

Appendix 10 – Statutory Assessment

Operative Selwyn District Plan

Overlays applying to site	Zone
Wāhi Taonga Management Site – C59	Outer Plains
Definitions:	
Utility - includes the use of any structure, building or land for any of the following purposes: (a) The generation, transformation and/or transmission of energy; (b) Any telecommunication facility or telecommunication line; (c) Any radio communication facility; (d) The conveyance, storage, treatment or distribution of water for supply, including (but not limited to) irrigation and stockwater; (e) The drainage, reticulation or treatment of stormwater, waste water or sewage; (f) Transportation infrastructure, including (but not limited to) roads, accessways, railways, airports and navigational aids; (g) Work to mitigate potential natural hazards, including (but not limited to) stopbanks, groynes and gabions; or (h) Meteorological facilities for the observation, recording and communication of weather information.	
Utility Structure - includes any device, equipment or other facility which is used principally to house or support a utility including any antenna, mast, pole or pylon; or any structure housing a utility which is less than 10m ² in gross floor area, or less than 2.5m in height.	
Utility Building - includes any building or part of any building which is a utility or which is used principally to house or support a utility; and that building is 10m ² or more in gross floor area and 2.5m or greater in height.	
Rural activity - means the use of land or building(s) for the purpose of growing or rearing of crops or livestock, including forestry, viticulture and horticulture and intensive livestock production and may include a dwelling.	

District Plan Provision	Commentary
C5 Utilities	
Note – Part C 5 – 2. The Rules in the Rural Volume of this Plan are applicable to activities generally, including utilities. However, the rules under <u>Rule 3 Buildings</u> , <u>Rule 4 Roading</u> and <u>Rule 9.4 Scale of Non-Residential and Non-Rural Activities</u> do not apply to utilities, except the following: Rule 3 Buildings <ul style="list-style-type: none"> - Rule 3.15.1 Relocated Buildings - Rule 3.9.1.1 Access and Parking - Rule 3.13.1.2 Line of sight – railway crossings 	The buildings and structures that are required for the solar array operations are covered by the utilities chapter these include: <ul style="list-style-type: none"> - Solar frames - Inverters - Batteries Because the storage containers and Site Office are not directly required for the operations of the solar array, these are

<p>Rule 4 Roading</p> <ul style="list-style-type: none"> - Rules 4.5.1.2 – 4.5.1.5 Roads, Accessways and Vehicular Crossings. - Rules 4.6 Parking - Rule 4.1.1 Outstanding Landscapes 	<p>considered to fall outside the definitions of utility structure and utility building and therefore need to be assessed as rural buildings. The relevant rules for these buildings are set out at the end of the table below.</p>
<p>5.1.2 Any utility which meets the following provisions shall be a permitted activity:</p> <p>5.1.2.3 Any transformer, line or wire does not exceed a voltage of 110kV or a capacity of 100 MVA per circuit.</p> <p>5.1.2.4 The utility is not used for the generation of energy, apart from the generation of energy for use on the same site, or to enable continued supply during emergencies, maintenance or repairs. (This rule does not apply to solar, wind or petroleum based powered generators used to generate energy for use only on the site on which they are located).</p> <p>5.1.3 Any activity which does not comply with Rules 5.1.2.2–5.1.2.6 shall be a discretionary activity.</p>	<p>The solar array will generate electricity that will not be used on the Site and therefore will be a Discretionary Activity under Rule 5.1.3.</p> <p>No transformers or lines are required as part of this proposal.</p>
<p>5.2 Height and setbacks</p> <p>5.2.1 Erecting any utility building, or any addition or alterations to, or modification or demolition of any utility building, if all of the following conditions are met:</p> <p>5.2.1.1 The height of the utility building shall not exceed 12 metres. <i>For Rule 5.2.1, the height of any utility building shall be measured from ground level at the base of the utility building, to the highest point on the building, but excluding any chimney, mast, aerial, or other structure which is attached to the outside of the utility building.</i></p> <p>5.2.1.2 The utility building is set back a minimum distance of 10 metres from a strategic road, 5 metres from any other road, and 1 m from any property boundary.</p> <p>5.2.1.3 The utility building is positioned so that it complies with the recession plane angles in <u>Part E, Appendix 16</u>.</p> <p>5.2.2 Any utility building which does not comply with Rule 5.2.1 shall be discretionary activity.</p>	<p>The Site Office will be approximately 2.6m in height. The two 40ft shipping containers will be approximately 2.59m in height.</p> <p>All of the proposed buildings will comply with the 12m height limit.</p> <p>All buildings will comply with the minimum setback requirements and applicable recession planes. At the closest point the Site Office building will be at least 100m from the boundary. All other buildings will be located more than 100m from site boundaries, and therefore all buildings will have ample setbacks from the site boundaries.</p> <p>The proposed buildings are therefore a Permitted Activity.</p>

