

**BEFORE THE FOXTON SOLAR FARM PROJECT [FTAA-2510-1121]
EXPERT PANEL**

In the matter of The Fast-track Approvals Act 2024

And Approvals sought under the Resource Management Act
1991.

**Record of Decision of the Expert Panel
under Section 87 of the
Fast-track Approvals Act 2024**

Date of Decision:	14 August 2026
Date of Issue:	14 August 2026
Minor Amendment:	11 September 2026

Expert Panel:

Amanda Dewar (Chair)
Liz Burge
Robert van Voorthuysen

TABLE OF CONTENTS

PART A: EXECUTIVE SUMMARY	1
PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE	4
B1: Existing Environment.....	4
B2: The Substantive Application.....	4
B3: Procedure	8
PART C: LEGAL CONTEXT	9
PART D: IWI AUTHORITIES	16
PART E: ASSESSMENT OF ENVIRONMENTAL EFFECTS	20
E1 Management Plans	22
E2 Cultural Effects	25
E3 Archaeological Effects	28
E4 Landscape Character and Visual Amenity Effects	30
E5 Rural Character and Rural Amenity Effects	33
E6 Glint and Glare Effects	35
E7 Construction Noise and Vibration Effects	37
E8 Operational Noise Effects.....	41
E9 Construction Traffic Effects	45
E10 Operational Traffic Effects	46
E11 Construction Erosion and Sediment Control including Dust.....	47
E12 Effects on the Soil Resource and Rural Productivity	49
E13 Hazardous Substances and Fire Risk.....	52
E14 Contaminated Land	53
E15 Stormwater and Flooding Risks	56
E16 Ecological Effects	59
E17 Subdivision	64
E18 Decommissioning.....	66
E19 Monitoring and Review	67
PART F: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT	68
PART G: APPROVALS THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE RESOURCE MANAGEMENT ACT.....	72
G1: Classification of consents sought under the RMA.....	72
G2: RMA Statutory instruments	72
G3: Regional and District planning framework.....	79
G4: Planning documents recognised by a relevant iwi authority and lodged with a Council.....	82
G5: Part 2 of the RMA	83
PART H: OTHER CONSIDERATIONS	84
PART I: THE PRINCIPAL ISSUES IN CONTENTION	85
PART J: CONDITIONS	86

J1: FTAA and General Requirements	86
J2: Genesis' Proposed Conditions	86
J3: Panel's Initial Assessment	86
J4: Panel's Draft Conditions	87
J5: Section 70 Comments on the Panel's Draft Conditions	87
J6: Genesis' Response to the s 70 Comments on the Panel's Draft Conditions	90
J7: Corrections to draft Decision and Panel Findings on Final Conditions	92
PART K: OVERALL ASSESSMENT	95
PART L: FINAL DECISION	96

APPENDICES

- Appendix A: Resource consents granted
- Appendix B: Parties Who Provided Comments Under ss 53 and 70
- Appendix C: Resource consent conditions

DEFINITIONS

Term	Definition
AMP	Avifauna Management Plan
ADP	Accidental Discovery Protocol
BESS	Battery Energy Storage System
CEMP	Construction Environmental Management Plan
Consent Holder	Means Genesis Energy Limited, its successor, or any person(s) acting under the prior written approval of Genesis Energy Limited or its successor
Construction	Refers to works associated with the development of the Project excluding enabling works and commissioning works
Completion of construction	When construction of the project (or the relevant part of the Project) is complete and available for use or commissioning.
CNMP	Construction Noise Management Plan
CSMP	Contaminated Soil Management Plan
CTMP	Construction Traffic Management Plan
Enabling works	Works that may be undertaken prior to construction including geotechnical investigations, piling tests, site surveys or testing, site establishment (such as construction and/or upgrade of accesses, construction of laydown areas, establishment of site accommodation). For the purposes of the conditions in Part C, Enabling Works do not include any site establishment works that require land disturbance, vegetation clearance or the discharge of cleanfill to land.
ERP	Emergency Response Plan
ESCP	Erosion and Sediment Control Plan
LMP	Landscape Mitigation Plan
HDC	Horowhenua District Council
HDP	Horowhenua District Plan
HNZPT	Heritage New Zealand Pouhere Taonga
MWRC	Manawātū-Whanganui Regional Council
NPS: HPL	National Policy Statement for Highly Productive Land 2022
Operation/Operational	Means the period after which the project is connected to the National Grid, fully commissioned, and generating power
Project	The construction, operation, maintenance, and decommissioning of the Foxton Solar Farm
Site	Means land within the Site boundary as depicted on the General Layout plan shown in Appendix A to the consent conditions at approximate map reference NZTopo50 BM33 9831 2030. For the avoidance of doubt, new lots created through the subdivision consent are considered to be internal to the Site for the purposes of any condition relating to noise or dust emissions.
SSESCP	Site Specific Erosion and Sediment Control Plan
SQEP	Suitably Qualified and Experienced Practitioner

Term	Definition
Substantive Application	The information contained in the report prepared by SLR Consulting New Zealand, titled 'Fast Track Approvals Act Application Foxton Solar Farm', dated 13 February 2026, and the technical assessments and supporting reports (including any updates) submitted by the Consent Holder to the Environmental Protection Authority in support of its application for resource consents for the Project under the Fast-track Approvals Act 2024 [FTAA-2510-1121]
Transpower	Transpower New Zealand Limited
Works area	In relation to detection of a native lizard(s) means a part of the Site that is, at the time, subject to land disturbing activities

PART A: EXECUTIVE SUMMARY

- 1 This Decision relates to an Application lodged by Genesis Energy Limited (**Genesis**) under the Fast-track Approvals Act 2024 (**FTAA**). It seeks approvals that would otherwise be required under the RMA, to construct, build and operate an approximately 220 MWp solar farm that will generate approximately 345GWh per year of renewable electricity sufficient to power approximately 47,000 homes. The Project is listed in Schedule 2 of the FTAA.
- 2 The Project is to be located approximately 4 km north of Foxton, on land currently used for dairy farming and stock grazing. It includes solar panels and associated generation equipment, provision for a battery energy storage system (BESS), a new on-site substation and connection to the National Grid, together with ancillary infrastructure, access arrangements, landscaping, ecological enhancement and subdivision components.
- 3 The Expert Panel (**Panel**) was appointed to determine the Substantive Application on 5 May 2026.
- 4 The Panel has assessed the Substantive Application in accordance with the FTAA decision-making framework, giving the greatest weight to the purpose of the FTAA while also considering the relevant RMA provisions, other statutory planning instruments, comments received, Genesis' responses to those comments, Council reviews and technical assessments, an acoustic peer review commissioned by the Panel, and the proposed and amended consent conditions.
- 5 The Panel is satisfied that the Project will deliver significant regional or national benefits. Those benefits arise principally from the generation of substantial renewable electricity and are supported by regional employment and economic benefits during construction. The Project will also have benefits associated with reduced nitrogen leaching from the current dairy farming use, reduced groundwater abstraction, and ecological and landscape planting, although the Panel has treated those latter matters as positive effects as they do not meet the threshold to be considered as regional benefits.
- 6 The Panel has carefully considered the actual and potential adverse effects (or impacts) of the Project, including cultural, archaeological, landscape and visual amenity, rural character and amenity, glint and glare, construction and operational noise, traffic, erosion and sediment control, productive soils, hazardous substances, contaminated land, stormwater and flooding, ecological effects, subdivision, decommissioning, monitoring and review. The principal issues in contention were effects on avifauna, construction noise, rural character and amenity, and concerns about potential changes to stormwater flows affecting adjoining land.
- 7 The Panel has also carefully considered its obligations under s 7 of the FTAA and cultural effects. The evidence demonstrates that Genesis has undertaken extensive engagement with Ngā Hapū o Himatangi, who have taken the lead with the support of Rangitāne o Manawatū and Muaūpoko.
- 8 The Panel is satisfied that the Project appropriately recognises and provides for cultural values through the relationship developed between Genesis and Ngā Hapū o Himatangi, the agreed mitigation and enhancement measures, and the conditions imposed relating to cultural induction, accidental discovery protocols, ongoing information sharing and management plans. The Panel notes that Ngā Hapū o Himatangi support the Project and

consider that any adverse cultural and archaeological effects can be appropriately managed through the agreed measures and consent conditions.

- 9 The Panel finds that adverse impacts can be appropriately avoided, remedied or mitigated through the conditions imposed. In particular, the conditions require management plans, landscape and ecological planting, construction noise controls, operational noise verification and monitoring, erosion and sediment controls, bird mortality monitoring and response thresholds, hazardous substance and emergency response measures, contaminated land controls, decommissioning requirements, and a Project website or equivalent information source to provide contact details and information about the Project to assist the surrounding community staying informed as the Project progresses.
- 10 The Panel acknowledges that the Project will change the existing rural character of the Site and will give rise to some adverse effects, including short-term landscape, visual amenity and construction effects. However, having considered the scale and nature of those effects, the mitigation secured through conditions, and the Project's significant regional or national benefits, the Panel is satisfied that the adverse impacts are not sufficiently significant to be out of proportion to those benefits.
- 11 The Panel has considered the mandatory grounds for declining approvals under s 85 of the FTAA. The Panel is satisfied that none of those grounds are engaged. In particular, the approvals sought do not relate to any ineligible activity and granting them would not be inconsistent with the obligations imposed by s 7 of the FTAA. Accordingly, there is no basis on which the Panel is required to decline the approvals sought.
- 12 The Panel has also considered the discretionary grounds for declining approvals under s 85. The Panel has carefully assessed the actual and potential adverse impacts of the Project, together with the conditions imposed to avoid, remedy or mitigate those impacts, and weighed those matters against the significant regional or national benefits of the Project. The Panel is satisfied that the adverse impacts of the Project are not sufficiently significant, either individually or cumulatively, to be out of proportion to those benefits. Consequently, the circumstances in which the Panel may decline the approvals under s 85 are not present.
- 13 The Panel considers that, having considered all relevant matters, the Project meets the purpose of the FTAA and will provide for regional and national benefits. Consequently, for the reasons given in this Decision, the Panel grants the resource consents as set out in Appendices A and C of this Decision.
- 14 This Decision is made in accordance with s 87 of the FTAA. It covers all the approvals for resource consents sought in Genesis' Substantive Application summarised as follows:

REF	s RMA	RESOURCE CONSENT
Manawatu-Whanganui Council (MWRC)		
RC.2	9	Land use consent for large scale land disturbance and vegetation clearance and structures adjacent to and within a waterway subject to Flood Control and Drainage value
RC.3	15	Discharge permit for discharge of cleanfill to land
RC.4	15	Discharge permit for discharge of contaminated stormwater
RC.5	9 & 13	NES: F consent for earthworks and vegetation clearance in and within 10 metres of a natural inland wetland.
Horowhenua District Council (HDC)		
RC.1	9	Land use consent for the construction, operation, maintenance and decommissioning of a solar farm, substation and BESS
RC.6	11	Subdivision consent

15 The Decision traverses:

- (a) Part A: Executive summary;
- (b) Part B: An overview of the Substantive Application and the Panel's procedure;
- (c) Part C: The legal context for the Substantive Application;
- (d) Part D: Iwi authorities and their input to the Substantive Application;
- (e) Part E: An assessment of the effects of the Project on the environment and a summary of the matters raised in the s 53 comments;
- (f) Part F: The regional or national benefits of the Project;
- (g) Part G: Decision making framework for the approvals that would otherwise be applied for under the RMA;
- (h) Part H: Other considerations;
- (i) Part I: The principal issues in contention;
- (j) Part J: Conditions imposed;
- (k) Part K: Overall Assessment; and
- (l) Part L: Final Decision.

PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE

- 16 Genesis is the authorised person for the Project as set out in s 42 of the FTAA.

B1: Existing Environment

- 17 Genesis provided a detailed description of the Site and the surrounding environment for the Project in section 3 of the Substantive Application. We adopt that description without repeating it here. In Part E of this Decision, we set out relevant components of the existing environment with respect to various effects of the Project.

B2: The Substantive Application

- 18 The Project comprises an approximately 220 MWp solar farm that will generate approximately 345GWh per year of renewable electricity. This will be enough to power the equivalent of 47,000 homes annually. It will be located approximately 4km north from the centre of Foxton, on 436ha of a 488ha site currently used for dairy farming and stock grazing.
- 19 The solar farm will be owned and operated by Genesis. The new substation and connection assets will be constructed by Genesis before being transferred to Transpower. The substation will be created within its own separate title.
- 20 The Project will consist of solar panels and power generation equipment arranged in rows across the Site with a battery energy storage system (**BESS**). The electricity generated will be connected to the National Grid by way of a new on-site substation and connection assets. The Site will be leased from the current landowners for a term of more than 35 years, and consequently the lease agreement is defined as a subdivision. The proposed subdivision plan to give effect to the lease agreement was included in the Substantive Application.
- 21 The Project includes 26ha of planting for the purposes of either boundary screening, as a buffer area or for the enhancement of dunelands, wetlands or drain margins.
- 22 Genesis sought the following approvals for the Project under the FTAA:
- (a) From the Manawatū-Whanganui Regional Council resource consents that would otherwise be applied for under s 9 and s15 of the Resource Management Act 1991 (**RMA**):
- i. Land use consent for large scale land disturbance and deposition of cleanfill;
 - ii. Discharge permit for discharge of cleanfill to land;
 - iii. Discharge permit for discharge of contaminated stormwater;
 - iv. Land use consent for the construction of an open wire fence perpendicular to a drain;
 - v. Land use consent for vegetation clearance, and land disturbance that does not comply with Rules 13-1 to 13-6 due to proximity to the farm drains;

- vi. Consent under the National Environmental Standards for Freshwater 2020 for earthworks and vegetation clearance in and within 10m of a natural inland wetland.
 - (b) From the Horowhenua District Council resource consents that would otherwise be applied for under ss 9 and 11 the RMA:
 - i. Land use consents for a solar farm and ancillary infrastructure;
 - ii. A subdivision consent.
- 23 The Project involves electricity generating, storage and transmission components comprising:
- (a) monocrystalline photovoltaic bi-facial solar panels;
 - (b) single-axis trackers, aligned generally north to south and supported on piles driven into the ground;
 - (c) inverters and transformers;
 - (d) underground cabling;
 - (e) provision for a harmonic filter, if required;
 - (f) Provision for construction of a 200MWh BESS, which may be installed as a second stage;
 - (g) a new transmission substation, which would be transferred to Transpower, including a high voltage (33/220KV) transformer and a switching station; and
 - (h) connection to the National Grid via the Transpower-operated existing 220kV transmission line traversing the Site
- 24 The Project also involves ancillary components comprising:
- (a) an operations and maintenance (**O&M**) building and storage shed, with a combined floorspace of up to 555m²;
 - (b) parking, loading and manoeuvring areas;
 - (c) a new primary Site access (A02) on Wall Road;
 - (d) internal access and maintenance roads and crossings over farm drains;
 - (e) upgrades to existing Site accesses (A01, A03 and A04) to accommodate emergency vehicles and construction traffic; and
 - (f) perimeter security fencing and internal stock exclusion fencing.
- 25 Construction hours are proposed to be 7.00am to 8.00pm (but with no noisy works for the first half hour and last two hours of the day) Monday to Saturday, with impact piling

limited to 7.30am to 6.00pm. No construction will be undertaken on Sundays and public holidays.

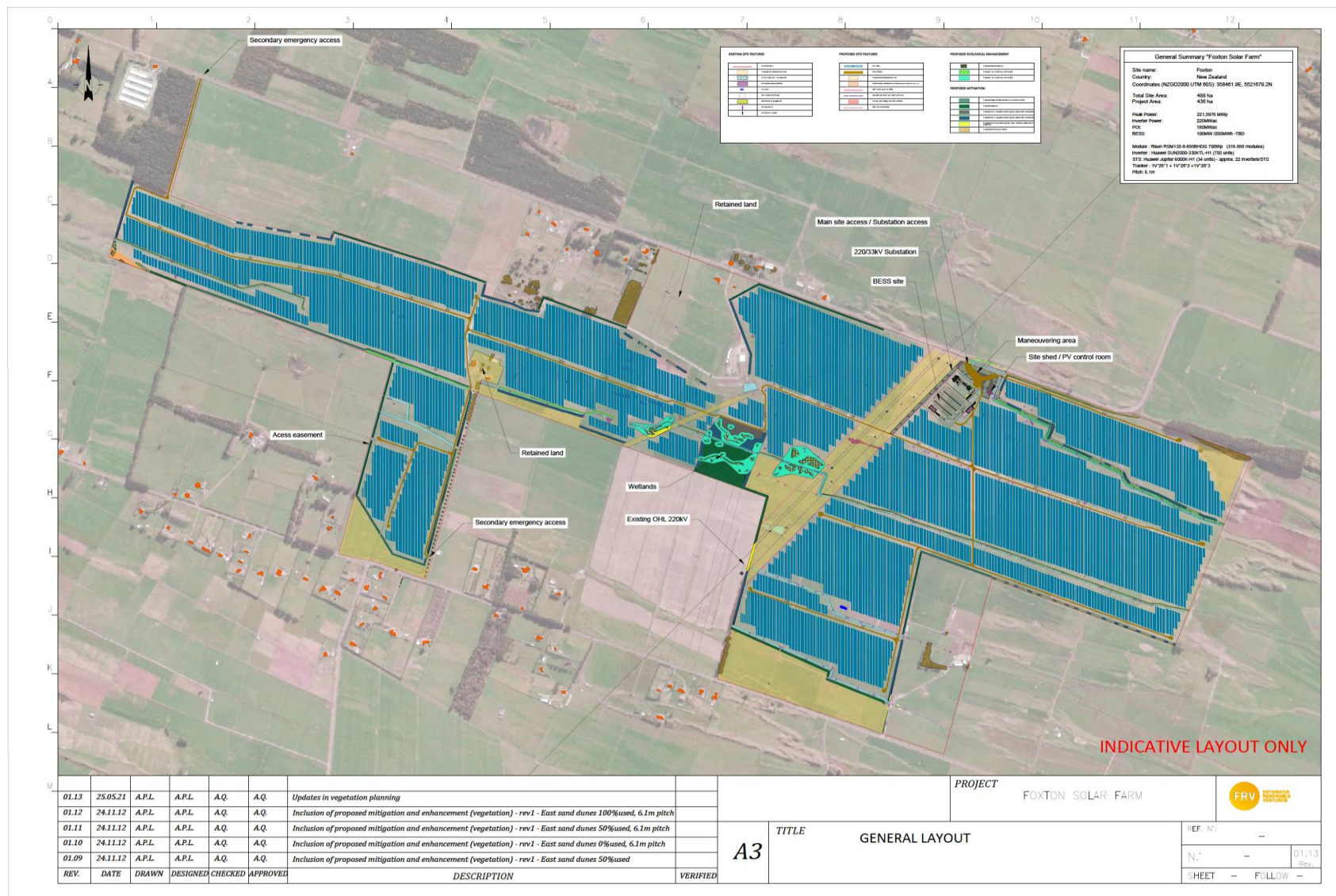


Figure 1: Key Project Features

- 26 Further details can be found in section 4 of the Substantive Application. We refer to various aspects of these components in Part E of this Decision.
- 27 The key features of the Project are shown in Figure 1 above.

B3: Procedure

The FTAA context

- 28 The Panel has been conscious of the emphasis on time limited decision-making in the present process, the purpose of the FTAA to facilitate the delivery of infrastructure and development projects with significant regional or national benefits,¹ and the procedural principles in s 10 of the FTAA that require the Panel to take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the Panel's functions, duties and powers.

Panel Convener Steps

- 29 The Panel was set up under s 50 of the FTAA with effect from 5 May 2026.

Initial Panel briefing and Site visit

- 30 The Panel attended a briefing session hosted by Genesis and attended by representatives of the administering agencies on 12 May 2026 and undertook a Site visit that same day.

Other Panel meetings

- 31 Much of the Panel's correspondence, deliberations and decision-making occurred over email and phone calls following the receipt of comments (including on the draft Decision and approval conditions) and the Panel's review of available documentation. Notwithstanding this, the Panel met via Teams on the following occasions:

- (a) 5 and 6 May 2026 to discuss preliminary matters including the invitation to comments under s 53 of the FTAA;
- (b) 30 June 2026 to discuss the s 53 comments and Genesis' s 55 response as well as the draft decision and conditions; and
- (c) On 12 August 2026 to discuss the s 70 and 72 comments and Genesis' s 70(4) response.

Comments and reports on the Substantive Application

- 32 The FTAA does not contain a notification process and there is no obligation to hold a hearing. The primary mechanism by which third parties can provide information to a Panel is through the provision of comments (ss 53 and 70 FTAA).
- 33 On 15 May 2026 the Panel invited comments on the Project in accordance with s 53. On that same day the Panel invited comment from the Ministers for Māori Crown Relations: Te Arawhiti and Māori Development as required by s 72 of the FTAA. The Panel also received and considered the report required by s 49 of the FTAA.

¹ Section 3.

- 34 The 18 parties who commented are listed in Appendix B.
- 35 The Panel thanks all parties who commented for their contributions and expresses its gratitude for the efforts made to properly inform us of their concerns and other matters arising. These are primarily discussed in Parts E and F of this Decision under the relevant headings to which the comments relate.

Genesis' response to invited persons comments

- 36 On 23 June 2026 Genesis provided a response to the comments received on the Substantive Application from those persons who were invited to comment. This included, amongst other matters, an updated suite of resource consent conditions and planning, ecological, noise and vibration evidence, together with a letter from Ngā Hapū o Himatangi. The Panel has considered Genesis' responses, and, where appropriate, refers to those responses in Parts E and J of this Decision.

Further information

- 37 The Panel sought further information from Genesis on 18 June in relation to the acoustic assessment produced by SLR Consulting in response to the Panel's acoustic peer reviewer. This matter is discussed in more detail in Part E of this decision.

No hearing required

- 38 The Panel exercised its discretion under s 56 of the FTAA to not require a hearing on any issue. A minute to that effect was issued on 2 July 2026.
- 39 We determined that we would be able to adequately consider all relevant issues based on the information available including the Substantive Application, the s 53 comments received, Genesis' s 55 responses to comments, the acoustic peer review report, the further information provided by Genesis, the councils and other invited persons, and the s 70 comments on the Panel's draft conditions.

Timing of the Panel Decision

- 40 In accordance with the Panel Convenor's minute dated 24 April 2026 the Panel was to issue its decision on or before 20 August 2026.

PART C: LEGAL CONTEXT

- 41 The purpose of the FTAA is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.² It is intended to be a one-stop shop³ for a range of approvals which would otherwise need to be applied for under various legislative processes, including the RMA 1991.

Legal context for a listed project under the FTAA

- 42 The Project was included as a listed project in Schedule 2 of the FTAA with Genesis Energy Ltd as the authorised person.

² FTAA, s 3.

³ FTAA, s 42.

- 43 In accordance with s 42 FTAA an authorised person for a listed project may lodge a substantive application with the EPA.⁴
- 44 Any such application is required to follow the requirements and procedures set out in s 43 and s 44 of the FTAA.

Fast Track Approvals Amendment Act 2025 (FTAAA 2025)

- 45 Genesis lodged the Substantive Application for the Project on 23 February 2026 which was between the first commencement date and the second commencement date of the FTAAA 2025 but had not been decided under s 81 before the second commencement date.
- 46 Accordingly, clause 7 of Schedule 1 to the FTAA is applicable. The Substantive Application is therefore to be considered and determined under the FTAA as amended by the FTAAA 2025.

Decisions on approvals

- 47 Section 81 of the FTAA contains the principal decision-making provisions that must be followed by the Panel in reaching a decision on each approval sought.
- 48 As the Genesis Substantive Application is limited to approvals for resource consents that would otherwise be applied for under the RMA, the relevant parts of s 81 provide as follows:

- (1)** *A panel must, for each approval sought in a substantive application, decide whether to—*
- (a) decline the approval.*
 - (b)*
- (2)** *For the purpose of making the decision, the panel—*
- (aab) must consider a relevant Government policy statement:*
 - (a) must consider the substantive application and any advice, report, comment, or other information received by the panel under section 51, 52, 53, 55, 58, 67, 68, 69, 70, 72, or 90:*
 - (b) must apply the applicable clauses set out in subsection (3) (see those clauses in relation to the weight to be given to the purpose of this Act when making the decision):*
 - (c) must comply with section 82, if applicable:*
 - (d) must comply with section 83 in setting conditions:*
 - (e) may impose conditions under section 84:*
 - (f) may decline the approval only in accordance with section 85.*
- (3)** *For the purposes of subsection (2)(b), the clauses are as follows:*
- (a) for an approval described in section 42(4)(a) (resource consent), clauses 17 to 22 of Schedule 5:*
- (4)** *When taking the purpose of this Act into account under a clause referred to in subsection (3), the panel must consider the extent of the project's regional or national benefits.*

⁴ FTAA, ss 4 and 42.

(6) *Despite subsection (2)(a), the panel—*

- (a) is not required to consider any advice, report, comment, or other information it receives under section 51, 53, 55, 67, 69, 70, or 72 after the applicable time frame; but*
- (b) may, in its discretion, consider the information as long as the panel has not made its decision under this section on the approval.*

(7) *To avoid doubt, nothing in this section or section 82 or 85 limits section 7.*

- 49 Importantly, subsection (4) directs the Panel to consider the extent of the Project's regional or national benefits when taking into account the purpose of the FTAA under a clause referred to in subsection (3).

Assessment of consent applications

- 50 In considering whether to grant the consents sought as set out above, in the context of this Substantive Application, we are required to apply clauses 17 and 18 and to consider clause 26 of Schedule 5 FTAA.

- 51 Clause 17 of Schedule 5 lists and identifies the relative weighting of the relevant considerations for the assessment of consent applications and in doing so describes the relationship with the Resource Management Act provisions that apply to each consent.

- 52 The relevant parts of clause 17 applicable to the Substantive Application provide as follows:

(1) *For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the panel must take into account, giving the greatest weight to paragraph (a), —*

- (a) the purpose of this Act; and*
- (b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and*
- (c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.*

(2) *For the purpose of applying any provisions in subclause (1), —*

- (a) a reference in the Resource Management Act 1991 to Part 2 of that Act must be read as a reference to sections 5, 6, and 7 of that Act; and*

(3) *Subclause (4) applies to any provision of the Resource Management Act 1991 (including, for example, section 87A(6)) or any other Act referred to in subclause (1)(c) that would require a decision maker to decline an application for a resource consent.*

(4) *For the purposes of subclause (1), the panel must take into account that the provision referred to in subclause (3) would normally require an application to be declined but must not treat the provision as requiring the panel to decline the application the panel is considering.*

(6) *For the purposes of subclause (1), the provisions referred to in that subclause must be read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a panel.*

(7) *Sections 123 and 123A of the Resource Management Act 1991 apply to a decision of the panel on the consent.*

- 53 It is clear from the clause 17 considerations that the purpose of the FTAA is to be given the greatest weight in our assessment of the Substantive Application, which is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. This is also echoed in s 81(4).
- 54 We have adopted the Court of Appeal *Enterprise Miramar*⁵ assessment approach which has been cited in previous FTAA Panel decisions⁶ as offering useful guidance for decision making under the FTAA and as adapted by the Pound Road Industrial FTAA Panel⁷ as follows:
- (a) *Although the greatest weight must be placed on the purpose of the FTAA, that purpose cannot be applied in isolation or at the expense of due consideration of the other matters listed in (b)–(c);*
 - (b) *Clause 17 requires each of the matters listed in cl 17(1)(a)–(c) to be considered individually before undertaking an overall weighting, consistent with the statutory direction; and*
 - (c) *The purpose of the FTAA is not logically relevant to an assessment of environmental effects. Environmental effects do not become less than minor merely because of the Act’s purpose. What changes is the weight to be placed on those more than minor effects. They may, or may not, be outweighed by the purpose of facilitating the delivery of infrastructure and development projects with significant regional or national benefit.*
- 55 In assessing the extent of a project’s regional or national benefits and whether they are significant requires our own assessment based on the evidence before us.⁸
- 56 In this regard we note that simply because a project has been listed in Schedule 2 of the FTAA does not mean it automatically follows that a project has significant regional or national benefits.⁹
- 57 The FTAA does not provide criteria or define the phrase “significant regional or national benefits” for a listed project.
- 58 Section 22 FTAA provides criteria for the Minister in accepting and assessing a referral application which includes whether the project would have significant regional or national benefits and lists a number of matters which may be considered by the Minister. Of relevance to this Substantive Application are the following matters:
- (ii) *will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure:*
 - (iv) *will deliver significant economic benefits:*

⁵ *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541.

