

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

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**MEMORANDUM OF COUNSEL FOR GENESIS ENERGY LIMITED IN ADVANCE  
OF CONVENER'S CONFERENCE**

Dated: 15 April 2026

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## **MAY IT PLEASE THE PANEL CONVENER**

1. This memorandum of counsel is filed on behalf of Genesis Energy Limited (**Genesis**) in advance of the convener's conference on the Foxton Solar Farm project (**Project**), scheduled for 10 am on Tuesday 21 April 2026.
2. It addresses:
  - (a) matters raised in Schedules 1 and 2 of Minute 1 of the Panel Convener dated 1 April 2026 (**Minute 1**);
  - (b) updates on the 'front-loading' of the process that has occurred, including relating to costs, information gaps and clarifications, site visits, issue identification and conditions;<sup>1</sup> and
  - (c) attendance at the convener's conference.

### **Approvals**

3. Genesis has applied, under the Fast-track Approvals Act 2024 (**FTAA**), for all necessary resource consents (that would otherwise be applied for under the Resource Management Act 1991 (**RMA**)) to construct, operate and eventually decommission a 345GWh per year solar farm near Foxton. This represents the equivalent power for 47,000 homes annually.
4. The solar farm will consist of solar panels and power generation equipment arranged in rows across the site with a battery energy storage system. The renewable electricity generated will be connected to the National Grid via a new on-site substation and connection assets.
5. The resource consents sought are described in paragraph 7 of the legal analysis of Fast-track Approvals Act 2024 framework and application for Genesis Energy Limited dated 17 February 2026 (**Legal Analysis**) as well as Section 6 of, and Appendix P (rules assessment) to, the substantive application.<sup>2</sup>
6. The bundled activity status for the resource consents required for the Project is discretionary.
7. There are no other approvals sought for the Project.

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<sup>1</sup> Identified in Minute 1 at [8].

<sup>2</sup> Noting an updated version of Appendix P was provided through the completeness check process.

## Complexity

8. In the context of other FTAA projects, the Foxton Solar Farm project is not a complex project, noting:

- (a) in terms of legal complexity: novel or difficult issues:
  - (i) only one type of approvals (resource consents), under one statute (the RMA), is being sought;
  - (ii) the application does not:
    - (i) engage any matters of constitutional or public law; or
    - (ii) involve untested law or interpretation of statute; and
  - (iii) the FTAA has become a well-used regime, no longer containing the novelty nor legal complexity it had during the first applications in early to mid-2025, noting the application has clearly stepped through the assessment criteria for the resource consents (in section 2.3 of the substantive application);
- (b) in terms of evidentiary complexity: stemming from the volume, type or technical nature of evidence:
  - (i) there is a high level of agreement between:
    - (i) Genesis and Manawatū-Whanganui Regional Council (**Horizons**), such that only one matter (the need for an Avifauna Monitoring Plan) remains, which will be discussed at an upcoming ecologists' meeting.<sup>3</sup> Other minor ecological, erosion and sediment control and contaminated land matters are largely agreed subject to working through condition wording, as discussed below; and
    - (ii) Genesis and Horowhenua District Council (**HDC**), with HDC advising that there are no outstanding matters or further information required at this stage;
  - (ii) Genesis and Ngā Hapū o Himatangi (as hapū of Ngāti Raukawa ki te Tonga) have worked together on the Project to ensure Ngā Hapū o Himatangi and their rangatiratanga and tūpuna responsibilities are acknowledged and respected and any

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<sup>3</sup> Scheduled for 30 April 2026.

impacts of the Project on Ngā Hapū o Himatangi with respect to effects on land, water, and sites of significance are able to be appropriately mitigated. Ngā Hapū o Himatangi have confirmed their support for the Project and consider that any adverse cultural effects of the Project will be appropriately addressed;

