

## **Before an Expert Panel**

Under the Fast-track Approvals Act 2024 (**FTAA**)

And

In the matter of an application for approvals by Nova Energy Limited to establish and operate a 300-megawatt solar plant over 565 hectares of an 868-hectare site to the east of Twizel Township, Mackenzie District, within the Canterbury region  
(**Twizel Solar Project**)

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Memorandum on behalf of Nova Energy Limited in relation to the  
lodgement of a substantive application

Overview of the application, key issues to be determined, and  
statutory assessment

Dated 5 June 2026

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**MinterEllisonRuddWatts.**

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## MAY IT PLEASE THE PANEL

### EXECUTIVE SUMMARY

1. Nova Energy Limited (**Nova**) seeks all necessary approvals under the Fast-track Approvals Act 2024 (**FTAA**) to establish and operate a 300-megawatt solar plant over 565 hectares of an 868-hectare site (**Application** or **Project**) on State Highway 8, Twizel (**Site**). Nova's substantive application is made as a referred project following the Minister for Infrastructure's referral decision of 1 August 2025, in which the Minister was satisfied that the Project would deliver significant regional and national benefits (**Referral Decision**).
2. The Site is an optimal location for utility-scale solar generation. The Mackenzie Basin is among the sunniest regions in New Zealand, and the Site benefits from approximately 1,530 kWh/m<sup>2</sup> of solar irradiance — placing it among the best solar resource locations in the country. The Site is immediately proximate to Transpower's Twizel 220kV substation, enabling efficient and cost-effective grid connection. It is primarily non-arable Land Use Capability Class 6 land, largely flat and accessible directly from State Highway 8. It has been carefully designed to avoid high-value ecological areas, with solar panels confined to 565 of the 868 hectares.
3. The Project will deliver significant regional and national benefits that strongly align with the purpose of the FTAA:
  - (a) it is anticipated to generate approximately 525,600 MWh of renewable electricity per year (sufficient to power approximately 75,000 New Zealand households annually) and directly responds to MBIE projections that solar generation capacity must increase more than 11-fold by 2050 to meet national demand;
  - (b) it will complement existing hydro generation in the Upper Waitaki system by enabling water retention during periods of strong solar output, strengthening resilience and efficiency of the national electricity system; and
  - (c) it will deliver substantial economic benefits, including an estimated \$85 million contribution to GDP and more than 285 full-time jobs during construction, \$51 million in wages, sustained employment of 20

full-time roles during operation, and \$125 million in domestic development expenditure.

4. The applicable statutory and planning framework supports the grant of the approvals sought. The purpose of the FTAA is to facilitate delivery of projects with significant regional or national benefits, and that purpose attracts the greatest weight in the Panel's assessment. The Project is consistent with the National Policy Statement for Renewable Electricity Generation 2011 (**NPSREG**), which directs decision-makers to enable renewable electricity generation in all locations and environments.
5. Technical experts have concluded that all potential adverse effects can be effectively managed through the proposed conditions of consent, and that none reach the threshold of "significant". There is accordingly no basis to decline the Application under either limb of section 85 of the FTAA.
6. Nova has undertaken extensive consultation with stakeholders for many years, from well before the referral stage. Draft copies of the Application were provided to key stakeholders and constructive feedback has been received. This has shaped the Project design and proposed conditions. Nova's proposed conditions have been prepared with reference to the conditions adopted on comparable solar farm projects and to Environment Canterbury's standard conditions for utility-scale solar operations, ensuring the conditions are robust, workable and lawful.

## **INTRODUCTION**

7. Nova, a wholly owned subsidiary of Todd Corporation, owns and operates electricity generation assets throughout New Zealand. As part of New Zealand's transition to a lower emissions economy, Nova is actively investing in renewable solar power generation to help meet the country's growing electricity demand.
8. Nova is seeking all necessary approvals under the FTAA to establish a solar plant on an 868-hectare site located on the Site, which will connect to the National Grid. The Application includes resource consents required under the Mackenzie District Plan (**MDP**), Canterbury Land and Water Regional Plan (**CLWRP**), and approvals relating to the Wildlife Act 1953 (**Wildlife Act**).

9. Nova's substantive application is made under section 42 (1)(a) of the FTAA for a referred project. Nova lodged an application for referral for the Project under section 13 of the FTAA on 8 April 2025 and the Project was referred by the Minister for Infrastructure under section 21 of the FTAA on 1 August 2025 through the Referral Decision. The Minister was satisfied that the Project would have significant regional or national benefits under section 22 of the FTAA as it:<sup>1</sup>
- (a) *will deliver new regionally or nationally significant infrastructure which could power approximately 75,000 households annually (s22(2)(a)(ii))*
  - (b) *will deliver significant economic benefits by (s22(2)(a)(iv):*
    - (i) *increasing the supply of electricity, which could reduce wholesale electricity prices and*
    - (ii) *creating 315 jobs during peak construction; and*
  - (c) *will support climate change mitigation, including the reduction or removal of greenhouse gas emissions by establishing a new renewable energy source (s22(2)(a)(vii))*
10. The Application is supported by a Substantive Application Report prepared by BTW Company (**BTW**) dated June 2026 (**Substantive Application Report**), a series of technical assessments and all other information necessary to meet the requirements of the FTAA.
11. The purpose of this memorandum is to assist the Panel by providing:
- (a) an overview of the Project and project Site;
  - (b) the regional and national benefits that the Project will provide;
  - (c) reasons for the Application and a summary of the approvals sought under the FTAA;
  - (d) a summary of consultation undertaken by Nova;
  - (e) a "roadmap" of the technical reports provided in support of the Application;

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<sup>1</sup> Notice of Decisions on application for referral of the Twizel Solar project under the Fast-track Approvals Act 2024 at page 2.

- (f) an overview and analysis of the legal framework relevant to:
  - (i) the resource consent applications;
  - (ii) the wildlife approval applications;
  - (iii) all approvals being sought under the FTAA; and
- (g) a summary of the key issues that Nova considers will need to be determined.

## **OVERVIEW OF THE PROJECT AND PROJECT SITE**

- 12. The Site is an 868-hectare property legally described as Lot 3 DP 422901 and located on State Highway 8, Twizel. The Site is owned by NGL Farms Limited (**NGL**), which is a subsidiary of Todd Corporation. NGL has provided written confirmation that it consents to the Project and will provide access to Nova to deliver the Project.<sup>2</sup>
- 13. The Project will involve the construction and operation of a 300MW solar plant, which will connect to the National Grid via the Transpower Twizel substation. The Project is anticipated to generate 525,600 MWh of electricity per year, which is enough renewable energy to power 75,000 homes annually.<sup>3</sup>
- 14. The Project will include:
  - (a) earthworks and site establishment including the construction of operational and management buildings, inverters, a switchyard and internal roads and tracks;
  - (b) solar panels situated on solar tables with a single axis tracking system covering 565 hectares of the Site;
  - (c) establishment of 33kV overhead transmission lines to connect the Project to the Substation; and

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<sup>2</sup> Attachment 3.18 – Letter from NGL Farms Limited.

<sup>3</sup> Substantive Application Report at page 26.

