

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

### Note to readers:

The Panel's draft conditions are based on the Applicant's updated conditions that were provided as part of their section 55 response to section 53 comments, together with the Applicant's Memorandum dated 7 July 2026 that addressed the Panel's acoustic review.

The Panel's amendments to the condition wording proposed by Genesis are shown in **red font**.

Genesis requested amendments are shown in **green** track changes. Requested amendments and other comments are highlighted blue for ease of reference.

### 1. Index of Resource Consents

Table 1: Index of resource consents

| Ref   | Details                                                                                                                                                                                                                                               | Local Authority | Conditions           | Lapse Period    | Expiry date     |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------|-----------------|-----------------|
| RC 1  | <u>Land Use consent for all activities associated with the construction and operation of the Foxton Solar Farm.</u> <del>Land use consent for the construction, operation, maintenance and decommissioning of a solar farm, substation and BESS</del> | HDC             | Parts A and B        | 10 years        | Unlimited       |
| RC 2  | <u>Land use consent for large scale land disturbance and vegetation clearance</u> <del>deposition of cleanfill.</del>                                                                                                                                 | MWRC            | Parts A and C        | 10 years        | 10 years        |
| RC 3  | <u>Discharge permit for discharge of cleanfill to land</u>                                                                                                                                                                                            | MWRC            | <u>Parts A and C</u> | <u>10 years</u> | <u>10 years</u> |
| RC 4  | <u>Discharge permit for discharge of contaminated stormwater</u>                                                                                                                                                                                      | MWRC            | <u>Parts A and C</u> | <u>10 years</u> | <u>10 years</u> |
| RC 53 | <u>NES: F consent for earthworks and vegetation clearance in and within 10 metres of a natural inland wetland.</u> <del>NESFW consent</del>                                                                                                           | MWRC            | Parts A and C        | 10 years        | 10 years        |
| RC 64 | Subdivision <del>plan</del> <b>consent</b>                                                                                                                                                                                                            | HDC             | Part D               | 10 years        | Unlimited       |

**Commented [MR1]:** The table in Appendix A of the draft decision does not align with this table.

Genesis does not have a preference for whether this table is updated to align with the table in Appendix A of the draft decision, or vice versa.

The track changes to Tables 1 & 2 here seek to align these tables with the table in Appendix A of the draft decision, if that is the preference of the Panel.

### 2. Condition Structure

Conditions are structured as follows:

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

Table 2: Structure of conditions

|               |                                                                                                                                                                                                                                                                                                  |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Part A</b> | Contains general conditions related to the construction, operation, maintenance, and decommissioning of the solar farm and BESS common to RC 1- <del>5</del> <u>64</u>                                                                                                                           |
| <b>Part B</b> | Contains conditions related to the construction, operation, maintenance, and decommissioning of the solar farm and BESS related to the HDC land use consent (RC 1)                                                                                                                               |
| <b>Part C</b> | Contains construction conditions related to MWRC consents for large scale land disturbance, vegetation clearance, discharge of cleanfill and discharge of contaminated stormwater (RC 2- <del>4</del> ) and activities in and within 100m of natural inland wetlands (RC <del>5</del> <u>3</u> ) |
| <b>Part D</b> | Contains conditions related to subdivision (RC <del>6</del> <u>4</u> )                                                                                                                                                                                                                           |

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

### 3. Abbreviations and definitions

The following abbreviations and definitions are relevant to all consent conditions.

Table 3: Abbreviations and 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)          |
| ESCP                        | Erosion and Sediment Control Plan                                                                                                                                                                                                                                                  |
| ERP                         | Emergency Response Plan                                                                                                                                                                                                                                                            |
| HDC                         | Horowhenua District Council                                                                                                                                                                                                                                                        |
| HDC's Engineering Standards | Horowhenua District Council Subdivision and Development Principles and Requirements 2014                                                                                                                                                                                           |
| HNZPT                       | Heritage New Zealand Pouhere Taonga                                                                                                                                                                                                                                                |
| Identified Area             | Area of land shown in Appendix B to these conditions where there may have been an old sheep dip.                                                                                                                                                                                   |
| LMP                         | Landscape Mitigation Plan                                                                                                                                                                                                                                                          |
| Māori Trustee               | Has the meaning given in the Māori Trustee Act 1953                                                                                                                                                                                                                                |
| MWRC                        | Manawatū-Whanganui Regional Council                                                                                                                                                                                                                                                |
| NZEC34:2001                 | New Zealand Electrical Code of Practice for Electrical Safe Distances 2001                                                                                                                                                                                                         |
| NZTA                        | NZ Transport Agency Waka Kotahi                                                                                                                                                                                                                                                    |
| Operation/Operational       | Means the period after which the Project is connected to the National Grid, fully commissioned, and generating power                                                                                                                                                               |
| Permanent Cessation         | 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.              |
| Project                     | The construction, operation, maintenance, and potential decommissioning of the Foxton Solar Farm                                                                                                                                                                                   |
| RMA                         | Resource Management Act 1991                                                                                                                                                                                                                                                       |
| Site                        | Means land within the site boundary as depicted on the General Layout plan shown in Appendix A to these conditions at approximate map reference <b>NZTopo50 BM33 9831 2030</b> . For the avoidance of doubt, new lots created through the subdivision consent are considered to be |

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

| Term                           | Definition                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                | internal to the site for the purposes of any condition relating to noise or dust emissions.                                                                                                                                                                                                                                                                                                                                          |
| <b>Substantive Application</b> | 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 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] |
| <b>SSESCP</b>                  | Site Specific Erosion and Sediment Control Plan                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>SQEP</b>                    | Suitably Qualified and Experienced Practitioner                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Transpower</b>              | Transpower New Zealand Limited                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Works Area</b>              | 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                                                                                                                                                                                                                                                                                                  |

### 4. Proposed conditions on consent

#### Part A – General conditions common to all consents

##### General

- A1. These resource consents authorise the construction, operation, maintenance, and decommissioning of a solar farm, substation and BESS on the Site.
- A1.A** The activities authorised by these resource consents must be undertaken in general accordance with the **Substantive Application**.
- A1.B** Where there is inconsistency between information provided in the **Substantive Application** and these conditions, these conditions of will prevail.
- A2. A copy of these resource consents and relevant management plans must be kept onsite at all times that these resource consents are exercised. These copies must be produced on request by an agent of HDC or a MWRC officer.
- Advice note:** A digital copy of this resource consent is acceptable.
- A3. The Consent Holder is responsible for all contracted operations related to the exercise of these resource consents. ~~They~~ **The Consent** Holder must ensure contractors are made aware of the conditions of these resource consents and relevant management plans and ensure compliance with those conditions and relevant management plans.

##### Pre-construction conditions

- A4. The Consent Holder must notify the HDC, the MWRC's ~~Consents Monitoring Team~~, and Transpower no less than **ten (10) working days** prior to the commencement of Construction.
- Advice note:** The MWRC's ~~Consents Monitoring Team~~ can be contacted on Freephone 0508 800 800 or via email at [consents.monitoring@horizons.govt.nz](mailto:consents.monitoring@horizons.govt.nz).
- A5. The Consent Holder must, at least **ten (10) working days** prior to commencing any activities authorised by these resource consents, appoint a representative(s) who will be MWRC and HDC's principal contact person(s) ~~in regard to~~ **for** matters relating to these resource consents. The Consent Holder must inform MWRC and HDC of the representative's name and how they

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

can be contacted, prior to these resource consents being exercised. Should that person(s) change during the term of these resource consents, the Consent Holder must immediately inform MWRC and HDC and must also give written notice to MWRC and HDC of the new representative's name and how they can be contacted.

- A6. Prior to exercising these resource consents (excluding any Enabling Works that do not require soil disturbance), the Consent Holder must arrange and conduct a pre-Construction site meeting and invite ~~to that meeting~~, with a minimum of **ten (10) working days'** notice, Ngā Hapū o Himatangi, HDC and MWRC's ~~representatives Consents Monitoring Team~~, the contractor, and any other party representing the Consent Holder.

**Advice note:** *In the case that any of the invited parties do not attend this meeting, the Consent Holder will have complied with this condition, provided the invitation requirement is met.*

- A7. Prior to exercising these resource consents (excluding any Enabling Works ~~that do not require soil disturbance~~), the Consent Holder must invite Ngā Hapū o Himatangi and, if ~~that invitation is~~ accepted, give Ngā Hapū o Himatangi an opportunity to perform a karakia to bless the Site.

