

**Yasmine Binnie**

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**From:** [REDACTED]  
**Sent:** Tuesday, 19 December 2023 4:31 pm  
**To:** Submissions  
**Subject:** Submission in opposition of KeaX Limited consent application (RC235464 ) [DC-DOCUMENTS.FID3595202]  
**Attachments:** Notice of Submission - Form 13 (17834735.1).pdf.pdf; Submission of Haurere Farms Ltd - Opposition to RC235465 (Attachment 1)(17827523.1).pdf

Good afternoon

Please see **attached**, submission filed on behalf of notified party Michael John Dalley for Harere Farms Limited, and in opposition of the KeaX Limited consent application proposing to construct a new 111ha solar array - RC235464.

A copy will also be sent to the Applicant.

Kind regards

**Jessica Ottowa**  
Senior Solicitor  
[Please note I do not work Mondays and Thursdays](#)

[REDACTED]  
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Click [here](#) for office directions



All our offices will close at **5:00pm on Friday 22 December 2023** and re-open at **8:30am on Monday 15 January 2024**.

Phone calls for our offices will be monitored between 8:30am - 5:00pm, Monday to Friday between Monday 8 and Friday 12 January 2024.



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Planning Unit

## Notice of Submission on an Application for Resource Consent

Application Reference:  
**RC235464**

Resource Management Act 1991 - Form 13

Send or deliver your application to: Selwyn District Council, PO Box 90, Rolleston 7643

For enquiries phone: (03) 347-2868

For enquiries email: [planninginfo@selwyn.govt.nz](mailto:planninginfo@selwyn.govt.nz)

### 1. Submitter Details

Name of Submitter(s) (state full name(s)): **Michael John Dalley for Haurere Farms Limited**

Physical Address: **"Haurere" Buckleys Road  
Brookside RD2**

**Leiston**  
Address for Service (if different):  
**Duncan Cotterill Lawyers  
PO Box 5  
Christchurch 8140**

Email:

Telephone (day): [REDACTED] Mobile: [REDACTED]

### 2. Application Details

Application Reference Number (if not stated above): **RC235464**

Name of Applicant (state full name): **KEA X Limited**

Application Site Address: **To construct and operate a new Solar array on approx 111 ha.**  
Description of Proposed Activity: **115, 150 & 187 Buckleys Road, Brookside**

### 3. Submission Details

- I / We: ☐ Support all or part of the application  
☒ Oppose all or part of the application  
☐ Are neutral towards all or part of the application

The specific parts of the application that **my / our** submission relates to are: (give details, continue on a separate sheet)

**See Attached as 1**

The reasons for **my / our** submission are:

**See Attached as 1**

The decision I / We would like the Council to make is: (give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought.)

**See Attached as 1**

#### 4. Submission at the Hearing

- ☒ I / We wish to speak in support of my / our submission.
- ☐ I / We do not wish to speak in support of my / our submission.
- ☒ If others make a similar submission I / We will consider presenting a joint case with them at the hearing.
- ☐ Pursuant to section 100A of the Resource Management Act 1991 I / We request that the Council delegate its functions, powers, and duties required to hear and decide the application to one or more hearings commissioners who are not members of the Council. *(Please note that if you make such a request you may be liable to meet or contribute to the costs of the commissioner(s). Requests can also be made separately in writing no later than 5 working days after the close of submissions.)*

#### 5. Signature

(Of submitter(s) or person authorised to sign on behalf of submitter(s))

Signature: ..... Date: .....

Signature: ..... Date: .....

*Note: A signature is not required if you make your submission by electronic means.*

#### 6. Privacy Information

The personal information requested in the form is being collected by Selwyn District Council so that we can process your application. This information is required by the Resource Management Act 1991. This information will be held by the Council. You may ask to check and correct any of this personal information if you wish. The personal information collected will not be shared with any departments of the Council not involved in processing your application. However under the Official Information and Meetings Act 1987 this information may be made available on request to parties within and outside the Council.

