

Recommended Conditions of Consent

RC235464 Land Use Consent Conditions

1. The proposal shall proceed in substantial accordance with the information submitted with the application on 10th of August 2023, the further information provided on 5th, 20th & 24th of October 2023, and the attached stamped Approved Plans entitled "RC235464 Land Use Approved Plans", except where another condition of this consent must be complied with.
2. The on-going operation of the solar array activity shall be limited to between the hours of 7.30am to 8.00pm. For completeness, there shall be no activity on-site at night-time and the batteries and inverter will be switched off by their Programmable Logic Controller (PLC) .
3. The Consent Holder shall ensure that all contractors engaged to undertake activities authorised by this resource consent are made aware at all times of the conditions and management plans that apply to this resource consent that are relevant to their work area and the measures required for compliance with the conditions.

Management Plan Certification

4. The Consent Holder shall prepare the following management plans for certification by the Council (Compliance@selwyn.govt.nz) or by their nominated appointee. The Consent Holder shall prepare the management plans in accordance with the requirements of the relevant conditions and in general accordance with the application documents:
 - a) Erosion and Sediment Control Plan (ESCP), incorporating a Dust Management Plan (DMP).
 - b) Construction Management Plan (CMP).
 - c) Landscaping Management Plan (LMP).
 - d) Construction Noise and Vibration Management Plan (CNVMP).
 - e) Avifauna Monitoring Plan (AMP).
5. The Consent Holder shall ensure that all management plans are prepared by a suitably qualified and experienced person (SQEP).
6. The Consent Holder shall submit the above management plans to the Council for certification in accordance with the timeframe specified in each relevant condition below. Works must not commence until the relevant management plan(s) are certified.
7. The certification process shall be limited to confirming in writing that the Management Plan has been prepared in accordance with the relevant conditions(s) and will achieve the objectives of the Management Plan.
8. If the Council's response is that they are not able to certify the management plan, the Consent Holder shall address any reasons or recommendations provided by the certifier and re-submit an amended Management Plan for certification.
9. The Consent Holder shall comply with all certified management plans.

Site Preparation and Construction

10. The ESCP and DMP shall be complied with for the duration of all earthworks and soil disturbance occurring on the site. The ESCP and DMP shall be certified at least 20 working days prior to the commencement of site works.
11. Prior to the commencement of construction on the site, the vehicle crossing to service the site on Branch Drain Road shall be formed and sealed in accordance with Diagram E10.D of the Operative District Plan (Rural Volume), at the expense of the Consent Holder. (Note – the Consent Holder will require a vehicle crossing approval from Council's Infrastructure Department prior to installation.)
12. The relocatable site office shall temporarily support construction and be removed from the site within 30 days of the completion of construction, including the wastewater holding tank and water tanks.
13. Construction shall be limited to weekdays only (Monday-Friday), and between the hours of 7.30am to 6.00pm. No construction work shall be undertaken on public holidays.
14. All proposed works shall to be carried out in accordance with an accepted Construction Management Plan (CMP). The purpose of the CMP is to ensure that any potential effects arising from construction activities on the site is effectively managed. The CMP shall include, but not be limited to the following:
 - a) Site description, topography, vegetation, soils and other reference information;
 - b) Details of proposed works;
 - c) Roles and responsibilities, including contact details for the site manager appointed by the Consent Holder;
 - d) A complaints procedure to address any complaints from people in the area;
 - e) Site establishment;
 - f) Timing of works;
 - g) Site access and Traffic Management measures;
 - h) Storage of fuel and/or lubricants and any handling procedures;
 - i) Contingency plans (including use of spill kits);
 - j) Construction traffic management measures, including measures to be adopted in accordance with the NZTA Code of Practice for Temporary Traffic Management;
 - k) On-site parking areas for construction staff;
 - l) Measures for identification and remediation of contaminated soil; and
 - m) Environmental compliance monitoring and reporting.