### Completion of Construction notification

- A8. The Consent Holder must notify HDC, ~~the MWRC's Consents Monitoring Team~~, and Transpower within **five (5) working days** of the Completion of Construction.

### Notification of commissioning

- A9. The Consent Holder must notify HDC, the MWRC's ~~Consents Monitoring Team~~, and Transpower within **five (5) working days** of completion of commissioning of the solar farm.

### Accidental discovery

- A10. In the event of a suspected archaeological site, wāhi tapu, taonga, or kōiwi tangata being discovered or disturbed during the exercise of this resource consent, the following will apply:
- Work must cease immediately within 20m of the suspected site;
  - Ngā Hapū o Himatangi, the Heritage New Zealand Pouhere Taonga Regional Archaeologist, HDC, and MWRC's ~~Consents Monitoring Team~~ must be notified immediately;
  - If the site is of Māori origin, the Consent Holder must invite Ngā Hapū o Himatangi, and if accepted give Ngā Hapū o Himatangi an opportunity, to undertake appropriate tikanga, so long as all statutory requirements under the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975 are met;
  - If kōiwi (human remains) are encountered, the New Zealand Police must also be advised immediately. No further work in the area may take place until future actions have been agreed between Ngā Hapū o Himatangi, the Consent Holder, and ~~Heritage New Zealand Pouhere Taonga HNZPT~~.

Further work at the site must not resume until ~~Heritage New Zealand Pouhere Taonga HNZPT~~ gives written approval for work to continue. An application for an archaeological authority may be required.

**Advice note:** *The ~~Heritage New Zealand Pouhere Taonga HNZPT~~ Regional Archaeologist can be contacted on (04) 494 8324*

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

### National Grid

- A11. The Consent Holder must ensure that access is maintained to the BPE-HAY-A and BPE-HAY-B National Grid transmission lines, including support structures, for maintenance **and emergency works** at all ~~reasonable times, and emergency works at all times.~~

**Advice note:** Transpower has a right to access its existing assets under s23 of the Electricity Act 1992. Any development must not preclude or obstruct this right of access. It is an offence under s163D of the Electricity Act 1992 to intentionally obstruct any person in the performance of any duty or in doing any work that the person has the lawful authority to do under s23 of the Electricity Act 1992.

- A12. All activities, including the construction of new buildings **and** structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed line parts must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) or any subsequent revision of ~~the that~~ code.

### Community Information / Project Website

- A13. The Consent Holder must establish a Project website, or equivalent virtual information source, at least **twenty (20) working days** prior to commencing activities authorised by this resource consent (excluding any **Enabling Works**), and must maintain it until Completion of Construction. The website or virtual information source must include a copy of these conditions and provide up-to-date information on:
- the status of the Project;
  - anticipated Construction timeframes and sequencing;
  - certified management plans;
  - contact details **including a direct phone number** for enquiries, complaints and accesses during Construction; and
  - details regarding the complaints and response procedures pursuant to Conditions A15 and A16.
- A14. The Consent Holder must notify adjoining landowners, the Māori Trustee, Ngā Hapū o Himatangi, HDC and MWRC as soon as reasonably practicable once the website, or equivalent virtual information source has been established.

### Complaints

- A15. The Consent Holder must maintain a complaints register of any complaints received regarding the exercise of these resource consents detailing:
- the name and contact details (if supplied) of the complainant;
  - the nature and details of the complaint;
  - the location, date and time of the complaint and the alleged event giving rise to the complaint;
  - the weather conditions and wind direction at the time of the complaint, where relevant to the complaint;
  - other activities in the area, unrelated to the Project, that may have contributed to the **alleged event complained of complaint;**
  - the outcome of the Consent Holder's investigation into the **alleged** complaint; and

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

- g. a description of any measures taken to respond to a ~~verified event complained of the complaint.~~

The complaints register must be made available to MWRC and HDC on request.

- A16. The Consent Holder must respond to any complaint as soon as reasonably practicable and within **five (5) working days** of receiving the complaint the Consent Holder must advise the by ~~advising~~ MWRC and HDC and the complainant of the outcome of the Consent Holder's investigation and ~~all any~~ measures taken, or proposed to be taken, to respond to the complaint and to prevent a reoccurrence of the event that gave rise to the complaint.

### Management Plan Conditions

- A17. The Consent Holder must prepare the management plans set out in Table 4 for ~~written~~ certification ~~in writing~~ by the relevant council in a technical certification capacity. The Consent Holder must prepare the management plans in accordance with the requirements of the relevant conditions and in general accordance with the ~~Substantive~~ Application.

- ~~A18. The certification process must be limited to confirming that the management plan adequately gives effect to the relevant condition(s) and is generally consistent with the Application.~~

**Advice note:** The certification process is limited to confirming that the management plan adequately gives effect to the relevant condition(s) and is generally consistent with the Substantive Application.

Table 4: Management plans

| Management Plan                                                              | Regulatory Authority or 'Council'                | Condition Reference | Documents to Council for Certification – Minimum Timeframe                                                                                                                        |
|------------------------------------------------------------------------------|--------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Construction Environmental Management Plan (CEMP)                            | HDC & MWRC                                       | 0                   | At least 20 working days before Construction or any land disturbing activities commence                                                                                           |
| Construction Traffic Management Plan (CTMP)                                  | HDC                                              | B1                  | At least 20 working days before Construction commences                                                                                                                            |
| Contaminated Soils Management Plan (CSMP)                                    | HDC (for information) & MWRC (for certification) | A29                 | At least 20 working days before any land disturbing activities in the Identified Area and within 20 working days after any unexpected discovery of potentially contaminated soils |
| Construction Noise Management Plan (CNMP)                                    | HDC                                              | B10                 | At least 20 working days before Construction commences                                                                                                                            |
| Landscape Mitigation Plan (LMP)                                              | HDC                                              | B15                 | At least 20 working days before Construction commences                                                                                                                            |
| Erosion and Sediment Control Plan (ESCP) and any Site Specific ESCP (SSESCP) | MWRC                                             | C1                  | At least 20 working days before any land disturbing activities commence                                                                                                           |

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

|                                |              |     |                                                                                   |
|--------------------------------|--------------|-----|-----------------------------------------------------------------------------------|
| Emergency Response Plan (ERP)  | HDC          | B30 | 20 working days prior to the solar farm becoming operational                      |
| Avifauna Management Plan (AMP) | MWRC and HDC | B27 | For information, within 6 weeks of exceeding a threshold trigger in Condition B27 |
| Decommissioning Plan           | HDC          | B32 | Within 6 months of Permanent Cessation                                            |

- A19. If the relevant council's response is that it cannot certify a management plan, the Consent Holder must consider any reasons provided by the relevant council for that position and any associated recommendations of the relevant council **regarding the contents of the management plan** and must resubmit an amended management plan for **written** certification.
- A20. Construction activities must not commence until the CEMP, CNMP and CTMP have been certified. Soil disturbing activities must not commence until the CEMP and ESCP, and if relevant the CSMP, have been certified.
- A21. Any changes proposed to a **certified** management plan must be confirmed in writing by the Consent Holder and certified in writing by the relevant council acting in a technical certification capacity, prior to the implementation of any changes proposed. **Any** All such **changes amendment** must be in accordance with the requirements of the relevant conditions and in general accordance with the **Substantive** Application **documents as detailed in Condition A1**.
- A22. All activities **authorised by these resource consents** must be undertaken in accordance with all relevant certified management plans.
- A23. **Copies of all** certified management plans listed in Table 4, including **any changes to those management plans updates**, must be provided to Ngā Hapū o Himatangi.

- A23A **Prior to providing the LMP to the HDC for written certification or recertification, the Consent Holder must provide the LMP to the MWRC and invite the MWRC to review and provide comments on, and any suggested amendments to, the parts of the LMP that address wetland planting within five (5) working days following the date on which the LMP is provided to the MWRC.**
- A23B **The Consent Holder must consider MWRC's comments and any suggested amendments and prepare a document outlining what if any amendments have been made to the LMP in response to those comments and suggestions and provide that document to the HDC contemporaneously with the LMP when it is submitted to the HDC for written certification or recertification.**
- A23C **The document required under Condition A23B must include an explanation of where any comment or suggested amendment made by the MWRC has not been incorporated into the LMP and the reasons why.**
- A23D **A copy of the LMP plan that is submitted to HDC for written certification and the certified LMP must be provided to the MWRC for their information, together with the document required under Condition A23B.**

**Commented [MR2]:** Genesis is comfortable with the review role for MWRC in relation to the wetland aspects of the LMP as outlined in conditions A23A to A23D.



## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

### Construction Environmental Management Plan

A24. At least **twenty (20) working days** prior to commencing activities authorised by this resource consent (excluding any Enabling Works), the Consent Holder must provide HDC and MWRC's ~~Consents Monitoring Team~~ with a CEMP for **written** technical certification.

A25. The purpose of the CEMP is to develop measures and processes to manage and minimise the adverse effects of Construction. The CEMP must include but not be limited to:

- a. a final construction methodology including stages, duration **of stages**, and **an** overall project timeline;
- b. identification of key **construction** personnel and **their** contact details;
- c. **specifying** hours of ~~operation~~ construction and restrictions on activities as:

| Timeframe                  |                                        | Activity                                            |
|----------------------------|----------------------------------------|-----------------------------------------------------|
| Monday to Friday           | 7.00 am to 7.30 am                     | No noisy works                                      |
|                            | 7.30 am to 6.00 pm                     | All construction works allowed                      |
|                            | 6.00 pm to 8.00 pm                     | No noisy works                                      |
| Saturday                   | 7.00 am to 7.30 am                     | No noisy works                                      |
|                            | 7.30 am to 6.00 pm                     | All construction works allowed except impact piling |
|                            | 6.00 pm to 8.00 pm                     | No noisy works                                      |
| Sunday and Public Holidays | No construction works to be undertaken |                                                     |

- d. proposed construction lighting;
- e. a complaints management procedure in compliance with Conditions A15 and A16;
- f. a methodology to achieve compliance with Conditions B8 to B10;
- g. A Spill Management Plan including but not limited to the following information:
  - i. Contact details of the person(s) responsible for responding to any spills;
  - ii. Potential sources of contaminants from the **Site** and the proposed works; and
  - iii. The proposed response **and** remedial procedures **for spills** and related timeframes;
- h. emergency response controls and incident management specific to the **Construction** phase of the project;
  - i. a copy of the CTMP required by Condition B1;
  - ia** a copy of the CNMP required by Condition B10;
  - j. a copy of the ESCP required by Condition C1;
  - k. a copy of the ADP for the Project;
  - l. management controls to manage dust;
  - m. machinery wash-down protocols to ensure machinery is cleaned prior to entering the **Site** to avoid spreading invasive **pest plant** species; and
  - n. detail of cultural awareness and cultural induction requirements for all contractors and **Project** personnel working on the **Site**.

A26. In addition to the matters listed in Condition A25, for any works within the National Grid corridor the CEMP must:

- a. demonstrate (using construction drawings **or** plans and descriptions of procedures, methods and measures) that all construction activities undertaken on the **Site** will meet

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

the safe distances ~~specified in~~ ~~within~~ the NZECP34: 2001 or any subsequent revision of ~~the that~~ code; including (but not limited to) those relating to:

- i. excavation and Construction near Towers (Section 2 NZECP34:2001);
  - ii. building to conductor clearances (Section 3 NZECP34:2001);
  - iii. ground to conductor clearances (Section 4 NZECP34:2001);
  - iv. mobile Plant to conductor clearances (Section 5 NZECP34:2001); and
  - v. people to conductor clearances (Section 9 NZECP34:2001);
- b. include details of any areas that may be “out of bounds” during construction and/or areas within which additional management measures are required, such as fencing off, entry and exit hurdles, maximum height limits, or where a safety observer may be required (a safety observer will be at the Consent Holder’s cost);
- c. demonstrate (using either construction drawings ~~or~~ plans and/or descriptions of procedures, methods and measures) how the existing **National Grid** transmission lines and support structures will remain accessible during and after **Construction** activities;
- d. demonstrate how the effects of dust (including any other **airborne** material potentially resulting from **Construction** activities able to cause material damage beyond normal wear and tear) on the **National Grid** transmission lines will be managed;
- e. demonstrate how changes to the drainage patterns, runoff characteristics and stormwater will avoid adverse effects on the foundations of any **National Grid** support structure;
- f. demonstrate how **Construction** activities that could result in ground vibrations and/or ground instability will be managed to avoid causing damage to the **National Grid** transmission lines, including support structures; and
- g. provide details of proposed contractor training for those working near the **National Grid** transmission lines.

A27. The CEMP must be provided to Transpower for comment in respect of the National Grid at least **ten (10) working days** prior to ~~its~~ submission to HDC. The CEMP must be provided to Transpower via Patai Form 5 ‘Submit a Management Plan’ – <https://transpower.patai.co.nz>. Any comments received ~~from Transpower~~ within **ten (10) working days of the CEMP’s provision to Transpower** must be documented ~~and provided to the HDC contemporaneously with the CEMP~~ along with a clear explanation of where any comments have not been incorporated and the reasons why.

A28. The CEMP may be amended without the need for ~~written~~ certification where the amendment is administrative, including changes to nominated personnel. ~~The amended CEMP must be provided to the HDC.~~

### Contaminated soils

A29. If soil disturbance is required within the Identified Area, soil sampling and analysis must be completed in ~~this that~~ **Identified Area** in accordance with the Ministry for the **Environment’s** Contaminated Land Management Guidelines to identify if any contaminants are present in the soils at a level that could present a risk to human health or the environment.

A30. If contaminants are found to be present in the soil at a level that could present a risk to human health or environmental risk, at least **twenty (20) working days** prior to commencing soil disturbing activities within the Identified Area, the Consent Holder must provide the MWRC’s ~~Consents Monitoring Team~~ with a CSMP for technical ~~written~~ certification. The CSMP must also

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

be provided to HDC for information. The CSMP must be prepared by a SQEP in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines. The CSMP must outline procedures for soil disturbance measures that will be put in place to manage risks to human health and the environment including, where relevant, ensuring potential contaminants in runoff from the Site during earthworks are below relevant Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG) criteria.

A31. In the event of any unexpected discovery of potentially contaminated soils during earthworks, the Consent Holder must:

- a. inform HDC and MWRC's ~~Consents Monitoring Team~~ of the unexpected discovery of contaminated soils as soon as reasonably practicable and within **five (5) working days**;
- b. engage a SQEP to assess the nature of the material and provide recommendations as to how the contaminated material is to be managed; and
- c. provide a CSMP (or updated CSMP if one has already been provided under Condition A30) prepared by the SQEP to MWRC's ~~Consents Monitoring Team~~ for technical **written** certification prior to further **soil** disturbance in the contaminated area. The CSMP (or updated CSMP) must also be provided to HDC for information. The CSMP must outline any remediation or management procedures to be put in place to manage risks to human health and the environment.

**Advice note:** Unexpected discovery of potentially contaminated soils may be indicated by the presence of unnaturally discoloured soils, mal-odours, or buried anthropogenic materials including fibrous materials such as asbestos containing material.

### Administration and review

A32. ~~That Pursuant~~ Pursuant to s36(1)(c) of the RMA, the Consent Holder must pay HDC and MWRC all actual and reasonable costs associated with monitoring **the** conditions of **these resource consents** ~~the Resource Consent~~.

A33. HDC and MWRC, under s128 of the RMA, may on the first anniversary of the commencement of these resource consents and every two years thereafter serve notice of ~~its~~ **their** intention to review all conditions of these resource consents for the purpose of reviewing the effectiveness of these conditions in avoiding and mitigating any adverse effects on the environment. The review of conditions must allow for:

- a. deletion or amendments to any conditions of these resource consents to ensure unforeseen adverse effects are appropriately mitigated;
- b. addition of new conditions as necessary, to avoid, remedy or mitigate any unforeseen adverse effects on the environment; and
- c. if necessary and appropriate, the adoption of the best practicable options to avoid, remedy or mitigate any adverse effects on the environment.

