

4th February 2026

Fast-track Approvals Act: Concession Report

Section 51(2)(a) concession report for –
FTAA-2509-1100 Far North Solar Farm Limited



Department of
Conservation
Te Papa Atawhai

**Te Kāwanatanga
o Aotearoa**
New Zealand Government

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1. Introduction

- 1.1 This report has been prepared by the Department of Conservation (DOC) on behalf of the Director-General of Conservation. This report provides commentary on information provided by the Applicant to support the Panel's assessment of the application for a concession approval.
- 1.2 In accordance with clause 4 of Schedule 6 of the FTAA, this report must address the following matters in Schedule 6:
- **clause 7(1)(a)(iii)** - Part 3B of the Conservation Act 1987 (except sections 17SB and 17U(3) of that Act) as if the application were an application for a concession under Part 3B.
 - **clause 7(1)(a)(iii)** - any other relevant provisions of Parts 3, 4, 4A, 5, 5B, and 5C of the Conservation Act 1987 that directs decision making in relation to Part 3B of that Act.
 - **clause 7(1)(a)(iv)** - in the case of an approval referred to in paragraph (a)(ii) of the definition of concession, sections 14, 14A, and 14AA of the Wildlife Act 1953.
 - **clause 7(1)(a)(v)** - in the case of an approval referred to in paragraph (a)(iii) of the definition of concession, section 49(2) of the National Parks Act 1980.
 - **clause 7(1)(a)(vi) and clause 4(1)(b)** - the purpose for which the land is held (in the case of a Reserves Act approval, taking into account Parts 1, 2, and 3 and section 122 of the Reserves Act 1977).
 - **clause 7(1)(a)(vii) and clause 4(1)(a)** - any conservation management strategies or conservation management plans that have been co-authored, authored, or approved by a Treaty settlement entity.
 - **clause 7(1)(a)(viii) and clause 4(1)(a)** - any national park management strategy, conservation management strategy, national park management plan, or conservation management plan that has been co-authored, authored, or approved by a Treaty settlement entity.
 - **clause 7(1)(a)(ix) and clause 4(1)(a)** – in the case of an approval within paragraph (b) of the definition of Reserves Act approval, any reserve management plans that have been coauthored, authored, or approved by a Treaty settlement entity.
 - **clause 7(1)(a)(x) and clause 4(1)(c)** - the status, ownership, and administration of the land that would be subject to a concession.
 - **clause 7(1)(a)(xi) and clause 4(1)(d)** - whether the land is subject to any existing arrangements that create obligations in relation to the land.
 - **clause 7(1)(a)(xii) and clause 4(1)(e)** - the legal and financial liabilities associated with decisions on leases, licences to occupy land, and easements.
 - **clause 4(1)(g)** - any conditions that should be imposed in accordance with clause 8 or section 84.

- **clause 4(2)** - any conditions of those specified under section 78 that the Panel must impose in accordance with clause 9
- 1.3 In preparing this report, every person that is an administrator of the relevant Crown land (that is not the Crown) must be consulted. However, in this case there are no other administrators other than the Crown.

2. The Concession approval(s)

Summary of concession approvals sought

- 2.1 Far North Solar Farm Limited (The Applicant) has applied for a concession associated with easements over the Bendrose Stream Marginal Strip (The Application). The proposed easements support the operation of The Point Solar Farm, a proposed photovoltaic solar farm across approximately 670 hectares at the northern shore of Lake Benmore between Pukaki River and the Ohau C hydro canal.
- 2.2 The easements are for the following activities:
- **Right of Way:** To provide vehicle access to The Point Solar Farm via a farm track that intersects with sections of the Bendrose Stream Marginal Strip
 - **Right to Convey Telecommunications:** To install/operate fibre optic telecommunications cables adjacent to the farm track that intersects sections of the Bendrose Stream Marginal Strip
- 2.3 The Bendrose Stream Marginal Strip includes areas of existing farm track and crosses the Bendrose Stream via an existing box culvert.
- 2.4 The Applicant has applied to install and operate fibre optic telecommunications cables (approximately 8 mm-12 mm diameter) through the marginal strip. The cables will be installed via trenching (using manual digging or trenching machines) and be aligned alongside the existing farm track. The trench dimensions will be approximately 600-900 mm deep, and 100-150 mm wide. The fibre cable will be attached to the downstream side of the existing box culvert via galvanised piping where it crosses the Bendrose Stream.

