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7 May 2026

Ashbourne Expert Panel  
Environmental Protection  
Authority  
Private Bag 63002  
Wellington 6140  
ATTN: General Counsel

Tēnā koutou

### **Ashbourne Project FTAA-2507-1087 – Comments on Potential Minor Errors**

The Department of Conservation (DOC) has reviewed the Panel's decision of 21 April 2026 in relation to the Ashbourne Fast-track application.

DOC acknowledges the Panel's decision on the project and does not, through this correspondence, seek reconsideration of the outcome reached. Rather, we write to note potential matters requiring clarification in relation to some of the resource consent conditions for the solar farms. DOC suggests the Panel may wish to address these matters under the "minor corrections" power available to it under the Fast-track Approvals Act 2024.

#### Avian Fauna Monitoring Plan

Paragraph 402(d) of the decision document records that DOC recommended a condition requiring bird collision monitoring, and that, in response, EcoLogical Solutions (the Applicant's Agent) considered such survey requirements were not commensurate with the level of risk. However, the Applicant also considered that a reasonable monitoring programme could include monthly surveys during construction and three-monthly surveys during the first two years of full operation.

Within DOC's section 70 comments, conditions relating to the requirement for an Avian Fauna Monitoring Plan were suggested. In response to DOC's section 70 comments, the Applicant confirmed:

*'The Avian Fauna Monitoring Plan requirements are reasonable and consistent with s53 response, however we consider that the following is overly onerous and should provide some flexibility and/or alternative mitigation measures*

*"Limitations on angle or orientation of solar panels over defined spatial, temporal scales, or environmental conditions if collisions were able to be attributed to certain spatial temporal or environmental patterns." as response to confirmed collision with Threatened or At Risk species.<sup>1</sup>*

DOC notes that this has not been addressed in the Panel's decision document. Furthermore, DOC understands that the Panel may issue an amended decision to correct minor mistakes or defects within 20 working days of granting approvals. DOC requests that the Panel consider the matters raised in this letter and whether there is an opportunity to clarify parts of the decision document relating to the Avian Fauna Monitoring Plan for the solar farms and further suggests that this be included as a condition of the solar farm approvals given both DOC and the Applicant stated it is a 'reasonable' inclusion.

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<sup>1</sup> Ashbourne – Applicant Response to s70 comments, page 44.

Please let us know if the Panel would find it helpful for DOC to further specify the aspects of the reasoning that may benefit from clarification.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'JF', with a stylized flourish at the end.

**Jenni Fitzgerald**  
Fast Track Applications Manager

**Conditions Proposed in DOC's s70 comments**

<p><b>Consent Reference:</b></p>	<p>Appendix-A-MPDC_LUC_NSF-FINAL &amp; Appendix-A-MPDC_LUC_SSF-FINAL</p>
<p>New Conditions (163 – 165)</p>	<p><b><u>Avian Fauna Monitoring Plan</u></b></p> <p><u>163. An Avian Monitoring Plan (AMP) shall be prepared by a SQEP and provided to Council for certification twenty (20) working days prior to the commencement of construction. The objective of the AMP is to identify any bird collision events in relation to Threatened or At Risk indigenous birds. The monitoring undertaken by the AMP shall include:</u></p> <ol style="list-style-type: none"> <li><u>a. One survey per month across the course of construction.;</u></li> <li><u>b. Three (3) monthly surveys across the first two years of operation (following the completion of construction).</u></li> <li><u>c. Monitoring methods.</u></li> <li><u>d. Recording of any incidental discoveries of dead or injured indigenous birds.</u></li> </ol> <p><u>164. At the conclusion of any of the monitoring periods set out in condition 163 above, an independent SQEP is to submit a report to Council and the Department of Conservation on behalf of the Consent Holder setting out:</u></p> <ol style="list-style-type: none"> <li><u>a. The results of the monitoring, including whether any bird collision events were detected during the monitoring period.</u></li> </ol> <p><u>165. If monitoring identifies a collision event with a Threatened or At Risk indigenous bird, Council may under section 128 of the Resource Management Act 1991, initiate a review of conditions 163-165 in response to a collision event with potential collision prevention/deterrent measures to manage the adverse effect which could include (but are not limited to) the use of:</u></p> <ul style="list-style-type: none"> <li><u>• Bird-sensitive antireflective coatings and/or applications to the panels;</u></li> <li><u>• Use of deterrent devices of visual warning devices/markings (flags streamers, or visually distinctive markings on panels) to deter attempted landing on panels;</u></li> <li><u>• Limitations on angle or orientation of solar panels over defined spatial temporal scales, or environmental conditions if collisions were able to be attributed to certain spatial temporal or environmental patterns.</u></li> </ul> <p><u><i>Advice Note: The meaning of 'Threatened or At Risk' and national threat classifications for indigenous bird species are based on the most recent available assessment under the New Zealand Threat Classification System administered by DOC (Rolfe et al. 2022; available at <a href="https://nztc.org.nz/">https://nztc.org.nz/</a>).</i></u></p>