

Under the **FAST-TRACK APPROVALS ACT 2024**

In the matter of an application for resource consents for the Foxton Solar
Farm

By **GENESIS ENERGY LIMITED**

Applicant

**MEMORANDUM OF COUNSEL FOR GENESIS ENERGY LIMITED PROVIDING
APPLICANT'S COMMENTS ON THE DRAFT CONDITIONS**

4 August 2026

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MAY IT PLEASE THE PANEL:

1. This memorandum of counsel on behalf of Genesis Energy Limited (**Genesis**) is filed in response to the Panel's Minute 9, inviting comments on the draft conditions.
2. The Panel issued its draft decision and conditions on 28 July 2026, indicating it will grant the resource consents Genesis has sought for the Foxton Solar Farm. Genesis supports the conditions proposed with a small number of exceptions.
3. Genesis' comments and proposed condition changes are provided in a marked-up version of the conditions attached as **Appendix One** and (where further explanation is considered helpful to the Panel) below. These:
 - (a) relate to key matters to ensure the Project can be effectively constructed, operated and (if required) decommissioned; and
 - (b) identify minor corrections to assist the Panel to finalise the draft decision and conditions.
4. Genesis will respond as necessary to any comments made by others on the draft conditions. As directed by the Panel, that response will be provided by 11 August 2026.

Condition B12A: Glint and glare effects

5. The Panel has added new condition B12A, stating in the glint and glare effects section of the draft decision that:¹

We also added a new 'belts and braces' condition (B12A) requiring solar panel rest angles to be zero degrees as signalled in the Substantive Application as this angle was used for the technical assessment and will assist in ensuring that visual effects are reduced as far as practicable especially while boundary planting matures.

6. However, new condition B12A does not fully reflect the findings of the glint and glare assessment.² In particular, the condition requires a rest angle of zero degrees at sunrise and sunset. The glint and glare assessment included a figure³ indicating that the panels may 'momentarily' have a rest angle of zero degrees at sunrise and sunset.
7. Genesis has consulted with Dr Peter Georgiou of SLR⁴ whose view, set out in

¹ Draft decision at [222].

² Nor, for completeness, does the substantive Assessment of Environmental Effects refer to a zero-degree angle / rest angle.

³ [Foxton Solar: Glint and Glare Assessment](#) at Figure 3.

⁴ Dr Georgiou was the technical reviewer for the glint and glare assessment.

Appendix Two, is that the condition should be deleted in its entirety. Genesis agrees with Dr Georgiou's view and further considers:

- (a) the condition is more onerous than necessary, given there is no glint and glare effect to be addressed; and
 - (b) the condition is uncertain (sunrise and sunset, and night and day, are different).
8. Genesis therefore respectfully seeks the deletion of condition B12A.
9. While Genesis disagrees with the proposed condition, and based on the expert response from Dr Georgiou considers it will make potential adverse effects worse, if the Panel were to disagree and retain the condition, Genesis requests that:
- (a) the condition be time limited: the condition must fall away once boundary planting is established/reaches a height of 3.5m and screens any potential theoretical glint and glare and it must be limited to panel angle during back-tracking;
 - (b) the condition be limited to the area of the site where the potential for reflections has been identified; and
 - (c) the advice note provides for the solar panel orientation to be more than zero degrees at any time where it is required to avoid damage in any weather or flood event. For instance, sometimes panels need to be stowed at a particular angle for wind.

Condition B32(c): soil monitoring

10. The Panel refers to the Environment Court's interim decision in *Far North Solar Farm Ltd v South Wairarapa District Council*⁵ and "*the relevant statutory production land contamination threshold levels*".⁶
11. Genesis has sought the advice of SLR as to whether there are any relevant statutory production land contamination threshold levels or standards. On the advice of its experts, Genesis has suggested an amendment to condition B32(c) to refer to Table C-3 of the WasteMINZ Technical Guidelines for Disposal to Land⁷ (or its replacement). This change will ensure that the condition is certain and enforceable.

⁵ *Far North Solar Farm Ltd v South Wairarapa District Council* [2025] NZEnvC 342.

⁶ Draft decision at [377]–[378].

⁷ <https://environment.govt.nz/assets/publications/Waste/Version-3.1-TG-for-Disposal-to-Land-September-2023.pdf>

Conditions B9A and B9B

12. Genesis requests that new conditions B9A(b) and B9B are deleted as they are duplicative. Condition B9 already restricts impact piling to between 7:30am and 6:00pm, Monday to Friday.
13. Genesis acknowledges the acoustics assessment recorded that compliance with the 70 dB LAeq and 65 dB LAeq limits can be achieved through limiting impact piling between 50 and 150 metres from a dwelling to a single mini-pile driving rig.⁸ The Panel's reasoning for including this as a condition is that it will *"ensure that noise effects are minimised when occurring in closer proximity to existing dwellings"*.⁹ Genesis' preference is not to include this as a condition requirement on the basis that although the limits would be met with a single mini-pile driving rig, that would lead to a longer construction time (and therefore longer noise duration). Neighbours may express a preference for higher noise but shorter duration during development of the Construction Noise Management Plan and Genesis would prefer to retain that flexibility.
14. However, if the Panel wishes to retain these conditions, Genesis proposes the following wording to ensure there is no conflict or unnecessary duplication with other conditions:

B9A Impact piling must be limited to a single mini-pile driving rig when undertaken within 150 metres of an occupied dwelling.

a. ~~within 150 metres of an occupied dwelling between the hours of 7.30am and 6.00pm; and~~

b. ~~between 80 and 250 metres of an occupied dwelling between the hours of 6.00pm and 7.00pm.~~

B9B ~~No piling can be undertaken within 80 metres of an occupied dwelling between the hours of 6.00pm and 7.00pm.~~

Dated this 4th day of August 2026



David Allen / Esther Bennett / Chelsea Easter
Counsel for Genesis Energy Limited

⁸ [Appendix R](#) at 2. As identified in the draft decision at [262].

⁹ Draft decision at [262].