3. Overview of DOC's report

Summary of effects

- 3.1 The adverse effects associated with the proposed activity relate to installing the fibre cables. The Applicant has mentioned that earthworks associated with fibre installation will be of a minor scale with best practice erosion and sediment control methods implemented.
- 3.2 DOC considers that the effects associated with the Application are well understood and are low risk with negligible adverse environmental effects.

- 3.3 DOC considers that standard conditions associated with easement concessions are suitable to manage any adverse effects associated with the Application.

Consistency with relevant statutory documents

- 3.4 DOC has assessed and considers the Application is **consistent** with the relevant statutory documents including the Conservation General Policy 2005 ('CGP'), and the Canterbury (Waitaha) Conservation Management Strategy 2016.
- 3.5 DOC considers the Application is consistent with the purpose for which the land is held.
- 3.6 DOC considers the Application can be granted in a manner consistent with the Conservation Act 1987.

Term

- 3.7 The Applicant has applied for a 60-year term citing exceptional circumstances. DOC does not consider that the proposed activity meets the test for exceptional circumstances.
- 3.8 DOC recommends approving the Application for a 30-year term.

Bond/Fees

- 3.9 DOC does not consider that bonds are required for the easement activities.
- 3.10 DOC recommends the following fees associated with the Application:
- \$26,030.30 plus GST per annum during the site preparation and construction phase, then
 - \$3,657.50 plus GST per annum once operational.

Other

- 3.11 The Applicant has not provided an easement plan that includes all the areas of Bendrose Stream Marginal Strip associated with the proposed activities.
- 3.12 The Applicant is required to provide an easement plan clearly indicating the relevant parts of the Bendrose Stream Marginal Strip that relate to the proposed concession activity.

4. Detailed assessment

- 4.1 Clause 4 of Schedule 6 of the FTAA sets out the information that must be included in this report, as discussed in paragraph 1.2.
- 4.2 DOC has used the criteria set out in clause 7 of Schedule 6 as a framework for providing this report on the application relating to the concession approvals. Relevant criteria are addressed in the following section – criteria that are not relevant have been omitted. Clause 7 matters are those which the Panel must take into account when considering an application for a concession.

- 4.3 There is considerable overlap between the criteria which the report must address in clauses 7(1)(a)(ii) to (xii), (b), and those matters in clause 4(1)(a) – (g).

Clause 7(1)(a)(ii)

- 4.4 Clause 7(1)(a)(ii) of the FTAA requires that Part 3B of the Conservation Act (except sections 17SB and 17U(3) of that Act) must be taken into account as if the application were an application for a concession under Part 3B
- 4.5 The relevant provisions of Part 3B for the concession approvals sought in this application are considered below. All section references below are to the Conservation Act 1987 unless stated otherwise

Matters to be considered (section 17U Conservation Act)

- 4.6 Section 17U of the Conservation Act outlines factors that must be considered in an application for a concession. The relevant provisions are discussed below.

The nature of the activity and the type of structure or facility (if any) proposed to be constructed (section 17U(1)(a))

- 4.7 The nature of the activities Far North Solar Farm Limited proposes to undertake pursuant to the concession is described above in section 3 of this report, and in the application.

Effects of the proposed activity, structure or facility (section 17U(1)(b))

- 4.8 The effects of the activities Far North Solar Farm Limited propose to undertake pursuant to the concession is described above in section 3 of this report, and in the application.

Measures proposed to be taken to avoid adverse effects (section 17U(1)(c))

- 4.9 The measures Far North Solar Farm Limited proposes to avoid adverse effects of the activities are described above in section 3 of this report, and in the application.

Any relevant environmental impact assessment, including any audit or review (section 17U(1)(e))

- 4.10 DOC has considered the assessment of effects and accompanying reports provided by Far North Solar Farm Limited as part of its application.

