

Under the **FAST-TRACK APPROVALS ACT 2024**
In the matter of an application for resource consents for the Foxton Solar Farm
By **GENESIS ENERGY LIMITED**
Applicant

GENESIS ENERGY LIMITED RESPONSE TO COMMENTS

23 June 2026

BUDDLE FINDLAY

Barristers and Solicitors
Wellington

Solicitor Acting: **David Allen / Esther Bennett / Chelsea Easter**
Email: david.allen@buddlefindlay.com / esther.bennett@buddlefindlay.com /
chelsea.easter@buddlefindlay.com
Tel 64 4 462 0423 Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6011

MAY IT PLEASE THE PANEL:

1. This document addresses the 18 comments received¹ in respect of Genesis Energy Limited's (**Genesis**) application under the Fast-track Approvals Act 2024 (**FTAA**) for resource consents to construct, operate and eventually decommission a 345GWh per year solar farm near Foxton (the **project**).
2. Genesis is grateful to everyone who took the time to comment. This response builds on, and does not seek to repeat, the material in Genesis' substantive application documents. It also does not engage with every issue or matter raised (and not engaging does not mean it is accepted by Genesis). Instead, it is focused on the core issues.

Structure

3. This document provides a specific response to each set of comments received from:
 - (a) the relevant portfolio Ministers that responded;
 - (b) the relevant local authorities: Manawatū-Whanganui Regional Council (**MWRC**) and Horowhenua District Council (**HDC**);
 - (c) Ngā Hapū o Himatangi;
 - (d) the owners or occupiers of land to which the substantive application relates or the land adjacent to that land that responded (comments were invited from the owners and occupiers of 47 land parcels, five responded), namely:
 - (i) Te Tumu Paeroa Office of the Māori Trustee (**Te Tumu Paeroa**);
 - (ii) Kerry Sketcher;
 - (iii) Linda Shailer;
 - (iv) Lewis Shailer; and
 - (v) Robert and Michelle Calderbank;
 - (e) the Department of Conservation (**DOC**) on behalf of the Director-General of Conservation; and
 - (f) others invited to comment by the panel:

¹ Under s 53 of the FTAA.

- (i) Transpower New Zealand Limited (**Transpower**);
 - (ii) New Zealand Transport Agency Waka Kotahi (**NZTA**); and
 - (iii) Heritage New Zealand Pouhere Taonga (**HNZPT**).
- 4. Attached to this document and forming part of Genesis' response are:
 - (a) memoranda on behalf of Genesis' technical experts where relevant to the comments received:
 - (i) **Appendix One**: planning;
 - (ii) **Appendix Two**: noise and vibration; and
 - (iii) **Appendix Three**: ecology;
 - (b) a letter from Ngā Hapū o Himatangi dated 22 June 2026 (**Appendix Four**); and
 - (c) an updated set of the proposed conditions, both clean and with tracked changes (attached to the planning response from Ms Sedgley in **Appendix One**).
- 5. An updated acoustic assessment (Appendix R to the Application) prepared by Mr Jansen in response to the panel's request for further information on the acoustic assessment² is also provided as **Appendix Five**.

COMMENTS RECEIVED FROM MINISTERS

- 6. Genesis is grateful for the comments made by the Ministers, which reiterate the significant benefits the project will deliver.
 - (a) **Minister for Energy**: The Minister comments on the significant regional and national benefits of the project, especially given its scale.³ The Minister also comments on:
 - (i) the contribution, through diversity of generation, of the project to New Zealand's security of supply;
 - (ii) the downward pressure the project will place on wholesale electricity prices and the flow on benefits of that to the wider economy; and

² [Minute 7](#).

³ Noting, as per section 1 of the Application, that 47,000 homes will be powered by the project not 43,000 as commented on by the Minister.

- (iii) the contribution of the project towards New Zealand's climate change targets.
- (b) **Minister for Climate Change:** The Minister comments that the project "promotes the benefits of renewable generation, including reducing greenhouse gas emissions and contributing to sustainable management".
- (c) **The Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development:** The Minister supports the project subject to comments from Māori groups identified in the section 18 report (see Ngā Hapū o Himatangi comments below).
- (d) **The Minister for Infrastructure:** The Minister comments on the importance of infrastructure for New Zealand's growth and prosperity and expresses his broad support for "projects that will deliver positive outcomes" for New Zealand, including the project.
- (e) **The Minister for Agriculture:** The Minister's comments provide general support for the project (including its downward pressure on wholesale power prices and that it supports the Government's commitment to double renewable generation by 2050), note the benefits as per the application, consider the LUC Class 3 land affected is not a barrier to progressing the application and is "pleased" that sheep grazing under the solar panels is being considered.
- (f) **The Minister for Regional Development:** The Minister's comments note that the "scale of the project's renewable generation capacity suggests that its ongoing economic impact is likely to be regionally and nationally significant, although the economic benefits of this generation capacity have not been quantified." In relation to this matter, while not quantified:
 - (i) the Application⁴ addresses the ongoing benefits of the project, including diversity of generation (location and type), reduction in greenhouse gas emissions (with solar being the lowest emission generation), the increase in efficiency in, and resilience of, the regional electricity network, 3–5 full-time equivalent employees and displaces more expensive (and greenhouse gas emitting)

⁴ [Fast-Track-Approvals-Act-Application_Foxton-Solar-Farm_Redacted.pdf](#) at sections 7.2.1, 7.2.2 and 7.2.3.

generation from the Huntly Power Station (allowing it greater scope to provide firming across the system); and

- (ii) the comments above from the Minister of Energy and the Minister for Agriculture reflect the effect the project will have on lowering wholesale electricity prices.