<p>5.3 Height and utility structures</p> <p>5.3.1 Any utility structure which complies with all of the following conditions shall be a permitted activity:</p> <p>5.3.1.1 The height of the utility structure shall not exceed 25m;</p> <p>5.3.1.2 Any pole or mast shall not exceed 500mm in diameter beyond a height of 6m above ground level.</p> <p>5.3.1.3 If any pole or mast exceeds 500mm in diameter beyond a height of 6m above ground level, it shall comply with the recession planes in <u>Part E, Appendix 16</u>. (For the avoidance of doubt, 5.3.1.2 and 5.3.1.3 do not apply to cross arms or antenna, except dish antenna).</p>	<p>The maximum height of the solar panels/frames will be between 0.7 and 3.02m above ground level. The single Skid Inverter will be approximately 2.25m in height. The Twin Skid Inverter will be approximately 2.35m in height.</p> <p>Therefore, the structures will comply with the maximum height of 25m.</p> <p>No poles or masts are proposed.</p> <p>Therefore, the activity will meet the applicable conditions in Rule 5.3.1 and is a Permitted Activity.</p>
<p>5.8.1 In any area shown on the Planning Maps as a flood area, any utility structure which is not located in a position or designed in such a way that it would:</p> <p>5.8.1.1 Divert, or displace, any floodwater; or</p> <p>5.8.1.2 Impede or alter the existing drainage pattern of the land;</p> <p>Shall be a permitted activity.</p>	<p>Not applicable - The Site is not located in a flood area in the Operative District Plan maps. However, the solar panels will be located at least 700mm above ground level and therefore will not impede flood waters.</p>
<p>5.9.1 Any new utility building which is not erected in any of the following areas shall be a permitted activity:</p> <p>5.9.1.1 Any area shown on the Planning Maps as the Waimakariri Flood Category A area;</p> <p>5.9.1.2 Seaward of the Coastal Hazard 1 Line as shown on the Planning Maps;</p> <p>5.9.1.3 Between any waterbody and any stopbank designed to contain floodwater from that waterbody; and</p> <p>5.9.1.4 The area shown on the Planning Maps as the Lower Plains flood or ponding areas; unless a minimum building floor level 300m above a 2% Annual Excedence Probability (AEP) hazard event is identified;</p> <p>5.9.1.5</p>	<p>Not applicable - The Site is not located in any of these areas.</p>

<p>The area shown on the Planning Maps as the Lake Ellesmere/Te Waihora flood area, unless a minimum building floor level of 3m above mean sea level (Lyttleton Datum 1937) is identified.</p>							
<p>5.10.1 Any utility structure which meets the following conditions shall be a permitted activity:</p> <p>5.10.1.1 n/a – applies to Silent File Areas only.</p> <p>5.10.1.2 n/a – applies only to Wāhi Taonga Management Area C39(a).</p> <p>5.10.1.3 <i>Within any area listed in <u>Appendix 5</u> and shown on the Planning Maps <u>as a Wāhi Taonga Site</u> or any Wāhi Taonga Management Area not listed in 5.10.1.2, <u>the construction, maintenance, upgrading or replacement of any utility structure does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site</u>; and</i></p> <p>5.10.1.4 n/a – applies to Mahinga Kai sites only.</p> <p>5.10.2</p> <p>Any activity which does not comply with <u>Rules 5.10.1.1</u> to <u>5.10.1.4</u> shall be a restricted discretionary activity.</p>	<p>The Site contains a Wāhi Taonga Management Area - C59</p> <table><tr><td>C59</td><td>Ovens/Midden</td><td>Near Buckleys Road</td><td>RS 5974</td><td>Outer Plains</td><td>8</td></tr></table> <p>No earthworks within the Wāhi Taonga Management Area - C59 are proposed, and a 50m buffer around this site is proposed to further ensure the site is avoided, therefore the proposal is a Permitted Activity under these provisions.</p>	C59	Ovens/Midden	Near Buckleys Road	RS 5974	Outer Plains	8
C59	Ovens/Midden	Near Buckleys Road	RS 5974	Outer Plains	8		
<p>5.11.1 Any utility building which meets the following conditions shall be a permitted activity:</p> <p>5.11.1.1 – n/a applies to Silent File Areas only.</p> <p>5.11.1.2 – applies only to Wāhi Taonga Management Area C39(a).</p> <p>5.11.1.3</p> <p><i>In any area listed in <u>Appendix 5</u> and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 5.11.1.2, the construction, maintenance, upgrading or replacement of the building does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site.</i></p> <p>5.11.1.4 n/a – applies to Mahinga Kai sites only.</p> <p>5.11.2</p> <p>Any activity which does not comply with <u>Rules 5.11.1.1</u> to <u>5.11.1.4</u> shall be a restricted discretionary activity.</p>	<p>No buildings are proposed within Wāhi Taonga Management Area - C59, therefore the proposal is a Permitted Activity under these provisions.</p>						
<p>5.13.1 Any utility building which is setback at least the following minimum distances shall be a permitted activity:</p> <p>5.13.1.1</p> <p>100m from the edge of any lake or any wetland which adjoins a lake; and</p> <p>5.13.1.2</p> <p>20m from the edge of any waterbody listed in <u>Appendix 17</u> other than a lake; and</p> <p>5.13.1.3</p>	<p>Waterbody means fresh water or geothermal water in a river, lake, stream, pond (but excluding any artificial pond), wetland or aquifer or any part therefore that is not located within the coastal marine area. The terms “river”, “lake” and “wetland” are also defined in this Plan.</p> <p>There are water races situated within the road reserve adjacent to the road boundaries of the Site in Branch Drain Road, Buckleys</p>						