Matters listed in section 17U(1)(d), (f) and (g) 116.

- 4.11 DOC considers that the matters listed in sections 17U(1)(d) and (f) are not relevant to the process under the FTAA.
- 4.12 DOC is not aware of any relevant information that would fall within the scope of section 17U(1)(g).

Section 17U(2)

- 4.13 DOC considers there is enough information to assess the effects of the activity and that there are reasonable methods to remedy, avoid, or mitigate adverse effects of the proposed concession.

Section 17U(4)

- 4.14 Section 17U(4) provides that the Minister shall not grant any application for a concession to build 'a facility', where he or she is satisfied that the activity:

(a) could reasonably be undertaken in another location that—

- i. is outside the conservation area to which the application relates; or*
- ii. is in another conservation area or in another part of the conservation area to which the application relates, where the potential adverse effects would be significantly less; or*

(b) could reasonably use an existing structure or facility or the existing structure or facility without the addition.

- 4.15 The proposed easement would provide access and telecommunications to The Point Solar Farm, so needs to connect from existing infrastructure to the location of the solar farm. The easement location is on the alignment of an existing farm track and culvert crossing. DOC considers that the activity cannot be reasonably undertaken in another area.

Section 17U(5)-(7)

- 4.16 Sections 17U(5)-(7) relate to applications for leases or licences and the Application is for an easement therefore these are not relevant.

Conservation management strategies and plans (section 17W)

- 4.17 Section 17W(1) requires that the concession be consistent with CMS or CMP.
- 4.18 Ordinarily the consideration of an application for a concession under Part 3B requires an assessment as to whether or not granting of the concession would be consistent with any relevant conservation management strategy or plan. DOC therefore provides the following information regarding the relevant conservation management strategy and plan, to assist the Panel with its assessment under FTAA Schedule 6, clause 7(1)(a)(ii). DOC notes that clause 7(2) specifically directs that the Panel must take section 17W(1) (and (3)) into account but must not treat the provision as requiring the Panel to decline the approval on that basis.

Conservation General Policy

- 4.19 The Conservation General Policy CGP provides guidance for the administration and management of lands and waters and natural and historic resources managed under conservation legislation including the Conservation Act. Under the Conservation Act, a Conservation Management Strategy (CMS) cannot derogate from the CGP, and a Conservation Management Plan (CMP) cannot derogate from a CMS.

4.20 The relevant section of the CGP to the Application is Policy 11.3 (Utilities) which is assessed below:

- *11.3 (a) Utilities may be provided for on public conservation lands and waters where they cannot be reasonably located outside public conservation lands and waters, or if specifically provided for as a purpose for which the place is held.*

Assessment: The telecommunications infrastructure cannot be reasonably located outside of public conservation land.

- *11.3 (b) When new utilities are installed or existing utilities are maintained or extended, they should be of a scale, design and colour that relates to, and is integrated with, the landscape and seascape.*

Assessment: The telecommunications infrastructure will be buried adjacent to an existing farm track, therefore are integrated with the surrounding landscape.

- *11.3 (c) Public access to utilities may be denied where necessary for the protection of public safety or the security or competent operation of the activity concerned. 11.3 (d) Utilities should, wherever possible, be located in, or added to, an existing structure or facility and use existing access options.*

Assessment: The Application is for an easement and public access will not be restricted by the proposed activities.

- *11.3 (e) Utilities that are redundant should be removed from public conservation lands and waters and the site restored as far as practicable to a natural state to minimise effects on the landscape.*

Assessment: As the telecommunication utilities are underground there may be no benefit in removing them should they become redundant, but removal can be required under the recommended conditions if appropriate.

