

Tangata Whenua Advisory Services

Tangata Whenua Advice on Resource Consent Applications

The role of the Tangata Whenua Advisory Service (TWAS) with respect to RMA consents and the Service Level Agreement with Environment Canterbury is:

To provide technical advice to Environment Canterbury on resource consent applications that will enable Environment Canterbury to assess the effects of the application on Ngāi Tahu values, including determining if Ngāi Tahu are an affected party.

THROUGH (taking into account scale and significance):

- a. Providing a robust assessment of the effects of the activity on Ngāi Tahu values;*
- b. Recommending how effects on Ngāi Tahu values may be avoided, remedied or mitigated; and*
- c. Identifying the relevant IMP policies and assessing against those.*

Date Lodged: 21/03/2022	Due Date: 28/03/2022
Entity: AEC Aukaha Kaikoura MKT (circle all that apply)	
Applicant: KeaX Limited	Location: 150 Buckley's Road and 821 Hanmer Road, Leeston
Consent number: CRC223908 and CRC223909	Activity status:
Catchment: Boggy Creek and Hanmer Road Drain Catchments	Road Name (where activity located): As above
Activity type: earthworks over an aquifer AND discharge of operational stormwater	Priority: Medium
Consent Planner: Cherie-Lynn Lewis Phone: [REDACTED]	

Email: [REDACTED]

Summary of application: (include matters of discretion if RDA):

KeaX Limited ("KeaX") proposes to construct a new solar array (or solar farm) on a 258ha site in the Brookside area, approximately 10km north of Leeston in mid-Canterbury. The solar array will be comprised of a total of 5,844 frames of solar panels, with the solar panels situated between 700mm and 3.02m above ground level. Once operational the solar array will be capable of generating up to approximately 160 MW of renewable electricity, to be fed back into the electricity network via the Brookside Substation located in the north-western corner of the site.

Within the site is the Wāhi Taonga Management Site – C59. This is located centrally on the site. The site falls within the TeWaihora Co Governance Area.



The following, specific to the Wāhi Taongoa site, appears on page 29 of the AEE.

“The applicant wants to ensure the accuracy of the site location and whether the site could in fact be enhanced with indigenous planting or whether this would be inappropriate.

The applicant proposes to place a 50m fenced exclusion buffer around the site within which no earthworks will be undertaken, or solar panels constructed. It is considered that the 50m buffer area will ensure that the risk of adverse effects on the Wāhi Taonga Management Site – C59 are minimised. It is also proposed to implement an Accidental Discovery Protocol across the Site in case any unexpected artefacts are encountered during the works.

The applicant will continue to engage with Te Taumutu Rūnanga and modify the 50m buffer and/or undertake planting as required.”

Plan change 7 includes the following matter of discretion under Rule 5.176:

Any adverse effects on Ngāi Tahu values or on sites of significance to Ngāi Tahu, including wāhi tapu and wāhi taonga.

AEE file reference: C22C/54260-2 CRC223908 CRC223909 - Application L/U Works - 150 Buckleys Road, 115 Buckleys Road, and 821 Hanmer Road, Brookside, Selwyn - AEE

Relevant rule/s:

Rule 5.97 Discretionary Activity

Rule 5.176 Restricted Discretionary Activity

☒ Ngai Tahu values within discretion

Technical advice requested from ECan experts? If so, what do these queries relate to?

Yes – advice requested regarding operational stormwater effects on soils, soil erosion, sediment transfer off-site.

The proposed activity falls within or may affect a:

If yes, what?

Statutory Acknowledgement Area

☒ ~~Yes~~ ☐ No

Silent File

☒ ~~Yes~~ ☐ No

Sensitive Area

☐ Yes ☒ ~~No~~

Other Ngai Tahu Layer/s (please specify)

☐ Yes ☒ ~~No~~

TeWaihora Co-Governance Area

Entity Response

Section One: Iwi Management Plan Assessment

Assessment completed by: Fraser Doake		Date: 05/04/2022	
Phone: [REDACTED]			
Email: [REDACTED]			
Executive Summary: <p>This application proposes construction and associated earthworks and operational stormwater discharge for a 258ha solar farm, to be split across 5 sites. The site is approximately 7-10km from Te Waihora and contains a Wāhi Taonga Management Site. Earthworks and stormwater runoff can have detrimental effects on the cultural and environmental values of an area, and species in the surrounding vicinity. This application has been assessed against the Mahaanui Iwi Management Plan, and Te Taumutu rūnanga provided feedback including the recommendations below.</p>			
Iwi Management Plan/s: Mahaanui Iwi Management Plan			
Relevant Policies:			
Policy number	Policy description	Proposal consistent with policy?	Comments
P11.1	To assess proposals for earthworks with particular regard to: <div style="text-align: right;">(a) Potential effects on</div>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, why not?

