

**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 115 and 187 Buckleys Road,
Brookside.

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

Dated: 16 February 2024

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

Applicant
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1 INTRODUCTION

- 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 18 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 Boffa Miskell was engaged by KeaX Limited (the Applicant) in July 2023 to prepare a resource consent application to establish a solar farm (the Proposal) at 115 and 187 Buckleys Road, Brookside (the Site). I prepared this application and addressed the s92 request for further information and prepared this evidence.
- 1.5 I have visited the site on two occasions and am familiar with the surrounding area.
- 1.6 In preparing this evidence, I have read and considered the following documents:
 - (a) The application, the AEE and supporting technical reports including the s92 requests and the applicant's responses;
 - (b) The submissions on the application;
 - (c) The section 42A report prepared by Mr Richard Bigsby for the Selwyn District Council; and
 - (d) Each of the statements of evidence on behalf of the Applicant.
- 1.7 Whilst this is a Council hearing, I acknowledge that I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023. My qualifications as an expert are set out above. Other than

where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2 SCOPE OF EVIDENCE

2.1 My evidence:

- (a) Provides a brief description of the background to the Proposal, a description of the Site, summary of the Proposal (as notified), and any changes since notification of the application; and
- (b) Provides a brief overview of the resource consents required to establish the Proposal;
- (c) Summarises the positive and adverse effects that may arise from the Proposal;
- (d) Assesses the Proposal against the relevant statutory matters and planning documents;
- (e) Addresses key matters raised in the section 42A report which has been prepared by Mr Richard Bigsby; and
- (f) Addresses submissions on the applications that raise specific planning issues; and
- (g) Addresses the Council's draft proposed conditions of consent as they currently stand. This includes a discussion of how those conditions manage the effects of the Proposal.

3 SUMMARY OF THE PROPOSAL

Site Description

- 3.1 A detailed description of the Site, the Proposal, the consents required to authorise the Proposal and the activity status of the application, is contained in the AEE. In the interests of brevity, I do not repeat that

analysis here. However I have set out below my precis of the key aspects of the resource consent applications.

- 3.2 The Site at 115 Buckleys Road and 187 Buckleys Road, Brookside is currently used for dairy farming, and is characterised by existing dwellings, farm buildings, irrigation infrastructure and shelterbelts within and along the boundaries of the Site.
- 3.3 The wider area surrounding the Site is also used for dairy farming and other agricultural activities, with some semi-rural lifestyle blocks. A substation (designated: Brookside Substation) owned by Orion New Zealand Limited (Orion) is located at the junction of Buckleys Road and Branch Drain Road, adjacent to the north-western corner of the Site.

The Proposal

- 3.4 The Proposal (as notified) seeks consent to construct and operate a 111ha solar array on the Site which will have a generating capacity of approximately 100GMW per year on completion. The solar array will comprise a total of 140,000 tracking panels with thirteen inverters. Each table of panels will be set to a maximum height of 3.0 metres from ground level to the top of the solar panels, whilst the lowest point will be 0.5 metres above ground level. However, the panels will initially be tilted to achieve a maximum height of 2 metres above ground level, recognising the height of newly established vegetation.
- 3.5 While not proposed to be installed as a part of the initial site works, KeaX may install batteries on the Site in the future to actively manage rapid drops in power and fluctuations.
- 3.6 It is also proposed to:
 - undertake site preparation works i.e. the removal of all existing internal fencing, shelterbelt plantings within the Site and structures such as irrigators and, fence around the Wāhi Taonga Management Site – C59; and
 - undertake exotic planting as shown on the Site Plan; and

- create internal access roads between the panels using flattened grass areas, with shingle as required to reduce the build-up of mud and tracking of sediment off-site; and
- graze sheep under the panels; and
- establish a temporary self-contained site office to be serviced by an above ground water tank, with a capacity of up to 5,000L, a surface effluent tank (2,700L capacity) that will be emptied as required and a solar panel and storage battery; and
- establish temporary storage buildings for retaining equipment and materials on site, being four 40ft shipping containers approximately 59.4m² each (12.19 metres long, 2.44 metres wide, and 2.59 metres high); and
- fence all external boundaries with a 2.6m high chain link fence with barbed wire on top and the fence posts that will not exceed 3m in height; and
- carry out construction works during weekdays only from 8am to 6pm; and
- undertake approximately 7,020.5m³ of earthworks to install the piles (to a depth of 1.8m) and cable trenches, which will be backfilled once the cables are in place; and
- implement an Erosion and Sediment Control Plan (ESCP) that will incorporate a Dust Management Plan (DMP).

3.7 I generally agree with Mr Bigsby's description of the Proposal¹, at Paragraph 12 of his s42a report. However, it is now proposed that the solar farm will operate from 0700 to 2200 as per the limits in the Partially Operative Selwyn District Plan (POSDP). Furthermore, construction is proposed on Saturdays, which will likely reduce the construction period, although noise will still be able to meet the construction noise limits in the POSDP.

¹ Paragraphs 18 to 31 of the s42a report.

- 3.8 Furthermore, it is now proposed to plant a 100 metre long, single row of 2 metre high exotic, shelterbelt planting to the west of the Wāhi Taonga site. This is to further reduce any risk of glint and glare on road users especially on Caldwells and Hamner Roads.

4 **RESOURCE CONSENTS REQUIRED**

- 4.1 An application was lodged with Selwyn District Council (SDC) on 10th August 2023 to establish the solar array at 115 and 187 Buckleys Road (RC235464). The application originally sought consent for a Discretionary Activity in accordance with the Operative Selwyn District Plan (OSDP) to:

- (a) generate electricity that will not be used on the Site; and
- (b) undertake earthworks to an approximate volume of 7,020.50 m³ and;
- (c) relocate buildings onto the Site that will remain permanently.

- 4.2 As requested by email on 21st August 2023, the application was amended to address the relevant rules in the POSDP. The application was amended to recognise the General Rural Zoning and that the Site lies within the Plains Flood Management Overlay. It also sought consent for a Discretionary Activity (overall) for:

- (a) the generation of renewable electricity generation; and
- (b) the generation of more than 40 vehicle movements per day; and
- (c) infringement of the required 30 metre setback required for a shelterbelt from 187 and 115 Buckleys Road.

- 4.3 As agreed with Mr Bigsby, the temporary nature of the site office (amended post lodgement) means that it is not a principal building and does not trigger the need for a Flood Assessment Certificate; and the site office will be a new building removing the need to address Rule 3.15.4 in the OSDP.

- 4.4 As requested at Paragraph 100 of the s42A report, I can confirm that staff will be transported to the Site in minibuses. I also acknowledge

that vehicle movements and equivalent car movements are subject to different definitions, and these were applied when assessing compliance with Rule TRAN-R4 in the POSDP.

4.5 SDC provided a copy of the application to Mahaanui Kurataio Ltd (MKT) and they provided a cultural advise report on 22nd September 2023. This included a set of recommended conditions to mitigate effects on mana whenua values. The Applicant agreed to many of the proposed conditions, but we advised the following:

- The water race is not on the Site but runs within the Council's road network, so the Applicant cannot plant and maintain a riparian buffer of indigenous vegetation. SDC has also requested that we setback vegetation at least 10m from Branch Drain Road, so planting the riparian margin is not feasible.
- We acknowledge that replacing the proposed fast growing exotic plantings with indigenous eco-sourced plants over time would have ecological benefits. However, it would be costly and not a very efficient use of resources.
- Effluent tanks are not a SDC matter.

4.6 Mr Bigsby advised on 26th September that he would relay the Applicant's response to the advisor at Mahaanui and 'keep us in the loop with any developments.'

4.7 Following a final response to SDC's notification request on 20th October, the application was limited notified to the owners and occupiers of the following properties on 13th November 2023: 23, 80, 79 and 56 Buckleys Road, 29 Irwell Rakaia Road, 15 Stewarts Road, 313, 324 and 198 Branch Drain Road because of adverse effects on rural character and amenity values. Te Taumutu Rununga was notified because the Applicant did not accept the recommendations to replace the exotic vegetation with indigenous planting over time and, plant and maintain a riparian margin. The submission period closed on 11th December. However, a party was missed in the notification process and the application was notified again with the submission period closing on 19th December.

- 4.8 A hearing is required and a s42A report has been prepared, which recommends Grant pursuant to s104 and s104b of the Resource Management Act (RMA).
- 4.9 I note that Mr Henderson has made a submission, despite not being a notified party, and Mr Bigsby has addressed his submission points. However, at Paragraph 164 of his s42A report, he states that he is leaving the Commissioner to determine the status of the submission. I understand Ms Hawkins will address this matter in her legal submissions at the hearing, and I do not provide further comment on this matter.
- 4.10 I also note that the OSDP has essentially been replaced by the POSDP, and the provisions no longer apply to this Proposal. In his s42A report at Paragraph 39, Mr Bigsby states that the Proposal is a permitted activity under the OSDP and requires Discretionary activity consent under the POSDP. I agree with this conclusion that overall, the Proposal is for a Discretionary activity.
- 4.11 In addition, as requested by the Reporting Officer at Paragraph 181 of his s42A report, I confirm that the wastewater tanks will be removed from the Site, once construction of the solar farm has been completed.

Permitted Baseline

- 4.12 The Commissioner will be aware that section 104(2) of the RMA affords a consent authority discretion to disregard a potential adverse effect of allowing an activity if the relevant plan permits an activity with that effect.
- 4.13 Mr Bigsby has considered the permitted baseline at Paragraphs 59 to 61 of his report and concludes that there is no particularly useful permitted baseline in terms of activities that generate similar effects.
- 4.14 I generally agree given the much greater weight being placed on the POSDP but do consider that the following activities are relevant:
- Utility buildings that are:
 - no more than 12 metres in height; and

- set back a minimum distance of 10 metres from a strategic road, 5 metres from any other road, and 1m from any property boundary; and
- compliant with the relevant recession plane angles.
- Operational noise limits assessed at the notional boundary of any dwelling, rest home, hospital, or classroom in any educational facility except where located within a Living zone are as follows:

Hours	Noise Limit
0700 to 2200	55 dBA L_{Aeq} (15 min)
2200 to 0700	45 dBA L_{Aeq} (15 min) 70 dBA L_{max}

- 4.15 Under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (NES-PF), afforestation is a permitted activity in a Rural Zone provided wilding tree risk is managed, and setbacks from adjoining property, dwellings and waterbodies are adhered to.
- 4.16 My assessment, and the assessment of the Applicant's other experts, has not sought to rely on the application of a permitted baseline in a strict sense. However, where relevant, it has been pointed out as useful context for the Commissioner's assessment of the effects of the Proposal.

5 EFFECTS ON THE ENVIRONMENT (SECTION 104(1)(a) RMA)

- 5.1 An assessment of environmental effects under section 104(1)(a) of the RMA is contained in section 6.0 of the AEE.
- 5.2 For efficiency, I focus on areas where there is disagreement between experts and/or Mr Bigsby or a change of approach is proposed. For those matters, I do not repeat the effects assessment, but summarise the conclusions reached in the expert evidence on the environmental effects and which respond to the remaining issues raised in the s42A reports, and submissions.