- (d) establishment of buffers and ecological enhancement areas around the perimeter of the Site and in corridors and nodes throughout the Site to protect significant indigenous vegetation, habitat and wetlands.
15. The Site has been carefully selected and is an appropriate location for the Project for the following reasons:
- (a) the Site receives approximately 1,530 kWh/m<sup>2</sup> of solar irradiance, placing it among the best locations in New Zealand for solar generation;
  - (b) the Site's proximity to Transpower's Twizel 220kV substation enables efficient grid connection, reducing transmission losses and minimising connection infrastructure costs;
  - (c) the Site is largely flat with a gentle slope, minimising earthworks requirements. Geotechnical assessments confirm low liquefaction risk and suitable ground conditions for solar infrastructure;
  - (d) the Site is primarily Land Use Capability Class 6 land, with the balance classified as Class 4. It is not subject to the National Policy Statement for Highly Productive Land, and is mostly non-arable, with limited suitability for alternative high-value agricultural uses;
  - (e) the Site faces minimal risk from natural hazards or severe weather events;
  - (f) the Site has direct access from State Highway 8 which limits construction traffic on local roads; and
  - (g) the surrounding low-density rural environment minimises potential amenity effects on nearby communities.
16. A number of activities already occur on the Site, which will not affect or be affected by the Project:
- (a) the Site is currently operating as a low-intensity dry stock farm under a farm lease arrangement. Farming over many years has significantly modified the Site, including by replacing indigenous vegetation with pasture. Farming operations will temporarily cease when construction

begins and dry stock grazing within the panel area will resume once the solar plant becomes operational, in a manner which will support the ecological rehabilitation of the Site;

- (b) a small gravel quarry is operating out of the northern end of the Site under resource consent RM210021. Quarry operations are located on a different part of the Site;
- (c) there are three water bores located on the Site which can be utilised for solar plant operations within permitted activity levels.<sup>4</sup> An additional bore is located on the Site for groundwater monitoring purposes and is owned by Meridian Energy Limited;<sup>5</sup> and
- (d) an automated weather station is authorised by Land Use Consent RM220073.<sup>6</sup>

## THE SIGNIFICANT REGIONAL AND NATIONAL BENEFITS OF THE PROJECT

17. The benefits of the Project are substantial across two distinct dimensions: the expansion of New Zealand's renewable electricity generation capacity and the delivery of material economic gains for the region and the country. Both categories of benefit attract significant weight under section 22 of the FTAA and strongly support the grant of the approvals sought.

### *Expanding New Zealand's electricity generation capacity*

18. The Project will make a significant contribution to meeting demand for electricity generation capacity in New Zealand.
19. In 2024, the Ministry for Business, Innovation and Employment (**MBIE**) estimated that total electricity demand in New Zealand will increase by 57% from 2023 to 2050.<sup>7</sup> This growth is due to increased population, economic

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<sup>4</sup> Consent references BZ15/5013, BZ15/5014 and H38/0023. Water bore BZ15/5014 is currently in use for stock water supply. The consent holder is Rosehip Orchards NZ Limited.

<sup>5</sup> An easement is granted to Meridian Energy Limited (Easement Instrument 9906693.3) to monitor groundwater.

<sup>6</sup> RM220073 is held by TGL Farms Limited, a subsidiary of The Todd Corporation Limited.

<sup>7</sup> Attachment 2 – Economic Assessment at page 9. See also MBIE *Electricity Demand and Generation Scenarios: Results summary* dated July 2024.

activity and shifts toward ‘electrification’ of energy uses, including use of electric vehicles and large-scale datacentres.<sup>8</sup>

20. To meet this demand, MBIE projects that generation capacity will need to almost double by 2050.<sup>9</sup> Across all MBIE scenarios, solar and wind account for the majority of new generation capacity required, with solar generation capacity projected to increase more than 11-fold from 0.4 GW to 4.7 GW by 2050.<sup>10</sup>
21. Meeting this projected expansion will require an additional 8,000 to 13,000 hectares of land nationally to support utility-scale solar generation, making it critical for New Zealand to identify and develop suitable sites with strong solar resources.<sup>11</sup>
22. The Project directly responds to this demand.
23. The Site is particularly suitable for a solar farm. The solar resource capacity of a site is measured in Global Horizontal Irradiance (**GHI**), which describes the total solar radiation on a horizontal surface, determining the solar resource available at a specific site:
  - (a) sites with higher GHI achieve higher capacity factors, meaning a greater share of installed capacity is converted into electricity;<sup>12</sup>
  - (b) higher capacity factors increase annual generation and reduce the cost per MWh for a given capital investment, meaning that even modest differences in solar resource can have a material effect on the commercial viability and long-term productivity of a solar plant; and<sup>13</sup>
  - (c) the Site, and the Mackenzie Basin generally, have a particularly high GHI. NIWA data shows that Lake Tekapo recorded more than 2,500

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<sup>8</sup> Ibid at page 9.

<sup>9</sup> Ibid at page 9.

<sup>10</sup> Ibid at page 9.

<sup>11</sup> Ibid at page 10.

<sup>12</sup> Ibid at page 29.

<sup>13</sup> Ibid at page 29.

sunshine hours per year on average between 1991 and 2020, making the Mackenzie Basin one of the sunniest regions in New Zealand.<sup>14</sup>

24. The location of the Site also offers the opportunity to strengthen the resilience and efficiency of New Zealand's electricity system by adding generation capacity that is complementary to existing renewable assets.<sup>15</sup> In the Upper Waitaki system, daytime solar generation reduces the need to dispatch hydro generation during periods of strong solar output, allowing water to be retained in southern hydro lakes during daylight hours and summer periods, which in turn increases stored energy available for later use.<sup>16</sup>
25. The renewable energy generated by the Project will also contribute to the decarbonisation of New Zealand's energy system. This in turn will reduce reliance on fossil fuels and will contribute to emissions targets under the Emissions Reductions Plan.

***Providing significant economic benefits***

26. As set out in the Substantive Application Report and the Economic Assessment by Insight Economics (Attachment 2 to the Substantive Application Report), the Project is anticipated to generate the following economic benefits:
- (a) during the two-year construction phase, the Project is estimated to provide full-time work for more than 285 people, generating \$51 million in wages and salaries, and boosting GDP by \$85 million;<sup>17</sup>
  - (b) once operational, the Project will sustain full-time employment for 20 people, contribute annual GDP of more than \$4 million and generate \$1.8 million paid annually in wages and salaries;<sup>18</sup>
  - (c) beyond the headline employment figures, the Project will contribute to regional workforce development: on-the-job training in solar

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<sup>14</sup> Ibid at page 11.

<sup>15</sup> Ibid at page 20.

<sup>16</sup> Ibid at page 20.

<sup>17</sup> Ibid at page 16.

<sup>18</sup> Ibid at page 19.

infrastructure, electrical systems, and remote monitoring will upskill the local workforce; the operational roles range from entry-level vegetation management to specialised electrical servicing; and contracted services such as panel cleaning, inspection, and maintenance may be delivered by locally based firms, building and sustaining regional businesses and trades;<sup>19</sup>

- (d) the Project will involve \$125 million in domestic development expenditure across planning, construction, and installation activities;<sup>20</sup> and
- (e) a Total Economic Value analysis confirms that the Project generates substantially higher GDP and wage outcomes than any rural production scenario assessed over a 50-year period — even under conservative assumptions that maximise the estimated value of foregone rural production.<sup>21</sup>

27. These benefits are significant in national and regional terms and will have a tangible impact on the prosperity of the region that would otherwise be foregone if the Project does not proceed.

## **REASONS FOR APPLICATION AND APPROVALS SOUGHT**

28. Nova seeks all necessary approvals to authorise the Project. Specifically, Nova seeks the following approvals:

- (a) resource consents which would otherwise be applied for under the RMA under the MDP, comprising;
  - (i) Land Use Consent for the construction, operation and maintenance of the solar farm activity;
  - (ii) Land Use Consent for works within a Flood Hazard Overlay; and

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<sup>19</sup> Ibid at page 22.

<sup>20</sup> Ibid at page 15.

<sup>21</sup> Ibid at page 35.

- (iii) Land use consent for natural hazard mitigation works.
  - (b) resource consents which would otherwise be applied for under the RMA under the CLWRP, comprising;
    - (i) Stormwater Discharge Consents for construction and operations; and
    - (ii) Land Use Consent for undertaking earthworks over an aquifer.
  - (c) a wildlife approval described in section 53 of the Wildlife Act to capture, temporarily hold and relocate and incidentally kill native lizards; and
  - (d) a wildlife approval to handle and hold Threatened and At-Risk bird species, to be utilised in the unlikely event that the discovery of bird carcasses on the Site requires investigation to determine the species of bird and/or the circumstances of the bird's death.
29. A detailed description of the Project and the approvals sought can be found in Sections 1.5 and 4 of the Substantive Application Report and Attachment 3.6 to that report.
30. The approvals sought and the works described in the Application align with the project description provided in Nova's Referral Application.<sup>22</sup>

## **CONSULTATION**

### ***Legislative requirements***

31. Section 11 of the FTAA requires an applicant to consult with specified stakeholders before lodging an application for referral to the Fast-track process. Nova undertook consultation with relevant persons and groups as required in section 11 before lodging its referral application.