## Part B – District Council Consent Conditions (**C**onstruction and **O**peration)

### Traffic, roading and access

B1. At least **twenty (20) working days** prior to commencing activities authorised by this resource consent (excluding any Enabling Works), the Consent Holder must provide HDC with a CTMP for **written** technical certification. The purpose of the CTMP is to manage property access,

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

construction traffic and safety for all road users associated with the Construction of the Project. The CTMP must include but not be limited to:

- a. Site access locations;
- b. construction traffic routes including demonstrating that no construction traffic will turn right from State Highway 1 onto Wall Road, unless specifically authorised by the CTMP in consultation with NZTA;
- c. nature and duration of any temporary traffic management proposed including temporary signage and over dimension and overweight transportation requirements (such as pilot vehicles);
- d. a Traffic Management Diagram;
- e. Site management requirements;
- f. noise and dust management;
- g. responsibilities for noise, dust and traffic safety mitigation management;
- h. traffic safety risk assessment requirements;
- i. monitoring and review details including work site inspections recording and reporting;
- j. incident management;
- k. contingency plan to manage traffic safety risks;
- l. methods for minimising light vehicle traffic to and from the Site during Construction including use of shuttle buses for transporting project workforce if practicable;
- m. driver's code of conduct; and
- n. communications strategy including measures for regular communication with residents on Wall Road, Motuiti Road, and Himatangi Block Road.

**Advice note:** This consent does not constitute authorisation to work on the road. Works affecting the road will require approval for access to the corridor. A separate Corridor Access Request will need to be made to HDC and/or NZTA.

- B2. The CTMP must be provided to NZTA for comment in respect of the state highway network at least **ten (10) working days** prior to its submission to HDC. Any comments received from NZTA within **ten (10) working days** must be documented and provided to the HDC contemporaneously with the CTMP along with a clear explanation of where any comments have not been incorporated and the reasons why.
- B3. At least **twenty (20) working days** prior to commencing construction of Site access, carparking, loading and manoeuvring areas or internal access ways, the Consent Holder must provide HDC with the following plans for written technical certification:
  - a. design of new access A01 in general accordance with Diagram 6 in Appendix One of HDC's Engineering Standards;
  - b. design of new access A02 in general accordance with Drawing 5 in Appendix One of HDC's Engineering Standards;
  - c. design of carparking, loading and manoeuvring areas to a formed all-weather metalled surface;
  - d. location and design of main internal access ways to be formed and constructed to a minimum 4m width with an all-weather metalled surface;

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

- e. detail of on-going access to the BPE-HAY-A and BPE-HAY-B National Grid transmission lines as required by Condition A26.c; and

**B3A** All Site access, carparking, loading and manoeuvring areas or internal access ways must be ~~the designed is-to-be~~ in accordance with HDC's Engineering Standards, unless otherwise agreed between the Consent Holder and HDC.

**Advice note:** A vehicle crossing application needs to be completed, submitted to HDC and approved before construction of new vehicle crossings begins.

- B4. Before the commencement of the activities authorised by this consent (excluding any Enabling Works), the Consent Holder must construct new road crossings A01 and A02 in accordance with the design certified under Condition B3, unless otherwise agreed in writing with HDC.
- B5. Before the commencement of the activities authorised by this consent (excluding any Enabling Works), the Consent Holder must undertake a visual inspection and record the condition of the local road network route **to be used by Construction traffic** for the purposes of a dilapidation survey. A second inspection must be conducted and record taken after the Completion of Construction. The **Consent Holder** must invite both HDC and the Consent Holder's contractor to attend these inspections.
- B6. The Consent Holder must ensure that damage to the local road network attributable to **Construction traffic** is repaired and reinstated to the original condition as recorded by the visual inspections required by Condition B5 within three (3) months of the Completion of Construction at the cost of the Consent Holder.
- B7. Notwithstanding the requirements of Condition B6 any damage attributable to **Construction traffic** that, in the **reasonable** view of HDC (recorded in writing), has the potential to result in adverse traffic safety effects must be repaired and reinstated by the Consent Holder as soon as practicable to the original condition as recorded by the visual inspections required by Condition B5.

## Construction noise and vibration

- B8. Noise from construction activities must be measured and assessed in accordance with NZS 6803:1999 Acoustics - Construction Noise. Construction activities must be managed **to comply with achieve** the **Construction noise limits** in Table 5 as far as practicable. ~~Where those limits cannot practicably be achieved, C~~ Construction noise effects must be managed in accordance with the certified CNMP.

Table 5: Construction noise limits adopted for this Project, based on Table 2 of NZS 6803:1999

| Timeframe                                                           |                    | Noise Limit at neighbouring dwellings |                    |
|---------------------------------------------------------------------|--------------------|---------------------------------------|--------------------|
| Weekday                                                             | 6.30 am to 7.30 am | L <sub>Aeq</sub>                      | L <sub>AFMax</sub> |
|                                                                     | 7.30 am to 6.00 pm | 55dB                                  | 75dB               |
|                                                                     | 6.00 pm to 8.00 pm | 70dB                                  | 85dB               |
|                                                                     | 8.00 pm to 6.30 am | 65dB                                  | 80dB               |
| Saturdays                                                           | 6.30 am to 7.30 am | 45dB                                  | 75dB               |
|                                                                     | 7.30 am to 6.00 pm | 45dB                                  | 75dB               |
|                                                                     | 6.00 pm to 8.00 pm | 70dB                                  | 85dB               |
|                                                                     | 8.00 pm to 6.30 am | 45dB                                  | 75dB               |
| Sundays and public holidays: No construction works to be undertaken |                    |                                       |                    |

- B9. Impact piling must be undertaken only between 7:30am and 6:00pm, Monday to Friday.

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

~~B9A Impact piling must be limited to a single mini-pile driving rig when undertaken:~~

- ~~a. within 150 metres of an occupied dwelling between the hours of 7.30am and 6.00pm; and~~
- ~~b. between 80 and 250 metres of an occupied dwelling between the hours of 6.00pm and 7.00pm.~~

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

B10. At least **twenty (20)** working days prior to commencing activities authorised by this resource consent (excluding any Enabling Works), the Consent Holder must provide HDC with a CNMP, prepared by a SQEP, for technical certification. The purpose of the CNMP is to develop measures and processes to manage and minimise the adverse effects of Construction noise. The CNMP must address, as a minimum, the measures identified in Annex E of NZS 6803:1999 and must include but not be limited to:

- a. **predicted noise levels 1 metre from the façade of occupied dwellings located within 150m of proposed piling works, based on the final selected plant and final layout of the solar farm and BESS, where applicable, and the proposed Construction methodology;**
- b. the proposed piling rig **manufacturer's make and** model and either measured sound levels from installation of piles of a similar size, or **the** manufacturer's sound power level data;
- c. details of mitigation measures to be applied where predicted **Construction noise** levels exceed the applicable limits of Condition B8 **Table 5**; and
- d. written communication with the occupiers of all dwellings within 150 metres of proposed piling works, at least 10 working days prior to those works commencing, setting out a brief overview of the works, the working hours and expected duration, the mitigation measures to be implemented, and the procedure for recording and responding to noise complaints

B11. Vibration from Construction activities must at all times comply with the vibration limits set out in German Standard DIN 4150-3:2016-12 "Vibrations in buildings - Part 3: Effects on structures".

### Height of solar panels

B12. Solar panel height must not exceed a maximum of 3.5 metres above finished ground level.

### ~~Solar panel rest angle~~

~~B12A The solar panel orientation at the start and end of the day (at sunrise and sunset) must have a "rest" angle of zero degrees (namely horizontal).~~

~~**Advice note:** This does not apply during the hours of darkness, where the solar panel orientation may be more than zero degrees in order to avoid hail damage in the event of a weather event.~~

### Cleaning of solar panels

B13. Infrastructure within the Site (including but not limited to panels, inverters, transformers, and switchgear) must only be cleaned with water or a biodegradable cleaner or water softener.

### Lighting

B14. Outdoor lighting must be designed and installed in accordance with the following requirements:

**Commented [MR3]:** As outlined in the covering Memorandum, these conditions are largely duplicative.

Condition B9 already states that no piling can occur between 6:00pm and 7:00pm. Conditions B9A(b) and B9B, which place restrictions on piling machinery choice between 6:00pm and 7:00pm, are therefore unnecessary and risk causing confusion.

Genesis' preference is also to not include B9A(a) as this removes flexibility. While compliance with the Table 5 limits can be achieved using a single mini-pile driving rig, neighbours may prefer to accept a higher noise level if it means piling activities are completed faster. This is a decision that would usually be made in consultation with neighbours during development of the CNMP.