	<p>wāhi tapu and wāhi taonga, known and unknown;</p> <p>(b) Potential effects on waterways, wetlands and waipuna;</p> <p>(c) Potential effects on indigenous biodiversity;</p> <p>(d) Potential effects on natural landforms and features, including ridge lines;</p> <p>(e) Proposed erosion and sediment control measures; and</p> <p>(f) Rehabilitation and remediation plans following earthworks</p>		
P11.8	To require the planting of indigenous vegetation as an appropriate mitigation measure for adverse impacts that may be associated with earthworks activity.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Neither consistent nor inconsistent	A mixture of indigenous and exotic planting is proposed.
CL3.8	<p>To require, where a proposal is assessed by tāngata whenua as having the potential to affect wāhi tapu or wāhi taonga, one or more of the following:</p> <p>(a) Low risk to sites:</p> <p>(i) Accidental discovery</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, why not?

	<p>protocol (ADP) - See Appendix 3.</p> <p>(b) High risk to sites:</p> <p>(i) Cultural Impact Assessment (CIA);</p> <p>(ii) Site visit;</p> <p>(iii) Archaeological assessment, by a person nominated by the Papatipu Rūnanga;</p> <p>(iv) Cultural monitoring to oversee excavation activity, record sites or information that may be revealed, and direct tikanga for handling cultural materials;</p> <p>(v) Inductions for contractors undertaking earthworks;</p> <p>(vi) Accidental discovery protocol agreements (ADP); and/or</p> <p>(vii) Archaeological Authority from the New Zealand Historic Places Trust.</p>		
P6.1	To require on-site solutions to stormwater management in all	<input type="checkbox"/> Yes <input type="checkbox"/> No	Application proposes to discharge to land without treatment. Given the current use of this site as a dairy farm, stormwater runoff is a comparative

	<p>new urban, commercial, industrial and rural developments (zero stormwater discharge off site) based on a multi-tiered approach to stormwater management:</p> <p>(b) Reducing volume entering system - implementing measures that reduce the volume of stormwater requiring treatment (e.g. rainwater collection tanks);</p> <p>(d) Discharge to land based methods, including swales, stormwater basins, retention basins, and constructed wetponds and wetlands (environmental infrastructure), using appropriate native plant species, recognising the ability of particular species to absorb water and filter waste.</p>	<input checked="" type="checkbox"/> Neither consistent nor inconsistent	<p>improvement for environmental outcomes.</p>
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Section Two: Site Specific Issues

a) Any other effects of the activity on Ngāi Tahu values, relating to the site?

- Te Taumutu Rūnanga are supportive of the solar farm proposal, as this use of the land is consistent with their aspirations for renewable energy generation and emissions reductions.
- The environmental footprint of the solar farm is anticipated to be an improvement compared with current farming land use. On this basis, it is not anticipated the stormwater discharges to land will result in adverse effects on cultural values.
- With regard to the wāhi taonga site, this is understood to be a midden. It is not clear whether the deposit remains in situ. Regardless, the offer of establishing indigenous planting on site is not desired by the rūnanga, as this would require ground disturbance that would not be consistent with the protection of wāhi taonga values. The existing fencing and the proposed 50m setback from earthworks are deemed to be sufficient to protect this site.
- Taumutu kaitiakitanga reps are aware of morepork/rūrū potentially occurring in this area and made recommendations (outlined below) to ensure their protection if identified.
- The 10m setback from potential kōwaro habitat is viewed as sufficient, in conjunction with robust erosion and sediment controls.

b) Recommendations to avoid, remedy or mitigate any effects on Ngai Tahu values as noted above.

- The highest level of protection should be afforded to avifauna species in the area – this includes a bird survey, setback from any identified nesting sites, and works occurring outside of breeding season.
- The 10m earthworks setback from water races and drains that may contain kōwaro should be strictly adhered to.
- High importance should be placed on following the Erosion and Sediment Control Plan and Accidental Discovery Protocol.
- It is not recommended that indigenous planting is undertaken on the wāhi taonga site, but the rūnanga support enhancing biodiversity elsewhere on site through planting indigenous species of local whakapapa.

c) Does the rūnanga consider themselves an affected party? YES/NO

If the above recommendations are provided for the rūnanga will not consider themselves an affected party.

This advice will be taken into consideration. Environment Canterbury is bound by s95E of the RMA when deciding which persons, organisations or properties may be adversely affected.

d) Significance for monitoring

- i. Consent as a whole – HIGH/MED/LOW
- ii. Specific conditions which are vital for mitigating concerns/protecting values YES/NO

☒ Send a copy of the final s42a recommendation/ consent decision to me