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<sup>22</sup> FTAA, Schedule 7 clause 2(1)(n). For completeness, the Project description is "Establishment and operation of a 300-megawatt solar farm over 500 hectares of an 868-hectare site to the east of Twizel Township. Once operational and connected to the National Grid, the project will generate enough renewable energy annually to power 75,000 homes."

32. There is no general legislative requirement for Nova to undertake further consultation as a part of the preparation of the substantive application. However:
- (a) clause 6(1)(e) and (f) of Schedule 5 of the FTAA require an assessment of an activity's effects on the environment to include identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal; and if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision;
  - (b) clause 2 of Schedule 7 of the FTAA requires that Wildlife Act approval includes proof and details of all consultation, including with hapū and iwi, on the application specific to wildlife impacts; and<sup>23</sup>
  - (c) the Referral Decision requires that Nova provide the following information with its substantive application:<sup>24</sup>

*A summary of consultation with Te Rūnanga o Ngāi Tahu, relevant papatipu rūnanga and their representatives since referral, outlining concerns raised regarding Ngāi Tahu settlement principles, statutory acknowledgements, nohanga, and taonga species and explaining how this has informed the Application.*

### **Consultation undertaken - overview**

33. Regardless of the specific legislative requirements, Nova is a responsible operator that places high value on establishing and maintaining good relationships with stakeholders. Consultation with stakeholders on the Project has been ongoing since well before the referral stage (since at least December 2021) and consultation feedback has influenced the detailed design of the Project and proposed conditions. Nova remains committed to continued engagement with stakeholders throughout the Fast-track process.
34. The groups that are potentially affected by the Project, the groups that Nova has consulted, the key themes arising from consultation and how they have

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<sup>23</sup> FTAA, Schedule 7 clause 2(1)(n).

<sup>24</sup> Notice of Decisions on application for referral of the Twizel Solar project under the Fast-track Approvals Act 2024 at page 3.

been addressed in the Application are set out in Section 6.1 and Section 6.2 of the Substantive Application Report.

35. A register of the consultation undertaken by Nova, and a detailed description of the feedback received through consultation and how it has informed the Project is recorded in the Consultation Register and Summary of Consultation in Attachment 3.14 and 3.15, respectively.
36. By way of summary, Nova has consulted with the following:
  - (a) Te Rūnanga o Ngāi Tahu and relevant papatipu rūnanga;
  - (b) MDC;
  - (c) ECan;
  - (d) Department of Conservation (**DOC**);
  - (e) Meridian Energy;
  - (f) the Environmental Protection Authority;
  - (g) Heritage New Zealand Pouhere Taonga;
  - (h) Transpower New Zealand;
  - (i) the New Zealand Transport Agency; and
  - (j) owners and occupiers of nearby land.<sup>25</sup>
37. Consultation has been undertaken by way of email and telephone correspondence and a series of meetings, which have been held face-to-face where possible.
38. Nova has provided draft copies of the Application to key stakeholders including MDC, ECan, the DOC and Te Rūnanga o Ngāi Tahu. Constructive feedback has been received from most stakeholders which has enabled refinement of the Application including technical planning and effects assessments and conditions.

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<sup>25</sup> Including Road Metal Holdings, Mackenzie Properties Limited, Waitaki Trustees (Golden Acres Limited); Bendrose Farms 2014 Limited, SOL Group and BH Growth.

39. Additional details in relation to consultation with Te Rūnanga o Ngāi Tahu are addressed in paragraphs 110 to 115 (cultural effects) below.

### TECHNICAL REPORTS AND SUPPORTING INFORMATION

40. Nova's application is supported by a comprehensive suite of technical assessments and other supporting information comprising the following:

Report	Author	Attachment Reference
Concept Design Drawings	Geoff Hale, BTW	1
Twizel Indicative Layout Drawing	Claire West, Aurecon	1.1
Adjacent Landowners and Properties Plans	Emma Nolly, BTW	1.2
Economic Assessment	Fraser Colegrave, Danielle Chaumeil and Nic Keith, Insight Economics	2
Manawhenua Report	Kylie Hall, Aoraki Environmental Consultancy Limited	2.1
Geotechnical Assessment	Giles Learman, Engineering Design Consultants	2.2
NPS - Natural Hazards Assessment	Giles Learman, Engineering Design Consultants	2.3
Archaeological Assessment	Shar Briden, Absolute Archaeology Limited	2.4
Acoustic Assessment	Damian Ellerton, Marshall Day	2.5
Glint and Glare Assessment	Nicholas Logan, ITP Renewables	2.6
Preliminary Site Investigation – Contaminated Land	Seethal Sivarajan, BTW	2.7
Landscape Assessment	Paul Smith, Rough Milne Mitchell Landscapes	2.8

Appendix 2: Graphic Attachment to Landscape Assessment	Zoe Cox, Paul Smith, Rough Milne Mitchell Landscapes	2.9
Appendix 3: Visual Simulations	Jason Blair, Virtual View	2.10
Landscape Assessment Peer Review	Stephen Skelton, Patch Landscapes	2.11
Additional Lizard, Vegetation and Invertebrate Surveys of a Proposed Twizel Solar Farm	Dr Vikki Smith, Lydia Metcalfe, Cameron Thorp, and Dr Justyna Giejsztowt, Wildland Consultants	2.12
Tekapo Ground Wētā Tracking Tunnel Survey	Dr Vikki Smith and Dr Justyna Giejsztowt, Wildland Consultants	2.13
Assessment of Potential Ecological Effects of the proposed Nova Energy Solar Farm Near Twizel	Dr Vikki Smith, Rose Stuart, Lucian Funnell, Dr Della Bennet, Fraser Gurney, Eleanor Gunby, Samantha King, Cameron Thorp, Lydia Metcalfe, and Dr Justyna Giejsztowt, Wildland Consultants	2.14
Integrated Framework	Dr Vikki Smith, Wildland Consultants	2.15
Integrated Traffic Assessment	Leon Vasey, BTW	2.16
Flood Hazard Risk Assessment	Catherine Gu, BTW	2.17
Referral Letter	Ministry for the Environment	3
Record of Title	Russell Thomas Bengel, Davis Ogilvie & Partners Limited	3.1
Proposed Conditions of Consent	BTW	3.2
Proposed Conditions (Wildlife Act Approvals)	BTW	3.3

Statutory Planning Rules Assessment	BTW	3.6
Statutory Planning Policy Assessment	BTW	3.7
Consultation Response from Meridian Energy	██████████ Meridian Energy	3.15
Notices Received from Mackenzie District Council and Environment Canterbury	██████████ Environment Canterbury ██████████ ██████████ Mackenzie District Council	3.16
Summary of Management Plan Conditions and Adaptive Management Conditions	MinterEllisonRuddWatts	3.17
Letter from NGL Farms Limited	██████████ NGL Farms Limited	3.18

41. A series of draft management plans are also submitted with the Application, comprising:
- (a) ecological management plans comprising:
    - (i) Biosecurity and Vegetation Management Plan (Attachment 3.9);
    - (ii) Pest Mammal Management Plan (Attachment 3.10);
    - (iii) Terrestrial Invertebrate Management Plan (Attachment 3.11);
    - (iv) Lizard Management Plan (Attachment 3.12); and
    - (v) Avifauna Management Plan (Attachment 3.13);
  - (b) Archaeological Management Plan (Attachment 3.8);
  - (c) Stormwater Management Plan (Attachment 3.5); and
  - (d) Erosion Sediment and Control Plan (Attachment 3.4).