However, if the Panel wishes to retain the restriction in B9A(a), Genesis proposes the following wording to avoid duplication:

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

**Commented [MR4]:** As outlined in the advice from Dr Georgiou, the highest potential for glare at ground-based receptors is when solar tracking systems have a rest angle of zero degrees during backtracking in the early morning and late afternoon. In the event that an adverse effect did occur, by requiring a rest angle of zero degrees, this condition would make the effect worse.

Placing a condition on rest angle removes flexibility for the consent holder to change panel angle in response to issues arising during operation, such as in response to complaints under conditions A15 and A16. Genesis considers that such a condition is not required.

However, should the panel be minded to impose such a condition, Genesis requests that the condition reflect the scenario outlined in the Glint and Glare modelling, i.e. 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. Genesis also requests that the advice note allows for other weather and flood conditions.

Such a condition could be drafted as:

*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.*

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

- a. lights must be shielded to avoid upward light spill; and
- b. lighting must not result in any greater than 1 lux at the façade of any residential dwelling beyond the Site.

### Landscape

B15. At least **twenty (20) working days** prior to commencing activities authorised by this resource consent (excluding any Enabling Works), the Consent Holder must provide HDC with a LMP for **written** technical certification. The purpose of the LMP is to assist the Project to integrate into the surrounding area and to screen surrounding properties and roads from glint or glare. A draft of the LMP must be provided to **neighbouring landowners, including those affiliated with the owners of 187 Motuiti Road, and to the Māori Trustee and Transpower in respect of the National Grid**, for comment in relation to planting along their **relevant** property boundary(s) at least **ten (10) working days** prior to the **LMP plan** being submitted to HDC. The LMP must be **based in accordance with** on the Proposed Mitigation & Enhancement plan included **as Appendix G2 of** **in** the **Substantive** Application except that:

1. it must require planting of no more than 6 metres mature height on the boundary of Himatangi 5A 5C1, Himatangi 5A 5C 2A, and Himatangi 5A 5C 2B blocks; and
2. it must require up to 180m of planting on the boundary of Himatangi 4C3, unless the landowners agree that **it is not necessary and evidence of such is provided when the LMP is submitted to HDC for certification**;
3. **it must require setting back security fencing behind proposed perimeter mitigation plantings, rather than on the Site boundary.**

and include but not be limited to:

- a. identification of planting zones;
- b. a plant species list which must consist of predominantly low flammability, locally sourced species from the Manawātū Plains Ecological District and is in response to further inspection of **Site** conditions to ensure the appropriate mix of species is used in each planting area (wet areas, for example);
- c. confirmation that any new trees or vegetation **planted** within 12 metres either side of the centreline of the BPE-HAY-A and BPE-HAY-B National Grid transmission lines will not exceed 2 metres in height at full maturity and will comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations;
- d. confirmation that any new trees or vegetation **planted** outside of the 12 metres either side of the centreline of the BPE-HAY-A and BPE-HAY-B National Grid transmission lines will either have a height at full maturity or be setback such that they cannot fall within 4 metres of the transmission lines;
- e. demonstration that all trees or vegetation will be setback at least 2 metres from the outer edge of the visible foundation of any National Grid Support Structure and that a 6 metre corridor free from trees or planting will be provided on at least one side of any National Grid Support Structure in order to provide Transpower with access to the tower for operation and maintenance activities;
- f. confirmation of any sections of boundary planting that have been amended in consultation with the neighbouring landowner(s) including those affiliated with 187 Motuiti Road and the Māori Trustee, including where there is a change to plant type,

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

species mix, or anticipated mature height from the Proposed Mitigation & Enhancement plan included as Appendix G2 of ~~the~~ the Substantive Application;

- g. the source, grade, and size of plants at the time of their planting and the number of plants;
- h. the plant spacing and how it will achieve proposed screening as soon as practicable. The LMP should clearly identify which areas of planting are primarily for visual screening (boundary planting) and which are primarily for wider landscape character or ecological betterment;
- i. a timeframe for planting that achieves the timeframes in condition B17 and prioritises planting along boundaries closest to neighbouring dwellings;
- j. Site preparation details including watering, weed control, mulching, and wind protection;
- k. details of fencing;
- l. a maintenance plan including watering, weed control, mulching and replacement planting of dead, diseased, and dying plants for a period of 5 years after planting in ~~that~~ each location. During and after the 5-year maintenance period, dead or diseased plants within the boundary planting must be replaced in the next planting season with new plantings appropriate to the planting area to maintain 90% coverage of the area identified for planting;
- m. methods to manage pest animal species, including rabbits,
- n. demonstration that the planting along Drain 3 as shown in Appendix C does not impede flood control and drainage scheme management access, and
- o. a register of any comments received on the LMP within ten (10) working days of its provision under Condition B15 from neighbouring landowners, including those affiliated with 187 Motuiti Road, the Māori Trustee or Transpower on the LMP along with a clear explanation of where any comments have not been incorporated and the reasons why.

B16. ~~The LMP must be provided to Transpower for comment in respect of the National Grid at least ten (10) working days prior to submission to HDC.~~ The LMP must be provided to Transpower via Patai Form 5 'Submit a Management Plan' – <https://transpower.patai.co.nz>.

B16A A copy of the certified LMP must be provided to neighbouring landowners, including those affiliated with 187 Motuiti Road and the Māori Trustee upon request.

B17. Unless otherwise agreed in writing with HDC, the planting outlined in the certified LMP must be commenced within the first planting season following the commencement of Construction (excluding any Enabling Works) and be completed by the end of the second planting season following commencement of Construction.

### Operational noise

B18. The noise rating level generated by the operation of the solar farm must comply with the following noise limits when measured and assessed at or within the property boundary of surrounding properties:

Table 6: Operational noise limits

| Period                     | Location                       | Noise level                    |
|----------------------------|--------------------------------|--------------------------------|
| Daytime: 7.00am – 7.00pm   | Boundary of any adjoining site | 55 dB L <sub>Aeq</sub> (15min) |
| Evening: 7.00 pm – 10.00pm | Boundary of any adjoining site | 50 dB L <sub>Aeq</sub> (15min) |
|                            | Boundary of 449 Wall Road      | 45 dB L <sub>Aeq</sub> (15min) |



## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

|                             |                                      |                                                           |
|-----------------------------|--------------------------------------|-----------------------------------------------------------|
| Nighttime: 10.00pm – 7.00am |                                      | 65 dB L <sub>Amax</sub>                                   |
|                             | Boundary of any other adjoining site | 40 dB L <sub>Aeq</sub> (15min)<br>65 dB L <sub>Amax</sub> |

**Advice note:** Noise levels must be measured and assessed following NZS 6801:2008 "Acoustics – Measurement of Environmental Sound" and NZS 6802:2008 "Acoustics – Environmental Noise" (or any subsequent replacement standard).

- B19. At least **six (6)** weeks prior to commencing activities authorised by this resource consent (excluding any Enabling Works), the Consent Holder must provide HDC with an acoustic assessment prepared by a SQEP. The acoustic assessment must demonstrate that the final selected plant and final layout of the solar farm and BESS, where applicable, will comply with the noise limits in Condition B18 **Table 6**, including any adjustment for special audible characteristics required under NZS 6802:2008 "Acoustics – Environmental Noise".
- B20. The **acoustic** assessment must include, as relevant:
- the sound power levels and frequency spectra of all significant electro-mechanical plant, including inverters, BESS units and the substation transformer;
  - the cumulative operational noise level from all relevant electro-mechanical plant;
  - confirmation of any equipment selection, layout, orientation, screening, operating controls or other mitigation measures to be incorporated into the design or operation of the **activity solar farm**; and
  - if a BESS is to be installed, confirmation that either:
    - an acoustic barrier or earth bund with a minimum height of **three (3) metres** above BESS ground level will be constructed on the northern side of the BESS, generally in accordance with Figure 3 of the Acoustics Assessment **that formed Appendix R of the Substantive lodged with the Application**; or
    - an acoustic barrier or earth bund alternative acoustic mitigation, or no acoustic barrier, is not required appropriate** because the acoustic assessment demonstrates that the **operational** noise limits in Condition B18 **Table 6** will be complied with.
- B20A.** The **activity solar farm** must be constructed and operated in accordance with **the any** mitigation measures **confirmed recommended** in the acoustic assessment.
- B20B** If a BESS is installed at a different time to the rest of the solar farm, an acoustic **assessment report** that complies with Conditions B12 and B20 and that assesses both **including** the **previously** installed equipment and the BESS must be provided **to** HDC prior to construction of the BESS.
- B21. Within the first period of October to March following completion of commissioning of the solar farm, the Consent Holder must engage a SQEP to monitor noise emissions from the Site to assess compliance **under with the operational noise limits in** Condition B18 **Table 6**. Compliance measurements must occur for a continuous monitoring period of no less than one (1) month. The measurements must be performed:
- subject to the approval of HDC, on Wall Road and within a 100 m radius of the location marked "45" on Appendix C-1 "**Predicted Highest Operational Noise Level Scenario 1 – All Noise Sources**" to **the Acoustics Assessment that formed Appendix R of the Substantive Application Appendix R: Acoustic Assessment**; and