The Minister for Regional Development also comments on the loss of dairy farming and that "only" sheep farming may continue (contrary to the Minister of Agriculture being "pleased" that sheep farming is being considered) such that "some loss of higher-value primary production should therefore also be considered". Such economic costs are considered within the economic assessment⁵ which, despite such costs, concludes that the project "will deliver significant regional or national economic benefits."⁶

- 7. 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.

COMMENTS RECEIVED FROM RELEVANT LOCAL AUTHORITIES

Comments from MWRC

- 8. MWRC has adopted a neutral position in respect of the project, limiting its requests to targeted condition refinement. Genesis is grateful for MWRC's ongoing engagement which has enabled many matters to be resolved, including through conditions. The outstanding matters are not significant and relate to conditions for bird strike risk, wetlands, lizards, watercourses and to condition wording more broadly.
- 9. MWRC has commented on (and provided technical responses to):
 - (a) **Erosion and sediment control:** Mr Wright has commented that:
 - (i) The draft Erosion and Sediment Control Plan (**ESCP**) has been prepared in accordance with the relevant requirements, and the proposed erosion and sediment control (**ESC**) measures are likely to be effective with the risk to the environment low. Genesis agrees.

⁵ [Foxton Solar: Economic Report](#) at [33] and [38] especially.

⁶ [Foxton Solar: Economic Report](#) at [42].

- (ii) Specific locations etc of ESC measures will need to be included within the final (to be certified) ESCP. Genesis agrees and Condition C1(d) in the attachment to Ms Sedgley's planning response in **Appendix One** requires this.
 - (iii) Additional ESC measures should be considered for the main access/substation/BESS site. Genesis agrees and has made a minor change to Condition C1(d) in the attachment to Ms Sedgley's planning response in **Appendix One**.
 - (iv) Management of dust is "one of the key" issues during construction but is a relatively easy risk to manage.⁷ Dust monitoring during construction is recommended. Genesis agrees that dust management during construction is required⁸ and has proposed conditions accordingly (Conditions A26, A27 (for Transpower), B1 (for traffic), and C1 and C15) in the attachment to Ms Sedgley's planning response in **Appendix One**). However, Genesis does not agree that dust monitoring equipment (as in stations)⁹ are necessary nor appropriate. Rather what is required should be left to the ESCP (Condition C1(h)) to ensure the requirements of Condition C16 are complied with. The additional drafting in Condition C1(h) also makes it clear that any response must be due to dust effects from the construction of the project as there are many nearby dust sources¹⁰ given the horticultural activities especially in the immediate area.¹¹
- (b) **Contaminated land:** Mr Wright's assessment concludes that the general approach proposed to manage potentially contaminated land is appropriate.¹² Mr Wright proposes¹³ very minor condition amendments which have been incorporated by Genesis (see the suggested amendments to Conditions A30 to A33 in the attachment to Ms Sedgley's planning response in **Appendix One**).
- (c) **Freshwater assessment:** Ms Hickey's assessment is that there are aspects of the project that "will positively benefit the waterways onsite

⁷ [17b Horizons-Substantive-Comments-Appendix-One-ESCP-Assessment.pdf](#) at section 2.3.

⁸ [Fast-Track-Approvals-Act-Application_Foxton-Solar-Farm_Redacted.pdf](#) at section 7.13.3.

⁹ [17b Horizons-Substantive-Comments-Appendix-One-ESCP-Assessment.pdf](#) at section 3.

¹⁰ [Fast-Track-Approvals-Act-Application_Foxton-Solar-Farm_Redacted.pdf](#) at section 7.4.

¹¹ [Foxton Solar: Assessment of Landscape Effects](#) plans LA3, LA4, LA13 and LA20 in Appendix H2 to the Application and also Google Earth images of the area.

¹² [17c Horizons-Substantive-Comments-Appendix-Two-Contaminated-Land-Assessment.pdf](#) at section 4.

¹³ [17c Horizons-Substantive-Comments-Appendix-Two-Contaminated-Land-Assessment.pdf](#) at section 3.

and enhance their freshwater values".¹⁴ She concludes that the greatest potential freshwater effect relates to sedimentation during construction and with appropriate sediment control methods the resulting adverse effects will be "less than minor".¹⁵ Genesis agrees with both these conclusions.

(d) **Wetlands and Terrestrial Ecology Assessment:** Mr Lambie's assessment:

- (i) Agrees with the assessment of Mr Briggs on behalf of Genesis that the "magnitude and scale of effect on wetland habitats as very low is a fair assessment" and that the proposed 1 ha of wetland improvement will "result in a significant improvement" and that this is a "positive outcome".¹⁶
- (ii) Seeks joint technical certification of the Landscape Mitigation Plan (**LMP**) (at least in relation to wetland planting). Genesis does not support such an approach. It creates uncertainty as different positions could be adopted by the certifiers on the same matter. As stated by the Waitaha Fast-track Expert Panel:¹⁷

In terms of joint certification, as a general proposition, we do not consider it is appropriate to impose a joint certification role where a management plan is prepared under one legislative regime – e.g. the RMA. We consider it would add an unnecessary regulatory step, resulting in delays and complexities – particularly if one certifying body considered the condition met, and the other did not. We have therefore not imposed a joint certification role as between WCRC and WDC, instead assigning the certification role to one or the other,

Genesis agrees with those concerns. If the panel wishes for MWRC to have 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).