## **LEGAL FRAMEWORK AND ANALYSIS IN RELATION TO RESOURCE CONSENT APPROVALS**

### *Referred projects*

42. Section 42 of the FTAA provides that an authorised person may lodge a substantive application for approvals for a referred project. An application may seek (among other things) the following approvals that are sought by Nova:
- (a) a resource consent that would otherwise be applied for under the RMA (section 42(4)(a)); and
  - (b) a wildlife approval as defined in clause 1 of schedule 7 (section 42(4)(h).
43. The requirements for the form of an application and information to be provided are set out in sections 43 and 44 of the FTAA. The necessary information is provided in Section 2 and Section 9 of the Substantive Application Report.
44. Section 81 of the FTAA requires the Panel to consider the application to decide whether to grant or decline Nova's application for approvals. The Panel's decision must be made in accordance with clauses 17–22 of Schedule 5, FTAA.
45. Clause 17(1) sets out the criteria for the Panel's assessment of the application. It provides that when considering a consent application, including setting conditions (which must be prepared in accordance with clause 18) the Panel must take into account the following, giving greatest weight to paragraph (a):
- (a) the purpose of the FTAA;
  - (b) the RMA decision making framework for resource consent applications set out in Parts 2, 3, 6 and 8-10 of that legislation; and

- (c) the relevant provisions of any other legislation that directs decision making under the RMA.
46. The direction to “take into account” a matter has been extensively considered in the RMA context. The Court of Appeal has confirmed that the obligation to “take into account” a matter “*is not intended to be higher than an obligation to consider the particular factor in making a decision, to weigh it with the other relevant factors, and to give it whatever weight is appropriate in all the circumstances.*”<sup>26</sup>
47. While not strictly a precedent, the decision of the Expert Panel in *Bledisloe Wharf*<sup>27</sup> provides helpful guidance in terms of how the weighting exercise required by clause 17(1) should be approached. With reference to the decision of the Court of Appeal<sup>28</sup> in the context of the (now repealed) Housing Accords and Special Housing Areas Act 2013 the Panel stated that the weighting exercise requires:
- (a) individual assessment of the listed matters; followed by
- (b) weighing the matters in accordance with the prescribed hierarchy.<sup>29</sup>
48. In terms of the applicable hierarchy, the Panel noted that in the FTAA the requirement is simply for the decision maker to give the greatest weight to criterion (a), and that the implication, therefore, is that in the FTAA the criteria in (b)-(c) are to have equal statutory weight.<sup>30</sup>
49. The Panel summarised the approach as follows:<sup>31</sup>
- a. While the greatest weight is to be placed on the purpose of the FTAA, we must be careful not to rely solely on that purpose at the expense of due consideration of the other matters listed in (b) to (c): Enterprise Miramar, at [41].*

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<sup>26</sup> *Trustees of the Motiti Rohe Moana Trust v Bay of Plenty Regional Council* [2024] NZCA 134 at [15].

<sup>27</sup> Record of the Decisions of the Expert Panel on the Bledisloe North Wharf and Fergusson North Berth Extension, 21 August 2025.

<sup>28</sup> *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541.

<sup>29</sup> *Ibid* at [52] - [53].

<sup>30</sup> Above n 27, at [121].

<sup>31</sup> Above n 27, at [121].

*b. Clause 17 requires us to consider the matters listed in clause 17(1)(a)-(c) on an individual basis, prior to standing back and conducting an overall weighting in accordance with the specified direction: Enterprise Miramar, at [52] – [53].*

*c. The purpose of the FTAA is not logically relevant to an assessment of environmental effects. Environmental effects do not become less than minor simply because of the purpose of the FTAA. What changes is the weight to be placed on those more than minor effects; they may be outweighed by the purpose of facilitating the delivery of infrastructure and development projects with significant regional or national benefit, or they may not: Enterprise Miramar, at [55].*

50. Nova submits that this is the correct approach.

*Clause 17(1)(a) - the purpose of the FTAA*

51. The purpose of the FTAA set out in section 3 is to “*facilitate the delivery of infrastructure and development projects with significant regional or national benefits.*” Accordingly, the FTAA has a strong enabling purpose, which requires the Panel to “facilitate” delivery of projects which are demonstrated to offer the benefits identified.
52. Various expert panels have considered the meaning of the term “significant regional or national benefits.” In the Expert Panel’s decision on the Sunfield development, the Panel considered previous panel decisions and said that:<sup>32</sup>
- (a) section 22 of the FTAA (which identifies the matters that the Minister may consider in relation to an application for referral) provides some useful guidance, but as observed in the *Maitahi* decision<sup>33</sup> this can only provide a flavour of, or guide to, what is required; and
  - (b) “significant” is a word of indeterminate meaning. It can, for instance, be used in in the sense of “game-changing”. But it can also have meanings along the lines of “worthy of note”. As no one project is likely to be “game-changing”, significance is not to be determined by reference to whether implementation will appreciably change national or regional gross domestic product or the annual tax revenue of the Government. Rather, it is an indication of scale.<sup>34</sup>

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<sup>32</sup> Record of Decision of the Expert Consenting Panel for Sunfield dated 10 March 2026 at [455].

<sup>33</sup> Record of Decision of the Expert Consenting Panel for Maitahi Village dated 18 September 2025 at [515].

<sup>34</sup> Record of Decision of the Expert Consenting Panel for Waihi North dated 18 December 2025 at [843].

53. Other key principles arising from previous panel decisions include:
- (a) in *Maitahi*, the Panel observed that that significance is “an intensely factual determination turning on the particular circumstances of the Application”;<sup>35</sup>
  - (b) benefits must be substantiated, not just aspirational;<sup>36</sup>
  - (c) benefits need not only be economic. Cultural, social and environmental outcomes may also contribute to regional or national significance; and<sup>37</sup>
  - (d) consistency with government strategies and planning instruments can strengthen the case for significance.<sup>38</sup>
54. While the fact of referral is not in itself conclusive evidence that the Project will deliver significant regional or national benefits, the Project was referred to the FTAA because the Minister for Infrastructure was satisfied that the Project would deliver regional or national benefits including:<sup>39</sup>
- (a) delivering renewable electricity infrastructure which could power approximately 75,000 households annually;
  - (b) delivering significant economic benefits including increasing the supply of electricity which could reduce wholesale electricity prices and creating 315 jobs during peak construction; and
  - (c) supporting climate change mitigation by establishing a new renewable energy source.
55. Nova submits that the decision to refer the Project was appropriate and that the Project will deliver significant benefits to the nation and region that are clearly substantiated, rather than aspirational, as evidenced by the Economic

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<sup>35</sup> Above n 33, at [515].

<sup>36</sup> Draft Decision of the Expert Consenting Panel for Delmore dated 17 September 2025 at page 106-107.

<sup>37</sup> Record of Decision of the Expert Consenting Panel for Rangitooopuni dated 18 December 2025 at [280].

<sup>38</sup> Above n 33, at [821].

<sup>39</sup> Notice of Decisions on application for referral of the Twizel Solar Project under the Fast-track Approvals Act 2024 at page 2.

Assessment prepared by Insight Economics and other information supporting the application.

56. These benefits are summarised at paragraphs 17 – 27 above and include expanding New Zealand’s renewable energy capacity, providing local employment, boosting GDP, upskilling the regional workforce in solar infrastructure development, and increasing domestic development infrastructure. For these reasons, Nova submits that the Project strongly aligns with the purpose of the FTAA.
57. As set out below in paragraphs 66 – 71, the Project is also consistent with government strategies and planning instruments, including national policy direction to enable renewable electricity generation, and with district and regional planning instruments which similarly direct that such development is provided for.

*Clause 17(1)(b) - RMA decision making framework*

58. The Panel is required to take into account the provisions of Parts 2, 3, 6 and 8-10 of the RMA that “direct decision making on an application for resource consent” (excluding section 104D). As noted above, consideration of these provisions is subservient to the purpose of the FTAA.
59. The relevant parts of the RMA which direct decision making on an application for a discretionary resource consent are:
- (a) sections 104 and 104B which set out the requirements for discretionary consent applications;
  - (b) sections 105 and 107 which relate to consent applications for discharge consents; and
  - (c) sections 108 to 108AA which address conditions of resource consents.
60. There are two matters in section 104 that are particularly relevant to the Application. These are:
- (a) section 104(1)(a): any actual and potential effects on the environment of allowing the activity; and

(b) section 104(1)(b): any relevant provisions of a national environmental standard, other regulations, a national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement and a plan or proposed plan.

61. Matters relevant to the analysis of the Application under this framework are addressed below.

### *Effects*

62. Section 104(1)(a) requires consideration of “*any actual and potential effects on the environment of allowing the activity*”. An effect includes not only an adverse effect but also positive effects.<sup>40</sup>

63. A comprehensive suite of technical reports has been provided with the Application which concludes that the Project will have significant positive effects in terms of the generation of renewable electricity and the associated economic benefits associated with that.