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

- b. at two (2) other representative locations at the Site boundary.
- B22. A report detailing the monitoring outcomes under Condition B21 must be provided to HDC within **twenty (20) working days** of the monitoring period being completed. The report must:
- present the measured noise levels ~~and demonstrate compliance with the limits in Condition B18;~~
  - assess whether any special audible characteristics (SACs) are present in accordance with NZS 6801:2008 and NZS 6802:2008;
  - where SACs are identified, apply the appropriate adjustments to derive Rating Levels; and
  - ~~confirm~~ assess compliance with the operational noise limits in Condition B18 Table 6 ~~relevant noise limits~~, taking into account any applicable SAC adjustments.
- B23. If the BESS is installed after the noise compliance monitoring required under Condition B21, the monitoring requirements of Condition B21 ~~and reporting requirements of Condition B22~~ must be repeated during the period of October to March following the installation of the BESS.
- B23A If the ~~reporting required under Conditions B22 or B23 demonstrates that the~~ noise limits in Condition B18 Table 6 are not ~~complied with achieved following the post-commissioning required by Condition B21~~, the Consent Holder must notify HDC and implement mitigation measures to achieve compliance with ~~those noise limits Condition B18~~. The mitigation measures must be implemented as soon as practicable and no later than **eight (8) weeks** after the non-compliance is identified, unless otherwise agreed in writing with HDC. Following completion of the mitigation measures, the compliance measurements ~~and reporting~~ required by Conditions B21 to B23 ~~and B22~~ must be repeated and an updated report provided to HDC ~~and any affected neighbouring landowners~~.

## Avifauna monitoring

- B24. ~~Following completion of commissioning of the solar farm the~~ Consent Holder must undertake regular (at least ~~weekly~~ ~~fortnightly~~ during the months of October, November, January and February ~~during the first three years following completion of commissioning and monthly at other times~~) inspections of the Site and maintain a record of any bird or bat species found dead at the Site including a photograph, the species, number, date, time, location, and description of injuries. If the species cannot be identified by site staff, the carcass ~~should~~ **must** be stored in a freezer to allow an ecologist to assist with identification.
- B25. If any dead Threatened or At-Risk **bird or bat** species are discovered, the Consent Holder must report the find to the Department of Conservation as soon as reasonably practicable.
- B26. Information on any indigenous bird or bat species found dead at the Site must be kept by the Consent Holder and, if requested, be provided to HDC, the Department of Conservation, and Ngā Hapū o Himatangi.
- B27. No later than **three (3) years** following completion of commissioning of the solar farm and at **five (5) yearly** intervals thereafter, a report must be compiled by a SQEP to analyse the impact on avifauna **mortality** and make recommendations ~~for about~~ on-going mitigation measures, if required. This report must be provided to MWRC, the Department of Conservation, and Ngā Hapū o Himatangi.
- B27A The Consent Holder must implement as soon as practicable any mitigation recommendations made by the SQEP under Condition B27.

**Commented [MR5]:** Genesis requests that "weekly" is changed to "fortnightly" to reflect the Panel's intention as stated in the draft decision.

Genesis also requests that, unless an Avifauna Monitoring Plan is required under condition B28, inspections are limited to:

(a) fortnightly during October, November, January and February for the first three years after commissioning (ie up to the date at which the report under condition B27 is required); and

(b) monthly otherwise (ie March to September in the first three years and year-round after the first three years). Anything more frequent would be more onerous than necessary to address effects.

If more regular monitoring is required in response to a Table 7 trigger, such monitoring would be set out in and required by the AMP in condition B28.

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

- B28. If any of the thresholds in Table 7 below are triggered by the **inspections and record keeping required monitoring** under Condition B24, the Consent Holder must submit to HDC and MWRC an Avifauna Management Plan (AMP), prepared by a SQEP, for information. The purpose of the AMP is to protect avifauna specified in Table 7 from bird strike caused by the Project. The AMP must outline monitoring protocols, adaptive management techniques, and mitigation measures for the species that has triggered the threshold in Table 7. The AMP must be provided to HDC and MWRC within 6 weeks of the threshold trigger being exceeded.

Table 7: Criteria for identification of more than low EIANZ assessment thresholds

| Threat classification                                              | Threshold to trigger management actions to mitigate against more than minor effects                                                                                                                            |
|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Threatened - Nationally Critical and Nationally Endangered species | 1 carcass detected at any time related to collision mortality caused by the Project                                                                                                                            |
| Threatened - Nationally Vulnerable Species                         | 2 carcasses detected within any single survey related to collision mortality caused by the Project; or<br>5 carcasses cumulatively over an annual period related to collision mortality caused by the Project  |
| Threatened - Nationally Increasing and At-Risk species             | 5 carcasses cumulatively over an annual period related to collision mortality caused by the Project                                                                                                            |
| Non threatened indigenous species                                  | 5 carcasses detected within any single survey related to collision mortality caused by the Project; or<br>20 carcasses cumulatively over an annual period related to collision mortality caused by the Project |

### Accidental discovery of lizards

- B29. If a native lizard is detected within a Works Area during Construction within that Works Area:
- a SQEP must be contacted within 24 hours of detection;
  - 10m buffer within the Works Area must be established around the native lizard sighting and maintained until either:
    - the lizard moves outside the Works Area; or
    - the plan in (c) is implemented;
  - if the lizard does not move outside the works area, the SQEP must develop a plan to restart works in the Works Area in a manner that does not adversely affect the lizard.

### Emergency Response Plan

- B30. At least **twenty (20) working days** prior to **O**peration of the solar farm, the Consent Holder must provide HDC with an ERP for **written** technical certification. The ERP must set out procedures for management of hazardous substances, potentially hazardous waste, flood, and fire and include but not be limited to:
- contact details for a primary and alternate **S**ite contact who can be reached 24/7 in case of an emergency;
  - S**ite layout including the location of hazardous substances, water supply or storage, emergency access routes and other design and **hazard substance** preventative controls;
  - access provisions for emergency services;
  - hazardous substance containment and spill response, spill monitoring, and spill remediation procedures;

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

- e. procedures for the storage and disposal of faulty or damaged solar panels ~~or~~ and electrical equipment;
- f. procedures specific to the ongoing monitoring and maintenance of BESS units;
- g. control measures, such as vegetation management and setback distances for BESS infrastructure, for ~~the~~ minimisation of fire risk;
- h. fire detection, containment, and response procedures;
- i. the volume of water that must be available on ~~Site~~ at all times to manage fire risk of ~~Site~~ activities;
- j. procedures for ~~Site~~ staff for emergency response and incident management; and
- k. emergency response training for ~~Site~~ staff and Fire and Emergency New Zealand representatives.

### Decommissioning

B31. If Permanent Cessation ~~is intended to occur~~, the Consent Holder must:

- a. ~~provide 6 within 3 months prior provide~~ notice of the ~~intended~~ Permanent Cessation to HDC; and
- b. ~~no later than within 3 6 months prior to Permanent Cessation~~ submit a Decommissioning Plan to HDC for ~~written~~ certification that meets the requirements of Condition B32.

