

Recommended Conditions of Consent

Version: As agreed with Mr Bigsby (SDC planner) at the hearing and as amended post hearing – 15 March 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 4th March 2024, and the attached stamped Approved Plans entitled “RC235464 Land Use Approved Plans”, except where another condition of this consent must be complied with.

4.2. The duration of this consent shall be limited to 40 years from the commencement of construction works on-site. [IF COMMISSIONER CONSIDERS CONDITION NECESSARY]

3. The operation of the solar array activity shall be limited to between the hours of 7.00am to 10.00pm. 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).

2.4. 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

3.5. 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).

4.6. The Consent Holder shall ensure that all management plans are prepared by a suitably qualified and experienced person (SQEP).

5.7. 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.

6.8. 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.

~~7.9.~~ 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.

~~8.10.~~ The Consent Holder shall comply with all certified management plans.

Amendments to Management Plans

~~9.11.~~ 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.

~~10.12.~~ 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

~~11.13.~~ 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

~~12.14.~~ 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.)

~~13.15.~~ 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.

~~14.16.~~ The Consent Holder shall, at least 30 working days prior to the commencement of construction, 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.

~~15.17.~~ The Construction Management Plan shall include the following management plans:

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

~~16.18.~~ The Consent Holder shall, at least 30 working days prior to the commencement of construction, 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.

17-19. The Consent Holder shall undertake construction of the solar farm within a total period of 12 months.

Noise and Vibration

18-20. 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".

19-21. For the avoidance of doubt, within the CNVMP required by Condition 19 above, the Consent Holder shall demonstrate the proposed piling methodology that has been selected with respect to the best practicable option.

20-22. 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. 0700 to 2200 hrs - 50 dB L_{Aeq}
- ii. 2200 to 0659 hrs - 40 dB L_{Aeq} and 75 dB L_{Amax}

21-23. 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 22 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.

22-24. 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), except that piling of any type shall not be undertaken outside the hours of 8:00am and 5:00pm on weekdays or at any time on a Saturday. 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

23-25. 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.

24-26. 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.

25-27. 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.

26-28. 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

27-29. Glare along Hanmer and Caldwells Roads (and their junction) shall be mitigated by an area of 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

28-30. 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.

~~29.~~31. The LMP shall include (but not be limited to):

- a) The details of plant species, spacing, size and 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.

~~30.~~32. All landscaping shall be implemented and maintained in accordance with the Revised Landscape Mitigation Plan, dated February 2024. required under Condition 30. ,

~~31.~~33. 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 the Revised Landscape Mitigation Plan, Figure B, and related information submitted with the application, and in accordance with the following requirements:

- d. The planting shall be located between the site boundary and the security fencing to screen the site and protect the planting from livestock grazing the site.
- e. Where there are gaps in the existing vegetation (as indicated on Figure B), plants shall be 2m in height double staggered rows of fast growing, evergreen (Cupressus x ovensii, Oven's Cypress or a similar Cypress plant species) shall be implemented. Where existing vegetation needs replacing, a smaller grade of P B 3 planting may be used.
- f. Planting shall be maintained at a minimum height of 3.5m..
- g. All dead or diseased existing vegetation will be replaced within the next growing season or as soon as practically possible.
- 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) 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.
- i. Irrigation and associated infrastructure for the landscaping planting shall be installed prior to commencing planting.
- j. All planting shall be irrigated (as required) for the duration of the solar array activity.

~~32.~~34. 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).

~~33.~~35. 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 proposed planting has achieved a height of 3.5m.

~~34.~~36. 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.

Ecology

~~35.~~37. 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.

~~36.~~38. The Consent Holder shall undertake the construction of solar panel arrays 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).

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.

~~37.~~39. 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.

Monitoring and Maintenance

40. The Consent Holder shall ensure that the solar farm infrastructure is maintained to a high standard by undertaking (at least) the following:

- a. continuously on-line monitoring, enabling faults such as broken panels to be identified in a prompt manner; and
- b. undertaking a physical inspection of the solar farm infrastructure every 6 months; and
- c. replacing any broken panels within two weeks of these being identified (subject to product availability).

Land-based Primary Production Farm Development Plan

~~38. 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.~~

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

- a. Methods and systems including those required for irrigation to ensure that the Site can continue to be used for primary production, as defined in Condition 42 below.

- b. A simple plan identifying the location of tracks, turning areas for machinery, and the initial locations of any proposed fencing, water troughs and irrigation equipment (as known at the time of constructing the solar farm).
- a-c. Methods for successfully restoring pasture within three months of commissioning being completed.

42. Where the land is returned to pasture, the pasture 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 no visible pugging is observed.

For the purposes of this resource consent, "primary production" means production from agricultural, pastoral, or horticultural, activities that is reliant on the soil resource of the land.

Decommissioning and Site Rehabilitation

39-43. 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.

40-44. 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.

41-45. 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

42-46. Inverters, batteries and transformers shall be established at a minimum height of 1m above the existing ground level where they are positioned.

43-47. 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.

44-48. 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.