64. In terms of potential adverse effects, all technical experts have concluded that all potential adverse effects can readily be managed by way of conditions of consent, and will certainly be below the threshold of significant.

65. Ultimately, the Substantive Application and technical assessments record that:<sup>41</sup>

*“...while the Project introduces a new form of infrastructure into a rural environment, potential adverse effects are either avoided through careful site selection and design, or appropriately remedied or mitigated through robust conditions of consent, management plans, monitoring and adaptive management.”*

### *Statutory documents*

66. In accordance with section 104(1)(b) the Panel must have regard to relevant statutory instruments. Those relevant to the Application are:

(a) NPSREG;

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<sup>40</sup> RMA, section 3(a).

<sup>41</sup> Substantive Application Report at Section 10, page 157.

- (b) National Policy Statement for Electricity Networks 2008;
  - (c) National Policy Statement for Freshwater Management 2020 (**NPSFM**);
  - (d) National Policy Statement for Natural Hazards 2025 (**NPSNH**);
  - (e) Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
  - (f) Canterbury Regional Policy Statement 2013 (**CRPS**);
  - (g) CLWRP;
  - (h) Waitaki Catchment Water Allocation Regional Plan 2016 (**WCP**);
  - (i) the MDP;
  - (j) Iwi Management Plan of Kati Huirapa 1992;
  - (k) Waitaki Iwi Management Plan 2019; and
  - (l) Canterbury (Waitaha) Conservation Management Strategy 2016.
67. The Substantive Application Report included in the Application provides a comprehensive assessment of the relevant provisions of each of these statutory instruments.<sup>42</sup>
68. Of particular relevance is the NPSREG 2011 which contains a strong direction that “*Decision-makers must enable REG assets and activities in all locations and environments*”.<sup>43</sup>
69. In 2025, the NPSREG was updated to further strengthen the policy in relation to enabling the development and operation of renewable electricity generation infrastructure, including directing decision-makers to recognise and provide for REG assets that have a functional or operational need to be in particular locations and environments.<sup>44</sup>

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<sup>42</sup> Substantive Application Report at Section 8.

<sup>43</sup> NPSREG 2011, Policy F (1).

<sup>44</sup> NPSREG 2011, Policy C.

70. In the MDP, the Project falls within the definition of 'Renewable Electricity Generation Activities'. The REG chapter of the MDP regulates such activities and specifies that most other chapters of the Plan (except those expressly identified) do not apply. The effect is that the MDP provides a bespoke policy framework for REG activities that prioritises and is consistent with the need to enable REG activities, in accordance with the policy imperative set out in the NPSREG.<sup>45</sup>
71. The overall conclusion in the planning analysis set out in section 8 of the Substantive Application Report is that the Project is entirely consistent with the relevant planning framework insofar as:<sup>46</sup>

*... the Project is consistent with, and gives effect to, the relevant national, regional and district statutory and policy framework. It strongly supports the development of renewable electricity generation, aligns with the objectives of the relevant National Policy Statements, and is recognised as regionally significant infrastructure under the Canterbury planning framework.*

*Any potential conflicts with environmental or cultural values have been appropriately addressed through site selection, design, avoidance, and mitigation measures secured by proposed conditions of consent.*

*Accordingly, the Project is considered to achieve the outcomes sought by the relevant planning instruments and is supported by the applicable statutory framework.*

### *Conditions*

72. Section 108 provides generally for a consent authority to impose any condition that it considers appropriate. However, section 108 is limited by section 108AA which provides that a consent authority must not include a condition in a resource consent for an activity unless:
- (a) the applicant for the resource consent agrees to the condition; or

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<sup>45</sup> Albeit that the relevant chapter of the MDP was notified and determined prior to the entry into force of the 2025 NPSREG amendments.

<sup>46</sup> Substantive Application Report at Section 8.15.

- (b) the condition is *directly connected* to an adverse effect of the activity on the environment and/or an applicable district or regional rule, or a national environmental standard; or
  - (c) the condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.
73. Section 108AA was introduced to clarify the applicability of key case law principles on conditions deriving from *Newbury DC v Secretary of State for the Environment*.<sup>47</sup> *Newbury* sets out three principles for determining the validity of conditions, which have been widely accepted and applied by the New Zealand courts as applicable in the resource management context.<sup>48</sup> These are:
- (a) the condition must be for a resource management purpose, not for an ulterior one;
  - (b) the condition must fairly and reasonably relate to the development authorised by the consent to which the condition is attached; and
  - (c) the condition must not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties, could not have approved it. This is to ensure any conditions imposed do not frustrate the ability for the consent holder to implement the consent.

(the ***Newbury*** principles)

74. Importantly, section 83 of the FTAA also requires that the Panel must not set a condition that is more onerous than necessary to address the reason for which it was set. Care therefore needs to be taken to assess the purpose and implications of a condition before it is imposed to ensure that it will not be disproportionate to the level of effect it is intending to manage or likely to unreasonably burden the Applicant.

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<sup>47</sup> *Newbury District Council v Secretary of State for the Environment* [2980] 1 All ER 731 (HL).

<sup>48</sup> Expressly endorsed in the context of the RMA in *Housing NZ Ltd v Waitakere City Council* [2001] NZRMA 202 (CA) and *Waitakere City Council v Estate Homes Ltd* [2007] 2 NZLR 149 (SC).

75. As part of its application, Nova has submitted a comprehensive set of draft conditions. These conditions have been prepared and refined in response to feedback from stakeholders. In particular:
- (a) conditions for other utility scale solar projects have been used as the basis for the land use consent conditions;
  - (b) detailed conditions of land use relating to management of key ecological values on the Site (including in particular in relation to effects on avifauna) have been prepared with reference to conditions of consent proposed or supported by DOC on other solar farm projects;
  - (c) in terms of the regional consent conditions, Nova has adopted Environment Canterbury's standard set of conditions for utility scale solar operations for earthworks and discharges;
  - (d) At the request of Transpower, Nova has included a condition requiring that access is maintained to the National Grid transmission lines;
  - (e) conditions relating to consultation with mana whenua Rūnaka have been prepared in consultation with the relevant groups. Nova's proposed condition set is similar to the conditions requested by mana whenua Rūnaka<sup>49</sup> including provision for development of a Kaitaki Governance Group and associated Strategic Cultural Programme. The parties are continuing to work together with a view to reaching agreement on these. To facilitate ongoing work on these conditions, they have been provided in a separate document to the remainder of the conditions; and
  - (f) condition 61 relating to the preparation of an Emergency Hydro Inundation Response and Evacuation Plan has been included at the request of Mercury Energy. This condition relates to the small areas of plant that are located within the Hydro Inundation Overlay relating to the Pukaki Canal.
76. Nova is also aware that the Expert Panels determining The Point and Haldon Solar have requested that the parties liaise to produce consistent consent

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<sup>49</sup> As set out in the Manawhenua report.

conditions, to facilitate administration of those consents.<sup>50</sup> Nova has endeavoured to provide for consistency with the consent conditions for those applications to the extent required to manage the effects of the Project. However, at the time of lodgement of this application, those parties had not released their final sets of conditions. Therefore, it has not been possible to confirm full consistency. Nova is, however, open to refining the consent conditions to achieve consistency as required.

## **LEGAL FRAMEWORK AND ANALYSIS IN RELATION TO WILDLIFE APPROVALS**

77. Nova seeks a Wildlife Act Authority to undertake actions that would otherwise be an offence under the Wildlife Act including to:
- (a) catch, hold and handle lizards on-site;
  - (b) translocate any incidentally discovered lizards that have been salvaged; and
  - (c) incidentally injure or kill lizards as part of vegetation clearance and construction.
78. Nova also seeks a Wildlife Act Authority to:
- (a) handle and hold Threatened and At-Risk birds in the event that the discovery of bird carcasses on the Site requires investigation to determine the species of bird and/or the circumstances of the bird's death.
79. For the avoidance of doubt, this approval is **not** sought because Nova anticipates significant numbers of bird deaths. Rather, it is sought so that in the unlikely event of a mortality, the consent holder is able to facilitate investigations to enable the cause of death to be properly determined. Without a Wildlife Act Authority, it would not be possible to hold a carcass for that purpose.

