
MINUTE 4 OF THE PANEL CONVENER

Advising of the expert panel appointment and timeframe for a decision
FTAA-2509-1100

(3 December 2025)

[1] This Minute addresses an application for a solar farm located at Haldon, MacKenzie Basin ('Point solar farm').

[2] This is the second of two solar farm applications filed near Haldon. The first application was lodged by Lodestone Ltd.

Common panel

[3] As I recorded on the Lodestone Ltd application, the Tekapo and Ōhau rivers discharge into Lake Benmore. The site of the Point Solar Farm is on a tongue of land separating the two braided rivers; the site of the Haldon Solar Farm is south-east of the Tekapo River mouth.

[4] Given the proximity of the projects, it is very likely that questions will arise about cumulative adverse effects from successive applications. Under the RMA, applications that may give rise to cumulative effects are usually heard sequentially by the same panel. However, the procedural principles in section 10 of the FTAA arguably weigh against that approach. If the applications are allocated to different panels, there is a real risk that cumulative effects will not, or cannot, be adequately assessed.

[5] Having consulted the applicants and statutory participants, I have decided to appoint a common panel to decide the Point Solar Farm application together

with the application lodged by Lodestone Ltd for the Haldon Solar Farm. The commencement and release dates for the decisions will be staggered to avoid various statutory processes converging at the same time. The success of this approach depends, in part, on the applications not being suspended after the panel has commenced. Both applicants support this approach.

Avifauna, lizards and terrestrial invertebrates

[6] The Director-General for Conservation attended the convener's conference held on 17 November 2025 on behalf of an administering agency and raised serious issues concerning protected species present at or adjacent to the site. Those issues are detailed in the Memorandum of the Director-General of Conservation dated 13 November 2025 and include loss of habitat and the risk of collision with solar panel infrastructure.

[7] These issues are not new, and the applicant has considered these in Appendix T attached to its application.

[8] The Director-General welcomes the opportunity to discuss the application with Far North Solar Farms Ltd, noting that these issues will take time to resolve. I was assured that the Director-General has given the matter her detailed consideration and is ready to advance discussions on appropriate responses.

[9] In addition to ecological complexity, the Director-General identified legal matters that are likely to be difficult and novel in the FTAA context. These include issues arising in relation to cumulative effects of multiple solar farms, the assessment of potential effects, and the assessment of risk if Threatened and At-Risk species are present.

[10] It is possible that similar issues will be raised by the Director-General in relation to Haldon solar farm.

Transpower

[11] I understand the applicant to contend that this application will not give rise to cumulative effects because the Haldon solar farm, even if granted, cannot proceed.¹

[12] This is a matter for the panel's determination. The way in which the issue is resolved will be relevant to the assessment of cumulative effects, and an important reason for appointing a common panel is to minimise the risk of inconsistent findings on each application.

Regional and District Councils

[13] The applicant has been engaging with the Regional Council, with further work anticipated on conditions relating to ecology and soil erosion.

[14] Notwithstanding the comments made by the District Council to the EPA as part of the completion and scope check, there has been little subsequent engagement by the applicant. Having limited in-house technical expertise to assess the application, the District Council has now secured external consultants to provide advice. Much of the work required for this project is still ahead of the District Council.

[15] I strongly encourage the applicant to work with the local authorities to identify, narrow, and where possible resolve any issues that arise before filing any further comments.

Ngā Rūnaka

[16] The three rūnanga advise that there has been little consultation. By contrast, the substantive application notes many interactions between the applicant and ngā

¹ See Point Solar Farm Application, Appendix Q

rūnanga during 2023, culminating in advice from the rūnanga that they could not support the application. I note that consultation was not facilitated by mana whenua.

[17] Te Rūnanga o Waihao and Te Rūnanga o Moeraki explain the importance of the Waitaki to all Ngāi Tahu, highlighting their concerns about the cumulative effects of several solar farms that have been, or are expected to be, applied for. They have engaged counsel on the issue of cumulative effects and how these should be approached. Concerns arise in relation to the impact of the solar farm(s) on the nohoanga site returned under the Treaty settlement and on taonga species.

[18] I urge the applicant and ngā rūnanga to engage, and I suggest that they discuss costs so that the burden of any costs does not fall on rūnanga and their communities. While it is desirable to do so before an application is lodged, there is still time for meaningful engagement, with comments on the application not due until 19 February 2026.

Concession and Wildlife approvals

[19] The Director-General's initial view is that the concession is likely to be suitable for approval. However, she has sought further information from the applicant as to whether an easement for a right of way and for telecommunications is also required.

[20] Although wildlife approvals have not been sought, the Director-General considers it highly likely that they will be required.

Proposed conditions of consent

[21] While I did not raise the issue at the conference, it may be prudent for the applicant to engage a specialist condition writer to review the substance and mechanics of the proposed conditions.

[22] For example, if the applicant is applying for subdivision approval, where are the proposed conditions?

[23] By way of further example, the applicant proposes up to 17 management plans. The panel convener provides guidance on the types of conditions required to secure a management plan (Guidance Note 2025, clause 21). The purpose of this guidance is to assist applicants to draft conditions that are clear, certain, and enforceable. Applicants are encouraged to make use of it.

Decision on time frame

[24] Having considered feedback received during the Convenor's Conference, including from the relevant administering agencies, and having regard to the scale, nature and complexity of this application, the decision time frame is set at 80 working days. This is the same timeframe as Haldon Solar Farm.

[25] The timeframe allows for:

- (a) engagement with ngā rūnanga, including in relation to the impact of this proposal on the settlement reached with the Crown;
- (b) identification of any Threatened and At-Risk species in the surrounding area and the panel's exploration of an appropriate response including conditions relating to those species, including offsetting and compensation;
- (c) the development of approaches to risk assessment if Threatened and At-Risk species are present in the surrounding area;
- (d) an opportunity for the panel to hear from participants and experts on complex issues of law and risk assessment;
- (e) if the application is consentable, ensuring the proposed conditions of consent are clear, certain and enforceable; and
- (f) managing the additional complexity arising from having two applications before the common panel to ensure –
 - (i) consistent findings on facts and opinions common to both applications; and
 - (ii) cumulative effects are considered.

[26] The panel commencement date, for the purpose of section 53 of the Act is

17 December 2025. The panel will invite comments by 21 January 2026, and comments will be due by 19 February 2026. The applicant's response is due 26 February 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 17 June 2026.

Skills, qualifications and experience of expert panel

[27] Having canvassed the matter with participants at the Convener's Conference, I have decided that it is desirable to increase the number of members of the panel, taking into consideration the circumstances set out in clause 3(7)(c) and (e) of Schedule 3.

[28] I appoint the following persons:

- (a) Hon. Raynor Asher (chair)
- (b) Karen Coutts
- (c) Mark St Clair
- (d) Dr Matt Barber
- (e) Stephen Brown

[29] Karen Coutts descends from two rūnanga associated with this application. Karen has assured me that she has had no involvement in relation to this application or applications for solar farms in the Mackenzie Basin.

[30] I have considered the skill set and experience required for the Panel. I have satisfied myself that the panel collectively understands te ao Māori and Māori development (clause 7 of Schedule 3). The panel members have satisfied me that they have no conflict of interests.



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