

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

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SUMMARY STATEMENT OF STEWART WILLIAM FLETCHER

Date 28 February 2023

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

## **1 Introduction**

1.1 My name is Stewart Fletcher and I have provided planning evidence regarding resource consent application RC225180 for KeaX Limited to establish a solar farm at 150 Buckleys Road, Brookside.

1.2 I attended the first day of the Council Hearing and below I provide brief comments summarizing my evidence, observations from the first day of the hearing and comment on potential conditions.

## **2 Summary of Evidence**

2.1 My evidence conditions three key points:

- (a) The resource consent application should have been processed on a publicly notified basis.
- (b) There is potentially other parties who should have been notified of the application.
- (c) A more considerate design of the proposal should have occurred and in not doing so potential effects have not been avoided, remedied or mitigated.

## **3 Hearing Observations**

3.1 Amendments to the proposal, being stronger landscape controls, have been made to better address potential effects. This reiterates my question as to notification.

3.2 I remain unclear as to the question of irrigation. Irrigation would be important as to any productive use of the property and also establishment of plantings. I do not recall irrigation being mentioned in the application documents but it was briefly mentioned at the hearing. I also remain unclear as to whether the site could be used as a productive unity but have previously noted that regardless, the agricultural productive capacity of the site will significantly reduce.

3.3 It is clear that there is a demand for accessibility to electricity substations for solar farms. We heard that the available capacity at the Dunsandel substation has

been taken by another solar farm. In considering the implications of the NPS-HPL, I question whether care needs to be taken in allocating space for different generators as, from a simplistic perspective (and depending on what is considered an operative need), by establishing a solar farm on highly productive land this takes away the opportunity to establish a solar farm on land which is not highly productive.

3.4 I remain unclear as to the operation of the batteries and whether they would operate at night.

3.5 Mr Reeves, in his summary evidence reiterates that noise from the solar farm will be clearly audible at times during the day. This reiterates my opinion that the proposal will introduce non-rural sounds into the local environment with consequent amenity related effects.

3.6 In the conclusion of her summary statement Ms Amanda Anthony specifies that the site will transition from an open rural landscape to a landscape of energy infrastructure. Which measures are proposed to reduce the effect I consider that the local community will be well aware that the site will consist of energy infrastructure including due to the impacts of noise.

3.7 Likewise, at paragraph 6 of Mr Graham Densem's closing statement he states that the agricultural character of the site will not be maintained and the green sward is subsidiary to the dominance of the panels.

3.8 The above matters reinforce my opinion that those persons who inhabit the local area and enjoy the rural amenity will be adversely affected by the proposal. The proposal represents a significant change to the amenity of the area, including locals who walk, drive, bike through the area and this issue is accentuated through the audible sound the activity will generate.

3.9 These issues also highlight the question of whether all potentially affected parties were notified, assuming the issue of full public notification is resolved. I note that the majority of notifications appear to have occurred on the western side of the site. It is my opinion that those properties on the eastern side including 870 & 932 Hanmer Road and 365, 375 and 381 Brookside & Irwell Road should have also been notified.

#### **4 Potential Conditions**

4.1 The submitters have provided brief comment to me regarding additional conditions which could be imposed, if it is determined that resource consent can be granted.

4.2 I remain of the opinion that there are procedural flaws in the resource consent process and even if these are overcome significant consideration needs to be given to the design of the proposal. As such I am hesitant to imply that conditions may address the concerns. The submitters also remain of the opinion that resource consent should not be granted. Nevertheless, the suggested condition points raised by the submitters are as follows:

##### **Setbacks**

- a) The design of the proposal shall be amended so that no part of the solar farm is established within 150 metres of an adjoining or adjacent property boundary.