⁶ *Bledisloe North Wharf & Fergusson North Berth Extension* [FTAA-2503-1028], 21 August 2025 (amended 8 September 2025), paragraphs [120] – [121]; *Drury Quarry Expansion – Sutton Block* [FTAA-2503-1037], 11 December 2025, paragraphs [113] – [114]; and *Milldale – Stages 4C and 10 to 13* [FTAA-2503-1038], 3 October 2025, paragraph 60.

⁷ Dated 1 May 2026 at paragraph 119.

⁸ FTAA-2502-1009 Maitahi Village Amended Decision at [84]-[87].

⁹ *Ibid*

- (vii) will support climate change mitigation, including the reduction or removal of greenhouse gas emissions:

59 In the Maitahi FTAA decision the Panel stated:

This list of factors which may be taken into account by the Minister in assessing the criteria for accepting a referral application provides some useful guidance to a panel as to the nature of a project which falls within the purpose section of the FTAA. However, at best for a panel deciding whether a particular project is a project with significant regional or national benefits, s 22(2) can only provide a flavour of, or guide to, what is required. The question of whether a project is indeed one with significant regional or national benefits remains an intensely factual determination turning on the particular circumstances of the Application.¹⁰

60 The FTAA also does not define the term "significant", and we have adopted the findings of the Maitahi FFAA Panel that:

According to the Shorter Oxford Dictionary, the word "significant" lists two relevant meanings. The adjective involves something that is: a. full of meaning or import; and b. important, notable. For present purposes, the Panel is content to use the meaning as "sufficiently great or important to be worthy of attention; noteworthy" as a working definition.¹¹

61 We discuss the regional or national benefits of the Project in light of the matters discussed above in Part F of this Decision.

The role and limitations of RMA statutory documents under the FTAA

62 In accordance with Clause 17 the relevant provisions of the RMA we have taken into account, where relevant to making our decision:

- (a) Part 2 of the RMA, which for the purposes of FTAA refers only to ss 5 - 7;
- (b) Part 3 of the RMA, in particular s 9 (restrictions on use of land), s 14 (restrictions relating to water), s 15 (discharges of contaminants), s 16 (duty to avoid unreasonable noise), and s 17 (duty to avoid, remedy or mitigate adverse effects);
- (c) Part 6 of the RMA, in particular s 104 (consideration of applications), s 104B (consideration of applications for discretionary resource consents), s 106 (refusal of subdivision consent in certain circumstances) and ss 108 – 108A (conditions of resource consents);
- (d) Part 10 of the RMA, as it relates to the subdivision component of this Substantive Application. Section 220 specifies the particular conditions that may be imposed on a subdivision consent.

63 We acknowledged the hierarchy of statutory documents inherent in the RMA which requires lower order statutory documents to give effect to relevant higher order

¹⁰ Paragraph 515.

¹¹ Ibid paragraph 516.

documents, which in turn are designed to achieve the purpose of the RMA as articulated in Part 2 of the Act.

- 64 We have considered each statutory document as directed by Clause 17 rather than relying on the general principle set out in the Supreme Court in *King Salmon*¹² that regional and district plans should embody the higher order documents so recourse to them or to Part 2 is only required in limited circumstances.
- 65 Clauses 17(3) and (4) provide that provisions in RMA documents that would ordinarily require refusal of a resource consent application are not to be treated as requiring refusal under the FTAA. Instead, those matters are to be taken into account as part of the FTAA assessment framework.
- 66 The relevant RMA provisions, planning documents and other statutory instruments are addressed in Part G of this Decision.

Conditions

- 67 Section 81 requires the Panel to determine any conditions that are to be imposed in accordance with s 83.
- 68 Section 83 provides that:

Conditions must be no more onerous than necessary.

When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

- 69 This section introduces an express statutory constraint on the Panel's powers to impose conditions. The provision requires scrutiny not only of whether a condition addresses an identified matter, but also whether the condition is more onerous than is necessary to address that matter.
- 70 For approvals that would otherwise be applied for under the RMA, the Panel's ability to impose conditions is also informed by Clause 18 of Schedule 5, which applies relevant provisions of Parts 6, 9 and 10 of the RMA to the FTAA decision-making process, subject to the modifications directed by the FTAA. Only Part 6 (Resource Consents) and Part 10 (Subdivision) are relevant to this Substantive Application. This includes in particular ss 108 and 108AA which we discuss in Part J of this Decision.
- 71 We have taken the approach of applying the restrictions in s 83 first then considering the conditions to be imposed with an RMA lens to ensure that they are certain and enforceable. We discuss those matters further in Parts E and J of this Decision.

Lapse and duration of consents

- 72 Clause 17(7) of Schedule 5 provides that (relevantly) s 123 of the RMA applies to our decision. Section 123 relates to the duration of resource consents.

¹² *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316; [2018] 3 NZLR 283.

- 73 Clause 26 of Schedule 5 provides that a Panel decision may specify a date on which the approval lapses unless it is given effect to by the specified date.
- 74 In terms of duration Genesis has sought:
- (a) Unlimited duration for the land use consents;
 - (b) 10 years for all consent solely for construction activities; and
 - (c) 35 years for all other consents.
- 75 In terms of lapsing Genesis has sought a lapse period of 10 years for all consents.
- 76 Given the scale of the Project, and in relation to the land use consents for the solar farm and considering the leases for the solar farm area exceed 35 years, we find the durations and lapse period to be appropriate.

Treaty Settlements and recognised customary rights

- 77 Section 7 FTAA imposes a general obligation on the Panel to act in a manner that is consistent with any obligations arising under existing Treaty of Waitangi / Te Tiriti o Waitangi settlements or other recognised customary rights.
- 78 This is reinforced in s 81(7) which provides that the s 7 duty is not limited by the other decision-making criteria in s 81, s 82 which deals with Treaty Settlements or s 85 which sets out when a panel must or may decline an approval.
- 79 Section 84 provides for conditions to be imposed to recognise or protect a relevant Treaty settlement or other customary rights.
- 80 The Fast-track Panel Convener provided a s 18 report under s 49 FTAA identifying the relevant Treaty Settlement and Māori groups. We discuss this further in Part D: Iwi Authorities.

Ability to decline approvals

- 81 Section 85 sets out the limited circumstances in which approvals must or may be declined.
- 82 There are no mandatory matters in relation to the Genesis Substantive Application that would engage s 85 subsections (1) or (2) and require us to decline the Substantive Application. In particular, none of the approvals sought are defined as an ineligible activity in s 5 FTAA and we do not consider that granting the approvals would breach s 7 FTAA.
- 83 Subsections (3) to (5) of s 85 provide for circumstances in which a panel may decline an approval and provide (relevantly):
- (3) *A panel may decline an approval if, in complying with 81(2), the panel forms the view that-*
 - (a) *there are 1 or more adverse impacts in relation to the approval sought; and*

(b) *those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account –*

(i) *any conditions that the panel may set in relation to those adverse impacts; and*

(ii) *any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.*

(4) *To avoid doubt, a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider in complying with section 81(2).*

(5) *In subsections (3) and (4), adverse impact means any matter considered by the panel in complying with section 81(2) that weighs against granting the approval.*

84 We adopt the interpretation of other FTAA panels¹³ in relation to these provisions which have found that the Panel is required to undertake a proportionality or balancing exercise to evaluate the adverse impacts against the extent of the Project's regional or national benefits.

85 In doing so we need to bear in mind the broad definition of "adverse impact" for this exercise as set out in ss (5), which refers to any matter considered by the Panel in complying with s 81(2) that weighs against granting the approval.

86 We address the potential adverse impacts of the Project in Part E of this Decision.

87 In carrying out the proportionality exercise under s 85(3) we adopt the Expert Panel's observation in *Waihi North*¹⁴ that s 85(4) of the FTAA means that non-compliance with, for example RMA avoidance policies that would usually preclude the granting of an approval is not of itself fatal to an application.¹⁵ In other words, an effect that is the subject of an avoidance policy is not to trump a regional or national benefit.¹⁶

PART D: IWI AUTHORITIES

88 For listed applications, s 49 FTAA requires the EPA to obtain a report from the responsible agency (MfE¹⁷) that is prepared in accordance with s 18(2) and (3), but not the matters in s 18(2)(l) and (m).

89 Section 18(2) sets out the mandatory components for the report which include any relevant iwi authorities and relevant Treaty settlement entities. Iwi authority means the

¹³ For example, Ashbourne FTAA Panel decision.

¹⁴ Record of Decisions of the Expert Panel under Section 87 of the Fast-track Approvals Act 2024, 18 December 2025. Part G1, paragraph 4.

¹⁵ *Waihi North* decision at [10].

¹⁶ As it did in *Environmental Defence Society Incorporated v New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38.

¹⁷ Now part of Ministry for Cities, Environment, Regions and Transport (MCERT).

authority which represents an iwi, and which is recognised by that iwi as having authority to do so.¹⁸

- 90 The s 18 report required by s 49 for this Substantive Application identified the relevant iwi authorities for the Project area to be:
- (a) Te Rūnanga o Raukawa Incorporated, representing Ngāti Raukawa ki te Tonga;
 - (b) Tanenuiarangi Manawatū Charitable Trust, representing Rangitāne o Manawatū;
 - (c) Te Rūnanga o Toa Rangatira Inc, representing Ngāti Toa Rangatira;
 - (d) Muaūpoko Tribal Authority Inc, representing Muaūpoko; and
 - (e) Ngā Wairiki Ngāti Apa Charitable Trust, representing Ngā Wairiki Ngāti Apa.
- 91 The relevant Treaty settlements relate to land, species of plants or animals, or other resources within the Project Area. The Treaty settlement entities for the Project area include:
- (a) Ngā Wairiki Ngāti Apa Charitable Trust, PSGE for Ngāti Apa (North Island) Claims Settlement Act 2010;
 - (b) Te Rūnanga o Toa Rangatira Inc, PSGE Ngāti Toa Rangatira Claims Settlement Act 2014; and
 - (c) Rangitāne o Manawatū Settlement Trust, PSGE for Rangitāne o Manawatū Claims Settlement Act 2016.
- 92 The s 18 report also identified 'groups mandated to negotiate Treaty settlements':
- (a) Muaūpoko Tribal Authority Inc, representing Muaūpoko is recognised as having a mandate to negotiate a Treaty settlement over an area which may include the Project area and is in the early stages of negotiating their Treaty settlements with the Crown; and
 - (b) Ngāti Raukawa ki te Tonga does not currently have a recognised mandate but is part of the Waitangi Tribunal Porirua ki Manawatū district inquiry (Wai 2200) covering land loss, public works, and environmental damage to sites such as Lake Horowhenua. The inquiry district includes the Project area.
- 93 As stated in the s 18 report the Project area is not within a customary marine title area, protected customary rights area, or within or adjacent to ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā hapū o Ngāti Porou Act 2019). There are also no taiāpure-local fisheries, mātaimai reserve, or areas subject to a bylaw or regulations made under Part 9 of the Fisheries Act 1996.
- 94 There were no Mana Whakahono ā Rohe or joint management agreements relevant to the Project area identified in the s 18 report.

¹⁸ Section 2 RMA.

- 95 There are several parcels of Māori land directly adjoining the Project area which were identified on Map 4 located at Attachment 2 of the s 18 report. The report noted the proximity of Motuiti Pā and urupā.
- 96 In addition to the groups identified above, the s 18 report identified 'any other Māori groups with relevant interests' as being:
- (a) Ngāti Tūranga hapū;
 - (b) Ngāti Te Au hapū;
 - (c) Ngāti Rākau hapū; and
 - (d) The following owners of identified Māori land:
 - i. Himatangi 5A9C2 Trust;
 - ii. Himatangi 5A5B Trust;
 - iii. Himatangi 5A5C2B Trust;
 - iv. Himatangi 5 Trust;
 - v. Himatangi 4C3 Trust;
 - vi. Himatangi 3A3E Trust;
 - vii. Himatangi 7 Whanau Trust;
 - viii. Jean Rarangi Kipa Whanau Trust; and
 - ix. The owners of Himatangi 5A9B Block.
- 97 We note that Ngāti Tūranga hapū, Ngāti Te Au hapū and Ngāti Rākau hapū collectively form Ngā Hapū o Himatangi.
- 98 Regarding the Treaty settlements, Rangitāne o Manawatū Claims Settlement Act 2016 includes a statutory acknowledgement and deed of recognition over the Manawatū River and its tributaries. The Project area lies entirely within the statutory area of this statutory acknowledgement.
- 99 The Substantive Application indicated the Project area is crossed by farm drains that flow in an east or west direction away from the centre of the site, which ultimately discharge to the Manawatū River via drainage channels and creeks a considerable distance from the Project area.
- 100 Genesis stated that "*All watercourses on the site are farm drainage canals which are explicitly listed as being an artificial water course*" in relation to the Manawatū-Whanganui Regional Council One Plan definition of artificial watercourses. We discuss the classification of the drains in section E16 of this Decision where, while we make no definitive finding, we state it to be likely that those drains are artificial watercourses.

- 101 Section 38 of the Rangitāne o Manawatū Claims Settlement Act 2016 states that the provisions relating to statutory acknowledgements and deeds of recognition do not apply to artificial watercourses. Furthermore, there is no land owned or managed by the Crown within the Project area in respect of the deed of recognition. Therefore, as stated in the s 18 report, the farm drains in the Project area, likely being artificial watercourses, are not subject to the statutory acknowledgement and deed of recognition over the Manawatū River and its tributaries.
- 102 The s 18 report commented that if the Panel received information that the Project would directly affect the downstream receiving environment within the statutory area, then it brings the statutory acknowledgment into play. We did not receive information of that nature.
- 103 The report also identified that the Rangitāne o Manawatū Claims Settlement Act 2016 provides for the establishment of the Manawatū River Catchment Advisory Board (the Advisory Board). However, the report advised this Board is yet to be established.
- 104 In preparing the report, MfE sought advice from Te Puni Kokiri, the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups and incorporated their views.
- 105 Consequently, we are satisfied that the relevant iwi authorities, Treaty settlement entities, hapū and Māori land entities have been appropriately identified. Genesis confirmed that these entities were consulted with in the Substantive Application.¹⁹
- 106 We note that Rangitāne o Manawatū and Muaūpoko provided their support, in writing, for three hapū of Ngāti Raukawa ki te Tonga (Ngāti Rakau, Ngāti Te Au, and Ngāti Turanga – together Ngā Hapū o Himatangi) to take the lead in respect of the Project. The s 53 comments received from Ngā Hapū o Himatangi represent the views of those iwi entities. The s 53 comments from Te Tumu Paeroa (the Māori Trustee) represent the properties and potentially affected Māori land administered by Te Tumu Paeroa.
- 107 We discuss the issues raised by Ngā Hapū o Himatangi in sections E2 (Cultural Effects) and E3 (Archaeological Effects) of this Decision.
- 108 Issues raised by Te Tumu Paeroa are discussed in sections E4 (Landscape Character and Visual Amenity Effects), E7 (Construction Noise and Vibration Effects), E13 (Hazardous Substances), E15 (Flooding Risks), E18 (Decommissioning) and E19 (Monitoring and Review).
- 109 These issues do not weigh against granting consent. We acknowledge that Genesis has accepted the need for a 'Community Engagement website', or equivalent mechanism, as proposed by Te Tumu Paeroa, and consider that Condition A13 suitably addresses that matter.

¹⁹ Substantive Application pages 64 and 65

PART E: ASSESSMENT OF ENVIRONMENTAL EFFECTS

- 110 In each of the sections in Part E we have included a heading titled “Conditions”. The discussion of conditions in those sections relates to amendments that we made to Genesis’ proposed conditions in response to matters raised in the s 53 comments that we received from various parties and as a result of the acoustic peer review. We included that discussion so that the draft Decision that accompanied the draft conditions provided an explanation of those amendments.
- 111 [placeholder paragraph] We generally discuss further amendments made in response to the s 70 comments we received on the draft conditions in Part J of this Decision. Consequently, readers should refer to both the “Conditions” headings in the various sections of Part E and the further discussion in Part J to fully understand the rationale for the Panel’s final suite of conditions for the various approvals required for the Project.
- 112 Schedule 5 clause 5(4) FTAA requires an applicant to provide an assessment of an activity’s effects on the environment covering the information in clauses 6 and 7. These matters include:
- (a) *an assessment of the actual or potential effects on the environment:*
 - (b) *if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:*
 - (c) *if the activity includes the discharge of any contaminant, a description of—*
 - (i) *the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
 - (ii) *any possible alternative methods of discharge, including discharge into any other receiving environment:*
 - (d) *a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity:*
 - (e) *identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal:*
 - (f) *if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision:*
 - (g) *if the scale and significance of the activity’s effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved:*
 - (h) *an assessment of any effects of the activity on the exercise of a protected customary right.*
- ...
- (a) *any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects: (b) any physical effect on the locality, including landscape and visual effects:*
 - (c) *any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity:*
 - (d) *any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:*

- (e) *any discharge of contaminants into the environment and options for the treatment and disposal of contaminants:*
- (f) *any unreasonable emission of noise:*
- (g) *any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.*

- 113 Schedule 5 clause 8 FTAA also requires the applicant to provide particular information for subdivision approvals.
- 114 Section 7 of the Substantive Application included an assessment of the relevant matters. Commentors also raised a range of actual and potential effects that were of concern to them. Our approach has been to generally use the same effects-based headings that that were used in section 7 of the Substantive Application. Where there is general agreement between the parties as to the nature of those effects and any conditions that should be imposed on the consents then our discussion is relatively brief.
- 115 Where there is contention between Genesis and other parties we address any potential adverse effects in more detail. In doing so we discuss the comments received, Genesis' response to those comments, and our findings on the potential adverse effects. In assessing the environmental effects, we have been cognizant of the relevant provisions of the various statutory instruments which we discuss in the context of the Project in Part G of this Decision.
- 116 Positive effects are addressed in Part F, particularly in terms of the regional or national benefits of the Project.
- 117 Prior to discussing the effects of the Project, we address the matter of management plans and their appropriate use in the approvals sought. This was a matter of interest to a number of parties including the Councils.
- 118 The following actual and potential effects on the environment are then assessed:
- Cultural Effects
 - Archaeological Effects
 - Landscape Character and Visual Amenity Effects
 - Rural Character and Rural Amenity Effects
 - Glint and Glare Effects
 - Construction Noise and Vibration Effects
 - Operational Noise Effects
 - Construction Traffic Effects
 - Operational Traffic Effects
 - Construction Erosion and Sediment Control including Dust
 - Effects of the Soil Resource and Rural Productivity
 - Hazardous Substances and Fire Risk
 - Contaminated Land
 - Stormwater and Flooding Risks
 - Ecological Effects
 - Subdivision

- Decommissioning
- Monitoring and Review

Matters not taken into account

- 119 Several commentators expressed concern about potential impacts that we have not taken into account.
- 120 Ms Sketcher, the Shailers and the Calderbanks raised concerns about property values decreasing and requested various type of compensation. We accept Genesis' response to these concerns in its response to comments document dated 23 June 2026.²⁰ It is well-accepted that effects on property values are not a relevant consideration under the RMA and that the focus should be directly on the adverse effects such as amenity values which are said to influence property values otherwise this would lead to double counting. We consider the same principle is applicable under the FTAA given the applicability of Part 6 of the RMA required by Schedule 5, the clear statutory direction under the FTAA and the restrictions on the imposition of conditions as referred to in Part C of this Decision.
- 121 In that regard we have carefully considered effects on amenity values (including those that might arise from vibration, noise, dust and visual changes to the landscape) elsewhere in this Decision.
- 122 While Genesis did not respond to commentators' requests for financial compensation for any perceived loss of property value, rural lifestyle amenity values or construction effects, we are satisfied that even if financial compensation was able to be imposed by the Panel, it would not be justified in the circumstances of this Substantive Application given the level of effects, the conditions imposed and the specific FTAA restrictions on the imposition of conditions as referred to in Part C of this Decision.

E1 Management Plans

- 123 Genesis intends to prepare eight plans to manage the detailed design and construction of certain aspects of the Project together with some of the effects of those activities as follows:
- (a) Construction Environmental Management Plan (**CEMP**);
 - (b) Construction Noise Management Plan (**CNMP**);
 - (c) Construction Traffic Management Plan (**CTMP**);
 - (d) Contaminated Soils Management Plan (**CSMP**);
 - (e) Landscape Mitigation Plan (**LMP**);
 - (f) Erosion and Sediment Control Plan (**ESCP**);
 - (g) Emergency Response Plan (**ERP**);
 - (h) Decommissioning Plan.

²⁰ Page 13 Genesis Energy Limited Response to Comments

- 124 Management plans are routinely used for major infrastructure and construction projects. They are a suitable mechanism for ensuring that “outcome based” consent conditions that set standards or limits are complied with, and detailed environmental effects are managed appropriately.
- 125 Management plans avoid cluttering the conditions with excessive detail, particularly with regard to how certain construction works or mitigation actions will occur. The caveat is that management plan conditions must specify:
- (a) the purpose (or objective) of the plan;
 - (b) which conditions it is designed to assist with implementing (ideally);
 - (c) the minimum contents of the plan;
 - (d) who is to prepare it (in this case that involves a Suitable Qualified and Experienced Person or SQEP which is a suitably defined term);
 - (e) who else should be consulted or involved in preparing a management plan;
 - (f) who is going to certify the plan (the administering authority concerned);
 - (g) the process for amending a plan;
 - (h) that the works to which the plan relates must not commence until the relevant plan is completed to the administering authority’s satisfaction (or certified); and
 - (i) that the Project activities are to comply with the certified plan.
- 126 Any performance standards or limits that the Project activities need to comply with and that will be monitored by Genesis or the administering authority should be set out in conditions and not in the management plans. If there is conflict between the management plan and the conditions, then the conditions must prevail.

Comments Received

- 127 HDC queried what would happen in the event of disagreement between the Council and Genesis during the management plan certification process and if there should be an independent person jointly appointed by HDC and Genesis to make a certification decision that was binding on both parties.
- 128 MWRC suggested it should have a technical certifying role under proposed condition B2 for the LMP with respect to the proposed wetland restoration planting.
- 129 Ngā Hapū o Himatangi wanted to receive copies the certified management plans and requested that the CEMP include cultural induction details.

Genesis response to comments

- 130 Genesis acknowledged HDC’s concern regarding potential disagreements during the certification process. Nevertheless, Genesis preferred a ‘standard’ approach whereby certification of the management plans by HDC against the conditions occurred and the management plans were not certified until HDC was satisfied that compliance was

achieved. However, if the Panel wished to require a process for the appointment of an independent person to decide on any disagreements, then Genesis would not be averse to that.

- 131 Genesis opposed MWRC's proposed joint technical certification of the LMP in relation to wetland planting as it created uncertainty. It considered different positions might be adopted by the certifiers on the same matter. Genesis advised that if the Panel wished to assign MWRC a certification role it should be solely in relation to the wetland planting, with HDC not certifying that part (but certifying the rest of the LMP).
- 132 Genesis amended the proposed conditions such that all certified management plans would be provided to Ngā Hapū o Himatangi (Condition A23) and inserted the addition of cultural induction detail to the CEMP (Condition A25), as sought by Ngā Hapū o Himatangi.

Panel Findings

- 133 We are satisfied that a 'standard' approach to the management plan certification is appropriate here. In the unlikely²¹ event that technical disagreement arises and is not able to be resolved then HDC and Genesis could jointly engage in a mediated process to resolve any differences. We do not consider that needs to be codified in consent conditions.
- 134 Notwithstanding the fact that Genesis has proposed the joint certification of the CEMP, we agree with Genesis that in this instance joint certification of the LMP would be unduly onerous. We find instead that MWRC should be enabled to comment on the part of the LMP that refers to wetland planting prior to the LMP being provided to HDC for certification. Genesis would be required to consider any comments made by MWRC and include those comments and its response to them in the documentation provided to HDC. The certified LMP would then be provided to MWRC for their information.

Conditions

- 135 In our draft conditions we inserted conditions A23A – A23D to enable MWRC's input to the wetland planting aspects of the LMP. We based those amendments on similar conditions imposed by the Waihi North FTAA Panel that enabled DOC to provide input to management plans for that project.
- 136 We recast Condition A18 as an advice note because consent conditions cannot bind third parties. They can only impose obligations on the consent holder.
- 137 We also referred consistently to "written certification" for the sake of certainty.
- 138 We also note at this stage we have added some additional baseline conditions that stem from the content of the Substantive Application so as to ensure the environmental outcomes set out in the Substantive Application are achieved rather than being entirely reliant on the operation of the relevant management plan.

²¹ We say unlikely given HDC's conclusions that the project is suitable for its location and the potential adverse effects are at an appropriate level and can be mitigated, and the large degree of alignment between HDC's technical reviewers and Genesis' assessments and proposed conditions.

E2 Cultural Effects

139 Cultural effects were assessed in section 7.3 of the Substantive Application.

140 The Substantive Application identified that:

The Foxton Solar Farm sits within an area of interest to Ngāti Raukawa ki te Tonga, Rangitāne o Manawatū, and Muaūpoko. With the direct proximity of the proposed solar farm to Motuiti Marae, Rangitāne o Manawatū and Muaūpoko have provided their support, in writing, for three hapū of Ngāti Raukawa ki te Tonga (Ngāti Rakau, Ngāti Te Au, and Ngāti Turanga – together Ngā Hapū o Himatangi) to take the lead in respect of the project.

141 Genesis acknowledged that Ngāti Raukawa hapū, tangata whenua and kaitiaki of their rohe, are fuelled by their tupuna responsibility to improve the health and wellbeing of the whenua and awa.

142 The Project Site is within the rohe of Ngā Hapū o Himatangi (Ngāti Rakau, Ngāti Te Au, and Ngāti Turanga) who whakapapa with te taiao maintaining their connections to their natural environment, their ātuatanga, and to each other. Ngā Hapū o Himatangi have developed a comprehensive system of environmental management upheld through tikanga and kawa.