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<sup>50</sup> Minute 6 of the Expert Consenting Panel for Haldon Solar and Minute 7 of the Expert Consenting Panel for The Point Solar Farm dated 2 March 2026 at [4].

80. Section 81 and clause 5 of Schedule 7 of the FTAA set out what the Panel must take into account when considering an application for a Wildlife Act Authority:
- (a) **the purpose of the FTAA:**<sup>51</sup> The Project strongly aligns with the purpose of the FTAA. It will deliver a Project with nationally and regionally significant benefits;
  - (b) **the purpose of the Wildlife Act:**<sup>52</sup> The purpose of the Wildlife Act is to protect animals classed as wildlife, including New Zealand's endangered species. Native lizards and Threatened and At-Risk birds are protected species under the Wildlife Act. Seeking a Wildlife Act Authority is consistent with the protection of the species because:
    - (i) In terms of lizards, the Authority:
      - (A) enables the lawful control of unavoidable interactions with protected wildlife which may occur during construction and operation of the Project;
      - (B) supports the protection of indigenous species through avoidance-led design and management;
      - (C) facilitates monitoring, adaptive management, and conservation outcomes; and
      - (D) is limited to incidental disturbance and handling, rather than intentional adverse effects on protected wildlife.
    - (ii) In terms of avifauna, the Authority:
      - (A) enables detailed investigation and reporting of the causes of bird mortality in order to inform avifauna management measures in relation to the Project;
    - (iii) supports the protection of indigenous species by ensuring that management responses on the Site can be appropriately

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<sup>51</sup> FTAA, section 3.

<sup>52</sup> Wildlife Act 1953, section 2.

targeted and contributing to wider knowledge regarding the manner in which avifauna may interact with the solar plant.

- (c) **information and requirements relating to the protected wildlife subject to the approval:**<sup>53</sup> For the purpose of the application for Wildlife Act Authority Nova has provided an Assessment of Ecological Effects,<sup>54</sup> an application for wildlife approvals,<sup>55</sup> a draft Lizard Management Plan<sup>56</sup> and a draft Avifauna Management Plan.<sup>57</sup> Together, these documents address all matters required by clauses 2 and 5 of Schedule 5.

81. If the Panel grants the approval, it may impose conditions under clause 6 of Schedule 7 of the FTAA. Draft Wildlife Authority conditions have been provided in Attachment 3.3 of the Application. These conditions have been prepared with reference to a template of standard Wildlife Act conditions provided by DOC.

#### **LEGAL FRAMEWORK APPLYING TO ALL APPROVALS**

82. Section 85(1) of the FTAA states that the Panel must decline an approval if:
- (a) it is for an ineligible activity; or
  - (b) it would breach section 7 (obligations relating to Treaty settlements and recognised customary rights).
83. There is no reason to decline the application under section 85(1) because:
- (a) the Project is not an ineligible activity; and
  - (b) the Application is not inconsistent with the obligations arising under existing Treaty settlements and recognised customary rights, as explained in the Substantive Application Report.

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<sup>53</sup> FTAA, Schedule 7.

<sup>54</sup> Attachment 2.14 – Assessment of Ecological Effects.

<sup>55</sup> Substantive Application Report at Section 9.

<sup>56</sup> Attachment 3.12 – Draft Lizard Management Plan.

<sup>57</sup> Attachment 3.13 – Avifauna Management Plan.

84. Section 85(3) of the FTAA states that the Panel *may* decline an approval if it forms the view that there are one or more adverse impacts in relation to the approval sought and those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits, even after taking into account proposed and potential conditions.
85. As discussed above, the Economic Assessment and Substantive Application Report conclude that the national and regional benefits of the Project are significant, particularly in terms of significant short-term employment and GDP gains, long-term operational employment, improved energy security, enhanced market resilience, and efficient use of land and infrastructure.<sup>58</sup>
86. In contrast, none of the technical experts who have assessed the application have identified significant adverse effects, and certainly no adverse effects that are so significant as to be out of proportion to the significant regional and national benefits of the Project. Accordingly, there is no basis for the Panel to decline the Application under section 85(3).

## KEY ISSUES

87. Matters which Nova considers will be key issues for determination have been identified by reference to consultation with stakeholders, advice from technical experts and review of materials relating to decision-making on the Haldon and The Point solar farm applications. These issues are addressed below:
- (a) cumulative effects;
  - (b) ecological effects;
  - (c) landscape effects;
  - (d) location of the Site in an Outstanding Natural Landscape; and
  - (e) cultural effects.

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<sup>58</sup> Substantive Application Report at section 5.2.6.

## Cumulative effects

88. Nova is aware that a number of stakeholders have raised concerns about the existence of a number of proposed solar farm developments in the Mackenzie Basin which have been referred to the Fast-track process, and the potential for cumulative effects.<sup>59</sup> Nova is aware that some stakeholders have suggested that the cumulative effects of the substantive applications for referred solar farm projects in the Mackenzie Basin should be considered together.<sup>60</sup>
89. In the RMA context, there is a clearly established legal position regarding how “the environment” should be defined for the purpose of assessing effects, including cumulative effects. Nova’s position is that this applies equally to decision-making under the FTAA. This is because:
- (a) the FTAA does not define “environment” but relies on the relevant definitions in the RMA;<sup>61</sup>
  - (b) clauses 17(1)(b) and (c) of Schedule 5 of the FTAA specify that the Panel must take into account Part 6 of the RMA which deals with the resource consenting application and decision-making process, and the ability for consent authorities to issue existing use certificates when considering a resource consent application;
  - (c) section 104 of the RMA (which deals with consideration of applications) applies to an applicant’s assessment of environmental effects, and effects are assessed against the existing environment under the RMA.
90. In *Queenstown Lakes District Council v Hawthorn Estate Limited*, the Court of Appeal held that “environment” under the RMA includes the future environment as it may be modified by permitted activities that are not fanciful,

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<sup>59</sup> During the course of consultation with Nova and in feedback provided on Haldon and The Point.

<sup>60</sup> Comments on the Haldon Solar Farm by DOC at paragraph [5.33], ECan at page 18, MDC at paragraphs [29] – [33] and Te Rūnanga o Ngāi Tahu at paragraphs [3.23] – [3.25] and comments on The Point Solar Farm by DOC, at paragraph [5.23], ECan at Appendix 1, MDC at paragraphs [64] – [65], and Te Rūnanga o Ngāi Tahu at [4.45] – [4.46].

<sup>61</sup> FTAA, section 4(2)(a).

and the exercise of resource consents that have been granted and are likely to be exercised.<sup>62</sup>

91. In the area surrounding the Site, there are no existing solar farms and solar farms are not a permitted activity. Nova is unaware of any existing resource consents for solar farms in the vicinity. While a number of projects have been referred to the Fast-track, substantive applications for only two others have been lodged. The Haldon Solar and The Point projects are currently under consideration by Expert Panels, but at the time of lodgement, they had not been determined.
92. Nova's position is that such applications do not form part of the environment and have therefore not been considered in the assessment of effects included in the Application. As such, Nova's assessment of cumulative effects is based on the receiving environment at the time the application was lodged. Nova's technical expert team is familiar with these other proposals and is satisfied that cumulative effects associated with Nova's project alongside others would be acceptable. However, Nova's technical expert team can provide updated cumulative effects assessments in the event that any of these applications are granted in advance of Nova's application.