- (iii) Considers, based on his site visit, that there is "no significant terrestrial native vegetation and no at risk or rare flora within the site."¹⁸ He also agrees that the proposed 16 ha of native vegetation planting "is over and above" that required to address

¹⁴ [17e Horizons-Substantive-Comments-Appendix-Four-Water-Quality-and-Instream-Ecology.pdf](#) at section 3.

¹⁵ [17e Horizons-Substantive-Comments-Appendix-Four-Water-Quality-and-Instream-Ecology.pdf](#) at section 4.

¹⁶ [17f Horizons-Substantive-Comments-Appendix-Five-Indigenous-Biodiversity-Assessment_Redacted.pdf](#) at page 2.

¹⁷ [REISSUED Waitaha Decision - Te 18 o Mei 2026](#) at [1167].

¹⁸ [17f Horizons-Substantive-Comments-Appendix-Five-Indigenous-Biodiversity-Assessment_Redacted.pdf](#) at page 2.

residual effects on native vegetation and that this is a "positive" outcome.¹⁹ These conclusions align with the assessment by Mr Briggs on behalf of Genesis.

(iv) In relation to indigenous fauna:

- (1) Comments that "The potential for direct impacts on native fauna is highly limited due to the limited nature of valuable faunal habitat."²⁰ Genesis agrees.
- (2) Comments that with little to no bat roost habitat, and no bat detection, the "potential harm to bats is very low".²¹ He supports the proposed inclusion of bat carcasses within the avifauna monitoring conditions (Conditions B24 and B26 in the attachment to Ms Sedgley's planning response in **Appendix One**).
- (3) Comments that with some potential lizard habitat noted, while none have been found, the assessment by Mr Briggs that the effect is likely to be low is "fair".²² However, as no detection is not proof of absence, he recommends a condition for precaution (and notes it is in line with the assessment). Such a condition is proposed by Ms Sedgley in the attachment to her planning response in **Appendix One** (Condition B29).
- (4) Refers to a recent presentation by Dr O'Donnell that bird strike is "plausible but there is insufficient information to establish the level of risk".²³ He notes the site lies 7km from the Manawatū Estuary (a recognised migratory wading bird hot spot) but that as far as he can ascertain the project does not lie along a known fly way, is not between high value areas for migratory bird habitat, and is not located near any habitat linkages for waterfowl. Therefore, he agrees the assessment by Mr Briggs that the effects are likely to be low is "reasonable"²⁴ (while acknowledging residual risk). To manage that uncertainty, he supports the avifauna conditions

¹⁹ [17f Horizons-Substantive-Comments-Appendix-Five-Indigenous-Biodiversity-Assessment Redacted.pdf](#) at page 2.

²⁰ [17f Horizons-Substantive-Comments-Appendix-Five-Indigenous-Biodiversity-Assessment Redacted.pdf](#) at page 2.

²¹ [17f Horizons-Substantive-Comments-Appendix-Five-Indigenous-Biodiversity-Assessment Redacted.pdf](#) at page 2.

²² [17f Horizons-Substantive-Comments-Appendix-Five-Indigenous-Biodiversity-Assessment Redacted.pdf](#) at page 3.

²³ [17f Horizons-Substantive-Comments-Appendix-Five-Indigenous-Biodiversity-Assessment Redacted.pdf](#) at page 3.

²⁴ [17f Horizons-Substantive-Comments-Appendix-Five-Indigenous-Biodiversity-Assessment Redacted.pdf](#) at page 3.

and proposes some amendments. Those amendments have been considered by Ms Sedgley, and the attachment to her planning response in **Appendix One** proposes revised conditions (Conditions B24 to B28).

- (e) **Effects on flood control and drainage scheme:** Several additional provisions were discussed with Genesis on 2 June 2026 and if adopted flooding effects will be appropriately mitigated.²⁵ Those changes were:
 - (i) it is accepted that a 6m clear zone from the top of the bank along Drain 3 is enabled to provide for maintenance access (Condition C8), unless the existing fence is retained where it is 6m from that fencing;
 - (ii) planting of grass species along the bank of Drain 3 must not impede access Condition B15(n); and
 - (iii) access to Drain 3 for maintenance must be maintained at all times (Condition C10).
 - (f) **Planning:** The assessment by Ms Westcott agrees that the applicant has assessed the project against the relevant planning documents²⁶ and that the application has been appropriately assessed and is consistent with them.
10. Out of an abundance of caution Genesis has sought consent to undertake land disturbance and vegetation clearance within 5m of a river. Mr Wright and Ms Hickey have both assessed the effects of the project on waterways (see above) and consider that, with the conditions imposed, effects will be less than minor.
11. While the above resolves this matter for the purposes of the current application, there remains an underlying disagreement between Genesis and MWRC on whether the waterways on the site are drains ("artificial watercourses") or rivers ("modified watercourses") under the Resource Management Act 1991 (**RMA**).
12. Under Genesis' present design there is no need for additional culverts, or replacement culverts; however, if on detailed design such a need arises then, as farm drains, no consent would be required. Genesis would therefore

²⁵ [17 Horizons-Regional-Council Redacted.pdf](#) at [48].