##### **Landscaping**

- b) An amended landscape plan shall be submitted for the approval of Council which incorporates the following:
  - (i) Landscaping shall include variations in planting types and growth height to reduce visual aspects of solar farm, reduce noise and provide biodiversity.
  - (ii) Plantings should be rich in flowering for the local bee populations, as there is a high density of commercial beehives in this area. Trees and shrubs should provide a continuous source of flowering from Spring to Autumn – Trees for Bees. Any landscaping should include reference to <https://treesforbeesnz.org/>.
  - (iii) All plantings shall be positioned a minimum of 8 metres from all boundaries not adjoining a road. The space between the boundary and plantings shall be a maintained / mown area for the purpose of providing a fire break.

- c) Prior to the operation of the solar farm the consent holder shall submit a landscaping management plan which details, but is not limited to, ongoing maintenance, evaluation, weed control, management of boundary conflicts, impacts on local infrastructure and irrigation.
- d) All plantings on the perimeter of the solar farm area shall have reached a minimum plant height of 4 metres prior to the solar farm being established. No timeframe is specified and instead the establishment of the solar farm is dependent on the plantings achieving a minimum growth height.

#### **Inverter & Battery Positions**

- e) The design of the proposal shall be amended so all inverters are positioned at a centre point in the middle of the Ward block and middle of the Price block. The repositioning of inverters is to ensure any acoustic effects are minimised.
- f) Resource consent is not granted for the establishment of the batteries on the basis that monitoring of the proposal should be undertaken for a minimum of five years in order to ascertain the impacts of the proposal on the surrounding environment.
- g) If condition e) is not applied, the design of the proposal shall be amended so all battery stations are positioned at a centre point in the middle of the Ward block and middle of the Price block. The repositioning of battery stations is to ensure any acoustic effects are minimised.

#### **Noise**

- h) Prior to the commencement of any works on site the consent holder shall submit an acoustic management plan for the approval of Council which details, but is not limited to, baseline monitoring, monitoring at the notional boundary of all sensitive receivers within a 1km radius of the site, adherence with the resource consent application, compliance with District Plan requirements and complaints management procedures.

- i) If it is identified that compliance with acoustic requirements is not being met, as soon as possible and no more than 14 days of the non-compliance / issue being identified, the consent holder shall submit to Council a plan for what measures will be undertaken, including timeframes, to address the non-compliance.

### **Monitoring**

- j) The consent holder shall undertake annual monitoring of all water wells south and southeast of the perimeter of the solar farm for 5 kms from the Caldwell road corner. Water testing shall be undertaken on the basis of ascertaining any impacts from the solar farm on water quality.
- k) If any distinguishable changes arise that can be determined from the solar farm the consent holder shall advise the Selwyn District Council and Environment Canterbury within 24 hours of identifying the change.
- l) Within 48 hours of notifying the Councils, the consent holder shall advise what actions have been undertaken to address the issue and the consent holder shall undertake any necessary actions deemed required by either Council.
- m) If, at some stage throughout the life of the farm, it is demonstrated that the consented activity is leaching 'forever chemicals', or those parties beyond the boundaries of the site are being negatively impacted from electromagnetic radiation the operation of the activity shall immediately cease and shall not be permitted to recommence until such a time as Council provides written confirmation that all relevant issues have been satisfactorily addressed.
- n) The consent holder shall submit all documentation required by way of condition of consent, including monitoring records, to Council for their records and shall also place the information online so as to be readily available to the community.

- o) Prior to the establishment of the consented activity the consent holder shall submit a complaints management plan to Council for their approval. The management plan shall include, but not be limited to, the recording and advising of receipt of a complaint, reasons for the complaint, what actions are required, responding to the complaint and the undertaking of any measures deemed necessary to address the complaint.