10m from the edge of any other waterbody (excluding aquifers).	Road, and Hanmer Road. However, water races are not defined as a water body. Therefore, this rule does not apply.
5.13.2 Any utility structure which is setback at least the following minimum distances shall be a permitted activity: 5.13.2.1 100m from the edge of any lake; and 5.13.2.2 20m from the edge of any waterbody listed in <u>Appendix 17</u> other than a lake; and 5.13.2.3 10m from the edge of any other waterbody (excluding aquifers).	
Earthworks	
<p>Notes</p> <p>1. Rule 1 –Earthworks, does not apply to any of the following activities, except where the provisions of Rule 1.6 (Earthworks and Protected Trees) apply:</p> <ul style="list-style-type: none">• Tending or landscaping of gardens, lawns or public spaces;• Digging post holes;• Drilling bores, except in Wāhi Taonga Management Area C39(a);• Planting trees or removing dead or diseased trees;• Cultivation;• Burying Pets;• Trenching compost;• Earthworks required to duct cables except in Wāhi Taonga Management Area C39(a). <p>1. Earthworks affecting any archaeological site, Silent File Area, Wāhi Taonga Management Area or Wāhi Taonga Management Site may require an archaeological authority from the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3 Archaeological Sites).</p>	<p>Trenches of 1m depth are required to install the cables connecting the solar panels together, and from the solar array into the Brookside Substation. Piling up to 1.8m depth is also required to install the poles that support the frames for the solar panels. The array will be set back 10m from the road boundaries and the water races that run along these boundaries.</p> <p>In total approximately 62.5m³/ha or 16,125m³ of earthworks is required to construct the solar array. Discussions with SDC at pre-application meeting stage confirmed that SDC do not consider these works can be exempt under Note 1, therefore these works are assessed below.</p> <p>No works are proposed within the Wāhi Taonga Management Area C59.</p>
<p>1.2.1 Any earthworks which meet the following condition shall be a permitted activity:</p> <p>1.2.1.1 Any soil or earth to be removed from the site is not contaminated.</p>	<p>Not applicable - The Site is not contaminated.</p>
<p>1.3.1 Any earthworks which meet the following conditions shall be a permitted activity:</p> <p>1.3.1.1 – n/a applies to Silent File Areas only.</p> <p>1.3.1.2 – n/a applies to Wāhi Taonga Management Area C39 only.</p> <p>1.3.1.3</p> <p><i>In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 1.3.1.2, the earthworks do not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;</i></p>	<p>No earthworks are proposed within the Wāhi Taonga Management Area - C59 and therefore the proposal is a Permitted Activity under these provisions.</p> <p>As set out in the AEE we have sought to discuss the proposal with Te Taumutu Rūnanga and Mahaanui Kurataiao Ltd.</p>