143 Genesis acknowledged that the Project would impact on Ngā Hapū o Himatangi given the proximity of it to Motuiti pā, urupā, kāinga and archaeological sites.

144 From a te ao Māori perspective, Ngā Hapū o Himatangi considered that the effects of the Project extended beyond the physical environment to cultural, spiritual, social, and intergenerational dimensions. The Site is connected to Motuiti pā and a wider network of wāhi tapu, urupā, kāinga, and archaeological features, which are significant taonga embodying hapū identity, tikanga, and tūpuna connections. Changes to the landscape had the potential to affect whakapapa, wairuatanga, and the cultural relationships expressed through whanaungatanga and manaakitanga, as well as soil, waterways, taonga species, ecosystems, and the local community. These effects may influence the ability of Ngā Hapū o Himatangi to exercise their responsibilities as kaitiaki.

145 Genesis and Ngā Hapū o Himatangi had worked collaboratively to recognise the role of the hapū, reflect their partnership, and incorporate measures to avoid or mitigate effects. This included design responses to avoid further loss of dunescape, management of potential effects on waterways and ecosystems, planting to reduce visual impacts and support biodiversity, and a commitment to ongoing partnership throughout construction and operation of the Project.

146 Ngā Hapū o Himatangi confirmed their support for the Project and considered that any adverse cultural effects would be appropriately addressed through the agreed measures. Rangitāne o Manawatū Settlement Trust and Muaūpoko Tribal Authority Inc also provided written support including that Ngā Hapū o Himatangi would take the lead.

Comments Received

147 In their comments, Ngā Hapū o Himatangi reaffirmed their support for the Project. They noted that the matters that they raised were intended to strengthen the proposed

consent conditions and support a positive, enduring relationship between Genesis and tangata whenua throughout the life of the Project.

148 Ngā Hapū o Himatangi commented on the following specific issues:

1. *Recognition of Ngā Hapū o Himatangi as an affected tangata whenua party for the purposes of ongoing engagement throughout the life of the Project.*
2. *Retention and strengthening of the proposed requirements for pre-construction hui and site blessing opportunities to ensure Ngā Hapū o Himatangi has a meaningful role in these processes.*
3. *Retention and strengthening of the Accidental Discovery Protocol provisions, including direct notification of Ngā Hapū o Himatangi in the event that kōiwi tangata, wāhi tapu, archaeological material or taonga are discovered during earthworks.*
4. *Provision for tangata whenua cultural monitoring during significant earthworks and ground disturbance activities where appropriate.*
5. *A requirement for Genesis to meet with Ngā Hapū o Himatangi at least annually during construction and operation of the solar farm to discuss environmental performance, cultural matters, monitoring outcomes and any emerging issues.*
6. *Provision of environmental and ecological monitoring reports to Ngā Hapū o Himatangi, including reports relating to avifauna, biodiversity, wetlands, drainage management and environmental restoration.*
7. *Opportunities for whānau and uri associated with Ngā Hapū o Himatangi to participate in environmental enhancement initiatives, biodiversity restoration projects, planting programmes and employment opportunities associated with the development where appropriate.*
8. *Inclusion of cultural awareness and cultural induction requirements for all contractors and project personnel working on the site to ensure an understanding of local cultural values and responsibilities.*
9. *Provision of relevant management plans prepared under the consent conditions, including the Construction Environmental Management Plan, Landscape Management Plan, Emergency Response Plan and Decommissioning Plan, to Ngā Hapū o Himatangi for information and engagement where cultural values may be affected.*

149 Ngā Hapū o Himatangi supported the independent acoustic review, as directed by the Panel, of Genesis' noise assessment and proposed conditions, including construction and operational effects on nearby residents, marae communities, and customary activities, and supported adding any further mitigation identified to the final consent conditions.

Genesis response to comments

150 Genesis advised that it met with Ngā Hapū o Himatangi to go through the issues raised in their s 53 comments and resulting from that meeting, Ngā Hapū o Himatangi provided

a summary as to the agreed response to those issues.²² That response identified that there was a 'dual approach' whereby some issues are to be managed directly through a relationship agreement and others would be managed through consent conditions.

151 Corresponding with their issues raised by Ngā Hapū o Himatangi as detailed above, each one is addressed in turn below:

- (a) In relation to issue 1, Ngā Hapū o Himatangi considered that the recognition of them as an affected tangata whenua party had been appropriately reflected in the relationship agreement and they did not seek anything further in the conditions.
- (b) Ngā Hapū o Himatangi were also comfortable that issue 2 was suitably addressed and did not seek anything further in conditions.
- (c) Ngā Hapū o Himatangi acknowledged the comments received from Heritage New Zealand Pouhere Taonga (HNZPT) regarding the Accidental Discovery Protocol (issue 3). They provided some further amendments to the condition that HNZPT proposed.
- (d) Regarding issues 4 and 5 Ngā Hapū o Himatangi considered that these were appropriately provided for in the relationship agreement and did not seek anything further in the conditions.
- (e) Issue 6, which referred to the provision of monitoring reports to be available to Ngā Hapū o Himatangi, was supported and nothing further in conditions was requested.
- (f) Issue 7 regarding opportunities for whānau and uri to participate in various initiatives including biodiversity restoration, planting programmes and employment was considered to be appropriately provided for in the relationship agreement.
- (g) In relation to issue 8, the inclusion of cultural awareness and cultural induction requirements for all contractors and Project personnel, they requested an amendment to the condition managing the matters of the CEMP to include "detail of cultural awareness and cultural induction requirements for all contractors and project personnel working on the site".
- (h) Issue 9 directed that the management plans (listed in Table 4 of the conditions) be provided to Ngā Hapū o Himatangi "for information and engagement where cultural values may be affected". They proposed an addition to the relevant condition to ensure that this happened, including any updates to those plans.
- (i) In relation to the independent acoustic advisors' review, Ngā Hapū o Himatangi stated that they remain interested in the outcome of the recommendations of that review.²³

²² Genesis Energy Limited Response to Comments 23 June 2026 Appendix Four.

²³ Genesis Energy Limited Response to Comments 23 June 2026 Appendix Four.

Panel Findings

- 152 The Panel acknowledges that Ngā Hapū o Himatangi and Genesis have established a relationship, reflected in an agreement between them. We understand that the relationship agreement sits outside the formal FTAA approval process and is intended to manage ongoing matters of importance to Ngā Hapū o Himatangi, including recognition of their status as affected tangata whenua for the purposes of engagement throughout the life of the project. The Panel has not sighted the relationship agreement.
- 153 We find that, in addition to the relationship agreement, the other matters raised by Ngā Hapū o Himatangi, including the pre-construction cultural induction and awareness process, the Accidental Discovery Protocol, and the provision of relevant management plans, are adequately addressed through conditions and therefore do not weigh against granting consent.

Conditions

- 154 In addition to the comments from Ngā Hapū o Himatangi regarding issue 2, we have amended Condition A7 which provides an opportunity for Ngā Hapū o Himatangi to perform karakia to bless the Site, if that invitation is accepted. We have also clarified that Enabling Works that do not require soil disturbance are excluded.
- 155 The Accidental Discovery Protocol (condition A10) amendments proposed by HNZPT were largely accepted by Ngā Hapū o Himatangi subject to their additional amendments which confirm their role in the event something was uncovered. We find the additions by Ngā Hapū o Himatangi (and HNZPT discussed below) are appropriate and these have been adopted.
- 156 Condition A25, the purpose of the CEMP, has a new clause (n) added which directs detail of cultural awareness and cultural induction requirements for all contractors and staff working on the site which addresses their issue 8.
- 157 Condition A23 confirms that copies of all certified management plans (identified in Table 4) must be provided to Ngā Hapū o Himatangi. We have amended this condition to be clear that this includes any changes to those management plans.

E3 Archaeological Effects

- 158 Archaeological effects were assessed in section 7.4 of the Substantive Application and in the Archaeological Assessment undertaken by Clough and Associates.²⁴
- 159 The archaeological assessment undertaken in June 2024 included historical background of both Māori and European settlement, historical survey including early maps and plans, archaeological background, physical environment, and field assessment of the Site.
- 160 In summary the results of the assessment stated that

There are no previously recorded archaeological sites within or in close proximity to the Project Area and none were identified during the survey for this assessment. Recorded archaeological sites associated with Māori settlement and occupation in the general area

²⁴ Substantive Application Appendix L.

*are usually located near rivers or along the coast. There was also no evidence of any European settlement in the Project Area in the 19th century.*²⁵

- 161 The assessment noted that it did not include an assessment of effects on Māori cultural values asserting that such an assessment should only be made by tangata whenua.
- 162 The assessment concluded that the Project would not have any adverse effects on archaeological values. The Substantive Application stated that because of that no conditions of consent would be required relating to archaeological monitoring. However, a typical accidental discovery protocol condition was recommended, and included in Genesis' proposed conditions of consent as condition A9 – Accidental Discovery.²⁶

Comments Received

- 163 In their s 53 comments, HNZPT stated that there were no recorded archaeological sites or listed heritage places located within the Project area.
- 164 They agreed with the findings of the Archaeological Assessment that it was unlikely that the Project works would encounter unrecorded archaeological material and that an archaeological authority was not required and that works could proceed using an accidental discovery protocol contained as a condition of consent.
- 165 HNZPT recommended changes to the accidental discovery protocol condition to include reference to the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975, both of which may apply in the event of an accidental discovery and to correctly note that HNZPT is the only party who can give approval for work to continue following an accidental discovery.

Genesis response to comments

- 166 Genesis agreed with the amendments proposed by HNZPT to the accidental discovery protocol condition.

Panel Findings

- 167 The Panel finds that the requested amendments to (now) condition A10 Accidental Discovery Protocol as proposed by HNZPT are appropriate, subject to the additional amendments discussed above in relation to Ngā Hapū o Himatangi. As such there are no outstanding issues in relation to archaeological effects that would weigh against granting the consents.

²⁵ Ibid, page 26.

²⁶ As detailed in the condition set dated 14 May 2026.

Conditions

- 168 Condition A10 has been amended to encapsulate the comments received from HNZPT and Ngā Hapū o Himatangi to ensure a robust and culturally appropriate process in the event of an accidental discovery.

E4 Landscape Character and Visual Amenity Effects

- 169 Landscape character and visual amenity effects were assessed in sections 7.5 of the Substantive Application and in an Assessment of Landscape Effects (ALE) that forms Appendix H²⁷ of the AEE.
- 170 The Project Site is flat to gently undulating and has been modified for centre pivot irrigation and dairy grazing. It is dissected by the National Grid transmission lines. The Project is located within the "Foxton Dunefields" Landscape Precinct of the HDP, and that Precinct is not categorised as "outstanding". The Site and surrounding area are all outside of any outstanding natural features or landscapes.
- 171 Regarding landscape and rural character effects Genesis contended that the Site is located in a modified rural environment and the majority of original dunes within the Site have largely been removed to enable the use of pivot irrigators. Small remnant dunes are present in the north-east and southern margins of the Site, and the proposed placement of solar panels avoids those remnant areas.
- 172 In terms of visual amenity Genesis contended that the modified rural environment within which the Site is located does not have a high degree of visual amenity or sensitivity. More specifically, due to the generally flat to undulating topography, landscape features and elements such as sand dunes, buildings, forestry blocks and shelterbelts contribute to breaking up views of the Site in its entirety beyond a 500-600m distance,²⁸ and in some locations truncate the view completely. Genesis considered views of the Project were consequently limited to three of the more immediate neighbours and road users.
- 173 Genesis also considered that the Project would not be visible in its entirety from any one viewpoint given its spatial extent. Notably 40% of the Site has direct road frontage, which will be landscaped, and the remainder of the Site is set back over 500m from adjacent roads.
- 174 Genesis has designed the Project to reduce its effects on landscape and visual amenity, including:
- (a) A minimum setback distance of 100m between neighbouring residential dwellings and solar panels;
 - (b) Retaining undeveloped areas in the vicinity of lifestyle properties on Motuiti Road (retaining 14ha closest to Motuiti Road as undeveloped) and excluding remnant dune features from the development footprint;

²⁷ Assessment of Landscape Effects, Fast Track Approvals Act Application, Foxton Solar Farm Genesis Energy Limited. Prepared by: SLR Consulting New Zealand, 13 February 2026 (ALE).

²⁸ A desktop topographical analysis, on-site visual envelope mapping and field visits have determined the zone of visual significance of the Project to be 500-600m from the site boundary despite the scale of the application site.

- (c) Reducing the maximum height of solar panels from 5.5m (in a 2-Portrait Arrangement) to a maximum of 3.5m (in a 1-Portrait arrangement) and setting back security fencing behind proposed perimeter mitigation plantings, rather than on the Site boundary; and
- (d) Providing a central 12ha area as undeveloped pasture, wetland restoration and ecological enhancements and using boundary landscaping to screen the Project from neighbours and road frontages, while maintaining the open and expansive landscape as far as practicable.

175 Genesis concedes that the Project is of a scale that tips the balance from a predominantly vegetated pastoral landscape into a landscape dominated by infrastructural built form. Consequently, the short-term landscape effects will be "moderate-high" and adverse in nature. After mitigation measures this effect reduces to "moderate"²⁹ after landscape and buffer planting has established. The effects cannot be fully mitigated to "very low" or "low – moderate" because of the expansive built form and scale of the Project.

Comments Received

- 176 HDC considered the significant perimeter planting would provide suitable visual mitigation of the solar farm. They acknowledged that planting would take several years to reach its desired height, but that was common for landscaping associated with a resource consent or even for District Plan permitted activity compliance. HDC observed that when a development is first built it looks bare and stark, but the landscaping eventually matures and achieves its intended purpose.
- 177 The Māori Trustee was concerned about appropriate screening and visual effects mitigation on the blocks its administered, particularly the lack of screening along the eastern boundary of the Project adjoining Himatangi 4C3. The Māori Trustee also sought that proposed planting along the southern boundary be reduced to a mature height of 6m so that the four adjoining Māori land blocks currently used for horticulture would not be heavily shaded during the winter.
- 178 Kerry Sketcher³⁰ considered that the solar panels would be too close to her property with resultant unappealing visual impacts. She sought that "heavy duty visual screening be installed until hedging has matured" and the removal of a part of the 35ha block³¹ of solar panels located to the east of their property.
- 179 Linda Shailer and Lewis Shailer³² have an existing dwelling at [REDACTED] They intend to build a retirement dwelling on a partly elevated section at [REDACTED] "within the next few years" and were concerned about the loss of visual amenity that would result should the solar farm proceed.
- 180 Mr Shailer considered that they would see straight over the top of any screen planting from their planned retirement dwelling's building platform. Ms Shailer suggested the Project should include a thorough assessment of appropriate setbacks and buffer zones, particularly where future residential development was already existing and planned.

²⁹ According to the Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines, 'moderate-high' and 'moderate' adverse effects equate to 'more than minor' adverse effects in RMA parlance, but they do not constitute 'significant' adverse effects.

³⁰ [REDACTED] Foxton

³¹ Described as [REDACTED] or [REDACTED]

³² Both of [REDACTED] and [REDACTED] Foxton.

They sought the removal of the same 35ha block of solar panels that was of concern to Ms Sketcher.

Genesis response to comments

- 181 Genesis advised that they had no concern with the Māori Trustee's desired outcomes for planting on the eastern and southern boundaries of the Site. Accordingly, additional Conditions B15.1 and B15.2 were proposed for the boundary of the Site with the Himatangi 4C3, Himatangi 5A 5C1, Himatangi 5A 5C 2A and Himatangi 5A 5C 2B blocks.
- 182 Genesis advised in relation to comments from the other adjoining commentators that:
- (a) The solar panels had already been set back a minimum 160m (running at 45 degrees) from the Sketcher's dwelling. Those panels would be shielded by an 8m to 10m high hedgerow;
 - (b) The Shailers' building platform was approximately 170m from the eastern Site boundary and 510m from the northern Site boundary. Further mitigation measures, such as boundary planting and the low height of the solar panels (3.5m at maximum tilt), would mitigate visual amenity effects at the building platform;
 - (c) In that regard the Project's planting plan³³ proposed a hedgerow 6-8m high to the east and 8-10m high to the north of the Shailer property. The effectiveness of the proposed mitigation planting in screening the solar farm from the proposed building platform was illustrated in the simulations³⁴ and aligned with the Assessment of Landscape Effects' (Appendix H1 to the Substantive Application) conclusion that the overall post mitigation effect on that property would be low; and
- 183 Regarding the requested removal of solar panels (35ha on Part Himatangi X Block) Genesis advised that would result in the loss of some 16MWp (or a 7.2% reduction of generation capacity) which would reduce the benefits of the Project and may affect its viability, especially given the significant fixed cost of a 220kv substation to connect the solar farm to the National Grid.

Panel Findings

- 184 We find Genesis' proposed additional Conditions B15.1 and B15.2 suitably address the concerns of the Māori Trustee.
- 185 We find that the setbacks proposed for the Sketcher and Shailer properties and the boundary screen planting proposed adjacent to them will sufficiently mitigate any adverse visual amenity effects in the medium to long term. While there may be some adverse visual amenity effects in the short term prior to the boundary planting reaching a height that would shield the 3.5m (maximum tilt height) high solar panels, those effects are not sufficiently out of proportion to the regional and national benefits of the Project such that additional mitigation is required.
- 186 We also find that the removal of 35ha of solar panels on Part Himatangi X Block would be an unduly onerous response to those short-term visual amenity effects. Such removal would be inconsistent with s 83 of the FTAA and would not give effect to the purpose of

³³ Appendix H2 to the Substantive Application.

³⁴ LA63 to LA78; Appendix H3 to the Substantive Application.

the FTAA which is to facilitate the delivery of infrastructure projects with significant regional or national benefits, which this Project undoubtedly is (see Part F of this Decision). We decline to require the removal of solar panels from the Part Himatangi X Block.

- 187 We find that landscape character and visual amenity effects do not weigh against granting consent.

Conditions

- 188 In our draft conditions we amended Condition B15 to clarify who the LMP should be provided to for their input, specify the location of security fencing, and other minor wording amendments for clarity. Other than that, we made no amendments to Genesis' 23 June 2026 conditions that addressed landscape and visual amenity effects.

E5 Rural Character and Rural Amenity Effects

- 189 Rural character and rural amenity effects were assessed in section 7.14 of the Substantive Application.
- 190 Genesis stated that the rural character of the wider area within which the Project is proposed to be sited is shaped by the interaction between human activities and the natural and physical resources in the area. It included a high degree of open space with vegetation predominating over built elements, productive working landscapes, including the potential to create nuisance effects such as noise, odour and dust, the occasional reasonably large utilitarian building associated with primary production.
- 191 Genesis noted that the use of the Site had changed from native vegetation to pasture, to forestry and then to dairy through time. They considered that the next step in the change process was the establishment of sustainable electricity generation. The ability for sheep farming to continue on the Site, under, between and around the solar panels would maintain a certain level of traditional rural farming character on the Site.
- 192 Genesis stated that the solar farm lease that precipitates the proposed subdivision will result in four existing dwellings on the Motuiti Farms block being located on separate rural-residential titles (one of 16ha), but that will not create any additional effects on rural character or rural amenity.
- 193 Genesis conclude that taking into account the effects of the Project in terms of noise, traffic, glint and glare, the inevitable effects of the Project on rural character and amenity have been avoided as far as practical in its design, and otherwise remedied or mitigated as far as practical by the proposed landscape, riparian and restoration planting.

Comments Received

- 194 HDC noted that the solar farm would be located in the Rural Zone which is a working environment. HDC agreed with Genesis that the Project was suitable for its proposed location.

- 195 Kerry Sketcher³⁵ considered that the solar panels would be too close to their property with resultant adverse noise, vibration and construction related air quality impacts on the welfare of two rescue horses on their property.
- 196 Lewis Shailer³⁶ was concerned about the solar farm causing a permanent loss of the area's rural lifestyle consisting of "green grass and grazing animals, clean air, peace and quiet."
- 197 Robert and Michelle Calderbank³⁷ were also concerned about a loss of rural lifestyle, including during the proposed six days a week construction activity and resultant impacts on livestock and household pets. They sought the exclusion of construction on weekend days.
- 198 Lewis Shailer considered the Project went against and is in breach of the Horowhenua District Plan's (HDP) General Rural Zone provisions.

Genesis response to comments

- 199 Genesis acknowledged the connection that the Shailers, Sketchers and Calderbanks had with their properties and the surrounding rural environment.
- 200 Genesis advised that Part 3.3 of the HDP, within the description of the Rural Zone, recognised that the zone had historically accommodated, and continued to support, a wide range of activities that enabled and sustained the Horowhenua community. The HDP acknowledged that land use patterns had evolved over time. While the zone currently supported a diverse range of land-based primary production activities (including, in the case of the Site, large-scale augmented dairy production) it was anticipated that those activities could continue to change. The HDP also recognised that infrastructure and other industrial-type activities were present within the rural environment, and that the Rural Zone provided for a variety of land uses that contributed to the diversity and resilience of the District's economy.
- 201 Genesis also noted that the Site was a large, relatively flat area with low ecological values as a result of its historic land use, with the National Grid passing through its centre. Consequently, it represented one of a limited number of locations capable of accommodating a utility-scale solar farm that could connect to the National Grid without a need for transmission line extensions, while generating comparatively low environmental effects.
- 202 Genesis considered that Chapter EIT-UE of the HDP relating to network utilities and energy provided explicit support for the development of renewable energy infrastructure. The HDP required that adverse effects associated with such developments that were more than minor were avoided, remedied, or mitigated (EIT-UE-P12) and the contribution of renewable energy use and development to the well-being of the District, Region and Nation was recognised (EIT-UEP13).

³⁵ [REDACTED] Foxton

³⁶ [REDACTED] and [REDACTED]

³⁷ [REDACTED]

- 203 We understand Genesis' position to be that the Project was therefore not an inappropriate use and development within the Rural Zone, notwithstanding the changes the Project would cause to the rural character and amenity of the Site.

Panel Findings

- 204 We agree with HDC and Genesis that the HDP Rural Zone is a working environment and the HDP contemplates industrial-type activities being located within it. We are satisfied that the setbacks from neighbouring properties, combined with the proposed boundary planting and the buffer area on Motuiti Road, will suitably mitigate any adverse effects on the rural amenity enjoyed by the adjacent property owners and occupiers.
- 205 While the development of the solar farm will alter the Site's existing rural character, the sheep farming that may continue under, between and around the solar panels will maintain some degree of traditional rural farming character. However, even if that does occur, we find that the resultant change in rural character is not out of proportion to the regional and national benefits of the Project.
- 206 We find that rural character and rural amenity effects do not weigh against granting consent.

Conditions

- 207 In our draft conditions we made no material amendments to Genesis' 23 June 2026 conditions that addressed rural character and rural amenity effects.

E6 Glint and Glare Effects

- 208 Glint and glare effects were assessed in section 7.6 and in Appendix Q Glint and Glare Assessment of the Substantive Application.
- 209 In relation to potential effects on aviation, Genesis asserted that there would be no glare effects of any kind. Genesis' modelling predicted no glare at Foxpine Airpark and confirmed that more distant aerodromes, including Palmerston North Airport, are beyond any potential zone of effect. Genesis therefore concluded that the Project would not give rise to aviation safety risks.
- 210 In relation to road users, while Genesis' baseline modelling identified some instances of potential reflections along sections of Motuiti Road and Wall Road, Genesis considered these do not constitute glare because they would occur at low solar altitude angles with minimal angular separation from direct sunlight. Genesis further relied on local topography and landform features, such as dunes, to consider that any remaining reflections would be screened or otherwise not experienced by motorists.
- 211 For residential receptors, Genesis acknowledged that short-duration reflection events may occur at a limited number of nearby dwellings. However, it suggested that all such effects would fall within the "low" impact category of the NSW Large-Scale Solar Energy Guideline adopted by its experts, with exposure limited to a few minutes per day and small annual totals.
- 212 Genesis emphasised that these reflections would occur under conditions where observers would be looking directly toward the sun, such that they do not constitute nuisance glare. Genesis therefore concluded that there would be no residential glare effects requiring mitigation, including for any reasonably foreseeable future dwellings.

- 213 Overall, Genesis' position was that there are no instances of glare affecting any receptor, and that any observable reflections are minor, short-lived, and not perceptible as glare in a technical sense. It further considered that even these limited reflections can be fully eliminated through design measures, including adjustment of solar panel rest angles and the establishment of perimeter vegetation screening. While some minor reflections may occur during the initial vegetation establishment period, Genesis maintained that these would remain below any relevant impact threshold and would ultimately be removed entirely as planting matures, such that the overall glint and glare effects of the Project would be negligible.

Comments Received

- 214 NZTA supported the conclusions of the glint and glare assessment in relation to effects on SH1 in the vicinity of the Project. It also supported the condition put forward by Genesis requiring the preparation of a landscape plan and the screening of adjacent properties and roads from possible glare.
- 215 There were no other comments that expressly referenced glint or glare. Comments about broader visual amenity effects are discussed above in E4.

Genesis response to comments

- 216 Genesis did not expressly respond to NZTA comments in support of the glint and glare assessment but more generally acknowledged NZTA's acceptance that the Project takes account of NZTA's interests in the nearby state highway.

Panel Findings

- 217 We find Genesis' proposed additional Conditions B15 and B17 largely address the potential for adverse glint and glare effects.
- 218 We accept Genesis' conclusions in relation to potential effects on SH1 based on NZTA's support of the technical assessment provided by Genesis.
- 219 We find that the boundary planting proposed will in time appropriately screen the Project from adjacent properties and roads. We accept that while there may be some adverse effects in the short term prior to the boundary planting reaching a height that would fully shield the solar panels, those effects are not sufficiently out of proportion to the regional and national benefits of the Project such that additional mitigation is required.
- 220 We find that potential glint and glare effects do not weigh against granting consent subject to the amendments to the conditions as discussed below.

Conditions

- 221 We amended condition B17 to make it clear that the solar farm may not become operational until the landscaping required under condition B15 has been undertaken.
- 222 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.

E7 Construction Noise and Vibration Effects

- 223 Construction noise and vibration effects were assessed in section 7.13.6 and in Appendix R (Acoustic Assessment) of the Substantive Application.
- 224 Genesis' assessment proceeded on the basis that construction noise would be managed within the framework of NZS 6803:1999 for long-duration works, and that the applicable limits could be achieved through a combination of separation distances, staging of works, and restrictions on particularly noisy activities. The assessment did not rely on a fixed construction programme but instead adopted a representative worst-case approach based on plant and methods typical of large-scale solar farm construction.
- 225 Genesis identified general construction activities such as earthworks, material delivery, and assembly as producing noise levels broadly consistent with established construction benchmarks and determined these activities would generally comply with the relevant daytime limits of NZS 6803 where standard setbacks from dwellings are maintained.
- 226 The assessment recognised that impact piling associated with the installation of solar panel supports represents the dominant construction noise source. Genesis accepted that piling has the potential to generate materially higher noise levels than other construction activities but considered that its effects are intermittent and of short duration. The assessment relied on the imposition of operational constraints, including limits on the number and type of piling rigs operating concurrently, separation distances from dwellings, and restriction of higher-noise piling activities to daytime periods with weekends excluded.
- 227 Overall, Genesis' position was that construction noise effects will be typical of a project of this scale, temporary in duration, and capable of being managed to achieve compliance through standard industry practices.
- 228 In relation to vibration, Genesis adopted the German standard DIN 4150-3 as the relevant assessment standard, noting its focus on avoiding structural damage rather than addressing amenity effects. The assessment took a conservative approach by applying long-term vibration criteria and assumed compliance at all receivers based primarily on the separation distances involved. In particular, it noted with the nearest dwellings located approximately 50 metres from construction activities, vibration levels would remain below thresholds associated with damage to residential buildings.
- 229 Genesis distinguished vibration effects from noise effects by emphasising that the relevant concern is structural integrity rather than human perception, and it acknowledged that some level of perceptible vibration may occur but characterised this as typical of construction activity that is generally accepted by potential receivers where appropriate communication measures are implemented.
- 230 In summary, Genesis' assessment was that both construction noise and vibration effects would be predictable and manageable, and that through the application of distance-based controls, activity restrictions, and standard construction management practices, effects could be maintained within accepted standards and therefore reasonable in the context of a project of this nature.