4.21 Based on the assessment above, the Application is considered consistent with the CGP.

Canterbury (Waitaha) Conservation Management Strategy 2016

4.22 Canterbury (Waitaha) Conservation Management Strategy (CMS) describes the conservation values present in Canterbury. It provides guidance for DOC's work in the form of a vision, objectives, outcomes for places, policies and milestones. These translate DOC's strategic outcomes to Canterbury

4.23 Policy 3.10.1 of the CMS provides the criteria to consider when assessing applications to related to utilities:

- a. the purposes for which the lands and waters concerned are held;*
- b. the outcomes and policies for the Place where the activity is proposed to occur;*

- c. *whether the structure could reasonably be located outside public conservation lands and waters;*
- d. *whether the structure could reasonably be located in another location where fewer adverse effects would result from the activity;*
- e. *whether the structure adversely affects conservation, including recreational, values;*
- f. *whether the structure is readily available for public use;*
- g. *whether the structure is consistent with the visitor management zone on Map 3 and as described in Appendix 12;*
- h. *whether the activity promotes or enhances the retention of a historic structure;*
- i. *whether the activity is an adaptive reuse of an existing structure;*
- j. *whether the policies for private accommodation and related facilities should be applied (see Policies 3.11.1–3.11.7); and*
- k. *whether any proposed road in a national park is provided for in the relevant national park management plan.*

4.24 The easement application has been assessed and is considered consistent with the criteria above. Therefore, it is considered that the Application is consistent with the CMS.

Conditions Section 17X

4.25 Under Part 3B, conditions can be imposed pursuant to section 17X. Under the FTAA, the Director-General is required to provide information to address conditions in accordance with Schedule 6, clauses 8 and 9. DOC's comments on conditions for each of the concession approvals are addressed in paragraphs 6.1 to 6.4 of this report.

Section 17Y Rents, fees and royalties

4.26 Under Part 3B, rents, fees and royalties would be considered in accordance with Section 17Y. Under the FTAA, Clause 8(3) applies instead of section 17Y(1). DOC's comments on rents, fees and royalties for each of the concession approvals are addressed below.

4.27 DOC has undertaken an assessment of appropriate fees for this application, based on the impacts of the concession activities and considering similar concessions. Based on that, DOC recommends the following fees associated with the Application:

- **\$26,030.30 plus GST per annum** during the site preparation and construction phase, then
- **\$3,657.50 plus GST per annum** once operational

4.28 The site preparation and construction phase fee will apply for the duration of the solar farm's development. This fee is based on the additional impacts arising from vehicle access to the site via the marginal strip during this period. The Applicant should clearly indicate when this phase starts and is completed to ensure accurate calculation of activity fees.

4.29 The fees above are described in the tables below.

Site preparation and construction phase fee	
Right of Way Fee	\$24,567.30
Right to Convey Telecommunications Fee	\$1,463.00
Total Recommended Fee	\$26,030.30 per annum during site preparation and construction phase

Ongoing operational fee	
Right of Way Fee	\$2,194.50
Right to Convey Telecommunications Fee	\$1,463.00
Total Recommended Fee	\$3,657.50 per annum

Section 17Z Term of concession

4.30 The Applicant is seeking a term of 60 years from date of approval for the concession. Under Section 17Z an easement may be granted for a term not exceeding 30 years, however, under Section 17Z(3)(a) a term of up to 60 years may be granted in 'exceptional circumstances'.

4.31 Far North Solar Farm Limited states that the maximum term is sought to ensure that the term of the concession adequately covers the life of the equipment associated with the wider project.

4.32 DOC's consideration of exceptional circumstances for the purposes of section 17Z(3)(a) utilises the Supreme Court definition of "well outside the normal range of circumstances".

4.33 Due to the prevalence of solar farms (and proposed solar farms) across New Zealand, the activity proposed is not unusual.

- 4.34 The expected operational life of the proposed solar farm structures and the essential nature of both the proposed right of way and telecommunications conveyance through the marginal strip do not create exceptional circumstances either.
- 4.35 DOC does not consider that the proposed activity meets the test for exceptional circumstances and so recommends approving the application for the usual 30-year term. DOC notes that, if required, a further concession could be sought at the end of that 30-year term.