<p>1.3.1.4 – n/a applies to Mahinga Kai sites only. Activities that cannot comply with Rule 1.3.1 will be restricted discretionary activity.</p>	
<p>1.7.1 Any earthworks which meet the following conditions shall be a permitted activity:</p> <p>1.7.1.1 The earthworks are set back at least 20m from the edge of any waterbody (excluding aquifers):</p> <ul style="list-style-type: none"> (a) unless the earthworks are those undertaken within a road reserve and are for the purpose of installing underground network utility infrastructure; or (b) except that for rivers the following earthworks are subject to a reduced setback of 5m: <ul style="list-style-type: none"> (i) 100m² (area) per 1000 metres in any continuous 5 year period; and (ii) 40m³ (volume) per 1000 metres in any continuous 5 year period; or (iii) any earthworks which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council; or (iv) maintenance of existing fencelines, existing vehicle tracks and existing crossings. <p>1.7.1.2 The earthworks do not exceed:</p> <ul style="list-style-type: none"> (a) A vertical cut face where no more than 5% of the total vertical cut is over 2m; and (b) A maximum volume of 5000m³ per project. <p>1.7.1.3 When the earthworks cease, the site is:</p> <ul style="list-style-type: none"> (a) Filled and recontoured to the same state as the surrounding land; and (b) Replanted with vegetation which is the same as, or of similar species to, that which existed on the site prior to the earthworks taking place, except that where the site was vegetated with any plant pest, the site may be replanted with other species. <p><i>Note: Rule 1.7.1.3 does not apply to earthworks associated with the preparation of building sites, roads or tracks or sites prepared for planting trees or other crops.</i></p> <p>1.7.1.4 Any stockpiling of earth, soil or other material within 100m of any dwelling, other than a dwelling erected on the same property as the earthworks, is to be kept moist and consolidated.</p> <p>Earthworks that do not comply with Rule 1.7.1.4 are restricted discretionary. Earthworks that do not comply with Rules 1.7.1.1, 1.7.1.2 or 1.7.1.3 are discretionary activity.</p>	<p>The total volume of earthworks will exceed 5,000m³.</p> <p>The earthworks are minimal in scale, being piles and trenches. The trenches will be filled and recontoured to the same state as the surrounding land; and grassed as per the remainder of the Site.</p> <p>As the earthworks will exceed 5,000m³, consent is required as a Discretionary Activity.</p>

C3 – Rural Buildings	
<p>3.15.1 Any relocated building which meets any one of the following conditions shall be a permitted activity:</p> <p>3.15.1.1 The relocated building is a garage or other accessory building; or</p> <p>3.15.1.2 The relocated building is being shifted from one site to another site within the same property; or</p> <p>3.15.1.3 The relocated building is for a temporary activity on the site and will be removed from the site within two days of the activity ceasing; or</p> <p>3.15.1.4 The relocated building is to provide temporary accommodation during the time a construction project is taking place on the site and will be removed from the site within the lesser time period of 12 calendar months or the construction project ceasing.</p> <p>3.15.1.5 The building is being relocated within or between schools.</p> <p>Note: <i>Relocated building is defined in <u>Part D</u> of the Plan. It does not include a new building designed or intended to be used on the site but which is erected off-site and transported to the site in whole or parts.</i></p> <p>The construction and use of a relocated building that does not meet any of these conditions is a controlled activity under Rule 3.15.4.</p>	<p>A Site office and containers will be relocated onto the Site and the office will remain permanently on the Site; therefore consent is required as a Controlled Activity.</p>
<p>Rule 3.13.1.2 No building is positioned so that it encroaches into the line of sight for any railway crossing as shown in <u>Appendix 11</u>.</p>	<p>This rule is not applicable as there are no railway crossings in the vicinity of the Site.</p>
Vehicle accessways and vehicle crossings	
<p>4.5.1.2 Any vehicle accessway is formed to the relevant design and formation standards set out in <u>Appendix E10.2</u>.</p> <p>4.5.1.3 Any vehicle accessway complies with the relevant separation and sight distance standards set out in <u>Appendix E10.2</u>.</p> <p>4.5.1.4</p>	<p>It is proposed to use the existing vehicle access points which have been established to provide access for heavy vehicles, including milk tankers, for the existing dairy farm operations. As such the proposal is a Permitted Activity in terms of these rules.</p>

<p>Any vehicle crossing which has a gate positioned across the vehicle crossing, has the gate either opening inwards towards the property and away from the road; or setback a minimum distance of 10 metres from the road boundary;</p> <p>4.5.1.5 Any vehicle crossing providing vehicle access to a sealed road is sealed: (a) The full length of the vehicle crossing (from the edge of the sealed carriageway to the road boundary of the property), or; (b) For the first 10 metres from the sealed carriageway.</p> <p>Activities that do not comply with Rule 4.5.1.6 will be restricted discretionary.</p> <p>Activities that do not comply with any other conditions will be discretionary.</p>	
Car parking, vehicle manoeuvring, accessibility parking, and traffic generation	
<p>4.6.1 Any activity in the Rural Zone which provides car parking in accordance with the following standards shall be a permitted activity.</p> <p>4.6.1.3 For any other activity: (a) all car parking associated with an activity must be located either on-site or on land adjoining the site and not on the road reserve; and (b) all loading (including unloading) associated with an activity must be undertaken on-site or on land adjoining the site and not within the road reserve; and</p> <p>4.6.1.4 All carparking and loading areas shall comply with all standards set out in <u>Appendix E10.1</u>.</p> <p>Activities that do not comply with this rule are discretionary under Rule 4.6.7.</p>	<p>Ten car parks will be provided within the ample space provided on-site. As such the proposal is a Permitted Activity in terms of this rule.</p>
<p>4.6.2 Any activity on a site which has a vehicle manoeuvring area of sufficient size to enable any vehicle to turn on the site and not have to reverse onto the road shall be a permitted activity if:</p> <p>4.6.2.1 The site is used for any activity other than residential activities; or</p> <p>4.6.2.2 The site has access to a State Highway or an arterial road listed in <u>Appendix 9</u>.</p> <p>Activities that do not comply with this rule are non-complying under Rule 4.6.8.</p>	<p>The Site will have a vehicle manoeuvring area of sufficient size to enable any vehicle to turn within the Site and not have to reverse onto the road and will be a Permitted Activity.</p>
C9 – Activities	