Comments Received

- 231 Kerry Sketcher³⁸ considered that the solar panels would be too close to their property with resultant adverse noise, vibration and construction related air quality impacts on the welfare of two rescue horses on their property. They also considered the duration and intensity of construction activities, including extended hours and potential weekend works, would result in prolonged disturbance with limited respite. They sought mitigation through increased setbacks, acoustic screening, and restrictions on construction timing to reduce exposure to noise and vibration.
- 232 The Calderbanks³⁹ raised concerns about significant construction noise and vibration from the six-day construction programme, heavy machinery and pile driving. They considered these effects would disturb both them and other residents, affect rural amenity, cause stress to people and animals, and risk cosmetic or structural damage to their dwelling. They sought enforceable controls, including limits on construction timing, independent pre and post construction building condition surveys, full indemnity, cessation of works if acceptable noise or vibration levels are exceeded, and direct access to project management personnel.

Acoustic Peer Review

- 233 As we noted earlier, on 9 June the Panel appointed a technical acoustic advisor, Mr Humpheson, to provide a peer review of Genesis' acoustic assessment and to advise the Panel as may be necessary after s 53 comments and Genesis' s 55 response were received.
- 234 On 18 June 2026 the Panel requested further particulars from Genesis to assist Mr Humpheson with his peer review. In particular, Genesis was requested to update the Acoustic Assessment's result tables and other parts of the Assessment to address some anomalies Mr Humpheson had identified.
- 235 As part of Genesis' response to comments received, an updated Appendix R Acoustic Assessment was provided which responded to the Panel's and Mr Humpheson's requests. We have assumed the earlier Appendix R has been replaced by the updated Appendix and have used this to reach our findings in relation to construction and vibration noise (as well as operational noise) effects.

Updated Acoustic Assessment.

- 236 The Updated Acoustic Assessment responded to the acoustic review comments by clarifying and refining the original noise assessment. It confirmed that all operational noise sources associated with the solar farm, BESS and electrical infrastructure had been modelled using frequency-dependent octave-band data, reducing uncertainty associated with sound propagation and barrier performance.
- 237 The Updated Acoustic Assessment was also amended to better distinguish between noise levels assessed at property boundaries for compliance purposes and noise levels assessed at dwelling façades for effects assessment purposes.

³⁸ [REDACTED] Foxton.

³⁹ [REDACTED] Foxton.

- 238 Genesis advised that the revisions did not alter the overall findings that the Project would generally comply with the applicable noise limits and that noise effects would remain acceptable.

Acoustic Peer Review Report

- 239 On 2 July 2026 Mr Humpheson provided his acoustic peer review report to the Panel.
- 240 In relation to construction vibration effects, Mr Humpheson agreed that the effects would be negligible given the separation distances involved. He did however recommend that the vibration condition should require compliance with the latest version of the relevant standard being DIN 4150-3:2016-12, Vibrations in buildings - Part 3: Effects on structures.
- 241 In relation to construction effects, Mr Humpheson also identified impact piling as the construction activity with the greatest potential to generate adverse noise effects but considered these effects could be appropriately managed through restrictions on piling hours, monitoring, engagement with nearby occupiers of dwellings, and preparation of a project-specific Construction Noise Management Plan including a detailed pre construction acoustic assessment confirming compliance of the final design with the applicable noise standards.
- 242 He did not support highly prescriptive restrictions on construction equipment combinations, preferring a bespoke construction noise management plan approach that would provide flexibility while ensuring compliance with the applicable standards.
- 243 On 2 July 2026 the Panel requested a response to Mr Humpheson's report from Genesis, to be provided by 9 July 2026.

Genesis response to comments and Acoustic Peer Review

- 244 Genesis responded to Ms Sketcher's concerns regarding construction noise, vibration and associated effects on horses relying on the evidence of its acoustic expert, Mr Jansen. Genesis considered that significant adverse effects on animals were not anticipated and that construction effects would be managed through the proposed conditions and management plans. It further noted that impact piling, identified as the most disruptive construction activity, had already been restricted to Monday to Friday to reduce weekend disturbance.
- 245 Genesis also advised that the construction programme referred to in the Substantive Application related to the Project as a whole and that works adjacent to the Sketcher property would not occur continuously for the full construction period. Rather, works within the area closest to that property were anticipated to occur for approximately six months. Mr Jansen concluded that additional construction noise mitigation, including acoustic screening, was not warranted and that there was no technical acoustic reason why screening would need to be located along the Site boundary.
- 246 Genesis also responded to concerns regarding the proximity of construction activities to the Sketcher property by noting that the solar arrays had been set back from their property boundary and dwelling and that works would occur within the context of those setbacks and other proposed mitigation measures. Genesis relied on Mr Jansen's assessment that the proposed construction methodology and mitigation measures were sufficient to manage any noise and vibration effects.

- 247 In response to the Calderbanks' concerns regarding construction noise and vibration effects on residents, livestock, household pets and buildings, Genesis noted that concerns regarding animal wellbeing had been addressed through Mr Jansen's assessment, which did not identify significant effects on animals from the proposed construction activities.
- 248 Genesis concluded that, having regard to the separation distances between the proposed works and neighbouring receivers, together with the predicted vibration levels, that pre- and post-construction building condition surveys were not necessary from a vibration perspective. It noted that new conditions were proposed that provided for a dedicated Project website that included contact details. It did not expressly respond to the comments requesting full indemnity for any damage caused by construction of the Project or cessation of works if noise levels are exceeded.
- 249 Overall, in relation to the comments received, Genesis considered that the proposed construction activities could be appropriately managed through the conditions and mitigation measures already proposed and that no additional acoustic screening or vibration controls were required.
- 250 In relation to the Acoustic Peer Review, Genesis agreed with the peer reviewer's conclusion that construction noise and vibration effects can be appropriately managed and would be acceptable subject to the proposed conditions. It generally accepted the recommended more detailed amendments to the conditions and the requirement that construction vibration comply with the current version of DIN 4150 3.
- 251 In particular Genesis accepted the recommendation that construction noise be managed through a separate Construction Noise Management Plan (CNMP) prepared by a suitably qualified acoustic practitioner and certified by the HDC prior to construction commencing, which would include measures and processes to manage and minimise adverse effects of construction noise. Genesis provided an updated set of construction noise conditions mostly adopting the peer reviewer's recommended conditions with some additional amendments suggested for consistency.
- 252 Genesis agreed that the CNMP should include additional matters such as the piling rig model and measured sound levels, mitigation measures where predicted levels are exceeded and advance notification to occupiers of dwellings within 150 metres of piling works.
- 253 Genesis did not support the proposed requirement for the CNMP to include predicted noise levels at occupied dwellings for each construction phase. It submitted that this introduced an assessment function into a management plan intended to guide construction activities and noted that the peer reviewer had not identified such modelling as necessary. Genesis submitted that, if retained, the requirement should be limited to specified dwellings, such as those within 150 metres of the relevant works.

Panel Findings

- 254 We accept that construction noise and vibration effects will be temporary and can be appropriately managed, subject to robust conditions. We also accept the advice of the Panel's acoustic advisor that impact piling is the construction activity with the greatest potential to generate adverse noise effects and that those effects are best managed through a project-specific Construction Noise Management Plan, rather than by highly prescriptive limits on construction plant combinations.

- 255 There was one area of disagreement between the Panel's peer review and Genesis in relation to the content of the CNMP, namely whether it must include predicted noise levels at occupied dwellings for each construction phase. The Panel considers the CNMP should include predicted noise levels at occupied dwellings given the residual uncertainty discussed above. However, we agree with Genesis that this assessment should be limited to occupied dwellings within 150 metres of any construction works including piling.
- 256 We acknowledge the concerns raised by neighbouring residents regarding construction noise, disturbance to animals, vibration, and potential building damage. Those concerns are understandable given the scale of the construction works. However, having regard to the updated acoustic assessment, the acoustic peer review, the proposed restrictions on impact piling, and Genesis' acceptance of additional management plan requirements, we are satisfied that construction noise effects can be maintained at an acceptable level.
- 257 In relation to vibration, we accept Mr Humpheson's advice that, given the separation distances involved, construction vibration effects are likely to be negligible. We do not consider that pre and post construction building condition surveys are necessary on the evidence before us, provided that the conditions require compliance with the current version of DIN 4150-3:2016-12.
- 258 Overall, we find that construction noise and vibration effects do not weigh against granting consent with the amended condition suite and the additional amendments discussed below.

Conditions

- 259 We find Genesis' proposed conditions largely address the potential for adverse construction and vibration effects.
- 260 In our draft conditions we have required the CNMP to include predicted noise levels one metre from the façade of occupied dwellings, but only for dwellings located within 150 metres of construction works, for each phase of construction, based on the plant and methodology proposed.
- 261 Given this will only involve a few dwellings we do not consider the requirement to be more onerous than necessary to address the potential adverse effects on those properties.
- 262 We have also added a 'belts and braces condition' (B9A) requiring that piling taking place within 150 metres of an occupied dwelling must be limited to a single mini-pile driving rig. This measure was signalled in the Substantive Application and will ensure that noise effects are minimised when occurring in closer proximity to existing dwellings.

E8 Operational Noise Effects

- 263 Operational noise effects were assessed in section 7.8 and in Appendix R Acoustic Assessment of the Substantive Application.
- 264 Genesis considered that operational noise effects from the solar farm and BESS will be low and generally comply with the applicable HDP noise limits. It considered the operational noise assessment adopted a conservative worst-case scenario, assuming all plant is operating simultaneously at peak output and assessing those effects against the most stringent night-time noise limits. Genesis identified the BESS as the dominant

operational noise source and proposed a three metre high acoustic barrier to mitigate noise effects.

- 265 Genesis concluded that operational noise would comply with daytime and evening noise limits at all surrounding property boundaries and with night-time limits at all existing dwellings.
- 266 Genesis noted that the only predicted exceedance of the night-time noise limit occurs over part of the undeveloped Part Himatangi 3A3F Block and is attributable to the BESS component of the Project. Genesis stated that the solar farm component, comprising the tracker motors, inverter system, low-voltage transformers and substation transformer, is predicted to remain 4 dB below the applicable night-time noise limit.
- 267 Overall, Genesis considered that operational noise is unlikely to be intrusive given that predicted daytime levels are below measured ambient noise levels and that night-time noise levels at existing dwellings are predicted to remain within accepted internal sleeping environment guidelines. On that basis, Genesis concluded that operational noise effects will be reasonable and that adverse effects on surrounding receivers, including sleep disturbance, are not anticipated.

Comments Received

- 268 Most noise-related concerns raised by neighbouring commentators focused on construction noise and vibration effects rather than operational noise.
- 269 In relation to operational noise, Te Tumu Paeroa outlined its initial concerns that noise from the solar farm and any future BESS could adversely affect future papakāinga or residential development on the adjoining Māori land and sought appropriate monitoring and mitigation measures. Their comments record that, following discussions with Genesis, amendments were proposed to the operational noise monitoring condition to identify a more specific monitoring location on Wall Road and to provide greater certainty regarding compliance verification.
- 270 Ngā Hapū o Himatangi supported the independent acoustic peer review requested by the Panel and sought careful consideration of operational noise effects on neighbouring residents, marae communities, and customary activities within the wider Himatangi area. They also supported the adoption of any additional mitigation measures identified through that review.

Acoustic Peer Review

- 271 The Panel's acoustic advisor, Darran Humpheson, reviewed Genesis' Updated Acoustic Assessment and generally agreed with its methodology and conclusions in relation to operational noise. He agreed that the assessment adopted appropriately conservative assumptions by modelling all major plant, including the solar farm, BESS and associated electrical infrastructure, operating simultaneously and during the night-time period.
- 272 He was satisfied that the use of indicative equipment specifications was appropriate given that final plant selection had not yet occurred and noted that the assumed operational noise source levels were generally consistent with those used for comparable solar farm projects.

- 273 His review recorded that the applicable noise standards in the HDP are unusual in that operational noise must comply at any point within an adjoining rural property, rather than at the notional boundary of a dwelling. As a consequence, compliance must be achieved across entire neighbouring properties, including undeveloped land and agricultural areas where no noise-sensitive receiver exists.
- 274 Mr Humpheson agreed that the existing environment is a relatively quiet rural environment, particularly at night when background noise levels can reduce substantially. He accepted that Genesis' modelling assumptions represented an appropriate worst-case assessment scenario and generally agreed with the predicted operational noise levels.
- 275 He concluded that, assuming no special audible characteristics were present, operational noise is predicted to comply with the District Plan limits at all neighbouring properties except Part Himatangi No. 3A3F Block (449 Wall Road), where a night-time level of 45 dB LAeq (15min) is predicted, exceeding the applicable limit by 5 dB. However, as there is currently no dwelling or other noise-sensitive receiver on that property, Mr Humpheson considered that the exceedance would not result in adverse effects of any significance.
- 276 At existing dwellings, Mr Humpheson agreed that the predicted daytime and evening noise levels would be well within the relevant District Plan limits and would result in acceptable amenity effects. He also agreed that night-time noise effects at existing dwellings would be acceptable and that sleep disturbance effects were unlikely. In reaching that conclusion, he accepted that predicted internal noise levels within dwellings would remain within, or close to, recognised guideline values for bedrooms, provided the operational noise did not exhibit special audible characteristics.
- 277 The principal issue identified by Mr Humpheson concerned uncertainty regarding the potential presence of special audible characteristics, particularly tonality associated with electrical equipment and cooling fans. While accepting Genesis' conclusion that tonality was unlikely to be perceptible at receiver locations, he noted that insufficient information had been provided to conclusively demonstrate that no special audible characteristics would occur. He recommended a detailed acoustic assessment at the detailed design stage, once final equipment selections and site layout are known, together with post-commissioning noise monitoring to confirm whether any special audible characteristics are present and to verify compliance with the relevant noise limits.
- 278 Mr Humpheson recommended amendments to the proposed consent operational noise conditions including:
- (a) That prior to the commissioning of the solar farm, a more detailed acoustic assessment be undertaken to demonstrate that the final plant selection and layout will comply with the operational noise limits, including any adjustment required for special audible characteristics (SACs). He also recommended that the assessment address sound power levels, cumulative noise, equipment layout, screening and BESS mitigation measures;
 - (b) That the post commissioning monitoring report includes additional details, namely demonstrating compliance with noise limits, assessment of any special audible characteristics and inclusion of mitigation measures if SACs are identified; and
 - (c) A new condition providing for mitigation measures to be undertaken where non-compliance is identified following post commissioning verification.

Genesis response to comments and Acoustic Peer Review

- 279 Genesis acknowledged the peer reviewer's conclusion that the acoustic assessment adopted an appropriate and suitably conservative methodology for assessing operational noise and his conclusion that operational noise effects could be appropriately managed through the recommended conditions, including detailed design-stage acoustic assessment and post commissioning verification.
- 280 Genesis agreed with the conclusions reached by Mr Humpheson apart from one minor point relating to potential uncertainty in terms of tonality at receiver locations but agreed that a review of the design prior to commissioning would provide certainty on the matter and give confidence to the Panel and surrounding receivers that noise effects were being appropriately managed.
- 281 Genesis advised it was generally comfortable with the peer reviewer's recommended condition amendments in terms of operational noise and suggested some additional amendments to ensure consistency and other consequential amendments to the conditions.

Panel Findings

- 282 We accept the operational noise assessment, as updated, and the advice of the Panel's acoustic advisor that Genesis' operational noise assessment adopts appropriately conservative assumptions, including simultaneous operation of the solar farm, BESS and associated electrical infrastructure during the night-time period. We also accept that, at existing dwellings, predicted operational noise levels will comply with the relevant limits and not give rise to unacceptable amenity or sleep disturbance effects.
- 283 We acknowledge the concerns raised by Te Tumu Paeroa and Ngā Hapū o Himatangi regarding potential operational noise effects on adjoining Māori land, marae communities and customary activities.
- 284 We also acknowledge that the acoustic modelling identifies a predicted night-time exceedance over part of the undeveloped Part Himatangi No. 3A3F Block, attributable to the BESS component of the Project. However, given the absence of an existing dwelling or other noise-sensitive receiver on that land, and the conservative basis of the assessment, we do not consider that exceedance gives rise to an adverse effect that would weigh against granting consent.
- 285 The principal residual uncertainty relates to the potential for special audible characteristics, particularly tonality associated with electrical equipment and cooling fans, once final plant selection and layout are confirmed. We accept Mr Humpheson's advice that this uncertainty is appropriately addressed through a detailed design-stage acoustic assessment and post-commissioning noise monitoring, rather than imposing more restrictive operational noise limits at this stage.
- 286 We find that operational noise effects do not weigh against granting consent, given that the conditions require the final design to demonstrate compliance with the applicable operational noise limits in the District Plan, including any adjustment for special audible characteristics, and require post-commissioning monitoring and mitigation measures if non-compliance or special audible characteristics are identified.

Conditions

- 287 The Panel does not consider any further conditions or amendments are required to the operational noise suite of conditions given the amendments made by Genesis in response to the acoustic peer review.

E9 Construction Traffic Effects

- 288 Construction traffic effects were assessed in section 7.13.5 of the Substantive Application and in the Integrated Traffic Assessment (ITA) that formed Appendix M⁴⁰ of the AEE.
- 289 Prior to substantial construction commencing Genesis will prepare a Construction Traffic Management Plan (CTMP) that will be certified by HDC, with input from NZTA where traffic relates to the State Highway.
- 290 The Project's construction phase is expected to take around 18-months with the peak construction period occurring over 5 months. Genesis contemplates that the Project will generate 170 vehicle movements per day⁴¹ during the peak construction period, including 80 heavy vehicles. Outside of the peak construction period, the Project is anticipated to generate up to 80 vehicle movements per day.⁴²
- 291 The Substantive Application states that construction workers will likely come from either Foxton, Levin or Palmerston North.⁴³ No construction vehicles will turn right from SH1 into Wall Road. Construction traffic will primarily use a new access point constructed off Wall Road (Access A02). Secondary construction access will use existing access points further west along Wall Road and two existing farm access points on Motuiti Road. The ITA concluded that all proposed accesses complied with HDC's District Plan requirements, particularly in relation to sight distances and separation distances.⁴⁴
- 292 The ITA concluded that as a result of the Project peak construction hour traffic on SH1 is anticipated to increase by 8% in the morning peak and 6% in the evening peak. However, the construction traffic peak is not likely to overlap with the evening or morning traffic peaks on the surrounding roads.
- 293 The ITA concluded that the Project would not exacerbate existing transport safety issues, as existing crash patterns were generally attributed to road user factors, and most incidents occurred outside of the construction traffic peak periods, with over half occurring in adverse weather conditions. All construction-related traffic would have an obligation to follow a site-specific Driver Code of Conduct, which will form part of the CTMP.

⁴⁰ Integrated Transport Assessment, Foxton Solar Farm, Fast Track Approvals Act Application. Genesis Energy Limited. Prepared by: SLR Consulting New Zealand, 12 February 2026.

⁴¹ Around 50 vehicles in the peak hour during the peak period (including 30 light vehicles, 15 buses, and 5 heavy commercial vehicles (HCV's)).

⁴² Around 35 vehicles in the peak hour (including 20 light vehicles, 10 buses, and 5 HCV's).

⁴³ The ITA assessed two scenarios. Firstly 100% of traffic from the south (Foxton and Levin) and secondly 100% of traffic from the north-east (Palmerston North). See Figure 24 of the ITA.

⁴⁴ The ITA recommended that Access A01 should be formed in general accordance with Diagram 6 in Appendix One of HDC's Council's Engineering Standards, while access A02 should be formed in general accordance with Drawing 5 in Appendix One of HDC's Engineering Standards.

- 294 The ITA concluded that the proposed distribution and volumes of construction traffic would not create adverse effects on the efficiency of the roading network and could be appropriately managed with no roading or intersection upgrades required.
- 295 The construction traffic created by the Project would increase heavy truck movements in the area over the 18-month construction period. Accordingly, Genesis proposed pre and post construction road surveys and has undertaken to repair any construction traffic related road surface damage to the same or better standard than existed prior to construction activities.

Comments Received

- 296 HDC advised that its concern about the Project's construction process impacting on the condition of public roads and creating unbudgeted repair costs had been adequately addressed by consent conditions B5, B6 and B7.
- 297 NZTA advised that potential effects on SH1 were limited to construction traffic using the junctions of SH1 with Motuiti and Wall roads. NZTA was satisfied with Genesis' proposal to prepare a CTMP to be approved by HDC with input provided for NZTA in relation to State Highway 1, along with a provision that construction traffic approaching the Site on SH1 from the south should only use the Motuiti Rd intersection, not Wall Rd, to enter the local road network.

Genesis response to comments

- 298 Genesis noted that NZTA concluded that the Project took account of NZTA's interests and should be able to proceed without adverse effects on SH1.

Panel Findings

- 299 We are satisfied that the potential adverse effects of construction traffic will be adequately managed by the CTMP that will be certified by HDC (with input from NZTA where traffic relates to SH1) and the proposed conditions of consent. Consequently, construction traffic impacts do not weigh against granting approval.

Conditions

- 300 In our draft conditions we made no material amendments to Genesis' 23 June 2026 conditions that addressed construction traffic. We amended Conditions B1 and B5 to clarify what we understood to be their intent. We also recast Condition B3(f) as a separate Condition B3A and amended it to clarify what we understood to be its intent.

E10 Operational Traffic Effects

- 301 Operational traffic effects were assessed in section 7.8 of the Substantive Application and in the Integrated Traffic Assessment (ITA) that formed Appendix M of the AEE.
- 302 Once the Project is operational Genesis expects that there will be 4-6 operational staff travelling to and from the Site by private vehicle each day, in addition to a small number of occasional other maintenance contractors. It also anticipates there would also be

infrequent heavy truck movements associated with the delivery of goods and maintenance activities. It notes that all parking⁴⁵ will be provided on-site for that traffic.

Comments Received

- 303 No comments were received on operational traffic.

Genesis response to comments

- 304 Genesis noted that NZTA concluded that the Project took account of NZTA's interests and should be able to proceed without adverse effects on SH1.

Panel Findings

- 305 We are satisfied that the impacts of operational traffic will be no more than minor and do not weigh against granting consent.

Conditions

- 306 In our draft conditions we made no material amendments to Genesis' 23 June 2026 conditions that addressed operational traffic.

E11 Construction Erosion and Sediment Control including Dust

- 307 Construction erosion and sediment control including dust effects were assessed in sections 7.13.1 and 7.13.3 of the Substantive Application and in the draft Erosion and Sediment Control Plan (ESCP) forming Appendix O⁴⁶ of the AEE.
- 308 The Project proposes around 129,000m³ of earthworks. Genesis considered that the risk of the earthworks causing adverse water quality effects is low as the Site is relatively flat, and limited areas of bulk earthworks are required with the majority of earthworks being for the establishment of internal tracks and trenching of cables. The only area of bulk earthworks is located in the northern part of the Site for the creation of the main access, operation and maintenance building, the BESS and substation foundation areas.
- 309 Genesis considered that sediment runoff will be managed using routine and well-proven erosion and sediment controls in accordance with the ESCP. Prior to any land disturbance commencing the ESCP be finalised and submitted to the Council(s) for certification. It states that care will be taken for earthworks near wetlands or drains, and specific requirements for the timing of stabilisation of areas would be proposed.
- 310 Genesis contended that while in the short term the Project may create a small level of increased sediment into the drains during construction, once the Project is operational there would be a reduced volume of discharges to land, earth worked areas would have stabilised, and plantings along the drain margins would be established. It concluded there would be an overall positive effect on the quality of water within and leaving the Site.

⁴⁵ A total of 18 off-street car parking spaces are proposed within the site, inclusive of two mobility car parking spaces. There will be sufficient queuing space for a minimum of 18 x B99 design vehicles (5.2m long).

⁴⁶ Draft Erosion and Sediment Control Plan, Fast Track Approvals Act Application Foxton Solar Farm, Genesis Energy Limited. Prepared by: SLR Consulting New Zealand, 13 February 2026.

- 311 With a construction period of 18-months Genesis proposed all year-round construction, including through the winter season.
- 312 Genesis acknowledged that site earthworks would have the potential to generate dust, especially during dry and windy conditions. Routine dust control measures⁴⁷ will be incorporated into the Construction Management Plan (CMP) to be certified by the Council(s), with the Site manager being responsible for monitoring and managing dust so as not to cause a nuisance at or beyond the boundary of the Site.

Comments Received

- 313 HDC noted that that an ESCP would be prepared and that earthworks were also managed by MWRC. HDC was comfortable with the Substantive Application and considered that Genesis' proposed conditions of consent would deal with any potential earthworks or geotechnical effects.
- 314 MWRC considered that the draft ESCP provided with the Substantive Application was broadly in line with the Greater Wellington Regional Council's "Erosion and Sediment Control Guidelines for Land Disturbing Activities" February 2021. It was appropriate for specific details of erosion and sediment controls and their locations to be provided as part of a final ESCP prior to construction and then providing for MWRC technical certification as a condition of consent.
- 315 However, MWRC considered additional controls might be required at the main access/substation/BESS site, such as a sediment retention pond (SRP) or decanting earth bund (DEB). The need for any such additional controls could be addressed in consent conditions requiring technical certification of the final ESCP and any site-specific erosion control plans (SSECPs). A similar approach could be adopted for managing excess spoil material.
- 316 Given the nature of the soils on the Site, MWRC considered that management of dust was a key issue. The proposed use of water trucks for dust suppression was appropriate, but dust monitoring at the perimeter of the Site in the vicinity of the residential properties should be required.

Genesis response to comments

- 317 Genesis noted MWRC's view that the draft ESCP had been prepared in accordance with the Greater Wellington Regional Council's guidelines, and that the proposed erosion and sediment control measures were likely to be effective with the resultant risk to the environment being low.
- 318 Genesis agreed that:
- (a) specific locations of erosion and sediment control measures would need to be included within the final certified ESCP and proposed an amendment to the chapeau of Condition C1 and clause C1(d) accordingly;

⁴⁷ Staging of works (to reduce the extent of soil exposed), use of a water tanker to dampen exposed surfaces during dry periods, covering of exposed soils and stockpiles, avoidance of work during windy weather conditions and progressive stabilisation and reinstatement of exposed soil.