B32. The purpose of the Decommissioning Plan is to ensure that decommissioning of the solar farm and associated infrastructure will be completed in a manner that leaves the land in a condition that is safe and suitable for rural land use. The Decommissioning Plan must include but is not limited to:

- a. a methodology, including reasonably prompt timeframes, for ~~Site~~ decommissioning that includes removal of all above ground infrastructure and all underground infrastructure to a depth of 0.3m;
- b. methods to ensure that all ~~solar farm~~ components are disposed of in an environmentally responsible way applying industry best practice;
- c. ~~a programme of soil monitoring to ascertain whether any soil contamination has occurred as a result of solar panel leaching or rainfall runoff from the solar panels that exceeds the relevant adopted values in Table C-3 of the WasteMINZ Technical Guidelines for Disposal to Land (or any replacement guidelines relevant statutory production land contaminant threshold standards prevailing at the time of decommissioning;~~
- d. ~~if such solar panel leaching or rainfall runoff contamination is identified, the specification of suitable soil remediation methods or alternative suitable land uses; and~~
- e. notice requirements to adjoining landowners, the Māori Trustee, Ngā Hapū o Himatangi, HDC and MWRC.

B33. The site decommissioning must be completed in accordance with the Decommissioning Plan certified under Condition B32.

B34. The Consent Holder must notify the HDC, at least **ten (10) working days** before completion of the decommissioning to allow ~~HDC Council~~ staff to conduct site inspections to determine compliance with the Decommissioning Plan.

**Commented [MR6]:** While the standards that would apply during a future decommissioning are unlikely to exist today, the non-specific reference to “relevant statutory production land contaminant threshold standards” presents a risk uncertainty.

Genesis requests reference to a specific standard such as the adopted values in Table C-3 of the WasteMINZ Guidelines (used in the referenced Environment Court decision) or the Manaaki Whenua Ecological soil value guidelines: [Soil Guideline Values » Manaaki Whenua](#)

#### **Foxton Solar Farm: Expert Panel Draft Conditions of Consent**

**Advice note:** Decommissioning or repowering activities may require a variation to this resource consent and/or additional resource consent(s). It is the Consent Holder's responsibility to obtain any consents required.

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

### Part C – Regional Council Consent Conditions (Construction)

~~For the avoidance of doubt,~~ The conditions in Part C only apply during Construction.

#### Erosion and sediment control plan

- C1. At least **twenty (20) working days** prior to commencing land disturbance activities authorised by this resource consent, the Consent Holder must provide the MWRC's ~~Consents Monitoring Team~~ with an ESCP for **written** technical certification. The ESCP must be prepared in accordance with the "*Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region*", dated February 2021. If the earthworks are to occur in stages across the Site, the ESCP may be prepared as an overarching plan with site-specific ESCPs (SSESCPs) prepared for each stage of works and submitted for **written technical** certification. Any earthworks must be undertaken in accordance with the certified ESCP and, where applicable, the relevant certified SSESCP. The certified ESCP, and where applicable the relevant SSESCPs, must include but not be limited to:
- a. contact details of persons undertaking **land disturbance activities works**;
  - b. expected dates for the establishment of erosion and sediment control measures, commencement and conclusion of earthworks, and decommissioning of erosion and sediment control measures;
  - c. a **Site plan** or a series of **Site plans** showing **land** contours, areas to be disturbed, cut and fill areas, stockpile areas, erosion and sediment control structures, **drains waterbodies** and wetlands, and exclusion areas that are not to be disturbed (i.e. **wetlands ecological features** or contaminated areas);
  - d. The types, locations and dimensions (including supporting calculations where relevant) of erosion and sediment control structures;
  - e. a methodology for stabilising disturbed soils;
  - f. a methodology for cleaning material tracked onto the surrounding local road network;
  - g. a methodology for minimising disturbance of identified natural inland wetland areas as required by Condition C6;
  - h. a methodology for the management of dust including 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 that ~~are found to~~ cause a nuisance beyond the Site boundary ~~and~~ due to the **Construction** of the Project;
  - i. **erosion and sediment control** inspection and maintenance measures on a regular frequency and in response to a rainfall trigger event
  - j. details on how and when the ESCP and/or SSESCPs will be reviewed or updated; and
  - k. if use of flocculation is proposed **in erosion and sediment control devices**, the following information:
    - i. contact details of the person(s) responsible for the operation and maintenance of the flocculation management system and reporting structure;
    - ii. specific design details of the proposed flocculation management system for each **erosion and sediment control device Sediment Retention Device**;
    - iii. monitoring (including pH triggers), maintenance and systems for recording dosing and inspections; and

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

- iv. procedures and actions when the ~~discharge standards for erosion and sediment control devices performance targets~~ have not been achieved.
- C2. The Consent Holder must engage a SQEP to provide the MWRC's ~~Consents Monitoring Team~~ with an 'as-built' forms for all erosion and sediment controls installed.  
**Advice note:** As-built forms for erosion and sediment control structures can be found on the Horizons website <https://www.horizons.govt.nz/managing-natural-resources/consents-monitoring/earthworks>.
- C3. At least **five (5) working days prior** to commencing land disturbance activities authorised by this resource consent, the ~~Consent~~ Holder must provide a copy of the final **certified** ESCP to HDC for information.
- C4. Any changes proposed to the **certified** ESCP or a **certified** SSESCP must be confirmed in writing by the Consent Holder and certified in writing by ~~a the MWRC Officer acting in a technical certification capacity~~, prior to the ~~Consent Holder~~ implementing any changes. The ESCP or SSESCP must be updated within **one (1) working day** of any ~~changes amendments~~ being certified.
- C5. When exercising this resource consent, the Consent Holder must at all times comply with the erosion and sediment control methodologies outlined in the ESCP or SSESCPs, and subsequent ~~amendments changes~~ certified under Condition C4.

### Natural inland wetlands

- C6. Disturbance of identified natural inland wetlands must be minimised by:
  - a. marking out on Site ~~of~~ all identified natural inland wetlands prior to Construction commencing;
  - b. avoidance of tracking of machinery through **marked out** natural inland wetland areas where practicable;
  - c. use of swamp/bog mats where tracking of machinery through **marked out** natural inland wetland areas ~~is not practicable cannot be avoided~~; and
  - d. stabilising disturbed **marked out** natural inland wetland areas within **five (5) working days** of ~~the cessation of any tracking of machinery through the wetland backfilling~~.
- C7. The Consent Holder may, at any time following cessation of irrigation, undertake a re-assessment of any natural inland wetland identified in the ~~Ecological Impact Assessment dated 13 February 2026 that formed Appendix I of ecology report submitted with~~ the Substantive Application. If the outcome of that re-assessment is that an area(s) no longer meets the definition of natural inland wetland, the Consent Holder may submit a request in writing to the ~~to the MWRC's Consents Monitoring Team~~ to confirm that the requirements of Condition C6 no longer apply to that area. The **written** request must be supported by a report from a SQEP confirming that the area(s) no longer meets the definition of natural inland wetland as well as an amendment to the certified ESCP as set out in Condition C4.

### Flood and drainage control

- C8. A 6m corridor measured from the top of the bank along one side of 'Drain 3' as shown in Appendix C must remain free of solar farm infrastructure and planting to ensure access is maintained for MWRC's ongoing maintenance of ~~that this flood control and drainage scheme~~ drain. If a fence is retained or constructed along the bank of the drain, the 6m corridor must be

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

measured from the fenceline. Any new fence constructed must be located no further from the bank than the ~~existing~~ fence existing prior to Construction.

- C9. The Consent Holder must install signage at the location of any cabling under 'Drain 3' as shown in Appendix C advising of the cabling and its depth. This signage is to ensure that any persons undertaking maintenance of the drain are aware of the location of cabling.
- C10. The Consent Holder must ensure that access is maintained to Drain 3 for maintenance by MWRC at all ~~reasonable~~ times.

### Environmental standards

- C11. The Consent Holder must ensure any discharge of sediment arising from the exercise of this resource consent is minimised. ~~In this regard,~~ All erosion and sediment control measures must be established, operated, and maintained in accordance with the ~~certified~~ ESCP and SSESCPs and the document titled "*Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region*", dated February 2021.

- C12. Any discharge of sediment from ~~erosion-sediment control~~ outlet structures arising from the exercise of this resource consent must have at least **100 millimetres (100mm) of visual clarity**, measured by Secchi disk or clarity tube, or ~~any alternative visual clarity parameter~~ certified in writing by the MWRC's ~~Consents Monitoring Team~~.