<p>9.6.1 Any activity on land which is contaminated shall be a permitted activity provided that none of the following activities are undertaken on that land:</p> <p>9.6.1.1 Erecting any dwelling or undertaking residential activities;</p> <p>9.6.1.2 The use of land for educational activities or erecting any educational facilities;</p> <p>9.6.1.3 Outdoor recreation activities; and</p> <p>9.6.1.4 Growing or rearing of food crops or livestock;</p> <p>Restricted Discretionary – Rule 9.6.2 if it cannot comply with conditions listed.</p>	<p>The Site is not contaminated; therefore, this rule is not applicable.</p>
<p>9.12.1 The activity shall comply with the rules for carparking, vehicle crossings, vehicle access and egress set out in <u>Rule 4</u>, and <u>Appendix 10</u> for specific provisions applying to State Highways to be a permitted activity. Default Activity — Carparking, Vehicle Crossings, Access and Egress</p> <p>9.12.2 Any activity which does not comply with <u>Rule 9.12.1</u> shall have the status set out in <u>Rules 4.4 to 4.6</u> for the rules(s) with which it does not comply.</p>	<p>Ten car parks will be provided within the ample space provided on-site. As such the proposal is a Permitted Activity in terms of this rule.</p>
<p>9.13.1 Any activity which does not exceed the following maximum number of vehicle movements shall be a permitted activity:</p> <p>9.13.1.2 Road Formed, Sealed and maintained by Council: (a) State Highway and Arterial Roads (as identified in <u>Appendix 9</u>): 30 ecm/d per site averaged over any one week period). b) Local and Collector Roads: 60 ecm/d per site (averaged over any one week period).</p> <p>9.13.1.3 Road Formed, Unsealed and maintained by Council: (a) 60 ecm/d per site (averaged over any one week period).</p>	<p>The proposal will meet the 60 ecm/d (equivalent car movements per day) per site both during construction and once operational given the nature of the solar farm as an inherently passive activity with minimal activity on-site. As such the proposal is a Permitted Activity in terms of this rule.</p>

Discretionary if compliance not achieved.													
<p>9.16.1</p> <p>Except as provided in Link 9.16.3 below, any activity shall be conducted so as to comply with the noise limits and within the time frames stated in the following tables in order to be a permitted activity:</p> <p>Table C9.2 – Maximum noise limits at any Living Zone boundary.</p> <table border="1" data-bbox="208 392 593 580"> <tr> <th>Hours</th><th>Noise Limit</th></tr> <tr> <td>7.30am – 8.00pm</td><td>55 dBA L₁₀ 85 dBA L_{max}</td></tr> <tr> <td>8.01pm – 7.29am</td><td>40 dBA L₁₀ 70 dBA L_{max}</td></tr> </table> <p>Table C9.3 – Noise limits assessed at the notional boundary of any dwelling, rest home, hospital, or classroom in any educational facility except where that dwelling, rest home, hospital or classroom is located within a Living zone.</p> <table border="1" data-bbox="208 711 593 900"> <tr> <th>Hours</th><th>Noise Limit</th></tr> <tr> <td>7.30am – 8.00pm</td><td>60 dBA L₁₀ 85 dBA L_{max}</td></tr> <tr> <td>8.01pm – 7.29am</td><td>45 dBA L₁₀ 70 dBA L_{max}</td></tr> </table> <p>9.16.2</p> <p>Any activity which does not comply with Rule 9.16.1 shall be a discretionary activity.</p>	Hours	Noise Limit	7.30am – 8.00pm	55 dBA L ₁₀ 85 dBA L _{max}	8.01pm – 7.29am	40 dBA L ₁₀ 70 dBA L _{max}	Hours	Noise Limit	7.30am – 8.00pm	60 dBA L ₁₀ 85 dBA L _{max}	8.01pm – 7.29am	45 dBA L ₁₀ 70 dBA L _{max}	<p>The solar farm, when operating, will meet the permitted noise standards.</p> <p>Construction noise will be managed under the relevant NZ Standard.</p> <p>The proposal will therefore be a Permitted Activity under these provisions.</p>
Hours	Noise Limit												
7.30am – 8.00pm	55 dBA L ₁₀ 85 dBA L _{max}												
8.01pm – 7.29am	40 dBA L ₁₀ 70 dBA L _{max}												
Hours	Noise Limit												
7.30am – 8.00pm	60 dBA L ₁₀ 85 dBA L _{max}												
8.01pm – 7.29am	45 dBA L ₁₀ 70 dBA L _{max}												
<p>9.18.1</p> <p>Except in the area shown on the Planning Maps as the West Melton Observatory Lighting Area, any activity which involves lighting shall be a permitted activity provided that the activity has a maximum light spill not exceeding:</p> <p>9.18.1.1</p> <p>10-lux spill on to any part of any adjoining property which is located in a Business zone and which does not contain a dwelling; and</p> <p>9.18.1.2</p> <p>3-lux spill on to any part of any other adjoining property or any road reserve.</p> <p>9.18.3</p>	<p>No external lighting is proposed on the Site.</p> <p>The proposal will therefore be a Permitted Activity under these provisions.</p>												