Noise and Vibration

15. At least 20 working days prior to construction occurring on site, a CNVMP shall be prepared and submitted to Council for certification. The CNVMP shall address, as a

minimum, the measures identified in Annex E3 of NZS 6803: 1999 “Acoustics – Construction Noise”.

16. For the avoidance of doubt, within the CNVMP required by Condition 13 above, the applicant shall demonstrate the proposed piling methodology has been selected with respect to the best practicable option.
17. The Consent Holder shall ensure that all activities on the site are measured in accordance with NZS6801:2008 Acoustics - Measurement of environmental sound, and assessed in accordance with the provisions of NZS6802:2008 Acoustics - Environmental noise, and noise shall not exceed the following limits at any point within the notional boundary of any residential unit, during the following timeframes:
 - i. 0730 to 2000 hrs - 50 dB L_{Aeq}
 - ii. 2000 to 0730 hrs - 40 dB L_{Aeq} and 75 dB L_{Amax}
18. Within 6 weeks of the solar array becoming operational, a suitably qualified and experienced acoustic consultant shall perform measurements to confirm compliance with both the daytime and night-time noise limits contained in Condition 15 above. The assessment shall include an objective analysis of any special audible characteristics during the day and at night in accordance with Appendix B4 of NZS 6802:2008 Acoustics - Environmental Noise.
19. Construction activities must be conducted in accordance with NZS 6803:1999 “Acoustics – Construction Noise” and must comply with the “long-term duration” noise limits contained within Table 2 of that Standard.

Cultural

20. As part of the initial site works, the part of the Wāhi Taonga Management Site – C59 within the site shall be fenced off, with a minimum 50m setback buffer established and maintained surrounding the area. Any form of ground disturbance shall not take place within this buffer zone for the protection of Wāhi Taonga values.
21. An Accidental Discovery Protocol (ADP) must be in place for the entirety of works and all contractors shall be made familiar with this protocol. The ADP is included as an attachment to these conditions.
22. Earthworks shall not occur within a 10m minimum setback from those existing drains running adjacent to the Branch Drain Road and Buckleys Road boundaries, with the exception of the culvert replacement for the existing access on Branch Drain Road.

Glare and Reflectivity

23. For the identified area of glare at the junction of Caldwells Road and Hanmer Road that would align with a gap in the proposed mitigation planting, the Consent Holder shall ensure that the panels in this section of the solar array do not include any back tracking to avoid glare at this intersection. The Consent Holder shall submit a map confirming the extent of no backtracking with dimensions for consent monitoring and administration.
24. Glare along Hanmer and Caldwells Roads shall be mitigated by an area of extended backtracking to the south-eastern portion of the site until the planting establishes to a minimum height of 3.0m. The Consent Holder shall submit a map confirming the extent of required mitigation planting with dimensions for consent monitoring and administration.

Landscaping

25. The LMP shall be certified at least 20 working days prior to the commencement of landscape planting.
26. All landscaping shall be implemented and maintained in accordance with the LMP, inclusive of the retention of the site boundary planting specified in the application. A full landscape plan indicating the location, planting and species of all plants must be provided within the LMP. The Consent Holder shall advise the Council once all planting required by the LMP has been established.
27. Prior to the commencement of construction on the site, the mitigation planting shall be established along the full length of the site boundaries, as depicted in Figures 3-5 of the Landscape Effects Assessment and related information submitted with the application, and in accordance with the following requirements:
 - a) The planting shall be located between the site boundary and the security fencing to screen the site and with livestock fencing to protect the planting from the livestock grazing the site.
 - b) The planting shall be implemented prior to any construction commencing on the site, and plants shall be a minimum of 2m tall at establishment. Plant species shall consist of fast growing, evergreen (to be confirmed) species with a rapid growth rate.
 - c) Where there are gaps in the existing vegetation, 2m high, double staggered rows of fast growing, evergreen (to be confirmed) plant species shall be implemented. Where existing vegetation needs replacing, a smaller grade of planting may be used.
 - d) Planting shall be maintained at a minimum height of 3.5m once achieved.
 - e) All dead or diseased existing vegetation will be replaced within the next growing season or as soon as practically possible.
 - f) New planting along Branch Drain Road shall be set back 10m from the site boundary and maintained at 3.5m in height once achieved. Where planting is directly behind vegetation that is already at, or exceeds, 2m in height, PB3 grade fast growing, evergreen shelterbelt plant species shall be implemented. The existing planting along Branch Drain Road (outside of the boundary fence) may be removed once the new plantings reach at least 3.5m in height.
 - g) Where planting faces the roadside, the applicant shall maintain vegetation with mechanical trimmers from the 10m setback area proposed. On the inside of internal fences, a 3m wide maintenance strip shall be maintained between the planting and the security fencing to enable mechanical trimming.
 - h) Irrigation and associated infrastructure for the landscaping planting will be installed prior to commencing planting.
 - i) All planting shall be irrigated (as required) for the duration of the solar array activity.
 - j) An additional visually impermeable shelterbelt hedge shall be planted and maintained at a minimum height of 3.5m approximately 20m from the boundary with 324 Branch Drain Road (and 33m from the existing residential unit on this site).
28. All security fencing shall be located internally within the site and be screened by the mitigation planting. The security fencing shall have a maximum height of 2.6m and the posts shall not exceed 3.0m. Closed board fencing shall be prohibited along the

