permanent effects and the non-permanent enhancement proposed. It would also provide a funded, long-term applied invertebrate research programme addressing wide-area panel shading and microclimatic effects on dryland invertebrates, the efficacy of salvage and relocation, and the gains actually delivered by the reserve, reporting to a technical review panel and publicly.

[12] The Applicant remains free to challenge these concerns, in whole or in part. The Panel seeks the Applicant's response as to whether it is prepared to propose conditions recognising and incorporating elements (a) to (c) above.

[13] In addition, the Panel seeks the Department of Conservation's views on the practical steps, likely population-level benefits and indicative costs of the avifauna measures in element (a). Any other comments from the Department from the point of view of the steps it will be involved in will be most welcome, and it is suggested that the applicant liaise closely with it.

[14] The Panel also seeks mana whenua's views including any comment on the cultural dimensions of the three listed elements.

[15] Any response from the Department of Conservation or mana whenua should be on or before 20 July 2026.

[16] The Panel's concerns in applying s 85(3) are sufficiently grave that it is considering declining the application. However, its views are provisional and it awaits the Applicant's response to its concerns and the matters raised by the s 53 invitees.

[17] Unless advised otherwise, processing of the application will resume on **21 July 2026**. Responses to this Minute and RFI #15 (dated 15 June 2025) should be provided by **5pm on Monday 20 July 2026**.

A handwritten signature in black ink that reads "Raynor Asher". The signature is written in a cursive, flowing style. Below the signature is a thin, light grey horizontal line.

Raynor Asher KC

The Point Solar Farm Expert Panel Chair