



Comments on draft conditions for project under the Fast Track Approvals Act 2024

Foxton Solar Farm, FTAA-2510-1121

Contact Details	
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Introduction

1. The Panel has decided to grant a resource consent for Foxton Solar Farm (project) to Genesis Energy Limited (Applicant) under the Fast-track Approvals Act 2024 (the FTA Act).
2. In accordance with section 70(1)(b) of the FTA Act, Heritage New Zealand Pouhere Taonga (HNZPT) has been invited to comment on the draft conditions for the project.
3. HNZPT welcomes the changes made to the draft conditions following our comments that were sought under section 53(2)(k) of the FTA Act.
4. HNZPT has requested further changes to condition A10, in order to remove any ambiguity that might arise from the definition of a 'site'.

Recommendations on applicant's proposed conditions

We have reviewed the proposed conditions contained in the application and our recommendations on them are outlined below.

Proposed condition number	Discussion	Change requested (additions <u>underlined</u> , deletions striketrough)
A10	Oppose condition as drafted — ambiguity between 'site' and 'suspected archaeological site'. The Applicant defines 'site' (Section 3, Definitions and Abbreviations) as the land within the site boundary shown on the General Layout Plan (Appendix A, NZTopo50 ref M33 9831 2030...' Condition A10 uses 'suspected site' and 'site' interchangeably to refer to a suspected archaeological site — notably in the final paragraph:	A10. In the event of a suspected archaeological site, wāhi tapu, taonga, or kōiwi tangata being discovered or disturbed during the exercise of this resource consent, the following will apply: a. Work must cease immediately within 20m of the suspected <u>archaeological</u> site; b. Ngā Hapū o Himatangi, the Heritage New Zealand Pouhere Taonga Regional Archaeologist, HDC, and MWRC's Consents



	"Further work at the site must not resume until HNZPT gives written approval for work to continue." This creates ambiguity as to the extent of any stop-work (i.e. whether it applies to the archaeological find location or the entire project site). Recommend the condition consistently distinguish 'site' (as defined in Section 3) from 'suspected archaeological site' throughout, particularly in the stop-work clause.	Monitoring Team must be notified immediately; c. If the <u>suspected archaeological site</u> is of Māori origin, the Consent Holder must invite Ngā Hapū o Himatangi, and if accepted give Ngā Hapū o Himatangi an opportunity, to undertake appropriate tikanga, so long as all statutory requirements under the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975 are met; d. If kōiwi (human remains) are encountered, the New Zealand Police must also be advised immediately. No further work in the area <u>of the kōiwi discovery</u> may take place until future actions have been agreed between Ngā Hapū o Himatangi, the Consent Holder, and Heritage New Zealand Pouhere Taonga HNZPT. Further work at the <u>suspected archaeological site</u> must not resume until Heritage New Zealand Pouhere Taonga HNZPT gives written approval for work to continue. An application for an archaeological authority may be required. Advice note: The Heritage New Zealand Pouhere Taonga HNZPT Regional Archaeologist can be contacted on [REDACTED]