### **Ecological effects**

93. The development of land in the Mackenzie Basin has the potential to give rise to ecological effects because of the flora and fauna found in this area. Matters of particular importance relate to effects on:
- (a) indigenous vegetation;
  - (b) invertebrates;
  - (c) herpetofauna; and
  - (d) avifauna.
94. Nova has worked closely with its expert ecologist team to understand the ecological values of the Site and surrounding area to develop and refine the

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<sup>62</sup> *Queenstown Lakes District Council v Hawthorn Estate Limited* NZRMA [2006] 425 (CA).

project design so that adverse effects are avoided to the extent possible. This has involved the following:

- (a) extensive fieldwork, comprising ecological surveys of vegetation, habitats, and plants, lizards, birds and terrestrial invertebrates were undertaken over the summers of 2022 – 2024 across the Site. This involved methods including general field surveys, aerial photography, GPS recording, habitat assessments, trapping and manual and visual searching. The methodology is described in detail in Attachment 2.14 – Assessment of Ecological Effects;<sup>63</sup>
- (b) significant refinement of the Project footprint to exclude high-value areas of the Site, all of which are located on the Site margins (whereas most of the Site has been subject to grazing);
- (c) large setbacks from waterbodies and wetlands;
- (d) provision for ecological corridors and nodes through the Site to provide new enhanced habitat for flora and fauna and mitigate habitat fragmentation;
- (e) careful consideration of potential shading effects on indigenous flora (both in terms of infrastructure and planting) and inclusion of robust conditions of consent which ensure that appropriate setbacks will be provided to avoid shading effects;
- (f) conditions requiring the preparation and implementation of pest management and biosecurity and vegetation management plans the purpose of which is to reduce pest species populations on the Site; and
- (g) conditions requiring the development of management plans for avifauna, herpetofauna and invertebrates to address residual adverse effects which provide for:
  - (i) clear objectives;

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Attachment 2.14 – Assessment of Ecological Effects at section 2.2.

- (ii) rigorous ongoing monitoring to confirm that objectives are met; and
  - (iii) adaptive management to ensure that appropriately targeted measures are implemented in the event that objectives are not achieved.
95. In terms of (f) and (g) above, Nova has prepared the relevant conditions in accordance with Section 21 of the Panel Conveners' Guidance regarding the use of management plan conditions.<sup>64</sup> The proposed conditions of consent are also designed to comply with the established legal requirements for management plan conditions which must:<sup>65</sup>
- (a) be certain and must not delegate decision-making until the management plan process;<sup>66</sup>
  - (b) be supported by evidence demonstrating how the effects of the activity are to be managed under the management plans' objectives and in broad terms how those objectives are to be achieved;<sup>67</sup>
  - (c) identify performance standards that are to be met and that management plans identify how those standards are able to be achieved";<sup>68</sup>
  - (d) not require local authority approval for measures, however provide for the local authority to certify that the management plan addresses all matters specified in the relevant condition; and<sup>69</sup>

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<sup>64</sup> Panel Conveners' Practice and Procedure Guidance Note dated 22 July 2025 at Section 21.

<sup>65</sup> *Re Canterbury Cricket Association Inc* [2013] NZEnvC 184 at [126] See also the *Final Report and Decision of the Board of Inquiry into the Transmission Gully Proposal* (June 2012) where the Board (chaired by then Environment Judge Brian Dwyer) provides a summary of settled principles in relation to management plan conditions at section 11.9.

<sup>66</sup> *Sustain Our Sounds Inc v New Zealand King Salmon Co Ltd* [2014] 1 NZLR 673 (SCNZ).

<sup>67</sup> *Re Canterbury Cricket Association*, above n 29, at [125].

<sup>68</sup> *Ibid* at [125].

<sup>69</sup> *Ibid* at [126].

- (e) provide information as to how parameters or limits can and will be met in the consent conditions (rather than solely in the management plan).<sup>70</sup>
96. Where conditions provide for adaptive management as part of the management plan to address uncertainty regarding the nature and extent of potential effects, the conditions have also been designed to meet the requirements for robust adaptive management that as expressed by the Supreme Court in *Sustain our Sounds*, including the following:<sup>71</sup>
- (a) provision for good baseline information to be collected about the receiving environment;
  - (b) effective monitoring of adverse effects using appropriate indicators;
  - (c) thresholds set to trigger remedial action before the effects become overly damaging; and
  - (d) a requirement for effects that might arise to be remedied before they become irreversible.
97. To assist the Expert Panel, draft copies of key proposed operational management plans<sup>72</sup> have been submitted as part of the Application.
98. In addition, Nova has noted the request by the Expert Panels considering the Haldon Solar Project and The Point Solar Farm<sup>73</sup> to the applicants for a document to be provided which demonstrates how proposed conditions will comply with the legal requirements for management plans and adaptive management. Attachment 3.17 of the application comprises two tables which provides this information in relation to Nova's proposed consent conditions. Table 5.5 of the Substantive Application Report also links effects to relevant consent conditions, which was also requested by the Expert Panels considering the Haldon Solar and The Point Solar Farm applications.

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<sup>70</sup> *Wellington Fish and Game Council v Manawautu-Wanganui Regional Council* [2017] NZEnvC 37 at [175]. This was also discussed in *Remediation (NZ) Ltd v Taranaki Regional Council* [2024] NZEnvC 213 at [466].

<sup>71</sup> *Sustain Our Sounds Inc v New Zealand King Salmon Co Ltd* [2014] 1 NZLR 673 (SCNZ).

<sup>72</sup> Except in relation to decommissioning, which must necessarily be prepared in the future, closer to the date that decommissioning is proposed.

<sup>73</sup> Appendix A of Minute 6 and 7 of the Expert Panel for Haldon Solar and The Point Solar Farm dated 2 March 2026 (Minute 6 and 7).

## Landscape effects

99. The Site is located in the Mackenzie Basin Outstanding Natural Landscape. In terms of landscape effects, Nova has commissioned a thorough review of landscape and visual effects (**LVA**) to support the Application<sup>74</sup> which concludes that:
- (a) while there are acknowledged landscape and visual effects (predominately in the low-moderate and moderate range), the effects are not significant;<sup>75</sup>
  - (b) while visual effects will form part of the views gained as people travel through the southern part of the Basin, they will not be experienced for a long time and will be in a relatively small viewing catchment all situated near the Site;<sup>76</sup>
  - (c) the Project will not form a part of people's view/outlook from key locations including from Twizel township, Lake Ruataniwha, Lake Benmore or its adjoining campgrounds;<sup>77</sup>
  - (d) landscape effects on the Mackenzie Basin's outstanding natural landscape values will occur due to the size and scale of the Project, but will be reduced by activities recommended in the Ecological AEE;<sup>78</sup> and
  - (e) while there will be some moderate-high adverse visual effects from a limited number of locations no effects reach the threshold of being "significant."
100. A peer review of the LVA has been undertaken by Steve Skelton of Patch Ltd. While it reflects some minor differences of professional opinion in terms of process and detail it confirms that the methodology set out in the LVA is

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<sup>74</sup> Attachment 2.8 – Landscape Assessment prepared by Rough Milne Mitchell Landscape Architects.

<sup>75</sup> Ibid at sections 6.2.4 and 6.2.3.

<sup>76</sup> Ibid at sections 6.1.11 and 6.2.1.

<sup>77</sup> Ibid at sections 6.1.11 and 6.2.3.

<sup>78</sup> Ibid at sections 2.1.12 and 4.2.

sound and that the conclusions are robust. The peer review report confirms overall agreement with the assessment of effects in the LVA.<sup>79</sup>

101. Nova's technical experts in landscape and ecology have worked together to determine the extent of landscape planting on the Site. In particular, in the original iteration of the landscape design, prepared for the purpose of the referral application, a 20m wide band of native planting was proposed on the south-west and north-east boundaries of the Site to provide screening from McAughtries Road, the Ōhau River four-wheel-drive track, sections of the Twizel River Trail and Glencairn Station. This has been removed in the final design because of the potential shading effect on Threatened and At-Risk vegetation and dryland habitat. This approach has been supported by DOC.<sup>80</sup>
102. All experts are satisfied that the landscape design is appropriate in terms of management of potential adverse landscape and visual effects and also that the Project is supportable within the applicable policy framework in the MDP.

### **Location of the Site in an Outstanding Natural Landscape**

103. The ONL chapter of the Plan does not apply to REG activities.<sup>81</sup> Instead, bespoke provisions in the REG chapter apply. Policy REG-P6 specifically concerns renewable electricity generation activities within ONLs and other high value areas. Policy P6 states that renewable electricity generation activities must be "provided for" in ONLs where specified criteria are met.
104. The first criterion is that "there is a functional or operational need" for the activity to be in that location.<sup>82</sup> The effect of this is that to comply with Policy P6, an applicant must show that there is a need for the activity to locate on the site because of technical, logistical or operational constraints, but need

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<sup>79</sup> Attachment 2.11 – Landscape Peer Review at section 8.