#### 7. Important Information

1. The Council must receive this submission before the closing date and time for submissions on this application.
2. You must also send a copy of this submission to the applicant as soon as reasonably practicable, at the applicant's address for service.
3. All submitters will be advised of hearing details at least 10 working days before the hearing. If you change your mind about whether you wish to speak at the hearing, please contact the Council by telephone on 347-2868 or by email at [planninginfo@selwyn.govt.nz](mailto:planninginfo@selwyn.govt.nz)
4. Only those submitters who indicate that they wish to speak at the hearing will be sent a copy of the planning report.

#### For Office Use Only

Received at the ..... Office on ..... at ..... am / pm

19 December 2023

**Submission in Opposition to application for resource consent RC235464**

Clause 6 of the First Schedule, Resource Management Act 1991

**To: Selwyn District Council**

PO Box 90

Rolleston 7643

Email: [submissions@selwyn.govt.nz](mailto:submissions@selwyn.govt.nz)

**KeaX Limited**

C/- Boffa Miskell

PO Box 110

Christchurch 8140

Email: [claire.kelly@boffamiskell.co.nz](mailto:claire.kelly@boffamiskell.co.nz)

**Submitter: Michael John Dalley for Harere Farms Limited**

"Haurere" Buckleys Road

Brookside RD2

Leeston

**Address for Service:** Please direct all correspondence relating to this submission to Ewan Chapman at Duncan Cotterill – [REDACTED] in the first instance, or by post if required:

**Duncan Cotterill Lawyers**

PO BOX 5

CHRISTCHURCH 8140

## INTRODUCTION

- 1 This submission is made in opposition to resource consent **RC235464**, made by KeaX Limited (**KL**) to construct and operate a new solar array on approximately 111ha at 115, 150 & 187 Buckleys Road, Brookside (**the Proposal**).
- 2 The submitter **opposes all of the application**.
- 3 The submitter is **not** a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (**Act**).
- 4 Haurere Farms is a fully operative dairy farming unit at Buckleys Road, and adjoins the Proposal Site.
- 5 These submissions address the following:
  - 5.1 The lack of community and stakeholder consultation;
  - 5.2 The Highly productive land (**HPL**) status of the Proposal Site;
  - 5.3 Grazing issues;
  - 5.4 Drainage and Runoff – Stormwater consent;
  - 5.5 Vertebrate/ invertebrate populations;
  - 5.6 Solar Panels and latent effects;
  - 5.7 Health and safety; and
  - 5.8 Emotional aspect.

### Community Consultation

- 6 I note that the Proposal Application documents (the **Application documents**) refer to specific community engagements undertaken through the pre-application phase of the Proposal. The Haurere Farms property shares a boundary with the Proposal Site, but KL has not consulted with us in any way. I also note that there has been no wider community engagement – which I consider would have been appropriate.
- 7 The magnitude of the change is very significant – taking 115 hectares and making its use industrial in nature.
- 8 Given the wider community impacts, I also consider that this Proposal should have been publicly notified.

### Highly Productive Land (HPL)

- 9 The Proposal Site consists of Land Use Capability (**LUC**) classes 2 (92%) and 3 (8%).
- 10 The Proposal introduces a significant change of land use from highly productive Dairy Farming, to Industrialised Solar farming with maintenance sheep grazing within and underneath the panels.
- 11 The Application documents justify this change of land use by concluding that the Proposal meets the requirements of the National Policy Statement on Highly Productive Land (**NPS-HPL**) because it minimises the actual loss of any HPL and productive capacity as it allows for the land to still support land-based primary production in the long term. I do not agree. The change represents a permanent alienation of Highly Productive land to an electricity generator site, where the activity does not utilize the Highly Productive capacity of the soils.
- 12 This is critical for the district, as the Council has zoned significant new tracts of land closer to Christchurch for subdivision, and in our case is now taking out further land for industrial use.
- 13 The effect is a cumulative effect on the loss of productive land. It is incremental in nature “a bit there, and a bit here”. The nature of the NPS HPL is to protect haphazard, and gradual change – and require activities which do not utilize the productive capacity to search elsewhere for their activities or have them zoned.
- 14 The productivity of the land will be compromised by compaction, clods, irons, water, runoff, and cover, and have the effect of taking more land out of our food chain/economy. Compacted soils with little organic matter will reduce the productive capacity of the grass/crops. To mitigate this, the land will need to be cultivated - which will be difficult to do around Panels and structures.
- 15 I do not expect that the loss of productive capacity of the Proposal Site can be appropriately managed and minimised through the Proposal.