5.3 I consider that Mr Bigsby and myself are in general agreement on the environmental effects and management of the following matters, and I do not provide further comment on these in my evidence:

- Glint and Glare.
- Transportation related effects.
- EMF
- Highly Productive Land.
- Reverse sensitivity.
- Earthworks and dust.
- Cultural.
- Ecological Effects.
- Natural hazards.
- Servicing.
- Positive Effects.

Noise

5.4 Mr Reeve's (acoustic engineering services) evidence generally agrees with and accepts the findings and recommendations of the peer review undertaken by Marshall Day.

5.5 In essence, it is agreed that construction noise (including on Saturdays) will be managed under the New Zealand Standard NZS 6803: 1999 Acoustics – Construction Noise. While the noise from construction activity can comply with the noise limits, the duration of the construction activity, and the likelihood that noise levels will at times be significantly higher than the background noise levels, therefore Mr Reeve considers it appropriate to prepare and implement a Construction Noise and Vibration Management Plan (CNVMP) for use during the construction phase of the Proposal.

5.6 In addition, Mr Reeve has considered the effect of undertaking construction works on a Saturday. He discusses this at Paragraphs

10.4 and 10.5 of his evidence and I will not repeat this but Mr Reeve concludes that a likely reduction in construction time could be perceived positively by nearby receivers. I also understand that the “shoulder periods” in NZCS 6803 between 6.30 am – 7.30 am and 6 pm – 8 pm would typically allow for lower noise set-up / machinery maintenance type activities – particularly where the setback to receivers is large. Therefore, some construction activities can occur during these periods.

- 5.7 Operational noise will be appropriately managed by applying a day-time noise limit of 50 dB LAeq and night-time noise limit of 40 dB LAeq, both measured at the notional boundary of the nearest dwelling. I understand that these limits are lower than those in the POSDP. However, the noise limits in the POSDP set a daytime limit from 0700-2200 (compared to the OSDP of 07.30am to 8pm). It is therefore proposed to extend the hours of operation to align with the POSDP hours. I also understand that operational noise will still comply with the POSDP noise limit.
- 5.8 Recognising Mr Reeve’s evidence, changes to the conditions are proposed to provide for longer operational hours that reflect the POSDP noise limits and provide greater flexibility as to when construction activities can occur.
- 5.9 Overall, in my opinion, both construction and operational noise will be appropriately managed to minimise adverse effects on the environment including surrounding residential dwellings.

Contaminated Land

- 5.10 Mr Bigsby and I agree that environmental health effects will be insignificant. However, Mr Bigsby seeks a condition of consent that addressees remediation of the Site including a requirement for soil testing. Ms Stout from PDP who prepared evidence on Environmental Health, did not suggest or recommend such a condition. She states at Paragraph 5.2 of her evidence that ‘with proper maintenance as described in the application, the sealed units are not a risk to the environment’.
- 5.11 Mr Bigsby appears to be relying on a conversation with Ms Hannah Mirabueno, a senior scientist at CRC who states that solar arrays are

not currently considered by CRC to be Hazardous Activities and Industries List sites but there is the potential for soil contamination. It is unclear on what evidence she has based this opinion on. Therefore, based on the expert evidence of Ms Stout and Dr Beechey-Gradwell, I do not consider it necessary to apply a condition requiring soil testing.

Rural Character and Amenity

- 5.12 Ms Anthony's (Landscape Planner) evidence identifies that there is general agreement between the Mr Bigsby and herself on the nature and extent of adverse effects on the physical landscape and rural character, and visual amenity effects.
- 5.13 The only point of clarification is that Mr Craig and Mr Bigsby both support a mix of native and exotic plantings as this would provide better ecological outcomes and would align with recommendations sought in the Cultural Advice Report. While I understand that Ms Anthony is supportive of such an approach, she notes that it has been made reasonably clear through the submissions that neighbouring properties are concerned about the potential visibility of the solar arrays. To ensure the Proposal is visually contained in the shortest period of time possible, exotic, fast growing shelterbelt plant species have been proposed. Shelterbelts (specifically cypress varieties) are a common feature across the Canterbury Plains and the proposed planting will be in keeping with this.
- 5.14 I understand that Ms Anthony has proposed planting a 100 metre long, single row of metre high exotic, shelterbelt planting west of the Wāhi Taonga site to eliminate the 'no backtracking' requirement once the planting has reached 3m in height. In my opinion, this will also address submitter's concerns about glint and glare affecting road users on Caldwells and Hamner Roads.
- 5.15 Overall, I consider that adverse visual amenity effects on all surrounding properties will be less than minor.

Effects Conclusion

- 5.16 It is my opinion that overall, the adverse effects of this proposal on the environment will be acceptable. This is based on the proposed

amendments to the Proposal and the mitigation measures to be implemented.

6 STATUTORY AND PLANNING ASSESSMENT (SECTION 104(1)(b) RMA)

6.1 The relevant planning documents are identified in the AEE, and in the section 42A report of Mr Bigsby. They are the:

- National Policy Statement for Renewable Electricity Generation (NPS-REG);
- National Policy Statement for Highly Productive Land (NPS-HPL);
- Canterbury Regional Policy Statement (CRPS);
- Partially Operative Selwyn District Plan OPSDP);
- Mahaanui Iwi Management Plan (MIMP).

6.2 Mr Bigsby and I are generally in agreement regarding consistency of the Proposal with the relevant statutory documents as set out below:

- the Proposal is entirely consistent with the NPS-REG.
- the Proposal is consistent with the CRPS objectives and policies.
- the Proposal is not inconsistent with the overall intent of the NPS-HPL.
- the Proposal is consistent with the relevant objectives and policies in the POSDP.
- the Proposal does not entirely align with the expectations of the Rūnanga with regard to the preference for indigenous planting but it is consistent in all other respects.
- the Proposal is consistent with Part 2 of the RMA.

- 6.3 Furthermore, despite the changes to the operational and construction hours, the Proposal will still meet the relevant noise limits and therefore remains consistent with the objectives and policies that address noise in the POSDP.
- 6.4 Likewise the proposed changes to the proposed landscape planting only benefit the surrounding area by providing additional screening and further minimising any risk of glint and glare. Therefore, in my opinion, the Proposal remains consistent with the objectives and policies that address rural character and amenity in the POSDP.

7 **PART 2 OF THE RESOURCE MANAGEMENT ACT**

- 7.1 The various elements of Part 2 will be well known to the Commissioner. Many of the relevant Part 2 issues are directly addressed by the various planning instruments that I have referred to earlier, and so I do not repeat that analysis here. That analysis is directly applicable to your ultimate evaluation of Part 2 matters, insofar as you need to do that, in light of the most recent determination on *Davidson*.
- 7.2 By way of summary, the key matters which stand out to me are:
- 7.2.1 The extent to which the solar farm will contribute to and assist the social and economic wellbeing of the Canterbury region;
 - 7.2.2 There are no s6 matters of relevance to this proposal, except section 6(e)²;
 - 7.2.3 With respect to s7(b), the project will enable the efficient use and development of the land, providing for the generation of renewable energy and the use of the land for primary production;
 - 7.2.4 With respect to s7(c), amenity values will be maintained in accordance with the expectations set out within the District Plan;

² The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taong.

7.2.5 With respect to s7(f), the quality of the environment will be maintained in accordance with the expectations of the various planning documents; and

7.2.6 There do not appear to be any particular issues in respect of the various tangata whenua aspects of Part 2, including s6(e), 7(a)³, 7(aa)⁴ and 8⁵.

7.3 I consider that the Proposal represents sustainable management of resources and is consistent with the purpose of the RMA.

8 **SECTION 42A REPORT MATTERS**

8.1 There are no other planning matters that have been raised in the s42a report, that have not been addressed in Section 5 and Section 9 of my evidence.

9 **RESPONSE TO MATTERS RAISED IN SUBMISSIONS**

9.1 A summary of all the issues raised by the submitters can be found in **Attachment 1**.

9.2 However, I only address those matters of relevance to planning. Matters related to:

- EMF have been addressed by Mr Gledhill in his evidence at Section 8.
- Noise have been addressed by Mr Reeves in his evidence at Section 9.
- Highly Productive Land have been addressed by Mr Ford at Section 8.
- Soil contamination have been addressed by Dr Beechey-Gradwell in his evidence at Section 7.

³ Kaitiakitanga.

⁴ The ethic of stewardship.

⁵ In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

- Rural character and amenity and landscaping have been addressed by Ms Anthony in her evidence at Section 10.

Out of scope

- 9.3 With due respect to the submitters, there are certain matters that cannot be considered as part of this hearing process. However, for completeness I have addressed these in **Attachment 2**.

The local community

- 9.4 I acknowledge that several submitter's have raised issues related to the community including that the Proposal will not benefit the local community and that the lack of engagement has led to divisions in the community.
- 9.5 Respectively, Mr McMath has had meetings with neighbours about the previous application, and has been open to talking to everyone who has been keen to engage as noted in his evidence. However, the disposition of many residents has made engagement somewhat strained. I understand that change is often difficult for people, because it is hard to visualise change, understand its impacts prior to an activity becoming established and once established, the change can generally not be undone. The Applicant has tried to address this by providing visual simulations in the Landscape and Visual Assessment Graphic Supplement provided with the application.
- 9.6 Mr McMath is also part of the community. He lives and has no intention of leaving. He will not be walking away when this solar farm is operational.
- 9.7 Furthermore, the land subject to this Proposal is only being leased, and the landowners will also remain as part of the local community. As such, their children will still be able to own the land.
- 9.8 With regard to a benefit to the community, I agree that there is not a direct benefit. However, the solar farm will reduce dependency on fossil fuels, which will benefit the community by assisting in managing climate change and its consequent effects i.e. more intense weather events and changes to growing conditions. Furthermore, the less intensive use of the land may reduce the loss

of nitrates to groundwater and the use of water for irrigation, all of which directly benefit the local community that relies on well water.

- 9.9 In addition, the Applicant cannot guarantee cheaper electricity or provide cheap electricity to neighbouring properties as the electricity generated by the solar farm will be supplied to the local transmission network. It is then out of the generators control as to the price and availability of the electricity.

Duration of the Consent

- 9.10 Glenmore Farming raised a concern regarding the land use consent being in perpetuity. In my opinion, given that primary production will continue on the Site and that the productive capacity of the land (as defined in the NPS-HPL) will not, according to Mr Ford's evidence, be adversely affected, there is no imperative to apply a 35 year term.

Audit of the Consent

- 9.11 Under s128 of the RMA, the Council has the ability to review the conditions of consent to deal with:

- any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
- to require a holder of a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or 15B to adopt the best practicable option to remove or reduce any adverse effect on the environment; or
- for any other purpose specified in the consent.

- 9.12 A condition that enables a review of consent conditions is usually included as standard practice as part of any set of conditions, and is proposed for this activity, if granted.

- 9.13 The Council also has a responsibility to monitor whether the conditions imposed on a consent are being adhered to.

- 9.14 Consequently, there is an onus on the Council to monitor the Proposal and the implementation and on-going adherence to any consent conditions.