#### **Cessation of Activity**

- p) Prior to the establishment of the solar farm, the consent holder shall submit a management plan for the approval of Council. The purpose of the management plan shall be to establish a procedure for the removal of the solar farm (including all components) either at the end of the consent duration or if the solar farm ceases operation for an alternative reason. This shall include the need for any site remediation works necessary to enable the resumption of agricultural productive activities on the site.
- q) If the operation of the solar farm ceases operation for a period exceeding six months, the solar farm (including all associated equipment) shall be removed from the site and disposed of at an approved facility.
- r) Prior to the establishment of the solar farm the consent holder shall establish a bond of no less than 10 million dollars in favour of Council for the purpose of enabling any site remediation works to be undertaken that have not been completed by the consent holder.

#### **Duration of Consent**

- s) Resource consent is granted for a period not exceeding 15 years.

#### **Compensation of Affected Parties.**

- t) Prior to the commencement of any activities on site the consent holder shall obtain two independent valuations of all properties adjoining and adjacent to the site. The valuations shall be submitted to Council and the relevant landowners for their records.

- u) Within two months of each stage of the consented activity being established updated valuations of all relevant properties shall be undertaken consistent with condition s).
- v) If there is a negative impact on property values that is identified as being due to the solar farm and / or its operation the Council shall appoint an independent mediator (at the consent holders cost) who shall be responsible for determining an appropriate level of compensation for each landowner. This could include any necessary and agreed acquirement of land.

### **Community Consultation**

- w) Prior to the commencement of any works on site the consent holder shall undertake a series of consultation events with the local community to both obtain input into the design of the facility and mitigatory measures – such as landscaping. A report detailing consultation undertaken shall be submitted to Council.
- x) The consent holder shall hold at least one annual community meeting per year in a location convenient to locals for the purpose of obtaining feedback as to the operation of the activity and to inform the community of developments on site.
- y) The consent holder shall establish and operate, for the life of the activity, a community consultation system, including website, which enables the community to gain full access to all information on the activity including compliance with conditions of consent. This shall include contact details for a representative of the solar farm to respond to public queries including for operation issues and emergency events. If multiple representatives are appointed a documented chain of accountability shall be provided detailing who is responsible for maintaining stated effects and site management.

### **Liability**



- z) Any transfer of ownership or responsibility for the solar farm shall be managed so as to ensure any future owner / party is responsible and liable for the solar farm and compliance with all conditions of consent.
- aa) Prior to the commencement of any works on site the consent holder shall provide to Council all necessary documentation to demonstrate that public liability insurance has been established for a sum of no less than \$30 million dollars. Evidence of the ongoing holding of public liability insurance shall be provided to Council on an annual basis.
- bb) Prior to the commencement of any works on site the consent holder shall provide to Council all necessary documentation to demonstrate that a bond has been held in favour of Council to address any loss of crop income as a consequence of the solar farm. The sum of the bond is to be determined based on the average yield per hectare prior to the solar farm starting. Evidence of the ongoing available of the bond shall be provided to Council on an annual basis.

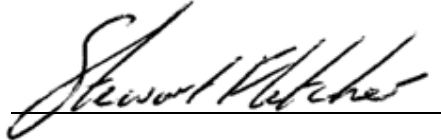
#### **Design safety report**

- cc) Prior to the establishment of the solar farm the consent holder shall submit a design safety report for the approval of Council. The report shall contain information regarding Developer's undertaking as a PCBU under the Health & Safety at Work Act 2015: Health & Safety by Design that relates to all structure/plant being designed in NZ (in particular last clause). The report shall also include the purpose of the structure/plant as communicated by the client, the parties consulted in undertaking the design and the hazards and risks identified during the design process, and control measures incorporated into the design, specifically in relation to:
  - any hazardous materials specified in the design.
  - any unusual or atypical features requiring specific attention during construction and manufacture.
  - any features of the design which present specific risks.
  - the recommended control measures for any foreseeable activities (eg operation, maintenance, repair, **dismantling, demolition,**

**disposal)** to be carried out during the life of the structure/plant when used for its intended purpose.

**Stewart Fletcher**

Dated 28 February 2023

A handwritten signature in black ink, reading "Stewart Fletcher", is written over a horizontal line.