### Grazing Issues

- 16 I understand from the Application documents, that the Proposal Site will also be used to graze and finish lambs.
- 17 Lambs generally need to be finished on clover. This not only requires nitrogen fertiliser inputs to grow, but also requires sun exposure. I would be surprised if any clover were to establish around and under the solar panels.
- 18 I also consider that the proposal to finish lambs on the Proposal Site will cause implications for the future animal end use. Due to their exposure to metals, there will be a huge reduction/no value in the lamb meat when the Site grazed lambs are assessed at the meat works.

- 19 Animals are checked on entry to the meat works, and I expect they will fail the metal detection tests due to their exposure and any rubbing against the galvanized solar structures. For the same reasons, I expect that their pelt will also be of little to no value - overseas consumers would have nothing to do with this product. This is by no means a sustainable use of resources – as prescribed through the purpose of the Resource Management Act 1991.
- 20 Grazing under the panels is fanciful. Grass growth in the Leeston area is significant in the early spring – yet it dries off over the summer period if not irrigated. The question then arises as to where exactly are the operators going to find stock to graze off the spring growth.
- 21 Farms need to be managed on a holistic basis – contemplating sound stock management throughout the year. There is no plan or an annual program which gives neighbors any comfort that the land will be sustainably managed.
- 22 Animal husbandry requires stock to be yarded from time to time, such as for stock to be separated for breeding purposes with feed levels controlled and managed. Imagine trying to round up stock under the panels! My dogs wouldn't be able to do it, it will be a circus. An unfavorable one where farmers have to observe the poor practices going on next door.
- 23 A sprinkling of sheep, does not a farmer make!

#### **Drainage and Runoff – Stormwater consent**

- 24 KL hold a Canterbury Regional Council (**ECan**) consent to discharge operational phase stormwater generated from the solar array panels, roofs, roads, hardstand areas, and impervious areas on the Proposal Site<sup>1</sup> (the **Stormwater Consent**). This decision was made on a non-notified basis.
- 25 Since the granting of the Stormwater Consent, the land use Application documents have been amended - seeking consent over a smaller areas of land (111 ha as opposed to 250ha). In any case, I consider that if consent is granted for the Proposal, the Stormwater Consent should be 'reopened'<sup>2</sup> and reconsidered in light of the actual land use proposal.
- 26 Intensification of panels on the smaller block changes run off patterns dramatically – given that I am down-gradient of the proposal, I do not wish to be caught with waterlogged areas of my farm altering productivity and management.
- 27 I know that farmers complain when there is too little rain, but too much is also a problem.
- 28 The effect of shading caused by the panels will mean that run-off is more dramatic, and more instantaneous. There are no water detention areas set aside to manage run-off.

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<sup>1</sup> CRC223909

<sup>2</sup> As per condition 11 of the Consent

- 29 Whilst it is noted that the stormwater consent has been granted, I still raise concerns around panel runoff and the potential risk of changing the soil profile of our property, and contaminating our pastures. Milk testing may pick up traces of contaminants which will lead to financial grading, rejection of milk, and subsequent loss of supply. This would also be the same for any meat we sell. For completeness, crop and vegetable production operations would also face the same issues.
- 30 Sensitivity to fluctuations in milk or meat quality is pivotal and critical for our on-going compliance and pricing. In our view, this cannot be managed and there is no control on run-off entering our property.
- 31 I also note that the Proposal Site consists of heavy Clays with low drainage capacity. With the increase in impermeable surfaces, I am concerned that the stormwater runoff from the panels will cause greater flooding risks to surrounding properties and roads.