Rural to Industrial

- 9.15 In planning terminology, a solar farm is defined as a 'utility' or specifically as 'renewable electricity generation' and not an 'industrial activity.' I have included the different definitions in **Attachment 3**.
- 9.16 Utilities, renewable electricity generation and an industrial activity are subject to different standards. As discussed above, a solar farm is a discretionary activity and the Council can consider any matter that it deems appropriate.
- 9.17 I also note that Mr Craig addresses this at Paragraphs 63 to 65 of his evidence. I agree with his overall sentiments and that this is related to effects on rural character, which have been appropriately managed.

Consideration of alternative sites

- 9.18 There are three well established instances when alternatives must be considered: where there will be significant adverse environmental effects⁶; designations when the requiring authority lacks sufficient interest in the land or the work will likely have significant environmental effects and where the proposal concerns a 'matter of national importance'.
- 9.19 With regards to this Proposal, effects on the environment have not been assessed as significant, and Mr Bigsby agrees. As such, there is no requirement to consider alternative sites. Furthermore Mr Campbell's evidence at Section 5 discusses why this Site was chosen and others were found to be unsuitable.

Water Contamination

- 9.20 In my opinion, the issue of contamination of flood waters relates to matters that lie more within the jurisdiction of Canterbury Regional Council (CRC). CRC has granted consent to discharge operational stormwater to land. As such, I agree with Mr Bigsby (Paragraph 125 of his s42a report) that any matters regarding potential contamination of water including well testing have been appropriately considered, and conditions of consent will ensure that potential

⁶ Schedule 4, Part 7 (1)(a).

effects are actively managed. I have included the consent in **Attachment 4**.

Increase in flood risk

- 9.21 Mr Robinson at 79 Buckleys Road has expressed concern that the Proposal will result in an increased risk of flooding and flood levels on his property.
- 9.22 My understanding is that the Proposal will not require earthworks to level or build-up the Site, which could potentially result in changes to flowpaths and increase flood risk. The panels themselves will not create a significant barrier to flood water as they can be set in a horizontal position during flood events (generally above flood levels). The only potential 'obstructions' will be the piles that support the panels. These are slender structures that are well spaced across the Site and water will be able to flow between and around these.

Fire risks

- 9.23 It is my understanding that fire risks associated with the solar farm will be managed under the Fire and Emergency New Zealand (FENZ) Regulations 2018, which require the Applicant to prepare a Fire Emergency Assessment Plan and provide it to FENZ. Furthermore, I attach as **Attachment 5** to my evidence, confirmation that the inverters and transformers can contain an internal fire and, installation guidance to minimise fire risk related to the transformers. The batteries (Energy Storage System: ESS) will have an integrated Fire Suppression System. Proposed Condition 44 in **Attachment 6** will address this issue.
- 9.24 I also understand that grass beneath and around the panels will be grazed and mown (if required where there are no panels) given that the operator will not want long grass that could potentially interfere with the efficiency of the panels or result in an increased risk of fire. I therefore consider that this risk can be appropriately managed to minimise any danger to surrounding properties.
- 9.25 If a fire occurs and the land becomes contaminated, it will be the responsibility of the Applicant to remove all contaminated material.

This can be enforced by the Council's and non-compliance could result in enforcement and legal action.

Reverse sensitivity

- 9.26 I am in agreement with Mr Bigsby that the Proposal will not result in reverse sensitivity effects i.e. dust from adjoining properties affecting the solar farm (which means they seek to limit activities on adjoining sites) due to the density of the proposed shelterbelt planting along the Site boundaries. Furthermore, the height of the panels, and the site boundary planting means that any shading will generally be contained within the Site itself.

Road surfacing

- 9.27 Mr Corey Krygsman of 15 Stewarts Road expresses concern that the use of Stewarts Road by maintenance vehicles, especially during the summer months, will result in dust that will affect his property. He considers that if approximately 100 metres of road outside 15 Stewarts Road is asphalted, this will resolve the issue.
- 9.28 Once operational, the solar farm will only be visited by one or two vehicles a month, and they are unlikely to use Stewarts Road. Therefore, with due respect, the resulting level of effect does not justify asphaltting 100 metres of Stewarts Road.

Traffic

- 9.29 It is acknowledged that there will be an increase in traffic volumes during the construction phase but this will only be for 12 months. After that, traffic volumes will return to their usual number.
- 9.30 The total number of equivalent car movements per day during the construction phase will be 60 (averaged over a week). This will be split between 12 staff vehicles entering and leaving the site each day and 6 delivery trucks. This is within the District Plan limit set under Rule 9.12.1. As such, any adverse effects are considered to have deemed to be appropriate by the Council.

10 PROPOSED CONDITIONS OF CONSENT

- 10.1 In my opinion, the resource consent conditions proposed by Mr Bigsby, and amended appropriately, address the risks associated with the establishing and operating a large scale solar farm on the subject Site in proximity to rural properties. The proposed conditions are comprehensive and include all necessary precautions that must be adopted to mitigate any adverse effects on surrounding residential dwellings and primary production land and, appropriately manage changes to rural amenity and character.
- 10.2 I have included a track changed version of the section 42a report conditions in **Attachment 6** to my evidence.

11 CONCLUSION

- 11.1 I have assessed the Proposal against the relevant statutory provisions and planning documents.
- 11.2 It is clear to me 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.
- 11.3 In my opinion, the POSDP seeks to manage the natural and physical resources of the District to ensure their use, development and protection are sustainably managed into the future. It prioritises primary production in the Rural Zone over other activities, to recognise its importance to the economy and wellbeing of the district. However, there is no expectation that land uses will not change, but resulting activities should manage any adverse effects to maintain amenity values.
- 11.4 Of particular relevance, when considering the effects of the Proposal, are the planning provisions which relate to:
- 11.4.1 Maintenance of amenity values;
 - 11.4.2 Effects on people's health and safety;
 - 11.4.3 Protection of highly productive land.

- 11.5 The draft conditions proposed by Mr Bigsby⁷ have been informed and amended by appropriate expert assessment and are intended to 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.
- 11.6 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.
- 11.7 I consider that overall, 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

16 February 2024

⁷ An updated draft set of proposed conditions is attached to my evidence. That set of conditions identifies (using track changes) amendments suggested by the experts for the Applicant.

Attachment 1: Summary of Submissions

Name of submitter	Address	Position	Summary of submission
Clark James Casey	198 Branch Drain Road	Oppose	<ul style="list-style-type: none"> • Change of rural amenity to an industrial site • Use of Highly Productive Land that will be compromised long term by soil compaction, and contaminants and change of land use from rural to industrial. • Reverse sensitivity effects on farming operation. • Health impacts on myself and my family both psychologically as well as physically. • Non-compliance with the ethos of the Local Government Act. • Application should have been publicly notified. • Expansion of the project to 258ha of solar panels and potentially 500ha. • The costs of the redevelopment of the Brookside substation and power transmission network.
Glenmore Farming Company Limited	313 Branch Drain Road	Oppose	<ul style="list-style-type: none"> • Concern expressed about limited notification. • Consent in perpetuity is an issue. • Sheep grazing is not appropriate due to heavy soils. • Weeds under panels pose a fire risk and are difficult to control. • No planned audit reviews by authorities. • Soil contamination from wash of metals into drains and Lake Ellesmere. • Expansion of the solar farm. • Increase in traffic at the substation intersection. • Maybe generation should be closer to Selwyn's larger townships.
Donna Jayne Kewish, David John Kewish and Ann William	324 Branch Drain Road	Oppose	<ul style="list-style-type: none"> • Rural amenity will change to industrial. • Impact on saleability of our home. • No fire report. • Airbourne contaminants. • Should have been publicly notified. • Pay for yearly well water testing. • Pay compensation. • Effects on internet connection. • Install another drain along the northern boundary.

			<ul style="list-style-type: none"> • Give neighbour's cheap power. • Move panels further away. • Sound barriers/walls around inverters. • Landscaping: 2 metre high plants • No benefits for neighbours/community. • Visual effects. • Too many properties in the vicinity of the Site.
Haurere Farms Limited Ewan John Chapman, Anneka Rose Dalley, and Michael John Dalley	23 and 80 Buckleys Road	Oppose	<ul style="list-style-type: none"> • Application refers to specific community engagement, but Kea X has not consulted with Haurere Farms. • Magnitude of change is very significant. • Proposal should have been publicly notified. • Change represents a permanent alienation of HPL to an electricity generator site. • Cumulative loss of HPL. • The productivity of the land will be compromised. • Lambs need to be finished on clover but be surprised if clover will grow. • Huge reduction in/no value in lamb meat when assessed at the meat works due to exposure to metals. Also, wool will be contaminated and not able to be sold. • Grass dries off in summer if not irrigated. • ECan stormwater consent should be 're-opened' and considered in light of actual proposal. • Soil contamination and stormwater run-off will cause greater flooding. • Electromagnetic fields will have negative impacts on the local invertebrate and vertebrate health and populations, especially bees and birds. • Solar panels may raise the temperature around the panel sites and this can be measured some distance from the panels themselves. • Shading also a concern. • Exceeds nighttime noise limits set by WHO. • Glare onto busy roads will create safety issues. • EMF will increase with larger transmission lines installed to take power away from the substation. • Considerations relating to fire hazards are lacking. • Detrimental effects on pre-existing activities and rural amenity. • Caused divide amongst the tight knit community of Leeston especially as not been given opportunity to engage. • No benefit to the community.

			<ul style="list-style-type: none"> • Will not lead to cheaper electricity. • All the neighbours who are involved with leasing and have sold their land to the developer are shifting out of the community. • Offering excessive amounts of money that no farmer can afford, so opportunities for own children to farm will be lost. • Pine trees suck nutrients out of the soil and it takes 30 years before land returns to the levels of positive farming.
Donna Irons and Simon Robinson	79 Buckleys Road	Oppose	<ul style="list-style-type: none"> • Will be hugely negatively affected by this. • Heavy metals leeching into the soil. • Leaching has the potential to drastically alter the chemical balance of said soil. • Chemical leaching will affect the water that we pump up from our well and other possible airborne toxins. • Contaminated run off water spreading to our property as property is at a lower level and this increases the risk of both contamination and flooding. • Negative effect of the solar waves on the insect life and consequent effects on natural wildlife, birds and pollination process. • Reduced sleep due to noise from motors/invertors which is above the WHO guidelines. • Decrease in our own rural amenity value, due to the change from rural to industrial land. • Aware of strong ratepayer opposition towards this proposition. • Panels visible through fence.
Katrina Marie Deans, and Cornelis Krygsman	15 Stewarts Road	Oppose	<ul style="list-style-type: none"> • Property prices in the area. • Fire and potential contaminants. • Underestimation of maintenance vehicles in area, however if approx. 100 metres of our road is asphalted outside 15 Stewarts Rd this will be an acceptable outcome. • Acoustics in the area. • Use of good farming land to be used in lieu of poor land. • Location of the new power lines that will be required. • Consider other/ larger land parcels that are less productive. • Knee jerk reaction to help with climate change.