- (b) additional erosion and sediment control measures should be included within the final certified ESCP for the proposed main access, substation and BESS location and proposed an amendment to Condition C1(d) accordingly;
- (c) dust management during construction was required, but proposed Conditions A26, A27 (for Transpower), B1 (for traffic), and C1(h) (dust monitoring) and C15 (stabilisation of exposed areas) already addressed dust; and
- (d) Conditions C18 and C19 that addressed winter earthworks should be amended to require the certification of winter works requests.

319 Genesis also proposed amending Condition C1(h) to refer to a methodology for dust monitoring to be undertaken on the boundary of the Site in the vicinity of residential properties in the event of ongoing complaints or incidents related to the construction of the Project that were found to cause a nuisance beyond the Site boundary.

Panel Findings

320 We acknowledge Genesis' observation that consent conditions already address dust, including Condition A25(l) for the CEMP. We also agree that the proposed amendment to Condition C1(h) is appropriate to address potential dust effects on residential properties. However, we agree with Genesis that the establishment of dust monitoring gauges at the outset is unnecessary, particularly given the nature of the working rural environment within which the Project is located and the existing primary production related sources of dust that occur within that environment. Instead, dust monitoring should be related to any complaints received from neighbouring properties.

321 Other than that, we find that construction erosion and sediment control effects have been appropriately addressed and do not weigh against granting consent.

Conditions

322 In our draft conditions we made numerous amendments to clarify the intent and certainty of the conditions addressing erosion and sediment controls. None of those amendments altered the intent of Genesis' 23 June 2026 conditions.

E12 Effects on the Soil Resource and Rural Productivity

323 Effects on the Soil Resource and Rural Productivity were discussed in section 7.9 of the Substantive Application.

324 The Substantive Application identified that the soils within the site are made up of Class 3, 4, 5 and 6 noting that approximately 30% of the site has been classified as Class 3 soil.⁴⁸

325 Genesis acknowledged that the use of the Site as a solar farm would reduce the level of productive output from the site but highlighted that a reasonable level of agricultural

⁴⁸ The Substantive Application (page 86) stated that following the amendments made to the NPS-HPL in December 2025, Class 3 soils are no longer considered highly productive soils for the purposes of the Substantive Application.

productive output could occur conjointly with the solar farm in the form of grazing sheep. It opined that a reduction in productive capacity was not an adverse effect on the soil.

- 326 The outcome of the changed land use, according to the Substantive Application, would reduce adverse effects on the quality of the soil resource and surrounding watercourses by ceasing the discharges that occur from the current dairy farm activities. It stated that while operational, grazing sheep would be possible, and that these grazing activities would be less intensive than those currently occurring on the site.
- 327 It also identified that at the end of the operational life of the Project the infrastructure, except the substation, could be decommissioned and removed allowing the Site to return to other productive uses. It concluded that as such the Project would not result in any long-term adverse effects on the soil resource.
- 328 Regarding the subdivision component of the Substantive Application, Genesis stated that this approval was required due to the lease agreement with the owners of the Site. The subdivision results in the existing four dwellings being contained within their own individual records of title. These lots would include the dwellings and associated structures and services. According to the Substantive Application the subdivision does not result in any further land being lost from productive use other than the 0.9ha lot created to contain the substation.
- 329 In summary, Genesis considered that the solar farm would only have minor adverse effects on the soil resource of the land area utilised and that these adverse effects could be reversed through the decommissioning of the farm.
- 330 The Substantive Application discussed the effects of the Project on the highly productive soils under the NPS-HPL in section 8.6 which we assess in Part G of this Decision.

Comments Received

- 331 Comments were provided by Lewis Shailer and the Minister for Agriculture.
- 332 Lewis Shailer was concerned with the loss of productive agricultural land to the solar farm. He noted that the land was a highly productive dairy farm with good infrastructure in place due to its conversion. He identified the 35ha block adjacent to his property as being part LUC 3 and considered that with modern drainage and irrigation, it could become as productive as LUC 1 and LUC 2 soils. Lewis Shailer (and Linda Shailer) requested that this 35ha block⁴⁹ be removed from the Project; we discuss this aspect separately in section E4 of this Decision.
- 333 Linda Shailer considered that the solar farm was not a good use of productive land. She believed that placing a large-scale industrial development on flat, fertile, food-producing land was neither sensible nor sustainable.
- 334 The Minister for Agriculture was generally supportive of the Substantive Application but did note that the site was currently primarily for pastoral farming and was partly located on LUC 3 land meaning that it would be subject to the NPS: HPL. He did not consider

⁴⁹ Part Himatangi X Block WN16B/1446.

that to be a barrier however as the NPS: HPL provided a pathway for solar farms to locate on LUC class 1 to 3 land.

- 335 The Minister noted his approval of the potential for sheep to graze under the proposed solar panels, thus allowing for primary production activity on the proposed site to continue.

Genesis response to comments

- 336 In response to the Shailers, Genesis noted that productive land was addressed in detail in the Substantive Application⁵⁰ which concluded that the *"solar farm will have only minor adverse effects on the soil resource of the land area utilised with the adverse effects being able to be reversed through decommissioning of the solar farm in future"*
- 337 Responding to the Minister for Agriculture, Genesis noted that his comments provided general support for the Project, noted the benefits as set out in the Substantive Application, considered the LUC Class 3 land affected was not a barrier to progressing the Substantive Application and reiterated that sheep grazing under the solar panels was being considered.

Panel Findings

- 338 We are satisfied that there is a pathway provided to the solar farm by the NPS: HPL for LUC 3 land which we discuss in more detail in section G2 of this Decision.
- 339 From an effects perspective the Panel agrees with Genesis that decommissioning the solar farm⁵¹ would effectively reverse the use of the land allowing it to be once again for primary production.
- 340 We also agree that the Site's productive capacity is not foreclosed by the Project while it is operational because if Genesis chooses to, the Site can be used conjointly with a primary production activity such as sheep farming.
- 341 Overall, we find that the conditions go some way to address the concerns raised by commentators and that the remaining effects on the soil resource and rural production do not weigh against granting consent.
- 342 We discuss the matter of potential soil contamination arising from solar panel leaching in sections E14 and E18 of this Decision.

Conditions

- 343 Genesis has proposed conditions to manage the decommissioning of the solar farm in response to s 53 comments from Te Tumu Paeroa and Mrs Shailer.
- 344 Condition B31 specifies the timing of such a plan, B32 describes the purpose, methodology, methods and notice requirements of the plan, B33 states that the decommissioning must be in accordance with the Decommissioning Plan certified under

⁵⁰ Substantive Application, section 7.9.

⁵¹ Which we discuss in section E18 of this Decision.

B32, and B34 allows for HDC to conduct site inspections to determine compliance with the Plan. The Plan would be certified by HDC.

- 345 Genesis also provided a definition for Permanent Cessation for clarity:

Means the point at which the solar farm has ceased exporting electricity to the distribution or transmission network and the Consent Holder does not intend to recommence operation, repower, repair, replace, or otherwise return the solar farm to operational use.

- 346 We made some additional amendments to conditions B31, B32 and B34 to improve their clarity and readability.

E13 Hazardous Substances and Fire Risk

- 347 Hazardous substances were assessed in section 7.10 of the Substantive Application and in Appendix N⁵² of the AEE.

- 348 The Substantive Application acknowledged that the Project would use and store of a large volume of oil in the transformers, inverters and the substation. The oil will be contained in equipment manufactured for its specific intended purpose and meet industry standards in relation to oil storage and use, including secondary containment (bundling) to contain spillages or leaks.

- 349 The Project will also utilise up to 66 lithium-ion or lithium-iron-phosphate (LFP) BESS units.⁵³ As part of their cooling system, those BESS units use ethylene glycol coolant, which meets the definition as a hazardous substance under the HDP.

- 350 Table 5 in Appendix N listed the proposed hazard management strategies including design and administrative controls.

- 351 Genesis has proposed that an Emergency Response Management Plan (ERP) be prepared in consultation with Fire and Emergency New Zealand (FENZ) for HDC's certification no later than 20 working days prior to operation commencing. The ERP will document prevention, safety and management procedures for hazardous substances, such as spills or temperature anomalies in the Site's infrastructure. The key requirements of the ERP were outlined in section 5 of Appendix N of the Substantive Application and included requirements to manage decommissioned batteries and staff training.

Comments Received

- 352 Linda Shailer was concerned about the potential for a battery fire to release hazardous substances into the soil, waterways and groundwater system. She was also concerned about inhaling fumes from a fire and the potential for broken or damaged solar panels to leach contaminants into the soil and groundwater. Lewis Shailer was concerned about the risk posed by hazardous substances contained within generation and transformer equipment and the BESS should it catch fire.

⁵² Hazardous Substances Assessment, Fast Track Approvals Act Application, Foxton Solar Farm, Genesis Energy Limited. SLR Consulting New Zealand 13 February 2026.

⁵³ Battery banks will comprise sealed units limiting interaction with weather events and limiting the potential for coolant release.

- 353 The Māori Trustee expressed concern about the increased fire risk posed by the Project, particularly in relation to spills, contamination, BESS thermal runaway, and the adequacy of on-site water supply. While the EMP would address some of these concerns, the Māori Trustee had worked collaboratively with Genesis to address these matters and proposed amendments to the relevant Condition

Genesis response to comments

- 354 Addressing Ms Shailer's concerns, Genesis advised that it had consulted with FENZ regarding fire risk management and the Battery Management System prior to lodging the Substantive Application. FENZ's Manawatu / Whanganui District Advisor Risk Reduction based at the Palmerston North Fire Station was satisfied with Genesis' approach.⁵⁴ Any broken solar panels would be appropriately stored (in a covered and hard stand location within the yard area) prior to being recycled.
- 355 Genesis had also worked with the Māori Trustee to propose amendments to the CEMP and ERP to address hazardous substance containment and spill response, spill monitoring, and spill remediation procedures (Conditions A25(h) and B30(d)), the management and monitoring of the BESS units (Condition B30(f)), the volume of water that must be available on Site at all times to manage fire risk of Site activities (Condition B30(i)) and emergency (including fire) safety matters (Condition B30(k)).

Panel Findings

- 356 We are satisfied that hazardous substances and fire risk have been appropriately addressed by Genesis through the conditions proposed through consultation and that those matters do not weigh against a grant of consent.

Conditions

- 357 In our draft conditions we made no material amendments to Genesis' 23 June 2026 conditions that addressed hazardous substances and fire risk.

E14 Contaminated Land

- 358 Contaminated land was assessed in section 7.13.4 of the Substantive Application and in Appendix S which contains the detailed Preliminary Site Investigation (PSI).
- 359 The Substantive Application stated that the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) applied to this piece of land as there were areas of soil on the Site that may have been subject to activities that caused soil contamination that is still present on the site. The effects of disturbing this potentially contaminated soil therefore needed to be considered.
- 360 The PSI report identified activities that had previously occurred on the Site which are categorised within the Hazardous Activities and Industries List (HAIL). These activities include the storage of bulk fertiliser, above ground fuel storage tanks and a potential sheep dip area. The Substantive Application stated that only the potential sheep dip area was located within the proposed solar farm development area.⁵⁵

⁵⁴ Substantive Application Appendix D, page 29.

⁵⁵ Substantive Application page 93.

- 361 The Substantive Application noted that the sheep dip area is proposed to be part of the solar panel area with underground cables and so there would be soil disturbance in this area. However, the amount of soil disturbance was not of a volume that would require consent to be obtained under the NESCS. It stated that the potential effects of the disturbance could therefore be adequately avoided by conditions of consent.⁵⁶
- 362 Genesis' conditions, discussed below, were proposed to achieve this certainty. They require sampling of the contamination level in the area of HAIL activity (if soil disturbance is required in the HAIL area after final design), and to require a management plan to be submitted for the management and disposal of that soil if unsuitably high levels are found.
- 363 The Substantive Application stated that with these practices in place there would be no more than minor adverse effects created by construction effects being undertaken on the Site.
- 364 Regarding the other HAIL areas; the Substantive Application noted that these will be contained within the smaller rural residential lots to be retained by the landowners.
- 365 Overall, the PSI stated that the use of the site for a solar farm and proposed subdivision was highly unlikely to pose a risk to human health and based on that assessment the Substantive Application concluded that no more than minor adverse effects would arise from contaminated soils.

Comments Received

- 366 HDC noted in their s 53 comments that there were several identified HAIL sites within the Site and that the NESCS applied to the land, but no consent was required.
- 367 MWRC provided a technical assessment which focused on the potential for contaminated land on the Site and how it was proposed to be managed during the construction phase of the Project. It considered and assessed the potential effects on the environment and whether the proposed controls and actions would mitigate potential risk sufficiently.
- 368 MWRC recommended an amendment to condition A15⁵⁷ (Table 4: Management Plans) in relation to the Contaminated Soils Management Plan (CSMP) so that it was required before any soil disturbance in the areas where there was potential for contaminated land consistent with condition A26.⁵⁸
- 369 They supported condition A25⁵⁹ which requires soil sampling and analysis to be undertaken if soil disturbance is required in the area of the former sheep dip to confirm the absence or presence of contaminated soils to help inform management of them.
- 370 MWRC considered that the CSMP (condition A26⁶⁰) should be provided to MWRC for technical certification if the soil sampling identified contaminants at least 20 days prior to commencing soil disturbance activities in that area. They also recommended that

⁵⁶ Ibid.

⁵⁷ As detailed in the condition set dated 14 May 2026.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

reference be made to the CSMP being developed in accordance with the Ministry for the Environments Contaminated Land Management Guidelines.

- 371 In relation to condition A27,⁶¹ MWRC considered that the approach if unexpected potentially contaminated soil was identified during earthworks was reasonable, appropriate and consistent with best practice. They considered that condition A28⁶² could be an advice note as there were no requirements of a consent holder to action anything in the condition as it was worded.

Genesis response to comments

- 372 Genesis agreed with the amendments proposed by MWRC to the relevant conditions and made additional minor changes to reduce duplication and improve consistency. They included a defined term for 'Identified Area' where there may have been sheep dip activities and this is shown on a map as Appendix B to the conditions.
- 373 Regarding the CSMP, Genesis agreed with the timing suggested, and that HDC be provided with it for information and MWRC for technical certification.

Panel Findings

- 374 The Panel accepts that extensive contamination within the Project area is unlikely. However, discrete areas of contamination may be present and will need to be managed appropriately.
- 375 The conditions provide that management plans will be prepared by a suitably qualified and experienced practitioner (SQEP) and subject to independent review and technical certification by MWRC. We find that the minor amendments to the relevant conditions proposed by MWRC and Genesis will appropriately manage any potential risks to human health and the environment in relation to the solar farm area.
- 376 Regarding the potential of HAIL sites on the smaller rural residential lots which are to be retained by the landowners, we consider that an additional condition D3 should be included in the Subdivision consent as the management plan only applies to the solar farm area.
- 377 However, we are aware of a recent Environment Court decision⁶³ that addressed the matter of the potential contamination of soil that might arise from the weathering of solar panels and the leaching of contaminants contained in the rainfall runoff from the panels entering the soil. We had no evidence before us on that matter, and it was not raised by either HDC or MWRC in their s 53 comments. Linda Shailer did raise a somewhat related issue of contaminants from broken or damaged solar panels, and we addressed that in section E13 of this Decision.
- 378 Nevertheless, having considered the Environment Court decision we find it prudent to require the decommissioning management plan to address soil sampling to ascertain if any soil contaminant levels attributable to solar panel leaching exceed the relevant statutory production land contamination threshold levels. If such contamination was

⁶¹ Ibid.

⁶² Ibid.

⁶³ Far North Solar Farm Limited vs South Wairarapa District Council [2025] NZEnvC 342 dated 28 October 2025.

found to exist, then the decommissioning management plan would need to address appropriate remedial measures.⁶⁴ We are satisfied that such remedial measures would be commensurate with the potential effects if they occur (and we also assume this to be unlikely as it was not raised by Genesis or the Councils) and are no more onerous than necessary.

- 379 Accordingly, with the amendments outlined above we find that contaminated land matters do not weigh against granting consent.

Conditions

- 380 Since s 53 comments were received the condition numbering has understandably changed. The conditions relating to contaminated soils are now A29, A30 and A31 followed by an advice note.

- 381 In summary these are as follows:

A17– Contaminated Soils Management Plan (CSMP) prior to soil disturbance in identified area.

A29: if soil disturbance is required in area of former sheep dip area soil sampling and analysis must be completed.

A30: if contaminants are found to be present a Contaminated Soil Management Plan must be certified by MWRC.

A31: in the event of unexpected discovery of potentially contaminated soils process outlined must be followed.

Advice note: gives advice as to what could indicate the presence of contaminated soils e.g. discolouration and odour.

- 382 As discussed above we have added new condition B32(c) and (d) to account for potential remedial measures if contamination from solar panel leaching exceeds the relevant thresholds along with an additional condition D3 for the subdivision consent.

- 383 We have also made further minor amendments to these conditions to reduce duplication and for clarity to ensure they are fit for purpose.

E15 Stormwater and Flooding Risks

- 384 Potential effects of flooding were assessed in section 7.11 of the Substantive Application and Appendix J⁶⁵ of the AEE.

- 385 On behalf of Genesis, SLR undertook a detailed flood assessment of fluvial (riverine) and pluvial (rainfall-driven) flowing using two TUFLOW computational hydraulic models. That modelling indicated that there was a very low flood risk from a 0.5% AEP or smaller flood event in the Manawatū River east of the Site. In terms of more localised flooding, the Site was considered to be low risk.⁶⁶ Potentially hazardous floodwater (deep and/or high

⁶⁴ These requirements have been included in Condition B32(c) and (d).

⁶⁵ Stormwater and Flood Risk Assessment, Fast Track Approvals Act Application, Foxton Solar Farm, Genesis Energy Limited. SLR Consulting New Zealand, 13 February 2026.

⁶⁶ Defined as flooding <250mm deep and velocity <0.5m/s.

velocity) is typically confined to drains, except where it breaches the banks at two locations on the eastern margin of the Site. Flooding outside of drains generally occurred in isolated spots such as the upgradient sides of farm access tracks or in topographic depressions. This was illustrated in Figure 11 of Appendix J, which showed most flooding outside of drains is relatively shallow.

- 386 Genesis advised that key Project buildings and infrastructure have been located away from areas subject to a risk of flooding or ponding. The existing Site drains⁶⁷ are important for conveying runoff away from the Site. These drains will be retained and maintained to remove excess vegetation throughout the life of the Project. While the flow conveyance of the drains will not be enhanced (because that could result in off-site adverse effects) some smoothing of the terrain to enable water to flow more easily toward the drains may be undertaken.
- 387 Genesis considered that the Project would not materially reduce the permeability of soils across the Site and so there would be minimal changes to stormwater runoff volumes and quality. Genesis considered stormwater discharges from impermeable areas including buildings, hardstand areas and access tracks would meet permitted activity rules in the MWRC's One Plan.⁶⁸

Comments Received

- 388 HDC advised that they were comfortable with the Substantive Application and Genesis' proposed conditions to deal with any potential stormwater and flooding effects.
- 389 MWRC advised it was necessary to maintain access to the waterway that was included within the One Plan's Schedule 2 Value of 'Flood Control and Drainage' so that clearing and maintenance could be carried out. Planting and fencing around that waterway needed to be designed so that it would not impede that access. MWRC advised that it had agreed conditions of consent with Genesis to achieve those outcomes.
- 390 The Māori Trustee was concerned that detailed design of the Project and associated earthworks might result in changes to landform in and around Drains 1 and 2 that could affect water flows into the adjoining land the Māori Trustee administered, particularly Himatangi 4C3, causing flooding or drainage issues. If earthworks did impact drainage, there were no consent conditions requiring consideration of downstream flood risk, or any requirements to manage that risk to avoid adverse effects on neighbouring landowners. Consequently, the Māori Trustee sought additional consent conditions for managing stormwater and flood risks.
- 391 Robert and Michelle Calderbank were concerned that the Project would cause "*immediate stormwater pooling and severe flooding*" on their property.

Genesis response to comments

- 392 Genesis advised that amendments to the conditions were proposed to address MWRC's concerns:

⁶⁷ Key drains are illustrated in Figure 32 of the AEE.

⁶⁸ Rule LF-LWR26.

- (a) a 6m clear zone from the top of the bank along Drain 3 would be enabled to provide for maintenance access (Condition C8), unless the existing fence was retained whereby the clear zone would commence 6m from that fencing;
- (b) planting of grass species along the bank of Drain 3 must not impede access (Condition B15(n)); and
- (c) access to Drain 3 for maintenance must be always maintained (Condition C10).

393 Genesis did not agree with the Māori Trustee that additional consent conditions were required to manage stormwater and flooding risks. Genesis considered the Project had been specifically designed to avoid any works in, or changes to, Drains 1 and 2 that were the main drains conveying water away from the Site. Minor vegetation removal and earthworks for cables and planting were proposed within 5m of those drains, but these works would not alter the stormwater draining to, nor the stormwater capacity of, the drains.

394 Additionally, no consents were required or sought for altering downstream floodwater levels and MWRC was reportedly comfortable with the consent conditions now proposed in relation to Drain 3 as well as the wider stormwater and flooding effects of the Project.

395 Regarding the Calderbank's concerns, Genesis advised that the Project would not influence the flood flow efficiency of the main drains.

Panel Findings

396 Relying on the consensus reached between Genesis and the MWRC regarding the management of effects on and access to Drain 3 that conveys water off the Site and wider stormwater and flooding effects, we are satisfied that those effects do not weigh against a grant of consent.

397 Having made that finding, we acknowledge the Calderbank's and the Māori Trustee's concerns, but record we are unaware of any qualified evidence suggesting that the proposed solar farm will increase impermeable areas within the Site, other than at the main access area and BESS location which is located on the opposite side of the Site from the Calderbank's property. In the absence of increases in impermeable areas we observe that rainfall falling on the solar panels will simply trickle to the ground and once there behave in much the same manner as currently occurs.

Conditions

398 In our draft conditions we made no material amendments to Genesis' 23 June 2026 conditions that addressed stormwater and flooding effects. We did make several amendments to improve the clarity and certainty of the wording.

E16 Ecological Effects

- 399 Ecological effects were assessed in section 7.12 of the Substantive Application and an ecological impact assessment in Appendix I⁶⁹ (EIA) of the AEE.
- 400 The Substantive Application noted that the Site is currently a working dairy farm. It included historic aerial imagery which indicated it has been under mix of pasture and plantation forestry since at least 2001, becoming predominately pasture in the mid-2010's.
- 401 Genesis concluded that ecological values (ecosystems and habitats) within the Site were 'Negligible' to 'Low' based on its highly modified nature and predominant pasture cover with small areas of exotic trees and shrubs.
- 402 Ninety-nine wetlands that meet the NPS-FM definition of "Natural Inland Wetland" are scattered across the Site⁷⁰ in pasture actively grazed by cattle. These wetlands are generally small in size with low floral diversity and limited biodiversity value. Genesis considered it is not practicable to avoid the scattered wetlands and proposes to locate solar panels and cables within them⁷¹ on the basis that the piles supporting solar panels and the trenched cables will not significantly alter the movement of water to, within, or out of the wetlands. Subject to mitigation measures⁷² being employed, Genesis considered adverse impacts on the wetlands would be very low.
- 403 Genesis noted that the cessation of pivot irrigation may result in current pasture areas reverting to sparse herbaceous cover, similar to that now present in non-irrigated areas. Ceasing irrigation may also reduce the size of some of the scattered wetland areas.
- 404 Genesis proposed that the collection of wetland areas located close to the Site's main drain will be protected and enhanced, along with the northern margin of the main drain. Genesis stated this would result in benefits including improved water quality, cooler water temperatures, and enhanced indigenous habitat area, and will establish an ecological corridor on the Site, resulting in net positive effects.
- 405 The Substantive Application noted that no active fish or macroinvertebrate sampling was undertaken, but an assessment of eDNA monitoring results identified only "Not Threatened" native and introduced fish.
- 406 The Substantive Application stated that vegetation clearance would be limited to pasture vegetation and exotic trees in shelterbelts and scattered individual trees.⁷³ The 26ha of planting (as described in the landscape and restoration plan) along with plant and animal pest control will improve habitat values resulting in an overall net benefit.
- 407 It also stated that only common open country and coastal bird species were observed and recorded on Site, and it was considered unlikely that lizards would be present in

⁶⁹ Ecological Impact Assessment, Fast Track Approvals Act Application, Foxton Solar Farm, Genesis Energy Limited. SLR Consulting New Zealand, 13 February 2026.

⁷⁰ See Figure 33 of the AEE.

⁷¹ A total area of 0.79ha of wetlands will have panels located in them.

⁷² Works within and tracking through the wetland areas will be restricted to that necessary to install piles, solar arrays, and cabling. The length of tracking through a wetland will be minimised by taking the most direct route. Where tracking of machinery is required within wetland areas, bog mats will be laid to prevent vehicle tracking. Any trenches in wetlands will be backfilled and re-grassed as soon as practicable. Hard packing will be avoided when back filling to avoid effects on the wetland hydrology.

⁷³ A total area of 0.6ha of exotic trees is proposed to be removed.

high densities due to the limited habitat available. Limited bat habitat on Site was corroborated by the findings of a 6-week bat monitoring survey which indicated that NZ long-tailed bats were absent within the Site.

- 408 Appendix I of the Substantive Application noted that overseas studies had shown that bird strike on solar panels can cause injury or death. Bird strike may occur due to reflections of the sky, birds misinterpreting the reflective surface as water, or due to polarisation of light. The EIA stated the effect of solar arrays on birds was not well understood. While preferential nesting and foraging habitat exists for the migratory wading birds associated with the Manawatū Estuary, it was considered highly unlikely that those birds would nest at the Site, although, they may overfly or temporarily forage there.
- 409 Accordingly, Genesis proposed to record any bird deaths or injuries observed by the staff and contractors to gain an insight into potential effects on birds. After the first year of monitoring a bird strike report would be compiled by a suitably experienced ecologist to analyse the actual impact on birds and make recommendations about ongoing mitigation measures. An updated bird strike report would be written within three years and then every 5 years after that.

Comments Received

- 410 DOC advised its interests in the Project related to conservation values which could be affected, notwithstanding that the Site comprised modified pastoral land and there was no public conservation land adjacent to the Site or in close proximity to it.
- 411 DOC's concerns focused on wetlands and bird collisions, particularly Australasian Bittern. They also noted that if lizards were later found to be present on the Site in the Works Area, then Genesis would need to apply for a Wildlife Act authority separately through standard processes.
- 412 Regarding bird collisions DOC noted the Project was located within 7 km of an internationally important coastal wetland area and estuary that hosted a high diversity of wading birds, particularly during the summer migratory season. Although the Site had low terrestrial ecological values, it was likely to be used, and flown over, by a range of indigenous birds.
- 413 DOC considered that a formal monitoring programme was required during first three years of the Project's operation to ensure that bird collisions would be detected; and that bird mortality thresholds and responses should be specified in consent conditions.
- 414 DOC suggested that a range of bird collision mitigations should be imposed, including a bird friendly designed Site layout and solar panel arrangement; angling individual solar panel sets to different angles to break the polarised light visual cue from above; positioning the solar panels at night in directions away from sources of polarised moonlight; applying bird-sensitive anti-reflective coatings to the solar panels to minimise polarisation and ultraviolet reflectance in the wavelengths birds might find attractive; and investigating and testing a range of bird deterrents.
- 415 DOC considered that a certified Avifauna Management Plan (AMP) should be developed as part of the suite of management plans for the Project.