#### **Vertebrate/ invertebrate populations**

- 32 The electromagnetic fields surrounding the Proposal Site and the associated panels will have negative impacts on the local invertebrate and vertebrate health and populations.
- 33 Of particular concern, are the impacts that the noise and electromagnetic fields will have on bee and bird health/ populations. A loss of bees will have detrimental effect on our crop and pasture quality due to our reliance on bee pollination.
- 34 Again, this is a factor because our operations are highly productive, using every inch of space available. Pollination and cultivation are highly reliant on the surrounding farming activities and insect life, as much as our own soil's productivity. Specialist crop cultivars may be affected.

#### **Solar Panels and latent effects**

- 35 I understand that the existence of solar panels has the effect of elevating temperatures around the panel sites, and that this can be measured some distance from the panels themselves. Notwithstanding the obvious concerns around invertebrate habitats and soil health, it will be important to ensure that any area of impact doesn't extend beyond the Proposal Site.
- 36 I have similar concerns around shading caused by panels. If consent were to be granted, it will be important to ensure that shading from panels doesn't extend beyond the Proposal Site.
- 37 Set-backs from boundaries and buffer areas are needed to fully control the effects on other properties.

#### **Health and safety**

- 38 I also raise concerns about the health and safety of surrounding land users. The noise pollution generated from the solar panels have the potential to cause serious harm to the health of those



surrounding land users, especially where residential activities are being undertaken. Of particular note, the nighttime noise pollution exceeds the nighttime noise limits provided by the WHO guidelines.

39 This is our home and our workplace, and we are personally concerned about the effects of glare, acoustics, EMF and airborne contaminants.

40 I also raise concern around the safety of adjoining road users. The Glare from panels onto busy roads will create safety issues.

41 The electric magnetic field increased with larger transmission lines installed to take power away from substation will have major health impacts for existing households living close to Branch Drain, Buckleys, Stewarts and Brookside-Dunsandel Roads. Over 200 people live in the Brookside community that will be impacted by the electric magnetic field.

42 Considerations relating to fire hazard are also lacking in the Proposal - for example, where is the Fire Plan?

#### **Emotional Aspect**

43 When considering the concerns raised above, the granting of the Proposal will have detrimental impacts on the pre-existing activities and rural amenity in the vicinity of the Proposal Site, and is the cause of huge stress and future viability concerns for those living and working in the vicinity of the Proposal Site.

44 The Proposals themselves have already cause a huge divide among the tightly knit community of Leeston; especially where members of the community have not been given an opportunity to engage with the Proposals.

45 I also note that here is no benefit to the direct community and those who would have to put up with the effects of the Proposal – the power is destined for Rolleston/Lincoln.

46 Developer/Investors/farmers selling out to Solar Farm have no concept of what it will be like to live next door to a Solar Farm of this scale. They are only thinking of the money they will make charging us for expensive power. Has the price of power ever got cheaper since the electricity market was deregulated? The answer is no. Quite to the contrary, the cost of upgrading the substation to ensure technology is up to speed to take the power generated from the solar farm will be passed on to the consumer meaning our power will continue to go up.

47 All the neighbors who are involved with leasing and who have sold their land to the developer are shifting out of the community. The developers don't live in the community, and neither will they live next door to a 500-acre solar farm.

- 48 Developers/Investors are offering excessive amounts of money that no other farmer can afford so opportunities for our own children to farm into the future are lost.
- 49 Pine trees suck nutrients out of the soil and it takes 30 years before land returns to the levels of positive farming. Natives planted on the inside of pine. We have gaps in hedge plantings.

**RELIEF SOUGHT**

- 50 In accordance with the concerns raised above, I seek for the Proposal to be declined in its entirety.