Any activity which does not comply with Rule 9.18.1 or Rule 9.18.2 shall be a discretionary activity.	
<p>9.19.1 Any stockpiling activity shall be a permitted activity provided that stockpiling of any soil, coal, sawdust, powdered fertiliser or any other unconsolidated material outdoors within 100m of a dwelling (other than a dwelling on the same property as the stockpiled material), is either:</p> <p>9.19.1.1 Covered; or</p> <p>9.19.1.2 Consolidated; or</p> <p>9.19.1.3 Otherwise secured to mitigate windblown dust on to adjoining properties.</p> <p>Discretionary under Rule 9.12.2 if cannot comply with conditions.</p>	<p>Any stockpiling of earth, soil or other material will be located more than 100m from any dwelling on an adjoining property or the stockpile can be covered, consolidated or otherwise secured to mitigate windblown dust on to adjoining properties.</p> <p>The proposal will therefore be a Permitted Activity under these provisions.</p>
<p>9.21.1 The clearance of indigenous vegetation and indigenous plant species shall be a permitted activity provided that all of the following conditions are met:</p> <p>9.21.1.1 The indigenous plant species are not listed in <u>Appendix 13</u> (Schedule of Threatened and Uncommon Plants);</p> <p>9.21.1.2 For clearance of indigenous plant species on the Canterbury Plains, the species is not contained in <u>Appendix 14</u> (Schedule of Regionally Significant Plants on the Canterbury Plains);</p> <p>9.21.1.3 The indigenous vegetation is not located above 900m above mean sea level;</p> <p>9.21.1.4 The indigenous vegetation is not located in a naturally occurring wetland;</p> <p>9.21.1.5 The indigenous vegetation clearance does not exceed 100m² per hectare in any continuous 3 year period within a distance of 20m of any lake, any naturally occurring wetland or any river or stream; and</p> <p>9.21.1.6</p>	<p>No clearance of indigenous vegetation will be required, as outlined in the Ecological Assessment provided. As such the proposal is a Permitted Activity in terms of this rule.</p>

No clearance of indigenous vegetation shall exceed:

- (a) 5,000m² in area on any site in any continuous period of three years, except where the vegetation clearance is carried out within an area of improved pasture; or
- (b) 500m² in area in any continuous period of three years, where the indigenous vegetation has a closed canopy over that area and the average height of that canopy is greater than or equal to 3m; or
- (c) 500m² in area of matagouri (in one continuous block of indigenous vegetation), in any continuous period of three years, where the average height of the canopy of the matagouri is greater than or equal to 1.5m; or;
- (d) 1,000m² of Chionochloa spp (tall tussock) in any continuous period of three years, except where this occurs as a secondary component within an area of improved pasture.

9.21.2

Rule 9.21.1 does not apply to the following:

9.21.2.1

Vegetation which was planted for harvesting, shelter belt or amenity purposes;

Discretionary under Rule 9.21.3 if activity does not comply with Rule 9.21.1.5 or Rule 9.21.1.6.

Non-complying if activity does not comply with Rules 9.21.1.1, 9.21.1.2, 9.21.1.3, 9.21.1.4.

Canterbury Land and Water Regional Plan

Extract from planning map 0-66 showing application site.