site boundaries. Where there is an entrance to the site from Branch Drain Road, a gate with reduced or no visual transparency shall be established to provide visual screening of the array.

Ecology

29. Where internal shelterbelts are to be cleared, this shall occur outside of the main bird breeding season (September – January) to avoid any risk of impacts to nesting protected indigenous birds.

30. Either:

- a) Construction of solar panel arrays shall occur outside of the main bird breeding season (September – January), to avoid adverse effects to breeding indigenous birds, inclusive of the South Island Pied Oystercatcher (SIPO); or
- b) A pre-construction survey of the site shall be carried out by a suitably qualified ecologist/ornithologist with over five years experience conducting bird surveys (SQEP), in order to:
 - i. Determine whether SIPO (or other bird species observed during the survey deemed of conservation concern by the SQEP) are breeding within the solar array footprint. Subsequently:
 1. If breeding SIPO (or other species of conservation concern) are absent, works may proceed within the breeding season; or
 2. If breeding SIPO (or other species of conservation concern) are present within the site, works may proceed subject to setbacks from nests or other similar measures to avoid or otherwise manage impacts to breeding birds, as advised by the SQEP.

31. At least 30 days prior to the first operation of the solar array, the Consent Holder shall submit to the Council for certification an Avifauna Monitoring Plan (AMP). The AMP shall be prepared by a suitably qualified ecologist / ornithologist (SQEP) for the purpose of monitoring any impacts of the solar array on avifauna.

32. The AMP shall include:

- i. Frequency, duration and area of surveys (for a minimum of 24 months);
- ii. Monitoring methods; and
- iii. Information about any bird species found dead at the site that appears to have suffered trauma injuries, including species, number, and suspected cause of death. Input from an SQEP or veterinarian may be required. (Note: Due to Wildlife Act 1953 requirements the handling of injured indigenous birds or the storage of dead indigenous birds would likely require approval from the Department of Conservation.)

33. At the conclusion of the monitoring period, an independent SQEP on behalf of the Consent Holder is to submit a report to the Council (compliance@selwyn.govt.nz) setting out:

- i. The results of the monitoring;
- ii. If the monitoring identifies that a more than low level of collision effect on At-Risk or Threatened avifauna species is detected;

- iii. details of proposed ongoing monitoring to be undertaken; and
- iv. details of collision prevention/deterrent measures that should be implemented at the site.

34. Upon receipt of the monitoring report, the Council what? Review condition? What do we think we'd want to do about it?

Land-based Primary Production

35. The Consent Holder shall ensure that at all times the site is in a condition that can facilitate land-based primary production. For clarity and interpretation, land-based primary production means production, from agricultural, pastoral, or horticultural activities, that is reliant on the soil resource.

