

Your Comment on the Foxton Solar Farm Draft Decision

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email at substantive@fastrack.govt.nz

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Department of Conservation		
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Please provide your comments below, include additional pages as needed.

Please find comments attached

DOC's comments on the proposed conditions are set out in the table below, along with reasoning for the suggested changes. These comments are intended to align with the Panel's draft decision, and help ensure that the conditions are effective and enforceable.



Celia Haden
Acting Fast-track Applications Manager

Acting pursuant to delegated authority on behalf of the Director-General of Conservation.

Date: 04/08/2026

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

Comments on draft conditions for a fast-track consenting application

Fast-track Approvals Act 2024 section 70

To: The Expert Panel

From: Director-General of Conservation

Regarding fast-track project: Foxton Solar Farm

Fast track Reference: FTAA-2510-1121

The base version below is as per the Panel's proposed drafting, with recommended changes shown in red text as underline for additions and ~~strikethrough~~ for deletions.

Comments on draft conditions of resource consent

Condition #	Draft condition with marked up suggestions				Comments and reasoning
A17 – table 4: management plans	Avifauna Management Plan	MWRC and HDC	B27	For information, within 6 weeks <u>30 working days</u> of exceeding a threshold trigger in condition B27	The avifauna management plan would have no effect if it was only for information. See also comments on condition B28.
A33	HDC and MWRC, under s128 of the RMA, may on the first anniversary of the commencement of these resource consents and every two years thereafter, <u>or within 40 working days of receiving any report provided under condition B27,</u> serve notice of its their intention to review all conditions of these resource consents for the purpose of reviewing the effectiveness of these conditions in				This addition is required to ensure that council can respond to the avifauna SQEP reports if necessary, as the timing of those reports will be different to the consent anniversary dates.

	avoiding and mitigating any adverse effects on the environment. The review of conditions must allow for: - deletion or amendments to any conditions of these resource consents to ensure unforeseen adverse effects are appropriately mitigated; - addition of new conditions as necessary, to avoid, remedy or mitigate any unforeseen adverse effects on the environment; and - if necessary and appropriate, the adoption of the best practicable options to avoid, remedy or mitigate any adverse effects on the environment.	
B24	Following completion of commissioning of the solar farm the Consent Holder must undertake regular (at least weekly during the months of October, November, January and February and monthly at other times) inspections of the <u>full</u> Site and maintain a record of any bird or bat species found dead at the Site including: - a photograph <u>of each specimen</u>, - the species, number, <u>date and time</u>, <u>GPS</u> location, and - description of injuries. If the species cannot be identified by site staff, the carcass must be stored in a <u>refrigerator</u> freezer to allow an ecologist to assist with identification.	DOC supports the Panel's addition of specific requirements for monitoring, which was a gap in the applicant's proposed conditions in the absence of an 'up front' Avifauna Management Plan. This monitoring is the minimum necessary to provide the evidence base for the SQEP report required in condition B27. The addition of 'full' is to provide certainty of the coverage of the site inspection. Amendments to the information to be recorded would improve the usefulness of that information. If further identification or necropsy is required, refrigeration is preferable to freezing.
B25	If any dead Threatened or At-Risk bird or bat species are discovered, <u>then in addition to the requirements of condition B24</u>, the Consent Holder must report the find to the Department of	If there are fatalities of TAR species, additional information should be provided to help understand how the death occurred. This will assist in understanding whether the death was caused by the Project or

	Conservation as soon as reasonably practicable <u>and provide the following information:</u> <u>a. Any known information on the nature of the incident(s) and a description of the cause. If the cause of death cannot be identified, the Consent Holder shall arrange a necropsy at the Massey Wildlife Hospital to determine the cause of death.</u> <u>b. Advice on whether a threshold in condition B28 Table 7 has been breached.</u>	unrelated reasons, and whether any remedial response is appropriate.
B26	Information on any indigenous bird or bat species found dead at the Site, <u>including information collected under condition B24 and B25</u>, must be kept by the Consent Holder and, if requested, be provided to HDC, the Department of Conservation, and Ngā Hapū o Himatangi.	Addition for clarity.
B27	No later than three (3) years following completion of commissioning of the solar farm and at five (5) yearly intervals thereafter, a report must be compiled by a SQEP to analyse the impact on avifauna mortality and make recommendations for on-going mitigation measures, if <u>required bird collisions have been identified but not breached the thresholds in condition B28, Table 7</u>. This report must be provided to <u>HDC</u>, MWRC, the Department of Conservation, and Ngā Hapū o Himatangi.	Addition for clarity for when recommendations should be made. The condition is located in the district council consent conditions. The district council should be provided the report to determine whether the consent conditions are being appropriately met.
B27A	The Consent Holder must implement as soon as practicable any mitigation recommendations made by the SQEP under Condition B27.	DOC supports this condition in conjunction with the amendments made to B27, as they ensure that mitigation measures will be implemented if the avifauna report shows that they are required.
B28	If any of the thresholds in Table 7 below are triggered by the inspections and record keeping required under Condition B24, the Consent Holder must submit to HDC and MWRC an Avifauna Management Plan (AMP), prepared by a SQEP, for <u>information for certification in accordance with condition A17</u>.	Certification is required to ensure that the Avifauna Management Plan meets the stated purpose, and to trigger condition A22 to ensure that the Plan is implemented.

	The purpose of the AMP is to protect avifauna <u>and bat species</u> specified in Table 7 from <u>solar panel collisions and bat and</u> bird strike caused by the Project. The AMP must <u>include, but is not limited to:</u> <u>a. outline details of changes to</u> monitoring protocols <u>outlined in condition B24, including (but not limited to) frequency, methods and duration,</u> <u>b. adaptive management techniques, and</u> <u>c. mitigation measures for the species that has triggered the threshold in Table 7</u> The AMP must be provided to HDC and MWRC within <u>6-weeks 30 working days</u> of the threshold trigger <u>in Table 7</u> being exceeded.	As the avifauna monitoring conditions cover bats, to provide consistency and avoid repetition bats should also be included in the AMP provisions. Monitoring protocols have already been included above at condition B24, but if collision triggers are met these protocols should be reviewed to ensure that they can adequately monitor the effectiveness of adaptive management techniques and mitigation methods stated in b. and c.
B29	<u>Advice note: Approvals may also be required under the Wildlife Act 1953, so the Consent Holder should ensure that the methodologies adopted under this condition do not conflict with any requirements of that Act.</u>	DOC recommends an advice note be added to avoid conflict with the Wildlife Act 1953.
C6	Disturbance of identified natural inland wetlands must be minimised by: a. marking out on Site all identified natural inland wetlands prior to Construction commencing; b. avoidance of tracking of machinery through marked out natural inland wetland areas where practicable; c. use of swamp/bog mats where <u>avoidance of</u> tracking of machinery through marked out natural inland wetland areas is not practicable; and d. stabilising disturbed marked out natural inland wetland areas within five (5) working days of the cessation of any tracking of machinery through the wetland.	Addition for clarity.