²⁶ [17 Horizons-Regional-Council Redacted.pdf](#) at [50].

appreciate comment from the panel as to its position on this issue, should this point arise in future.

13. MWRC's position as provided by Ms Hickey is that all watercourses on the site are modified watercourses.²⁷
14. In Ms Hickey's assessment of the watercourses,²⁸ in considering whether each watercourse "mostly align[s] with, or does it replace, a historical natural river, stream or wetland?" the answer given was "Yes – this criterion is difficult to assess given limitations in historic knowledge at the site scale...".
15. Genesis fundamentally disagrees with this assessment. Ms Westcott explains that the conclusion as to modified watercourses "is largely a result of the waterways receiving water from an upstream catchment, are likely connected to the groundwater table and the existence of riverine and/or wetland ecosystems adjacent to and within those waterways."²⁹ That is precisely the intent of a farm drain, especially in the context of:
 - (a) the Manawatū, a region which has been extensively drained;³⁰ and
 - (b) the project site, which has been substantially modified by drainage and removal of the original duneland formations.
16. Under the RMA the definition of "River" includes a "modified watercourse" but excludes "any artificial watercourse (including...farm drainage canal)".
17. These terms have been judicially considered previously, including by the High Court in the *Carruthers v Otago Regional Council* decision.³¹ In that decision, Fogarty J found that in the absence of 'proof' of a pre-existing natural watercourse (or pre-existing continuous or intermittent flow in the watercourse) prior to modification, proof of a "modified watercourse" was not made out and therefore.³²

²⁷ [17d_Horizons-Substantive-Comments-Appendix-Three-Waterway-Classification.pdf](#) under the heading 'Further comments': "The watercourses located within the Foxton Solar Farm project area have all been assessed as modified waterways. This classification was consistently reached due to the nature of the site, with those channels likely replacing wetland hydrological systems within a dune landscape that is thought to have previously occurred on the site. In fact, several pockets of wetlands remain on the site, and wetland vegetation was observed adjacent to several of the waterways. Given that these channels are replacing natural hydrological systems, they are considered to be modified waterways as opposed to artificial farm drains."

²⁸ [17d_Horizons-Substantive-Comments-Appendix-Three-Waterway-Classification.pdf](#) at Tables 1 – 4.

²⁹ Ms Westcott's letter dated 16 June 2026 at [17].

³⁰ As the One Plan states "The Manawatū Plains were once covered by a mosaic of wetland habitats. Large-scale drainage has reduced this wetland habitat to about 3% of its former area ..."

³¹ *Carruthers v Otago Regional Council* [2013] NZHC 632.

³² *Carruthers v Otago Regional Council* [2013] NZHC 632 at [51]–[52]. Fogarty J further found at [53] that "it does not matter what the source of the water is."

Once "modified watercourse" has not been proven, it follows that it can be an artificial watercourse, for the definition of river proffers only three options: river, modified watercourse, and artificial watercourse.

18. MWRC's position that all watercourses on site are rivers has been arrived at despite "limitations in historic knowledge". Furthermore, in coming to its position MWRC has made no reference to the technical memorandum provided to MWRC in late 2024 (attached to the planning response from Ms Sedgley in **Appendix One**), which includes:
 - (a) the historical images referred to in the Ecological Impact Assessment from 2001 (before the site was earth worked for dairy farming) which did not show any streams on the site; or
 - (b) the historic topographic maps from 1959 showing no watercourses within the site extent.³³
19. Genesis' position is that the watercourses on site can properly be categorised as "artificial watercourses" or drains.

Comments from HDC

20. HDC also commented, noting in general the comprehensive nature of the information provided on behalf of Genesis. Overall, HDC has concluded that the project is suitable for its location and the potential adverse effects are at an appropriate level and/or can be mitigated.³⁴ HDC's comments show a large degree of alignment with the assessments undertaken on behalf of Genesis and the conditions proposed. Genesis is grateful to HDC for the engagement that has occurred allowing such alignment to be achieved.
21. The one condition matter not resolved relates to the issue of potential disagreement between HDC and Genesis during the certification of management plan process. Genesis fully understands, and appreciates, HDC's concern. However, its preference is that the standard approach is applied whereby certification of the management plan by the council technical experts against the conditions occurs and the management plan is not certified until HDC is satisfied that compliance is achieved. However, if the panel wishes to require a process for the appointment of an independent person to decide on any disagreements, Genesis is not averse to that. It can review any

³³ [Foxton Solar: Ecological Impact Assessment](#) at section 3.3.2.

³⁴ [08_Horowhenua-District-Council.pdf](#) at [4].

such conditions later in the process to ensure they are certain, efficient and effective.