Attachment 2: Out of Scope Submissions

Issue	Consideration
<p>Community opposition to the proposal and the Local Government Act 2002</p>	<p>Mr Casey states in his submission that the Proposal represents a 'non-compliance with the ethos of the Local Government Act.' He refers to a petition with 94% of new signatories being opposed in this 'built up' rural area and will provide further detail at the hearing. This is also addressed by Simon Robinson.</p> <p>The Commissioner cannot take into consideration a petition when determining this Proposal. His role is to evaluate the submissions and evidence before him against the relevant provisions of the RMA.</p> <p>I accept that the petition may represent the community's concerns about the solar farm, and in particular the change from rural to 'industrial' land use. However, the District Plan provides for solar farms as a discretionary activity. Put simply this equates to an activity that is appropriate in the rural zone but not on every site. The activity status also means that the solar farm is subject to a consent process, recognising that it may generate adverse effects that impact on the environment including people. Consequently, having determined the level of any effects, it is necessary to identify who is affected. In this case, the Council identified several affected parties and notified them of the proposal, enabling them to make submissions (limited notification). The Council did not consider it appropriate to publicly notify the application, whereby anyone could make a submission. I note that this is not a</p>

	<p>requirement for every application. As such, the petition is not a matter that can be considered, when determining the Proposal.</p>
Notification decision	<p>The Commissioner hearing the application, cannot grant a consent if the application should have been publicly notified. However, the notification decision itself must be formally challenged and the case heard in the High Court.</p> <p>The Commissioner determined that the previous application should have been publicly notified because adverse effects on highly productive land would be more than minor. However, this was based on the premiss that the Proposal would result in 'the loss of the opportunity for <u>full productivity</u> as a substantial area of land over an indefinite term'. It has since been confirmed by the Ministry for the Environment in their 'Potential amendments to the NPS-HPL: Discussion document' that the NPS-HPL is agnostic as to the type of land-based primary production that is undertaken on HPL and has no requirement for HPL to be used to its maximum productive capacity. If this were the case, it would have implications for all surrounding farming activity on Highly Productive Land.</p>
Property values and Compensation	<p>Section 104 of the RMA relates to the consideration of environmental effects. As such, property values are not strictly something that can be contemplated under the RMA.</p> <p>I advise that the question of adverse effects on property values has been addressed by the Environment Court on several occasions. Some of the case law articulates the idea that if it occurs at all, property value is simply another measure of adverse effects on amenity values¹.</p>

¹ Foot v Wellington City Council, W73/98, 2 September 1998, paragraph [256]

	<p>In one case², the Court noted that a potential purchaser takes the situation as it exists at the time of purchase and may not be influenced by matters which are of note to a present owner and occupier. In my opinion, it would be very difficult to assess whether or not a proposed activity is likely to result in a reduction in property values.</p> <p>Therefore, I am in agreement with Mr Bigsby (Paragraph 260 of his s42A report) and consider it appropriate to only consider amenity effects, so as to avoid the potential for 'double counting' as noted by the Court in the case above.</p> <p>Neither does the RMA provide for the payment of compensation. The intent of the RMA and the documents prepared in accordance with its provisions i.e. district plans is to manage effects on the environment such that compensation (in terms of monies paid to individuals) is not required. I accept that environmental compensation is sometimes required if, after mitigation measures have been applied, significant residual effects remain. This can be in terms of perpetual protection of land, restoration of an ecosystem or monies towards conservation works.</p>
Upgrading of Transmission Infrastructure	<p>Several submitters have referred to the upgrading of transmission infrastructure: both the substation and additional power poles and lines. Any upgrading of transmission infrastructure including the substation are outside the scope of this application and cannot be considered by the Commissioner. I advise that this work will be undertaken by other parties and subject to the relevant statutory provisions including the Partially Operative Selwyn District Plan.</p>
Future expansion of the solar farm	<p>The submitters express concern that the solar farm will expand onto adjoining land in the future.</p>

² Hudson v New Plymouth District Council W138/95, 9 November 1995, page 6

	<p>The Commissioner cannot take any future expansion of the solar farm into consideration as it does not form part of this Proposal and is speculative. Any future development will be subject to a resource consent process as a discretionary activity, and will need to address cumulative effects (i.e. the effects of this Proposal (if granted consent) and any expansion).</p>
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Attachment 3: Definitions

The Partially Operative Selwyn District Plan

Industrial activity: an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.'

Renewable Electricity Generation: Generation of electricity from solar, wind, hydro-electricity, geothermal, biomass, tidal, wave, or ocean current energy sources.

Renewable Electricity Generation Activities: The construction, operation, maintenance, and upgrading of structures associated with renewable electricity generation. This includes small and community-scale distributed electricity generation activities and electricity conveyance to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.

Attachment 4: ECan Earthworks and Stormwater Consents

15 November 2022



KeaX Limited
Attn To: Campbell John McMath
PO Box 38
Leeston 7656

Customer Services
P. 03 353 9007 or 0800 324 636
200 Tuam Street
PO Box 345
Christchurch 8140
E. ecinfo@ecan.govt.nz
www.ecan.govt.nz

Dear Campbell,

Notice of Resource Consent Decision

Record Number: CRC223908
Applicant Name: KeaX Limited
Activity Description: To undertake earthworks over aquifers.
Decision: Granted

Decision

The decision of Environment Canterbury is to grant your application on the terms and conditions specified in the attached resource consent document. The reasons for the decision are:

1. The activity will achieve the purpose of the Resource Management Act 1991.
2. Any adverse effects on the environment of the activity will be minor.

Commencement of consent

Your resource consent commences from the date of this letter advising you of the decision.

If you object to or appeal this decision, the commencement date will then be the date on which the decision on the appeal is determined.

Lapsing of consent

This resource consent will lapse if the activity is not established or used before the lapse date of 15 November 2027. If you require more time in which to start the activity you can apply to extend the lapse date provided your request is received by Environment Canterbury before 15 November 2027.

Your rights of objection and appeal

▪ Objection to Decision

If you do not agree with the decision of the consent authority, you may object to the whole or any part in accordance with Section 357A(1)(g) of the Resource Management Act 1991 (RMA). Notice of any objection must be in writing and lodged with Environment Canterbury **within 15 working days** of receipt of this decision in accordance with Section 357C(1) of the RMA.

- **Right to Appeal**

You may appeal the decision of the consent authority to the Environment Court in accordance with section 120 of the RMA. The notice of appeal must be lodged with the Court within 15 working days of receipt of this decision, at PO Box 2069, Christchurch. A copy of the appeal should also be forwarded to Environment Canterbury within the same timeframe.

If you are in any doubt about the correct procedures, you should seek legal advice.

- **Objection to Costs**

Section 357B of the RMA allows you to object to costs. Your objection must be received **within 15 working days** of the date on which you receive your invoice. Your objection must be in writing and should clearly explain the reasons for your objection as detailed in section 357C of the RMA.

Monitoring of conditions

It is important that all conditions of consent are complied with, and that the consent holder continues to comply with all conditions, to ensure that the activity remains lawfully established.

You can find online Information regarding the monitoring of your consent at www.ecan.govt.nz/monitoringconsent.pdf.

Charges, set in accordance with section 36 of the Resource Management Act 1991, shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under section 35 of the Act.

Further information about your consent

For some activities a report is prepared, with officer recommendations, to provide information to the decision makers. If you require a copy of the report please contact our Customer Services section. You can find online information about your consent document at www.ecan.govt.nz/yourconsent.pdf.

Queries

For all queries please contact Customer Services Section quoting your CRC number noted above.

Thank you for helping us make Canterbury a great place to live.

Yours sincerely



Consents Planning Section

cc:
Boffa Miskell Limited
Attn To: Claire Kelly
PO Box 110
Christchurch 8140

RESOURCE CONSENT CRC223908

Under Section 104 of the Resource Management Act 1991

The Canterbury Regional Council (known as Environment Canterbury)

GRANTS TO:	KeaX Limited
A LAND USE CONSENT (S9):	To undertake earthworks over aquifers.
COMMENCEMENT DATE:	15 Nov 2022
DATE CONSENT NUMBER ISSUED:	15 Nov 2022
EXPIRY DATE:	15 Nov 2027
LOCATION:	150 Buckleys Road and 821 Hanmer Road, Leeston

SUBJECT TO THE FOLLOWING CONDITIONS:

Limits

- 1 The works authorised by this resource consent shall be limited to the excavation of land associated with the development of Brookside Solar Array at 150 Buckleys Road, 115 Buckleys Road and 821 Hanmer Road, Brookside, Selwyn, legally described as Lot 1 DP 46472, Lot 1 DP 54392, Lot 2 DP 3 87576, RS 8995, Lot 1 DP 7545, Lot 2 DP 54392 BLK IX Leeston SD, Rural SEC 3658 BLK X Leeston SD, and RS 5565 & PT RS 9500 BLK X Leeston SD, at or about map reference NZTM2000 1543065 mE – 5160320 mN, within the site shown on the attached Plan CRC223908, which forms part of this resource consent.
- 2 The maximum depth of excavation for the works authorised by this resource consent must not exceed 1.8 metres below ground level.
- 3 No excavation works must be carried out within the exposed water table during times when groundwater levels are higher than the deepest part of the excavations.
- 4 No excavation works must take place within 50 m of the Wahi Taonga Management Area (C59) identified within the site.

Prior to Commencement of Works

- 5 Prior to commencement of the works described in Condition (1), all personnel working on the site must be made aware of, and have access to, the following:
 - a. The contents of this resource consent document and all associated documents;
and

- b. Resource Consent CRCC223909 and all associated documents, and
 - c. The Erosion and Sediment Control Plan required to be prepared and maintained under Condition (9) of this consent.
- 6 At least five working days prior to the commencement of works on site, the Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring (via ECInfo@ECan.govt.nz) must be informed of the commencement of works.
- 7 At least 10 working days prior to the commencement of works on site, the consent holder must request a pre-construction site meeting with the Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring (via ECInfo@ECan.govt.nz), and all relevant parties, including the primary contractor. At a minimum, the following shall be covered at the meeting:
- a. Scheduling and staging of the works;
 - b. Responsibilities of all relevant parties, including confirmation that the person [or persons] implementing the ESCP on the site is [are] suitably trained and/or experienced;
 - c. Contact details for all relevant parties;
 - d. Expectations regarding communication between all relevant parties;
 - e. Procedures for implementing any amendments;
 - f. Site inspection; and
 - g. Confirmation that all relevant parties have copies of the contents of this resource consent document and all associated erosion and sediment control plans and any other discharge treatment methodologies employed.
- 8 All erosion and sediment control measures detailed in the ESCP required by Condition (9) of this resource consent must be installed prior to the commencement of any earthworks or stripping of vegetation and topsoil occurring on the site.

Erosion and Sediment Control

- 9 The works authorised under Condition (1) must occur in accordance with an ESCP. The ESCP must:
- a. Detail best practicable sediment control measures that will be implemented to ensure compliance with the conditions of this resource consent;
 - b. Be prepared by a suitably qualified person with experience in erosion and sediment control in accordance with:
 - i. Canterbury Regional Council's "Erosion and Sediment Control Toolbox for the Canterbury Region" (ESCT), which can be accessed under <http://esccanterbury.co.nz/>; or

- ii. An equivalent industry guideline. If an alternative guideline is used, the ESCP must provide details of the relevant alternative methods used and an explanation of why they are more appropriate than the ESCT.
- c. Be signed by an engineer or suitably qualified person with experience in erosion and sediment control, confirming that the erosion and sediment control measures for the site are appropriately sized and located in accordance with the ESCT or alternative guideline.

