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**Form 13: Submission on application concerning resource consent**

**Resource Management Act 1991**

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**To:** Central Otago District Council (CODC)

**Name of submitter:** Director-General of Conservation (the **Director-General**)

This is a submission on an application from Helios OTA Op LP (**Helios** or the **Applicant**) for land use consent.

**Description of activity:** To install and operate a solar farm and associated infrastructure at 48 Ranfurly-Naseby Road (the Site).

**Trade competition:** I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (RMA)

**My submission relates to:** The ecological effects of the application.

**My submission is:** Neutral on the application.

*The Director-General's interest in the Application*

1. The Director-General of Conservation (the **Director-General**) has all the powers reasonably necessary to enable the Department of Conservation (**DOC** or the **Department**) to perform its functions.<sup>1</sup> The Conservation Act 1987 (the **CA**) sets out DOC's functions which include (amongst other things) management of land and natural and historic resources for conservation purposes, preservation so far as is practicable of all indigenous freshwater fisheries, protection of recreational freshwater fisheries and freshwater fish habitats and advocacy for the conservation of natural resources and historic heritage.<sup>2</sup> Section 2 of the CA defines 'conservation' to mean *'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 generation'*.
2. DOC is also the authority responsible for administering the Wildlife Act 1953.

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<sup>1</sup> Refer section 53 Conservation Act 1987

<sup>2</sup> Conservation Act 1987, section 6.

3. The Director-General notes the national importance of the development of renewable electricity generation and the need to reduce carbon emissions under the Zero Carbon Act (2019) and the National Emissions Reduction Plan 2022; and
4. The Director-General notes the national importance of the need to give effect to the Objective of the National Policy Statement on Renewable Generation (NPS-REG) provided by this application, including Policies A, B, C1, and C2.

*Reasons for the Director-General's submission*

5. DOC is interested in the ecological effects of the proposal, including, but not limited to:
  - a. Consideration of adverse effects on Australasian Bittern / *Matuku-hūrepo* (*Botaurus poiciloptilus*) Australasian bitterns are classed as Nationally Critical, the same threat classification as Kakapo, indicating that they are heading towards imminent extinction unless conservation management activities are successful. They are a protected species under the Wildlife Act 1953. Records held by DOC and in the public domain (e.g., eBird – a citizen science database) indicate Australasian bitterns are present in the Maniototo basin and are likely using wetlands in the surrounding area. The Ecological Impact Assessment<sup>3</sup> has not considered Australasian Bittern.
  - b. The risk of bird strike, displacement and deterrence. DOC holds records of migratory bird species such as South Island Pied Oyster Catcher transiting the Maniototo basin. I am concerned that the risk of bird collision with solar arrays due to “lake effect”<sup>4</sup> may have been underestimated. DOC wishes to assist the Applicant and Consent Authority to better understand the use of the site by migratory birds by sharing the information it holds and by contributing to the design of any mitigation and monitoring requirements.
  - c. DOC has an interest in any proposed consent conditions to manage and better understand potential bird strike effects, often known as the “lake effect” addressed in the Applicant’s proposed conditions 25 and 26. The Department acknowledges there is sparse information on this emerging issue in New Zealand but notes the overseas literature also cited by the Applicant’s ecology experts, which bird strike effects are occurring. As photovoltaic energy projects grow in New Zealand, gaining more comprehensive monitoring data on ecological effects will be critical for an understanding of their effects, particularly on NZ avian species.
  - d. Wetlands within the site need to be given due consideration. The Ecology Impact Assessment notes *‘Other small wetlands occupying depressions in the landform are*

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<sup>3</sup> Maniototo Solar Farm – Ecological Impact Assessment – Boffa Miskell – Prepared for Helios Energy Limited 18 December 2023.

<sup>4</sup> As discussed in 7.2.4 of the Ecological Impact Assessment

*essentially wet pasture of negligible ecological value.*<sup>5</sup> These are ephemeral wetlands that are unique to Central Otago (and the Maniototo). Wetlands are a matter of national Importance under the RMA under Section 6(a). The National Policy Statement Freshwater (NPS-FW) Policy 3.22 requires that the effects management hierarchy be applied to natural inland wetlands to avoid the loss of extent of natural wetlands, protect their values, and promote their restoration.

- e. Wetlands provide important habitat for freshwater fauna, namely crustacea, which are mostly Data deficient species (poorly described and understood) and aquatic turf vegetation communities. These wetlands are a Rare and Threatened ecosystem by the Department. DOC has an interest in the proposed Wetland Enhancement Management Plan that would be required by the Applicant's proposed condition 22 and more generally in any proposed wetland or other freshwater restoration or enhancement.
- f. There has been no assessment of effects on in stream freshwater values. Streams in the receiving environment are likely to be habitat for the Central Otago roundhead Galaxias (*Galaxias anomalus*) (Nationally Endangered). The Site likely contributes groundwater (in form of a spring) to these water ways which are supporting threatened freshwater fish species. The Department notes the Taieri catchment is a priority catchment for restoration in the DOC Ngā Awa programme, in part because of the unique wetland and galaxias values. The key to avoiding adverse effects on stream freshwater values is ensuring that the proposed solar farm groundworks avoid and minimise any sediment losses downstream by adopting best practise sediment controls.

#### *Decision Sought*

6. If the consent authority is minded to grant the application, that it imposes the following requirements:
  - a. That effects of the proposal on Australasian Bittern are assessed and, subject to the findings of that assessment, conditions are imposed to avoid, remedy, or mitigate adverse effects on this species.
  - b. That effects on instream/freshwater values, including roundhead galaxias are assessed and managed by appropriate conditions and/or management plans.
  - c. That use of the site and receiving environment by migratory birds is adequately assessed, understood, and the adverse effects are assessed and appropriate conditions and management plan provisions imposed.

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<sup>5</sup> 9.0., pg. 65 of the Ecological Impact Assessment.

- d. That conditions specifically address monitoring and mitigation of adverse effects from bird strike<sup>6</sup>.
  - e. That any subordinate management plans are subject to clear adaptive management conditions (if appropriate), objectives, intervention thresholds, monitoring provisions, and performance standards in the conditions.
  - f. A condition requiring certification of management plans by the Regulatory Manager CODC prior to exercise consent and a condition requiring compliance with all certified management plans.
  - g. That further consideration be given to the ecological value of wetlands within the site and more details are provided on the proposed rehabilitation/enhancement in the proposed Wetland Enhancement Plan.
  - h. DOC is supportive of the proposed revegetation and enhancement initiatives for environmental benefit and wish to discuss this aspect of the proposal further.
7. I would like the opportunity for my staff to discuss the proposed ecological conditions and ecological management plans with the applicant prior to the hearing to address matters in this submission.
  8. I also seek such alternative and/or additional relief as may be necessary and appropriate to address my concerns outlined above.

**I do wish to be heard** in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Siobhan Quayle

Director Regulatory Systems Performance

Department of Conservation National Office

Wellington

Acting pursuant to delegated authority on behalf of Penny Nelson, Director-General of Conservation

Date: 19 December 2024

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House / Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

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<sup>6</sup> Note these may require authorities from the Director-General under the Wildlife Act (1953)

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Department of Conservation