Clause 7(1)(a)(iii)

- 4.36 Pursuant to clause 7(1)(a)(iii) of Schedule 6 of the FTAA, the Panel must take into account any other relevant provisions of Parts 3, 4, 4A, 5, 5B, and 5C of the Conservation Act 1987 that direct decision making in relation to Part 3B of that Act. Part 4A is relevant to this application and discussed below.
- 4.37 Part 4A is relevant to the easement within Bendrose Stream Marginal Strip. Marginal strips are reserved under s24 of the Conservation Act for the purpose of providing a protective buffer and public access to waterways.
- 4.38 There are no provisions in Part 4A that are in themselves relevant to the decision on this application. The purpose for which marginal strips are held (section 24C) is addressed in the broader assessment of the purpose for which the land is held and its status in the assessment of clause 7(1)(a)(vi).

Clause 7(1)(a)(iv) and (v)

- 4.39 These are not relevant as Far North Solar Farm Limited has not applied for a concession that would otherwise be applied for under section 14AA of the Wildlife Act or section 49 of the National Parks Act 1980.

Clause 7(1)(a)(vi)

- 4.40 Pursuant to clause 7(1)(a)(vi), the Panel must take into account the purpose for which the land is held.
- 4.41 All land held under the Conservation Act 1987 is held for conservation purposes. Conservation is defined in Section 2 of the Conservation Act as: “the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations”. Additional classifications of land identify primary purposes for which public conservation land has been set aside for.
- 4.42 The Applicant has applied for an easement over a marginal strip. Pursuant to s24C of the Conservation Act 1987, marginal strips are held for the following purposes:

(a) For conservation purposes, in particular:

- (i) the maintenance of adjacent watercourses or bodies of water; and*
- (ii) the maintenance of water quality; and*
- (iii) the maintenance of aquatic life and the control of harmful species of aquatic life; and*
- (iv) the protection of the marginal strips and their natural values; and*
- (b) to enable public access to any adjacent watercourses or bodies of water; and*
- (c) for public recreational use of the marginal strips and adjacent watercourses or bodies of water.*

4.43 The Application is for a right of way utilising an existing track to access the solar farm, as well as the installation and operation of underground telecommunication (fibre) cables adjacent to the track. These activities are not contrary to the purposes for which the land is held as set out in s24C of the Conservation Act.

4.44 **DOC considers the proposed activities are consistent with the purpose for which marginal strips are held.**

Clause 7(1)(a)(vii)

4.45 There are no Conservation Management Strategies or Conservation Management Plans that have been co-authored, authored or approved by a Treaty settlement entity.

Clause 7(1)(a)(viii)

4.46 In the case of an approval for a concession that would otherwise be applied for under the Conservation Act, the Panel must take into account any conservation management strategies or conservation management plans that have been co-authored, authored or approved by a Treaty settlement entity. There are no documents that would trigger this.

Clause 7(1)(a)(ix)

4.47 There are no Reserve Management Plans that have been co-authored, authored or approved by a Treaty settlement entity.

Clause 7(1)(a)(x)

4.48 Pursuant to clause 7(1)(a)(x), the Panel must take into account the status, ownership and administration of the land subject to the proposed concession.

4.49 The land subject to this Application is 'Marginal Strip - Bendrose Stream', under DOC's control.

Clause 7(1)(a)(xi)

4.50 Pursuant to clause 7(1)(a)(xi), the Panel must take into account whether the land is subject to any existing arrangements that create obligations in relation to the land.

- 4.51 Table 1 highlights the relevant existing arrangements granted under conservation legislation for the areas to which the concession approvals relate. The names of individual permission holders have been withheld.

Table 1. Active permissions within Bendrose Stream Marginal Strip

Permission ID	Holder	Type	Location
64146-FAU	Ospri New Zealand Limited	Wildlife Act Permit – trapping pest animals	Nationwide
93529-FAU	Individual	Wildlife Act – catch and handle lizards	South Island
71046-FAU	Individual	Wildlife Act – catch and handle lizards	Nationwide

- 4.52 The authorisations above do not create an interest in land by virtue of the definition of interest under the Conservation Act imported to the FTAA under the interpretation section.