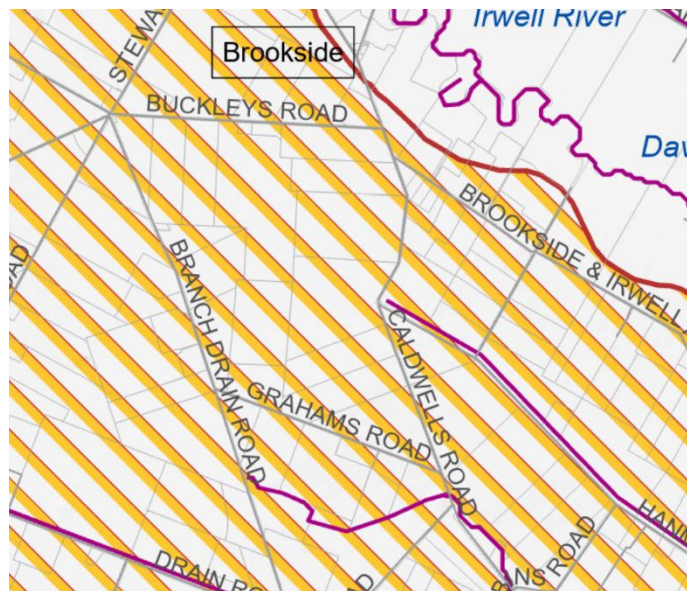


Figure 2 Extract from Map A - 066 above

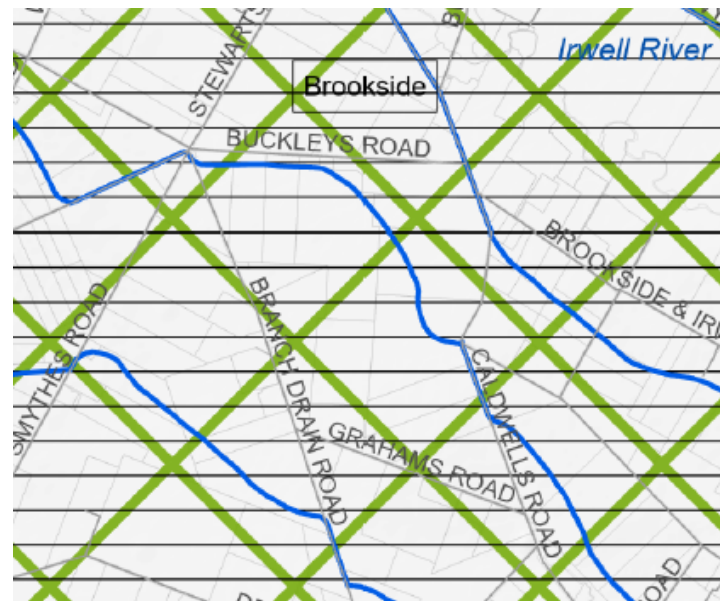


Figure 1 Extract from Map B - 066

Overlays applying to site	
Map A - Phosphorus Sediment Risk Area (orange lines)	Note – not flagged as contaminated on ECAN Listed Land Use Register
Map B – Semi-confined or unconfined aquifers (green hash)	
Surface water catchments (blue lines): Boggie Creek Hanmer Drain Road	

Regional Plan Provisions	Commentary
Earthworks over Aquifers	
5.175: The use of land to excavate material is a permitted activity, provided the following conditions are met: 1. Over the Coastal Confined Gravel Aquifer System, as shown on the Planning Maps:....	The site is located over a semi-confined or unconfined aquifer system.

2. Over an unconfined or semi-confined aquifer:
- a. the volume of material excavated is less than 100m³; or
 - b. the volume of material excavated is more than 100m³ and:
 - i. there is more than 1m of undisturbed material between the deepest part of the excavation and the seasonal high water table highest groundwater level; and
 - ii. the excavation does not occur within 50 m of any surface waterbody.

5.176 The use of land to excavate material that does not comply with one or more of the conditions of Rule 5.175 is a restricted discretionary activity.

There are several Environment Canterbury groundwater monitoring wells located within the vicinity of the site. The highest groundwater levels recorded at these wells are as follows:

- Well M36/5372 on Caldwell Road (last reading in November 2021) records highest water level of minus 0.81m.
- Well M36/0432 on Buckleys Road (last reading in September 1993) records highest water level of minus 0.22m.
- Well M36/1902 on Brookside & Irwell Rd (last reading in October 2021) records highest water level of minus 1.03m.

The Geotechnical report prepared by Tonkin and Taylor titled 'Proposed Solar Farm, Selwyn, dated December 2021 states that groundwater was encountered at 2-3m below ground level.

The Geotechnical report prepared by Tonkin and Taylor titled 'Proposed Solar Farm, Selwyn, dated December 2021 states that groundwater was encountered at 2-3m below ground level.

There are also water races running along the Branch Drain Road, Buckleys Road, and Hanmer Road boundaries of the Site, which are defined as artificial watercourses that fall to be included in the definition of 'surface waterbody'.

The earthworks for the trenches closest to the road boundaries will fall to be within 50m of the water courses/water races that follow these boundaries and therefore the proposal does not comply with Condition 2. b) ii).

The trenches for laying cables will be to a depth of 1m. The pile driving to install the poles to support the solar panel frames will be to a depth of 1.8m.

