

**BEFORE A COMMISSIONER APPOINTED BY SELWYN DISTRICT
COUNCIL**

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF application by KeaX Limited for
resource consent to establish a solar
array at 150 Buckleys Road, 115
Buckleys Road and 821 Hanmer
Road, Brookside.

**SUMMARY OF EVIDENCE OF CLAIRE KELLY
ON BEHALF OF THE APPLICANT
(PLANNING)**

Dated: 09 February 2023

KeaX Limited
Applicant
Campbell McMath
(campbell@keaenergy.nz)

Applicant
PO Box 38
Leeston
7632 Canterbury
Phone: 021 104 5346

- 1.1 My name is Claire Kelly. I am a Senior Principal and Planner at Boffa Miskell Ltd, a national firm of consulting planners, ecologists, urban designers and landscape architects.
- 1.2 I hold the qualification of MSc in Environmental Management from the University of Nottingham.
- 1.3 I have been a Planner for 17 years. My experience includes providing consultancy services to a wide range of clients around New Zealand, including local authorities, central government, land developers, and the renewable energy sector. I have prepared and processed resource consent applications and undertaken statutory planning and policy preparation.
- 1.4 In my opinion, there are three key issues to address:
 - Effects on visual amenity.
 - Glint and glare.
 - NPS Highly Productive Land.
- 1.5 The first two have essentially been addressed by the proposed landscape planting, and this has been discussed by Ms Anthony and in my evidence. In my opinion, the landscaping proposed and set out in Ms Anthony's evidence at Para 9.4 which shows the Branch Drain Road planting and the Site Plan will sufficiently screen the solar panels to ensure any adverse effects on visual amenity and from glint and glare are less than minor.
- 1.6 I will concentrate on the NPS-HPL.
- 1.7 I agree with Mr Aimer that the Site is HPL as it is LUC 2 and 3, it is not identified for future urban development; or subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle. Therefore, the provisions of the NPS-HPL apply to the Proposal.
- 1.8 The Site will continue to be used for primary production, therefore the Proposal is not "caught" by clause 3.9(1) of the NPS-HPL, because it not seeking to solely enable a use or development of HPL

that is not land-based primary production. The Site will still be used as a production unit that will form part of a larger farming operation.

1.9 Furthermore, I also consider that the Proposal is not inappropriate because it:

- may lead to an improvement in water quality/nutrient management perspective.
- will require minimal earthworks (some trenching and piling) that will not disturb large areas of soil, which could affect its structure and quality vis-à-vis its productivity or result in significant loss of soil.
- has an operational need to locate in proximity to a substation and lines that have capacity as well as considering land type (is it suitable for piles), and sun hours as highlighted by Mr McMath in his evidence. The availability of an appropriate site dictated that the subject site was chosen.
- will enable pasture to grow under the panels to support agricultural activities.
- will not result in reverse sensitivity effects as farming will also be undertaken on the Site and the landscape planting proposed around the Site.

1.10 Consequently, in my opinion, the Proposal accords with the outcomes sought by the NPS-HPL to protect highly productive land.

1.11 I also conclude that:

- the Proposal accords strongly with the objective of the NPS-REG to increase the energy produced from renewable resources and will protect HPL to enable it to be used for primary production as required by the NPS-HPL.
- the Operative and Selwyn District Plans seek similar outcomes: to manage the natural and physical resources of the District to ensure their use, development and protection are sustainably managed into the future. Both Plans prioritise primary production in the Rural Zone over other activities, to recognise its

importance to the economy and wellbeing of the district. There is no expectation that land uses will not change, but resulting activities should manage any adverse effects to maintain amenity values.

- the effects of the Proposal, are the planning provisions which relate to:
 - Maintenance of amenity values;
 - Effects on people's health and safety;
 - Protection of highly productive land.
- the draft conditions will maintain a reasonable degree of amenity in the Rural zone and ensure there is no decline in the quality of the environment. In my view this is an appropriate response in this location.
- the Proposal will have a number of positive effects, most notably those which relate to the efficient use and development of natural and physical resources, including the use of existing transmission infrastructure, to provide renewable energy to assist in meeting the objective of the NPS-REG and protect and utilise the land for primary production as per the NPS-HPL.
- the Proposal is consistent with most (and not contrary to the balance) of the objectives and policies of the relevant national and district planning documents. It is also consistent with the purpose and principles set out in Part 2 of the RMA. There is no impediment in the planning provisions to granting the consent sought.

Claire Kelly

February 2023