10 The ESCP shall:

- a. Include a map showing the location of all works;
- b. Detailed plans showing the location of sediment control measures, on-site catchment boundaries, and sources of runoff;
- c. Detail how best practicable measures are taken to minimise discharges of construction-phase stormwater run-off beyond the boundaries of the site;
- d. Include drawings and specifications of designated sediment control measures, if these are not designed and installed in accordance with the ESCT;
- e. Include a confirmation that the erosion and sediment control devices have been sized appropriately in accordance with the ESCT;
- f. Include a programme of works, including a proposed timeframe for each stage of the works and the earthworks methodology;
- g. Detail the management of any stockpiled material;
- h. Detail inspection and maintenance of the sediment control measures;
- i. Define the discharge points where stormwater is discharged onto land / infiltrates into land;
- j. Include a description of dust mitigation to be used and details of best practicable options to be applied to mitigate dust and sediment discharge beyond the site boundary;
- k. Detail the methodology for stabilising the site if works are abandoned; and
- l. Detail the methodology for stabilising the site and appropriate decommissioning of all erosion and sediment control measures after works have been completed.

- 11
- a. The ESCP must be submitted to the Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring, at least ten working days prior to works commencing, for certification that it complies with the ESCT and the conditions of this resource consent.
 - b. The discharge shall not commence until certification has been received from the Canterbury Regional Council that the ESCP is consistent with the ESCT or equivalent industry guideline as per the requirements under Condition (9)(b)(ii), and the conditions of this resource consent.

- c. Notwithstanding Condition (11)(a), if the ESCP has not been reviewed and/or certified within ten working days of the Regional Leader – Compliance Monitoring receiving the ESCP, the discharge may commence.
- 12 The ESCP may be amended at any time. Any amendments shall be:
- a. Only for the purpose of improving the efficacy of the erosion and sediment control measures and shall not result in reduced discharge quality; and
 - b. For the purpose of applying best practicable measures to mitigate [dust and] sediment transport off-site;
 - c. Consistent with the conditions of this resource consent; and
 - d. Submitted in writing to the Canterbury Regional Council, Attention: Regional Leader Compliance Monitoring, prior to any amendment being implemented.
- 13 Erosion and sediment control measures must be inspected at least once per day, as well as following any rainfall event that results in more than five millimetres of rainfall at the site. Any accumulated sediment shall be removed, and repairs made, as necessary, to ensure effective functioning of measures and devices. Records of any inspections shall be kept and provided to the Canterbury Regional Council on request.
- 14 If the consent holder abandons work on-site, adequate preventative and remedial measures must be taken to control sediment discharged from exposed or unconsolidated surfaces. These measures must be maintained for so long as necessary to prevent sediment discharges from the earth worked areas.

During Works

- 15 All practicable measures must be taken to:
- a. Minimise soil disturbance and prevent soil erosion;
 - b. Avoid placing excavated material in a position where it may enter:
 - i. Any neighbouring site, public road or the water race along Hanmer Road.

Accidental Discovery of Contaminants

- 16 In the event that any unexpected contaminated soil or material is uncovered by the works, an accidental discovery protocol must be implemented, including but not limited to the following steps:
- a. Earthworks within ten metres of the encountered contaminants must cease immediately;
 - b. All practicable steps must be taken to prevent the contaminated material becoming entrained in stormwater. Immediate steps must include, where practicable:
 - i. Diverting any stormwater runoff from surrounding areas away from the contaminated material; and
 - ii. Minimising the exposure of the contaminated material, including covering the contaminants with an impervious cover;

- c. Notification of the Canterbury Regional Council, Attention: Contaminated Sites Manager and Regional Leader – Compliance Monitoring, within 24 hours of the discovery;
- d. Earthworks within ten metres of encountered contaminants must not recommence until a suitably qualified and experienced contaminated land practitioner (SQEP) confirms to Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring that continuing works does not represent a significant risk to the environment;
- e. All records and documentation associated with the discovery shall be kept and copies must be provided to the Canterbury Regional Council upon request.

- 17 Any material removed from the site during the works that is potentially or confirmed as contaminated, must be disposed of at a facility authorised to receive such material.

Spills

- 18 All practicable measures must be taken to avoid spills of fuel or any other hazardous substances within the site. These measures must include:
- a. Refuelling of machinery and vehicles must not occur within 20 metres of:
 - i. Open excavations;
 - ii. Exposed groundwater; and
 - iii. Stormwater devices.
 - b. A spill kit must be kept on site that is capable of absorbing the quantity of oil and petroleum products that may be spilt on site at any one time, remains on site at all times.
 - c. In the event of a spill of fuel or any other hazardous substance, the spill must be cleaned up as soon as practicable, the stormwater system must be inspected and cleaned, and measures taken to prevent a recurrence;
 - d. The Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring, must be informed within 24 hours of a spill event exceeding five litres and the following information provided:
 - i. The date, time, location and estimated volume of the spill;
 - ii. The cause of the spill;
 - iii. The type of hazardous substance(s) spilled;
 - iv. Clean up procedures undertaken;
 - v. Details of the steps taken to control and remediate the effects of the spill on the receiving environment;
 - vi. An assessment of any potential effects of the spill; and

- vii. Measures to be undertaken to prevent a recurrence.

Accidental Artesian Aquifer Interception

- 19 In the event of an accidental interception or unanticipated levels of artesian flows, all practicable measures must be undertaken to remedy or mitigate any change in aquifer pressure, water quality or temperature. This must include:
- a. The contractor must immediately cease all works within the immediate area of excavation that caused the interception of the artesian flows;
 - b. The contractor must determine and document whether the flow is constant or increasing, if the turbidity is constant or increasing and if the flow is confined to the excavation;
 - c. The contractor must notify the site engineer and/or other appropriate personnel to determine the emergency measures required to arrest the artesian flow. Emergency measures must include, but not be limited to:
 - i. The installation of a layer of impermeable material to the extent required to reform a capping layer over the aquifer to prevent the upward movement of groundwater through the confining layer; or
 - ii. Inserting a vertical pipe in the aquifer interception point (if practicable) and provide for a secure seal against the pipe to enable the stabilisation of the artesian flow in the pipe, and to determine the above ground water level to assess any further measures.
 - d. The temporary artesian flow beyond the excavation must be controlled and mitigated with appropriate erosion and sediment control measures;
 - e. The Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance must be notified as soon as practicable but no later than two working days after the interception; and
 - f. Upon remediation and arresting of flow from the aquifer interception, the construction methodology must be reconsidered and, if required, revised to avoid future interceptions of the aquifer.

Accidental Discovery of Archaeological Material

- 20 In the event of any discovery of archaeological material the consent holder must immediately:
- a. Cease earthmoving operations in the affected area and mark off the affected area; and
 - b. Advise the Canterbury Regional Council of the disturbance; and
 - c. Advise Heritage New Zealand Pouhere Taonga (HNZPT) of the disturbance.

Advice Note: *Affected area means the whole or any part of any site known or reasonably suspected to be an archaeological site, and which could be disturbed or otherwise impacted by any works.*

Advice Note: This condition may be in addition to any agreements that are in place between the consent holder and the Papatipu Runanga. (Cultural Site Accidental Discovery Protocol).

Advice Note: Under the Heritage New Zealand Pouhere Taonga Act 2014 an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. For sites solely of Maori origin, this evidence may be in the form of accumulations of shell, bone, charcoal, burnt stones, etc. In later sites, artefacts such as bottles or broken glass, ceramics, metals, etc. may be found or evidence of old foundations, wells, drains, tailings, races or other structures. Human remains/koiwi may date to any historic period. It is unlawful for any person to destroy, damage, or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga. This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the District or Regional Plan or whether a resource or building consent has been granted. The Heritage New Zealand Pouhere Taonga Act 2014 provides for substantial penalties for unauthorised damage or destruction.

- 21
- a. If accidentally discovered material is suspected to be Koiwi Tangata (human bones), taonga (treasured artefacts) or a Maori archaeological site:
 - i. The consent holder must immediately advise the office of the Kaitiaki Runanga (office contact information can be obtained from the Canterbury Regional Council) of the discovery; and
 - ii. The nature of the material must be confirmed by a qualified archaeologist appointed by the Kaitiaki Runanga and HNZPT.
 - b. If the archaeological material is determined to be Koiwi Tangata (human bones) by a qualified archaeologist, the consent holder must:
 - i. Immediately advise the New Zealand Police of the disturbance;
 - ii. Consult with the Kaitiaki Runanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation; and
 - iii. Treat the area with utmost discretion and respect and manage the koiwi in accordance with both statutory obligations under the HNZPT Act 2014 and tikanga, as guided by the Kaitiaki Runanga.
 - c. Works in the site area must not recommence until authorised by the Kaitiaki Runanga, HNZPT (and the NZ Police in the case of koiwi) and any other authority with statutory responsibility, to ensure that all statutory and cultural requirements have been met.
- 22
- If accidentally discovered material is not suspected or confirmed to be Koiwi Tangata (human bones), taonga (treasured artefacts) or a Maori archaeological site, work may recommence once Heritage New Zealand Pouhere Taonga Trust advises the consent holder that work can recommence.

After Completion of Works

- 23 Within two weeks of the completion of each stage of works authorised by this resource consent:
- a. All disturbed areas must be stabilised and/or revegetated; and
 - b. All spoil and other waste materials from the works must be removed from site.

Administration

- 24 The Canterbury Regional Council may annually, on the last working day of May or November, serve notice of its intention to review the conditions of this resource consent for the purposes of:
- a. Dealing with adverse effect on the environment which may arise from the exercise of this resource consent, and which is not appropriate to deal with at a later stage; or
 - b. Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
- 25 If this resource consent is not exercised before 15 November 2027, it shall lapse in accordance with Section 125 of the Resource Management Act 1991.

Advice Note: *'Exercised' is defined as implementing any requirements to operate this resource consent and undertaking the activity as described in these conditions and/or application documents.*

Issued at Christchurch on 15 November 2022

Canterbury Regional Council



Exercising of Resource Consent CRC223908

It is important that you notify Environment Canterbury when you first start using your consent.

GRANTED TO:	KeaX Limited
A LAND USE CONSENT (S9):	To undertake earthworks over aquifers.
LOCATION:	150 Buckleys Road and 821 Hanmer Road, Leeston

Even if the consent is replacing a previous consent for the same activity, you need to complete and return this page.

A consent can only be made active after the activity has commenced and all pre-requisite conditions have been fulfilled e.g. installation of water meter and/or fish screen. If you require further advice, please contact our Customer Services section on 0800 324 636 or by email at ecinfo@ecan.govt.nz.

Providing this information will:

- Validate your consent through to its expiry date
- Minimise compliance monitoring charges
- Help provide an accurate picture of the state of the environment.

If consent CRC223908 is not used before 15 November 2027 this consent will lapse and no longer be valid.

Declaration:

I have started using this resource consent.