NGĀ HAPŪ O HIMATANGI

22. Genesis has met with Ngā Hapū o Himatangi to go through their comments. Following that discussion, on 22 June 2026 Ngā Hapū o Himatangi wrote to Genesis (**Appendix Four**) summarising what has been agreed in response to those comments in relation to a dual approach of some matters being managed directly through a relationship agreement and some matters being managed through the conditions of consent. The matters agreed to be conditions are the accidental discovery protocol (Condition A10 has been amended), cultural awareness and induction for contractors and staff (Condition A25(n)) and providing certified plans to Ngā Hapū o Himatangi (Condition A23) (as coloured yellow in the tracked change condition set attached to the planning response from Ms Sedgley in **Appendix One**).
23. All outstanding matters with Ngā Hapū o Himatangi have therefore been addressed to their satisfaction.

COMMENTS FROM OWNERS AND OCCUPIERS OF ADJACENT LAND

24. The locations of the owners and occupiers of adjacent land that responded are shown in **Figure 1** below.

Figure 1: Map of notified neighbours: Comments reviewed from Shailer x2 (yellow), Sketcher (purple), Calderbank (pink), and Te Tumu Paeroa (blue)



Te Tumu Paeroa

25. As set out in the comments received from Te Tumu Paeroa, there have been ongoing discussions to address issues of concern to the Māori Trustee, with most matters being agreed (as coloured green in the tracked change condition set attached to the planning response from Ms Sedgley in **Appendix One**). Genesis appreciates the positive and pragmatic approach adopted by Te Tumu Paeroa during these discussions.
26. In relation to the two outstanding matters:
- (a) Genesis has no concern with the intent of the landscape changes sought and Condition B15 has been amended to achieve that; but
 - (b) Genesis does not agree with the proposed stormwater management and flood risk condition for the reasons set out in Ms Sedgley's planning response in **Appendix One**. In particular:
 - (i) no consents are required or sought for altering downstream floodwater levels;
 - (ii) MWRC flood department are comfortable with the conditions proposed and the project (see above);
 - (iii) there will be works within 5m of the drains and Genesis is, out of an abundance of caution, seeking consents for such works;
 - (iv) no works associated with the project within 5m of the drains (or elsewhere) would lead to additional diversion of flows to adjoining properties; and
 - (v) such an outcome is not required given the conclusions of the Stormwater and Flood Risk Assessment, attached as Appendix J to the Application.

Comments from Ms Sketcher, the Shailers and the Calderbanks

Rural amenity

27. A theme in the comments from Ms Sketcher, the Shailers and the Calderbanks was effects on the rural amenity of the area, which they consider is an inappropriate location for an 'industrial' activity. Genesis understands and acknowledges the connection that people have with their properties and surrounding environment. However, change in and of itself is not an adverse

effect. There is also no requirement under the FTAA, nor the RMA, for there to be no effects.³⁵

28. Given the commenters' views on existing amenity, it is important to consider what the relevant district plan anticipates in terms of activities and environmental outcomes in the relevant location, including in relation to amenity values and the character of the environment.³⁶ As set out in sections 7.14 and 8.11 of the Application, the Horowhenua District Plan explains, in respect of the General Rural Zone, that (emphasis added):

The rural environment currently supports a diversity of land based primary production activities, particularly dry stock, dairying, cropping, horticulture, exotic forestry and small niche primary production land uses. Infrastructural and other industrial-type activities also occur in the rural environment, such as network utility facilities, gravel extraction and quarrying/aggregate processing, and these are critical to the functioning of the District. Providing for a range of land use activities in the Rural Zone is important for ensuring diversity and resilience to the rural economy by providing additional employment and economic opportunities.

The District Plan therefore contemplates the activities the commenters refer to, but also more industrial type infrastructure activities.

29. There were also common comments received on the effects of construction noise, including on wellbeing and enjoyment of their properties.³⁷ Mr Jansen responds to the concerns about noise in **Appendix Two** and does not consider additional noise mitigation is warranted or necessary.

Property values

30. Ms Sketcher, the Shailers and the Calderbanks all raised concerns about property values decreasing.³⁸ As the panel will be aware, it cannot have regard to effects on property values. The adverse environmental effects of the project are to be considered directly. Property values are derived from many factors, including those direct effects (and, for example, people's attitudes towards renewable energy, which may well be positive thus increasing values). If the panel were to have regard to the project's effects on property values, as well

³⁵ *Re Meridian Energy Ltd* [2013] NZEnvC 59 at [299]; *Royal Forest and Bird Protection Society of New Zealand Inc v Buller District Council (No 2)* [2013] NZHC 1346, [2013] NZRMA 293 at [52].

³⁶ *Blueskin Energy Limited v Dunedin City Council* [2017] NZEnvC 150 at [158].

³⁷ Kerry Sketcher notes the huge negative impact for all neighbours in regard to construction noise; Linda Shailer notes they no longer want to proceed with their plans for their retirement property due to concerns about noise; Lewis Shailer notes that peace and quiet is a primary reason people live in the area; and Robert and Michelle Calderbank note that the intensive construction schedule poses a direct threat to the mental and physical health of local residents, and observe that they chose to build their forever home explicitly for the rural peace and quiet.