- 416 Regarding the Site's wetlands, DOC considered that even though those wetlands had low ecological value and Genesis intended to manage wetland disturbance and sediment discharges, potential impacts on wetlands needed to be monitored and responded to if adverse effects arose.
- 417 DOC suggested that the number and extent of wetlands should be assessed three years after construction, to understand whether there had been impacts on wetland extent and values. If impacts had occurred, then an adaptive management programme should be implemented to restore or address any loss of wetland values.
- 418 MWRC's comments addressed wetlands, bird collisions, terrestrial habitats, indigenous fauna, water quality and instream ecology.
- 419 In terms of bird collisions, MWRC also noted the Site was near (7km distant) the Manawatū Estuary which was a recognised hot spot for migratory wading birds. However, the Project did not lie along a known fly way, was not located between areas of high value native migratory bird habitat, and nor was it or located near any large wetlands or open bodies of water that provided habitat linkages for waterfowl.
- 420 MWRC considered Genesis' view that the potential effects of bird collisions were likely to be very low was reasonable, while acknowledging that there was a residual risk associated with uncertainty about the impact of solar farms on bird collisions. MWRC therefore supported the proposed incidental avifauna monitoring mortality check and Genesis' proposed avifaunal monitoring conditions.
- 421 Contrary to DOC's comments, MWRC did not support a more structured approach to refine and control the level of search activity for bird collisions because it considered the anticipated level of effect did not justify the cost of the perceived increased rigour that might arise from a more structured monitoring. MWRC considered the empirical approach proposed by DOC, while good at controlling bias, could also lead to missing irregular or rare collision events.
- 422 Consistent with DOC's view, MWRC suggested the establishment of bird mortality thresholds in the consent conditions, but that an AMP not be required in the first instance. Instead, the thresholds would be used to determine if an AMP was warranted. The content and structure of the AMP would then be determined by a future SQEP, and the AMP could be as simple or as complex as deemed necessary by the SQEP with approaches to remedy, mitigate, offset, or compensate (or all four) any bird collision effects as appropriate.
- 423 Regarding the wetlands present on the Site, MWRC advised that none met the One Plan SCHED 6 criteria and they were not significant native vegetation or significant habitats for native fauna or flora. MWRC agreed with Genesis that the wetland values lay "...only in the remnant wetland hydrology [and] potential of these wetlands for future restoration". MWRC considered that the Project would not directly affect wetland extent, and the existing wetland vegetation would more than likely persist under the low intensity sheep grazing that may occur on the Site.
- 424 Nevertheless, MWRC considered there was the potential for the Project to cause subtle effects on 0.79ha of wetland habitat. Any such effects would not be ecologically significant. The proposed 1 ha of wetland vegetation restoration was much larger than the potentially affected area and would result in a significant improvement in the form of indigenous vegetation dominance in the recipient wetlands. As there were no

significant residual adverse effects within the Project's existing wetlands to be managed in the first instance, MWRC considered that the Project would result a demonstrable gain in wetland quality.

- 425 MWRC advised there was no significant terrestrial native vegetation and no at risk or rare flora within the Site. The Site offered very little habitat value for birds, bats, lizards and invertebrates. Genesis' proposed 16ha of general native vegetation planting was over and above that required to address any residual effects relating to native terrestrial vegetation and habitats of native fauna and flora.
- 426 MWRC acknowledged that the waterways on the Site were highly modified and had been mechanically straightened, but they were nevertheless considered to be modified watercourses as opposed to artificial watercourses. Based on the proposed erosion and sediment controls (see section E11 of this Decision), MWRC was satisfied that any sediment discharges to the waterways would be limited and resultant adverse effects would be less than minor.

Genesis response to comments

- 427 Genesis noted and generally agreed with MWRC's technical advisor's (James Lambie) conclusions on ecological effects and preferred them to the s 53 comments provided by DOC (Murray Brass).⁷⁴
- 428 Genesis advised that there had been ongoing discussions with MWRC to refine the proposed consent conditions to more effectively address potential bird strike risks to threatened and at-risk birds. Genesis acknowledged that there was a potential (albeit unlikely⁷⁵ given the Site almost entirely comprised pasture grassland of negligible ecological value) for threatened or at-risk indigenous birds to fly over the Site or temporarily utilise the Site for foraging. They agreed that consent conditions should be imposed that established bird mortality thresholds with a requirement to prepare and submit to an Avifauna Management Plan (AMP) to HDC and MWRC for their information should those thresholds be met (Condition B28).
- 429 Genesis advised should an AMP be required in the future, it would identify appropriate management techniques for the specific species of concern (for example differentiating between birds of prey, wading species, or insectivorous birds).
- 430 Genesis also advised that as a result of discussions with MWRC, Condition B29 was included to address any native lizard discovery within the Works Area during construction.

Panel Findings

- 431 On the evidence we accept that there is a low but unlikely risk of threatened or at-risk indigenous bird mortality due to 'bird strike' or collisions with the solar panels. We

⁷⁴ Genesis noted Mr Brass had not stated his qualifications and did not appear to have visited the Site.

⁷⁵ In Appendix Three of the s 55 response Andrew Briggs advised that Australasian bittern primarily inhabit wetland and riverine environments of which there is an abundance habitat in other parts of the region around the Manawatū River, the Manawatū Estuary and coastal lake complexes in the region (e.g. Lake Omanu, Lake Koputara, Lake Kaikopu, etc.). Most Australasian bittern sightings are in these areas, while the Australasian bittern sighting shown along SH1 near the site is from 1955 and cannot be considered usable for the purposes of this assessment.

consequently accept that conditions of consent should be imposed that establish indigenous bird mortality thresholds with an AMP to be prepared if those thresholds are exceeded.

- 432 We agree with MWRC that a much more structured approach to refine and control the level of search activity for bird collisions (as sought by DOC) would be out of proportion to the level of potential effect. However, we consider some degree of structure is appropriate and so we have amended Condition B24 to require Genesis to undertake regular (at least once a fortnight) inspections of the Site for bird carcasses.
- 433 We are satisfied that Condition B29 now offered by Genesis suitably addresses the potential discovery of lizards in the Works Area during construction activity.
- 434 Turning to wetlands, having reviewed the available evidence and having visited the Site we find that:
- (a) The wetlands within the Site have low ecological value, being dominated by exotic grasses and herbaceous cover and subject to stock grazing and trampling within an operative dairy farm; and
 - (b) The Project is unlikely to result in any significant residual adverse effects on the existing wetlands within the Site and the proposed 1ha of wetland vegetation restoration will result in a demonstrable gain in wetland quality.
- 435 We note the proposed 6.6ha of general native vegetation planting is over and above that required to address any residual effects relating to native terrestrial vegetation and habitats of native fauna and flora.
- 436 We see no need to require any post-construction investigation and reporting on wetlands as was sought by DOC. We consider any such requirement would be disproportionate to both the level of likely adverse effect and the regional and national benefits of the Project.
- 437 In their s 55 response Genesis asked the Panel to make a finding on whether the farm drains within the Site were “modified watercourses”, and hence rivers in RMA terms, or alternatively were “artificial watercourses”. The implication being that for the former RMA s13 consents might be required for future ‘in drain’ works such as culverts, but for the latter no such consents would be required.
- 438 Having carefully considered the respective opinions of the MWRC⁷⁶ and Genesis⁷⁷ experts, while making no definitive finding on that matter, we consider that the drains on the Site are likely to be “artificial watercourses” because as noted by Ms Sedgley⁷⁸:
- (a) the term “modified watercourse” suggests that there was a pre-existing natural watercourse with a “continually or intermittently flowing body of water” before it was modified;
 - (b) however aerial imagery for the Site taken in 2001 before the Site was earth worked for dairy farming did not show any streams on the Site and historic

⁷⁶ Laura Hickey (Freshwater Scientist).

⁷⁷ Nicola Sedgley (Planner).

⁷⁸ Attachment 2 to Appendix One of the s 55 response.

topographical maps from 1959 did not show any watercourses within the Site, despite clearly annotating streams and drains in nearby areas; and

- (c) no natural headwater sections appear to be located within the Site. The middle reaches of the Site comprise a local high point, with flows draining in both a general westerly and easterly direction from there.

439 Our own on-Site observations tallied with Ms Sedgley's opinion that the farm drains were of artificial construct, including due to their primary linear and uniform nature.

Conditions

440 In our draft conditions we made no material amendments to Genesis' 23 June 2026 conditions that addressed ecological effects, other than to amend Condition B4 as outlined above and insert a new Condition B27A that required any recommendations arising from Condition B27 to be implemented. We did make several amendments to improve the clarity and certainty of the wording.

E17 Subdivision

441 The subdivision component of the Project was assessed in section 7.15 of the Substantive Application, and the subdivision plans were included in Appendix G1 - Application Plans.

442 Genesis advised that the subdivision reflects the proposed land use and the existing rural residential land use areas and maintains existing access arrangements to the existing dwellings.

443 Genesis advised that the subdivision of the Motuiti Farms property would result in:

- (a) Most of the solar farm being within one large 'balance' title of ~336ha (Lot 3);
- (b) A utility lot created around the substation of ~1 ha (Lot 6); and
- (c) Four rural residential titles of between 0.5ha and 16ha created around the existing dwellings. These are created by changing the boundaries of two access lots (approx. 0.9ha each) and one land locked title (Lots 1, 2, 4 & 5).

444 For the Seymour property it advised that the subdivision would result in:

- (a) One title containing the solar farm (Lot 7); and
- (b) A 'balance' title containing land to be retained by the landowner (Lot 8).

445 The outcome of the subdivision is that the solar farm Site will be void of any dwellings or farm activity buildings and structures – these will be retained by their respective owners. The existing dwellings will be contained within their individual titles, and there will be two additional titles created; a utility lot to house the substation and a rural residential lot containing one of the existing dwellings.

446 The Substantive Application stated that the proposed subdivision boundaries did not create effects in themselves, however the smaller separate titles which contain existing dwellings would be able to be sold separately and would enable four owners to move into the area that may not be directly involved in production activities. This has the

potential to create reverse sensitivity effects on the solar farm and any future productive use of the farm area should the land revert to this use in the future.

- 447 Regarding the proposed utility lot for the substation, the Substantive Application stated that it did not create any additional effects above those created by the substation itself and that the separate lot enabled efficient ownership and management of this infrastructure in the future.
- 448 It was noted the balance lot containing the solar farm, under the District Plan rules, has the ability to establish three additional dwellings. The Substantive Application stated that this would potentially result in the small loss of future productive land, noting that approximately 30% of the farm was LUC 3 soils. It further noted that there were numerous possible sites for dwellings to be located that were not on LUC 3 land and that if this was pursued in the future, it would be assessed against the development rules and policies at that time.
- 449 While the subdivision was likely to create some reverse sensitivity effects due to the smaller rural residential lots, the Substantive Application considered that these effects would not to be significant. It also enabled the existing landowners to retain the land and dwellings they currently held outside of the solar farm development area.

Comments Received

- 450 No comments were received in relation to the subdivision component of the Project.

Genesis response to comments

- 451 Genesis made some minor amendments for readability to the subdivision conditions D1 and D2.

Panel Findings

- 452 The Panel finds that the potential effects of the subdivision are not significant and certainly not out of proportion to the benefits of the Project and given the number of rural dwellings on smaller allotments in the locality.
- 453 It is more than likely that future owners of these properties will purchase with the knowledge of the solar farm in place noting that as these properties are part of the Site the environmental effects on them have not been assessed. It will be up to the current landowners to put in place any appropriate no-complaints mechanism at the time of any future sale should they choose to do so.
- 454 The proposed conditions are appropriate to manage the subdivision aspect of the Project. As we noted earlier, we inserted a new Condition D3 regarding the PSI Report into the subdivision consent conditions.
- 455 Accordingly, the effects of the subdivision do not weigh against granting the consents.

Conditions

- 456 The relevant subdivision conditions are D1 and D2.
- 457 D1 sets out the requirements in relation to requesting approval under s223 of the RMA including confirmation that all services are confined to their respective lots or suitable easements are granted, reserved and endorsed on the Land Transfer Plan.
- 458 Condition D2 states that prior to s224 approval confirmation must be provided to HDC from the electricity network supplier that provision of electricity has been made to lot 3. We have made a minor amendment to D2 so that it is consistent with D1 whereby the *Chief Executive of HDC* was to be provided written confirmation.
- 459 We did not make any material changes to the proposed subdivision conditions other than to include a condition⁷⁹ as we discussed in section E14 Contaminated Land.

E18 Decommissioning

- 460 Section 7.9 of the Substantive Application stated that at the end of the Project's operational life, the Project's infrastructure (with the exception of the substation) can be decommissioned and removed, with the Site returned to other productive use.
- 461 The Substantive Application included consent condition B29 required that at least six months prior to the 35th anniversary of completion of commissioning of the solar farm, the consent holder must advise HDC whether it was intended to decommission the solar farm. If that was to occur, then a Decommissioning Plan would be prepared and provided to HDC for certification three months prior to the decommissioning of the Site.⁸⁰ The Decommissioning Plan must demonstrate that decommissioning of the solar farm and its associated infrastructure is completed in a manner that leaves the land in a condition that is safe and suitable for rural land use.
- 462 As we noted in section E13, the proposed ERP will include requirements to manage decommissioned batteries.

Comments Received

- 463 Linda Shailer queried the absence of a detailed decommissioning plan for when Genesis' lease over the Site ended in 35 years' time.
- 464 The Māori Trustee considered that given the significant scale of infrastructure included within the Project, unmanaged decommissioning posed a risk of contamination, abandoned materials, and landscape degradation affecting the adjoining Māori freehold land. The Māori Trustee and Genesis had agreed those concerns could be addressed by amending condition B30 and inserting a replacement condition B29.

Genesis response to comments

- 465 Genesis advised that they had worked with the Māori Trustee to propose additional requirements in respect of decommissioning (Conditions B31 and B32). Those

⁷⁹ Prior to requesting approval under s224 of the RMA the Consent Holder shall request that HDC include a copy of the PSI Report included as Appendix S of the Substantive Application for the Land Information Memorandum (LIM) for Lots 1, 2 and 4.

⁸⁰ Consent condition B30.

amendments included a requirement for the Decommissioning Plan to include provisions for" *notice requirements to adjoining landowners, the Māori Trustee, Ngā Hapū o Himatangi, HDC and MWRC.*"

- 466 Genesis noted that neither HDC nor MWRC had raised any concerns related to decommissioning in their s 53 comments.

Panel Findings

- 467 We are satisfied with the requirement for a Decommissioning Plan be prepared and provided in the future to adjoining landowners, the Māori Trustee, Ngā Hapū o Himatangi, HDC and MWRC if the Site is to be decommissioned. We see no need for that Plan to be prepared now because Site and environmental conditions might be quite different in 35 years' time or beyond given it is our understanding from the Substantive Application that the leases are for more than 35 years.
- 468 We find that issues related to decommissioning do not weigh against granting consent.

Conditions

- 469 We were generally satisfied with the proposed decommissioning conditions (B31 to B34), but we amended Condition B31 to require 6 months prior notice of any proposed Permanent Cessation of the solar farm, with a Decommissioning Plan to be provided to HDC for certification no later than 3 months prior to that Cessation.
- 470 As noted in section E14, we also amended Conditions B32 relating to the decommissioning management plan to address the issue of possible soil contamination from solar panel leaching and rainfall runoff.

E19 Monitoring and Review

- 471 The monitoring proposed by Genesis was primarily focused on:
- (a) the accidental discovery of an archaeological site, wāhi tapu, taonga, or kōiwi tangata;
 - (b) the discovery of potentially contaminated soil;
 - (c) construction traffic;
 - (d) noise;
 - (e) the adequacy and maintenance of erosion and sediment controls that will be implemented to manage the discharge of sediment to the drains and wetlands on the Site;
 - (f) the use of flocculants in erosion and sediment control devices;
 - (g) the recording of any threatened or at-risk bird carcasses or bat carcasses that are discovered on the Site. The bird carcass recording is intended to inform the need for bird strike mitigation measures as discussed in section E16 of this Decision;
 - (h) hazardous substance spills;

- (i) the BESS units; and
- (j) dust on the boundary of the Site in the vicinity of residential properties.

Comments Received

- 472 DOC and MWRC provided comments on the bird carcass monitoring that each agency considered appropriate.
- 473 The Māori Trustee considered that a forum of some sort should be established to ensure adjoining landowners could raise issues, engage with Genesis and its operator and access monitoring reports during the construction and operational phase of the Solar Farm. To address this, the Māori Trustee and Genesis had proposed new consent conditions to establish a dedicated project website.

Genesis response to comments

- 474 Genesis' response to the bird carcass monitoring is discussed in section E16 of this Decision.

Panel Findings

- 475 The Panel carefully reviewed the range of monitoring proposed to be undertaken considering the s 53 comments received and Genesis' s 55 response to those comments as well as a result of the acoustic peer review.
- 476 Our assessment of those matters is primarily set out in the preceding Part E subsections of this Decision, and we do not repeat that detail here. We find that the proposed monitoring and reporting programmes and associated consent conditions, as amended by us in some cases, are comprehensive and robust.
- 477 We agree that a Project website, or equivalent virtual information source, as sought by the Māori Trustee would be beneficial especially during the construction phase of the Project.

Conditions

- 478 By and large, we are satisfied with the various monitoring and review conditions, although we made some amendments to improve their clarity and certainty.
- 479 For example, we amended the reference to "MWRC's Consent Monitoring Team" to the more generic "MWRC" because the former specific wording would have a limited shelf life over the duration of the consents.
- 480 We agree that conditions A13 and A14 proposed by Genesis are appropriate regarding a Project website, or equivalent virtual information source.

PART F: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT

- 481 Section 3 of the FTAA states that the purpose of the Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. As noted above in Part C, s 81(4) FTAA specifically requires the Panel to consider the extent of the Project's regional or national benefits.

- 482 The Substantive Application included an economic assessment prepared by an economist, Mike Copeland⁸¹, and Genesis summarised the benefits in Section 2.1 of the Substantive Application.
- 483 The Substantive Application also identified the Project benefits and positive effects under the headings of 'sustainable electricity generation', 'local employment', 'economic benefits', 'reductions in discharges to land and water', 'ecological enhancement' and 'maintenance and monitoring of planting'.
- 484 We do not discuss the 'ecological enhancement' or the 'maintenance and monitoring of planting' here because we do not consider that either of those activities would be of such a magnitude as to constitute a 'regional benefit' but accept that these elements of the Project are positive effects.
- 485 We consider that the primary benefit of the 220 MWp solar farm Project is the new generation of around 345GWh⁸² per year of renewable energy, which is enough to power around 47,000 homes.
- 486 Genesis asserts⁸³ that this energy generation will contribute to the Government's goal of doubling renewable energy generation by 2050 and NZ's efforts to transition more quickly to a low-emissions economy by displacing baseload coal-fired generation at the Huntly Power Station with renewable energy and, in doing so, free up the Huntly generation capacity to provide firming and backing of renewable energy.
- 487 Genesis also asserts that the Project will generate energy close to where it is consumed (Palmerston North and Foxton) which will increase the efficiency and resilience of the electricity network, because it results in lower energy losses that would occur with more distant sources of supply and less likelihood of outages caused by failures occurring in the national transmission network.
- 488 Those two assertions seem reasonable to us.
- 489 Genesis' economic assessment states that:

the Project will provide local employment opportunities for an average of 103 construction workers over the 18-24 month construction period, who may travel from areas as far afield as New Plymouth and Wellington. Once operational the solar farm will provide ongoing employment opportunities for three to five full-time equivalent staff members who would reside locally with;

(a) wages and salaries paid to employees over the construction period are estimated at \$5.0 million in the Horowhenua District and \$7.8 million in the Manawatū-Whanganui Region; and

(b) expenditure on other goods and services (other than labour) over the construction period is estimated at \$49.6 million within the Horowhenua District and \$70.2 million within the Manawatū-Whanganui Region. The types of local businesses within the Horowhenua District to benefit from this expenditure from the Project's construction include transport providers, civil engineering service providers, mechanical and electrical service providers, aggregate and cement suppliers, landscapers, nurseries, accommodation providers, retail (tool and

⁸¹ Appendix B of the Substantive Application.

⁸² Or 345,000 MWh per year.

⁸³ Substantive Application, section 7.2 'positive effects'.

trade suppliers) and waste collection and disposal services.

- 490 Genesis considers the employment, incomes and expenditure within the Horowhenua District and the Manawatū-Whanganui Region are the direct economic impacts of the Project. However, in addition there are 'indirect' (or 'multiplier') impacts that are estimated at 93 additional jobs⁸⁴ for local Horowhenua District residents and 196 additional jobs⁸⁵ for Manawatū-Whanganui Region residents.⁸⁶
- 491 In terms of GDP, Genesis calculates that the Project's construction will contribute directly and indirectly around \$8.1 million to the Horowhenua District's GDP and \$17.0 million to the Manawatū-Whanganui Region's GDP.
- 492 Genesis acknowledges that the Project will displace the current dry stock and dairy farming activities. That will avoid nitrogen leaching of around 59kg/ha/year⁸⁷ over the 436ha Site, equivalent to 25,724kg of nitrogen per annum. This will lead to an improvement in the quality of water on the Site and in the tributaries and groundwater around the Site. In addition, a substantial irrigation groundwater take of 14,694m³ per day will no longer occur.

Comments Received

- 493 The Minister for Energy, Hon Simeon Brown, considered the Project had significant regional and national benefits being a very large solar farm by NZ standards, having a maximum generation capacity of 220 MW, which was enough to power 43,000 homes. He also noted the Project had over 150 solar panels on a 436-hectare site, together with provision for a 100MW or 200 MWh battery energy storage system which increased the energy system benefits of the Project, enabling energy generated during peak sunlight hours to be discharged at times of high demand.⁸⁸ The Minister considered the Project would:
- (a) contribute to security of energy supply through diversity of energy generation;
 - (b) put downward pressure on wholesale electricity prices, which supported more affordable energy for New Zealand firms and households. Affordable energy also had wider flow-on benefits to the wider economy (e.g. by reducing input costs for commercial and industrial energy users); and
 - (c) contribute climate change targets, as renewable electricity generation could displace use of fossil fuels in both the electricity and wider energy systems (e.g by reducing the use of thermal fuels for electricity generation and supporting increased demand for electricity for sectors such as transport).

⁸⁴ With \$7.5 million in additional wages and salaries and \$74.4 million in additional expenditure for local Horowhenua District businesses.

⁸⁵ With \$15.6 million in additional wages and salaries and \$140.4 million in additional expenditure for local Manawatu-Whanganui businesses.

⁸⁶ Substantive Application, Appendix B, Economic Report.

⁸⁷ 39kg Nitrogen/hectare/year from 280,000 litres of stockyard effluent per week and an expected loss of 20kg/ha/yr of Nitrogen leaching from the existing pivot irrigation.

⁸⁸ We note the actual figures are 47,000 homes and 300,000 solar panels.

- 494 The Minister of Climate Change, Hon Simon Watts, advised that the Project promoted the benefits of renewable electricity generation, reduced greenhouse gas emissions and contributed to positive climate change and sustainable development outcomes for NZ.
- 495 The Minister for Infrastructure, Hon Chris Bishop, noted that infrastructure was important for growth and prosperity. The Minister expressed broad support for projects that delivered positive outcomes for NZ, including this Project.
- 496 The Minister for Regional Development, Hon Shane Jones, noted the benefits identified by Genesis and considered the economic impact of the Project during its construction period might be regionally significant. The scale of the Project's renewable generation capacity suggested to the Minister that its ongoing economic impact was likely to be regionally and nationally significant. The Minister suggested that some loss of higher-value primary production (due to the replacement of dairy farming with sheep farming on the Site) should be considered alongside the potentially significant benefits of the Project.
- 497 Transpower's general position was neutral in relation to the merits of the Project. Transpower noted they would construct and operate the Transpower portion of the substation and maintain a long-term presence at the Site. Transpower was satisfied that Genesis had incorporated its feedback and proposed consent conditions into the Substantive Application documentation. Consequently, Transpower was comfortable that suitable conditions had been developed to appropriately manage effects on National Grid assets and operations.
- 498 HDC advised it was comfortable with Genesis' economic assessment.

Genesis response to comments

- 499 Genesis acknowledged the comments made by the Ministers and concluded that "*The extent of the project's national and regional benefits, as a major new source of renewable electricity, are clear and central to the panel's consideration of the project.*"
- 500 Genesis also acknowledged Transpower's comments, noting that "*Transpower provided succinct comments that, while neutral on the merits of the application, supported the conditions proposed and considered that they appropriately manage effects on the National Grid assets and operations.*"

Panel Findings

- 501 Bearing in mind the purpose of the Act and its imperatives discussed in Part C, we are satisfied that the Project is an infrastructure project that will deliver significant regional or national benefits. This is primarily as a result of the new generation of around 345GWh per year of renewable energy but also as it will provide significant direct and indirect regional employment benefits during its construction phase.⁸⁹
- 502 We note that no commentators disputed the conclusions reached in the Economic Report contained in Appendix B of the Substantive Application and no contrary economic evidence was provided by any party.

⁸⁹ We do not consider the operational employment of three to five personnel to qualify as a regional benefit.

- 503 The avoidance of 25,724kg of nitrogen leaching per annum resulting from the cessation of dairy farming may provide regional water quality benefits, although we are unsure about the scale of any such benefit. Similarly, the curtailment of the existing irrigation take may enable that water to be utilised by other abstractors, but again we are unsure about the significance of that but accept that both matters are considered to be positive effects for the purposes of our assessment.

PART G: APPROVALS THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE RESOURCE MANAGEMENT ACT

- 504 This section sets out the statutory instruments that are relevant to the Panel's assessment that was contained in Parts D and E of this Decision.
- 505 Genesis' Substantive Application listed what it considered to be the relevant statutory instruments and provides an assessment of each of those instruments.
- 506 We have carefully reviewed that assessment, and we generally concur with it, however, we provide our own assessments as follows. We have then considered any assessments provided in the s 53 comments provided by the two Councils and finally any comments on the Substantive Application's consistency (or otherwise) with the instruments provided by various s 53 commentators.

G1: Classification of consents sought under the RMA

- 507 The Substantive Application set out the resource consents required under the National Environmental Standards for Freshwater, the Manawatu Whanganui One Plan and the Horowhenua District Plan. The consents required were outlined in detail in Appendix P. We note the Application was amended by the Applicant on 11 March 2026 to include additional consents in response to matters raised by MWRC and an updated Appendix P was provided. Appendix P identifies the classification of the consents sought as controlled, restricted discretionary or fully discretionary activities.
- 508 Under the 'bundling' principle, and applying the most restrictive consent category, the consent applications are to be assessed as a discretionary activity. However, we acknowledge the scheme of the FTAA which directs us to consider each approval sought so the bundling principle is of limited assistance.

G2: RMA Statutory instruments

- 509 The Substantive Application provides an assessment of each of those instruments. We have carefully reviewed that assessment, and we generally concur with it, however, we provide our own assessments as follows.