Action taken (e.g. pasture irrigated, discharge from septic tank/boiler/spray booth etc):

Date I started using this resource consent (Note: this date cannot be in the future): _____

Signed: _____ **Date:** _____

Full name of person signing (please print): _____

Please return to:

**Business Support
Environment Canterbury
PO Box 345
Christchurch 8140**

**Fax: (03) 365 3194
Email: ecinfo@ecan.govt.nz**

**File: CRC223908
Customer No: EC423064**

15 November 2022



KeaX Limited
Attn To: Campbell John McMath
PO Box 38
Leeston 7656

Customer Services
P. 03 353 9007 or 0800 324 636
200 Tuam Street
PO Box 345
Christchurch 8140
E. ecinfo@ecan.govt.nz
www.ecan.govt.nz

Dear Campbell,

Notice of Resource Consent Decision

Record Number: CRC223909
Applicant Name: KeaX Limited
Activity Description: To discharge operational phase stormwater to land.
Decision: Granted

Decision

The decision of Environment Canterbury is to grant your application on the terms and conditions specified in the attached resource consent document. The reasons for the decision are:

1. The activity will achieve the purpose of the Resource Management Act 1991.
2. Any adverse effects on the environment of the activity will be minor.

Commencement of consent

Your resource consent commences from the date of this letter advising you of the decision.

If you object to or appeal this decision, the commencement date will then be the date on which the decision on the appeal is determined.

Lapsing of consent

This resource consent will lapse if the activity is not established or used before the lapse date of 19 December 2027. If you require more time in which to start the activity you can apply to extend the lapse date provided your request is received by Environment Canterbury before 19 December 2027.

Your rights of objection and appeal

▪ Objection to Decision

If you do not agree with the decision of the consent authority, you may object to the whole or any part in accordance with Section 357A(1)(g) of the Resource Management Act 1991 (RMA). Notice of any objection must be in writing and lodged with Environment Canterbury **within 15 working days** of receipt of this decision in accordance with Section 357C(1) of the RMA.

- **Right to Appeal**

You may appeal the decision of the consent authority to the Environment Court in accordance with section 120 of the RMA. The notice of appeal must be lodged with the Court within 15 working days of receipt of this decision, at PO Box 2069, Christchurch. A copy of the appeal should also be forwarded to Environment Canterbury within the same timeframe.

If you are in any doubt about the correct procedures, you should seek legal advice.

- **Objection to Costs**

Section 357B of the RMA allows you to object to costs. Your objection must be received **within 15 working days** of the date on which you receive your invoice. Your objection must be in writing and should clearly explain the reasons for your objection as detailed in section 357C of the RMA.

Monitoring of conditions

It is important that all conditions of consent are complied with, and that the consent holder continues to comply with all conditions, to ensure that the activity remains lawfully established.

You can find online Information regarding the monitoring of your consent at www.ecan.govt.nz/monitoringconsent.pdf.

Charges, set in accordance with section 36 of the Resource Management Act 1991, shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under section 35 of the Act.

Further information about your consent

For some activities a report is prepared, with officer recommendations, to provide information to the decision makers. If you require a copy of the report please contact our Customer Services section. You can find online information about your consent document at www.ecan.govt.nz/yourconsent.pdf.

Queries

For all queries please contact Customer Services Section quoting your CRC number noted above.

Thank you for helping us make Canterbury a great place to live.

Yours sincerely

A handwritten signature in black ink, appearing to be a stylized 'S' or 'G' with a horizontal line through it.

Consents Planning Section

cc:
Boffa Miskell Limited
Attn To: Claire Kelly
PO Box 110
Christchurch 8140

RESOURCE CONSENT CRC223909

Under Section 104 of the Resource Management Act 1991

The Canterbury Regional Council (known as Environment Canterbury)

GRANTS TO:	KeaX Limited
A DISCHARGE PERMIT (S15):	To discharge operational phase stormwater to land.
COMMENCEMENT DATE:	15 Nov 2022
DATE CONSENT NUMBER ISSUED:	15 Nov 2022
EXPIRY DATE:	15 Nov 2037
LOCATION:	150 Buckleys Road and 821 Hanmer Road, Leeston

SUBJECT TO THE FOLLOWING CONDITIONS:

Limits

- 1 The discharge shall be only stormwater generated from:
 - a. Solar array panels,
 - b. Roofs,
 - c. Roads, hardstand areas, and impervious areas,

associated with the proposed Brookside Solar Array on 150 Buckleys Road, 115 Buckleys Road and 821 Hanmer Road, Brookside, Selwyn, legally described as Lot 1 DP 46472, Lot 1 DP 54392, Lot 2 DP 3 87576, RS 8995, Lot 1 DP 7545, Lot 2 DP 54392 BLK IX Leeston SD, Rural SEC 3658 BLK X Leeston SD, and RS 5565 & PT RS 9500 BLK X Leeston SD, labelled as 'Site' on Plan CRC223909 attached to and forming part of this consent.

- 2 Stormwater shall only be discharged onto and into land within the boundary of the site.
- 3 The discharges shall not arise from a site where any of the activities or industries listed in Schedule 3 of the Land and Water Regional Plan, which forms part of this consent, are conducted or operated.
- 4 Unless treatment is provided, the discharge of roof stormwater shall not arise from:
 - a. Copper building materials; or
 - b. Unpainted galvanised sheet materials.

- 5 Stormwater shall not pond on the land for longer than 48 hours after the cessation of any storm event.

Inspections and Maintenance

- 6 The land shall be maintained by:
- a. Inspecting the pasture at least once every three months in the first two years, thereafter every six months;
 - b. Removing any visible hydrocarbons, debris or litter within five working days of the inspection;
 - c. Repairing any scour or erosion within ten working days of the inspection.
- 7 The land shall be:
- a. Maintained so that vegetation or grass is in a healthy and uniform state with the exception of seasonal browning off;
 - b. Replanted where erosion or die-off has resulted in bare or patchy soil cover;
 - c. Maintained so that vegetation or grass is at a minimum length of 50-150 millimetres.
- 8 If during the life of the solar array, stormwater causes visible channels or rills and there is associated sediment runoff and/or stormwater is visibly pooling on the soil surface for longer than 48 hours and moving laterally, the Consent Holder shall:
- a. Implement mitigation measures including, but not limited to, the installation of a strip of gravel, mulch, geotextile or some type of splash distribution panel;
 - b. Notify the Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring (via ECInfo@ECan.govt.nz) within 10 working days of the issue arising and within 10 working days of the mitigation measures being implemented.

Spills

- 9 All practicable measures shall be taken to avoid spills of fuel or any other hazardous substances within the site. In the event of a spill of fuel or any other hazardous substance:
- a. The spill shall be cleaned up as soon as practicable, the affected land area shall be inspected and cleaned, and measures shall be taken to prevent a recurrence;
 - b. The Canterbury Regional Council, Regional Leader – Monitoring and Compliance shall be informed within 24 hours of a spill event exceeding five litres and the following information provided:
 - i. The date, time, location and estimated volume of the spill;
 - ii. The cause of the spill;
 - iii. The type of hazardous substance(s) spilled;

- iv. Clean up procedures undertaken;
 - v. Details of the steps taken to control and remediate the effects of the spill on the receiving environment;
 - vi. An assessment of any potential effects of the spill; and
 - vii. Measures to be undertaken to prevent a recurrence.
- 10 All best practicable options shall be used to contain spills or leaks of any hazardous substance from being discharged onto the land. These shall include, but not be limited to the following:
- a. Using a tank filling procedure to minimise spills during any fuel delivery;
 - b. Making spill kits available to contain or absorb any hazardous substances used or stored on the site;
 - c. Maintaining signs to identify the location of the spill kits; and
 - d. Maintaining written procedures in clearly visible locations that are to be undertaken to contain, remove and dispose of any spilled hazardous substance.

Administration

- 11 The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:
- a. Dealing with any adverse effect on the environment that may arise from the exercise of the consent; or
 - b. Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
- 12 If this resource consent is not exercised before 19 December 2027, it shall lapse in accordance with Section 125 of the Resource Management Act 1991.

Advice Note: *'Exercised' is defined as implementing any requirements to operate this resource consent and undertaking the activity as described in these conditions and/or application documents.*

Issued at Christchurch on 15 November 2022

Canterbury Regional Council



Brookside Solar Farm
115 Buckley's Road and 821
Hanmer Road

LOT 1 DP 46472 LOT 1 DP 54392
LOT 2 DP 3 87576 RS 8955 LOT
1 DP 7545 (Just the southern
section) LOT 2 DP 54392 BLK IX
LEESTON SD RURAL SEC 3658
BLK X LEESTON SD RS 5565 &
PT RS 9500 BLK X LEESTON SD
Lots 1001 to 1004, 1006 to 1008,
1010 to 1013 and 1015 DP
485280 and Sections 6 to 8 SO
500475

Exercising of Resource Consent CRC223909

It is important that you notify Environment Canterbury when you first start using your consent.

GRANTED TO:	KeaX Limited
A DISCHARGE PERMIT (S15):	To discharge operational phase stormwater to land.
LOCATION:	150 Buckleys Road and 821 Hanmer Road, Leeston

Even if the consent is replacing a previous consent for the same activity, you need to complete and return this page.

A consent can only be made active after the activity has commenced and all pre-requisite conditions have been fulfilled e.g. installation of water meter and/or fish screen. If you require further advice, please contact our Customer Services section on 0800 324 636 or by email at ecinfo@ecan.govt.nz.

Providing this information will:

- Validate your consent through to its expiry date
- Minimise compliance monitoring charges
- Help provide an accurate picture of the state of the environment.

If consent CRC223909 is not used before 19 December 2027 this consent will lapse and no longer be valid.

Declaration:

I have started using this resource consent.

Action taken (e.g. pasture irrigated, discharge from septic tank/boiler/spray booth etc):

Date I started using this resource consent (Note: this date cannot be in the future): _____

Signed: _____ **Date:** _____

Full name of person signing (please print): _____

Please return to:

**Business Support
Environment Canterbury
PO Box 345
Christchurch 8140**

**Fax: (03) 365 3194
Email: ecinfo@ecan.govt.nz**

**File: CRC223909
Customer No: EC423064**

Attachment 5: Fire Risk Documents

Power Electronics España S.L.

Polígono Pla de Carrases B

CV-35 Salida 30, 46160

Liria - Valencia

To whom it may concern,

Power Electronics states that the MV / Twin Skid Compact complies with IEC 62271-212 standard which refers to IEC 62271-1 standard for requirements regarding fire containment.

Additionally, the IEC 61936-1 is the international standard for high voltage installations. Fire related safety is mainly based on clearance between transformers to avoid possible propagation of the fire. This matter applies to the installation (it is not a product requirement) therefore installing the stations with enough clearance is responsibility of the client when designing the layout of the plant.

Furthermore, the MV / Twin Skid Compact includes a temperature protection relay which stops the station when the temperature exceeds a specific threshold, providing a safety stop if the temperature is rising and reducing the fire risk.

Finally, the MV / Twin Skid Compact can optionally include a fire suppression system in the oil tank, which prevents the presence of oxygen inside the tank, and therefore the risk of fire, and a continuous analog measurement of the oil temperature that can be displayed by communications.