³⁸ As stated in the Consultation Records, Appendix D to the AE at page 53 "There have been a number of Australian studies completed on the impact of solar development on land values but they have been inconclusive e.g. Urbis (2016) and Premise (2022). An American based Real Estate Adjacent Property Value Impact Report prepared by CohnReznick in 2021 found that solar farms did not impact property values."

as the project's direct effects, that would essentially amount to double counting. While there are many decisions supporting this position,³⁹ the quote below from the Wahi North Fast-track Approvals Panel is relevant given the linkage to conditions to appropriately address amenity effects:

[689] We acknowledge the concerns of lay person commenters about potential effects on property values. However, it is well established that an impact on property values is not an effect that should be considered under the RMA. Rather, the focus should be directly on the adverse effects on amenity values which are said to influence property values. We have considered effects on amenity values (including those that might arise from vibration, noise, dust and visual changes to the landscape) elsewhere in this Decision. In any event, OGNZL's Top Up scheme is in place and there is no reason to think that it will be discontinued.

...

[691] For the reasons given we are not able to address property value concerns directly. But conditions have been imposed to protect amenity values. Attachment 9 to the HDC consent deals with planting. Screen planting (fast growing natives) for the NRS is to be completed within the first planting season following the commencement of the consent. And, for the GOP, existing pine trees will be retained whilst it is in operation.

31. Genesis' position, based on its expert assessments (and supported by the position adopted by HDC) is that amenity effects have been appropriately addressed through conditions.

Removal of solar panels

32. Ms Shailer has requested that the solar panels on Part Himatangi X Block (35 ha) are removed on the basis that it will have a small impact on the power output but a huge impact for the close surrounding community. Removal of solar panels from this area would result in the loss of some 16MWp (or a 7.2% reduction in capacity). Ms Sketcher has similarly requested the removal of solar panels over part of the same area (a reduction of some 4.5% in capacity).
33. As set out in the Application, the project has a functional and operational need to be located on the site.⁴⁰ Genesis has carefully designed the project to address the environmental values and constraints on the site, while also making the most efficient use of the site to generate renewable electricity. As shown in the General Layout Plan A3,⁴¹ and addressed further below, Genesis

³⁹ *Foot v Wellington City Council* EnvC Wellington W73/98, 2 September 1998 at [254]–[256]. See more recently *Re Meridian Energy Ltd* [2013] NZEnvC 59 at [483]–[485]; *Tram Lease Ltd v Auckland Transport* [2015] NZEnvC 137 at [57]–[60]; and *City Rail Link Ltd v Auckland Council* [2017] NZEnvC 204 at [62]–[63]. These cases are consistent with FTAA decisions from other Expert Panels including [Kings-Quarry-decision-final.pdf](#) at [74(l)] and Wahi North as quoted below.

⁴⁰ [Fast-Track-Approvals-Act-Application_Foxton-Solar-Farm_Redacted.pdf](#) at pages 106 and 107.

⁴¹ [Foxton Solar: Application plans](#).

already proposes a setback from Ms Sketcher's property (and the Calderbank property). The experts advising Genesis consider the location of the solar panels to be appropriate, and Genesis does not propose to remove any of the solar panels. Any reduction in the number of solar panels on site would not only reduce the benefits, and the efficient use of the solar resource, but may also affect the viability of the project (especially given the significant fixed cost of a 220kv substation to connect the solar farm to the national grid).

Other comments from Kerry Sketcher

34. Ms Sketcher has raised several other concerns including:

- (a) Adverse effects on horses associated with dust, noise, vibration and visual effects during construction: Mr Jansen responds to the concerns in **Appendix Two** and confirms that he does not anticipate any significant effects on animals. In terms of context:
 - (i) works are being managed in accordance with the conditions and management plans as addressed in (b); and
 - (ii) the General Layout Plan in the Application Plans (Appendix G to the Application) shows how the solar panels have been largely setback from this boundary (as addressed in (c) below).
- (b) Weekend noise, requesting that weekends remain free from construction: Impact piling, the most disruptive construction activity, has already been limited to Monday to Friday (Condition B9⁴²) precisely to lessen noise effects at the weekends. Further, construction timeframes in the application are for the project as a whole; there will not be 18 months of continuous construction near their boundary. Rather, construction within the dogleg adjacent to their property will take approximately 6 months of works.
- (c) Solar panel placement: Solar panels have already been set back (running at 45 degrees) from the Sketcher property boundary⁴³ and from their dwelling, as shown in the General Layout Plan A3.⁴⁴ The distance from the nearest panel to their dwelling is 160m. Those panels, as

⁴² And [Fast-Track-Approvals-Act-Application_Foxton-Solar-Farm_Redacted.pdf](#) at 7.13.6.

⁴³ [Foxton Solar: Identified landowner and occupier maps](#), Appendix E, Property 41.

⁴⁴ [Foxton Solar: Application plans](#).

shown in Planting Plan LA13,⁴⁵ will be behind a proposed hedgerow 8-10m high.

- (d) Acoustic screening: Mr Jansen reviewed Ms Sketcher's comments and concluded in **Appendix Two** that additional noise mitigation during construction is not warranted and "there is no technical acoustic effects reason why [acoustic screening] would need to be located on the boundary of the Site."

Other comments from Linda Shailer

35. In relation to other matters raised by Linda Shailer:

- (a) Decommissioning is appropriately addressed by the proposed decommissioning conditions (Conditions B31 to B34). As explained above, Genesis has worked with Te Tumu Paeroa to propose additional conditioned requirements in respect of decommissioning. Neither council has raised any concerns related to decommissioning in their comments.
- (b) Fire risk from the lithium batteries, and potential harm to neighbours from contaminated firefighting water, groundwater and drinking water: Genesis consulted with Fire and Emergency New Zealand prior to lodging the application. The consultation report discusses fire risk management and the Battery Management System.⁴⁶ Genesis has worked with Te Tumu Paeroa to propose amendments to the Emergency Response Plan condition (Condition B30 and in addition Genesis has added additional drafting in Condition A25 to address emergency (including fire) safety matters.
- (c) Broken solar panels will be appropriately stored (in a covered and hard stand location within the yard area) prior to recycling (Condition B30(e)).