Decommissioning and Site Rehabilitation

36. When the solar farm has reached its end-of-life cycle and a change in land use is sought, the agricultural land shall be returned to its previous state, leaving the land in a condition that is safe and suitable for agricultural land use. This shall include but is not limited to:

- a) The Consent Holder shall undertake representative soil testing and any remediation of contaminated soils, where necessary for agricultural use, shall occur at the expense of the consent holder. (Note – assessment under the NES-CS will be necessary at this time.)
- b) The Consent Holder shall ensure that the components and infrastructure are disposed of in a way that maximises reuse and recycling. For any parts that cannot be reused or recycled, the Consent Holder shall ensure that they are disposed of in an environmentally responsible way in accordance with industry best practices.

Hazard Management

- 37. Inverters, batteries and transformers shall be established at a minimum height of 1m above the existing ground level where they are positioned.
- 38. Fire detection and suppression systems shall be installed and maintained within the battery containers for the duration of the use of batteries on the site, and regularly tested in accordance with the manufacturers specifications.
- 39. The Consent Holder shall provide the Council with a copy of the Fire Response Plan that is prepared under the Fire and Emergency New Zealand Act 2017, prior to the operation of the solar array.

Attachments

- 1. RC235464 Land Use Approved Plans

Selwyn District Council Advice Notes for the Consent Holder

Lapse Period (Land Use Consent)

- a) Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this land use consent shall lapse five years after the date of issue of the decision, i.e. the date of receipt of the Notice of Decision email, unless before the consent lapses an application is made to the Council to extend the period after which the consent lapses and the Council decides to grant an extension.

Resource Consent Only

- b) This consent is a Selwyn District Council resource consent under the Resource Management Act. It is not an approval under any other Act, Regulation or Bylaw. Separate applications will need to be made for any other approval, such as a water race bylaw approval or vehicle crossing approval.

Building Act

- c) This consent is not an authority to build or to change the use of a building under the Building Act. Building consent will be required before construction begins or the use of the building changes.

Regional Consents

- d) This activity may require resource consent(s) from Environment Canterbury (ECan). It is the consent holder's responsibility to ensure that all necessary resource consents are obtained prior to the commencement of the activity.

Monitoring

- e) In accordance with section 36 of the Resource Management Act 1991, the Council's specialised monitoring fee has been charged. This covers setting up a monitoring programme and two site inspections.
- f) If the conditions of this consent require any reports or information to be submitted to the Council, additional monitoring fees for the review and certification of reports or information will be charged on a time and cost basis. This may include consultant fees if the Council does not employ staff with the expertise to review the reports or information.
- g) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance Team, compliance@selwyn.govt.nz.
- h) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees at a time and cost basis.

Vehicle Crossings

- i) Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Infrastructure Department prior to installation. For any questions regarding this process please contact transportation@selwyn.govt.nz. Use the following link for a vehicle crossing information pack and to apply online: [Selwyn District Council - Application to Form a Vehicle Crossing \(Entranceway\)](#)

Impact on Council Assets

- j) Any damage to fixtures or features within the Council road reserve that results from construction or demolition on the site shall be repaired or reinstated at the expense of the consent holder.

Vehicle Parking During the Construction Phase

- k) Selwyn District Council is working to keep our footpaths safe and accessible for pedestrians, including school children. The Council also seeks to avoid damage to underground utility services under footpaths, e.g. fibre broadband. During the construction phase (and at all other times), please:
 - park only on the road or fully within your property – it is illegal to obstruct or park on a footpath; and
 - arrange large deliveries outside of peak pedestrian hours, e.g. outside school start/finish times.

Te Taumutu Rūnanga Advice Notes for the Consent Holder

- a) Where internal shelterbelts are to be cleared, this should occur outside of the main bird breeding season (September – January) to avoid any risk of impacts to nesting protected indigenous birds.
- b) Construction of solar panel arrays should occur outside of the main bird breeding season (September – January), to avoid adverse effects to breeding indigenous birds in general, but particularly because there is some risk that an At Risk species (i.e. South Island Pied Oystercatcher, SIPO) may breed in pasture areas of the site.