Product and Applications Department



Valencia, 31th May 2022

Power Electronics España S.L.
Polígono Industrial Carrases
Ronda del Camp d'Aviació, 4
46160 Liria, Valencia (Spain)
CV-35 Salida 30

To whom it may concern,

Power Electronics confirms the inverter series Freesun HEMK and Freemaq PCSMK are in compliance with the UL 1741 which includes in its scope the requirements regarding fire containment. That is to say that in case of fire inside the inverter, the inverter's enclosure with all the doors and covers closed is capable to contain the fire avoiding it from spreading.

On the other hand, the materials and components inside the enclosure are in compliance with one of the following requirements.

- Flammability standard V-2 o HF-2
- To be in compliance with fire protection requirements of its specific UL product norm.

Additionally, plastic materials inside the enclosure are separated from components that produces electric arcs in normal operation by a distance in the air of at least 13mm.

Finally, the inverter is equipped with temperature protection which stops the inverter when the temperature exceeds 125 °C providing a safety stop if the temperature is rising and reducing the fire risk.

Product and Application Department



Valencia, 27th October 2022

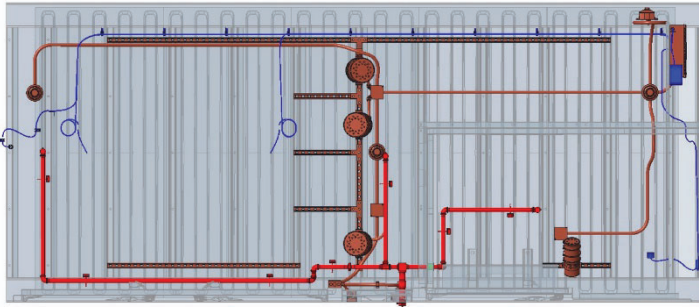


Image shown may not reflect actual configuration.

Features

Intelligent Central Fire Alarm System

- Class A wiring with redundancy
- The intelligent fire alarm control panel may be used in stand-alone or network configurations. Features include:
 - Alarm verification selection per point, with automatic counter.
 - Pre-signal/Positive Alarm Sequence (PAS).
 - Silence inhibit and Auto Silence timer options.
 - NAC coding functions:
 - March time.
 - Temporal.
 - California two-stage coding.
 - Canadian two-stage.
 - Strobe synchronization.
 - Field-programmable with program check, compare, simulate.
 - Full QWERTY keypad.
 - Battery charger supports 18 – 200 AH batteries.
 - Extensive, built-in transient protection.
 - Powerful Boolean logic equations.

Aerosol generators

Electrically operated aerosol suppression systems may be used in critical applications across a wide range of industries due to their fast response time, low fire extinguishing concentration and these other characteristics:

- Environmentally friendly -Ozone depletion potential (ODP) = 0 - No global warming potential
- Ease of installation – no pressure vessels or installation piping
- Very low maintenance
- Compact
- Provides reliable, effective protection for a wide range of fire hazards
- Listed for Class A, B, C fires by UL, ULC, CSIRO, ECB, and many others
- Favorably reviewed by EPA for SNAP listing
- Suitable for enclosed facilities and local applications

Fire Suppression System (FSS)

The Energy Storage System (ESS) module is designed with a Fire Suppression System (FSS) comprised of three different product offerings. Depending on the ESS application, a single FSS product or a combination of the FSS products may be ordered for added protection. The FSS is fully integrated into the ESS module at the Caterpillar factory prior to shipment.

- Safe for personnel - non-harmful to personnel at design application rates.
- Safe for equipment -will not harm electronic equipment
- Minimal cleanup - aerosol suspends in air for quick and easy venting after discharge.

Gas Detection System (Optional Equipment)

The Gas detection system monitors lithium-ion batteries for increased safety. The Rack Monitoring system consists of three primary components:

- The Controller
- The Li ion Off Gas Sensors
- and the cables for connecting the sensors to the controller, controller to power, and signal distribution.

The Off Gas Detection System sensors are installed near or at the battery rack and are aggregated at the Controller which also distributes power to the sensors. The Controller contains logic to diagnose when and where single cell off gas events have happened. The Gas Detection System is integrated to the Bi-Directional Energy Storage Inverter (BDP) which allows the power conversion to cease if gas is detected.

Water Lines (Optional Equipment)

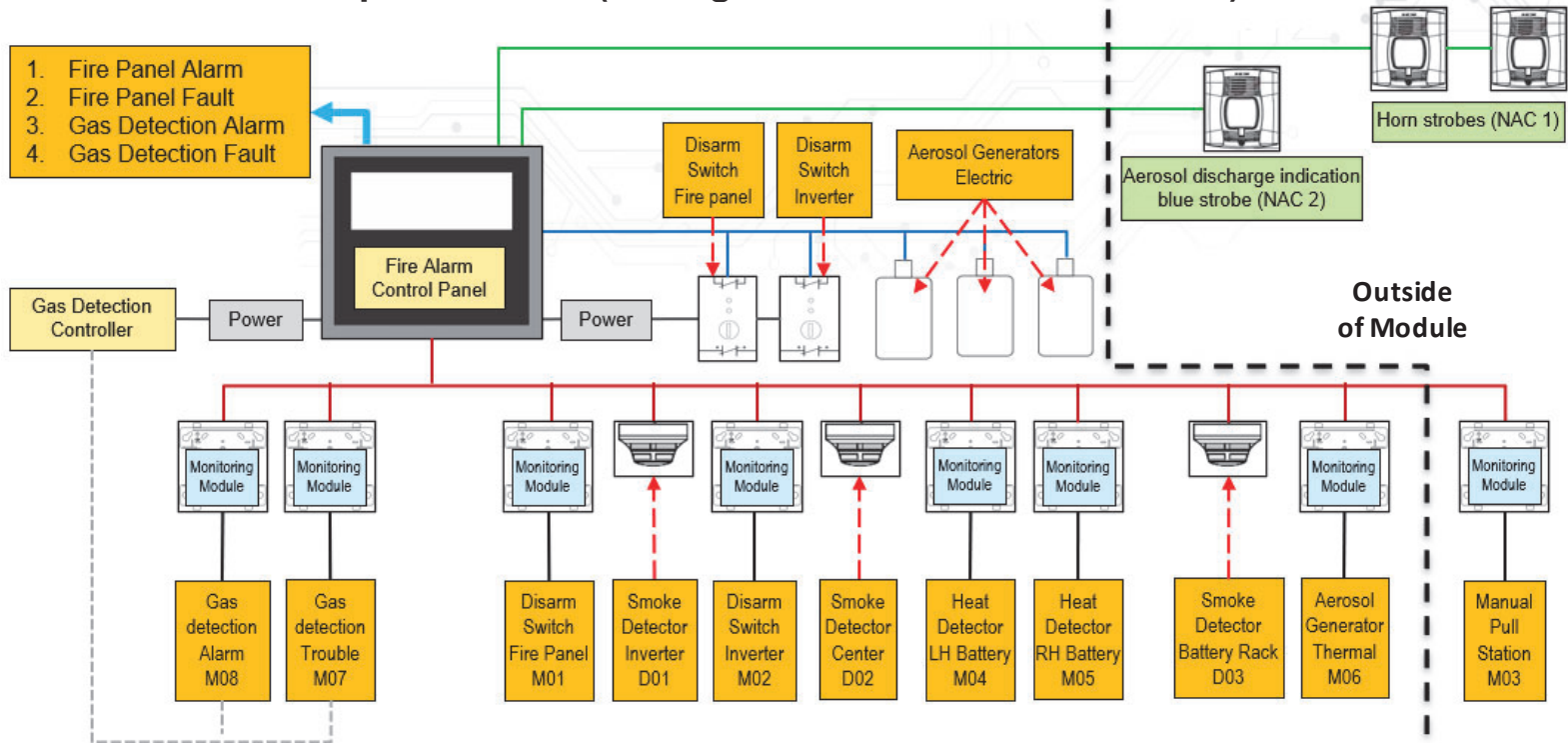
The ESS design can incorporate an optional dry pipe water distribution system. The water lines are equipped with nozzle/sprinkler with melting head(s) of 123°C (254°F). System water supply working pressure is not to exceed 150psi.

Horn and Strobes

Outdoor horn, strobes with red plastic housing, wall mounting with FIRE-printed devices that meet virtually any application requirement, including indoor, outdoor, wet, and dry applications in temperatures from –40°C to 66°C (–40°F to 151°F).

- Strobe Flash Rate 1 flash per second
- Nominal Voltage Regulated 12 DC/FWR or regulated 24 DC/FWR1
- Operating Voltage Range 8 to 17.5 V (12 V nominal) or 16 to 33 V (24 V nominal)
- Operating Voltage with MLD3 Sync Module
- 8.5 to 17.5 V (12 V nominal) or 16.5 to 33 V (24 V nominal)

Technical Specifications (Intelligent Fire Alarm Control Panel)



Technical Specifications (Aerosol Generators)

Operation /Description

Upon detection of a fire, aerosol generators will be activated automatically from a suitable listed releasing device. All auxiliary system components (release panel, detection, remote pull stations, etc.) are listed/approved by UL, ULC, FM, New York City MEA, and California State Fire Marshall. Upon activation, the generators produce an exceptionally effective, ultra-fine, potassium-based aerosol. Unlike gaseous systems, aerosol generators are very effective to install and maintain - as they do not require the pressure vessels, piping or installation associated with other extinguishing systems. Space and weight requirements are minimal. On an agent weight basis, aerosol is ten times more effective than gaseous agent alternatives. The aerosol generator's effectiveness is a function of its patented design, aerosol composition, and ultra-fine particle size. Fire suppression is rapidly achieved through interference between the ultra-fine aerosol particulate and the flame's free radicals – terminating propagation of the fire. Aerosol generators are virtually maintenance free and have a service life of over 10 years. This makes them an extremely effective fire protection solution.

Applicable Standards and Certifications*

- UL Listed to the following standards
 - cULus mark
- Declarations (pending):
 - CE Declaration of Conformity

*(Contributes to Energy Storage System (ESS) level UL 9540 compliance)

Worldwide Product Support

- Cat® dealers provide extensive post-sale support including maintenance and repair agreements.
- Cat dealers have over 1,800 dealer branch stores operating in 200 countries.

Materials and specifications are subject to change without notice.

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www.cat.com/electricpower

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Recommended Conditions of Consent

Version: As attached to Mr Bigsby's s42A report and amended as per Applicant's Expert Evidence – 16 February 2024

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 7.030am to 108.00pm. For completeness, there shall be no activity on-site at night-time (10pm to 6.59am) 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 following 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.

Amendments to Management Plans

~~9.10.~~ The Consent Holder may make amendments to the above Management Plans that are consistent with the objectives and performance requirements of the management plan and relevant consent conditions. The Amended Management Plan shall be submitted to SDC for certification in accordance with Conditions 6-10, and all relevant works must not begin until the plan is certified.

~~10.11.~~

~~11.~~ If the SDC response is that they are not able to certify the Management Plan, the Consent Holder shall consider any reasons or recommendations provided by SDC and resubmit an amended Management Plan for certification.

Erosion and Sediment Control

12. The Consent Holder shall operate under the Erosion and Sediment Control Plan required by Condition 9 of CRC223908 and certified by Canterbury Regional Council.