36. Finally, Ms Shailer (and Mr Shailer too) comments on an elevated building platform on which they intended to build in the next few years. Genesis acknowledges that they do not wish to neighbour a solar farm. Genesis put a lot of effort into consultation with the Shailers:

⁴⁵ fasttrack.govt.nz/_data/assets/pdf_file/0020/21881/Appendix-H3_Assessment-of-Landscape-Effects_Graphics-supplement-pt2.pdf.

⁴⁶ See [Foxton Solar: Consultation Records](#) at pages 29–31.

- (a) incorporating their proposed dwelling location (and a potential two-storied dwelling) into:
 - (i) Viewpoint 9 of the Assessment of Landscape Effects (**ALE**) (Appendix H to the Application);
 - (ii) visual simulations at LA63 to LA78 (Appendix H3 to the Application); and
 - (iii) the Glint and Glare Assessment;⁴⁷
 - (b) preparing cross-sections, undertaking the additional visual simulations (above), and changing planting plan detail in response to matters raised;
 - (c) providing the Shailers with drafts of the reports above;
 - (d) meeting with the Shailers twice on site, several phone calls and email correspondence; and
 - (e) offering to take them around the Lauriston Solar Farm (at a time they were already in Christchurch).
37. Genesis has proposed mitigation to reduce the amenity effects at the proposed building location (and on their land generally). Ms Shailer sought that the same setbacks as elsewhere also be applied to this site, seeking the removal of a 35ha block from the solar farm (addressed above in relation to output impacts). As set out in the ALE,⁴⁸ the setback from solar panels to dwellings is proposed as 100m. Ms Shailer's building platform is approximately 170m from the eastern site boundary and 510m from the northern site boundary.⁴⁹ Further mitigation measures, such as boundary planting (see response to Mr Shailer below) and the low height of the panels (3.5m at maximum tilt), will mitigate amenity effects at the building site (as set out in the ALE).

Other comments from Lewis Shailer (excluding those addressed above)

38. Mr Shailer comments on the loss of productive farming land. That is addressed in detail in the Application⁵⁰ which concludes that the "solar farm will have only minor adverse effects on the soil resource of the land area utilised with the

⁴⁷ [Foxton Solar: Glint and Glare Assessment](#). Mr Shailer comments on incorrect levels being used. That is not correct GPS being used for the visualisation and Google Earth for the Glint and Glare assessment with the difference of 24cm between the two not having any implications for the Glint and Glare assessment. The larger change in heights used between the landscape visualisations and the Glint and Glare assessment is the former reflects the viewpoint for the visual assessment being taken 1.5m above ground level.

⁴⁸ [Foxton Solar: Assessment of Landscape Effects](#) and [Fast-Track-Approvals-Act-Application_Foxton-Solar-Farm_Redacted.pdf](#) at page 77.

⁴⁹ [Foxton Solar: Assessment of Landscape Effects](#) at page 27.

⁵⁰ [Fast-Track-Approvals-Act-Application_Foxton-Solar-Farm_Redacted.pdf](#) at section 7.9.

adverse effects being able to be reversed through decommissioning of the solar farm in future" In his comment (above) the Minister for Agriculture states that he does not see this as being a barrier to progressing this application. Genesis agrees.

39. Mr Shailer considers that their new dwelling will look straight over the top of any screen planting. The Planting Plan LA13 (in Appendix H2 to the Application) proposes a hedgerow 6-8m high to the east and 8-10m to the north. The effectiveness of the proposed mitigation planting in screening the solar farm from the proposed building platform is illustrated in the simulations (LA63 to LA78; Appendix H3 to the Application) and aligns with the ALE conclusion that the overall post mitigation effect would be low.⁵¹
40. Mr Shailer comments on setbacks for Drain 3. Those setbacks have been agreed with MWRC as set out above. He also wishes to approve any boundary planting rather than being consulted on it (Condition B15(f)). As stated above, the planting plan has already been changed in response to consultation with the Shailers. As the panel is aware, third-party approval conditions are unlawful, and Genesis considers the proposed approach to provide an appropriate mechanism for Mr Shailer to input into the planting should he decide he does want to build on the building platform.

Other comments from Robert and Michelle Calderbank

41. Concerns about adverse noise effects on animal wellbeing have been addressed above in response to comments from Kerry Sketcher and are addressed by Mr Jansen in **Appendix Two**. Mr Jansen has also addressed the concerns relating to vibration effects and concludes:⁵²

Given the separation distance from the works and anticipated levels, I do not consider pre- and post-construction building condition surveys to be necessary from a vibration perspective in this instance.

42. Drainage and flood management risk: Considerable work has gone into flood management and the Stormwater Assessment⁵³ deems the site to have a low to moderate flood risk. The key focus is on the drains located on the site being important for conveying runoff. The project will not influence the flood flow efficiency of the main drains. In particular, as set out above, discussions with

⁵¹ [Foxton Solar: Assessment of Landscape Effects](#) at page 17.