Clause 7(1)(a)(xii)

- 4.53 Pursuant to clause 7(1)(a)(xii), the Panel must take into account the legal and financial liabilities associated with decisions on leases, licences to occupy land and easements.
- 4.54 The legal and financial liabilities associated with the concession activities have been considered. DOC considers these matters are adequately covered by the Department's standard terms and conditions which have been incorporated in Schedule 2 of the proposed conditions (Appendix 1), including conditions relating to health and safety, insurance, fee reviews, interest penalties and defaults.

5. Other matters that the Director General's report must include information about – Clauses 4(1) and 4(2)

- 5.1 Clauses 4(1)(a)-(e) are all covered elsewhere in this report, and clause 4(1)(f) is not applicable to this application.
- 5.2 Clauses 4(1)(g) and 4(2) direct the consideration of **specific types of conditions. Those relevant to the proposed concession are identified below.**

Conservation Act conditions clause 8 conditions or section 84

- 5.3 Clause 8 of Schedule 6 provides that section 17X of the Conservation Act applies with any necessary modifications to conditions for a concession as if the first reference in that section to

the Minister were a reference to a panel. Section 17X provides: *In granting any concession, the Minister may impose such conditions as he or she considers appropriate for the activity, or facility...* The section then provides a non-exhaustive list of matters that conditions can relate to or provide for.

- 5.4 DOC has provided the Applicant with the standard and special conditions associated with easements, which it considers are appropriate to manage any potential adverse effects associated with the proposed activity (Appendix 1). The draft concession schedules provided to the Applicant are subject to any technical drafting amendments to align with the FTAA.
- 5.5 The Applicant has reviewed these conditions and has not provided any formal response to these, however, has indicated they have no concerns.
- 5.6 The Applicant has not provided a formal easement plan which is required for Schedule 4 of the concession conditions. They have provided a draft easement plan which is included in Appendix 2. The Applicant should provide a finalised survey plan to be included within Schedule 4 of the concession conditions.

6. Treaty of Waitangi settlement considerations and obligations

Treaty of Waitangi settlement obligations

- 6.1 Under section 7 of the Act the Panel must act in a manner that is consistent with obligations arising under existing Treaty settlements.
- 6.2 Ministry for the Environment (MFE) provided a report which sets out the section 18 matters it considered relevant to the application. DOC was not consulted by MFE on this report.
- 6.3 The s18 report identified that Schedule 59 of the Ngāi Tahu Claims Settlement Act 1998 establishes a statutory acknowledgement in relation to Te Ao Mārama / Lake Benmore. DOC considers that this statutory acknowledgement is not applicable to the particular area of the Bendrose Stream Marginal Strip that the Application relates to.

Treaty of Waitangi principles

- 6.4 DOC's work in preparing this report has been carried out in a manner that, as far as possible, gives effect to the principles of the Treaty of Waitangi¹ (arising from DOC's obligation under section 4 of the Conservation Act). The principles most applicable to DOC's role are:
 - **Partnership** – mutual good faith and reasonableness.

¹ [Principles of the Treaty of Waitangi and DOC: Apply for permits](#)

- **Informed decision-making** - Both the Crown and Māori need to be well informed of the other's interests and views. Consultation is a means to achieve informed decision-making.
- **Active protection** - requires informed decision-making and judgement as to what is reasonable in the circumstances.
- **Redress** – requires recognition of existing rights and interests.

6.5 For this application, this has included:

- DOC engagement with Treaty partners on the application. We note this has occurred within the context of the fast-track process with prescribed timeframes, and where the Applicant has an obligation to consult and Treaty partners have a right to be invited to comment. The scope of engagement also recognised DOC's role to provide reports and comments on the application, and not in its usual role as decision-maker.
- identifying for the Panel any relevant information from protocols or relationship agreements prepared in accordance with settlements (e.g. taonga species);
- ensuring that the information in this report is fully informed by any information from Treaty partners and the impact the activity would have on their interests.

6.6 It is noted that the application for an easement would not trigger iwi consultation through the agreed trigger documents between DOC and Treaty partners when considering the application under Section 3B of the Conservation Act. For this reason, DOC has not directly consulted regarding this component of the application.

7. Appendices

Appendix A: Bendrose Stream Marginal Strip Easement Conditions

Appendix B: Draft Easement Survey Plan