Site Preparation and Construction

~~12. 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.~~

13. 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.)

14. 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.

~~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.~~

15. The Consent Holder shall, at least 30 working days prior to the commencement of construction, the Consent Holder shall submit to the SDC for certification a Construction Management Plan. The plan shall include, but not be limited to:

- a. Confirmation of the construction works program, including staging of work, construction methodology;
- b. Identification of the key personnel and contact person(s)
- c. Methods and systems to inform and train all persons working on the site of potential environmental issues and how to avoid, remedy or mitigate potential adverse effects.
- d. Measures to ensure compliance with the protection of the wāhi taonga site in accordance with condition [TBC];
- e. Inclusion of the Accidental Discovery Protocols and a list of contact names and numbers relevant to accidental discovery.

16. The Construction Management Plan shall include the following management plans:

- a. Construction Traffic Management Plan
- b. Construction Noise and Vibration Management Plan.

17. The Consent Holder shall, at least 30 working days prior to the commencement of construction, the Consent Holder shall submit to the SDC for certification a Construction Traffic Management Plan. The plan shall include, but not be limited to:

- a. Roles, responsibilities and contact details, including for public enquiries.
- b. Construction staging and proposed activities;
- c. Expected number of vehicle movements, particularly heavy vehicle numbers during each phase of construction;
- d. Hours of work;

- e. Points of site access;
- f. Construction traffic routes;
- g. Nature and duration of any temporary traffic management proposed;
- h. Any vehicle crossing upgrades proposed.
- i. Location of on-site parking and loading areas for deliveries;
- j. Measures to prevent, monitor and remedy tracking of debris onto public roads and dust onto sealed sections;
- k. Measures for regulation communication with residents located within the vicinity of the site.

18. The Consent Holder shall undertake construction of the solar farm within a total period of 12 months.

~~15. 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

~~16.19.~~ 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".

~~17.20.~~ For the avoidance of doubt, within the CNVMP required by Condition ~~13-19~~ above, the applicant Consent Holder shall demonstrate the proposed piling methodology that has been selected with respect to the best practicable option.

~~18.21.~~ 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. 07~~30~~ to 2~~20~~00 hrs - 50 dB LAeq
- ii. 2~~20~~00 to 0~~659~~730 hrs - 40 dB LAeq and 75 dB LAmax

~~19.22.~~ 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 ~~2245~~ 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.

~~23.~~ 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. Construction work on the site must take place between the hours of 7.30 a.m. and 6.00 p.m, Monday to Saturday (inclusive). Noisy works must not be undertaken on Sundays or public holidays.

Note: This condition does not preclude quieter work related to construction outside of standard hours providing it can comply with the permitted construction noise limits at these times (e.g. equipment set-up or maintenance).

Cultural

~~20.24.~~ 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.

~~25.~~ 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. If bone material is discovered that could potentially be of human origin, the following protocols shall be adopted:

- a. Earthworks works should cease in the immediate vicinity while an Archaeologist establishes whether the bone is human.
- b. The site will be secured in a way that protects the kōiwi as far as possible from further damage
- c. If it is not clear whether the bone is human, work shall cease in the immediate vicinity until a specialist can be consulted and a definite identification made.
- d. If bone is confirmed as human (kōiwi), the Archaeologist will immediately contact Iwi representatives (if not present), Heritage New Zealand Pouhere Taonga and the New Zealand Police.
- e. Consultation will be undertaken with Iwi representatives from Te Taumutu Rūnanga, Ngāi Tahu, the Heritage New Zealand Pouhere Taonga Regional Archaeologist and the Consent Holder to determine and advise the most appropriate course of action. No further action will be taken until responses have been received from all parties, and the kōiwi will not be removed until advised by Heritage New Zealand Pouhere Taonga.
- f. The Iwi representatives will advise on appropriate tikanga and be given the opportunity to conduct any cultural ceremonies that are appropriate.
- g. If the Iwi representatives are in agreement and so request, the bones may be further analysed by a skilled bio-anthropological specialist prior to reburial, in line with the Heritage New Zealand Pouhere Taonga Guidelines Kōiwi Tangata Human Remains (2014)
- h. Activity in that place can recommence as soon the bones have been reinterred or removed and authorisation has been obtained from Heritage New Zealand Pouhere Taonga.

~~26.~~ If taonga are discovered, the following protocols shall be adopted:

- a. The area containing the taonga will be secured in a way that protects the taonga as far as possible from further damage.
- b. Consultation will be undertaken with Te Taumutu Rūnanga, who will advise on appropriate tikanga and be given the opportunities to conduct any cultural ceremonies that they consider to be appropriate.

- c. An archaeologist will examine the taonga and advise Heritage New Zealand Pouhere Taonga.
- d. These actions will be carried out within an agreed stand down period and work may resume at the end of this period or when otherwise advised by Heritage New Zealand Pouhere Taonga.
- e. The Archaeologist will notify the Ministry for Culture and Heritage of the find within 28 days as required under the Protected Objects Act 1975.
- f. The Ministry for Culture and Heritage, in consultation with Iwi representatives from Te Taumutu Rūnanga and Ngāi Tahu, will decide on custodianship of the taonga.

~~24.~~27. 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

~~22.~~ For the identified area of glare at the junction of Caldwell's 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.

~~23.~~28. Glare along Hanmer and Caldwell's Roads (and their junction) shall be mitigated by an area of ~~extended~~no 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

~~29.~~ The LMP shall be certified at least 20 working days prior to the commencement of landscape planting. At least 30 working days prior to the commencement of landscaping, the Consent Holder shall submit to SDC for certification a Landscape Management Plan (LMP). The objective of the LMP is to direct the details of planting around the external boundaries of the site such that, once established, the boundary planting:

- a. is a minimum of three and a half (3.5) metres in height and three (3) metres in width;
- b. screens the solar array when viewed externally to the site; and
- c. prevents any glare from the solar array from escaping onto neighbouring properties or roads.

~~30.~~ The LMP shall include (but not be limited to):

- ~~— Identification of planting zones in accordance with the approved Site Plan (Dated XXXXXX 2023), Figure 3 of the Landscape and Visual Assessment Graphic Supplement dated February 2022 and the recommendations in the Visual and Landscape Assessment (dated 9 March 2022) and to address Conditions 16—28 below;~~
- a) The details of plant species, spacing, size and planting quantities of plants;
- b) Timeline for planting works;
- c) Details of site preparation and maintenance required for plant establishment including the nature, duration and extent of any proposed irrigation;
- d) Details of plant replacement should a gap become apparent, the plants die or become diseased;
- e) The location and design of fencing of the Site;
- f) Details of ongoing maintenance including weed control management and monitoring;
- g) Details of the method and frequency of monitoring the health of the plants to ensure their health and survival.

~~24.~~31. All landscaping shall be implemented and maintained in accordance with the Revised Landscape Mitigation Plan, dated February 2024. ~~LM~~ required under Condition 30. P,

~~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.~~

~~25-32.~~ 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~~ the Revised Landscape Mitigation Plan, Figure B, and related information submitted with the application, and in accordance with the following requirements:

~~n.d.~~ 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.~~

~~o.~~ ~~The planting shall be implemented prior to any construction commencing on the site, and Pplants shall be a minimum of 2m tall in height at establishment. Plant species shall consist of fast growing, evergreen (to be confirmed) species (Cupressus x ovensii, Oven's Cypress or a similar plant species with a rapid growth rate).~~

~~p.e.~~ Where there are gaps in the existing vegetation (as indicated on Figure B), plants shall be 2m in height ~~high,~~ double staggered rows of fast growing, evergreen ~~(to be confirmed)(Cupressus x ovensii, Oven's Cypress or a similar Cypress plant species)~~ plant species shall be implemented. Where existing vegetation needs replacing, a smaller grade of P B 3 planting may be used.

~~q.f.~~ Planting shall be maintained at a minimum height of 3.5m ~~once achieved.~~

~~r.g.~~ All dead or diseased existing vegetation will be replaced within the next growing season or as soon as practically possible.

~~s.h.~~ 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 (Cupressus x ovensii, Oven's Cypress or a similar Cypress plant species) ~~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.

~~t.~~ ~~Where planting faces the roadside, the applicant Consent Holder shall maintain vegetation with mechanical trimmers from the 10m setback area proposed. On the inside of internal fences, The Consent Holder shall maintain a 3m wide maintenance strip shall be maintained between the new planting and the security fencing to enable mechanical trimming.~~

~~u.i.~~ Irrigation and associated infrastructure for the landscaping planting ~~will~~ shall be installed prior to commencing planting.

~~v.j.~~ All planting shall be irrigated (as required) for the duration of the solar array activity.

33. 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).

26-34. The Consent Holder shall retain all existing Site boundary shelterbelts and vegetation, with the exception of the planting along Branch Drain Road, where the existing vegetation will be removed once the new indigenous proposed planting has achieved a height of 23.5m.

27-35. 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

~~28.36.~~ Where internal shelterbelts are to be cleared, this shall occur outside of the main bird breeding season (1 September – 31 January (inclusive)) to avoid any risk of impacts to nesting protected indigenous birds.

~~29.37. Either:~~

a) The Consent Holder shall undertake the 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~~

1. Alternatively, 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 SQE.

~~2. 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.~~

~~3. 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.)~~

~~4. 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; details of proposed ongoing monitoring to be undertaken; and~~

~~iii. details of collision prevention/deterrent measures that should be implemented at the site.~~

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

38. The Consent Holder shall undertake monitoring for bird strike to include:

- a. recording 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 SQE 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.

- b. Provide this information on an annual basis to Selwyn District Council and / or the Department of Conservation, in order to increase the understanding of possible bird strike issues with solar arrays.

Land-based Primary Production

~~30-39.~~ 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

~~31. 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-GS will be necessary at this time.)~~

~~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.~~

40. The Consent Holder shall, within 12 months of the expiry of this resource consent or the solar array reaching the end of its economic or operational life (not including periods when the solar array may not operate because of technical issues or maintenance/improvement works including the replacement of panels and other infrastructure), clear the site of all panels, buildings/structures and cabling, and the land shall be returned to a state that enables it to continue to be used for land-based primary production.

41. The Consent Holder shall advise the SDC within three months of the solar array reaching the end of its economic or operational life of the timeframe for:
a) clearing the site of all panels, buildings/structures and cabling; and
b) reinstatement of the site to a state that enables it to continue to be used for land-based primary production.

42. 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

~~32-43.~~ Inverters, batteries and transformers shall be established at a minimum height of 1m above the existing ground level where they are positioned.

~~33-44.~~ 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.

45. 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.

Review

46. The SDC may, under sections 128 and 129 of the Resource Management Act 1991 (Act), initiate a review of any or all conditions of this resource consent on the first, second and third anniversary of the commencement of the consent and every three years after that, for the duration of the resource consents. Any such review of conditions shall be for the purposes of:
- a) responding to any adverse effect on the environment which may arise from the exercise of the consent and which it is most appropriate to deal with at a later stage;
or
 - b) dealing with any unanticipated adverse effects on the environment which may arise from the exercise of the consent, which it is appropriate to deal with at a later stage;
or
 - c) ensuring that the conditions are effective and appropriate in managing the effects of the activities authorised by these consents.

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.