Functional or Operational Need

- 510 The matter of operational or functional need requires assessment prior to considering the detail of the statutory instruments, given its emphasis in the NPS:FM,⁹⁰ NES: FW and NPS: HPL⁹¹ in particular.
- 511 'Functional need' is also germane as to whether the Project is an appropriate development in this location and we consider that the primary direction for our assessment is contained in the National Policy Statement for Renewable Electricity Generation (NPS:REG) 2011 as amended in December 2025.
- 512 Policy C of the NPS:REG reads [emphasis added]:
- 1 *Decision-makers must recognise and provide for REG assets and activities that have an operational need or functional need to be in particular locations and environments.*
 - 2 *Decision-makers must recognise that the operational need or functional need of REG assets and activities includes, but is not limited to, the need to:*
 - (a) *be located where a renewable electricity resource is located and available at a viable scale and quality to sustain the REG activity;*
 - (b) *be accessible to connect to electricity networks and be nearby to electricity demand; and*
 - (c) *have sufficient and accessible land available to support all associated current and reasonably foreseeable future REG activities at that particular location.*
 - 3 *An assessment of alternative sites is not required to demonstrate that an operational or functional need exists.*
- 513 In direct response to Policy C(2)(a-c), the Substantive Application stated that the proposed Site is:
- (a) In an area of sufficient solar resource;
 - (b) Adjacent to a 220kV transmission line with capacity to accept the generated electricity;
 - (c) Of sufficient size to be economically viable with landowners interested in the opportunity and willing to sign up to lease options;
 - (d) Flat (especially compared to neighbouring properties), with limited non-developable areas (including limited existing vegetation), good access from both Wall Road and Motuiti Road, and easy access from State Highway; and
 - (e) Suitable geotechnical and flooding risk characteristics.⁹²
- 514 Consequently, we agree that the site selection process and summary of the required characteristics demonstrates that there is a functional need for the solar farm Project to

⁹⁰ As defined in clause 3.21 of the NPSFM, functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

⁹¹ Clause 3.9(2)(j)(i).

⁹² Substantive Application, page 107.

be established on this Site. A large flat site with proximity to the national grid lines with capacity to transmit the electricity is provided by this Site.

- 515 Also, we note the economic assessment of Mr Copeland, as summarised in Part F of this Decision, that there is a growing demand for electricity in New Zealand and that the Foxton Solar Farm will contribute to New Zealand's efforts to transition more quickly to a low-emissions economy.
- 516 Taking in account NPS:REG Policy C we are satisfied that there is both a functional and operational need for the Project to be sited in the locations set out in section 8.5 of the Substantive Application.
- 517 Importantly, we note that in accordance with NPS:REG Policy C(3), an assessment of alternative sites is not required to demonstrate an operational or functional need for the Project. Consequently, while there may well be alternative sites that might also be suitable for solar farms, that does not mean that the Project does not meet the functional need criteria.

National Policy Statements

- 518 Clause 17 of the FTAA lists the National Policy Statements that we must take into account. Relevantly here these include:
- (a) National Policy Statement for Renewable Electricity Generation 2011 (amended December 2025);
 - (b) National Policy Statement for Freshwater Management 2020 (amended December 2025);
 - (c) National Policy Statement for Highly Productive Land 2022 (amended December 2025);

National Policy Statement for Renewable Electricity Generation 2011

- 519 The Substantive Application sets out that the NPS:REG (with amendments 2025) recognises the national significance of renewable electricity generation activities and the benefits that it provides.⁹³
- 520 The amended NPS:REG defines renewable electricity generation as:

include[ing] the full range of activities required for REG, including small-scale and community-scale REG, including:

- (a) the investigation, construction, operation, monitoring, maintenance, upgrade, repowering, decommissioning and removal of REG assets;*
- (b) the storage of generated electricity, whether connected to REG, the electricity network or directly to a site or community;*
- (c) the conveyance of generated electricity to electricity networks or directly to*

⁹³ Substantive Application, page 104.

end users;

(d) all ancillary REG activities; but

(e) does not include electricity network assets as defined by the National Policy Statement for Electricity Transmission 2008 and its amendments.

521 Ancillary renewable electricity generation activities are defined as:

an activity that supports and is subsidiary to a REG activity, including but not limited to:

(a) vegetation clearance and tree trimming;

(b) earthworks and land disturbance;

(c) construction, maintenance, repair and upgrading of access tracks, bridges and culverts; and

(d) construction, maintenance, repair and upgrading of power supply and telecommunication cables and devices.

522 We agree with Genesis that the NPS:REG applies to all activities associated with the project, including its construction, operation and management as well as the associated activities such as vegetation clearance and earthworks.

523 The objective of the NPS:REG is to:

(a) ensure the national, regional and local benefits of REG are provided for;

(b) enable REG capacity and output to significantly increase;

(c) enable REG to support the social, economic and cultural wellbeing of people and communities, and for their health and safety;

(d) enable REG to provide greater security of electricity supply and resilience to supply disruptions to all people and communities;

(e) enable REG to support achieving New Zealand's emission reduction target and implementation of the emissions reduction plan under the Climate Change Response Act 2002; and ensure REG is developed and operated in a safe, efficient and effective manner while managing the adverse effects from or on REG activities.

524 The Substantive Application discusses each of the relevant policies (A-C, E and F) separately. We agree with the conclusion that the Project strongly aligns with the NPS:REG as well as its recognition of the regional and national significance of renewable electricity generation activities and provision for and enabling of their associated benefits, while managing their potential adverse effects.

525 No Commentators identified any concern about non-compliance with the NPS: REG.

Panel Finding

526 The NPS:REG weighs strongly in favour of granting the approvals sought.

National Policy Statement for Freshwater Management 2020 amended 2024

527 The NPS:FM sets out a framework under which local authorities are to manage freshwater (including groundwater).⁹⁴ The objective of the NPS:FM is to ensure that natural and physical resources are managed in a way that prioritises the:⁹⁵

(a) health and well-being of water bodies and freshwater ecosystems;

(b) health needs of people (such as drinking water); and

(c) ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

528 This objective reflects the hierarchy of obligations in Te Mana o te Wai.⁹⁶ Policies 1, 2, 6 and 9 are particularly relevant to the Project.

529 Regarding Policy 1, we are satisfied that the Project will suitably give effects to Te Mana o te Wai, as demonstrated by our assessments in Part D and section E2 of this Decision.

530 Regarding Policy 2 we note that tangata whenua have been actively involved in the Project as evidence by our assessment in section E2.

531 Policy 6 seeks to ensure that there is no loss to the extent of natural inland wetlands and that their values are protected. However, clause 3.22 of the NPS:FM specifically provides for the loss of extent of wetlands and their values in certain circumstances, including for construction of specified infrastructure (which this Project is) where the criteria under 3.22 (b)(i) are met.

532 Regarding the 3.22(b)(i) criteria the Project is necessary for the purpose of the construction of specified infrastructure and in Part F above we concluded that it would have significant regional and national benefits. In section G above we concluded that there was a functional need for the Project to be located where is it proposed.

533 As we noted in section E15, and as concluded in the Ecological Assessment⁹⁷ the Project creates positive effects on the health of adjoining water bodies and the values of the wetlands to be modified are very low, resulting in minimal change to these values and an overall positive effect. We are satisfied that effects on wetlands will be managed in accordance with the effects management hierarchy.

534 Policy 9 addresses the protection of the habitats of indigenous freshwater species. In section E16 we concluded that the Project would engage appropriate protections that will be achieved through measures including erosion and sediment controls and wetland and artificial watercourse planting and restoration.

⁹⁴ NPSFM clause 1.5.

⁹⁵ NPSFM clause 2.1.

⁹⁶ NPSFM clause 1.3.

⁹⁷ Appendix I.

- 535 In their s 53 comments MWRC agreed with Genesis' assessment of Policy 6 of the NPS:FM but considered that there were additional policies that were relevant given that a number of activities included discharges (including ancillary discharges). The policies they considered relevant to the application were Policies 1, 2, 3, 5 and 15.
- 536 MWRC noted that there was no assessment against these individual policies provided by Genesis but based on the information provided within the Substantive Application and the assessments undertaken by MWRC technical staff (Mr Wright and Ms Hickey) they considered that the Substantive Application was consistent with these policies.

Panel Finding

- 537 We concur with the conclusions of Genesis and MWRC and find that the NPS:FM does not weigh against granting the resource consents sought.

National Policy Statement for Highly Productive Land 2022 (August 2024)

- 538 The NPS: HPL was addressed in section 8.6 of the Substantive Application.
- 539 In summary it identified that the Site is zoned General Rural and contains isolated areas of LUC 3 soils⁹⁸. It noted that the Project included an application for subdivision (as well as use and development) for an activity that is not wholly rural lifestyle. There were two components; the set up and operation of the solar farm, and subdivision which creates rural-residential titles around existing dwellings and a utility lot.
- 540 The Substantive Application stated that the subdivision aspects were necessary to enable registration of a lease for more than 35 years. The subdivision scheme plan⁹⁹ showed the creation of 8 lots. Lots 3-8 do not contain LUC 1, 2 or 3 soils or are clearly excluded from the definition of highly production land.¹⁰⁰
- 541 Regarding Lots 1 and 2 which will be created around existing dwellings, the Substantive Application stated that while the subdivision of these parcels was considered necessary for the purposes of developing the solar farm, it could also be considered subdivision for a rural lifestyle activity. In that case, the LUC Class 3 soils within those proposed lots would be considered highly productive land. From the overlay plan in Figure 34 of the Substantive Application, it does not appear that these proposed lots contain any LUC 3 soils except for what is contained within the existing access ways to these lots.¹⁰¹
- 542 The Substantive Application concluded that due to the LUC 3 soils being limited to the metalled driveway area used to access the existing dwellings, the overall productive capacity of the land would be maintained,¹⁰² and it would not result in any cumulative loss of the availability or productive capacity of highly productive land in the district. Therefore, it concluded, the requirement to avoid subdivision did not apply to proposed Lots 1 and 2 and the Project was consistent with the NPS: HPL.¹⁰³
- 543 The Minister of Agriculture commented that the Project Site is currently used primarily for pastoral farming and is partly located on LUC class 3 land meaning that it is subject

⁹⁸ Represented in Figure 34.

⁹⁹ Figure 35 and Appendix G1

¹⁰⁰ By subclause 3.5(7)(b)(iii) of the NPS: HPL.

¹⁰¹ Substantive Application, page 109

¹⁰² clause 3.8(1)(a) of the NPS: HPL.

¹⁰³ Substantive Application, page 110.

to the NPS: HPL. He stated that as the NPS: HPL provides pathways for solar farms to locate on LUC 1 – 3 he did not consider this to be a barrier to progressing the Substantive Application. He was pleased to see Genesis' consideration of grazing sheep under the solar panels allowing for primary production activity on the Site to continue.

- 544 Mr Lewis Shailer commented on the existing highly productive dairy farm having good infrastructure in place being a dairy conversion. He considered that Part Himatangi X Block, Title WN16B/1446 (35ha block) was predominantly LUC 3 soils and reproduced Genesis' LUC soils map sourced from Landcare Research. He sought the removal of this piece of land from the Project.

Panel Finding

- 545 We acknowledge the small pockets of LUC 3 soils within the Project Site however the NPS: HPL does provide a pathway for the solar farm, and we accept that the subdivision component can be considered to be part of the overall Project. However, even if that were not correct, we agree with Genesis that there is very limited quantity of LUC 3 soils on the existing rural residential allotments and that there is no inconsistency with the NPS: HPL.
- 546 Overall, we find that the NPS: HPL does not weigh against granting the resource consents sought.

National Environmental Standards

- 547 Approvals for the Project are required¹⁰⁴ under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES: F). Also relevant are the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES:CS).
- 548 We are satisfied that the Project meets the three conditions of NES: F Regulation (6) because:
- (a) As we concluded in Part F of this Decision, the Project has significant regional or benefits;
 - (b) There is a functional need for the Project to be located on the site, especially due to the proximity to the National Grid, and including within proximity to natural inland wetlands; and
 - (c) As we outlined in section E9 of this Decision, the effects management hierarchy has been applied to the effects of the Project on natural inland wetlands.
- 549 As we noted in section E14 of this Decision, resource consent is not required under the NES:CS. The Preliminary Site Investigation (PSI) identified a number of locations that HAIL activities may have occurred but only one of these sites, a historic sheep dip, is in the proposed development area for the solar farm. The Substantive Application stated that given that the volume of soil to be disturbed will not exceed the permitted area or

¹⁰⁴ The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NES ET) only apply to existing high voltage electricity transmission lines and so are not relevant here. The Preliminary Site Investigation undertaken confirmed that the Site has not been subject to any HAIL activities, and so the NES-CS is not relevant.

volume thresholds consent under the NES:CS is not required.

- 550 In section E14 we concluded that extensive contamination within the Project area was unlikely. However, discrete areas of contamination may be present and will need to be managed appropriately. Management plans will be prepared by a suitably qualified and experienced practitioner (SQEP) and subject to independent review and technical certification by MWRC. Ultimately the relevant conditions¹⁰⁵ will appropriately manage any potential risks to human health and the environment.

Panel Finding

- 551 For the reasons outlined above the relevant National Environmental Standards do not weigh against granting the approvals sought.

G3: Regional and District planning framework

- 552 Genesis addressed the regional and district planning framework in sections 8.10 and 8.11 of the Substantive Application.
- 553 The approach that we have taken is to consider the assessments provided by Genesis and the commentators, and to determine if there were any relevant provisions that would materially weigh against approval of the Project.

Regional Policy Statement (One Plan: Part One)

- 554 Part One of the One Plan is the Regional Policy Statement and the Substantive Application's assessment addressed what we consider to be all of the relevant chapters¹⁰⁶ of the RPS. We observe that many of those same topics are addressed in the superior instruments and also in the Horowhenua District Plan.
- 555 We acknowledge the relationship of Genesis and Ngā Hapū o Himatangi and mitigation proposed for the impacts on their values which has culminated in their support for the Project. Rangitāne o Manawatū and Muaūpoko have also provided written support.¹⁰⁷
- 556 The RPS is directive and requires particular regard to be had to the benefits of renewable energy and facilitation of the construction of new renewable energy sources in order to improve electricity supply and security and that more than minor adverse effects must be avoided, remedied or mitigated whilst having regard to the need for infrastructure.
- 557 The Substantive Application noted the technical reports concluded that the effects, with minor exceptions of noise and landscape effects, are either avoided, minimised and mitigated as far as practical.
- 558 Of note is that the RPS considers generation over 1MW to be significant; this Project will generate 180MW and therefore aligns with RPS objectives EIT-O1 and EIT-O2 and policy EIT-P1.

¹⁰⁵ The relevant conditions include A17, A29, A30, A31 and an Advice Note.

¹⁰⁶ Resource Management Issues of Significance to Iwi Authorities, Energy, Infrastructure and Transport, Natural Character, Historical and Cultural Values, Ecosystems and Indigenous Biodiversity, Land and Freshwater, Hazards and Risks.

¹⁰⁷ Substantive Application Appendix D.

- 559 In terms of Natural Character, the Substantive Application noted that the Ecology Report concluded that no streams existed on the property as none of the farm drains met the definition of a stream but acknowledged there were natural inland wetlands scattered across the Site. However, *"if the drains on the site were deemed to be modified water courses or streams it is considered the intent of the policy direction would still be met as they are not modified, panels are adequately set back from them and some of their margins have been planted to improve water quality and biodiversity on the site."*¹⁰⁸
- 560 Regarding the Land and Freshwater chapter of the RPS, the Substantive Application included an ESCP as a condition of consent¹⁰⁹ to avoid sedimentation effects. As we discussed in section E15, the drain on the Site that has flood control value will not be impacted and will maintain the existing degree of flood hazard protection.
- 561 An Emergency Response Plan is proposed as a condition¹¹⁰ to address the management of hazardous substances.

MWRC Comments

- 562 MWRC commented¹¹¹ that due to the additional consents sought, a number of Objectives and Policies of the RPS were not included in the main application documents. They identified LF-FW O4: Water Quality and LF-FW-P4 – Water Management Areas and Values.
- 563 MWRC considered that these provisions were relevant given the Discharge Permit relating to contaminated land, and the ancillary discharge of sediment laden water from the Land Use Consents for land disturbance and vegetation clearance.
- 564 Although the Substantive Application did not include an assessment of these provisions, MWRC considered that it was consistent with them given the ESCP and contaminated land measures proposed in the Substantive Application and the assessments undertaken by MWRC's technical experts Mr Wright and Ms Hickey. With respect to the remainder of the assessment of Objectives and Policies in the RPS, MWRC considered that they have been appropriately assessed and that the Project was consistent with them.

Panel Finding

- 565 Overall, we agree with Genesis that there is no tension between the Project and the provisions in the RPS.

Regional Plan (One Plan: Part Two)

- 566 The Substantive Application identified the Land and Freshwater, and Ecosystems and Biodiversity chapters of the Regional Plan as being particularly relevant.
- 567 Genesis considered that the Project earthworks would be managed to minimise erosion and control sediment discharge to drains and wetlands as detailed in the ESCP¹¹². The solar farm had been designed to avoid works in drains and minimise works in wetlands¹¹³

¹⁰⁸ Substantive Application, page 121.

¹⁰⁹ Condition C1.

¹¹⁰ Condition B30.

¹¹¹ Section 53 comments.

¹¹² LF-LAND-O1.

¹¹³ LF-WETL-P3.

and noted that the policy allowed loss of extent where it related to construction of specified infrastructure with a functional need to be in the location. The solar panels were not considered to create new impervious areas impacting on ground or surface water,¹¹⁴ and the design and location of the solar farm infrastructure and roading would avoid surface water bodies within the Site.¹¹⁵

MWRC Comments

568 In their s 53 comments MWRC identified that there were additional Objectives and Policies that had not been included in the Substantive Application documents due to the additional consents sought. These were:

(a) LF-LW 02: Management of discharges to land and water and land uses affecting groundwater and surface water quality;

(b) LF-LW-P4: Consent decision-making for discharges to water; and

(c) LF-LW-P5: Consent decision-making for discharge to land.

569 MWRC stated that these provisions related to matters which must be considered by the decision maker in assessing applications to discharge to land or water. Although the Substantive Application did not include an assessment of these provisions, MWRC considered that it was consistent with them given the information within the Substantive Application, the ESCP and proposed contaminated land measures, and the assessments undertaken by their technical experts Mr Wright and Ms Hickey.

570 With respect to the remainder of the assessment of Objectives and Policies in the Regional Plan, they considered that these had been appropriately assessed and the Project was consistent with them.

Panel finding

571 We find that the Project is not contrary to any relevant objectives and policies of the Regional Plan.

Horowhenua District Plan (HDP)

572 The Project is located in the General Rural Zone under the HDP.

573 The HDP recognises the varied landscapes present within the rural environment and separates these into landscape precincts – the Project area is situated within the Foxton Dunefields Landscape Precinct. The Foxton Dunefields is the only landscape precinct within the Coastal Sand Country land type which is not identified as having a high level of amenity or character values.¹¹⁶

574 The Substantive Application identified that there is some tension with the provisions¹¹⁷ of the General Rural Zone due to the large scale of the Project and that it introduced a

¹¹⁴ LF-LW-02 and LF-LW-P12.

¹¹⁵ LF-AWBD-05, LF-AWBD-06, LF-AWBD-P22, LF-AWBD-P23 and LF-AWBD-P25.

¹¹⁶ Substantive Application, page 127.

¹¹⁷ Primarily RURZ-GRZ-P6: Development minimises obtrusive built elements in the rural environment through integrating building location and design with the surrounding landform and landscape qualities.

large infrastructure and built element to the landscape, as well as subdivision due to the number of rural residential sites that would be created close to the solar farm.

HDC Comments

- 575 In their s 53 comments HDC identified some District Plan provisions that may not have been addressed in the Substantive Application¹¹⁸ however they did not consider that they raised any issues that had not already been addressed.
- 576 Their comments listed the relevant HDP Objectives and Policies, including those of the Foxton Dunefields Precinct, and the assessment criteria for land use consents in the Rural Zone and all Zones and found that the Project was consistent with them.

Panel Finding

- 577 We recognise the tension with Policy 6 of the General Rural Zone in the District Plan which seeks to minimise built elements in the rural environment. While the solar farm is considered an intensive built development, the District Plan also recognises that the Rural Zone accommodates infrastructure and other industrial-type activities and that these are critical to the functioning of the District.¹¹⁹
- 578 We are satisfied that the provisions of the HDP do not weigh against the resource consents sought by Genesis.

Panel's Overall Findings on the Regional and District Planning Framework

- 579 We have considered Genesis' assessments and the comments from MWRC and HDC. Having weighed those matters against the mitigation and compensation measures secured through consent conditions and giving the greatest weight to the purpose of the FTAA, as we are required to do, we find that any inconsistencies with the relevant Regional and District Planning Framework provisions are not disproportionate to the Project's significant regional or national benefits.

G4: Planning documents recognised by a relevant iwi authority and lodged with a Council

- 580 An application for a resource consent must include an assessment of the activity against any relevant provisions of a planning document recognised by a relevant iwi authority and lodged with a local authority.¹²⁰
- 581 The Rangitāne o Manawatū Environmental Management Plan has been lodged with Horowhenua District Council and is therefore relevant to this Substantive Application. The Plan has been endorsed by Tanenuiarangi Manawatū Incorporated (Rangitāne o Manawatū Iwi Authority) and Rangitāne o Manawatū Settlement Trust.

¹¹⁸ Under Appendices and Maps:

- 4.1 APP – Rural Environment Landscape Assessment;
- 4.5 APP – Assessment Criteria for land use consents in the Rural Zone, S7 General Assessment Criteria for consents in all zones, S38 Noise, S45 Vehicle Access, S49 Network Utilities and Wind Monitoring Masts, S51 Natural Hazards;
- 4.7 APP – General Provisions.

¹¹⁹ Horowhenua District Plan Part 3 Rural Zone description.

¹²⁰ FTAA Schedule 5, clause 5(1)(h) and clause 5(2)(g).

582 The Substantive Application states¹²¹ that the Environmental Management Plan sets out a vision framework to support decision making and to ensure that environmental management in the rohe of Rangitāne o Manawatū is:

(a) Holistic in definition and design;

(b) Has a positive impact on lifestyles and ecosystems; and

(c) Can be easily tracked and monitored.

583 The Plan sets out key outcomes and actions to achieve this vision framework. As described in the Substantive Application, of key relevance is that the Plan seeks to provide guidance and leadership in the restoration of the catchment and the awa, which has been subject to environmental degradation due to past and current land uses. The Management Plan is stated to apply to "*the Manawatū Awa, their catchment, tributaries and connections including groundwater, wetlands and lagoons.*" While the Site has no streams or rivers that run through it, it does have wetlands within the catchment of the Manawatū Awa and farm drains that will discharge to tributaries of the Manawatū Awa.

584 Genesis stated that the Project was consistent with the visions framework of the Management Plan as it will have a positive effect on ecosystems and water quality through the reduction in discharges to land and water, the restoration planting proposed along the margins of the drains to improve water quality and the protection and enhancement of a 1ha area of degraded inland wetland which will work towards the identified priority of improving water quality in the Manawatu Awa.

585 No commentators expressly raised any issues in relation to the Project and the Management Plan.

Panel Finding

586 We agree with Genesis as outlined above and as such we find that the Rangitāne o Manawatū Environmental Management Plan does not weigh against granting the resource consents sought.

587 We note that Rangitāne o Manawatū Settlement Trust supported Ngā Hapū o Himatangi to take the lead in this kaupapa¹²² and we also acknowledge the level of agreement reached between them and Genesis.

G5: Part 2 of the RMA

588 Clause 5 (1)(g) of Schedule 5 of the Act requires an assessment of the Project against ss 5, 6 and 7 of the RMA. Genesis addressed Part 2 of the RMA in section 11.0 of the Substantive Application.

589 The purpose of the RMA set out in s 5 is to promote the sustainable management of natural and physical resources. We are satisfied that the nature of the Project as a large-scale energy generation project is one that has the purpose of sustainable management on a regional and national scale as its focus and will not have unacceptable adverse

¹²¹ Substantive Application, page 143.

¹²² Substantive Application, Appendix D.

effects on the sustainable management of natural and physical resources.

590 In light of the preceding Parts of this Decision, subject to the imposition of conditions of consent that avoid, remedy or mitigate potential adverse effects, we are also satisfied that the Project will safeguard the life-supporting capacity of air, water, soil and ecosystems.

591 In addition, we find:

- (a) Sections 6 (a) and (e), 7(a) (b)(c) and (d), (aa) and (j) - of the RMA are relevant.¹²³ They require the preservation of wetlands from inappropriate development and recognition of the relationship Māori have with their ancestral lands, water, sites, wāhi tapu and other taonga, as well as having regard to kaitiakitanga. In light of our assessments in Part D and section E2 we are satisfied that will be the case;
- (b) Taking into account our assessments of effects in Part E, we consider that the Project is not "inappropriate development" in the context of s 6(a) in terms of the wetlands within the Site. Conditions of consent will preserve the natural character of the wetlands to the extent appropriate and practicable, and regard has been had to the intrinsic values of those resources (s 7(d));
- (c) The Project layout has had regard to minimising effects on adjacent areas and acknowledges that there will be effects (short to medium term) on the amenity values of some people who may view the Site (s 7(c)), but in the context of FTAA s 85(3), we do not consider that those effects are sufficiently significant as to be out of proportion to the Project's regional or national benefits;
- (d) In terms of other more localised s 7(c) amenity matters, the conditions of consent will impose suitable limits on noise, lighting and dust;
- (e) The Project will clearly generate benefits from the use and development of renewable energy (s 7(j)).

Panel Finding

592 As summarised above, as a result of the conclusions reached on the effects of the Project and in the context of the relevant provisions of the statutory instruments and the imposition of appropriate consent conditions, we find that the Project is consistent with Part 2 of the RMA.

PART H: OTHER CONSIDERATIONS

593 We did not identify any other matters that were relevant to our decision-making.

¹²³ Section 8 of the RMA is excluded by clause 17 of the FTAA.

PART I: THE PRINCIPAL ISSUES IN CONTENTION

- 594 The potential adverse effects of the Project are typical of those associated with solar farm developments. These effects (or impacts) are all addressed in Part E of this Decision.
- 595 While the effects of the Project were the subject of a number of s 53 comments, we consider those effects are, in general, adequately addressed by Genesis' technical assessments, the technical peer reviews undertaken by the councils, the acoustic peer review and the comprehensive conditions proposed by Genesis for the resource consents and subdivision consent and the additional amendments made by us.
- 596 As already noted, in Part E of this Decision we assessed the various potential effects of the Project. We consider that the principal issues in contention were:
- (a) Effects on avifauna;
 - (b) Construction noise; and
 - (c) Effects on rural character and amenity.
 - (d) Concern that detailed design of the Project and associated earthworks might result in landform changes that could affect water flows into the adjoining land, causing flooding or drainage issues
- 597 The Panel's main findings on the principal issues in contention are:
- (a) a low but unlikely risk of threatened or at-risk indigenous bird mortality due to 'bird strike' or collisions with the solar panels. We consequently accept that conditions of consent should be imposed that establish indigenous bird mortality thresholds with an AMP to be prepared if those thresholds are exceeded;
 - (b) construction noise will be temporary and can be appropriately managed, subject to robust conditions. While impact piling is the construction activity with the greatest potential to generate adverse noise effects it should be managed through a project-specific Construction Noise Management Plan, rather than by highly prescriptive limits on construction plant combinations;
 - (c) the setbacks from neighbouring properties, combined with the proposed boundary planting and the buffer area on Motuiti Road, will suitably mitigate any adverse effects on the rural amenity enjoyed by the adjacent property owners and occupiers. The resultant change in rural character is not out of proportion to the regional and national benefits of the Project; and
 - (d) we acknowledge the Calderbank's and the Māori Trustee's concerns, but in the absence of any qualified evidence suggesting that the proposed solar farm will increase impermeable areas within the Site, other than at the main access area and BESS location, we observe that rainfall falling on the solar panels will simply trickle to the ground and once there behave in much the same manner as currently occurs.