- (iii) a written letter of support has been provided by Ngā Hapū o Himatangi, with Rangitāne o Manawatū Settlement Trust and Muaūpoko Tribal Authority providing their support for Ngā Hapū o Himatangi to take the lead in respect of the project,<sup>4</sup>
  - (iv) Genesis has engaged with neighbouring landowners<sup>5</sup> and the local community,<sup>6</sup> and concerns shared through that process have been considered and – where practicable – incorporated into the Project; and
  - (v) Genesis has also engaged with Transpower New Zealand, NZ Transport Agency Waka Kotahi, Fire and Emergency NZ, Heritage New Zealand Pouhere Taonga and the Department of Conservation.<sup>7</sup> Comments and requested condition amendments have been addressed with the respective stakeholders and Genesis is not aware of any outstanding concerns from any of those stakeholders; and
- (c) in terms of factual complexity: arising from the volume and nature of the evidence:
- (i) the technical and scientific disciplines involved in the application are typical of a confined RMA resource consent application for an infrastructure project of this nature; and
  - (ii) counsel have not identified any material factual complexities arising from the nature of the evidence.

## **Issues**

### *Pre-lodgement*

9. Consultation and engagement with the councils, Ngā Hapū o Himatangi, neighbouring landowners and other stakeholders resulted in only two known

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<sup>4</sup> With Rangitāne o Manawatū and Muaūpoko Tribal Authority confirming they support Ngā Hapū o Himatangi taking the lead on the Project.

<sup>5</sup> Including via Te Tumu Paeroa as trustee for several neighbouring Māori-owned land blocks.

<sup>6</sup> Section 5.4 of the substantive application.

<sup>7</sup> Section 5.5 of the substantive application.

issues remaining pre-lodgement. Those issues are set out in the substantive application and Legal Analysis (and are alluded to elsewhere in this memorandum), but in summary relate to:

- (a) the **classification of watercourses** on the site, with Horizons providing feedback that some of the artificial farm drains may be considered modified waterways. Nevertheless, there is broad agreement on the effects assessment and that management of sediment through an Erosion and Sediment Control Plan (**ESCP**) will be the key mechanism for managing instream effects; and
- (b) the need for an **Avifauna Monitoring Plan** with specified trigger values for actions. This is not currently supported by Genesis in light of the conclusions of the Ecological Impact Assessment.<sup>8</sup>

10. Discussions have continued post-lodgement, as addressed below.

11. In terms of effects, section 7 of the substantive application contains the application's effects assessment in some detail, with Table 13 providing a summary of the Project's environmental effects and section 7.16 concluding that:

The proposal is a sustainable electricity generation project of regional and national significance that does create some local adverse effects in terms of landscape, noise and construction traffic. It also creates local positive effects in terms of ecology, water quality and the generation of significant electricity by sustainable means.

Overall, the careful site selection and design of the proposal results in no local effects that are not avoided or mitigated as far as practicable. The residual landscape and visual effects are not of a level that create a barrier to this consent being approved.

12. In respect of the local adverse effects, the level of effect from construction traffic is low.<sup>9</sup> In relation to local noise and landscape effects,<sup>10</sup> Genesis has proposed setbacks, plantings and other mitigation measures to reduce:

- (a) landscape effects to moderate, visual effects to low-moderate to moderate and effects on rural character and amenity to low-moderate,<sup>11</sup>

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<sup>8</sup> Appendix I to the substantive application.

<sup>9</sup> Substantive application at section 7.13.5 and table 13.

<sup>10</sup> Legal Analysis at [57].

<sup>11</sup> Substantive application at section 7.5.

- (b) noise effects to less than minor.<sup>12</sup>
- 13. The substantive application was accompanied by robust conditions<sup>13</sup> which were shared with Horizons, HDC and Ngā Hapū o Himatangi. Changes were made in response to comments received.

#### *Post-lodgement*

- 14. Post-lodgement, Genesis has continued to engage with Horizons, HDC and Ngā Hapū o Himatangi.
- 15. These discussions have been constructive and have assisted in narrowing the issues between the parties. In particular:
  - (a) post-lodgement discussions with **Horizons** have resulted in all substantive issues being agreed (with the exception of the Avifauna Monitoring Plan, which will be discussed further by the parties' ecologists at an online meeting scheduled for 30 April 2026), including as follows:
    - (i) Genesis's addition<sup>14</sup> of "*vegetation clearance within 5m of waterways*" to the consented activities sought in the application, largely resolves Horizons' concerns regarding the **classification of watercourses** (noting Genesis has also, on a conservative basis, sought consent for land disturbance within 5m of rivers);
    - (ii) Horizons has suggested minor amendments to the proposed conditions relating to **erosion and sediment control** and **contaminated soils** which Genesis is broadly comfortable with, subject to agreeing wording;
    - (iii) Horizons has confirmed that "Main Drain 3" is the drain subject to the **Flood Control and Drainage** Schedule 2 value and, although considering the Project relatively low-risk, has made recommendations regarding signage, fencing and access. Genesis is broadly comfortable with these recommendations and will work with Horizons on the precise condition amendments required;