⁵² At [10].

⁵³ [Foxton Solar: Stormwater and flood risk assessment](#) and [Fast-Track-Approvals-Act-Application_Foxton-Solar-Farm_Redacted.pdf](#) at section 7.11.

MWRC who manage the flood protection scheme that includes Drain 3 have resulted in agreement.

43. In relation to the concern of the solar arrays affecting runoff, the Application states:⁵⁴

Given that the project will not significantly reduce the permeability of soils across the site, the project is predicted to result in minimal impacts to runoff volumes and character. Any rainwater falling on the site will continue to be absorbed by the soils beneath the solar array in the same manner as presently occurs, given that drainage properties of the soils will remain unchanged.

44. In relation to having a direct contact, new Conditions A13 and A14 have been proposed in response to discussions with Te Tumu Paeroa (see above) to include a dedicated project website that includes contact details.

COMMENTS FROM DOC

45. In its comments, DOC has focused on two matters: bird strike risk and wetlands. These are addressed in turn below.

Avifauna / bird strike

46. In relation to bird strike, Genesis was already in discussions with MWRC as to amendments to the conditions (as raised during the Panel Convener Conference). Mr Lambie's technical response is addressed above. The discussions with MWRC, and Mr Lambie's comments, have resulted in amendments to proposed Conditions B24 to B28. Mr Briggs' response on behalf of Genesis to DOC's comments is set out in **Appendix Three**. In summary he:

- (a) agrees that there is a potential for the species identified by Mr Brass to fly over the site or temporarily utilise the site for foraging, but he does not agree that it is likely;
- (b) considers that the surveys undertaken were adequate based on the findings of the site survey which found that the ecological value of birdlife on site is 'low' (and notes that is supported by Mr Lambie for MWRC); and
- (c) sees merit in the practical mitigations mentioned by Mr Brass as a response should the monitoring triggers be exceeded.

⁵⁴ [Fast-Track-Approvals-Act-Application_Foxton-Solar-Farm_Redacted.pdf](#) at section 7.11.

47. While there is a somewhat stark difference between the technical reports of Mr Briggs and Mr Lambie, and DOC's comments, as far as Genesis is aware that may well be due to DOC not being aware of the amended conditions and that no DOC expert has been onsite. Further the expertise of Mr Brass is unstated, and no expert assessments were provided to support DOC's position.

Natural inland wetlands

48. DOC notes that the wetlands have been assessed as low value and that effects can be addressed through conditions, but requests wetland monitoring post-construction. Mr Briggs responds to this in his technical response in **Appendix Three**, and concludes that no additional offset, compensation or additional monitoring, other than what will be specified in the LMP (Condition B15), is necessary.

Lizards

49. DOC agrees the lizard habitat potential is low and recommends an incidental discovery condition. In response to discussions with MWRC, Condition B29 has been added to address any native lizard discovery within the works area.

OTHERS INVITED TO COMMENT

Comments from Transpower

50. 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. Genesis thanks Transpower for its engagement through the process.

Comments from NZTA

51. NZTA also provided succinct comments focused on potential effects on the state highway network. The comments concluded that the proposal takes account of NZTA's interests and should be able to proceed without adverse effects on it. Genesis thanks NZTA for its engagement through the process.

Comments from HNZPT

52. HNZPT also provided succinct comments. Subject to some minor amendments, Genesis agrees with the proposed amendments to the accidental discovery protocol (now Condition A10, as coloured blue in the tracked change condition set attached to the planning response from Ms Sedgley in **Appendix One**).

53. Genesis does wish to mention that, as set out in section 5.5 of the Application and pages 32 to 37 of the Consultation Records,⁵⁵ it did consult with HNZPT prior to lodging its substantive application. Genesis thanks HNZPT for that engagement through the process.

CONDITIONS

54. Genesis has amended the conditions (attached to Ms Sedgley's planning response in **Appendix One**) as follows:
- (a) minor changes to improve the clarity and consistency the conditions;
 - (b) amendment to the winter works conditions (Conditions C18 and C19) to respond to the concern raised by the panel at the overview conference as to the "approval" for MWRC within the then proposed process; and
 - (c) changes to the conditions, including some substantive changes, to address the comments received as set out above.

RESPONSE TO MINUTE 7

55. Mr Jansen has provided his response to the peer reviewers comments by clarifying the modelling methodology and presentation of results. All operational noise sources have been confirmed as modelled using frequency dependent octave band data, reducing uncertainty in predicted sound propagation and barrier performance. The reporting of the results has also been refined to clearly distinguish between noise levels assessed at property boundaries (for District Plan compliance) and those at dwelling façades (for effects assessment), with façade levels explicitly defined as being calculated at 1 m from the building and including façade reflection.
56. The predicted noise levels in Table C-2 in the noise report have amended in **Appendix Five** to correct a transposing error between the modelled data and the report table. Mr Jansen has confirmed that none of these updates change the overall findings of his assessment. As a result, the assessment provides

⁵⁵ [Foxton Solar: Consultation Records](#).

a clearer and more robust basis for understanding both compliance with the District Plan and the potential noise effects on surrounding receivers.

Dated this 23rd day of June 2026

A handwritten signature in blue ink, appearing to be 'D. Allen', written in a cursive style.

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