PART J: CONDITIONS

J1: FTAA and General Requirements

598 Section 81 of the FTAA provides that the Panel must set out any conditions to be imposed on the approvals. Section 83 of the FTAA must be complied with and provides:

- 83 Conditions must be no more onerous than necessary
When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

J2: Genesis' Proposed Conditions

599 As part of the Substantive Application, Genesis included a suite of conditions for each of the consents.

600 On 14 May 2026 Genesis provided a revised suite of conditions that incorporated amendments that had been suggested by MWRC and HDC in post-lodgement discussions. We acknowledge that the 14 May 2026 version of the conditions supersedes and replaces the conditions that were originally included in the Substantive Application.

601 On 23 July 2026 Genesis provided a further revised suite of annotated conditions as part of their s 55 response to the s 53 comments that had been provided by various parties.

602 On 7 July 2026 Genesis provided an amended suite of noise conditions in response to the Acoustic Peer Review Report.

J3: Panel's Initial Assessment

603 We reviewed Genesis' 23 June 2026 condition suite and accepted Genesis' amendments where we found the amended wording better addressed the potential effects of the Project or improved the clarity and certainty of the conditions. As outlined in our assessments in Part E of this Decision, we made some further amendments to the conditions. We also amended some conditions to improve their clarity.

604 Our Part E assessments took into account the requirements of s 83 which requires that the Panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of the FTAA that confers the discretion.

605 We also took into account Schedule 5, clause 18 requirements for conditions pertaining to resource consents under the RMA.

606 The Panel was cognisant of the fact that resource consent conditions must meet the requirements of s 108AA of the RMA. We were also mindful that the purpose of conditions is to manage environmental effects by setting outcomes, requirements or limits to the consented activity, and how they are to be achieved.¹²⁴ Conditions must also be certain and enforceable.¹²⁵

607 In light of all of the above considerations, we produced the Panel's Draft Conditions.

¹²⁴ *Summerset Villa (Lower Hutt) Ltd v Hutt City Council* [2020] NZEnvC 31 at [156].

¹²⁵ *Bitumix Ltd v Mt Wellington Borough Council* [1979] 2 NZLR 57.

J4: Panel's Draft Conditions

- 608 As required by s 70 of the FTAA, on 28 July 2026 the EPA provided our draft conditions to:
- (a) the parties listed in s 70(1); and
 - (b) the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development, as required by s 72(1).
- 609 The Draft Conditions were accompanied by the Panel's draft Decision document.

J5: Section 70 Comments on the Panel's Draft Conditions

- 610 Section 70 comments were received from nine parties: MWRC, DOC, HNZPT, NZTA, Ngā Hapū o Himatangi, Te Tumu Paeroa Māori Trustee, Kerry Sketcher, Lewis Shailer and Genesis. No comments were received from HDC.
- 611 Section 72 comments were received from Hon Tama Potaka, the Minister for Māori Crown Relations and Māori Development. He supported the Panel's draft Decision and conditions.
- 612 MWRC provided a 'tracked change' version of the Panel's draft conditions along with comments explaining the amendments sought. We observe that MWRC helpfully sought to improve the clarity and certainty of the conditions by way of a range of minor wording amendments, including clarifying the relationship between 'enabling works' and 'construction works' to ensure the appropriate regional consent conditions would apply; to strengthen the management plan process in terms of notice, consultation and oversight; and improvement of erosion and sediment control requirements of the ESCPs. The amendments sought were too numerous to itemise here. Instead, in section J7 of this Decision we have itemised any changes sought by MWRC that were not adopted by the Panel, together with our reasons for doing so.
- 613 DOC sought changes to conditions:
- (a) A17 to reduce the time period to produce an AMP from six weeks to 30 working days of exceeding a bat or bird collision threshold trigger in condition B27, and that the AMP is not provided to HDC and MWRC "for information only". Amendments sought to condition B28 required the AMP to cover both bats and birds and for it to be provided to the councils for certification;
 - (b) A33 to enable a s128 review within 40 working days of receiving any report provided under condition B27;
 - (c) B24, B25, B26, B27 and B27A to clarify the monitoring and response requirements should collisions occur; and
 - (d) A minor change to C6(c) regarding machinery tracking in natural inland wetlands.
- 614 DOC also sought the insertion of an advice note under condition B29 advising that approvals may also be required under the Wildlife Act 1953 for lizard management actions.

- 615 HNZPT welcomed the Panel's changes to the draft conditions resulting from their s 53 report. HNZPT requested further minor changes to condition A10 to remove any ambiguity that might arise from the definition of a 'site'.
- 616 NZTA noted it had sought a condition requiring Genesis to prepare a Construction Traffic Management Plan and consult NZTA in the preparation of that plan, and that the Panel's draft conditions A17 and B2 addressed those matters. NZTA advised it was happy with that outcome and had no further comments to offer on the draft conditions.
- 617 Ngā Hapū o Himatangi confirmed that the Panel's draft conditions were consistent with those collectively agreed between Ngā Hapū o Himatangi and Genesis and addressed the matters identified in their s 53 comments. Ngā Hapū o Himatangi advised that the Panel's amendments to those agreed conditions improved their consistency and clarity. No further amendments were sought.
- 618 The Māori Trustee remained concerned that the solar farm's final design might result in changes to the landform in and around Drains 1 and 2¹²⁶ affecting water flows into the adjoining land (particularly Himatangi 4C3), resulting in flooding or drainage issues. The Māori Trustee sought additional conditions requiring that if the solar farm's detailed design required work in or within 5 metres of those two drains, then the stormwater design would need to demonstrate no increase in discharge rates, volume, or flood levels at any Site boundary (for up to the 1% AEP¹²⁷ event) and maintain or improve existing secondary flow paths to ensure no additional stormwater was diverted towards adjoining properties.
- 619 Kerry Sketcher suggested amending the Panel's draft conditions B9A(a) and B10(a) and (d) to refer to a distance of 180m instead of 150m to ensure that those conditions captured her dwelling and property, given her concern about the impacts of impact pile driving noise on her horses.
- 620 Lewis Shailer¹²⁸ did not request any amendments to the Panel's draft conditions. However he outlined his concerns, including that he considered that the Panel had underestimated the ground level elevation of his proposed building site. He contended that a view of solar panels across the 35ha block¹²⁹ all the way to the substation from any house constructed on that proposed building site would never be blocked by Genesis' boundary planting, due in part to very high winds at the Site making the establishment of trees difficult.
- 621 Genesis provided:
- (a) A Memorandum of counsel addressing conditions B12A regarding solar panel rest angles, B32(c) regarding soil monitoring threshold levels, and B9A(b) and B9B regarding impact piling time restrictions;
 - (b) A memorandum from Dr Peter Georgiou addressing the solar panel rest angle

¹²⁶ Drains 1 and 2 were highlighted in plan that was attached as Appendix C to the s 53 comments of the Māori Trustee.

¹²⁷ Annual exceedance probability.

¹²⁸ He also raised other issues such as impact piling vibration potentially collapsing his water bore and compensation for that and for loss of property values. Vibration was addressed in section E7 and property values were addressed at the commencement of Part E of the Decision. Mr Shailer also disputed the economic significance of omitting solar panel from the 35 ha block.

¹²⁹ Described as 191 to 229 Motuiti Road, Part Himatangi X Block or Title WN16B/1446.

(with regard to glint and glare effects); and

- (c) A tracked change version of the draft consent conditions.

622 The amendments sought by Genesis to the Panel's draft conditions were:

- (a) Correcting Table 1 (the list of consents at the beginning of the conditions) and Table 2 (the structure of the conditions);
- (b) Correcting a typo in condition A29;
- (c) Deleting draft conditions B9A and B9B relating to impact pile driving hours of operation. Genesis considered those two conditions were duplicative because condition B9 already restricted impact piling to between 7:30am and 6:00pm, Monday to Friday. In the alternative, Genesis suggested amending condition B9A to read:

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

- (d) Deleting the condition B12A relating to solar panel rest angles for the reasons outlined by counsel and Dr Peter Georgiou, namely that it would force the operator to return the panels to the position where there was the highest risk of causing a glare effect. Instead, Genesis stated a key mitigation strategy for minimising glare was to adjust the rest angle to greater than zero degrees so that early morning and late afternoon reflections were directed upwards away from ground-based receptors. It suggested alternative drafting, should the Panel decide to retain this condition and its associated advice note, as follows:

During backtracking operations, the solar panels in Sub-Arrays 6 and 8 as identified in the Glint and Glare Assessment included as Appendix Q of the Substantive Application must have a minimum rest angle of five degrees until planting on the relevant boundary establishes to a minimum height of 3.5m

Advice Note: This does not apply where the solar panel orientation may be less than five degrees in order to avoid damage in the event of a weather or flood event.

- (e) Amending condition B24 to require avifauna monitoring at least fortnightly during the months of October, November, January and February during the first three years following completion of commissioning and monthly at other times. Genesis contended more frequent monitoring would be more onerous than necessary to address potential bird and bat collision effects;
- (f) Amending condition B32(c) to refer to "Table C-3 of the WasteMINZ Technical Guidelines for Disposal to Land or any replacement guidelines" in preference to the Panel's non-specific reference to "relevant statutory production land contaminant threshold standards"; and
- (g) Amending conditions C12 and C13 to refer to "sediment" control devices instead of "erosion" control devices, because those two conditions related to discharges from devices such as sediment retention ponds. Those devices did not control

erosion but instead controlled the sediment resulting from erosion.

- 623 Genesis advised they were comfortable with the review role for MWRC in relation to the wetland aspects of the LMP as outlined in the Panel's draft conditions A23A to A23D and they agreed with the Panel's draft subdivision condition D3.

J6: Genesis' Response to the s 70 Comments on the Panel's Draft Conditions

- 624 Genesis provided their s 70(4) response on 7 August 2026.
- 625 Genesis noted that NZTA and Ngā Hapū o Himatangi had no comments on or suggested changes to the draft conditions. Genesis acknowledged Lewis Shailer's engagement with the Project while noting his continued opposition to it.

Response to MWRC's comments

- 626 Genesis supported MWRC's:
- (a) corrections of cross-references and typographical errors¹³⁰ and amendments related to the clarification, consistency and simplification of the draft conditions;¹³¹
 - (b) amendments to Tables 1 and 2 to capture the land use consent required for fencing, planting and cabling near the Flood and Drainage Control drain in resource consent RC2;
 - (c) inclusion of a timeframe in condition A14, but because there was already a Project website Genesis suggested amending the condition to refer to the commencement of construction;
 - (d) inclusion of timeframes in Table 4 at condition A17 (ESCP and SSESCP) and also in condition C1 with a minor amendment to have the wording refer to "relevant" land disturbance;
 - (e) amendment of condition A23A to increase the time for MWRC to make comments from five to ten working days, while noting the wording could not require MWRC to make comments;
 - (f) amendment of condition B15(p) to require the LMP to include a summary of comments received on the LMP from MWRC and Genesis' responses to comments in accordance with Conditions A23A-A23D. However, Genesis considered the primary purpose of the wetland planting was to assist the Project to integrate into the surrounding area therefore there was no need to specifically reference wetland planting. While agreeing that the LMP should include a register of comments and responses from MWRC, Genesis noted proposed condition B15(o) duplicated conditions A23B, A23C and A23D. As an alternative, Genesis suggested incorporating conditions A23A-A23D into condition B15; and
 - (g) various changes to condition C1, subject to correcting a typographical error in the

¹³⁰ Including draft conditions A1.B, A16 and Table 4.

¹³¹ Including Table 2, Part C; and draft conditions A6, A7, A15(g), A16, A20, A23A, A25(l), A28, A30, A31(c), A33, B15, B25, B27, B27A, B28, C2, C8, C9 and C16.

body of the condition.

627 Genesis supported an amendment¹³² to the definition of “enabling works” and noted that if their suggested change was made, the changes to the introduction of Part C and conditions C17 and C18 sought by MWRC were not required, but other wording changes from “soil disturbance” to “land disturbance, vegetation clearance or discharge of cleanfill” in the Part A conditions should still be made to align with the consents sought.

628 Genesis opposed MWRC’s suggested amendments to:

(a) conditions A25(b) and (c) to avoid the inadvertent exclusion of enabling works. Genesis considered conditions A25(b) and (c) did not need to be read as being restricted to the defined (and capitalised) term. Genesis suggested that alternatively the word “construction” could be deleted in the three locations in the condition that had been highlighted by MWRC without changing the condition’s meaning; and

(b) condition C1(h) to ensure that dust nuisance monitoring was considered for all stages of the Project. Genesis considered that the consent only related to construction.

Response to DOC’s comments

629 Genesis agreed that condition C6(c) should refer to “avoidance of” tracking in wetlands.

630 Genesis opposed DOC’s additional or different requirements for conditions including Table 4 at A17 (the AMP), A33, B24, B25, B26, B27, B28 and B29. Genesis considered DOC could have sought those amendments in its s 53 comments but did not do so, there was no technical evidence supporting the amendments sought, the Panel had already made its decision on those matters, DOC’s additional wording was more onerous than necessary and the conditions were already sufficiently certain and clear.

Response to HNZPT’s comments

631 Genesis supported HNZPT’s amendment to condition A10 regarding the definition of “site”.

Response to the Māori Trustee’s comments

632 Genesis opposed the insertion of the additional conditions relating to potential stormwater flooding on adjacent land because the Panel had made its decision and findings on stormwater matters and there was no legal basis to revisit those matters at this point in the FTAA process.

Response to Kerry Sketcher’s comments

633 Genesis continued to oppose conditions B9A and B10 that were sought to be amended by Ms Sketcher but stated that if the Panel chose to retain the conditions, it did not oppose amending the trigger distance from 150m to 180m which would then include Ms Sketcher’s dwelling on her property.

¹³² Adding the following to the definition “For the purposes of the conditions in Part C, Enabling Works does not include any site establishment works that require land disturbance, vegetation clearance or the discharge of cleanfill to land.”

J7: Corrections to draft Decision and Panel Findings on Final Conditions

- 634 We corrected paragraph 178 of our draft Decision in response to the s 70 comments of Kerry Sketcher, noting that Lewis Shailer requested the removal of the 35ha block in his comments while Ms Sketcher only sought partial removal of that block.
- 635 In response to advice from MWRC, we also corrected the table on page 3, paragraph 22(a), paragraph 507 and Appendix A of the draft Decision, all of which inadvertently omitted two consents from the list of consents required from MWRC. We note that omission did not affect our assessment of the Project or our understanding of the full range consents sought by Genesis.
- 636 Other than that, readers should note that the Panel **has not** revised Parts B to I¹³³ of this Decision following the receipt of s 70 comments on the Panel's draft conditions and Genesis' s 70(4) response to those comments other than to correct any typographical errors.
- 637 Consequently, any inconsistencies between our earlier findings in Parts B to I of this Decision and the final consent conditions imposed arise because we agreed with the reasons (as summarised in sections J5 and J6 of this Decision) given by either the s 70 commentators or Genesis for suggested amendments to the draft consent conditions, notwithstanding our earlier assessments in Parts B to I.
- 638 We considered Lewis Shailer's concerns regarding the substantive merits of the Project, including the extent of solar panel development, visual effects, property value impacts, the absence of a hearing, and the conclusions reached in our draft Decision. While we consider those matters were appropriately addressed in the Panel's assessment of the Substantive Application, we note that s 70 provides a targeted opportunity for specified parties to comment on the Panel's draft conditions. It does not provide a further opportunity to revisit the substantive merits of the Project or to relitigate matters already addressed in the draft Decision.
- 639 Accordingly, where s 70 comments extend beyond the adequacy, enforceability or appropriateness of the Panel's draft conditions, we have afforded those comments limited weight and have focused on the extent to which the comments identify amendments necessary to ensure the conditions appropriately manage the Project's effects.
- 640 In our final suite of conditions, we amended the condition numbering to be sequential and so for the assistance of readers in the text that follows we have noted the both the final condition numbering and the draft condition numbering. We have also amended the conditions to improve their certainty, readability and consistency.

Panel response to MWRC comments on conditions

- 641 We made the amendments to the draft conditions that were suggested by MWRC and which were supported by Genesis. For the reasons they gave, we preferred Genesis' wording for:

¹³³ Other than the list of Panel meetings at paragraph 22 in Part B.

- (a) condition A16 (was draft A14);
- (b) the entry in condition A19's (was draft A17) table for ESCP and SSESCPs; and
- (c) conditions A30(b) and (c) (was draft A25) regarding the omission of the word "construction".

642 We did not amend condition A25 (was draft A23A) as sought by MWRC because conditions can only bind the consent holder and cannot direct MWRC to do things. Nor did we omit conditions A25 to A28 (were draft A23A to A23D) and incorporate alternative wording in condition B18 (was draft B15) as was suggested by Genesis. We preferred the Panel's draft wording as it was more fulsome and more clearly encapsulated the consent holder's obligations for producing the LMP.

643 We included the words "*and to provide for wetland planting*" in the chapeau of condition B18 (was draft B15) as sought by MWRC as we saw no harm in doing so given that wetland enhancement planting forms part of the Project. We also added clause (s) to condition B18 as sought by MWRC as it helpfully recorded an earlier obligation that was set out in conditions A25 to A28 (were draft A23A to A23D).

Panel response to DOC comments on conditions

644 We amended condition C6(c) as sought by DOC and agreed to by Genesis.

645 Genesis opposed the remainder of DOC's amendments for the reasons we summarised above. We accept Genesis's rationale for not accepting DOC's amendments to conditions that were inconsistent with the substance of our draft Decision.¹³⁴ However, without altering the intent of the draft conditions or our earlier substantive findings, we have amended:

- (a) the entry in conditions A19 (was draft A17) and B37 (was B28) for the AMP to refer to working days instead of months for the sake of consistency;
- (b) condition A38 (was draft A33) to refer to any report required under conditions A35, A36 or B34 (were draft A30, A31 and B27) because it may be necessary for the conditions to be altered to implement any mitigation measures recommended in those reports;
- (c) conditions B31 (was draft B24) and B33 (was draft B26) to clarify the intent of the wording; and
- (d) condition B34 (was draft B27) to clarify that the SQEP should recommend mitigation measures if the SQEP considered that bird or bat mortality was more than minor, even if the condition B36 (was B28) thresholds were not exceeded. In the absence of such a qualification the condition would be too uncertain as the previous wording of "if required" is open to interpretation.

646 We did not add an advice note under condition B37 (was draft B29) as sought by DOC because the condition does not enable the capture or relocation of lizards. Rather it

¹³⁴ Including draft condition B28.

merely requires the avoidance (or non-disturbance) of any lizards that are encountered.

Panel response to HNZPT comments on conditions

- 647 We amended condition A12 (was draft A10) as sought by HNZPT and agreed to by Genesis. However, we also expanded relevant clauses to also refer to “wāhi tapu, taonga, or kōiwi tangata” to be consistent with the chapeau of the condition.

Panel response to The Māori Trustee comments on conditions

- 648 We did not make the amendments relating to stormwater flooding sought by the Māori Trustee because, as noted by Genesis, in section E15 of our draft Decision we made a finding that in the absence of any qualified evidence suggesting that the proposed solar farm would increase impermeable areas within the Site,¹³⁵ any rainfall falling on the solar panels would simply trickle to the ground and once there behave in much the same manner as currently occurs.

Panel response to Kerry Sketcher comments on conditions

- 649 As we noted earlier, Genesis sought the omission of what were B9A and B9B or in the alternative suggested replacing those conditions with the wording:

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

- 650 Genesis did not oppose amending the 150m to 180m as sought by Ms Sketcher. We have adopted Genesis’s simplified wording and amended the buffer distance. Consequently, we inserted condition B11 (with a specified distance of 180m) and amended conditions B12(a) and (d) (was draft B10) so that the 180m distance is consistent across the related conditions.

Panel response to Genesis’ s70 comments

- 651 As we noted in section J5 of this Decision, Genesis also provided comments under s 70. In response to those comments, we amended:

- (a) condition B15 (was draft B12A), because we accept that based on the expert response from Dr Georgiou our draft wording would have made potential adverse glint and glare effects worse, although we note that the intention was to mitigate the wider visual effects of the Project not just the potential for glint and glare effects. We adopted the alternative wording suggested by Genesis to require a minimum five degree rest angle during backtracking until planting establishes, limited to the area of the Site where the potential for reflections is identified. We agreed an allowance should be made for different solar panel orientations in weather events, but we made the advice note addressing that matter part of the enforceable condition.
- (b) condition B31 (was draft B24) to revert to fortnightly bird and bat collision monitoring for the first three years following commissioning of the solar farm as that wording was consistent with the findings in section E16 of our draft Decision;

¹³⁵ Other than at the main access area and BESS location.

- (c) condition B40 (was draft B32) to refer to the WasteMINZ Technical Guidelines for Disposal to Land;
- (d) conditions C12 and C13 to refer to “erosion and sediment control” as that was consistent with the title of the ESCP.

PART K: OVERALL ASSESSMENT

- 652 We acknowledge and agree with the Panel findings in Waihi North¹³⁶ that FTAA decision-making criteria are, in some respects, distinctly different from those that would otherwise have been applicable. Consequently, a decision to grant the resource consents sought does not depend upon the Project being consentable outside of the FTAA.
- 653 In reaching our decision on the resource consents sought by Genesis we have:
- (a) considered the Substantive Application and all of the information received under the relevant provisions of the FTAA including comments and responses to those comments;
 - (b) applied the applicable s 81 subsections and Schedule 5 clauses for RMA approvals, giving the greatest weight to the purpose of the FTAA;
 - (c) complied with s 83 when considering and setting conditions; and in doing so considered whether each resource consent must be declined or ought to be declined in accordance with s 85.
- 654 Overall, we are satisfied that the relevant matters in s 81 have been appropriately addressed and that the FTAA’s purpose will be met having considered the extent of the regional or national benefits of the Project and our conclusion that they meet the required threshold of significant.
- 655 We considered the relevant Treaty settlement of Rangitāne o Manawatū Claims Settlement Act 2016 (Settlement Act) which includes statutory acknowledgement and deed of recognition over Manawatū River and its tributaries. The Project area lies entirely within the area of this statutory acknowledgement however the water courses within the Project area are likely to be artificial and so according to the Settlement Act, do not apply.
- 656 We acknowledge that Rangitāne o Manawatū and Muaūpoko provided their support, in writing, for three hapū of Ngāti Raukawa ki te Tonga (Ngāti Rakau, Ngāti Te Au, and Ngāti Turanga – together Ngā Hapū o Himatangi) to take the lead in respect of the Project. Overall, the cultural issues raised have been addressed by a dual process of a private agreement with Genesis, and through consent conditions.
- 657 In light of the FTAA criteria and for the reasons given in Part E of this Decision in assessing the actual and potential environmental effects of the Project we conclude that the conditions to be imposed on the resource consents mean that the potential adverse impacts of the Project will be avoided, remedied or mitigated to the extent that they are

¹³⁶ Ibid, Part M, paragraph 9.

not out of proportion to the Project's regional or national benefits and they will be no more than minor or otherwise acceptable.

- 658 In having regard to the various statutory RMA planning instruments, we conclude there is some tension within the District Plan policy provisions which on the one hand seek to minimise built elements in the rural environment and on the other recognise and contemplate infrastructure and industrial type activities. However, on balance we consider the impacts of the Project are acceptable given its location and layout, and the conditions to be imposed. Overall, the District Plan provisions do not weigh against granting the land use consent sought. In terms of the regional and national documents we concluded there was general support for the Project, including in particular the NPS-REG.
- 659 We also find that the Project would be consistent with Part 2 of the RMA based on our conclusions in relation the impacts of the Project, both negative and positive, together with the conditions to be imposed.
- 660 In terms of the conditions to be imposed we consider that they satisfy the requirements of s 83 of the FTAA and are no more onerous than is necessary to address the reason for which they are set, namely the respective impacts concerned. We are satisfied that they meet the relevant RMA requirements for conditions or were volunteered by the Applicant.
- 661 In light of our adverse effects (or impacts) assessments in Part E, our findings on the statutory instruments set out in Part G, and the circumstances whereby a Panel must or may decline an application as described in s 85 of the FTAA (none of which we consider apply here), we find there are no grounds for declining the resource consents sought by Genesis for the Project in terms of s 85.

PART L: FINAL DECISION

- 662 The approvals sought by Genesis for resource consents from the MWRC and the HDC set out in **Appendix A** are granted subject to the conditions set out in **Appendix C**.
- 663 We are grateful to all parties who contributed to the process including our special advisor, Mr Humpheson and our very able administrative support at the EPA.
- 664 Section 99 FTAA provides for a right of appeal on questions of law against the whole or part of this Decision and is limited to the persons listed in that section. In accordance with Section 100 FTAA any appeal must be filed within the 20-working day period from the day this Decision is published under s 88(3).



Amanda Dewar (Chair)



Liz Burge (Member)



Robert van Voorthuysen
(Member)

APPENDIX A: CONSENTS GRANTED

REF	s RMA	RESOURCE CONSENT
Manawatu-Whanganui Council (MWRC)		
RC.2	9	Land use consent for large scale land disturbance and vegetation clearance and structures adjacent to and within a waterway subject to Flood Control and Drainage value
RC.3	15	Discharge permit for discharge of cleanfill to land
RC.4	15	Discharge permit for discharge of contaminated stormwater
RC.5	9 &13	NES: F consent for earthworks and vegetation clearance in and within 10 metres of a natural inland wetland
Horowhenua District Council (HDC)		
RC.1	9	Land use consent for the construction, operation, maintenance and decommissioning of a solar farm, substation and BESS
RC.6	11	Subdivision consent

APPENDIX B: PARTIES WHO PROVIDED COMMENTS UNDER ss 53 AND 70

Section 53 Commentators	Section 70 Comments Provided by:
Minister of Climate Change	
Transpower	
Minister for Māori Crown Relations: Te Arawhiti	
Kerry Sketcher - [REDACTED]	Kerry Sketcher
Minister for Regional Development	
Minister for Energy	
Linda Shailer - [REDACTED]	
Horowhenua District Council	
Lewis Shailer - [REDACTED]	Lewis Shailer
Te Tumu Paeroa Māori Trustee	Te Tumu Paeroa Māori Trustee
Minister for Agriculture	
Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga
Minister for Infrastructure	
Department of Conservation	Department of Conservation
New Zealand Transport Agency	New Zealand Transport Agency
Ngā Hapū o Himatangi	Ngā Hapū o Himatangi
Manawatū Whanganui Regional Council	Manawatū Whanganui Regional Council
Robert and Michelle Calderbank - [REDACTED]	
	Genesis Energy Limited

APPENDIX C: RESOURCE CONSENT CONDITIONS