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<sup>12</sup> Substantive application at sections 7.7 and 7.13.6 and table 13.

<sup>13</sup> Appendix T to the substantive application.

<sup>14</sup> In the updated version of Appendix P provided as part of the completeness check.

- (iv) Genesis expects that these remaining minor matters can largely be resolved through continued discussions between Horizons and Genesis over the coming weeks; and
  - (b) post-lodgement discussions with **HDC** have been useful, with HDC reiterating they did not have any outstanding concerns at this stage. Genesis and HDC will continue to engage on condition wording.
16. Genesis has also continued to update other potentially interested parties and neighbouring landowners<sup>15</sup> and will continue to share information and respond to questions and concerns as they arise.

*The same or similar activity*

17. The application does not concern an activity the same or similar to one previously lodged with a consent authority under the RMA.

*Coinciding statutory process*

18. Genesis is not seeking any other approvals related to the Project.

**Panel membership**

19. There are no factors that warrant the appointment of more than four panel members. Moreover, for the reasons set out in this memorandum Genesis considers a three-member panel would be appropriate and sufficient.
20. To ensure an efficient process consistent with the procedural principles in section 10 of the FTAA, it is necessary to appoint experienced practitioners who are familiar with the consenting and implementation of infrastructure projects. Specific solar farm experience (or solar farm decision-making experience) would be helpful and enable a more efficient process.
21. Genesis considers that decision-making experience is the most important skill set for the panel. Otherwise, key knowledge, skills and expertise required to decide the application are:
- (a) legal;
  - (b) planning; and
  - (c) cultural.

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<sup>15</sup> Including via Te Tumu Paeroa.

## **Genesis' estimated timeframe**

22. Genesis' estimated timeframe for the determination of the application is set out in **Appendix 1** to this memorandum. It generally follows the format of Schedule 1 to Minute 1.
23. Due to the staged commencement of the Fast-track Approvals Amendment Act 2025, s 79 of the FTAA continues to apply in its pre-amended form and provides for the Panel Convener to set the timeframe within which the panel must issue its decision. The 'default' timeframe, if a timeframe is not set by the Panel Convener, is within 30 working days from the close of comments under s 53. Genesis acknowledges that the Panel Conveners have, to date, been providing longer timeframes. However, Genesis considers that the 'default' timeframe should be the starting point for the Panel Convener when considering the appropriate time frame.
24. In light of the matters addressed in this memorandum, Genesis considers the Project would be suitable for the 'default' 30-working day timeframe. However, to ensure that panel and participants in the process have sufficient time Genesis suggests it is appropriate to set a timeframe of 40 working days from the close of comments. This also allows the councils additional time reflecting that, while they are experienced in making decisions on solar farms, this is their first required involvement in a FTAA process.

## **Procedural requirements**

25. Genesis' estimated timeframe is sufficient for any other steps the panel may choose. Genesis has included an additional column in **Appendix 1** indicating where a panel site visit, project overview conference, further information requests and/or conferencing may fit.
26. Genesis is willing to engage directly with the panel as necessary to advance progress of the application efficiently, including participating in a panel overview conference (and/or briefings in a different format) if that would be useful.
27. Genesis is also happy to coordinate a site visit for the panel if they would find that useful. Genesis has not proposed a specific date for the site visit to occur. Panels have taken different approaches to the timing of site visits, and the FTAA does not provide a statutory timeframe. **Appendix 1** does, however, assume that a site visit would fit within the timeframes between steps 1 and 3. Genesis has existing Health & Safety protocols for site visits

and will liaise with the Environmental Protection Agency (**EPA**) to ensure that the site visit occurs in accordance with the EPA's Health & Safety protocol.<sup>16</sup>

28. Should any matters arise during the panel's consideration of the application that would benefit from further discussion at expert conferencing, mediation or wānanga Genesis is prepared to engage in discussions in such fora. Otherwise, Genesis is ready to engage with the panel in respect of conditions when the panel considers that to be appropriate.
29. At this stage, Genesis does not consider that a hearing is required for this application.