- C13. Where flocculant is used ~~in an erosion-sediment control device~~, the erosion ~~and sediment~~ controls ~~device~~ must be operated and maintained, such that any discharge from these ~~measures/devices~~ has:

- a pH not less than 5.5 or greater than 8.5; and
- at least **100 millimetres (100mm) of visual clarity**, measured by Secchi disk or clarity tube, or ~~any alternative visual clarity parameter~~ certified in writing by the MWRC's ~~Consents Monitoring Team~~.

- C14. All earthmoving machinery, pumps, generators and ancillary equipment must be operated in a manner that ensures spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities must be carried out away from any ~~overland flow path, drain or marked out wetland on the Site water body, ephemeral water body, or overland flow path~~, such that any spillage can be contained so that it does not enter surface water.

- C15. The Consent Holder must ensure that, as far as practicable, all clean water run-off from stabilised surfaces including catchment areas above the Site is diverted away from ~~the~~ exposed areas via a stabilised system to prevent erosion. The Consent Holder must ~~also~~ ensure any outfall(s) of these ~~stabilised~~ systems are protected to minimise erosion.

- C16. The Consent Holder must ensure there is no discharge of objectionable, noxious or offensive airborne dust beyond the Site ~~boundary~~.

**Advice note:** *The Frequency, Intensity, Duration, Offensiveness, and Location of Exposure (FIDOL) of any discharge to air may be assessed to determine whether the discharge is objectionable. Definitions of these FIDOL aspects are provided in Chapter RP-AIR of the One Plan (2024) Regional Plan, ~~or any superseding Regional Plan~~.*

### Cleanfill discharge

**Commented [MR7]:** These conditions relate to discharges from controls such as sediment retention ponds, which are sediment control device (rather than erosion control).

(refer eg Figure 2 from the Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region)



## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

C17. ~~The~~ Any discharge of cleanfill within the Site must not include the following materials:

- a. combustible, putrescible (except that cleanfill may contain up to 5% by weight putrescible matter), degradable or leachable components;
- b. household or industrial refuse, car bodies;
- c. products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
- d. materials that may present a risk to human health, animals or plants;
- e. liquid waste; ~~and~~ or
- f. material that when buried or placed will ~~not~~ breakdown, decay, give rise to gas or leachates.

**Advice note:** It is recommended that the Consent Holder refers to 'Technical Guidelines for Disposal to Land Revision 3.1' (Waste Management Institute New Zealand, September 2023)) for further information on the discharge of cleanfill.

### Winter works

C18. Except for the first year of Construction, the Consent Holder must stabilise the Site by **30 April** of each year in accordance with the ESCP and the measures detailed in the document titled "Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region" dated February 2021 unless Condition C19(a) or (b) applies.

**Advice note:** Stabilisation, under the "Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region", dated February 2021, means inherently resistant to erosion, or rendered resistant to erosion through the application of proven stabilisation methods (mulching, grass seeding with top soil, hydroseeding, turfing, geo-textiles, and erosion control blankets) specified in Section E3 of these guidelines. For seeding, grassing, or hydroseeding, a surface is considered stabilised once a minimum of 80% vegetative cover has been established over the entire surface.

C19. Except for the first year of Construction and excluding necessary erosion and sediment control stabilisation works, earthworks and land disturbance works must not occur during the period **1 May to 30 September** (inclusive) except where:

- a. a written request is made to the MWRC's ~~Consents Monitoring Team~~ to undertake earthworks and/or land disturbance works during that period and the MWRC's ~~Consents Monitoring Team~~ provides written confirmation that the ~~specified requested~~ works can proceed; or
- b. the earthworks and/or land disturbance works are explicitly described and managed as winter works by the certified ESCP (and where applicable the relevant ~~certified~~ SESCO) required by Condition C1 or Condition C4 (as applicable).

**Advice note:** In considering a request under a) or during certification of a ESCP or ~~SESCO~~ with respect to the management of winter works MWRC's ~~Consents Monitoring Team~~ will may consider the following:

- a. The scope/nature of the ~~proposed requested~~ works;
- b. Structural ~~erosion and sediment~~ controls proposed, or existing, that will be/are installed;
- c. Additional non-structural ~~erosion and sediment~~ controls to be implemented (e.g. increased on site monitoring and staging);

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

- d. ~~Whether Maintenance consideration of structural controls to ensure~~ effective access can be achieved to undertake ~~the any maintenance required to ensure that the and erosion and sediment controls continue to work effectively efficiently;~~
- e. Compliance history and ~~prior~~ performance of ~~erosion and sediment controls on the Site, if available;~~ and
- f. Sensitivity of the receiving environment subject to the winter works

### Monitoring

- C20. The Consent Holder must inspect all erosion and sediment control structures on a **weekly** basis and within **twenty four (24) hours** of a rainfall trigger event specified in the ESCP.
- C21. The Consent Holder must record the dates, times, and results of the inspections (including what maintenance was required, on which erosion and sediment control, and when the maintenance was completed) undertaken under Condition C20. These records must be provided to the MWRC's ~~Consents Monitoring Team~~ within **three (3) working days** of a written request to do so.
- C22. In the event of an incident occurring that causes, or is likely to cause, a non-compliance with Conditions C11 to C16 of this resource consent the Consent Holder must notify the MWRC's ~~Consents Monitoring Team~~ within **twenty four (24) hours** of becoming aware of the incident.
- C23. Within **ten (10) working days** of providing notice under Condition C22, the Consent Holder must submit an incident report to the MWRC's ~~Consents Monitoring Team~~. The incident report must include but not be limited to:
  - a. details of the nature, timing, and cause of the incident;
  - b. an assessment of adverse effects of the incident on the environment; and
  - c. details of any remedial and/or mitigation measures that have, or will be, implemented to prevent the incident reoccurring in the future.

**Advice note:** Proposed remedial and/or mitigation measures may require certified amendments to the ESCP or SDESCPs under Condition C4, to prevent an incident from reoccurring in the future.

- C24. The Consent Holder must implement the remedial and/or mitigation measures detailed in the incident report ~~submitted~~ under Condition ~~C23~~ as soon as practicable and within **ten (10) working days** of the incident report being submitted to the MWRC's ~~Consents Monitoring Team~~.

### Stabilisation and decommissioning of controls

- C25. The Consent Holder must consult and obtain written approval from the MWRC's ~~Consents Monitoring Team~~ before decommissioning erosion and sediment control structures.

**Advice note:** ~~In this respect, the main issues that will be considered by The MWRC's Consents Monitoring Team approval assessment may include:~~

- a. ~~the adequacy of the soil stabilisation and/or covering vegetation;~~
  - b. ~~the quality of the water discharged from the rehabilitated land; and~~
  - c. ~~the quality of the receiving water.~~
- C26. The Consent Holder must stabilise the Site as soon as practicable and within **ten (10) days working days** of the completion of land disturbance activities in accordance with ~~the certified~~ ESCP and the document titled "Erosion and Sediment Control Guide for Land Disturbing Activities

#### **Foxton Solar Farm: Expert Panel Draft Conditions of Consent**

*in the Wellington Region*" dated February 2021. The Consent Holder must monitor and maintain the Site until vegetation is established to such an extent that it prevents erosion and prevents sediment from entering any ~~drain or marked wetland on the Site~~ ~~water body~~.

## Foxton Solar Farm: Expert Panel Draft Conditions of Consent

### Part D – Subdivision Consent Conditions (District Council)

#### Prior to requesting approval under s223 of the RMA

- D1 Prior to requesting approval under s223 of the RMA, the Consent Holder must provide a written statement and Land Transfer Plan prepared by a professional surveyor to the Chief Executive of HDC confirming that all services are confined to their respective lots or provision has been made for suitable easements to be granted and reserved and endorsed on the Land Transfer Plan. Any such easement must be subject to s243 of the RMA and must, therefore be shown on the Land Transfer Plan in a Memorandum of Easements.

#### Prior to approval under s224 of the RMA

- D2 Prior to requesting approval under s224 of the RMA the Consent Holder must provide written confirmation to the Chief Executive of HDC from the electricity network supplier that provision of electric supply has been made available to Lot 3 and all the network suppliers requirements for making such means of supply available have been met or satisfactory arrangements have been concluded with the Consent Holder to complete the provision of the supply.

- D3 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.

**Commented [MR8]:** Genesis agrees this is an appropriate addition.



Appendix B

Figure 2 Potential Former Sheep Dip Location





Appendix C

Figure 8: Location of main site drains

