

11 March 2026

To
Keely Paler
Environmental Protection Authority

From
David Allen, Chelsea Easter and Esther Bennett

By Email
[REDACTED]

Tēnā koe Keely,

FTAA-2510-1121 Foxton Solar Farm – urgent request for missing information

On 10 March 2026 Genesis Energy Limited (**Genesis**) received your letter in respect of s 46 of the Fast-track Approvals Act 2024 (**FTAA**) which advised that the Environmental Protection Authority (**EPA**), in consultation with the Manawatū–Whanganui Regional Council, had identified information that is missing from Genesis' application.

Thank you for providing Genesis with an opportunity to rectify or provide that information to the EPA for consideration as part of Genesis' substantive application.

Genesis' response is provided below and in the **Appendix One**, a Technical Memorandum from SLR responding to the points raised in the letters and including a tracked change version of the Rules Assessment Table in Appendix P to the application.

Genesis' position

The Manawatū–Whanganui Regional Council letter states (our emphasis added):

In summary, we consider additional information and assessment against the rules of the One Plan and National Environmental Standard for Freshwater as discussed above is required to confirm that all consents required have been applied for under Section 43(3)(a) – section 5(1) of Schedule 5 of the FTAA. With respect to the remainder of sections 42 and 43 of the FTAA, we consider the application has met those requirements with respect to the consents currently applied for.

The Manawatū–Whanganui Regional Council does not state which paragraph in cl 5(1) has not been met but otherwise concludes that ss 42 and 43 are complied with. Genesis considers it has complied with the requirements in ss 42, 43 and 44 of the FTAA, including providing the information required in cl 5(1) of sch 5.¹

Genesis has sought² consent for all matters for which it considers it requires consent. There is nothing in the FTAA that is equivalent to s 91 of the Resource Management Act 1991,³ nor does cl 5(1) of sch 5 of the FTAA require all consents to be applied for.

¹ For the avoidance of doubt, Appendix P to the application has been amended to provide additional information and ensure there is no issue with cl 5(5)(a) of sch 5.

² As amended in a very minor way by this letter and Appendix One.

³ See for example the [draft decision of the Expert Panel for the Taranaki VTM application](#) at [52].

Even if the project required additional consents to those sought, which is not Genesis' position, that is not a matter relevant to the completeness check under s 46 of the FTAA. As above, the FTAA does not intend for the matter to be dealt with by the EPA. If it were to arise, it is a matter for the panel convener to decide on if certain requirements are met, after the substantive application has been provided to a panel.⁴

Response to identified information

A summary response to the matters identified in the EPA's letter is provided below. A detailed response is provided in **Appendix One**. To be clear, Genesis considers it has complied with all information requirements.

- 1. Assess the piece of contaminated land under the One Plan rules (LF-LAND-R1, R6, R8), identify whether contaminants other than sediment may be discharged, and identify whether an additional Discharge Permit is required.*

On a precautionary basis, Genesis is seeking consent (restricted discretionary activity status) to infringe the permitted activity standards 1.b and 5.c of Rule LF-LW-R26.⁵ SLR have proposed conditions to satisfy the assessment criteria in **Appendix One**. No further amendments, or effects assessments, are required to the application.

- 2. Assess the proposal against Rule LF-LW-R29 of the One Plan, and identify whether the standards of Rule LF-LW-R29 can be met.*

The use of aggregate for the substation and BESS platform and yard area is not included in the exemption under Rule LF-LW-R29 for roading activities. Genesis is therefore seeking consent (discretionary activity status) for that activity as set out in **Appendix One**. No additional effects assessment is required.

- 3. For each permitted activity relied upon for this project, provide a clear demonstration of how the activity complies with all relevant requirements, conditions, and standards of the applicable permitted activity rule(s).*

Refer to **Appendix One** for amendments (in tracked changes) to the Rules Assessment Table contained in Appendix P to the application.

- 4. Confirm whether any new or modified culverts are proposed. If so, provide full design details for these works and assess the activity against One Plan Rule LF-AWBD-R63 and the NES-Freshwater culvert regulations. Identify whether any additional consents are required.*

There are no new or modified culverts proposed. The intent is to design the solar farm to utilise the existing culverts (on the existing access tracks and along the pivot paths).

- 5. Confirm whether the reference in Appendix P to Rule LF-TUD-R49 relates to trench dewatering if groundwater is intercepted, and the subsequent disposal of that water. If so, assess this activity against Rule LF-TUD-R40 (take and use of groundwater), Rule LF-LW-R34 (discharge to water), Rule*

⁴ FTAA, s 62.

⁵ This does not change the scope of the project and is within the description of the project in the listing.

LF-LW-R35 (discharges to land not entering water), and Rule LF-LW-R36 (discharges to land that may enter water). Confirm whether additional consents not currently applied for would be required.

Dewatering is not proposed, and no additional consents are being applied for.

6. *Provide details on where water for dust suppression will be sourced from. If this is to be taken from surface water or groundwater bores, include an assessment against the relevant One Plan rules to determine whether consent is required.*

Water will be trucked in as required. Genesis has experience with water being trucked as required onsite for dust control at the Lauriston Solar Farm and Leeston Solar Farm. No additional effects assessment is required.

If you have any questions regarding this matter, please do not hesitate to contact us.

Nāku noa, nā



David Allen
Partner

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