

BEFOR THE SELWYN DISTRICT COUNCIL

RC225180

In the matter of the Resource Management Act 1991
Sections 88-120, Resource Management Act 1991

Between **Party** KeaX Limited
 Role Applicant

And **Party** Robyn Casey, Clark and Elizabeth Casey and Dave
 and Donna Kewish ("Joint Submitters")
 Role Submitter

REBUTTAL EVIDENCE OF PAUL ANDREW SMITH
Date 28 February 2023

J M van der Wal
Barrister
40 Walker Street Chambers
Christchurch
Also at 14 Queen Street
Blenheim

INTRODUCTION

- 1 My name is Paul Andrew Smith. My qualifications are as outlined in my Brief of Evidence (**BoE**), dated 16 February 2023.
- 2 I attended the first day of RC225180 Council Hearing regarding KeaX Limited (**the Applicant**) proposed solar farm at 150 Buckleys Road, Brookside (**the site**).
- 3 I took notes while the Applicant presented their case and I thought that it would be useful to provide a formal copy of my notes as 'rebuttal evidence'. I was prepared to verbally provide these if I presented my evidence on the day, however, this never occurred.
- 4 My BoE focused on the landscape treatment around the perimeter of the Applicants Site, with particular regard to:
 - 4.1 The proposed plant species, their respective heights and their locations around the site;
 - 4.2 The lack of certainty regarding the growth rates of these plant species and the timeframe in which they reach their desired height;
 - 4.3 The lifespan of the solar farm and need for the existing and proposed vegetation to provide continuous long-term screening; and
 - 4.4 The importance of providing a Landscape Management Plan at the Resource Consent Stage, to provide certainty that the proposed vegetation that is relied upon to visually screen the proposal and mitigate adverse effects can be relied upon.
- 5 Since preparing my BoE, the proposal has been changed and the construction of the solar farm, within any of the three stages, will not occur prior to all proposed plant species reaching 2m tall. Refer to Paragraph 1.1 of Ms Amanda Anthony's Summary of Evidence.

- 6 Based on this, I consider that most built form below 2m tall will be screened when experienced by people on foot, in cars and SUVs, as their eye height varies between approximately 1.2m – 1.6m tall. Noting that the solar panels have a maximum height of 3m. Due to a lack of certainty regarding plant spacings and plant locations, views between more spindly vegetation that is 2m tall may still be gained.
- 7 I agree with Ms Anthony's Paragraph 1.1(a) that the visual simulations do not illustrate the updated landscape design. However, based on the intended use of the 'visual simulations' in which no methodology outlining how they were prepared was provided, I raise concern regarding the use of the term 'visual simulation'. Based on Ms Anthony's comments, I consider that the term 'visual simulation' is misleading. From experience, this term is more regularly used when survey accurate data is used to prepare these images. Whereas, if images that are prepared as a guide the term 'artist impression' may have been more appropriate.
- 8 I have structured the rest of my comments on what was presented during Day 1 in the same format as per BoE.

Clark and Elizabeth Casey – 180 and 198 Branch Drain Road

- 9 The updated proposal does not alter my assessment from Mr and Mrs Casey's property for the following reasons.
- 9.1 There is no certainty regarding the irrigation of the native plants once they reach 2m tall. Therefore, based on existing native vegetation within the site and Casey property, their proposed native vegetations ability to continue to grow maybe hindered and does not provide assurance that the native vegetation will reach its desired height. Due to this, they will not screen the solar farm from the upstairs bedrooms within their dwelling, nor will it screen it from other tall farm machinery that Mr Casey uses on a day to day, being his place of work.
- 9.2 Regarding Ms Anthonys paragraph 1.2(a), my BoE never stated that native vegetation did not grow in this area, which it clearly does. It is

a matter of the plants growth rates and their ability to achieve the desired outcome by the applicant. From the conversations I have had with the submitter's and the research I have provided, it is apparent that irrigation is a key factor in this.

9.3 Also, Ms Anthony uses exotic shelterbelts, not native vegetation as her example of well-established plants in this area. Noting, the shelterbelt immediately north of the Kewish's property is within a box drain.

10 During questioning, Ms Anthony maintained the idea that the existing shelterbelts will provide some visual screening of the proposed solar farm. As illustrated on Photo 4 of my BoE, the existing shelterbelt is quite transparent with views of the site being readily available through these gaps. Therefore, I consider that if the proposed landscape treatment is further changed, a double row of a conifer shelterbelt would be required.

11 I consider that Mr Williams, the Applicant's Glint and Glare expert has miss interpreted Paragraph 43 of my BoE. In my evidence, I never stated that glare would be experienced from the upstairs bedrooms within the Casey Dwelling. Paragraph 43 states that *"there is the potential for glint and glare to exacerbate the visibility and visual impacts of the solar farm. In particular in the morning when traveling north to south through the paddocks alongside Branch Drain Road and in the evening when travelling east to west through the paddocks alongside the subject site's southern boundary"*.

12 Mr Williams never provided comment on this.

13 Based on the change to the proposal, glare would not be experienced below 2m in height. However, the above statement was focused on the farming operation and what may be experienced when sitting in a tractor.

14 Mr Williams mentioned that people at the dwellings at 265 and 324 Branch Drain Road may be affected by glare if mitigation was not proposed. Due to this, glare appears to be an issue will exacerbate the potential adverse visual

effects as these paddocks sit between these dwellings and the site, and the proposed vegetation may not screen the view from a taller vehicle.

Robyn Casey – 265 Branch Drain Road

- 15 The changes to the proposal will mean that the lower half to two thirds of the panels will be screened from view, when within Ms Caseys property. This will reduce their potential adverse effects when viewed from her master bedroom, veranda, garden and driveway to a **low to low-moderate degree**. The higher degree of effect being from master bedroom and veranda, as it is 0.5m above ground level. These effects may reduce if the vegetation provides further screening.

Dave and Donna Kewish – 324 Branch Drain Road

- 16 Firstly, Mr Hans van der Wal made an error, and the shelterbelt immediately north of the Kewish's property is within the site and can be relied upon for screening. Also, in my BoE I never questioned the location of the proposed or existing vegetation, or its ability to be relied upon for screening purposes.
- 17 The updated proposal and Ms Anthony's Summary of Evidence does not capture the recommendations made in Paragraph 60 of my BoE, nor does she comment on the existing shelterbelt being located within the box drain, the flooding issues that this causes at the Kewish's property and the potential ramification if the shelterbelt needs to be removed.
- 18 Figure 9 on Page 20 of my BoE illustrates that the view gained from the Kewish's garden, which is also gained from their main outdoor area includes views to the northeast. Therefore, if the shelterbelt in the box drain needs to be removed over the 35 year or more lifespan of the solar farm, it will open up views to it.
- 19 I consider that this is a likely scenario, and while removed, the proposal will have a **low-moderate** to **moderate** degree of adverse effects on the visual amenity that the Kewish's currently experience from their main outdoor area. The variance in degree depends on the time of the year and the ability for their own plantings, when in leaf to provide some screening of the

proposal. Albeit this vegetation should not be relied upon and may also change during these 35 or more years.

A handwritten signature in black ink, appearing to read 'J. Smith'. The signature is written in a cursive style with a large initial 'J'.

Dated 28 February 2023