### **Other matters raised in Minute 1<sup>17</sup>**

#### *Payment of costs*

30. Genesis has discussed and agreed the approach to payment of costs with Horizons and HDC.

#### *Information gaps / clarification questions*

31. As above, Genesis has met with both Horizons and HDC and understands there are no information gaps or clarification questions to be resolved.

#### *Site visits*

32. Genesis has arranged a site visit for Tuesday 28 April 2026 to be attended by Horizons, HDC and their various technical (including ecology, erosion and sediment control and contaminated land) specialists.

#### *Fast-track applications in the district and region*

33. Minute 1 is correct that this is the first Fast-track application for HDC and the first for Horizons where it is involved as the relevant local authority. Importantly, both HDC and Horizons have experience with COVID Fast-track and/or normal RMA consenting processes for solar farms so the infrastructure in issue is not novel.

#### *Issue identification*

34. As above, there are no material issues in dispute with Horizons or HDC and no material issues have been raised with Genesis by any other party.

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<sup>16</sup> As required by [12.2] of the Panel Conveners' practice and procedure guidance.

<sup>17</sup> At [8].

*Draft conditions*

35. As above, HDC, Horizons and Ngā Hapū o Himatangi were provided copies of the draft conditions proposed by Genesis and their comments informed the version appended to the substantive application. Following a review of the application, Horizons' technical experts have identified areas of the conditions that may require further refinement. Genesis expects that on-going conversations with the councils and other parties will result in some further minor amendments to conditions throughout the process, however no material changes are expected.

**Attendance at the conference**

36. The attendees for Genesis will be:

- (a) David Allen and Esther Bennett (legal counsel);
- (b) Alice Barnett, Mhairi Rademaker and Jack Baird (Genesis); and
- (c) Nicky Sedgley (consultant planner, SLR).

37. Finally, Genesis wishes to respectfully request that Ngā Hapū o Himatangi be included as a participant at the convener's conference and throughout this fast-track process, as opposed to observers.

**DATED** 15 April 2026



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D G Allen / E L Bennett / C A Easter  
Counsel for Genesis Energy Limited

## Appendix 1: Estimated timetable

Task	Working days	Date	Other possible events
1. Panel is 'set up' (s 50)	N/A	Friday 15 May	<b>Project overview conference:</b> the panel may find it helpful if that occurs prior to the invitation for comment.
2. Invite comment from relevant parties	10 working days after Step 1 (s 53(1))	Friday 29 May	
3. Comments close	20 working days after Step 2 (s 54(1))	Monday 29 June	<b>Site visit:</b> to be arranged as a time that best suits the panel. That may be during the invitation for comments period, or earlier if the panel prefers.  <b>Further information requests:</b> as required.
4. Genesis may respond to any comments received	5 working days after Step 3 (s 55(2))	Monday 6 July	<b>Conferencing /empanelment:</b> as required (Genesis considers this is unlikely to be required).
<b>Assuming draft decision is to grant</b>			
5. Draft condition issued for comment from s 53 commenters and Genesis  And:  Draft decision and conditions	15 working days after Step 4 (no FTAA timeframe in ss 70(1) or 72(1))	Tuesday 28 July	<b>Further information requests:</b> as required

Task	Working days	Date	Other possible events
issued for comment to Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development			
6. Last day for comments on conditions from s 53 commenters and Genesis  And:  Last day for comments on the draft decision and conditions by the Ministers	10 working days after Step 5 (FTAA timeframe for Ministers in s 72(2))	Tuesday 11 August	
7. Last day for Genesis to respond to any comments on the condition and/or from the Ministers	5 working days after step 6 (s 70(4))	Tuesday 18 August	
8. Decision documents issued	40 working days after Step 3	Tuesday 25 August 2026	