<sup>80</sup> Pre-application comments by Bioeconomy Science Institute on behalf of DOC dated 12 May 2026.

<sup>81</sup> The Rules Assessment (Attachment 3.6) confirms that all components of the project fall within the definition of REG activities.

<sup>82</sup> Consistent with established case law, these terms are defined in the MDP as follows: Functional need: "means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment"; and Operational need: "means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints".

- not necessarily demonstrate that the activity “can only” be undertaken in that environment.
105. The operational need for the Project to locate on the Site is set out in Section 1.3.4 of the Substantive Application, and includes the Site's high GHI level,<sup>83</sup> the proximity of the Site to the Twizel substation, its accessibility to State Highway 8, and its flat topography.<sup>84</sup>
106. Other criteria in Policy P6 require that adverse effects are “avoided as far as practicable” and where they cannot be avoided, are “remedied or mitigated, as far as practicable.”<sup>85</sup> As described above, Nova has carefully designed the project to avoid adverse effects where possible (in particular on areas of high ecological value on the Site) and to mitigate residual adverse effects by way of detailed conditions of consent, with the result that all technical experts have concluded that the Project will not have any significant adverse effects. This means that Policy P6(5), which contemplates consideration of offsetting and/or compensation measures where there are significant residual adverse effects, is not engaged.
107. The remaining criteria in Policy P6 require consideration of:
- (a) the practical constraints associated with renewable electricity generation including the location and efficient use of existing renewable energy transmission infrastructure;
  - (b) the need to locate the generation activity where the renewable resource is located; and
  - (c) the benefits of the activity, and whether they outweigh any significant residual adverse effects on the values of the area.
108. These matters are addressed in detail at paragraphs 17 – 27 and 103 - 104 above, and confirm that there are good reasons to locate the Project on the Site. The benefits of the activity will readily outweigh residual adverse effects, which are not significant.

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<sup>83</sup> See paragraph 24 above.

<sup>84</sup> Attachment 2.8 – Landscape Assessment at 6.2.1.

<sup>85</sup> Policies P6(2)-(4).

109. The upshot is that the Project is anticipated and enabled by the MDP.

### **Cultural effects**

110. Nova has worked with Kāi Tahu Whānui / Te Rūnanga o Ngāi Tahu, Te Rūnanga o Arowhenua, Te Rūnanga o Moeraki and Te Rūnanga o Waihao to understand the cultural values of the Site and its surroundings, and the potential cultural effects of the Project.
111. Prior to lodgement of Nova's application for referral to the Fast-track, Nova commissioned a Manawhenua report<sup>86</sup> which identified the groups which hold mana whenua over the Site and surrounding area and the relevant iwi management plans. It also described the relationship of those groups to the Site and surrounding area, the cultural values of the area and the potential effects of the Project on those values. The Manawhenua report has since been updated to reflect final project details (Attachment 2.1).
112. In particular, the report identifies potential effects relating to:
- (a) areas of shading generated by the solar panels will have some impact on the biodiversity of the Site. For mana whenua, once the biodiversity is low, it is lost forever and cannot be restored;<sup>87</sup>
  - (b) additional landscape modification caused by the Project would add another layer to the history of loss in Te Manahuna – including the ancient trails mana whenua took to gather food,<sup>88</sup> and will introduce visual and environmental impacts that make the traditional landscape less visible;<sup>89</sup>
  - (c) the land use change meaning that mana whenua will no longer be able to participate in their customs and traditional practices and poses risks to the practice of kaitiakitanga; and<sup>90</sup>

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<sup>86</sup> Attachment 2.1 – Mana Whenua Report.

<sup>87</sup> Ibid at section 6.1.

<sup>88</sup> Ibid at section 6.2.

<sup>89</sup> Ibid at section 5.

<sup>90</sup> Ibid at section 6.3.

- (d) further development in the area may impact on the connection and association of Kāi Tahu whānui to the area including rock art sites and urupā.<sup>91</sup>
113. The report also identifies the following priorities:<sup>92</sup>
- (a) that the application must consider all Ngāi Tahu Settlement principles, acknowledgements, nohoanga and potential impacts on Ngāi Tahu Treaty settlements;
  - (b) incorporation of mātauranga Māori in design and operation of the Project;
  - (c) that culturally significant sites and areas are protected from inappropriate activities.
114. During the process of preparation of the substantive application, Nova has worked with mana whenua on these matters. A copy of the application was provided to mana whenua prior to lodgement of the application, and a series of meetings was held to review and discuss project design and proposed conditions of consent.
115. Nova has taken into account the feedback from mana whenua and the outcomes of the Manawhenua report and has reflected this in the Application in the following ways:<sup>93</sup>
- (a) a thorough analysis and assessment of the Ngāi Tahu Settlement principles, acknowledgments, nohoanga and potential impacts on Ngāi Tahu Treaty settlements has been undertaken and is addressed in the Application;
  - (b) Nova has worked constructively with mana whenua to prepare draft consent conditions which incorporate iwi and Rūnaka consultation, to ensure their oversight and guidance. The draft conditions contain provision for mana whenua input in management plans prior to construction, adherence to an Archaeological Discovery Protocol, and

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<sup>91</sup> Ibid at section 5.

<sup>92</sup> Attachment 3.14A – Summary of Consultation at pages 1 – 4.

<sup>93</sup> Ibid.

cultural inductions for all contractors associated with the construction process;

- (c) the separate set of “mana whenua” draft conditions proposed by Nova reflect additional key mana whenua expectations associated with the Project and include the establishment of key components including the Kaitiaki Governance Group and Strategic Cultural Programme. The parties are continuing to work together on the detail of these conditions;
- (d) cultural and matauranga Māori values have been incorporated within the Application where possible, e.g. recognising sites and areas of significance to Māori in the area (the Whakatipu/Twizel River (SASM35) and the Ōhau River (SASM46), which border the Site, are listed in Table 2-Waterbodies of SASM-SCHED1 in the MDP), and ensuring that they are protected and that access to these sites / areas is not impeded by the Project;
- (e) confirmation that there are no freshwater effects;<sup>94</sup>
- (f) confirmation that discharges will be managed in an appropriate way.<sup>95</sup>

## CONCLUSION

- 116. The Mackenzie Basin is among the most optimal locations in New Zealand for utility-scale solar generation, and the Site has been carefully selected for its exceptional solar irradiance, proximity to the Twizel substation, accessibility and suitability for development.
- 117. The Project will deliver significant regional and national benefits that strongly align with the purpose of the FTAA:
  - (a) it is anticipated to generate approximately 525,600 MWh of renewable electricity per year — sufficient to power approximately 75,000 New Zealand households annually;

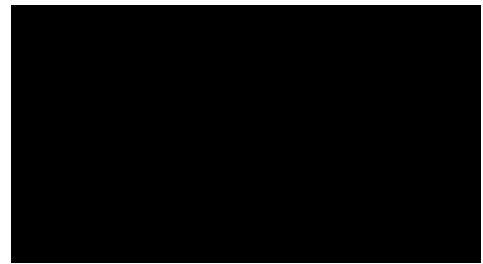
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<sup>94</sup> Substantive Application Report at section 5.5.4 and Attachment 2.14 – Assessment of Ecological Effects.

<sup>95</sup> The management measures proposed for the discharges associated with the Project including the CEMP and ESCP have a focus on prioritising the health and wellbeing of freshwater environments.

- (b) it will contribute materially to New Zealand's transition to a lower emissions economy, support the resilience and efficiency of the national electricity system through complementarity with existing hydro generation infrastructure; and
  - (c) it will deliver substantial economic benefits including an estimated \$85 million contribution to GDP during construction and sustained employment and economic activity during operation.
118. The technical reporting which supports the Application demonstrates that the Project can be established and operated in a manner that is consistent with the applicable statutory framework and the purpose of the FTAA. Residual effects of the Project can be effectively managed through the proposed conditions and therefore, the Project is worthy of a grant of consent.
119. Nova's representatives are available to attend a Panel Convener's conference to address procedural matters at the Panel Convener's convenience.

**DATED** this 5<sup>th</sup> day of June 2026



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**Stephanie de Groot / Kate Storer**  
Counsel for Nova Energy Limited