	<p>A setback of 10m is proposed between the solar panels and the water races.</p> <p>Given the depth of earthworks and setbacks proposed from the watercourses that run along the road boundaries, the proposal requires resource consent as a Restricted Discretionary Activity under Rule 5.176.</p>
Discharge of Stormwater	
Discharge of Construction-phase Stormwater	
<p>5.93A The discharge of construction-phase stormwater, other than into or from a reticulated stormwater system, to a surface waterbody, or onto or into land in circumstances where a contaminant may enter groundwater or surface water, is a permitted activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The area of disturbed land from which the discharge is generated is less than: <ol style="list-style-type: none"> a. 1000m² for any construction-phase stormwater generated as a result of work carried out in an area shown as High Soil Erosion Risk on the Planning Maps; or b. two hectares in any other location; and 2. The concentration of total suspended solids in the discharge shall not exceed: <ol style="list-style-type: none"> a. 50g/m³ where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake except when the background total suspended solids in the waterbody is greater than 50g/m³ in which case the Schedule 5 visual clarity standards shall apply; or b. 100g/m³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m³ in which case Schedule 5 visual clarity standards shall apply; and 3. The discharge does not result in an increase in the flow in the receiving waterbody at the point of discharge of more than 1% of a flood event with an Annual Exceedance Probability of 20% (one in five year event); and 4. The discharge is not from, into or onto contaminated or potentially contaminated land; and 5. The discharge does not contain any hazardous substance; and 6. The discharge does not occur within a Community Drinking-water Protection Zone as set out in Schedule 1. 	<p>The area of land that will be disturbed will be less than 2 hectares given the pile driving, trenching and other earthworks will be minimal, and undertaken in stages.</p> <p>Therefore, the discharge of stormwater is Permitted Activity under Rule 5.93A.</p>

<p>5.98B The discharge of construction-phase stormwater, other than into or from a reticulated stormwater system, into a surface waterbody, or onto or into land in circumstances where a contaminant may enter groundwater or surface water, that does not meet one or more of the conditions of Rule 5.94A is a restricted discretionary activity.</p>	
<p>Discharge of Operational Stormwater</p>	
<p>5.96 The discharge of stormwater, other than into or from a reticulated stormwater system, onto or into land where contaminants may enter groundwater is a permitted activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The discharge is not from, into or onto contaminated or potentially contaminated land; and 2. The discharge: <ol style="list-style-type: none"> a. does not cause stormwater from up to and including a 24 hour duration 10% Annual Exceedance Probability rainfall event to enter any other property; and b. does not result in the ponding of stormwater on the ground for more than 48 hours, unless the pond is part of the stormwater treatment system; and c. is located at least 1 m above the highest groundwater level at the time the discharge system is constructed; and d. is only from land used for residential, educational, or rural activities; and e. does not occur where there is an available reticulated stormwater system, except where incidental to a discharge to that system; and f. is not from a system that collects and discharges stormwater from more than five sites. 	<p>The discharge of operational phase stormwater from the storage buildings, proposed Site Office and runoff from the solar panels will be discharged to ground.</p> <p>However, the proposed activity is a utility and cannot be defined as a residential, educational, or rural activity and the discharge will not be 1m above the highest groundwater level. As such, it will not meet Rule 5.96 (c) and (d) and therefore consent is required as a Discretionary Activity under Rule 5.97.</p>
<p>5.97 The discharge of stormwater, other than from a reticulated stormwater system, into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions of Rule 5.95 or Rule 5.96; and the discharge of stormwater or construction-phase stormwater into a reticulated stormwater system that does not meet the condition of Rule 5.93A; is a discretionary activity except that within the boundaries of Christchurch City it is a non-complying activity.</p>	

Canterbury Regional Air Plan

Dust Generating Activities	
<p>Rule 7.32</p> <p>The discharge of dust to air beyond the boundary of the property of origin from the construction of buildings, land development activities, unsealed surfaces or unconsolidated land, is a permitted activity provided the following conditions, where applicable, are met:</p> <ol style="list-style-type: none">1. The building to be constructed is less than 3 stories in height, or where the building is greater than 3 stories in height, a dust management plan is prepared in accordance with Schedule 2 and implemented by the person responsible for the discharge into air; and2. The area of unsealed surface or unconsolidated land is less than 1000m², or where the area of unsealed surface or unconsolidated land is greater than 1000m² a dust management plan is prepared in accordance with Schedule 2 and implemented by the person responsible for the discharge into air; and3. The discharge does not cause an offensive or objectionable effect beyond the boundary of the property of origin, when assessed in accordance with Schedule 2.	<p>The proposal will comply with the conditions of this rule because no buildings over 2 stories high will be constructed on the site.</p> <p>A Dust Management Plan will be prepared in accordance with Schedule 2. This will ensure that no dust will be discharged beyond the site boundaries.</p> <p>Therefore, the proposal is a Permitted Activity under the Canterbury Regional Air Plan.</p>